



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

**Permittee and Facility Information**

**Permit Issued To:**

CRICKET VALLEY ENERGY CENTER LLC  
31 MILK ST STE 1001  
BOSTON, MA 02109

**Facility:**

CRICKET VALLEY ENERGY CENTER  
2241 ST RTE 22  
DOVER PLAINS, NY 12522

**Facility Location:** in DOVER in DUTCHESS COUNTY **Village:** Dover

**Facility Principal Reference Point:** NYTM-E: 618.217 NYTM-N: 4614.773

Latitude: 41°40'33.4" Longitude: 73°34'47.1"

**Project Location:** NYS Route 22, Town of Dover, Dutchess County

**Authorized Activity:** The Cricket Valley Energy Center (CVE) will consist of a combined cycle natural gas powered 1,000 megawatt (MW) electric generating facility and interconnection substation. The CVE facility will be comprised of three 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). Auxiliary equipment will include a low nitrogen oxide (NOx) natural gas-fired auxiliary boiler, needed to keep the HRSGs warm during periods of turbine shutdown and to provide sealing steam during startups, and four diesel-fired black start generators, each with a maximum power rating of 3 MW. The four black start generators will be used to re-start the facility in the event of a total power loss on the local or regional transmission grid. 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.

**Permit Authorizations**

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

Permit ID 3-1326-00275/00005

New Permit

Effective Date: 9/27/2012

Expiration Date: 9/26/2017

**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: CHRISTOPHER M HOGAN, Deputy Chief Permit Administrator  
Address: NYSDEC HEADQUARTERS  
625 BROADWAY  
ALBANY, NY 12233

Authorized Signature: Christopher M. Hogan

Date 9/27/2012

**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	
<u>@ Postal mailing address:</u>	<b>or</b> <u>@ Overnight delivery address:</u>
U.S. Environmental Protection Agency Acid Rain Program (6204J) 1200 Pennsylvania Avenue, NW Washington, DC 20460	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  
 NYSDEC REGION 3 HEADQUARTERS  
 21 SOUTH PUTT CORNERS RD  
 NEW PALTZ, NY12561 -1620

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

Table 1:

Unit	Allowance 2010 and thereafter	NOx limit (2) lb/mmBTU
U001	0 (3)	
U002	0 (3)	
U003	0 (3)	

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 U001, U002, and U003 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.