

Facility DEC ID: 3335600136

PERMIT
Under the Environmental Conservation Law (ECL)

IDENTIFICATION INFORMATION

Permit Type: Air Title V Facility
Permit ID: 3-3356-00136/00010
Effective Date:

Expiration Date:

Permit Issued To: CPV VALLEY LLC
8403 Colesville Rd Ste 915
Silver Spring, MD 20910

Contact: DONALD ATWOOD
50 BRAINTREE HILL OFFICE PARK STE 300
BRAINTREE, MA 02184
(781) 848-2202

Facility: CPV VALLEY ENERGY CENTER
3330 ROUTE 6
MIDDLETOWN, NY 10940

Description:

This renewal authorizes the CPV facility to generate approximately 630 megawatts (MW) of electricity, fueled primarily by natural gas. The CPV facility will use "combined cycle" generation technology and will be comprised of two combined-cycle units, each consisting of a combustion turbine generator (CTG), a Heat Recovery Steam Generator (HRSG) with supplemental duct firing, and a steam turbine generator (STG). The facility will use ultra-low sulfur distillate oil for back-up reliability purposes. Auxiliary equipment will include a low nitrogen oxides (NOx) natural gas-fired auxiliary boiler, necessary to keep the HRSGs warm during periods of turbine shutdown and to provide sealing steam during startups.

The project will be equipped with state-of-the-art emissions control technology, including dry low NOx (DLN) burners and selective catalytic reduction (SCR) technology to control emissions of NOx, and an oxidation catalyst to control carbon monoxide (CO) and volatile organic compounds (VOC) emissions. A continuous emissions monitoring system (CEMS) will be utilized to ensure and document facility compliance with applicable emissions standards. The facility will also be limited to operating utilizing the back-up fuel the equivalent of 720 hours per year, per turbine.

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By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, the General Conditions specified and any Special Conditions included as part of this permit.

Permit Administrator: MICHAEL T HIGGINS
 NYSDEC - HEADQUARTERS
 625 BROADWAY
 ALBANY, NY 12233-1750

Authorized Signature: _____ Date: ___ / ___ /

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Notification of Other State Permittee Obligations

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

The permittee 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 compliance 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 any 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.

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DEC GENERAL CONDITIONS

****** General Provisions ******

For the purpose of your Title V permit, the following section contains state-only enforceable terms and conditions.

GENERAL CONDITIONS - Apply to ALL Authorized Permits.

Condition 1: Facility Inspection by the Department

Applicable State Requirement: ECL 19-0305

Item 1.1:

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).

Item 1.2:

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

Item 1.3:

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.

Condition 2: Relationship of this Permit to Other Department Orders and Determinations

Applicable State Requirement: ECL 3-0301 (2) (m)

Item 2.1:

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.

Condition 3: Applications for permit renewals, modifications and transfers

Applicable State Requirement: 6 NYCRR 621.11

Item 3.1:

The permittee must submit a separate written application to the Department for 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.

Item 3.2:

The permittee must submit a renewal application at least 180 days before the expiration of permits for Title V and State Facility Permits.

Item 3.3

Permits are transferrable with the approval of the department unless specifically prohibited by the statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.

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Condition 4: Permit modifications, suspensions or revocations by the Department
Applicable State Requirement: 6 NYCRR 621.13

Item 4.1:

The Department reserves the right to exercise all available authority to modify, suspend, or revoke this permit in accordance with 6NYCRR Part 621. 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.

****** Facility Level ******

Condition 5: Disadvantaged Community Grant Program
Applicable State Requirement: ECL 75-0107 (1)

Item 5.1:

Pursuant to Section 7(3) of the Climate Leadership and Community Protection Act, Chapter 106 of the laws of 2019, the facility owner or operator shall complete the following to further reduce greenhouse gas and co-pollutant impacts from the project:

1. Within 90 days of the issuance of this permit, the facility owner or operator shall submit a plan describing the proposed Disadvantaged Community Grant Program (Program) to the Department for approval. At a minimum, such plan shall include a description of the types of projects that qualify for funding, the criteria that will be used to identify, evaluate, and select projects to be funded, timeframes for disbursement, the proposed allocation of funds within the affected disadvantaged communities, and disposition of remaining funds not otherwise disbursed under the program.
2. Within 60 days of the Department’s approval of the plan described above, the facility owner or operator shall fund the Program by contributing an amount no less than \$200,000.
3. Within 30 days of funding being provided, monies shall be available for disbursement to qualifying projects in accordance with the approved Program plan discussed above. The facility owner or operator shall submit documentation to the Department of the selected projects that includes a description of the project and the total funding allocated.
4. Within 365 days of the initial financial contribution to the Program described in Item 2 above, the facility owner or operator shall contribute an additional \$200,000 and disburse such funds in accordance with the timeframes above. The facility owner or operator shall continue to contribute, at a minimum, \$200,000 annually thereafter or until a total of \$1,000,000 has been provided, whichever occurs first.

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5. For every financial contribution made to the Program per Items 2 and 4 above, the facility owner or operator shall submit documentation to the Department within 15 days of the date that the contribution is made.

6. The facility owner or operator shall submit an annual report to the Department describing the status of projects funded by the Program. Each such report shall be submitted no later than January 31 and shall include projects funded during prior calendar years which have not been completed.

Failure to provide an approvable plan by the deadline, to implement the approved plan by the dates set forth in such plan, to commit the required funding, or disburse funds as discussed above shall be a violation and may result in the suspension or revocation of this permit as described in 6 NYCRR Section 201-1.12 and 6 NYCRR Section 621.13.

Condition 6: Submission of application for permit modification or renewal -REGION 3 HEADQUARTERS

Applicable State Requirement: 6 NYCRR 621.6 (a)

Item 6.1:

Submission of applications for permit modification or renewal are to be submitted to:

NYSDEC Regional Permit Administrator
Region 3 Headquarters
Division of Environmental Permits
21 South Putt Corners Road
New Paltz, NY 12561-1696
(845) 256-3054