



**PERMIT**  
**Under the Environmental Conservation Law (ECL)**

**Permittee and Facility Information**

**Permit Issued To:**  
DANSKAMMER ENERGY LLC  
994 RIVER RD  
NEWBURGH, NY 12550  
(713) 963-9112

**Facility:**  
DANSKAMMER GENERATING STATION  
994 RIVER RD  
NEWBURGH, NY 12550

**Facility Location:** in NEWBURGH in ORANGE COUNTY

**Facility Principal Reference Point:** NYTM-E: 586.321      NYTM-N: 4602.888  
Latitude: 41°34'22.9" Longitude: 73°57'52.6"

**Authorized Activity:** Modification of existing Title IV permit to incorporate the construction of a new natural gas fired combined cycle power generation facility, which will consist of an optimal 536 net megawatt (MW) facility at the site of the existing Danskammer Generating Station.

The existing Danskammer Generating Station consists of four (4) operating boilers with a combined nameplate capacity rating of 532 megawatts (MW). Units 1 and 2 utilize natural gas as the primary fuel source with low sulfur #6 oil as a backup fuel. Units 3 and 4 operate exclusively on natural gas.

**Permit Authorizations**

**Title IV (Phase II Acid Rain) - Under Article 19**

Permit ID 3-3346-00011/00027

Renewal                                      Effective Date: 10/19/2020                                      Expiration Date: 4/8/2025  
Modification # 1    Proposed Effective Date: \_\_\_\_\_    Proposed Expiration Date: No Exp. Date

**NYSDEC Approval**

**By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this permit.**

Permit Administrator: MICHAEL T HIGGINS, Deputy Chief Permit Administrator  
Address:                                      NYSDEC Headquarters  
    625 Broadway  
    Albany, NY 12233

Authorized Signature: \_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_



**Permit Components**

TITLE IV (PHASE II ACID RAIN) PERMIT CONDITIONS

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

**TITLE IV (PHASE II ACID RAIN) PERMIT CONDITIONS**

**1. Phase II Permit Application 40CFR 72.**

- a. The owners and operators shall comply with all of the standard requirements and special provisions set forth on the attached Phase II Permit Application for each affected unit.
- b. This permit does not relieve the permittee from compliance with applicable state and federal air pollution control rule and regulations.
- c. The permittee is required to have sufficient SO<sub>2</sub> allowances in its possession to cover the SO<sub>2</sub> emissions generated from this facility.
- d. The facility must continuously monitor, maintain, and certify monitoring systems for NO<sub>x</sub> emissions, CO<sub>2</sub> or O<sub>2</sub> emissions, and volumetric flow rate in accordance with the requirements of 40CFR part 75. The facility shall monitor for emissions of SO<sub>2</sub> in accordance with the provisions of 40 CFR part 75. All required reports as applicable shall be submitted to:

U.S. Environmental Protection Agency, Headquarters

@ Postal mailing address:

U.S. Environmental  
Protection Agency  
Acid Rain Program (6204J)  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

**or** @ Overnight delivery address:

U.S. Environmental  
Protection Agency  
Acid Rain Program (6204J)  
1310 L Street, NW  
Washington, DC 20005

U.S. Environmental Protection Agency, Region 2

Region II Monitoring & Assessment Branch

AWQAT (MS 220)  
2890 Woodbridge Ave  
Edison, NJ 09937

Air Program

NYSDEC Headquarters

625 Broadway  
Albany, NY12233

[Regional Air Pollution Control Engineer]



**2. SO2 Allowance Allocations 40CFR 73.** Total Phase II SO2 Allowances (1) from Table 2 of 40 CFR 73

[Table1:

Unit	Allowance 2010 and thereafter	NOx limit (2) lb/mmBTU
TURB1	0	0
D0001	950	0
D0002	921	0
D0003	3134	0
D0004	6041	0

NOTES:

- (1) The number of allowances actually held by an affected source in a unit account may differ from the number allocated by the U.S. EPA; however, this would not necessitate a revision to the unit SO2 allowance allocations identified in this permit (See 40 CFR 72.84).
- (2) The provisions of 40 CFR Part 76 do not apply to this facility.
- (3) Units and do not have allowances in Table 2 of 40 CFR Part 73.

**GENERAL CONDITIONS - Apply to ALL Authorized Permits:**

**1. Facility Inspection by The Department ECL 19-0305** The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71- 0301 and SAPA 401(3).

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

**2. Relationship of this Permit to Other Department Orders and Determinations ECL 3-0301 (2) (m)** Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.



**3. Applications For Permit Renewals, Modifications or Transfers 6 NYCRR 621.11** The permittee must submit a separate written application to the Department for permit renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing. Submission of applications for permit renewal, modification or transfer are to be submitted to:

Deputy Chief Permit Administrator  
NYSDEC Headquarters  
625 Broadway  
Albany, NY12233

**4. Submission of Renewal Application 6 NYCRR 621.11** The permittee must submit a renewal application at least 180 days before permit expiration for the following permit authorizations: Title IV (Phase II Acid Rain).

**5. Submission of Renewal Application 6 NYCRR 621.11** The permittee must submit a renewal application at least 30 days before permit expiration for the following permit authorizations: .

**6. Permit Modifications, Suspensions and Revocations by the Department 6 NYCRR 621.13** The Department reserves the right to exercise all available authority to modify, suspend or revoke this permit. The grounds for modification, suspension or revocation include:

- a. materially false or inaccurate statements in the permit application or supporting papers;
- b. failure by the permittee to comply with any terms or conditions of the permit;
- c. exceeding the scope of the project as described in the permit application;
- d. newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- e. noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

**7. Permit Transfer 6 NYCRR 621.11** Permits are transferrable unless specifically prohibited by statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.



## NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

### **Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification**

The permittee, excepting state or federal agencies, expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under Article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

### **Item B: Permittee's Contractors to Comply with Permit**

The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

### **Item C: Permittee Responsible for Obtaining Other Required Permits**

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

### **Item D: No Right to Trespass or Interfere with Riparian Rights**

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.