

New York State Department of Environmental Conservation

Permit Review Report

Permit ID: 2-6105-00301/00010 Renewal Number: 1

Modification Number: 4



01/31/2007

Facility Identification Data

Name: KINGS PLAZA TOTAL ENERGY PLANT
Address: 5100 KINGS PLZ
BROOKLYN, NY 11234

Owner/Firm

Name: KINGS PLAZA JV LLC
Address: 210 ST RTE 4 EAST
PARAMUS, NJ 07652, USA
Owner Classification: Corporation/Partnership

Permit Contacts

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Air Permitting Facility Owner Contact:
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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

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This modification is being done to acknowledge that emissions from emission unit DG is capped at 116 tpy and ERC has been established of 180 tpy from this unit. ERC has also been established for emission unit CH which is permanently shut down and facility has been awarded ERC of 186 tpy for NOx.

Attainment Status

KINGS PLAZA TOTAL ENERGY PLANT is located in the town of BROOKLYN in the county of KINGS.

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

The Kings Plaza Total Energy Plant provides power, heating, and cooling for the Kings Plaza Shopping Center.

Permit Structure and Description of Operations

The Title V permit for KINGS PLAZA TOTAL ENERGY PLANT 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



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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.

KINGS PLAZA TOTAL ENERGY PLANT is defined by the following emission unit(s):

Emission unit 0000DG - Emission unit #00DZG consists of four 3.2 MW Deutz gas-fired engines (Model TBG632V16) and five temporary 1.825 mw Caterpillar 3516B diesel engine generators. These engines will replace five existing Nordberg engines. The Deutz units will be installed and located in the exact same location as the existing Nordberg engines, and will exhaust through the same emission points(00DG1, 00DG2, 00DG3 and 00DG4).

The temporary engines would only be used during the construction period. Once the construction period is over, the temporary engines would be shut-down, and the Deutz units would be operating. Two out of the five temporary engines would remain on-site and used only for emergency back-up.

Operation of the Deutz and emergency equipment is considered an alternative operating scenario. NOx emissions from the temporary engines would be limited to 725 tpy. NOx emissions from the alternative operating scenario will be capped at 116 tpy.

Emission unit 0000DG is associated with the following emission points (EP):

00DG1, 00DG2, 00DG3, 00DG4, 00DG5, 0ENG1, 0ENG2, 0ENG3, 0ENG4, 0ENG5

It is further defined by the following process(es):

Process: DGD is located at 3, Building PWRPL - The firing of dual fuel (95% natural gas, 5% Number 2 fuel oil) in the diesel generators (Emission Unit #0-000DG) is defined as Process #DGD.

Process: DGF is located at 3, Building PWRPL - The firing of Number 2 fuel oil in the five diesel generators (Emission Unit #0-000DG) is defined as Process #DGF.

Process: DGN is located at 3, Building PWRPL - The firing of natural gas in the Deutz gas-fired generators is defined as process DGN.

Process: ENF The firing of distillate No.2 oil in the temporary generators during the construction period is defined as process ENF. NOx emissions during the construction period will be less than the current permit limit of 725 tons per year for emission unit 000DG. Once the construction of future permanent plant is complete and the Deutz engines are operating, the emission sources in this emission unit will be shut down.



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Emission unit 0000CB - Emission Uunit #000CB consists of two 16.7 mmbtu/hr Cleaver Brooks boilers (Model #CB293-400) which are ducted to a single stack. Steam is produced in these boilers in order to provide heat to the shopping mall. The primary fuel for these boilers is natural gas. Number 2 fuel oil is the secondary fuel for these boilers.

Emission unit 0000CB is associated with the following emission points (EP):
000CB

It is further defined by the following process(es):

Process: CBF is located at 3, Building PWRPL - The firing of No. 2 fuel oil in the two boilers is defined as process CBF.

Process: CBG The firing of natural gas in the two boilers is defined as process CBG.

Title V/Major Source Status

KINGS PLAZA TOTAL ENERGY PLANT is subject to Title V requirements. This determination is based on the following information:

The Kings Plaza Total Energy Plant is a major facility because the potential emissions of carbon monoxide, nitrogen oxides and volatile organic compounds are greater than the major source thresholds (100 tons/year for carbon monoxide, and 25 tons per year for both nitrogen oxides and volatile organic compounds).

Program Applicability

The following chart summarizes the applicability of KINGS PLAZA TOTAL ENERGY PLANT with regards to the principal air pollution regulatory programs:

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



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SIP	YES
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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.



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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
4931	ELEC & OTHER SERVICES COMBINED

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
1-02-005-01	EXTERNAL COMBUSTION BOILERS - INDUSTRIAL INDUSTRIAL BOILER - DISTILLATE OIL Grades 1 and 2 Oil
1-02-006-02	EXTERNAL COMBUSTION BOILERS - INDUSTRIAL INDUSTRIAL BOILER - NATURAL GAS 10-100 MMBtu/Hr
2-03-002-01	INTERNAL COMBUSTION ENGINES - COMMERCIAL/INSTITUTIONAL COMMERCIAL/INSTITUTIONAL IC ENGINE - NATURAL GAS
2-02-001-02	Reciprocating INTERNAL COMBUSTION ENGINES - INDUSTRIAL INDUSTRIAL INTERNAL COMBUSTION ENGINE - DISTILLATE OIL (DIESEL)
2-02-002-54	Reciprocating INTERNAL COMBUSTION ENGINES - INDUSTRIAL INDUSTRIAL INTERNAL COMBUSTION ENGINE - NATURAL GAS



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INTERNAL COMBUSTION ENGINE-INDUSTRIAL: NATURAL GAS: 4-CYCLE
LEAN BURN
2-02-004-01 INTERNAL COMBUSTION ENGINES - INDUSTRIAL
INDUSTRIAL INTERNAL COMBUSTION LARGE BORE ENGINE
Diesel
2-02-004-02 INTERNAL COMBUSTION ENGINES - INDUSTRIAL
INDUSTRIAL INTERNAL COMBUSTION LARGE BORE ENGINE
Dual Fuel (Oil/Gas)

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.

Table with 3 columns: Cas No., Contaminant Name, and PTE. The PTE column is further divided into lbs/yr and Range. Rows include CARBON MONOXIDE, HAP, OXIDES OF NITROGEN, PARTICULATES, PM-10, SULFUR DIOXIDE, and VOC.

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.

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(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,

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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 - 6 NYCRR 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

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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.

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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.

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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	Short Description	Condition
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0-000CB/-/CBF/00CB2	6NYCRR 227-2.4 (d)	RACT for Oxides of Nitrogen - small boilers.	19
0-000DG/-/DGN/0DZG1	6NYCRR 227-2.4 (f) (2)	Emission limits for lean burn engines.	4-2
0-000DG/-/DGN/0DZG2	6NYCRR 227-2.4 (f) (2)	Emission limits for lean burn engines.	4-3
0-000DG/-/DGN/0DZG3	6NYCRR 227-2.4 (f) (2)	Emission limits for lean burn engines.	4-4
0-000DG/-/DGN/0DZG4	6NYCRR 227-2.4 (f) (2)	Emission limits for lean burn engines.	4-5
0-000DG	6NYCRR 227-2.4 (f) (4)	Exemption for emergency power generating units and units that operate during emergency situations.	1-6
0-000DG	6NYCRR 231-2	New Source Review in Nonattainment Areas and Ozone Transport Region	1-8

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.



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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.

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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.

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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 201-6.5(g)

Permit Exclusion Provisions - specifies those actions, such as administrative orders, suits, claims for natural resource damages, etc that are not affected by the federally enforceable portion of the permit, unless they are specifically addressed by it.

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

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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, KINGS PLAZA TOTAL ENERGY PLANT has been determined to be subject to the following regulations:

6NYCRR 201-6.5 (b) (2)

This regulation requires that each Title V permit that contains an applicable requirements which does not specify any periodic testing or monitoring, the permit shall include periodic monitoring sufficient to demonstrate compliance. These monitoring requirements shall assure the use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirements.

6NYCRR 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 (f)

This regulation defines in general terms under what circumstances changes would be allowed without a permit modification provided the permit contains sufficient operational flexibility provisions.

6NYCRR 202-1.2

This regulation specifies that the department is to be notified at least 30 days in advance of any required stack test. The notification is to include a list of the procedures to be used that are acceptable to the department. Finally, free access to observe the stack test is to be provided to the department's representative.

6NYCRR 202-1.3

This regulation requires that any emission testing, sampling and analytical determination used to determine compliance must use methods acceptable to the department. Acceptable test methods may

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include but are not limited to the reference methods found in 40 CFR Part 60 appendix A and Part 61, appendix B. Alternate methods may be also be used provided they are determined to be acceptable by the department. Finally, unless otherwise specified, all emission test reports must be submitted within 60 days after completion of testing.

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 (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.

6NYCRR 227-2.4 (f) (2)

This citation sets emission limits of oxides of nitrogen for lean burn engines.

6NYCRR 227-2.4 (f) (4)

Emergency generators are exempt from meeting NOx RACT requirement.

6NYCRR 231-2

The provisions of Subpart 231-2 apply to new or modified major facilities. The contaminants of concern state-wide are nitrogen oxides and volatile organic compounds since New York State is located in the ozone transport region and because there are ozone non-attainment areas within the state. In the New York City metropolitan area, carbon monoxide is also a non-attainment contaminant. In addition,



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particulate matter less than 10 microns in size (PM-10) is a non-attainment contaminant in Manhattan County.

Non Applicability Analysis

List of non-applicable rules and regulations:

Location Facility/EU/EP/Process/ES	Short Description	Regulation
0-000DG	New Source Review in Nonattainment Areas and Ozone Transport Region	6NYCRR 231-2
Reason: NOx and VOC emissions from Emission Unit 0000DG are limited to 116 tpy and 40 tpy respectively when the construction is over.		
Five Nordberg units will be replaced with four lower emitting Deutz engines. The two Caterpillar units(used in construction) and one existing Nordberg units will start operating as emergency generators at the proposed facility. The combined NOx emissions from these emergency generators and four Deutz units are limited to 116 tons per year (See condition under 201-6.5(f)). Also there will not be any increase in emissions for VOC.		
Existing Maximum Annual Potential (MAP) of NOx = 725 tpy. Proposed Future MAP of NOx = 116 tpy. Existing MAP of VOC = 40 tpy. Proposed Future MAP of VOC = 40 tpy.		
Thus the proposed project is not a source project, since there in no increase in MAP, and therefore, Part 231-2 is not applicable.		

NOTE: Non-applicability determinations are cited as a permit condition under 6 NYCRR Part 201-6.5(g). This information is optional and provided only if the applicant is seeking to obtain formal confirmation, within an issued Title V permit, that specified activities are not subject to the listed federal applicable or state only requirement. The applicant is seeking to obtain verification that a requirement does not apply for the stated reason(s) and the Department has agreed to include the non-applicability determination in the issued Title V permit which in turn provides a shield against any potential enforcement action.

Compliance Certification

Summary of monitoring activities at KINGS PLAZA TOTAL ENERGY PLANT:

Location Facility/EU/EP/Process/ES	Type of Monitoring	Cond No.
0-000DG	record keeping/maintenance procedures	31
FACILITY	record keeping/maintenance procedures	4
FACILITY	record keeping/maintenance procedures	5
0-000DG	record keeping/maintenance procedures	1-4
0-000DG	monitoring of process or control device parameters as surrogate	1-5
FACILITY	record keeping/maintenance procedures	8
FACILITY	work practice involving specific operations	10



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Table listing monitoring requirements for various facility codes (FACILITY, 0-000CB, 0-000CH, 0-000DG) and their corresponding page numbers.

Basis for Monitoring

NYCRR Part 201-6.5 (c)(3)(ii): This condition that applies to monitoring conditions in all Title V Permits. All facilities that are subject to the Title V requirements must submit reports of any required monitoring to the NYSDEC every six months.

Part 201-6.5(e): Condition has been added in order to comply with the Title V annual compliance certification requirements and specify the mailing addresses for submitting the compliance reports. It further specifies what constitutes compliance certification with the terms and conditions of the permit. This is a required monitoring condition for all Title V permitted facilities.

Kings Plaza proposes to limit the NOx emission from Emission Unit 0000DG to 116 tons per year when the construction period is over, to apply emission reduction credits(ERCs). Facility is required to verify the emissions. An initial stack testing is required under 227-2.6(c) for Deutz engines. Also once during the permit term testing is required under 227-2.4(f)(2)(ii) In this condition the facility is required to use the NOx emission factor from the most recent test.

Part 202-2.1 Condition specifies the emission statement requirement for Title V permitted facilities.

6 NYCRR Part 225.1(a)(3): Condition limits the percent by weight of sulfur in distillate oil burned at the facility. Monitoring is required per fuel oil delivery which in turn determines compliance with the requirement prior to burning.

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Part 227.2(b)(1): Conditions establish a particulate limit of 0.10 lbs/mm btu for all combustion units burning oil. Compliance is demonstrated via a periodic stack test as required under the regulation. The regulation is from the 1972 version of Part 227 which still remains as part of New York's SIP

6 NYCRR Part 225.7(a) -Condition requires the permittee to maintain fuel oil supplier certifications for each oil shipment received at the facility. The monitoring method being employed deemed appropriate for the sulfur-in-fuel applicable requirement for this facility.

NYCRR 227-1.3(a): Conditions require the facility to comply with the specified opacity limits and requires facility to monitor the stacks for visible emissions on a daily basis in the boilers or engines. If no plume is observed from a stack, it can be assumed that the opacity limit is being met. However, if a plume is observed, it is possible that the opacity limit is being exceeded. If a visible plume is observed two consecutive days of firing oil, then the facility must conduct a Method 9 analysis to measure the opacity. While Part 227 provides that Method 9 analyses are acceptable methods for determining compliance with the opacity standards for the combustion units, the circumstances under which Method 9 analyses are required are not defined. The Department has developed a standard method that results in a consistent approach to determining compliance with the opacity requirements of Part 227 as well as other rules which contain an opacity limit. The approach requires that the facility owner look for the presence of visible emissions once per day. If visible emissions are detected two days in a row, a Method 9 observation must be done.

This method is more structured and routine than past treatment of opacity requirements in which problems may have occurred for some time before the Department became aware of them and sent a certified observer to document the violation. The approach in this permit allows the smoke condition to exist for only two days before a Method 9 analysis is necessary. It should be noted that the presence of visible emissions is not necessarily an indication that the opacity limit is being exceeded, only that it may need to be assessed by Method 9 if it persists for two days. Since the use of a continuous emissions monitor is not a requirement for this facility, and federal regulations do not contain any further opacity monitoring requirements for units such as those at this facility, this has become the standard approach to monitoring opacity for operations such as this.

The placement of this requirement in this permit does not preclude the Department or the EPA from conducting a Method 9 observation when deemed to be necessary. Finally, it should be noted that this approach has been used in many permits and has been found by the EPA under the Title V program to be an acceptable method for opacity monitoring for these situations.

6 NYCRR 227-2.4(d) These conditions are the NOx RACT for small boilers (i.e. - those with a heat input less than 50 MMBTU/hr) and apply to Emission Unit #0-000CB (boilers). The facility is required to tune-up each boiler at least once a year in order to ensure that the boilers are operating properly.

6 NYCRR 201-6.5(b)(2)) are emission unit level conditions which apply to Emission Units #0-000DG. The facility is required to tune-up each engine at least once a year in order to ensure ongoing NOx RACT compliance. The facility demonstrates compliance with the NOx RACT limits via periodic stack tests. Previous experience with similar units has shown that if properly maintained NOx RACT limits will not be exceeded.

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40 CFR 68 contains the 112(r) requirements and sets forth the list of regulated substances and thresholds, the petition process for adding or deleting substances to the list of regulated substances and the requirements for owners or operators of stationary sources concerning the prevention of accidental releases. New York state does not currently have delegation for this program consequently it is the Department's position that the EPA has sole responsibility for making an applicability or other regulatory determination under this rule. As per the information received from EPA this facility is not currently subject to these requirements. If the EPA determines this to be applicable at a later date, this facility will be required to meet the requirements of the rule and demonstrate compliance to the EPA.

231-2 . NOx and VOC emissions from Emission unit 0000DG are limited to 116 TPY and 40 TPY respectively. The proposed project will not result in any increase in maximum annual potential for NOx (116tpy-725tpy)and VOC(40 tpy-40 tpy), thus 231-2 is not applicable.

227-2.4(f)(2)(ii) The new Deutz engines are guaranteed by manufacturer to meet the NOx RACT limit of 2.3 grms/bhp-hr. Facility is required to demonstrate the emissions by performing stack tests for Nox emissions once during the permit term.. The manufacturer given emission factor is 1.2 grms/bhp-hr for each engine. Also condition under (201-6.5)b(2) has been added to assure proper maintenance during the interim period between tests. Previous experience with similar units has shown that if properly maintained NOx RACT limits will not be exceeded.

227-2.4(f)(4) - This condition applies to emergency units, which are exempt from meeting NOx RACT limit.

227-2.5c This condition sets an alternative NOx RACT limit for engines under this emission unit during construction period. Pursuant to the facility's NOx RACT compliance plan, dated July 1, 2004, amended on August 15, 2005, NOx emissions are limited to 725 ton/year for emission unit 0000DG .Kings Plaza has demonstrated in the NOX compliance plan (The NOX RACT Compliance plan is available for review at the regional office, upon request.) that the applicable presumptive RACT emission limit, 2.3 grams/bhp -hr for caterpillar engine and Nordberg engines is not economically feasible. Kings Plaza performed economic analysis for NOx control technologies which are technically feasible, and determined that the cost for per ton of NOx reduced will be more than the Department established cost limit of NOx RACT. The proposed new units(Deutz) will meet the NOx RACT limit as per Manufacturer given emission factor.

227-2.6(c) This condition requires initial stack testing for Deutz engines, to verify that these engines indeed meets the NOX RACT limit as guaranteed by the manufacturer. This stack test verified emission factors also will be used in the calculation of emission reduction credits that Kings Plaza plans apply in the future.