New York State Department of Environmental Conservation

Permit Review Report

Permit ID: 2-6002-00465/00001
08/12/2008

Facility Identification Data
Name: EASTCHESTER HEIGHTS -3480 SEYMOUR AVE
Address: 3480 SEYMOUR AVE
BRONX, NY 10469

Owner/Firm
Name: EASTCHESTER HEIGHTS LP
Address: C/O TACONIC INVESTMENT PARTNERS
111 EIGHTH AVE STE 1500
NEW YORK, NY 10011, USA
Owner Classification: Corporation/Partnership

Permit Contacts
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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
Eastchester Heights, located in New York City (Bronx), is a residential housing complex that is comprised of five buildings. The buildings are situated between six consecutive city blocks bordered by Wilson Avenue, Boston Road, Hicks Street and Eastchester Road. The housing complex (facility) contains 1416 apartment units and has a total of ten (10) boilers used for steam generation for heating. The specific site addresses for the facility's boiler rooms, each of which contains two boilers of equivalent rating, are (a) 3467 Fish avenue; (b) 3466 Fish Avenue, 1410 Hicks

Street, (d) 3468 Fenton Avenue; and (e) 3457 Eastchester Road. Each of the ten boilers was installed between 1989 and 1990 and fires #6 oil (residual fuel oil). This application is represented of the status quo for facility operations, except for the planned installation of fuel flow meters for the two boilers located at: (A) 3467 Fish Avenue; (b) 3466 Fish Avenue, and (e) 3457 Eastchester Road. Each of these six (6) boilers is rated greater than 10 million btu heat input per hour and our subject to compliance with federal NSPS Subpart Dc, small industrial, commercial, and institutional boilers. The four (4) boilers located at 1410 Hicks Street and 3468 Fenton Avenue are each rated less than 10 million btu heat input per hour and, therefore, are not subject to subpart NSPS regulations.

Attainment Status
EASTCHESTER HEIGHTS -3480 SEYMOUR AVE is located in the town of BRONX in the county of BRONX. The attainment status for this location is provided below. (Areas classified as attainment are those that 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*	SEVERE 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
This facility is a residential housing complex consisting of 1416 apartment units located throughout 5 city blocks containing five (5) boiler rooms with each boiler room containing two (2) boilers firing #6 oil for steam generation for heating and connected to a single stack. The top of the stacks are 30 feet above the roof elevation, except for the stack of the boilers at 3467 fish avenue. The top of this stack is 42 feet above the roof elevation because of a metal stack extension above the brick stack portion. The title V permit application defines five (5) emission units as follows: EU 1 - two (2) boilers located at 3467 Fish avenue, EU 2 - two (2) boilers located at 3466 Fish avenue, EU 3 - two (2) boilers located at 3457 Eastchester ro ad, EU 4 - two (2) boilers located at 1410 Hicks street, and EU 5 - two (2) boilers located at 3468 Fenton avenue.

Permit Structure and Description of Operations
The Title V permit for EASTCHESTER HEIGHTS -3480 SEYMOUR AVE 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). 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.

EASTCHESTER HEIGHTS -3480 SEYMOUR AVE is defined by the following emission unit(s):
Emission unit U00001 - Residential apartment complex located at 3467 Fish avenue, Bronx, New York with two (300 hp) steam generating boilers each rated at 13.53 million btu/hr heat input and a 80000 gallon capacity fuel oil storage tank.
Emission unit U00001 is associated with the following emission points (EP):
00001
It is further defined by the following process(es):
Process: 001 is located at BOILER ROOM, Building 3467 - RESIDENTIAL (#6) FUEL OIL FIRING IN TOW (2) STEAM GENERATING UNITS EACH RATED AT 13.53 MILLION BTU HEAT INPUT PER HOUR.

Emission unit U00002 - Residential apartment complex located at 3466 Fish Avenue, Bronx NY, with two (2) (250 hp) steam generating boilers each rated at 11.25 million btu heat input per hour and a 20000 gallon fuel oil storage tank.
Emission unit U00002 is associated with the following emission points (EP):
00002
It is further defined by the following process(es):
Process: 002 is located at BOILER ROOM, Building 3466 - RESIDENTIAL (#6) FUEL OIL FIRING IN TWO (2) STEAM GENERATING UNITS EACH RATED AT 11.25 BTU HEAT INPUT PER HOUR.

Emission unit U00003 - Residential apartment complex located at 3457 Eastchester Road, Bronx, NY, with two (2) (300 hp) steam generating boilers each rated at 13.53 million btu heat input per hour and a 20000 gallon fuel oil
Emission unit U00003 is associated with the following emission points (EP):
00003
It is further defined by the following process(es):
Process: 003 is located at Building 3457 - RESIDENTIAL (#6) FUEL OIL FIRING IN TWO (2) STEAM GENERATING UNITS EACH RATED AT 13.53 MILLION BTU HEAT INPUT PER HOUR.

Emission unit U00004 - Residential apartment complex located at 1410 hicks road, Bronx, NY, with two (2) (125 hp) steam generating boilers each rated at 5.63 million btu heat input per hour and a 12000 gallon fuel oil storage tank.
Emission unit U00004 is associated with the following emission points (EP):

00004
It is further defined by the following process(es):
Process: 004 is located at Building 1410 - RESIDENTIAL (#6) FUEL OIL FIRING IN TWO (2) STEAM GENERATING UNITS BOTH RATED AT 5.6 MILLION BTU HEAT INPUT PER HOUR.

Emission unit U00005 - Residential apartment complex located at 3468 Fenton Avenue, Bronx, NY, with two (2) (200 hp) steam generating boilers each rated at 9.2 million btu heat input per hour and a 20000 gallon fuel oil storage tank.
Emission unit U00005 is associated with the following emission points (EP):
00005
It is further defined by the following process(es):
Process: 005 is located at Building 3468 - #6 FUEL OIL FIRING

Title V/Major Source Status
EASTCHESTER HEIGHTS -3480 SEYMOUR AVE is subject to Title V requirements. This determination is based on the following information:
This is a major facility since the oxides of nidrogen emissions are equal or greater than 25 ton per year in a twelve month basis rolled monthly.

Program Applicability
The following chart summarizes the applicability of EASTCHESTER HEIGHTS -3480 SEYMOUR AVE with regards to the principal air pollution regulatory programs:

Regulatory Program	Applicability
PSD	NO
NSR (non-attainment)	NO
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) - 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 Part 231) - 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) - 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) - 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) - 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 contaminant(s) listed in the regulation.

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

Title VI Stratospheric Ozone Protection (40 CFR 82, Subparts A thru G) - 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 212.10, 226, 227-2, 228, 229, 230, 232, 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) - 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
6513	APARTMENT BUILDING OPERATORS
6531	REAL ESTATE AGENTS AND MANAGER

SCC Codes

SCC or Source Classification Code is a code developed and used" by the USEPA to categorizeprocesses 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
1-03-004-03	EXTERNAL COMBUSTION BOILERS - COMMERCIAL/INDUSTRIAL COMMERCIAL/INSTITUTIONAL BOILER - RESIDUAL OIL <10MMBTU/HR **
1-03-004-02	EXTERNAL COMBUSTION BOILERS - COMMERCIAL/INDUSTRIAL COMMERCIAL/INSTITUTIONAL BOILER - RESIDUAL OIL 10-100MMBTU/HR **

Facility Emissions Summary

In the following table, the CAS No. or Chemical Abstract Series 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 Range represents an emission range for a contaminant. Any PTE quantity that is displayed represents a facility-wide emission cap or limitation for that contaminant. If no PTE quantity is displayed, the PTE Range is provided to indicate the approximate magnitude of facility-wide emissions for the specified contaminant in terms of tons per year (tpy). 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.

Cas No.	Contaminant Name	PTE	
		lbs/yr	Range
007440-36-0	ANTIMONY	pteyear	Y

007440-38-2	ARSENIC	pteyear	Y	
000071-43-2	BENZENE	pteyear	Y	
007440-41-7	BERYLLIUM	pteyear	Y	
007440-43-9	CADMIUM	pteyear	Y	
000630-08-0	CARBON MONOXIDE	pteyear	C	
018540-29-9	CHROMIUM(VI)	pteyear	Y	
007440-48-4	COBALT	pteyear	Y	
000071-55-6	ETHANE, 1,1,1-TRICHLORO	pteyear	Y	
000100-41-4	ETHYLBENZENE	pteyear	Y	
000050-00-0	FORMALDEHYDE	pteyear	Y	
0NY100-00-0	HAP	pteyear	A	
007439-92-1	LEAD	pteyear	Y	
007439-96-5	MANGANESE	pteyear	Y	
007439-97-6	MERCURY	pteyear	Y	
000091-20-3	NAPHTHALENE	pteyear	Y	
007440-02-0	NICKEL METAL AND INSOLUBLE COMPOUNDS		pteyear	Y
0NY210-00-0	OXIDES OF NITROGEN	pteyear	G	
0NY075-00-0	PARTICULATES	pteyear	C	
007723-14-0	PHOSPHORUS (YELLOW)	pteyear	Y	
0NY075-00-5	PM-10	pteyear	C	
007782-49-2	SELENIUM	pteyear	Y	
007446-09-5	SULFUR DIOXIDE	pteyear	G	
000108-88-3	TOLUENE	pteyear	Y	
0NY998-00-0	VOC	pteyear	B	
001330-20-7	XYLENE, M, O & P MIXT.	pteyear	Y	

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

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

An emergency constitutes an affirmative defense to an action brought 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 and/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;
(3) During the period of the emergency the facility owner and/or 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 and/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 and/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 B: **Public Access to Recordkeeping for Title V Facilities - 6NYCRR Part 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 6NYCRR Part 616 - Public Access to records and Section 114(c) of the Act.

Item C: **Timely Application for the Renewal of Title V Permits - 6 NYCRR Part 201-6.3(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 D: **Certification by a Responsible Official - 6 NYCRR Part 201-6.3(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 E: **Requirement to Comply With All Conditions - 6 NYCRR Part 201-6.5(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 F: **Permit Revocation, Modification, Reopening, Reissuance or Termination, and Associated Information Submission Requirements - 6 NYCRR Part 201-6.5(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 G: **Cessation or Reduction of Permitted Activity Not a Defense - 6NYCRR Part 201-6.5(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 H: **Property Rights - 6 NYCRR Part 201-6.5(a)(6)**

This permit does not convey any property rights of any sort or any exclusive privilege.

Item I: **Severability - 6 NYCRR Part 201-6.5(a)(9)**

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 J: **Permit Shield - 6 NYCRR Part 201-6.5(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 K: Reopening for Cause - 6 NYCRR Part 201-6.5(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 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 L: **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 M: **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: **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

Location Facility/EU/EP/Process/ES	Regulation	Condition	Short Description
FACILITY		54	Powers and Duties of the Department with respect to air pollution control
U-00002/-/002	40CFR 60-Dc.42c(h)	33	Exemption from Averaging Requirements
U-00003/-/003	40CFR 60-Dc.42c(h)	40	Exemption from Averaging Requirements
U-00004/-/004	40CFR 60-Dc.42c(h)	47	Exemption from Averaging Requirements
U-00002/-/002	40CFR 60-Dc.48c(a)	34	Reporting and Recordkeeping Requirements.
U-00003/-/003	40CFR 60-Dc.48c(a)	41	Reporting and Recordkeeping Requirements.
U-00004/-/004	40CFR 60-Dc.48c(a)	48	Reporting and Recordkeeping Requirements.
U-00002/-/002	40CFR 60-Dc.48c(e)(11)	35	Reporting and Recordkeeping requirements - fuel supplier certifications
U-00003/-/003	40CFR 60-Dc.48c(e)(11)	42	Reporting and Recordkeeping requirements - fuel supplier certifications
U-00004/-/004	40CFR 60-Dc.48c(e)(11)	49	Reporting and Recordkeeping requirements - fuel supplier certifications
U-00002/-/002	40CFR 60-Dc.48c(f)(2)	36	Reporting and Recordkeeping Requirements (residual oil).
U-00003/-/003	40CFR 60-Dc.48c(f)(2)	43	Reporting and Recordkeeping Requirements (residual oil).
U-00004/-/004	40CFR 60-Dc.48c(f)(2)	50	Reporting and Recordkeeping Requirements (residual oil).
U-00002/-/002	40CFR 60-Dc.48c(g)	37	Reporting and Recordkeeping Requirements.
U-00003/-/003	40CFR 60-Dc.48c(g)	44	Reporting and Recordkeeping Requirements.
U-00004/-/004	40CFR 60-Dc.48c(g)	51	Reporting and Recordkeeping Requirements.
FACILITY	40CFR 60-Dc.48c(j)	29	
FACILITY	40CFR 68	21	Chemical accident prevention provisions
FACILITY	40CFR 82-F	22	Protection of Stratospheric Ozone - recycling and emissions reduction
FACILITY	6NYCRR 200.6	1	Acceptable ambient air quality.
FACILITY	6NYCRR 200.7	10	
FACILITY	6NYCRR 201-1.4	55	Unavoidable noncompliance and violations
FACILITY	6NYCRR 201-1.7	11	
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	23, 30	Title V Permits and the Associated Permit Conditions
FACILITY	6NYCRR 201-6.5(a)(4)	15	
FACILITY	6NYCRR 201-6.5(a)(7)	2	
FACILITY	6NYCRR 201-6.5(a)(8)	16	
FACILITY	6NYCRR 201-6.5(c)	3	Permit conditions for Recordkeeping and Reporting of Compliance Monitoring
FACILITY	6NYCRR 201-6.5(c)(2)	4	Permit conditions for Recordkeeping and Reporting of Compliance Monitoring
FACILITY	6NYCRR 201-6.5(c)(3)(ii)	5	Permit conditions for Recordkeeping and Reporting of Compliance Monitoring
FACILITY	6NYCRR 201-6.5(d)(5)	17	
FACILITY	6NYCRR 201-6.5(e)	6	
FACILITY	6NYCRR 201-6.5(f)(6)	18	
FACILITY	6NYCRR 202-1.1	19	
FACILITY	6NYCRR 202-2.1	7	Emission Statements - Applicability
FACILITY	6NYCRR 202-2.5	8	Emission Statements - record keeping requirements.
FACILITY	6NYCRR 211.2	56	General Prohibitions - air pollution prohibited.
FACILITY	6NYCRR 211.3	20	General Prohibitions - visible emissions limited
FACILITY	6NYCRR 215	9	
FACILITY	6NYCRR 225.1(a)(3)	24	Sulfur in Fuel Limitations (SIP)
FACILITY	6NYCRR 225.7(a)	25	Reports, Sampling and Analysis
FACILITY	6NYCRR 227.2(b)(1)	28	
FACILITY	6NYCRR 227-1.3	26	Smoke Emission Limitations.
FACILITY	6NYCRR 227-1.3(a)	27	Smoke Emission Limitations.
U-00001/-/001/000B1	6NYCRR 227-2.4(d)	31	RACT for Oxides of Nitrogen - small boilers.
U-00001/-/001/000B2	6NYCRR 227-2.4(d)	32	RACT for Oxides of Nitrogen - small boilers.
U-00002/-/002/000B3	6NYCRR 227-2.4(d)	38	RACT for Oxides of Nitrogen - small boilers.
U-00002/-/002/000B4	6NYCRR 227-2.4(d)	39	RACT for Oxides of Nitrogen - small boilers.
U-00003/-/003/000B5	6NYCRR 227-2.4(d)	45	RACT for Oxides of Nitrogen - small boilers.
U-00003/-/003/000B6	6NYCRR 227-2.4(d)	46	RACT for Oxides of Nitrogen - small boilers.
U-00004/-/004/000B7	6NYCRR 227-2.4(d)	52	RACT for Oxides of Nitrogen - small boilers.
U-00004/-/004/000B8	6NYCRR 227-2.4(d)	53	RACT for Oxides of Nitrogen - small

boilers.

Applicability Discussion:

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

ECL 19-301.
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.

6NYCRR Part 200-.6
Acceptable ambient air quality - prohibits contravention of ambient air quality standards without mitigating measures

6NYCRR Part 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

6NYCRR Part 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.

6NYCRR Part 201-1.7
Requires the recycle and salvage of collected air contaminants where practical

6NYCRR Part 201-1.8
Prohibits the reintroduction of collected air contaminants to the outside air

6NYCRR Part 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 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.

6NYCRR Part 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.

6NYCRR Part 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.

6NYCRR 201-6.5(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.

6NYCRR 201-6.5(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.

6NYCRR 201-6.5(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.

6NYCRR Part 201-6.5(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.

6NYCRR Part 201-6.5(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 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.

6NYCRR Part 201-6.5(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.

6NYCRR 201-6.5(d)(5)
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.

6NYCRR Part 201-6.5(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.

6NYCRR 201-6.5(f)(6)
This condition allows changes to be made at the facility, without modifying the permit, provided the changes do not cause an emission limit contained in this permit to be exceeded. The owner or operator of the facility must notify the Department of the change. It is applicable to all Title V permits which may be subject to an off permit change.

6NYCRR Part 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.

6NYCRR Part 202-2.1
Requires that emission statements shall be submitted on or before April 15th each year for emissions of the previous calendar year.

6NYCRR Part 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.

6NYCRR Part 211-.2
This regulation prohibits any emissions of air contaminants to the outdoor atmosphere which may be detrimental to human, plant or animal life or to property, or which unreasonably interferes with the comfortable enjoyment of life or property regardless of the existence of any specific air quality standard or emission limit.

6 NYCRR Part 211.3
This condition requires that the opacity (i.e., the degree to which emissions other than water reduce the transmission of light) of the emissions from any air contamination source be less than 20 percent (six minute average) except for one continuous six-minute period per hour of not more than 57 percent.

6 NYCRR Part 215
Prohibits open fires at industrial and commercial sites.

40 CFR Part 68.
This Part lists the regulated substances and there 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 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, EASTCHESTER HEIGHTS -3480 SEYMOUR AVE has been determined to be subject to the following regulations:

40CFR 60-Dc.42c (h)
This regulation requires that compliance with emission limits and/or fuel oil sulfur limitations be based on a certification from the fuel supplier as stated in paragraph 40 CFR 60-Dc.48c(f)(1), (2), or (3) as applicable

40CFR 60-Dc.48c (a)
This regulation requires the owner and operator of each affected facility to submit notification of the date of construction or reconstruction, anticipated startup, and actual startup of the facility. The notification must include the following information:

(1) The design heat input capacity of the affected facility and identification of fuels to be combusted in the affected facility.

(2) If applicable, a copy of any Federally enforceable requirement that limits the annual capacity factor for any fuel or mixture of fuels under 40 CFR 60.42c., or 40 CFR 60.43c.

(3) The annual capacity factor at which the owner or operator anticipates operating the affected facility based on all fuels fired and based on each individual fuel fired.

40CFR 60-Dc.48c (e) (11)
If fuel supplier certifications are used to demonstrate compliance with the distillate oil specifications under 40 CFR 60-Dc.41c, then reports shall include a certified statement signed by the owner or operator that the records of fuel supplier certifications submitted represent all of the fuel combusted during the reporting period.

40CFR 60-Dc.48c (f) (2)
This condition sets forth the requirements to be met by the fuel supplier. These requirements apply to both distillate and residual oil.

40CFR 60-Dc.48c (g)
The owner or operator of each affected facility shall record and maintain records of the amount of each fuel combusted during each day.

40CFR 60-Dc.48c (j)
This regulation states that the reporting period for the reports required under this subpart is each six-month period. All reports shall be submitted to the Administrator and shall be postmarked by the 30th day following the end of the reporting period

6NYCRR 225 .1 (a) (3)
This regulation limits the amount of sulfur that can be in fuel burned at a stationary source. It references Table 1 of the 1979 version of the sulfur in fuel limitations expressed in terms of percent by weight for fuel oil and pounds per million Btu gross heat content for solid fuel. **NOTE: This citation has been replaced by requirements cited under 225-1.2(a)(2) and is no longer part of current State regulations, however, it remains part of New York State's approved State Implementation Plan (SIP).**

6NYCRR 225 .7 (a)
The commissioner may require an owner of an air contamination source to retain for up to three years, and to submit to him, fuel analyses, information on the quantity of fuel received, burned or sold, and results of stack sampling, stack monitoring and other procedures to ensure compliance with the provisions of the Part. **NOTE: This citation has been replaced by requirements cited under 225-1.8(a) and is no longer a part of current State regulations, however, it remains as part of New York State's approved State Implementation Plan (SIP).**

6NYCRR 227 .2 (b) (1)
This regulation is from the 1972 version of Part 227 and still remains as part of New York's SIP. The rule establishes a particulate limit of 0.10 lbs/mmBtu based on a 2 hour average emission for any oil fired stationary combustion installation.

6NYCRR 227-1.3
This regulation requires a limitation and compliance monitoring for opacity from a stationary combustion installation.

6NYCRR 227-1.3 (a)
This regulation prohibits any person from operating a stationary combustion installation which emits smoke equal to or greater than 20% opacity except for one six-minute period per hour of not more than 27% opacity.

6NYCRR 227-2.4 (d)
This rule specifies that the reasonably available control technology (RACT) requirement for small boilers (< or = 50 million BTUs/hr) at Title V facilities consists of an annual tune-up.

Compliance Certification
Summary of monitoring activities at EASTCHESTER HEIGHTS -3480 SEYMOUR AVE:

Location Facility/EU/EP/Process/ES	Cond No.	Type of Monitoring
U-00002/-/002	34	record keeping/maintenance procedures
U-00003/-/003	41	record keeping/maintenance procedures
U-00004/-/004	48	record keeping/maintenance procedures
U-00002/-/002	35	record keeping/maintenance procedures
U-00003/-/003	42	record keeping/maintenance procedures
U-00004/-/004	49	record keeping/maintenance procedures
U-00002/-/002	36	record keeping/maintenance procedures
U-00003/-/003	43	record keeping/maintenance procedures
U-00004/-/004	50	record keeping/maintenance procedures
U-00002/-/002	37	record keeping/maintenance procedures
U-00003/-/003	44	record keeping/maintenance procedures
U-00004/-/004	51	record keeping/maintenance procedures
FACILITY	5	record keeping/maintenance procedures
FACILITY	6	record keeping/maintenance procedures
FACILITY	7	record keeping/maintenance procedures
FACILITY	24	work practice involving specific operations
FACILITY	25	record keeping/maintenance procedures
FACILITY	28	intermittent emission testing
FACILITY	26	record keeping/maintenance procedures
FACILITY	27	monitoring of process or control device parameters as surrogate
U-00001/-/001/000B1	31	record keeping/maintenance procedures
U-00001/-/001/000B2	32	record keeping/maintenance procedures
U-00002/-/002/000B3	38	record keeping/maintenance procedures
U-00002/-/002/000B4	39	record keeping/maintenance procedures
U-00003/-/003/000B5	45	record keeping/maintenance procedures
U-00003/-/003/000B6	46	record keeping/maintenance procedures
U-00004/-/004/000B7	52	record keeping/maintenance procedures
U-00004/-/004/000B8	53	record keeping/maintenance procedures

Basis for Monitoring

6 NYCRR 201-6.5(c)(3)(ii): This is a facility-wide condition. This condition 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 201-6.5(e): This is a facility-wide condition. This condition specifies the overall permit requirements for compliance certification, including emission limitations, standards or work practices. This

facility must submit an annual compliance certification to the NYSDEC and the USEPA.

NYCRR 202-2.1: This is a facility-wide condition. This condition sets forth the applicability criteria for submitting an annual statement of emissions. The criteria is based on annual emission threshold quantities and ozone attainment designation. This condition is a requirements for all Title V facilities. These facilities must submit an annual emission statement by April 15th of each year for emissions of the previous calendar year.

6 NYCRR 225.2(a)(3): This regulation limits the amount of sulfur that can be in fuel burned at a stationary source. It references Table 1 of the 1979 version of the sulfur in fuel limitations expressed in terms of percent by weight for fuel oil and pounds per million Btu gross heat content for solid fuel. Owner shall maintain log of fuel sulfur content per delivery.

6 NYCRR 227.2(b)(1): This condition is an emission unit level and process level intermittent emission testing condition for particulates. This condition is from the 1972 version of Part 227 and still remains as part of New York's SIP. This condition establishes a particulate limit of 0.10 lbs/mmBtu based on a 2 hour average emission for any oil fired stationary combustion installation.

6 NYCRR 227-2.4(d): This condition is an emission unit level monitoring condition. This condition is for the NOx RACT condition for small boilers (those with a heat input less than or equal to 50 MMBTU/hr). The facility is required to tune-up the boiler at least once a year in order to ensure that the boiler is operating properly, thus minimizing the emissions to the atmosphere.

6 NYCRR 227-1.3(a): This condition is an emission unit level and emission point level monitoring condition. This condition prohibits any person from operating a stationary combustion installation which emits smoke equal to or greater than 20% opacity except for one six-minute period per hour of not more than 27% opacity. This condition requires a daily inspection for visible emissions as surrogate for particulates . If visible emissions are noted for two consecutive days, a Method 9 test must be performed.

6 NYCRR 227-1.3: This condition requires a limitation and compliance monitoring for opacity from a stationary combustion installation. This condition is for monitoring of visible emissions, where a Continuous Opacity Monitor (COM) is not utilized. 6 NYCRR 227-1.3 requires a daily inspection for visible emissions. If visible emissions are noted for two consecutive days, a Method 9 test must be performed.

40 CFR 60.48c requires the applicant to maintain record and submit reports for the fuel type, usage, and sulfur content.