

**Division of Air Resources  
Permit Review Report**

**Permit ID: 7-3512-00005/00006**

**Renewal Number: 2**

**04/05/2022**

**Facility Identification Data**

Name: INDECK-OSWEGO ENERGY CENTER

Address: 105 MITCHELL ST

OSWEGO, NY 13126

**Owner/Firm**

Name: INDECK-OSWEGO LIMITED PARTNERSHIP

Address: 600 NORTH BUFFALO GROVE RD

BUFFALO GROVE, IL 60089-2432, USA

Owner Classification: Corporation/Partnership

**Permit Contacts**

Division of Environmental Permits:

Name: KEVIN M BALDUZZI

Address: NYSDEC - REGION 7

615 ERIE BLVD W

SYRACUSE, NY 13204

Phone:3154267493

Division of Air Resources:

Name: MATTHEW J POLGE

Address: NYSDEC - REGION 7

615 ERIE BLVD W

SYRACUSE, NY 13204

Phone:3154267485

Air Permitting Facility Owner Contact:

Name: JOHN B KINGSTON

Address: 105 MITCHELL ST

OSWEGO, NY 13126

**Permit Description**

**Introduction**

The Title V operating air permit is intended to be a document containing only enforceable terms and conditions as well as any additional information, such as the identification of emission units, emission points, emission sources and processes, that makes the terms meaningful. 40 CFR Part 70.7(a)(5) requires that each Title V permit have an accompanying "...statement that sets forth the legal and factual basis for the draft permit conditions". The purpose for this permit review report is to satisfy the above requirement by providing pertinent details regarding the permit/application data and permit conditions in a more easily understandable format. This report will also include background narrative and explanations of regulatory decisions made by the reviewer. It should be emphasized that this permit review report, while based on information contained in the permit, is a separate document and is not itself an enforceable term and condition of the permit.

**Summary Description of Proposed Project**

Application for renewal of Air Title V Facility.

**Attainment Status**

INDECK-OSWEGO ENERGY CENTER is located in the town of OSWEGO in the county of OSWEGO. The attainment status for this location is provided below. (Areas classified as attainment are those that

**Division of Air Resources  
Permit Review Report**

**Permit ID: 7-3512-00005/00006**

**Renewal Number: 2**

**04/05/2022**

meet all ambient air quality standards for a designated criteria air pollutant.)

Criteria Pollutant	Attainment Status
Particulate Matter (PM)	ATTAINMENT
Particulate Matter < 10µ in diameter (PM10)	ATTAINMENT
Sulfur Dioxide (SO2)	ATTAINMENT
Ozone*	TRANSPORT REGION (NON-ATTAINMENT)
Oxides of Nitrogen (NOx)**	ATTAINMENT
Carbon Monoxide (CO)	ATTAINMENT

\* Ozone is regulated in terms of the emissions of volatile organic compounds (VOC) and/or oxides of nitrogen (NOx) which are ozone precursors.

\*\* NOx has a separate ambient air quality standard in addition to being an ozone precursor.

**Facility Description:**

The facility is an independent power generating facility which sells power to the NYISO. The facility is a combined cycle gas turbine utilizing a GE Frame 6 gas turbine with evaporative cooler, an HRSG with Coen duct burner and a GE steam turbine generator. The plant is operated from a centralized control room through a Foxboro Distributed Control System. Circulating water is cooled through a three-cell wet cooling tower. Natural gas is the primary fuel for both the gas turbine and duct burner. Number 2 distillate oil is the backup fuel for the gas turbine. The duct burner fires gas only. A 150,000-gallon storage tank is provided for fuel oil storage. When firing natural gas, the facility operates between 50% (approximately 24 MWs) and 100% load. When firing fuel oil, the facility operates between 80% and 100% load. Oil firing is limited to 8.14 million gallons annually. Total operating hours are not limited. The gas turbine is equipped with steam injection for NOx control. The duct burner utilizes low NOx burners. This level constitutes BACT for this facility.

**Permit Structure and Description of Operations**

The Title V permit for INDECK-OSWEGO ENERGY CENTER is structured in terms of the following hierarchy: facility, emission unit, emission point, emission source and process. A facility is defined as all emission sources located at one or more adjacent or contiguous properties owned or operated by the same person or persons under common control. The facility is subdivided into one or more emission units (EU). Emission units are defined as any part or activity of a stationary facility that emits or has the potential to emit any federal or state regulated air pollutant. An emission unit is represented as a grouping of processes (defined as any activity involving one or more emission sources (ES) that emits or has the potential to emit any federal or state regulated air pollutant).

**Division of Air Resources  
Permit Review Report**

**Permit ID: 7-3512-00005/00006**

**Renewal Number: 2**

**04/05/2022**

An emission source is defined as any apparatus, contrivance or machine capable of causing emissions of any air contaminant to the outdoor atmosphere, including any appurtenant exhaust system or air cleaning device. [NOTE: Indirect sources of air contamination as defined in 6 NYCRR Part 203 (i.e. parking lots) are excluded from this definition]. The applicant is required to identify the principal piece of equipment (i.e., emission source) that directly results in or controls the emission of federal or state regulated air pollutants from an activity (i.e., process). Emission sources are categorized by the following types:

- combustion - devices which burn fuel to generate heat, steam or power
- incinerator - devices which burn waste material for disposal
- control - emission control devices
- process - any device or contrivance which may emit air contaminants that is not included in the above categories.

INDECK-OSWEGO ENERGY CENTER is defined by the following emission unit(s):

Emission unit W00001 - This unit consists of a combustion gas turbine generator equipped with an evaporative cooler and heat recovery steam generator with duct burner exhausting into one stack. The generator is rated at 44 MW at zero degrees F. The maximum rated heat input when firing natural gas is 483.96 mmBtu/hr and when firing oil is 435.8 mmBtu/hr. The heat input is a function of ambient temperature; these values are at 48 F.

This gas turbine is subject to the EPA's Cross State Air Pollution Rule.

Emission unit W00001 is associated with the following emission points (EP):  
00001

Process: P01 is located at Building 1 - GE Frame 6 gas turbine firing on natural gas. No duct firing. The stated heat input is for an ambient temperature of 48 F.

Process: P02 is located at Building 1 - GE Frame 6 gas turbine firing on Number 2 distillate oil. No duct firing. The stated heat input for an ambient temperature of 48 F is 436 mmBTU/hr.

Process: P03 is located at Building 1 - Duct burner firing on natural gas.

Process: P04 is located at Building 1 - GE Frame 6 gas turbine and duct burner both firing on natural gas. The stated heat input is for an ambient temperature of 48 F.

Process: P05 is located at Building 1 - Combustion of distillate oil in the turbine and natural gas in the duct burner. The stated heat input for an ambient temperature of 48 F is 436 mmBTU/hr..

Process: P06 is located at Building 1 - Co-firing natural gas and distillate oil in the gas turbine. The stated heat input is for an ambient temperature of 48 F.

Process: P07 is located at Building 1 - Co-firing of natural gas and distillate oil in the gas turbine and natural gas in the duct burner. The stated heat input is for an ambient temperature of 48 F.

**Title V/Major Source Status**

INDECK-OSWEGO ENERGY CENTER is subject to Title V requirements. This determination is based on the following information:

Indeck-Oswego facility is major for Oxides of Nitrogen (NOx) and Sulfur Dioxide

**Division of Air Resources  
Permit Review Report**

**Permit ID: 7-3512-00005/00006**

**Renewal Number: 2**

**04/05/2022**

(SO2).

**Program Applicability**

The following chart summarizes the applicability of INDECK-OSWEGO ENERGY CENTER with regards to the principal air pollution regulatory programs:

Regulatory Program	Applicability
PSD	YES
NSR (non-attainment)	YES
NESHAP (40 CFR Part 61)	NO
NESHAP (MACT - 40 CFR Part 63)	NO
NSPS	YES
TITLE IV	NO
TITLE V	YES
TITLE VI	NO
RACT	YES
SIP	YES

**NOTES:**

**PSD** Prevention of Significant Deterioration (40 CFR 52, 6 NYCRR 231-7, 231-8) - requirements which pertain to major stationary sources located in areas which are in attainment of National Ambient Air Quality Standards (NAAQS) for specified pollutants.

**NSR** New Source Review (6 NYCRR 231-5, 231-6) - requirements which pertain to major stationary sources located in areas which are in non-attainment of National Ambient Air Quality Standards (NAAQS) for specified pollutants.

**NESHAP** National Emission Standards for Hazardous Air Pollutants (40 CFR 61, 6 NYCRR 200.10) - contaminant and source specific emission standards established prior to the Clean Air Act Amendments of 1990 (CAAA) which were developed for 9 air contaminants (inorganic arsenic, radon, benzene, vinyl chloride, asbestos, mercury, beryllium, radionuclides, and volatile HAP's).

**MACT** Maximum Achievable Control Technology (40 CFR 63, 6 NYCRR 200.10) - contaminant and source specific emission standards established by the 1990 CAAA. Under Section 112 of the CAAA, the US EPA is required to develop and promulgate emissions standards for new and existing sources. The standards are to be based on the best demonstrated control technology and practices in the regulated industry, otherwise known as MACT. The corresponding regulations apply to specific source types and contaminants.

**NSPS** New Source Performance Standards (40 CFR 60, 6 NYCRR 200.10) - standards of performance for specific stationary source categories developed by the US EPA under Section 111 of the CAAA. The standards apply only to those stationary sources which have been constructed or modified after the regulations have been proposed by publication in the Federal Register and only to the specific

**Division of Air Resources  
Permit Review Report**

**Permit ID: 7-3512-00005/00006**  
**Renewal Number: 2**  
**04/05/2022**

contaminant(s) listed in the regulation.

Title IV Acid Rain Control Program (40 CFR 72 thru 78, 6 NYCRR 201-6) - regulations which mandate the implementation of the acid rain control program for large stationary combustion facilities.

Title VI Stratospheric Ozone Protection (40 CFR 82, Subpart A thru G, 6 NYCRR 200.10) - federal requirements that apply to sources which use a minimum quantity of CFC's (chlorofluorocarbons), HCFC's (hydrofluorocarbons) or other ozone depleting substances or regulated substitute substances in equipment such as air conditioners, refrigeration equipment or motor vehicle air conditioners or appliances.

RACT Reasonably Available Control Technology (6 NYCRR Parts 212-3, 220-1.6, 220-1.7, 220-2.3, 220-2.4, 226, 227-2, 228, 229, 230, 233, 234, 235, 236) - the lowest emission limit that a specific source is capable of meeting by application of control technology that is reasonably available, considering technological and economic feasibility. RACT is a control strategy used to limit emissions of VOC's and NOx for the purpose of attaining the air quality standard for ozone. The term as it is used in the above table refers to those state air pollution control regulations which specifically regulate VOC and NOx emissions.

SIP State Implementation Plan (40 CFR 52, Subpart HH, 6 NYCRR 200.10) - as per the CAAA, all states are empowered and required to devise the specific combination of controls that, when implemented, will bring about attainment of ambient air quality standards established by the federal government and the individual state. This specific combination of measures is referred to as the SIP. The term here refers to those state regulations that are approved to be included in the SIP and thus are considered federally enforceable.

**Compliance Status**

Facility is in compliance with all requirements.

**SIC Codes**

SIC or Standard Industrial Classification code is an industrial code developed by the federal Office of Management and Budget for use, among other things, in the classification of establishments by the type of activity in which they are engaged. Each operating establishment is assigned an industry code on the basis of its primary activity, which is determined by its principal product or group of products produced or distributed, or services rendered. Larger facilities typically have more than one SIC code.

**SIC Code**

**Description**

4911

ELECTRIC SERVICES

**SCC Codes**

SCC or Source Classification Code is a code developed and used" by the USEPA to categorize processes which result in air emissions for the purpose of assessing emission factor information. Each SCC represents a unique process or function within a source category logically associated with a point of air pollution emissions. Any operation that causes air pollution can be represented by one or more SCC's.

**SCC Code**

**Description**

1-01-006-01

EXTERNAL COMBUSTION BOILERS - ELECTRIC GENERATION  
 ELECTRIC UTILITY BOILER - NATURAL GAS

**Division of Air Resources  
Permit Review Report**

**Permit ID: 7-3512-00005/00006  
Renewal Number: 2  
04/05/2022**

2-02-001-03	Boilers > 100 MBtu/Hr except Tangential INTERNAL COMBUSTION ENGINES - INDUSTRIAL INDUSTRIAL INTERNAL COMBUSTION ENGINE - DISTILLATE OIL(DIESEL)
2-02-002-03	Turbine: Cogeneration INTERNAL COMBUSTION ENGINES - INDUSTRIAL INDUSTRIAL INTERNAL COMBUSTION ENGINE - NATURAL GAS Turbine: Cogeneration

**Facility Emissions Summary**

In the following table, the CAS No. or Chemical Abstract Service code is an identifier assigned to every chemical compound. [NOTE: Certain CAS No.'s contain a 'NY' designation within them. These are not true CAS No.'s but rather an identification which has been developed by the department to identify groups of contaminants which ordinary CAS No.'s do not do. As an example, volatile organic compounds or VOC's are identified collectively by the NY CAS No. 0NY998-00-0.] The PTE refers to the Potential to Emit. This is defined as the maximum capacity of a facility or air contaminant source to emit any air contaminant under its physical and operational design. Any physical or operational limitation on the capacity of the facility or air contamination source to emit any air contaminant, including air pollution control equipment and/or restrictions on the hours of operation, or on the type or amount or material combusted, stored, or processed, shall be treated as part of the design only if the limitation is contained in federally enforceable permit conditions. The PTE for each contaminant that is displayed represents the facility-wide PTE in tons per year (tpy) or pounds per year (lbs/yr). In some instances the PTE represents a federally enforceable emissions cap or limitation for that contaminant. The term 'HAP' refers to any of the hazardous air pollutants listed in section 112(b) of the Clean Air Act Amendments of 1990. Total emissions of all hazardous air pollutants are listed under the special NY CAS No. 0NY100-00-0. In addition, each individual hazardous air pollutant is also listed under its own specific CAS No. and is identified in the list below by the (HAP) designation.

<b>Cas No.</b>	<b>Contaminant</b>	<b>PTE lbs/yr</b>	<b>PTE tons/yr</b>	<b>Actual lbs/yr</b>	<b>Actual tons/yr</b>
007440-38-2	ARSENIC	12.4			
007440-43-9	CADMIUM	5.7			
000124-38-9	CARBON DIOXIDE		999999		
000630-08-0	CARBON MONOXIDE		62.8		
007440-47-3	CHROMIUM	12.7			
0NY064-29-0	COPPER (CU 064)	0.2			
000050-00-0	FORMALDEHYDE	2590.9			
007439-92-1	LEAD	15.8			
007439-96-5	MANGANESE	885.2			
007439-97-6	MERCURY	1.4			
007440-02-0	NICKEL METAL AND INSOLUBLE COMPOUNDS	5.7			
0NY210-00-0	OXIDES OF NITROGEN		406.3		
0NY075-00-0	PARTICULATES		36.1		
0NY075-00-5	PM-10	36.1			
007782-49-2	SELENIUM	28			
007446-09-5	SULFUR DIOXIDE		154.4		
0NY100-00-0	TOTAL HAP	4788.7			
007440-62-2	VANADIUM	0.6			
0NY998-00-0	VOC		29.8		

**Division of Air Resources  
Permit Review Report**

**Permit ID: 7-3512-00005/00006**  
**Renewal Number: 2**  
**04/05/2022**

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

- Item A: Public Access to Recordkeeping for Title V Facilities - 6 NYCRR 201-1.10(b)**  
The Department will make available to the public any permit application, compliance plan, permit, and monitoring and compliance certification report pursuant to Section 503(e) of the Act, except for information entitled to confidential treatment pursuant to 6 NYCRR Part 616 - Public Access to records and Section 114(c) of the Act.
- Item B: Timely Application for the Renewal of Title V Permits -6 NYCRR Part 201-6.2(a)(4)**  
Owners and/or operators of facilities having an issued Title V permit shall submit a complete application at least 180 days, but not more than eighteen months, prior to the date of permit expiration for permit renewal purposes.
- Item C: Certification by a Responsible Official - 6 NYCRR Part 201-6.2(d)(12)**  
Any application, form, report or compliance certification required to be submitted pursuant to the federally enforceable portions of this permit shall contain a certification of truth, accuracy and completeness by a responsible official. This certification shall state that based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.
- Item D: Requirement to Comply With All Conditions - 6 NYCRR Part 201-6.4(a)(2)**  
The permittee must comply with all conditions of the Title V facility permit. Any permit non-compliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.
- Item E: Permit Revocation, Modification, Reopening, Reissuance or Termination, and Associated Information Submission Requirements - 6 NYCRR Part 201-6.4(a)(3)**  
This permit may be modified, revoked, reopened and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.
- Item F: Cessation or Reduction of Permitted Activity Not a Defense - 6 NYCRR 201-6.4(a)(5)**  
It shall not be a defense for a permittee in an enforcement action to claim that a cessation or reduction in the permitted activity would have been necessary in order to maintain compliance with the conditions of this permit.
- Item G: Property Rights - 6 NYCRR 201-6.4(a)(6)**  
This permit does not convey any property rights of any sort or any exclusive privilege.
- Item H: Severability - 6 NYCRR Part 201-6.4(a)(9)**

**Division of Air Resources  
Permit Review Report**

**Permit ID: 7-3512-00005/00006**

**Renewal Number: 2**

**04/05/2022**

If any provisions, parts or conditions of this permit are found to be invalid or are the subject of a challenge, the remainder of this permit shall continue to be valid.

**Item I: Permit Shield - 6 NYCRR Part 201-6.4(g)**

All permittees granted a Title V facility permit shall be covered under the protection of a permit shield, except as provided under 6 NYCRR Subpart 201-6. Compliance with the conditions of the permit shall be deemed compliance with any applicable requirements as of the date of permit issuance, provided that such applicable requirements are included and are specifically identified in the permit, or the Department, in acting on the permit application or revision, determines in writing that other requirements specifically identified are not applicable to the major stationary source, and the permit includes the determination or a concise summary thereof. Nothing herein shall preclude the Department from revising or revoking the permit pursuant to 6 NYCRR Part 621 or from exercising its summary abatement authority. Nothing in this permit shall alter or affect the following:

- i. The ability of the Department to seek to bring suit on behalf of the State of New York, or the Administrator to seek to bring suit on behalf of the United States, to immediately restrain any person causing or contributing to pollution presenting an imminent and substantial endangerment to public health, welfare or the environment to stop the emission of air pollutants causing or contributing to such pollution;
- ii. The liability of a permittee of the Title V facility for any violation of applicable requirements prior to or at the time of permit issuance;
- iii. The applicable requirements of Title IV of the Act;
- iv. The ability of the Department or the Administrator to obtain information from the permittee concerning the ability to enter, inspect and monitor the facility.

**Item J: Reopening for Cause - 6 NYCRR Part 201-6.4(i)**

This Title V permit shall be reopened and revised under any of the following circumstances:

- i. If additional applicable requirements under the Act become applicable where this permit's remaining term is three or more years, a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which this permit is due to expire, unless the original permit or any of its terms and conditions has been extended by the Department pursuant to the provisions of Part 201-6.7 and Part 621.
- ii. The Department or the Administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
- iii. The Department or the Administrator determines that the Title V permit must be revised or reopened to assure compliance with applicable requirements.
- iv. If the permitted facility is an "affected source" subject to the requirements of Title IV of the Act, and additional requirements (including excess emissions requirements) become applicable. Upon approval by the Administrator, excess

**Division of Air Resources  
Permit Review Report**

**Permit ID: 7-3512-00005/00006**

**Renewal Number: 2**

**04/05/2022**

emissions offset plans shall be deemed to be incorporated into the permit.

Proceedings to reopen and issue Title V facility permits shall follow the same procedures as apply to initial permit issuance but shall affect only those parts of the permit for which cause to reopen exists.

Reopenings shall not be initiated before a notice of such intent is provided to the facility by the Department at least thirty days in advance of the date that the permit is to be reopened, except that the Department may provide a shorter time period in the case of an emergency.

**Item K: Permit Exclusion - ECL 19-0305**

The issuance of this permit by the Department and the receipt thereof by the Applicant does not and shall not be construed as barring, diminishing, adjudicating or in any way affecting any legal, administrative or equitable rights or claims, actions, suits, causes of action or demands whatsoever that the Department may have against the Applicant for violations based on facts and circumstances alleged to have occurred or existed prior to the effective date of this permit, including, but not limited to, any enforcement action authorized pursuant to the provisions of applicable federal law, the Environmental Conservation Law of the State of New York (ECL) and Chapter III of the Official Compilation of the Codes, Rules and Regulations of the State of New York (NYCRR). The issuance of this permit also shall not in any way affect pending or future enforcement actions under the Clean Air Act brought by the United States or any person.

**Item L: Federally Enforceable Requirements - 40 CFR 70.6(b)**

All terms and conditions in this permit required by the Act or any applicable requirement, including any provisions designed to limit a facility's potential to emit, are enforceable by the Administrator and citizens under the Act. The Department has, in this permit, specifically designated any terms and conditions that are not required under the Act or under any of its applicable requirements as being enforceable under only state regulations.

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

**Item A: Emergency Defense - 6 NYCRR 201-1.5**

An emergency, as defined by subpart 201-2, constitutes an affirmative defense to penalties sought in an enforcement action brought by the Department for noncompliance with emissions limitations or permit conditions for all facilities in New York State.

(a) The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (1) An emergency occurred and that the facility owner or operator can identify the cause(s) of the emergency;
- (2) The equipment at the permitted facility causing the emergency was at the time being properly operated and maintained;
- (3) During the period of the emergency the facility owner or

**Division of Air Resources  
Permit Review Report**

**Permit ID: 7-3512-00005/00006**

**Renewal Number: 2**

**04/05/2022**

operator took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and

(4) The facility owner or operator notified the Department within two working days after the event occurred. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

(b) In any enforcement proceeding, the facility owner or operator seeking to establish the occurrence of an emergency has the burden of proof.

(c) This provision is in addition to any emergency or upset provision contained in any applicable requirement. item\_02

**Item B: General Provisions for State Enforceable Permit Terms and Condition - 6  
NYCRR Part 201-5**

Any person who owns and/or operates stationary sources shall operate and maintain all emission units and any required emission control devices in compliance with all applicable Parts of this Chapter and existing laws, and shall operate the facility in accordance with all criteria, emission limits, terms, conditions, and standards in this permit. Failure of such person to properly operate and maintain the effectiveness of such emission units and emission control devices may be sufficient reason for the Department to revoke or deny a permit.

The owner or operator of the permitted facility must maintain all required records on-site for a period of five years and make them available to representatives of the Department upon request. Department representatives must be granted access to any facility regulated by this Subpart, during normal operating hours, for the purpose of determining compliance with this and any other state and federal air pollution control requirements, regulations or law.

**Regulatory Analysis**

<b>Location Facility/EU/EP/Process/ES</b>	<b>Regulation</b>	<b>Condition</b>	<b>Short Description</b>
-- FACILITY	ECL 19-0301	99	Powers and Duties of the Department with respect to air pollution control
FACILITY	40CFR 52-A.21(j)	27, 28	Best Available Control Technology
W-00001	40CFR 52-A.21(j)	35	Best Available Control Technology
W-00001/-/P01	40CFR 52-A.21(j)	41, 42, 43, 44, 45, 46, 47, 48, 49, 50	Best Available Control Technology
W-00001/-/P02	40CFR 52-A.21(j)	51, 52, 53, 54, 55, 56, 57, 58, 59, 60	Best Available Control Technology
W-00001/-/P04	40CFR 52-A.21(j)	62, 63, 64, 65, 66, 67, 68, 69, 70, 71	Best Available Control Technology
W-00001/00001	40CFR 52-A.21(j)	96	Best Available Control Technology
W-00001/00001/P02/W00GT	40CFR 52-A.21(j)	97	Best Available Control Technology

**Division of Air Resources  
Permit Review Report**

**Permit ID: 7-3512-00005/00006**

**Renewal Number: 2**

**04/05/2022**

W-00001	40CFR 60-A	36	General provisions
W-00001/00001/P03/W00DB	40CFR 60-Dc.40c	98	Steam generators 10-100 million Btu per hour
W-00001/-/P03/W00DB	40CFR 60-Dc.48c	61	Reporting and Recordkeeping Requirements.
W-00001	40CFR 60-GG.334 (a)	37	Monitoring of Operations for Turbines Employing Water Injection to Control NOx
W-00001	40CFR 60-GG.334 (b)	38	Monitoring of Operations: CEMS
FACILITY	40CFR 68	19	Chemical accident prevention provisions
FACILITY	40CFR 82-F	20	Protection of Stratospheric Ozone - recycling and emissions reduction
FACILITY	40CFR 97	29	Federal Cross-State Air Pollution Regulation (CSAPR)
W-00001	40CFR 97-AAAAA.406	39	Transport Rule (TR) NOx Annual Trading Program Standard Requirements
W-00001	40CFR 97-CCCCC.606	40	Transport Rule (TR) SO2 Group 1 Trading Program Standard Requirements
FACILITY	40CFR 97-GGGGG.1006	30	CSAPR NOx Ozone Season Group 3 Trading Program Standard Requirements
FACILITY	6NYCRR 200.6	1	Acceptable ambient air quality.
FACILITY	6NYCRR 200.7	10	Maintenance of equipment.
FACILITY	6NYCRR 201-1.4	100	Unavoidable noncompliance and violations
FACILITY	6NYCRR 201-1.7	11	Recycling and Salvage
FACILITY	6NYCRR 201-1.8	12	Prohibition of reintroduction of collected contaminants to the air
FACILITY	6NYCRR 201-3.2 (a)	13	Exempt Activities - Proof of eligibility
FACILITY	6NYCRR 201-3.3 (a)	14	Trivial Activities - proof of eligibility
FACILITY	6NYCRR 201-6	21, 31, 32	Title V Permits and the Associated Permit Conditions
FACILITY	6NYCRR 201-6.4 (a) (4)	15	General Conditions - Requirement to Provide Information
FACILITY	6NYCRR 201-6.4 (a) (7)	2	General Conditions - Fees
FACILITY	6NYCRR 201-6.4 (a) (8)	16, 17	General Conditions - Right to Inspect
FACILITY	6NYCRR 201-6.4 (c)	3	Recordkeeping and Reporting of Compliance Monitoring

**Division of Air Resources  
Permit Review Report**

**Permit ID: 7-3512-00005/00006**

**Renewal Number: 2**

**04/05/2022**

FACILITY	6NYCRR 201-6.4 (c) (2)	4	Records of Monitoring, Sampling and Measurement
FACILITY	6NYCRR 201-6.4 (c) (3) (ii)	5	Reporting Requirements - Deviations and Noncompliance
FACILITY	6NYCRR 201-6.4 (d) (4)	22	Compliance Schedules - Progress Reports
FACILITY	6NYCRR 201-6.4 (e)	6	Compliance Certification
FACILITY	6NYCRR 201-6.4 (f)	23	Operational Flexibility
W-00001	6NYCRR 201-6.4 (f)	33	Operational Flexibility
W-00001/-/P05	6NYCRR 201-6.4 (f)	72, 73, 74, 75, 76, 77, 78	Operational Flexibility
W-00001/-/P06	6NYCRR 201-6.4 (f)	79, 80, 81, 82, 83, 84, 85	Operational Flexibility
W-00001/-/P07	6NYCRR 201-6.4 (f)	86, 87, 88, 89, 90, 91, 92	Operational Flexibility
FACILITY	6NYCRR 201-6.5 (a)	101	State Enforceable Requirements
FACILITY	6NYCRR 202-1.1	18	Required emissions tests.
FACILITY	6NYCRR 202-2.1	7	Emission Statements - Applicability
FACILITY	6NYCRR 202-2.5	8	Emission Statements - record keeping requirements.
FACILITY	6NYCRR 211.1	102	General Prohibitions - air pollution prohibited
FACILITY	6NYCRR 211.2	24	General Prohibitions - visible emissions limited.
FACILITY	6NYCRR 215.2	9	Open Fires - Prohibitions
FACILITY	6NYCRR 225-1.2 (d)	25	Sulfur-in-Fuel Limitation - Distillate Oil
FACILITY	6NYCRR 227-1.3 (a)	26	Particulate Emission Standards
W-00001/00001	6NYCRR 227-2.4 (e) (2)	93, 94, 95	Combined cycle combustion turbines.
W-00001	6NYCRR 231-11.2 (b)	34	Reasonable Possibility requirements for insignificant mods - less than 50% with excluded emissions
W-00001/-/P05	6NYCRR 231-6	73, 74	Mods to Existing Major Facilities in Nonattainment and Attainment Areas of the State in the OTR
W-00001/-/P06	6NYCRR 231-6	79, 80	Mods to Existing Major Facilities in Nonattainment and Attainment Areas of the State in the OTR
W-00001/-/P07	6NYCRR 231-6	90	Mods to Existing Major Facilities in Nonattainment and Attainment Areas of

**Division of Air Resources  
Permit Review Report**

**Permit ID: 7-3512-00005/00006  
Renewal Number: 2  
04/05/2022**

W-00001	6NYCRR 231-8	33	the State in the OTR Mods to Existing Major Facilities in Attainment Areas (PSD)
W-00001/-/P05	6NYCRR 231-8	72, 73, 74, 75, 76, 77, 78	Mods to Existing Major Facilities in Attainment Areas (PSD)
W-00001/-/P06	6NYCRR 231-8	79, 80, 81, 82, 83, 84, 85	Mods to Existing Major Facilities in Attainment Areas (PSD)
W-00001/-/P07	6NYCRR 231-8	86, 87, 88, 89, 90, 91, 92	Mods to Existing Major Facilities in Attainment Areas (PSD)
FACILITY	6NYCRR 242	103	CO2 Budget Trading Program
W-00001/00001	6NYCRR 251.3(b)	106	Emission limits for non-modified sources.
FACILITY	6NYCRR 251.6(d)	104	Vendor Certified Fuel Receipts
FACILITY	6NYCRR 251.6(f)	105	Annual reports.

**Applicability Discussion:**

Mandatory Requirements: The following facility-wide regulations are included in all Title V permits:

ECL 19-0301

This section of the Environmental Conservation Law establishes the powers and duties assigned to the Department with regard to administering the air pollution control program for New York State.

6 NYCRR 200.6

Acceptable ambient air quality - prohibits contravention of ambient air quality standards without mitigating measures

6 NYCRR 200.7

Anyone owning or operating an air contamination source which is equipped with an emission control device must operate the control consistent with ordinary and necessary practices, standards and procedures, as per manufacturer's specifications and keep it in a satisfactory state of maintenance and repair so that it operates effectively

6 NYCRR 201-1.4

This regulation specifies the actions and recordkeeping and reporting requirements for any violation of an applicable state enforceable emission standard that results from a necessary scheduled equipment maintenance, start-up, shutdown, malfunction or upset in the event that these are unavoidable.

6 NYCRR 201-1.7

Requires the recycle and salvage of collected air contaminants where practical

6 NYCRR 201-1.8

Prohibits the reintroduction of collected air contaminants to the outside air

6 NYCRR 201-3.2 (a)

An owner and/or operator of an exempt emission source or unit may be required to certify that it operates within the specific criteria described in this Subpart. All required records must be maintained on-site for a

**Division of Air Resources  
Permit Review Report**

**Permit ID: 7-3512-00005/00006**

**Renewal Number: 2**

**04/05/2022**

period of 5 years and made available to department representatives upon request. In addition, department representatives must be granted access to any facility which contains exempt emission sources or units, during normal operating hours, for the purpose of determining compliance with this and any other state and federal air pollution control requirements, regulations, or law.

6 NYCRR 201-3.3 (a)

The owner and/or operator of a trivial emission source or unit may be required to certify that it operates within the specific criteria described in this Subpart. All required records must be maintained on-site for a period of 5 years and made available to department representatives upon request. In addition, department representatives must be granted access to any facility which contains trivial emission sources or units subject to this Subpart, during normal operating hours, for the purpose of determining compliance with this and any other state and federal air pollution control requirements, regulations, or law.

6 NYCRR Subpart 201-6

This regulation applies to those terms and conditions which are subject to Title V permitting. It establishes the applicability criteria for Title V permits, the information to be included in all Title V permit applications as well as the permit content and terms of permit issuance. This rule also specifies the compliance, monitoring, recordkeeping, reporting, fee, and procedural requirements that need to be met to obtain a Title V permit, modify the permit and demonstrate conformity with applicable requirements as listed in the Title V permit. For permitting purposes, this rule specifies the need to identify and describe all emission units, processes and products in the permit application as well as providing the Department the authority to include this and any other information that it deems necessary to determine the compliance status of the facility.

6 NYCRR 201-6.4 (a) (4)

This mandatory requirement applies to all Title V facilities. It requires the permittee to provide information that the Department may request in writing, within a reasonable time, in order to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. The request may include copies of records required to be kept by the permit.

6 NYCRR 201-6.4 (a) (7)

This is a mandatory condition that requires the owner or operator of a facility subject to Title V requirements to pay all applicable fees associated with the emissions from their facility.

6 NYCRR 201-6.4 (a) (8)

This is a mandatory condition for all facilities subject to Title V requirements. It allows the Department to inspect the facility to determine compliance with this permit, including copying records, sampling and monitoring, as necessary.

6 NYCRR 201-6.4 (c)

This requirement specifies, in general terms, what information must be contained in any required compliance monitoring records and reports. This includes the date, time and place of any sampling, measurements and analyses; who performed the analyses; analytical techniques and methods used as well as any required QA/QC procedures; results of the analyses; the operating conditions at the time of sampling or measurement and the identification of any permit deviations. All such reports must also be certified by the designated responsible official of the facility.

6 NYCRR 201-6.4 (c) (2)

This requirement specifies that all compliance monitoring and recordkeeping is to be conducted according to the terms and conditions of the permit and follow all QA requirements found in applicable regulations. It also requires monitoring records and supporting information to be retained for at least 5 years from the

**Division of Air Resources**  
**Permit Review Report**

**Permit ID: 7-3512-00005/00006**

**Renewal Number: 2**

**04/05/2022**

time of sampling, measurement, report or application. Support information is defined as including all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

6 NYCRR 201-6.4 (c) (3) (ii)

This regulation specifies any reporting requirements incorporated into the permit must include provisions regarding the notification and reporting of permit deviations and incidences of noncompliance stating the probable cause of such deviations, and any corrective actions or preventive measures taken.

6 NYCRR 201-6.4 (d) (4)

This condition applies to every Title V facility subject to a compliance schedule. It requires that reports, detailing the status of progress on achieving compliance with emission standards, be submitted semiannually.

6 NYCRR 201-6.4 (e)

Sets forth the general requirements for compliance certification content; specifies an annual submittal frequency; and identifies the EPA and appropriate regional office address where the reports are to be sent.

6 NYCRR 202-1.1

This regulation allows the department the discretion to require an emission test for the purpose of determining compliance. Furthermore, the cost of the test, including the preparation of the report are to be borne by the owner/operator of the source.

6 NYCRR 202-2.1

Requires that emission statements shall be submitted on or before April 15th each year for emissions of the previous calendar year.

6 NYCRR 202-2.5

This rule specifies that each facility required to submit an emission statement must retain a copy of the statement and supporting documentation for at least 5 years and must make the information available to department representatives.

6 NYCRR 211.2

This regulation limits opacity from sources to less than or equal to 20 percent (six minute average) except for one continuous six-minute period per hour of not more than 57 percent opacity.

6 NYCRR 215.2

Except as allowed by section 215.3 of 6 NYCRR Part 215, no person shall burn, cause, suffer, allow or permit the burning of any materials in an open fire.

40 CFR Part 68

This Part lists the regulated substances and their applicability thresholds and sets the requirements for stationary sources concerning the prevention of accidental releases of these substances.

40 CFR Part 82, Subpart F

Subpart F requires the reduction of emissions of class I and class II refrigerants to the lowest achievable level during the service, maintenance, repair, and disposal of appliances in accordance with section 608 of the Clean Air Act Amendments of 1990. This subpart applies to any person servicing, maintaining, or repairing appliances except for motor vehicle air conditioners. It also applies to persons disposing of appliances, including motor vehicle air conditioners, refrigerant reclaimers, appliance owners, and manufacturers of appliances and recycling and recovery equipment. Those individuals, operations, or

**Division of Air Resources  
Permit Review Report**

**Permit ID: 7-3512-00005/00006**

**Renewal Number: 2**

**04/05/2022**

activities affected by this rule, may be required to comply with specified disposal, recycling, or recovery practices, leak repair practices, recordkeeping and/or technician certification requirements.

**Facility Specific Requirements**

In addition to Title V, INDECK-OSWEGO ENERGY CENTER has been determined to be subject to the following regulations:

40 CFR 52.21 (j)

BACT determinations are made on a case-by-case basis and can be no less stringent than any requirement that exists in the current State Implementation Plan (SIP) or 40 CFR 60 and 61. Emission and operational limitations required from a BACT determination will have to be entered into the special permit conditions, separately by the permit reviewer.

40 CFR 60.334 (a)

This regulation requires the owner or operator of any stationary gas turbine subject to the provisions of 40CFR60 Subpart GG that is using water injection to control NOx emissions to install and operate a continuous monitoring system to monitor and record fuel consumption and the ratio of water to fuel fired in the turbine

40 CFR 60.334 (b)

This regulation allows the owner/operator of a gas turbine to use a CEMS to monitor NOx emissions instead of monitoring fuel and water/steam usage.

40 CFR 60.40c

This regulation requires the source owner or operator to comply with the applicable General Provisions of 40 CFR 60 Subpart Dc. The facility owner is responsible for reviewing these general provisions in detail and complying with all applicable technical, administrative and reporting requirements.

40 CFR 60.48c

This regulation requires that the facility maintain reports and records in accordance with the provisions of this section 40 CFR 60-Dc.48c.

40 CFR 97.1006

40 CFR Part 97 Subpart GGGGG the NOx Ozone Season Cross State Air Pollution Rule (CSAPR) requires additional NOx reductions from power plants located in twelve (12) states beginning with the 2021 ozone season. It is designed to reduce NOx emissions during the ozone season (May - September) for large fossil fuel fired electric generating units that have a nameplate capacity of greater than 25 megawatts electrical and produce electricity for sale. The new Group 3 Trading Program would be in addition to the existing Groups 1 and 2 NOx Ozone Trading Programs. The final rule does not include ozone season NOx emission limits for non-EGUs.

40 CFR 97.406

**Division of Air Resources**  
**Permit Review Report**

**Permit ID: 7-3512-00005/00006**

**Renewal Number: 2**

**04/05/2022**

This condition provides the general requirements for implementing EPAs Transport Rule (TR) 40 CFR Part 97, Subpart AAAAA; intended to reduce the interstate transport of fine particulate matter and ozone. This particular condition requires facilities to measure and report their emissions of Nitrogen Oxide (NOx) and to hold TR annual NOx allowances sufficient to cover these emissions. Commonly referred to as a budget trading program, each State has an established 'budget' of emissions that are distributed or sold to facilities, which, in turn, can only emit as much as they hold in allowances.

40 CFR 97.606

This condition provides the general requirements for implementing EPAs Transport Rule (TR) 40 CFR Part 97, Subpart CCCCC; intended to reduce the interstate transport of fine particulate matter and ozone. This particular condition requires facilities to measure and report their emissions of sulfur dioxide (SO2) annually and to hold TR annual SO2 allowances sufficient to cover these emissions. Commonly referred to as a budget trading program, each State has an established 'budget' of emissions that are distributed or sold to facilities, which, in turn, can only emit as much as they hold in allowances.

40 CFR Part 60, Subpart A

This regulation contains the General Provisions of 40 CFR 60. The facility owner is responsible for reviewing these general provisions in detail and complying with all applicable technical, administrative and reporting requirements

40 CFR Part 97

Cross-State Air Pollution Rule (CSAPR), requires states to significantly improve air quality by reducing power plant emissions that contribute to ozone and/or fine particle pollution in other states.

6 NYCRR 201-6.4 (f)

This section describes the operational flexibility protocol proposed by the facility. The protocol will allow the facility owner or operator to make certain changes at the facility without the need for a permit modification. Changes made pursuant to the protocol must be approved by the Department, and will be rolled into the permit during the next renewal or modification.

6 NYCRR 201-6.5 (a)

This subdivision states that the Department shall include state enforceable conditions in Title V permits. State enforceable conditions related to regulations developed pursuant to the Climate Leadership and Community Protection Act (CLCPA) and Article 75 of New York State Environmental Conservation Law may be included in future versions of this permit, as applicable.

**Division of Air Resources  
Permit Review Report**

**Permit ID: 7-3512-00005/00006**

**Renewal Number: 2**

**04/05/2022**

6 NYCRR 211.1

This regulation requires that no person shall cause or allow emissions of air contaminants to the outdoor atmosphere of such quantity, characteristic or duration which are injurious to human, plant or animal life or to property, or which unreasonably interfere with the comfortable enjoyment of life or property.

6 NYCRR 225-1.2 (d)

This subdivision sets the sulfur-in-fuel limitation for distillate oil fired emission sources throughout the State.

6 NYCRR 227-1.3 (a)

This subdivision sets the particulate matter emission standards for subject stationary combustion installations.

6 NYCRR 227-2.4 (e) (2)

Presumptive NOx RACT emission limits for combined cycle combustion turbines.

6 NYCRR 231-11.2 (b)

This subdivision is referred to as the "Reasonable Possibility" provisions. This citation lists the record keeping requirements for insignificant modifications that are less than 50% of the applicable significant project threshold including excluded emissions as defined in Part 231-4.1(b)(40)(i)(c).

6 NYCRR 251.3 (b)

Emission limits for non-modified sources.

6 NYCRR 251.6 (d)

This subdivision sets the requirements for the maintenance of Vendor certified fuel receipts.

6 NYCRR 251.6 (f)

Recordkeeping and reporting - annual reports.

**Division of Air Resources  
Permit Review Report**

**Permit ID: 7-3512-00005/00006**  
**Renewal Number: 2**  
**04/05/2022**

6 NYCRR Part 242

Part 242 is New York State's CO2 Budget Trading Program.

6 NYCRR Subpart 231-6

This Subpart applies to modifications to existing major facilities in non-attainment areas and attainment areas of the State within the OTR.

6 NYCRR Subpart 231-8

This subpart applies to modifications to existing major facilities in attainment areas (prevention of significant deterioration (PSD)).

**Compliance Certification**

**Summary of monitoring activities at INDECK-OSWEGO ENERGY CENTER:**

<b>Location Facility/EU/EP/Process/ES</b>	<b>Cond No.</b>	<b>Type of Monitoring</b>
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FACILITY	27	work practice involving specific operations
FACILITY	28	record keeping/maintenance procedures
W-00001	35	record keeping/maintenance procedures
W-00001/-/P01	41	intermittent emission testing
W-00001/-/P01	42	intermittent emission testing
W-00001/-/P01	43	intermittent emission testing
W-00001/-/P01	44	continuous emission monitoring (cem)
W-00001/-/P01	45	intermittent emission testing
W-00001/-/P01	46	intermittent emission testing
W-00001/-/P01	47	continuous emission monitoring (cem)
W-00001/-/P01	48	continuous emission monitoring (cem)
W-00001/-/P01	49	continuous emission monitoring (cem)
W-00001/-/P01	50	intermittent emission testing
W-00001/-/P02	51	intermittent emission testing
W-00001/-/P02	52	intermittent emission testing
W-00001/-/P02	53	intermittent emission testing
W-00001/-/P02	54	intermittent emission testing
W-00001/-/P02	55	intermittent emission testing
W-00001/-/P02	56	intermittent emission testing
W-00001/-/P02	57	continuous emission monitoring (cem)
W-00001/-/P02	58	continuous emission monitoring (cem)
W-00001/-/P02	59	continuous emission monitoring (cem)
W-00001/-/P02	60	continuous emission monitoring (cem)
W-00001/-/P04	62	intermittent emission testing

**Division of Air Resources  
Permit Review Report**

**Permit ID: 7-3512-00005/00006  
Renewal Number: 2  
04/05/2022**

W-00001/-/P04	63	intermittent emission testing
W-00001/-/P04	64	intermittent emission testing
W-00001/-/P04	65	intermittent emission testing
W-00001/-/P04	66	intermittent emission testing
W-00001/-/P04	67	intermittent emission testing
W-00001/-/P04	68	continuous emission monitoring (cem)
W-00001/-/P04	69	continuous emission monitoring (cem)
W-00001/-/P04	70	continuous emission monitoring (cem)
W-00001/-/P04	71	continuous emission monitoring (cem)
W-00001/00001	96	record keeping/maintenance procedures
W-00001/00001/P02/W00GT	97	work practice involving specific operations
W-00001	36	record keeping/maintenance procedures
W-00001	37	record keeping/maintenance procedures
W-00001	38	record keeping/maintenance procedures
W-00001	39	record keeping/maintenance procedures
W-00001	40	record keeping/maintenance procedures
FACILITY	30	record keeping/maintenance procedures
FACILITY	5	record keeping/maintenance procedures
FACILITY	6	record keeping/maintenance procedures
W-00001	33	continuous emission monitoring (cem)
W-00001/-/P05	72	intermittent emission testing
W-00001/-/P05	73	continuous emission monitoring (cem)
W-00001/-/P05	74	continuous emission monitoring (cem)
W-00001/-/P05	75	continuous emission monitoring (cem)
W-00001/-/P05	76	intermittent emission testing
W-00001/-/P05	77	intermittent emission testing
W-00001/-/P05	78	intermittent emission testing
W-00001/-/P06	79	continuous emission monitoring (cem)
W-00001/-/P06	80	continuous emission monitoring (cem)
W-00001/-/P06	81	continuous emission monitoring (cem)
W-00001/-/P06	82	intermittent emission testing
W-00001/-/P06	83	intermittent emission testing
W-00001/-/P06	84	intermittent emission testing
W-00001/-/P06	85	intermittent emission testing
W-00001/-/P07	86	continuous emission monitoring (cem)
W-00001/-/P07	87	intermittent emission testing
W-00001/-/P07	88	intermittent emission testing
W-00001/-/P07	89	intermittent emission testing
W-00001/-/P07	90	continuous emission monitoring (cem)
W-00001/-/P07	91	continuous emission monitoring (cem)
W-00001/-/P07	92	intermittent emission testing
FACILITY	7	record keeping/maintenance procedures
FACILITY	25	work practice involving specific operations
FACILITY	26	intermittent emission testing
W-00001/00001	93	continuous emission monitoring (cem)
W-00001/00001	94	continuous emission monitoring (cem)
W-00001/00001	95	continuous emission monitoring (cem)
W-00001	34	record keeping/maintenance procedures
FACILITY	103	record keeping/maintenance procedures
W-00001/00001	106	continuous emission monitoring (cem)
FACILITY	104	record keeping/maintenance procedures
FACILITY	105	record keeping/maintenance procedures

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**Basis for Monitoring**

The facility operates continuous emission monitors for NOx and CO. The bases for these monitoring requirements are PSD conditions.

There are also conditions under 6 NYCRR 201-6.4(f) that require the use of CO and NOx CEMs, that implement operational flexibility provisions that were approved in a prior

**Division of Air Resources  
Permit Review Report**

**Permit ID: 7-3512-00005/00006  
Renewal Number: 2  
04/05/2022**

permit.