

**New York State Department of Environmental Conservation**

**Permit Review Report**

**Permit ID: 2-6202-00032/00013**

**4/23/02 08:33:22**



**Facility Identification Data**

Name: CON ED-59TH ST STA  
Address: 850 12TH AVENUE  
City: NEW YORK  
Zip: 10019

**Owner/Firm**

Name: CONSOLIDATED EDISON CO OF NY INC  
City: NEW YORK  
State: NY Country: USA Zip: 10003  
Owner Classification: Corporation/Partnership

**Permit Contacts**

Division of Environmental Permits:  
Name: ELIZABETH A. CLARKE  
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47-40 21ST ST

Division of Air Resources:  
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Name: OLEG KROTOFF  
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ROOM 828  
Phone:2124604413

**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)(2) 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 separate document and is not itself an enforceable term and condition of the permit.

**Summary Description of Proposed Project**

Initial title V application for an existing electric and steam generating facility. Air emission sources include two very large boilers, three large boilers and one combustion turbine. Natural gas combustion capability is being requested for the boilers.

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### Attainment Status

CON ED-59TH ST STA is located in the town of MANHATTAN in the county of NEW YORK. 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)	MODERATE NON-ATTAINMENT
Sulfur Dioxide (SO2)	ATTAINMENT
Ozone*	SEVERE NON-ATTAINMENT
Oxides of Nitrogen (NOx)**	ATTAINMENT
Carbon Monoxide (CO)	MODERATE NON-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 is a Title V permit for an existing electric and steam generating facility. The facility operates two (2) Very Large boilers, each rated at 805 MMBtu/hr boilers, three (3) Large boilers, each rated at 180 MMBtu/hr boilers, and one (1) 220 MMBtu/hr combustion turbine. The boilers burn residual oil as well as natural gas. The combustion turbine burns distillate oil. The facility's emissions exceed the major source pollutant thresholds listed in 6NYCRR Subpart 201-6 and, as such, the facility is subject to the provisions of Title V.

The facility's emissions of nitrogen oxide (NOx) are averaged with other facilities owned by Consolidated Edison, according to a system-wide averaging plan approved by the Department, to verify compliance with the provisions of 6NYCRR Subpart 227-2. In the Very Large boilers, NOx emissions are controlled with the use of off-stoichiometric firing; in the Large boilers, Low Excess air is used to control NOx emissions. Even though the facility is not subject to Title IV - Acid Rain (40 CFR Part 72-75), flow monitors are employed and NOx emission rates are calculated using the procedures in Part 75.

The facility, in addition to other facilities owned by the Consolidated Edison Co. of NY (Con Ed), is subject to the terms of Consent Order D2-0003-97-6, which is attached to this permit. This Order establishes a program to prevent and detect violations of the opacity provisions of 6NYCRR Part 227. As required by Appendix A of the Order, Con Ed submits "Opacity Incident" reports which document



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opacity exceedances at their facilities. At each facility, Con Ed performs, on an ongoing basis, a boiler component opacity reduction preventive maintenance program. In addition, as required by the Order, Con Ed submits for all their facilities, a quarterly report which include the following reports: an Opacity Reduction Quarterly Progress Report; a Stack Opacity Audit for the quarter; and, a quarterly Opacity Exceedance Report.

The 59th Street facility currently has no "affected units" under 40 CFR 72 and is, therefore, not subject to the provisions of the Acid Rain Program. A boiler 110 was subject to 40 CFR 72 but is now retired. The facility's boilers generate only steam and no electricity. The combustion turbine, however, is connected to a generator which is rated at 20 MW during the winter months. Since the facility has two (2) boilers with heat inputs in excess of 250 MMBtu/hr and a turbine which serves a generator with a capacity greater than 15 MW, the facility is subject to the NOx Budget Trading and Allowance provisions of 6NYCRR Parts 204 and 227-3, respectively.

**Permit Structure and Description of Operations**

The Title V permit for CON ED-59TH ST STA 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.

CON ED-59TH ST STA is defined by the following emission unit(s):

Emission unit 590020 - Very large boilers 114 and 115 and large boilers 116, 117 and 118. All boilers have the capability to burn residual oil and will have the capability to burn natural gas.

Emission unit 590020 is associated with the following emission points (EP):

00001

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

Process: NG1 is located at 1 - 4, Building BOILERHS - This process includes: Two (2) tangentially fired boilers (114 and 115) rated at 805 MMBtu/hr each and covers the combustion of natural gas in these boilers. NOx emissions are controlled with the use of off-stoichiometric firing.

Process: NG2 is located at 1 - 4, Building BOILERHS - This process includes: Three (3) normally fired boilers (116, 117 and 118) rated at 180 MMBtu/hr each and covers the combustion of natural gas in these boilers. NOx emissions are controlled with the use of Low Excess air.

Process: RO1 is located at 1 - 4, Building BOILERHS - This process includes: Two (2) tangentially fired boilers (114 and 115) rated at 805 MMBtu/hr each and covers the combustion of residual oil in these boilers. NOx emissions are controlled with the use of off-stoichiometric firing.

Process: RO2 is located at 1 - 4, Building BOILERHS - This process includes: Three (3) normally fired boilers (116, 117 and 118) rated at 180 MMBtu/hr each and covers the combustion of residual oil in these boilers. NOx emissions are controlled with the use of Low Excess air.

Emission unit 590005 - One (1) simple cycle combustion turbine utilized to generate electricity. The turbine burns only distillate oil.

Emission unit 590005 is associated with the following emission points (EP):

GT001

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

Process: GTD is located at West End Floor 1, Building BOILERHS - This process includes: one (1) combustion turbine, rated at 220 MMBtu/hr. This process covers the combustion of distillate oil in this turbine.

### Title V/Major Source Status

CON ED-59TH ST STA is subject to Title V requirements. This determination is based on the following information:

The facility is subject to Title V requirements. This determination is based on the following information:

The 59th Street Generating Station is a major facility because the potential emissions of particulates, sulfur dioxide, oxides of nitrogen, carbon monoxide, and volatile organic compounds are greater than the major source thresholds (100 tons/year for both particulates and sulfur dioxide, 25 tons/year for both oxides of nitrogen and volatile organic compounds, and 100 tons/year for carbon monoxide).

### Program Applicability

The following chart summarizes the applicability of CON ED-59TH ST STA with regards to the principal air pollution regulatory programs:

Regulatory Program	Applicability
PSD	NO
NSR (non-attainment)	NO

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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
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.



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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 out of compliance with specific requirements (see attached compliance schedule)  
Compliance Schedule:

<b>Location</b>	<b>Short Description</b>	<b>Regulation</b>
<b>Facility/EU/EP/Process/ES</b> 5-90020	Smoke Emission Limitations.	6NYCRR 227-1.3

**Compliance Discussion:**

CON ED-59TH ST STA is in violations of the following requirement(s): In general, this facility is in compliance with New York State and federal air emission requirements. The exception to this are opacity violations addressed under Consent Order D2-0003-97. This was signed as a result of violations of section 227-1.3(a) opacity limits, and provides for penalties for exceedance of the standards under this rule. The terms of this consent order have been made a part of this permit, and a compliance plan has been placed in the permit as well. This compliance plan contains the elements of the consent order and requires the results of monitoring and other compliance tasks associated with the consent order to be included in the semiannual reports and annual compliance certifications required under this permit in addition to any quarterly reports that are necessary.

**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

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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
4911	ELECTRIC SERVICES
4961	STEAM SUPPLY

### 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
1-01-006-01	EXTERNAL COMBUSTION BOILERS - ELECTRIC GENERATION ELECTRIC UTILITY BOILER - NATURAL GAS Boilers > 100 MBtu/Hr except Tangential
1-01-006-04	EXTERNAL COMBUSTION BOILERS - ELECTRIC GENERATION ELECTRIC UTILITY BOILER - NATURAL GAS Tangentially Fired Units
1-01-004-01	EXTERNAL COMBUSTION BOILERS - ELECTRIC GENERATION ELECTRIC UTILITY BOILER - RESIDUAL OIL Grade 6 Oil: Normal Firing
1-01-004-04	EXTERNAL COMBUSTION BOILERS - ELECTRIC GENERATION ELECTRIC UTILITY BOILER - RESIDUAL OIL Grade 6 Oil: Tangential Firing
2-01-001-01	INTERNAL COMBUSTION ENGINES - ELECTRIC GENERATION ELECTRIC UTILITY INTERNAL COMBUSTION ENGINE - DISTILLATE OIL (DIESEL) Turbine

### 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

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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 (HAP)	> 0	but < 10 tpy
007440-38-2	ARSENIC (HAP)	> 0	but < 10 tpy
000071-43-2	BENZENE (HAP)	> 0	but < 10 tpy
007440-41-7	BERYLLIUM (HAP)	> 0	but < 10 tpy
007440-43-9	CADMIUM (HAP)	> 0	but < 10 tpy
000630-08-0	CARBON MONOXIDE	>= 250	tpy
007440-47-3	CHROMIUM (HAP)	> 0	but < 10 tpy
016065-83-1	CHROMIUM (III) (HAP)	> 0	but < 10 tpy
007440-48-4	COBALT (HAP)	> 0	but < 10 tpy
000100-41-4	ETHYLBENZENE (HAP)	> 0	but < 10 tpy
016984-48-8	FLUORIDE	> 0	but < 2.5 tpy
000050-00-0	FORMALDEHYDE (HAP)	> 0	but < 10 tpy
0NY100-00-0	HAP	>= 25	tpy but < 40 tpy
007647-01-0	HYDROGEN CHLORIDE (HAP)	>= 10	tpy
007439-92-1	LEAD (HAP)	> 0	but < 10 tpy
007439-96-5	MANGANESE (HAP)	> 0	but < 10 tpy
007439-97-6	MERCURY (HAP)	> 0	but < 10 tpy
000091-20-3	NAPHTHALENE (HAP)	> 0	but < 10 tpy
007440-02-0	NICKEL METAL AND INSOLUBLE COMPOUNDS (HAP)	>= 10	tpy
0NY210-00-0	OXIDES OF NITROGEN	>= 250	tpy
0NY075-00-0	PARTICULATES	>= 250	tpy
007723-14-0	PHOSPHORUS (YELLOW) (HAP)	> 0	but < 10 tpy
0NY075-00-5	PM-10	>= 250	tpy
130498-29-2	POLYCYCLIC AROMATIC HYDROCARBONS (HAP)	> 0	but < 10 tpy
007782-49-2	SELENIUM (HAP)	> 0	but < 10 tpy
007446-09-5	SULFUR DIOXIDE	>= 250	tpy
007664-93-9	SULFURIC ACID	>= 100	tpy but < 250 tpy
000108-88-3	TOLUENE (HAP)	> 0	but < 10 tpy
0NY998-00-0	VOC	>= 50	tpy but < 100 tpy
001330-20-7	XYLENE, M, O & P MIXT. (HAP)	> 0	but < 10 tpy

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

**Item A:**

**Sealing - 6NYCRR Part 200.5**

The Commissioner may seal an air contamination source to prevent its operation if compliance with 6 NYCRR Chapter III is not met within the time provided by an order of the Commissioner issued in the case of the violation. Sealing means labeling or tagging a source to notify any person that operation of the source is prohibited, and also includes physical means of preventing the operation of an air contamination source without resulting in destruction of any equipment associated with such source, and includes, but is not limited to, bolting, chaining or wiring shut control panels, apertures or conduits associated with such source.

No person shall operate any air contamination source sealed by the Commissioner in accordance with this section unless a modification has been made which enables such source to comply with all requirements

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applicable to such modification.

Unless authorized by the Commissioner, no person shall remove or alter any seal affixed to any contamination source in accordance with this section.

**Item B: Acceptable Ambient Air Quality - 6NYCRR Part 200.6**

Notwithstanding the provisions of 6 NYCRR Chapter III, Subchapter A, no person shall allow or permit any air contamination source to emit air contaminants in quantities which alone or in combination with emissions from other air contamination sources would contravene any applicable ambient air quality standard and/or cause air pollution. In such cases where contravention occurs or may occur, the Commissioner shall specify the degree and/or method of emission control required.

**Item C: Maintenance of Equipment - 6NYCRR Part 200.7**

Any person who owns or operates an air contamination source which is equipped with an emission control device shall operate such device and keep it in a satisfactory state of maintenance and repair in accordance with ordinary and necessary practices, standards and procedures, inclusive of manufacturer's specifications, required to operate such device effectively.

**Item D: Unpermitted Emission Sources - 6NYCRR Part 201-1.2**

If an existing emission source was subject to the permitting requirements of 6NYCRR Part 201 at the time of construction or modification, and the owner and/or operator failed to apply for a permit for such emission source then the following provisions apply:

(a) The owner and/or operator must apply for a permit for such emission source or register the facility in accordance with the provisions of Part 201.

(b) The emission source or facility is subject to all regulations that were applicable to it at the time of construction or modification and any subsequent requirements applicable to existing sources or facilities.

**Item E: 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 F: Recycling and Salvage - 6NYCRR Part 201-1.7**

Where practical, any person who owns or operates an air contamination source shall recycle or salvage air contaminants collected in an air cleaning device according to the requirements of 6 NYCRR.

**Item G: Prohibition of Reintroduction of Collected Contaminants to the Air - 6NYCRR Part 201-1.8**

No person shall unnecessarily remove, handle, or cause to be handled, collected air contaminants from an air cleaning device for recycling, salvage or disposal in a manner that would reintroduce them to the outdoor atmosphere.

**Item H: 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 I: Proof of Eligibility for Sources Defined as Exempt Activities - 6**

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**NYCRR Part 201-3.2(a)**

The owner and/or operator of an emission source or unit that is eligible to be exempt, may be required to certify that it operates within the specific criteria described in 6 NYCRR Subpart 201-3. The owner or operator of any such emission source 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 which contains emission sources or units subject to 6 NYCRR Subpart 201-3, 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.

**Item J: Proof of Eligibility for Sources Defined as Trivial Activities - 6 NYCRR Part 201-3.3(a)**

The owner and/or operator of an emission source or unit that is listed as being trivial in 6 NYCRR Part 201 may be required to certify that it operates within the specific criteria described in 6 NYCRR Subpart 201-3. The owner or operator of any such emission source 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 which contains emission sources or units subject to 6 NYCRR Subpart 201-3, 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.

**Item K: 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 L: 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 M: 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

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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 N: 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 O: Providing Information Upon Request - 6 NYCRR Part 201-6.5(a)(4)**

The permittee shall furnish to the Department, within a reasonable time, any information that the Department may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. The permittee shall also, on request, furnish the Department with copies of records required to be kept by the permit. Where information is claimed to be confidential, the permittee may furnish such records directly to the Administrator along with a claim of confidentiality.

**Item P: 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 Q: 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 R: Fees - 6 NYCRR Part 201-6.5(a)(7)**

The owner and/or operator of a stationary source shall pay fees to the department consistent with the fee schedule authorized by 6 NYCRR Subpart 482-2.

**Item S: Right to Inspect - 6 NYCRR Part 201-6.5(a)(8)**

Upon presentation of credentials and other documents, as may be

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required by law, the permittee shall allow the Department or an authorized representative to perform the following:

- i. Enter upon the permittee's premises where the permitted facility is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;
- ii. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
- iii. Inspect, at reasonable times, any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit; and
- iv. As authorized by the Act, sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

**Item T: 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 U: Progress Reports and Compliance Schedules - 6 NYCRR Part 201-6.5(d)(5)**

Progress reports consistent with an applicable schedule of compliance must be submitted at least semiannually on a calendar year basis, or at a more frequent period if specified in the applicable requirement or by the Department elsewhere in this permit. These reports shall be submitted to the Department within 30 days after the end of a reporting period. Such progress reports shall contain the following:

- i. Dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones or compliance were achieved; and
- ii. An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventive or corrective measures adopted.

**Item V: Off Permit Changes - 6 NYCRR Part 201-6.5(f)(6)**

No permit revision will be required for operating changes that contravene an express permit term, provided that such changes would not violate applicable requirements as defined under this Part or

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contravene federally enforceable monitoring (including test methods), recordkeeping, reporting, or compliance certification permit terms and conditions. Such changes may be made without requiring a permit revision, if the changes are not modifications under any provisions of Title I of the Act and the changes do not exceed the emissions allowable under the permit (whether expressed therein as a rate of emissions or in terms of total emissions) provided that the facility provides the Administrator and the Department with written notification in advance of the proposed changes within a minimum of 7 days as required by 6 NYCRR §201-6.5(f)(6).

**Item W: 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 X: Reopening for Cause - 6 NYCRR Part 201-6.5(i)**

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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.
- 0 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 Y: Required Emission Tests - 6 NYCRR Part 202-1.1**

An acceptable report of measured emissions shall be submitted, as may be required by the Commissioner, to ascertain compliance or noncompliance with any air pollution code, rule, or regulation. Failure to submit a report acceptable to the Commissioner within the time stated shall be sufficient reason for the Commissioner to suspend or deny an operating permit. Notification and acceptable procedures

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are specified in 6NYCRR Part 202-1.

- Item Z: Visible Emissions Limited - 6 NYCRR Part 211.3**  
Except as permitted by a specific part of this Subchapter and for open fires for which a restricted burning permit has been issued, no person shall cause or allow any air contamination source to emit any material having an opacity equal to or greater than 20 percent (six minute average) except for one continuous six-minute period per hour of not more than 57 percent opacity.
- Item AA: Open Fires - 6 NYCRR Part 215**  
No person shall burn, cause, suffer, allow or permit the burning in an open fire of garbage, rubbish for salvage, or rubbish generated by industrial or commercial activities.
- Item BB: 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 CC: 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**

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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**

<b>Location Facility/EU/EP/Process/ES</b>	<b>Regulation</b>	<b>Short Description</b>	<b>Condition</b>
FACILITY	40CFR 82-F.	Protection of Stratospheric Ozone - recycling and emissions reduction	67
FACILITY	6NYCRR 200.3	False Statement.	1
FACILITY	6NYCRR 200.5	Sealing.	2
FACILITY	6NYCRR 200.6	Acceptable ambient air quality.	3
FACILITY	6NYCRR 200.7	Maintenance of equipment.	4
FACILITY	6NYCRR 201-1.10(b)	Permitting - public access to records kept for Title V permitting	9
FACILITY	6NYCRR 201-1.2	Permitting - unpermitted emission sources	5
FACILITY	6NYCRR 201-1.4	Unavoidable noncompliance and violations	80
FACILITY	6NYCRR 201-1.5	Emergency defense	6
FACILITY	6NYCRR 201-1.7	Recycling and Salvage	7
FACILITY	6NYCRR 201-1.8	Prohibition of reintroduction of collected contaminants to the air	8
FACILITY	6NYCRR 201-3.	Exemptions and Trivial Activities	10
FACILITY	6NYCRR 201-3.2(a)	Exempt Activities - Proof of eligibility	11
FACILITY	6NYCRR 201-3.3(a)	Trivial Activities - proof of eligibility	12
FACILITY	6NYCRR 201-5.	State Facility Permit General Provisions	81
FACILITY	6NYCRR 201-5.3(b)	Permit Content and Terms of Issuance - permit	82

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FACILITY	6NYCRR 201-6.5(c)(3)(ii)	Permit conditions for Recordkeeping and Reporting of Compliance Monitoring	26
FACILITY	6NYCRR 201-6.5(e)	Compliance Certification	27
FACILITY	6NYCRR 201-6.5(g)	Permit shield	28, 29
FACILITY	6NYCRR 202-1.1	Required emissions tests.	30
FACILITY	6NYCRR 202-2.1	Emission Statements - Applicability	31
FACILITY	6NYCRR 202-2.5	Emission Statements - record keeping requirements.	32
FACILITY	6NYCRR 204-1.6	Standard Requirements	33
FACILITY	6NYCRR 204-2.1	Authorization and Responsibilities of the NOx Authorized Account Representative	34
FACILITY	6NYCRR 204-4.1	Compliance Certification Report	37, 35, 36
FACILITY	6NYCRR 204-7.1	Submission of NOx Allowance Transfers	38
FACILITY	6NYCRR 204-8.1	General Requirements	41, 40, 39
FACILITY	6NYCRR 204-8.2	Initial Certification and Recertification Procedures	43, 42
FACILITY	6NYCRR 204-8.3	Out of Control Periods	44
FACILITY	6NYCRR 204-8.4	Notifications	45
FACILITY	6NYCRR 207.	Control Measures for an Air Pollution Episode	46
FACILITY	6NYCRR 211.2	General Prohibitions - air pollution prohibited.	83
FACILITY	6NYCRR 211.3	General Prohibitions - visible emissions limited	47, 48
FACILITY	6NYCRR 215.	Open Fires	49
FACILITY	6NYCRR 225.1(a)(3)	Sulfur in Fuel Limitations - SIP	52, 53
FACILITY	6NYCRR 225-1.4	Exceptions contingent upon fuel shortage.	50
5-90020	6NYCRR 225-1.7(c)	Emission and fuel monitoring.	72
FACILITY	6NYCRR 225-1.8	Reports, sampling and analysis.	51
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5-90020/00001	6NYCRR 227.2(b)(1)	Particulate emissions.	79
5-90005	6NYCRR 227-1.3	Smoke Emission Limitations.	70
5-90020	6NYCRR 227-1.3	Smoke Emission Limitations.	74, 73
FACILITY	6NYCRR 227-2.1	Applicability.	55
FACILITY	6NYCRR 227-2.3(g)	Compliance plan and deadlines.	54
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5-90020/-/NG1/00115	6NYCRR 227-2.6(a)(1)	reporting requirements for very large boilers. Testing, monitoring, and reporting requirements for very large boilers.	76
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**Applicability Discussion:**

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

6NYCRR Part 200-.5

Allows for the sealing of non-compliant air contamination sources

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 201-1.2

Any existing emission source that is required to be permitted or registered but has not done so, must apply for the necessary permit or registration. The source is subject to all regulations that were applicable at the time the original permit or registration was required as well as any subsequent applicable requirements that came into effect since.

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#### 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 201-1.5

An enforcement action may be avoided if the facility can demonstrate that an emergency situation occurred which resulted in an emission limitation or permit violation. The following information would constitute evidence of an emergency situation: a properly signed operating log recorded during the actual event which; identifies the cause(s) of the emergency, indicates that all equipment was operating properly at the time, the person responsible took all reasonable steps to minimize the exceedance or violation, and that the department was notified of the emergency within 2 working days of the event.

#### 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 contaminants to the air

#### 6NYCRR Part 201-1.10(b)

Any permit application, compliance plan, permit, and monitoring and compliance certification report that is submitted as part of the Title V permit process must be made available to the public as per requirements set forth under 6 NYCRR Part 616 - Public Access to Records and section 114(c) of the Clean Air Act Amendments of 1990.

#### 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

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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 201-5

General Provisions - this requirement applies to those permit terms and conditions which are not federally enforceable; specifies that permittees must maintain emission units and control devices in compliance with all rules; authorizes reasonable access for inspections for department representatives; requires that on-site monitoring recordkeeping be made available for review for at least 5 years.

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

6NYCRR Part 201-5.3(b)

Lists those contaminants subject to contaminant specific requirements

6NYCRR Part 201-6

General provisions for Title V permits including:

Applicable Criteria, Limits, Terms, Conditions and Standards - requires that facility operations take place in accordance with approved criteria, emission limits, terms, conditions and standards as specified in the permit and that any documents required by the federally enforceable portion of the permit be certified by a responsible official

Cessation or Reduction of Permitted Activity Not a Defense - specifies that the cessation or reduction of a permitted activity to maintain compliance is not a defense in an enforcement action

Compliance Requirements - lists the information that must be included in any required compliance monitoring records and reports; and requires; compliance with any approved compliance schedule; the submittal of risk management plans as per 112(r) of the Act if necessary; and the submittal of compliance progress reports on a semiannual basis, at a minimum

Federally-Enforceable Requirements - specifies what permit terms and conditions, in general, are federally enforceable

Fees - requires the permittee to pay any required fees

Monitoring, Related Recordkeeping and Reporting Requirements - requires all compliance monitoring and recordkeeping to be conducted according to the terms and conditions of the permit and any Q/A requirements; any monitoring or support information is to be retained for minimum of 5 years.

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Permit Revocation, Modification, Reopening, Reissuance or Termination and Associated Information Submission Requirements - specifies that the permit may be modified, revoked, reopened and reissued, or terminated for cause; and the permittee must furnish information regarding the permit to the department upon reasonable request

Permit Shield - sets forth criteria under which the permit shield applies and what authority the department maintains in pursuing violations

Property Rights - specifies that the permit does not convey any property rights

Reopening Cause - sets forth criteria and procedures for reopening a permit

Right to Inspect - establishes authority whereby department representatives may enter and inspect a facility

Severability - establishes that the permit continues to be valid in instances where any provisions, parts or conditions of the permit are found to be invalid or are the subject of a challenge

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 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

Specifies that emissions tests may be required to ascertain compliance with any air pollution codes and rules.

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

Specifies the emission statement records that must be maintained for a 5 year period.

6NYCRR Part 211-.2

General air pollution prohibition

6 NYCRR Part 211.3

Restricts the opacity of visible emissions from any air contamination source.

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6 NYCRR Part 215

Prohibits open fires at industrial and commercial sites.

40 CFR Part 82, Subpart F

Requires affected permittees to comply with the recycling and emissions reduction standards specified by this rule when using ozone depleting substances identified under Title VI of the Act. Specifically, these regulations apply to the following persons or activities:

- a. Persons opening appliances for maintenance, service, repair, or disposal
- b. Equipment used during the maintenance, service, repair, or disposal of appliances
- c. Persons performing maintenance, service, repair, or disposal of appliances
- d. Persons disposing of small appliances, motor vehicle air conditioners or MVAC's, and MVAC-like appliances
- e. Persons owning commercial or industrial process refrigeration equipment
- f. Owners/operators of appliances normally containing 50 or more pounds.

If applicable, the above persons or activities may be required to comply with certain disposal, recycling, or recovery practices, leak repair practices, recordkeeping and/or technician certification requirements.

**Facility Specific Requirements**

In addition to Title V, CON ED-59TH ST STA has been determined to be subject to the following regulations:

6NYCRR 200.3

No person shall make a false statement in connection with applications, plans, specifications and/or reports submitted pursuant to this Subchapter.

6NYCRR 201-3.

Subpart 201-3 contains a listing of exempt and trivial activities. Neither exempt nor trivial activities appear in state facility permits. Exempt activities are required to be listed in an attachment to the Title V permit application while trivial activities need not be listed in either the Title V application or permit. Emissions from exempt and trivial activities must be taken into account when determining Title V applicability.

6NYCRR 201-6.5 (c) (3) (ii)

This regulation specifies that 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 204-1.6

This regulation requires the designated representative of the permittee to make submissions for the NOx

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Budget Program. The Program is designed to mitigate the interstate transport of ground level ozone and nitrogen oxides, a ground level ozone precursor.

6NYCRR 204-2.1

This regulation states the submission requirements for the NOx Budget Trading Program. The Program is designed to mitigate the interstate transport of ground level ozone and nitrogen oxides, a ground level ozone precursor.

6NYCRR 204-4.1

This regulation covers the compliance certification report requirements for the NOx Budget Program.

6NYCRR 204-7.1

This regulation lists the requirements for transfer of allowances in the NOx Budget Program.

6NYCRR 204-8.1

This regulation lists the general requirements for the NOx Budget trading program. They include, but are not limited to, monitoring requirements, certification, record keeping and reporting.

6NYCRR 204-8.2

This regulation covers the procedures for initially certifying and recertifying the monitoring systems of a unit to meet the requirements of the NOx Budget Program

6NYCRR 204-8.3

This regulation states the requirements for data substitution during times when the monitoring systems do not meet applicable quality assurance requirements.

6NYCRR 204-8.4

This regulation lists the addresses where monitoring plans and their modifications, compliance certifications, recertifications, quarterly QA/QC reports and petitions for alternative monitoring shall be sent.

6NYCRR 207 .

This regulation requires the owner or operator to submit an episode action plan to the Department in accordance with the requirements of 6NYCRR Part 207. The plan must contain detailed steps which will be taken by the facility to reduce air contaminant emissions during each stage of an air pollution episode. Once approved, the facility shall take whatever actions are prescribed by the episode action plan when an air pollution episode is in effect.

6NYCRR 225 .1 (a) (3)

This condition limits the amount of sulfur that can be in fuel burned at the facility. The limit for distillate fuel is 0.20% by weight; the limit for residual fuel is 0.30% by weight.

6NYCRR 225-1.4

This regulation allows the commissioner of the NYSDEC to issue an order granting a temporary variance from the sulfur-in-fuel limitations in 6 NYCRR Part 225-1 where it can be shown, to the commissioner's satisfaction, that there is an insufficient supply of conforming fuel, either of the proper type required for

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use in a particular air contamination source or generally throughout an area of the State.

6NYCRR 225-1.7 (c)

This regulation requires that measurements be made daily of the rate of each fuel burned, the gross heat content and ash content of each fuel burned (determined at least once per week), and the average daily electrical output and hourly generation rate.

6NYCRR 225-1.8

This regulation requires an owner or operator of a facility which purchases and fires coal and/or oil to submit reports to the commissioner containing fuel analysis data, information on the quantity of the fuel received, burned, and results of any stack sampling, stack monitoring and any other procedures to ensure compliance with the provisions of 6 NYCRR Part 225-1.

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 0.1 lbs/mmBtu for any oil fired stationary combustion installation.

6NYCRR 227-1.3

This regulation specifies a limitation and compliance monitoring for opacity from a stationary combustion installation.

6NYCRR 227-2.1

This regulation states that a facility is subject to the reasonably available control technology (RACT) for oxides of nitrogen (NOx).

6NYCRR 227-2.3 (g)

This regulation states the need for the permittee to submit an NOx RACT operating plan to the Department. The plan will state how the facility will remain in compliance, procedures for monitoring unit operating parameters, etc.

6NYCRR 227-2.5 (b)

The system-wide average shall consist of a weighted average allowable emission rate based upon the weighted average of actual emissions from units that are operating in the system. Excess reductions utilized in the system-wide average may only be counted from the lowest allowable emission rate. Simply put, if there is a more stringent emission limit than RACT already in place on the unit, then excess reductions may only be counted from below that emission rate.

6NYCRR 227-2.6 (a) (1)

This regulation establishes the monitoring requirements for NOx RACT affected very large boilers (boilers with a heat input of greater than 250 mmBtu/hr).

6NYCRR 227-2.6 (c) (2)

This regulation specifies that simple cycle combustion turbines shall be stack tested utilizing Method 20 from 40 CFR Part 60, Appendix A, or another test method approved by the Department, to determine their NOx emissions.

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6NYCRR 227-3.12

This regulation requires the facility to have an Authorized Account Representative for the Pre-2003 NOx Budget Trading Program.

6NYCRR 227-3.13

This regulation includes the emissions monitoring requirements for the Pre-2003 NOx Budget Trading Program.

6NYCRR 227-3.15

This regulation spells out the reporting requirements for the Pre-2003 NOx Budget Trading Program.

6NYCRR 227-3.16

This regulation specifies the requirements for surrender of allowances for the Pre-2003 NOx Budget Program.

6NYCRR 227-3.17

This regulation lists the requirements for compliance certification for the Pre-2003 NOx Budget Trading Program.

6NYCRR 621.13

621.13 Applications for permit renewals or modifications (including transfers).

(a) Unless instructed otherwise, applications to renew or modify permits must be submitted to the regional permit administrator. Such application shall provide information supporting the action sought, shall include payment of any fees and, if for a modification, shall include a statement of necessity or reasons for modification. Applications for renewal must be submitted no less than 180 calendar days prior to permit expiration for SPDES, HWMF, major APC or SWMF permits or no less than 30 calendar days for all other permit types. These deadlines apply unless otherwise stated as a special condition of the permit.

(b) Applications involving the transfer of permits must be submitted on a form prescribed by the department.

(c) The department shall notify the applicant by mail of its decision, on or before 15 calendar days after receipt of the application except as provided in subdivision (e) of this section. An application for renewal or modification may be denied for failure to meet any of the standards or criteria applicable under any statute or regulation pursuant to which the renewal or modification is sought, including applicable findings required by Article 8 of the ECL or for any of the reasons set forth in section 621.14(a)(1)-(5) of this Part.

(d) If the decision is to deny the application or to impose substantive conditions, the applicant may, within 30 calendar days of mailing of the decision, request that a hearing be held. Such a hearing shall be held within 60 calendar days of the applicant's request.

(e) The department may determine that any application for renewal or modification shall be treated as a new application for a permit if:

- (1) the application involves a material change in existing permit conditions or in the scope of the permitted actions;
- (2) there is newly discovered material information or there has been a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- (3) an opportunity for public comment and/or hearing is required by law or is deemed necessary by the department;
- (4) the renewal application is not timely or sufficient.

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In such cases, on or before 15 calendar days after receipt of the application, the department shall mail the applicant notice of such a determination, and a further determination of whether the application is complete.

(f) For delegated permits, an application for permit renewal or modification will be treated as a new application under this Part. Minor modifications of Title V facility permits as set forth in Part 201 of this Title will be treated as new minor projects under this Part. This paragraph does not apply to:

- (1) minor modifications for HWMF permits as set forth in section 373-1.7 of this Title;
- (2) administrative amendments of Title V facility permits as set forth in Part 201 of this Title;
- (3) or SPDES permits as set forth in 40 CFR 122.63, July 1, 1987 (see section 621.16 of this

Part).

(g) If the department or its agent fails to mail the applicant the notice of its decision as required in paragraph (c) and (e) of this section the applicant shall be entitled to make notice of that failure and receive a decision within five days pursuant to subdivision (b) and (c) of section 621.9 of this Part.

(h) Notwithstanding any other provision of this section, subdivisions (e) and (f) of 621.3 of this Part shall apply.

(i) Pursuant to section 401(2) of the State Administrative Procedure Act, when a permittee has submitted a timely and sufficient application for renewal of a permit for an activity of a continuing nature per subdivision (a) of this section, the existing permit does not expire until the department has made a final decision on the renewal application and if such application has been denied, then not until the last day for seeking review of the agency order or any later date fixed by a court. Project of a continuing nature are those involving an ongoing, operational activity.

6NYCRR 621.14

621.14 Permit modifications, suspensions, and revocations by the department.

(a) Permits may be modified, suspended or revoked at any time, either at the request of any interested party or upon the department's initiative, on any of the ground set forth in paragraphs (1) through (5) of this subdivision. All such requests must be in writing, contain facts or reasons supporting the request and be sent to the regional permit administrator as listed in Appendix 1. If the department decides the request is not justified, it will send the requester a brief written response giving the reason(s) for the decision. Denials of requests for modification are not subject to public notice, comment or hearings. The grounds for modification, suspension or revocation include:

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

(b) The department shall send a notice of intent to modify, suspend or revoke a permit to the permittee by mail or personal service. The notice shall state the alleged facts or conduct which appear to warrant the intended action.

(c) For delegated permits, a modification which would result in less stringent regulatory standards in the permit shall be processed as a new application for a permit pursuant to this Part. For purposes of this subdivision the date of transmittal of the notice and modified draft permit shall be considered the completeness date.

(d) Within 15 calendar days of mailing a notice of intent, the permittee may submit a written statement to the department, giving reasons why the permit should not be modified, suspended or revoked, or requesting a hearing, or both. Failure by the permittee to timely submit a statement shall result in department's action becoming effective on the date specified in the notice of intent.

(e) Within 15 calendar days of receipt of the permittee's statement, the department shall either:



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(1) if a statement without a request for a hearing is submitted, rescind or confirm the notice of intent based on a review of the information provided by the permittee; or
(2) if a statement with a request for a hearing has been submitted, notify the permittee of a date and place for a hearing, to be commenced not later than 60 calendar days from this notification, except that for a SPDES permit, the hearing shall not commence earlier than 30 days from notification.

(f) In the event such a hearing is held, the commissioner shall, within 30 calendar days of receipt of the complete record, issue a decision which

- (1) continues the permit in effect as originally issued;
(2) modifies the permit, or suspends it for a stated period of time or upon stated conditions; or
(3) revokes the permit including, where ordered by the commissioner, removal or modification of all or any portion of a project, whether completed or not.

Notice of such decision, stated the findings and reasons therefor, shall be provided under the procedures of section 621.9 of this Part.

(g) Where the department proposed to modify a permit and the permittee requests a hearing on the proposed modification, the original permit conditions will remain in effect until there has been issued a decision by the commissioner pursuant to subdivision (f) of this section. At such time the modified permit conditions shall take effect.

(h) Nothing in this Part shall preclude or affect the commissioner's authority to issue summary abatement orders under section 71-0301 of the Environmental Conservation Law, or to take emergency actions summarily suspending a permit under section 401(3) of the State Administrative Procedure Act.

6NYCRR 621.5 (a)

This regulation specifies the address for Region 2 of NYSDEC for the submission of applications for permit modification or renewal.

Compliance Certification

Summary of monitoring activities at CON ED-59TH ST STA:

Table with 3 columns: Location, Type of Monitoring, and Cond No. It lists various monitoring activities such as record keeping/maintenance procedures, intermittent emission testing, and continuous emission monitoring (cem) across different facility locations.

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FACILITY	record keeping/maintenance procedures	57
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**Basis for Monitoring**

**Condition #26** (6 NYCRR 201-6.5(c)(3)(ii)) is a facility-wide 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.

**Condition #27** (6 NYCRR 201-6.5(e)) is a facility-wide record keeping requirement that applies to all Title V facilities. These facilities must submit an annual compliance certification to the NYSDEC and the USEPA.

**Condition #31** (6 NYCRR 202-2.1) is a requirement for all Title V facilities. These facilities must submit an annual emission statement by April 15th of each year.

**Condition #37** (6NYCRR 204-4.1) This condition covers the compliance certification report requirements for the NOx Budget Program.

**Condition #43** (6NYCRR 204-8.2) This condition covers the procedures for initially certifying and recertifying the continuous emission monitoring systems to meet the requirements of the NOx Budget Program.

**Condition #45** (6NYCRR 204-8.4) This condition lists the addresses where monitoring plans and their modifications, compliance certifications, recertifications, quarterly QA/QC reports and petitions for alternative monitoring are to be sent.

**Condition #72** (6NYCRR 225-1.7(c)) This condition requires the facility to record daily the rate of each fuel burned at the facility, the daily fuel usage, the average electrical output, and the hourly generation rate. Also, for each fuel delivery to the facility, the facility must determine the gross heat content and the ash content.

**Condition #51** (6NYCRR 225-1.8) This condition requires the facility to submit reports on the analysis of the fuel oil burned at the facility, information on the quantity of oil received and burned at the facility, and the results of any stack sampling, stack monitoring and any other procedures to ensure compliance.

**Conditions #52 and #53** (6NYCRR 225.1(a)(3)) This condition is a requirement which limits the sulfur content of distillate and residual fuel oil used at the facility. The facility must report monthly on the sulfur content of the oil used at the facility.

**Conditions #70 and #73** (6NYCRR 227-1.3) This condition prohibits any person from operating a stationary combustion installation which emits smoke equal to or greater than 20% opacity (six minute average), except for one six-minute period per hour of not more than 27% opacity.

**Condition #56** (6NYCRR 227-2.5 (b)) This condition states that the system-wide averaging of NOx emissions, done by Con Edison from its facilities, must comply with the NOx RACT Compliance and

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Operating Plan submitted by it and approved by the Department. Basically, the system-wide average of NOx emissions considers the weighted average allowable emission rate based upon the weighted average of actual emissions from units that are operating.

The system-wide average shall consist of a weighted average allowable emission rate based upon the weighted average of actual emissions from units that are operating. Excess reductions utilized in the system-wide average may only be counted from the lowest allowable emission rate. Simply put, if there is a more stringent emission limit than RACT already in place on the unit, then excess reductions may only be counted from below that emission rate.

**Condition #57 and #58** (6NYCRR 227-2.6(c)(2)) This condition establishes the compliance testing, monitoring, and reporting requirements for NOx RACT affected stationary combustion installations.

**Condition #60** (6NYCRR 227-3.13) This condition specifies the emissions monitoring requirements for the Pre-2003 NOx Budget Trading Program.

**Condition #61** (6NYCRR 227-3.15) This condition indicates the reporting requirements for the Pre-2003 NOx Budget Trading Program.

**Condition #62** (6NYCRR 227-3.16) This condition specifies the requirements for surrender of allowances for the Pre-2003 NOx Budget Program.

**Condition #63** (6NYCRR 227-3.17) This condition lists the requirements for compliance certification for the Pre-2003 NOx Budget Trading Program.

**Conditions #71 and #79** (6NYCRR 227.2(b)(1)) This condition specifies a particulate emission limit for stationary combustion units which fire oil.