

New York State Department of Environmental Conservation

Permit Review Report

Permit ID: 2-6304-00268/00015 Modification Number: 1



12/19/2002

Facility Identification Data

Name: HUGO NEU SCHNITZER EAST-QUEENS YARD
Address: 30-27 GREENPOINT AVENUE
City: LONG ISLAND CITY
Zip: 11101

Owner/Firm

Name: HUGO NEU SCHNITZER EAST
City: JERSEY CITY
State: NJ Country: USA Zip: 07302
Owner Classification: Corporation/Partnership

Permit Contacts

Division of Environmental Permits:
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Air Permitting Contact:
Name: MIKE HIGGINS
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30-27 GREENPOINT AVENUE
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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

This is a minor Title V modification for the permit that was issued on 10/19/2001 for Hugo Neu Schnitzer East - Queens Yard at the Long Island City, New York facility. The modification involves an increase in

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the number of permitted operating hours for the Main engine-generator (Emission Unit 2-00002, Emission Point 0001). The Main engine's operating hours is to be increased from 2700 hours to 3050 hours per year upon the issuance of this Title V modification. This modification results in no net emissions increase and therefore qualifies as a minor modification. The modification impacts the maximum gallons of fuel (# 2 diesel oil) and the tons of scrap metal processed annually.

Attainment Status

HUGO NEU SCHNITZER EAST-QUEENS YARD is located in the town of QUEENS in the county of QUEENS.

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)	MAINTENANCE (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

THE QUEENS YARD IS A SCRAP METAL PROCESSING, SHREDDING AND RECYCLING FACILITY WITH ALL ELECTRICITY GENERATED ON-SITE USING THREE (3) LEAN BURN DIESEL INTERNAL COMBUSTION ENGINE-GENERATOR SETS. ALL UNITS ARE FUELED BY NUMBER 2 DIESEL FUEL OIL AND CAN BE CONTROLLED INDIVIDUALLY, DEPENDING ON POWER NEEDS. THE UNITS ARE IDENTIFIED AS FOLLOWS:

1. MAIN GENERATOR - 9630 HP (6.5 MEGAWATTS), EMISSION POINT 00001 AND MAXIMUM HOURS OF OPERATION IS TO INCREASE FROM 2,700 HOURS/YEAR TO 3050 HOURS/YEAR AND THE AVERAGE FUEL CONSUMPTION IS 301.5 GALLONS/HOUR. THE ANNUALL FUEL CONSUMPTION IS TO INCREASE FROM 814,600 GALLONS TO 919,600 GALLONS.



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2. CATERPILLAR GENERATOR - 600 KW, EMISSION POINT 0005A AND MAXIMUM HOURS OF OPERATION IS 3,750 HOURS/YEAR AND THE AVERAGE FUEL CONSUMPTION IS 12.3 GALLONS/HOUR.

3. CUMMINS GENERATOR - 300 KW, EMISSION POINT 0005B AND MAXIMUM HOURS OF OPERATION IS 4,500 HOURS/YEAR AND THE AVERAGE FUEL CONSUMPTION IS 10.5 GALLONS/HOUR.

ALL THREE ENGINES ARE FIRED WITH NUMBER 2 FUEL OIL AND THE TOTAL ANNUAL FUEL USAGE IS APPROXIMATELY 900,000 GALLONS. ALL THREE UNITS ARE INSTALLED IN THE GENERATOR BUILDING AND EACH OF THE UNITS HAS A SEPARATE STACK, OPERATES AT SEPARATE TIMES, DEPENDING ON THE REQUIREMENT FOR ELECTRICITY. THE MAIN GENERATOR AT THE FACILITY IS THE PRIMARY SOURCE OF POWER FOR ALL OPERATIONS. AS SUCH, THE LOAD IS BASED ON FACILITY DEMAND, AND THERE IS NO WAY TO CONTROL THE PLANT DEMAND OR TO PREDICT ITS CONS

Permit Structure and Description of Operations

The Title V permit for HUGO NEU SCHNITZER EAST-QUEENS YARD 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.

HUGO NEU SCHNITZER EAST-QUEENS YARD is defined by the following emission unit(s):
Emission unit 100001 - THIS EMISSION UNIT INCLUDES SCRAP METAL SHREDDING AND METALS RECOVERY PROCESS. THIS EMISSION UNIT CONSISTS OF EMISSION POINTS

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00002 (SHREDDER), 00004 (CYCLONE SEPARATOR FOR NON-FERROUS REMOVAL), 00007 (FERROUS PRODUCT CYCLONE), 0000A (Z-BOX METAL CYCLONE SEPARATOR) AND 0000F (MAGNETIC CYCLONE SEPARATOR - AIR SYSTEM). EMISSION POINT 00006 (STORAGE SILO) IS CONSIDERED TO BE EXEMPT ACCORDING TO 6NYCRR 201-3.2(c)(27). Emission unit 100001 is associated with the following emission points (EP): 00002, 00004, 00007, 0000A, 0000F

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

Process: 001 is located at Building SHREDDER - THE SCRAP METAL SHREDDING AND METALS RECOVERY PROCESS CONSIST OF A HAMMERMILL SHREDDER, CYCLONE SEPARATOR FOR RECOVERY AND CLEANING OF NON-FERROUS METALS, TWO (2) CYCLONE SEPARATORS FOR METALS RECOVERY AND CLEANING AND AN AIR CLASSIFICATION SYSTEM FOR FINAL MAGNETIC METALS QUALITY CONTROL. AS A RESULT OF THE TITLE V MODIFICATION (INCREASING THE HOURS OF OPERATION OF THE MAIN ENGINE-GENERATOR IN EMISSION UNIT 2-00002 & EMISSION POINT 0001 FROM 2700 to 3050 HOURS PER YEAR. ALL UNITS WITHIN THE PROCESS OPERATE AT THE SAME TIME. THE QUANTITY OF TONS OF SCRAP PROCESSED PER YEAR IS TO INCREASE FROM 450,000 to 500,000 AND THE HOURS OF OPERATION PER DAY IS TO INCREASE FROM 9 TO 10.

Emission unit 200002 - GENERATION OF ELECTRICITY VIA NUMBER 2 FUEL OIL-FIRED ENGINE-GENERATOR SETS FOR FACILITY OPERATION. THE FACILITY HAS THREE (3) UNITS: EMISSION POINTS 00001 (MAIN GENERATOR - 9630 HP DIESEL), 0005A (CATERPILLAR GENERATOR - 600 KW DIESEL) AND 0005B (CUMMINS GENERATOR - 300 KW DIESEL). THE FUEL OIL STORAGE TANK IS CONSIDERED TO BE EXEMPT ACCORDING TO 6NYCRR 201-3.2(c)(21).

Emission unit 200002 is associated with the following emission points (EP): 00001, 0005A, 0005B

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

Process: 002 is located at Building GENERATOR - NUMBER 2 DIESEL FUEL FIRED IN THREE (3) ENGINE-GENERATOR SETS. A TOTAL OF THREE (3) ENGINE-GENERATOR UNITS HAVE BEEN INSTALLED. EACH ENGINE-GENERATOR UNIT OPERATES AT SEPARATE TIMES, DEPENDING ON THE REQUIREMENT FOR ON-SITE ELECTRICITY.

EMISSION POINT 00001 IN EMISSION UNIT 2-00002 IS FOR THE MAIN ENGINE-GENERATOR (9630 HP DIESEL). AS A RESULT OF THE TITLE V MODIFICATION, THE NUMBER OF HOURS OF OPERATION OF THE MAIN ENGINE_GENERATOR WILL INCREASE FROM 2700 HOURS/YEAR to 3050 HOURS/YEAR. EMISSION POINT 0005A IS FOR THE CATERPILLAR GENERATOR (600 KW DIESEL) WHICH OPERATES A MAXIMUM OF 3750 HOURS/YEAR. EMISSION POINT 0005B IS FOR THE CUMMINS GENERATOR (300 KW DIESEL) WHICH OPERATES A MAXIMUM OF 4500 HOURS/YEAR.

AS A RESULT OF THE TITLE V MODIFICATION, THE FACILITY WILL INCREASE IT USE OF NUMBER 2 FUEL OIL FROM ABOUT 908,000 TO 1,013,000 GALLONS /YEAR FOR OPERATING THE THREE (3) ENGINE-GENERATOR SETS.

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Title V/Major Source Status

HUGO NEU SCHNITZER EAST-QUEENS YARD is subject to Title V requirements. This determination is based on the following information:

The Hugo Neu Schnitzer East-Queens Yard is a major facility because the potential emissions of carbon monoxide and nitrogen oxides are greater than the major source thresholds (50 tons/year for carbon monoxide and 25 tons per year for nitrogen oxides).

Program Applicability

The following chart summarizes the applicability of HUGO NEU SCHNITZER EAST-QUEENS YARD with regards to the principal air pollution regulatory programs:

Regulatory Program	Applicability
PSD	NO
NSR (non-attainment)	NO
NESHAP (40 CFR Part 61)	NO
NESHAP (MACT - 40 CFR Part 63)	NO
NSPS	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

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stationary sources located in areas which are in non-attainment of National Ambient Air Quality Standards (NAAQS) for specified pollutants.

NESHAP National Emission Standards for Hazardous Air Pollutants (40 CFR 61) - contaminant and source specific emission standards established prior to the Clean Air Act Amendments of 1990 (CAAA) which were developed for 9 air contaminants (inorganic arsenic, radon, benzene, vinyl chloride, asbestos, mercury, beryllium, radionuclides, and volatile HAP's)

MACT Maximum Achievable Control Technology (40 CFR 63) - contaminant and source specific emission standards established by the 1990 CAAA. Under Section 112 of the CAAA, the US EPA is required to develop and promulgate emissions standards for new and existing sources. The standards are to be based on the best demonstrated control technology and practices in the regulated industry, otherwise known as MACT. The corresponding regulations apply to specific source types and contaminants.

NSPS New Source Performance Standards (40 CFR 60) - standards of performance for specific stationary source categories developed by the US EPA under Section 111 of the CAAA. The standards apply only to those stationary sources which have been constructed or modified after the regulations have been proposed by publication in the Federal Register and only to the specific contaminant(s) listed in the regulation.

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

Title VI Stratospheric Ozone Protection (40 CFR 82, Subparts A thru G) - federal requirements that apply to sources which use a minimum quantity of CFC's (chlorofluorocarbons), HCFC's (hydrofluorocarbons) or other ozone depleting substances or regulated substitute substances in equipment such as air conditioners, refrigeration equipment or motor vehicle air conditioners or appliances.

RACT Reasonably Available Control Technology (6 NYCRR Parts 212.10, 226, 227-2, 228, 229, 230, 232, 233, 234, 235, 236) - the lowest emission limit that a specific source is capable of meeting by application of control technology that is reasonably available, considering technological and economic feasibility. RACT is a control strategy used to limit emissions of VOC's and NOx for the purpose of attaining the air quality standard for ozone. The term as it is used in the above table refers to those state air pollution control regulations which specifically regulate VOC and NOx emissions.

SIP State Implementation Plan (40 CFR 52, Subpart HH) - as per the CAAA, all states are empowered and required to devise the specific combination of controls that, when implemented, will bring about attainment of ambient air quality standards established by the federal government and the individual state. This specific combination of measures is referred to as the SIP. The term here refers to those state regulations that are approved to be included in the SIP and thus are considered federally enforceable.

Compliance Status

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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
5093	SCRAP AND WASTE MATERIALS

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
2-03-001-01	INTERNAL COMBUSTION ENGINES - COMMERCIAL/INSTITUTIONAL COMMERCIAL/INSTITUTIONAL IC ENGINE - DISTILLATE OIL (DIESEL) Reciprocating
3-14-011-01	TRANSPORTATION EQUIPMENT TRANSPORTATION EQUIPMENT - AUTO BODY SHREDDING Primary Metal Recovery Line

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

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magnitude of facility-wide emissions for the specified contaminant in terms of tons per year (tpy). The term ‘HAP’ refers to any of the hazardous air pollutants listed in section 112(b) of the Clean Air Act Amendments of 1990. Total emissions of all hazardous air pollutants are listed under the special NY CAS No. 0NY100-00-0. In addition, each individual hazardous air pollutant is also listed under its own specific CAS No. and is identified in the list below by the (HAP) designation.

Cas No.	Contaminant Name	PTE	
		lbs/yr	Range
000630-08-0	CARBON MONOXIDE	107300	
0NY100-00-0	HAP	27	
0NY210-00-0	OXIDES OF NITROGEN	404000	
0NY075-00-0	PARTICULATES	63600	
0NY075-00-5	PM-10	7300	
007446-09-5	SULFUR DIOXIDE	12800	
0NY998-00-0	VOC	31650	

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 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

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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.

(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

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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 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

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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 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.

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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 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

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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 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

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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)

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

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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 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.

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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

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

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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.

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 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 201-6

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 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

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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(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 202-2.1

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.

40 CFR Part 68.

This Part lists the regulated substances and their applicability thresholds and sets the requirements for stationary sources concerning the prevention of accidental releases of these substances.

Facility Specific Requirements

In addition to Title V, HUGO NEU SCHNITZER EAST-QUEENS YARD 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

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reports submitted pursuant to this Subchapter.

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 212.10 (a) (1)

This citation is for NOx and VOC RACT required at major facilities. Owners and/or operators of facilities located in the lower Orange County of the New York City metropolitan areas with an annual potential to emit 25 tons or more of nitrogen oxides or 25 tons or more of Volatile Organic Compounds must comply with the requirements of 6 NYCRR 212.10-Reasonably Available Control Technology for Major Facilities.

6NYCRR 212.4 (c)

This rule requires existing sources (in operation after July 1, 1973) of solid particulates with environmental rating of B or C which are not subject to Table 5 "Processes for which Permissible Emission Rate is Based on Process Weight, to be limited to a particulate emission rate not to exceed 0.05 grains per dry standard cubic foot.

6NYCRR 212.6 (a)

This rule specifies an opacity limitation of less than 20% for any six consecutive minute period for all process emission sources.

6NYCRR 225-1.2 (a) (2)

This regulation prohibits any person from selling, offering for sale, purchasing or using any fuel which contains sulfur in a quantity exceeding the limitations set forth in Table 1, Table 2, or Table 3 of this section.

6NYCRR 227.2 (b) (1)

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

6NYCRR 227-1.3

This regulation 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 227-1.3 (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.

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This regulation limits the emission of oxides of nitrogen (NOx) from stationary combustion installations (boilers, combustion turbines and internal combustion engines).

6NYCRR 227-2.4 (f) (2)

This citation sets emission limits on oxides of nitrogen for lean burn internal combustion engines firing natural gas or distillate oils.

6NYCRR 227-2.4 (f) (2) (ii)

This citation limits the NOx emission for lean burn engines firing other fuels by themselves or in combination with gas to 9.0 grams per brake horsepower-hour. This NOx emission limit applies to stationary internal combustion engine of 225 horsepower or larger in the severe nonattainment area, and 400 horsepower in the rest of the State, which provides primary power or is used for peak shaving generation. Compliance is determined on a one hour average if a stack test is utilized or a 24 hour average if CEMS are utilized. Emergency power generating units and units that operate during emergency situations which operate less than 500 hours per year, are exempt from this emission limitation.

6NYCRR 227-2.6 (a) (2)

This citation is for CEMs monitoring for those facilities which opt to use CEMs. The owner/operator shall measure NOx emissions with a continuous emissions monitoring system (CEMS) as described in 6 NYCRR 227-2.6(b). This citation is also for optional CEMS testing, monitoring and reporting requirements for non very large boilers and smaller combined cycle turbines.

6NYCRR 227-2.6 (a) (7)

This citation is for testing, monitoring and reporting for internal combustion engines. The owner/operator of this internal combustion engine shall perform an initial compliance stack test as described in 6 NYCRR 227-2.6(c). If the internal combustion engine qualifies for the control exemption listed in 6 NYCRR 227-2.4(f)(3), do not need to perform the stack test. A test protocol shall be submitted for approval at least 60 days prior to testing. Testing procedures shall be those set for in 40 CFR 60 Appendix A, or any other methods acceptable to the Department and the USEPA for determining compliance with the appropriate NOx limit set forth in section 227-2.4. Testing procedures shall also comply with subpart 202-1.

6NYCRR 227-2.6 (c)

This citation is for stack test requirements. The owner or operator of the facility is required to test for NOx emission and follow monitoring and reporting requirements. The stack testing for NOx emission requires the facility to:

- (1) Submit a compliance test protocol to the department for approval at least 90 days prior to emission testing. The condition of the testing and the locations of the sampling devices must be acceptable to the department; and
 - (2) Utilize procedures set forth in 40 CFR Part 60, Appendix A or any other method acceptable to the department and EPA for determining compliance with the appropriate NOx limit in section 227-2.4 of this Subpart, and shall follow the procedures set forth in Part 202 of this Title.
- (i) For large and mid-size boilers, utilize Method 7, 7E, or 19 from 40 CFR Part 60, Appendix A or



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another reference method approved by the department.

(ii) For simple cycle combustion turbines, utilize Method 20 from 40 CFR Part 60, Appendix A or another reference method approved by the department.

(iii) For combined cycle combustion turbines, utilize Method 7, 7E, 19 or 20 from 40 CFR Part 60, Appendix A or another reference method approved by the department.

(iv) For internal combustion engines, utilize Method 7, 7E or 19 from 40 CFR Part 60, Appendix A or another reference method approved by the department.

Non Applicability Analysis

List of non-applicable rules and regulations:

Location Facility/EU/EP/Process/ES	Short Description	Regulation
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FACILITY	New Source Review in Nonattainment Areas and Ozone Transport Region	6NYCRR 231-2.
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Reason: MINOR PERMIT MODIFICATION: A minor permit modification is one that does not result in a net emissions increase. A net emissions increase is the project emission potential any every creditable emission increase. The project emission potential is the difference between prior actual annual emissions or prior allowable annual emissions, whichever is less, and the subsequent maximum annual potential of each such emission unit. A credible emission increase is any increase from a physical change in, or a change in the method of operation and is qualified as the difference between prior actual annual emissions, or prior allowable annual emissions, whichever is less and the subsequent maximum annual potential.

The following minor modifications to the permit are requested:

Maximum Hours of Operation:
(Main Engine-Generator)
Present: 2700 hours
Modification: 3050 hours

Maximum Gallons of Fuel Use:
Present: 814,600 gallons
Modification: 919,600 gallons

Maximum TYPY Scrap Processed:
Present Permit: 45
000 tons
Modification: 50
000 tons

Establish Baseline NOx Emissions for Main Engine-Generator:
(Prior actual annual emissions or prior allowable annual emissions, whichever is less)

1.A. 1999 Actual NOx Emissions:
(Based on stac
testing)
2608 hours @ 96.7 lb/hour = 252,1



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lbs NO

1.B. 2000 Actual NOx Emissions:
(Based on October 20, 2000 Stack Testing - reported in Annual Emissions Statement)
342,0

lbs NO

2.A. 1999 Allowable NOx Emissions:
(Based on Stack Testing and 9.0 grams/BHP-hr NOx CT limit)

2700 hours @ 104.76 lbs/hr = 282,
2 lbs NOx

2. B. 2000 Allowable NOx Emissions:
(Based on October 20, 2000 Stack Testing and 9.0 grams/BHP-hr NOx RACT limit)

2700 hours @ 104.76 lbs/hr = 282,
2 lbs NOx

Therefore, Baseline NOx Emissions are: (1A) + (2B), since the lower of actual or allowable is required.

252,194 + 282,852 = 535,046 lbs NOx for the most recent 2 years, or 267,523 lbs per year of NOx.

Actual Emissions from latest NOx RACT Emissions Stack Test (October 20, 2000) for the Main Generator averaged 87.3 lbs/hr of NOx after reducing the NOx emission by modifying the Main Engine-Generator by retarding the ignition timing by 1.5 degrees in September 2000. An emission increase from 2700 operating hours to 3050 operating hours would yield actual NOx emissions of:

3050 hours x 87.3 lbs/hr = 266,265 lbs/yr of NOx

Baseline NOx = 267,523 lbs/yr. Proposed modification yields actual annual emissions of 266,265 lbs/yr. Since the Baseline (lesser of prior year actual or prior year allowable) is greater, there is no credible NOx emission increase, there is no net emissions increase and the modification qualifies as a "minor modification".

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 HUGO NEU SCHNITZER EAST-QUEENS YARD:

Location Facility/EU/EP/Process/ES	Type of Monitoring	Cond No.
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Reason: Actual Emissions from latest NOx RACT Emissions Stack Test (October 20, 2000) for the Main Generator averaged 87.3 lbs/hr of NOx (compared with 97.5 in previous stack tests) after reducing the NOx emission by modifying the Main Engine-Generator by retarding the ignition timing by 1.5 degrees in September 2000. An emission increase from 2700 operating hours to 3050 operating hours would yield actual NOx emissions of:

3050 hours x 87.3 lbs/hr = 266,265 lbs/yr of NOx

Baseline NOx = 267,523 lbs/yr. Proposed modification yields actual annual emissions of 266,265 lbs/yr. Since the Baseline (lesser of prior year actual or prior year allowable) is greater, there is no credible NOx emission increase, there is no net emissions increase and the modification qualifies as a "minor modification".

Table with 3 columns: FACILITY, Applicability, and 6NYCRR 231-2.2. It lists various permit conditions and their corresponding regulatory sections.



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2-00002/0005A/002/0005A	intermittent emission testing	66
2-00002/0005B/002/0005B	intermittent emission testing	76

Basis for Monitoring

This Title V permit is being modified as follows:

(a) Increasing the hours of operation and scrap handling capacity. The scrap handling capacity is being increased from 450,000 tons per year to 500,000 tons per year.

(b) The amount of oxides of nitrogen being emitted is decreased due to retarding of the ignition.

(c) The requirements of 6 NYCRR Part 227.2(b)(1) are added to the permit.

This facility has to submit quarterly and semiannual compliance reports and an annual Compliance Certification. In addition, the facility has to comply with the following monitoring conditions:

Condition # 1-3 for 6NYCRR 201-6.5(c)(3)(ii): Replaces Condition # 27: This is a facility-wide condition. This condition specifies any reporting requirements incorporated into the permit must include provisions regarding the notification and reporting of permit deviations and incidences of noncompliance stating the probable cause of such deviations, and any corrective actions or preventive measures taken.

Condition # 1-4 for 6NYCRR 201-6.5(e): Replaces Condition # 28: This is a facility-wide condition. This condition specifies the overall permit requirements for compliance certification, including emission limitations, standards or work practices.

Condition # 31 for 6NYCRR 202-2.1: This is a facility-wide condition. This condition sets forth the applicability criteria for submitting an annual statement of emissions. The criteria is based on annual emission threshold quantities and ozone attainment designation. This condition is a requirements for all Title V facilities. These facilities must submit an annual emission statement by April 15th of each year for emissions of the previous calendar year.

Condition # 34 for 6NYCRR 212.6(a): This is a facility-wide condition. This condition specifies an opacity limitation of less than 20% for any six consecutive minute period for all process emission sources.

Condition # 37 for 6NYCRR 225-1.2(a)(2): This is a facility-wide condition. This condition prohibits any person from selling, offering for sale, purchasing or using any fuel which contains sulfur in a quantity exceeding the limitations set forth in Table 1, Table 2, or Table 3 of this section. The sulfur limit is 0.20 percent by weight for distillates - number 1 and number fuel oil for the New York City area.

Condition # 38 for 6NYCRR 227-2.4(f)(2): This is a facility-wide condition. This condition is for Monitoring of Process or Control Device Parameters as Surrogate. This condition sets emission limits on oxides of nitrogen for lean burn internal combustion engines firing natural gas or distillate oils. The NOx emission limit is 9.0 gm/bhp-hr for the lean burn diesel internal combustion engines firing distillate oil.

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Condition # 42 for 6NYCRR 212.4(c): This condition is for Intermittent Emission Testing of Particulates for EU: 1-00001, EP: 00002, Proc: 001 & ES: 00002. This condition requires existing sources (in operation after July 1, 1973) of solid particulates with environmental rating of B or C which are not subject to Table 5 "Processes for which Permissible Emission Rate is Based on Process Weight, to be limited to an particulate emission rate not to exceed 0.05 grains per dry standard cubic foot.

Condition # 43 for 6NYCRR 212.4(c): This condition is for Intermittent Emission Testing of Particulates for EU: 1-00001, EP: 00004, Proc: 001 & ES: 00004. This condition requires existing sources (in operation after July 1, 1973) of solid particulates with environmental rating of B or C which are not subject to Table 5 "Processes for which permissible Emission Rate is Based on Process Weight, to be limited to any particulate emission rate not to exceed 0.05 grains per dry standard cubic foot.

Condition # 44 for 6NYCRR 212.4(c): This condition is for Intermittent Emission Testing of Particulates for EU: 1-00001, EP: 00007, Proc: 001 & ES: 00007. This condition requires existing sources (in operation after July 1, 1973) of solid particulates with environmental rating of B or C which are not subject to Table 5 "Processes for which permissible Emission Rate is Based on Process Weight, to be limited to any particulate emission rate not to exceed 0.05 grains per dry standard cubic foot.

Condition # 45 for 6NYCRR 212.4(c): This condition is for Intermittent Emission Testing of Particulates for EU: 1-00001, EP: 0000A, Proc: 001 & ES: 0000A. This condition requires existing sources (in operation after July 1, 1973) of solid particulates with environmental rating of B or C which are not subject to Table 5 "Processes for which permissible Emission Rate is Based on Process Weight, to be limited to any particulate emission rate not to exceed 0.05 grains per dry standard cubic foot.

Condition # 46 for 6NYCRR 212.4(c): This condition is for Intermittent Emission Testing of Particulates for EU: 1-00001, EP: 0000F, Proc: 001 & ES: 0000F. This condition requires existing sources (in operation after July 1, 1973) of solid particulates with environmental rating of B or C which are not subject to Table 5 "Processes for which permissible Emission Rate is Based on Process Weight, to be limited to any particulate emission rate not to exceed 0.05 grains per dry standard cubic foot.

Condition # 47 for 6NYCRR 227-1.3: This condition is for Recordkeeping/Maintenance Prodedures for visible emissions (opacity) for EU: 2-00002 & EP: 00001. This condition is for the Main Generator. 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.

Condition # 48 for 6NYCRR 227-1.3(a): This condition is for Monitoring of Process or Control Device Parameters as Surrogate for Particulates for EU: 2-00002 & EP: 00001. This condition is for the Main Generator. This condition prohibits any person from operating a stationary combustion installation which emits smoke equal to or greater than 20% opacity except for one six-minute period per hour of not more than 27% opacity.

Condition # 1-7 for 6NYCRR 227-2.6(a)(7): This condition is for Monitoring of Process or Control Device Parameters as Surrogate for Oxides of Nitrogen for EU: 2-00002 & EP 00001. This condition is for testing, monitoring and reporting for internal combustion engines. The facility is limiting the number

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2 oil usage for the Main Generator - 9630 hp diesel to 919,600 gallons/year (annual maximum rolled daily). The owner/operator of this internal combustion engine shall perform an initial compliance stack test as described in 6 NYCRR 227-2.6(c). If the internal combustion engine qualifies for the control exemption listed in 6 NYCRR 227-2.4(f)(3), do not need to perform the stack test. A test protocol shall be submitted for approval at least 60 days prior to testing. Testing procedures shall be those set for in 40 CFR 60 Appendix A, or any other methods acceptable to the Department and the USEPA for determining compliance with the appropriate NOx limit set forth in section 227-2.4. Testing procedures shall also comply with subpart 202-1.

Condition # 1-8 for 6NYCRR 227-2(b)(1): This condition is for Intermittent Emission Testing for Particulates for EU: 2-00002, EP: 00001 & Proc: 002. This regulation is from the 1972 version of Part 227 and still remains as part of New York's SIP. This condition establishes a particulate limit of 0.10 lbs/mmBtu based on a 2 hour average emission for the oil fired Main Generator and is required once during the term of the permit.

Condition # 1-9 for 6NYCRR 227-2: This condition is for Recordkeeping/Maintenance Procedures for Oxides of Nitrogen for EU: 2-00002, EP: 00001, Proc: 002 & ES: 00001. This condition limits the emission of oxides of nitrogen (NOx) from internal combustion engines, the Main Generator, in order to establish compliance with the NOx RACT rules and emission limit of 9.0 gm/bhp-hr for lean burn engines firing distillate oil. On October 20, 2000, an emission compliance evaluation or stack testing was conducted on the Main Generator and it established compliance with the 9.0 gm/bhp-hr NOx emission limit.

Condition # 51 for 6NYCRR 227-2.4(f)(2): This condition is for Intermittent Emission Testing for Oxides of Nitrogen for EU: 2-00002, EP: 00001, Proc: 002 & ES: 00001. This condition sets emission limits of 9.0 gm/bhp-hr on oxides of nitrogen for lean burn internal combustion engines firing distillate oil. Stack testing is required for the Main Generator, once during the term of the permit, in order to demonstrate compliance with the 9.0 gm/bhp-hr for lean burn engines firing distillate oil.

Condition # 52 for 6NYCRR 227-2.4(f)(2): This condition is for Recordkeeping/Maintenance Procedures for Oxides of Nitrogen for EU: 2-00002, EP: 00001, Proc: 002 & ES: 00001. This condition sets emission limits on oxides of nitrogen for lean burn internal combustion engines firing distillate oil. To ensure that the Main Generator runs at optimum conditions and stays in compliance with the NOx RACT emission limit, periodic maintenance will be performed in accordance with the manufacturer's specification manual for the Main Generator.

Condition # 53 for 6NYCRR 227-2.4(f)(2)(ii): This condition is for Intermittent Emission Testing for Oxides of Nitrogen for EU: 2-00002, EP: 00001, Proc: 002, ES: 00001. This condition limits the NOx emission for lean burn engines firing other fuels by themselves or in combination with gas to 9.0 grams per brake horsepower-hour. This NOx emission limit applies to stationary internal combustion engine of 225 horsepower or larger (the Main Generator) in the severe nonattainment area, and 400 horsepower in the rest of the State, which provides primary power or is used for peak shaving generation. Compliance with the emission limit is determined on a one hour average if a stack test is utilized in accordance with 6 NYCRR 227-2.6(a)(7) or a 24 hour average if CEMS are utilized under 6 NYCRR 227-2.6(a)(2). If CEMS are utilized, the requirements of 6 NYCRR 227-2.6(b) apply, including the use of a 24 hour averaging period. Emergency power generating units and units that operate during emergency situations

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which operate less than 500 hours per year, are exempt from this emission limitation.

Condition # 54 for 6NYCRR 227-2.6(a)(2): This condition is for Intermittent Emission Testing for Oxides of Nitrogen for EU: 2-00002, EP: 00001, Proc: 002, ES: 00001. This condition is for the Main Generator. This condition is for internal combustion engines which opt to employ a continuous emissions monitoring system (CEMS), or equivalent, in lieu of the monitoring requirements to perform initial compliance stack tests as described in subdivision (c) of this section. Those internal combustion engines which opt to monitor emissions with a CEMS or equivalent shall follow the requirements of 6 NYCRR 227-2.6(b) to demonstrate compliance, including a 24 hour daily arithmetic average NOx emission rate.

Condition # 1-10 for 6NYCRR 227-2(b)(1): This condition is for Intermittent Emission Testing for Particulates for EU: 2-00002, EP: 0005A & Proc: 002. This regulation is from the 1972 version of Part 227 and still remains as part of New York's SIP. This condition establishes a particulate limit of 0.10 lbs/mmBtu based on a 2 hour average emission for any oil fired stationary combustion installation and is required once during the term of the permit.

Condition # 56 for 6NYCRR 227-2.6(c): This condition is for Intermittent Emission Testing for Oxides of Nitrogen for EU: 2-00002, EP: 00001, Proc: 002 & ES: 00001. This condition is for the Main Generator. This condition is for stack test requirements. The owner or operator of the facility is required to test for NOx emission and follow monitoring and reporting requirements. The stack testing for NOx emission requires the facility to:

- (1) Submit a compliance test protocol to the department for approval at least 90 days prior to emission testing. The condition of the testing and the locations of the sampling devices must be acceptable to the department; and
- (2) Utilize procedures set forth in 40 CFR Part 60, Appendix A or any other method acceptable to the department and EPA for determining compliance with the appropriate NOx limit in section 227-2.4 of this Subpart, and shall follow the procedures set forth in Part 202 of this Title.
- (iv) For internal combustion engines, utilize Method 7, 7E or 19 from 40 CFR Part 60, Appendix A or another reference method approved by the department.

Condition # 57 for 6NYCRR 227-1.3: This condition is for Recordkeeping/Maintenance Procedures for visible emissions (opacity) for EU:2-00002 & EP: 0005A. This condition is for the Caterpillar Generator. This condition prohibits any person from operating a stationary combustion installation which emits smoke equal to or greater than 20% opacity except for one six-minute period per hour of not more than 27% opacity.

Condition # 58 for 6NYCRR 227-1.3(a): This condition is for Monitoring of Process or Control Device Parameters as Surrogates for Particulates for EU:2-00002 & EP: 0005A. This condition is for the Caterpillar Generator. This condition prohibits any person from operating a stationary combustion installation which emits smoke equal to or greater than 20% opacity except for one six-minute period per hour of not more than 27% opacity.

Condition # 1-11 for 6NYCRR 227-2(b)(1): This condition is for Intermittent Emission Testing for

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Partiiculates for EU: 2-00002, EP: 0005A & Proc: 002, Particulates, Intermittent Emission Testing: This regulation is from the 1972 version of Part 227 and still remains as part of New York's SIP. This condition establishes a particulate limit of 0.10 lbs/mmBtu based on a 2 hour average emission for the oil fired Caterpillar Generator and is required once during the term of the permit.

Condition # 1-12 for 6NYCRR 227-2: This condition is for Record Keeping/Maintenance Procedures for Oxides of Nitrogen for EU:2-00002, EP: 0005A, Proc: 002 & ES: 0005A. This condition limits the emission of oxides of nitrogen (NOx) from internal combustion engines, the Caterpillar Generator, in order to establish compliance with the NOx RACT rules and emission limit of 9.0 gm/bhp-hr for lean burn engines firing distillate oil. On April 10, 2001, an emission compliance evaluation or stack testing was conducted on the Caterpillar Generator. The NOx emissions from the Caterpillar engine indicated that 8.2 gm/bhp-hr NOx emission limit complies with the standard of 9.0 hm/bhp-hr. The NOx emissions were generated while the Caterpillar engine operated between 90 to 95 percent of its capacity. Therefore, the Caterpillar engine must operate at a minimum of 90 % of its capacity in order to comply with the 9.0 gm/bhp-hr NOx emission limit.

Condition # 61 for 6NYCRR 227-2.4(f)(2): This condition is for Intermittent Emission Testing for Oxides of Nitrogen for EU:2-00002, EP: 0005A, Proc: 002 & ES: 0005A. This condition sets emission limits of 9.0 gm/bhp-hr on oxides of nitrogen for lean burn internal combustion engines firing distillate oil. Stack testing is required for the Caterpillar Generator, once during the term of the permit, in order to demonstrate compliance with the 9.0 gm/bhp-hr for lean burn engines firing distillate oil.

Condition # 62 for 6NYCRR 227-2.4(f)(2): This condition is for Recordkeeping/Maintenance Procedures for Oxides of Nitrogen for EU:2-00002, EP: 0005A, Proc: 002, ES: 0005A. This condition sets emission limits on oxides of nitrogen for lean burn internal combustion engines firing distillate oil. To ensure that the Caterpillar Generator runs at optimum conditions and stays in compliance with the NOx RACT emission limit, periodic maintenance will be performed in accordance with the manufacturer's specification manual for the Caterpillar Generator.

Condition # 63 for 6NYCRR 227-2.4(f)(2)(ii): This condition is for Intermittent Stack Testing for Oxides of Nitrogen for EU:2-00002, EP: 0005A, Proc: 002 & ES: 0005A. This condition limits the NOx emission for lean burn engines firing other fuels by themselves or in combination with gas to 9.0 grams per brake horsepower-hour. This NOx emission limit applies to stationary internal combustion engine of 225 horsepower or larger (the Caterpillar Generator) in the severe nonattainment area, and 400 horsepower in the rest of the State, which provides primary power or is used for peak shaving generation. Compliance with the emission limit is determined on a one hour average if a stack test is utilized in accordance with 6 NYCRR 227-2.6(a)(7) or a 24 hour average if CEMS are utilized under 6 NYCRR 227-2.6(a)(2). If CEMS are utilized, the requirements of 6 NYCRR 227-2.6(b) apply, including the use of a 24 hour averaging period.. Emergency power generating units and units that operate during emergency situations which operate less than 500 hours per year, are exempt from this emission limitation.

Condition # 64 for 6NYCRR 227-2.6(a)(2): This condition is for Intermittent Stack Testing for Oxides of Nitrogen for EU:2-00002, EP: 0005A, Proc: 002, ES: 0005A. This condition is for the Cummins Generator. This condition is for internal combustion engines which opt to employ a continuous emissions monitoring system (CEMS), or equivalent, in lieu of the monitoring requirements to perform initial

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compliance stack tests as described in subdivision (c) of this section. Those internal combustion engines which opt to monitor emissions with a CEMS or equivalent shall follow the requirements of 6 NYCRR 227-2.6(b) to demonstrate compliance, including a 24 hour daily arithmetic average NOx emission rate.

Condition # 1-13 for 6NYCRR 227-2.6(a)(7): This condition is for Intermittent Emission Testing for Oxides of Nitrogen for EU: 2-00002, EP: 0005A, Proc: 002 & ES: 0005A. This condition is for the Caterpillar Generator. This condition limits the NOx emission for lean burn engines firing other fuels by themselves or in combination with gas to 9.0 grams per brake horsepower-hour. This condition is for testing, monitoring and reporting for internal combustion engines. The owner/operator of this internal combustion engine shall perform an initial compliance stack test as described in 6 NYCRR 227-2.6(c). If the internal combustion engine qualifies for the control exemption listed in 6 NYCRR 227-2.4(f)(3), do not need to perform the stack test. A test protocol shall be submitted for approval at least 60 days prior to testing. Testing procedures shall be those set for in 40 CFR 60 Appendix A, or any other methods acceptable to the Department and the USEPA for determining compliance with the appropriate NOx limit set forth in section 227-2.4. Testing procedures shall also comply with subpart 202-1. The Caterpillar Generator was tested on April 10, 2001. The Caterpillar Generator generated 8.2 gm/bhp-hr NOx emission which complies with the standard of 9.0 gm/bhp-hr NOx emission limit, but this was achieved while operating the Caterpillar engine between 90 and 95 percent of its capacity.

Condition # 1-14 for 6NYCRR 227-2.6(a)(7): This condition is for Monitoring of Process or Control Device Parameters as Surrogate for Oxides of Nitrogen for EU: 2-00002, EP: 0005A, Proc:002 & ES: 0005A: This condition is for the Caterpillar Generator. This condition is for testing, monitoring and reporting for internal combustion engines. The facility is limiting the number 2 oil usage for the Caterpillar Generator - 600 kw diesel to 46,100 gallons/year (annual maximum rolled daily). The owner/operator of this internal combustion engine shall perform an initial compliance stack test as described in 6 NYCRR 227-2.6(c). If the internal combustion engine qualifies for the control exemption listed in 6 NYCRR 227-2.4(f)(3), do not need to perform the stack test. A test protocol shall be submitted for approval at least 60 days prior to testing. Testing procedures shall be those set for in 40 CFR 60 Appendix A, or any other methods acceptable to the Department and the USEPA for determining compliance with the appropriate NOx limit set forth in section 227-2.4. Testing procedures shall also comply with subpart 202-1.

Condition # 66 for 6NYCRR 227-2.6(c): This condition is for Intermittent Emission Testing for Oxides of Nitrogen for EU: 2-00002, EP: 0005A, Proc: 002 & ES: 0005A. This condition is for the Caterpillar Generator. This condition is for stack test requirements. The owner or operator of the facility is required to test for NOx emission and follow monitoring and reporting requirements. The stack testing for NOx emission requires the facility to:

- (1) Submit a compliance test protocol to the department for approval at least 90 days prior to emission testing. The condition of the testing and the locations of the sampling devices must be acceptable to the department; and
- (2) Utilize procedures set forth in 40 CFR Part 60, Appendix A or any other method acceptable to the department and EPA for determining compliance with the appropriate NOx limit in section 227-2.4 of this Subpart, and shall follow the procedures set forth in Part 202 of this Title.
- (iv) For internal combustion engines, utilize Method 7, 7E or 19 from 40 CFR Part 60, Appendix A or

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another reference method approved by the department.

Condition # 67 for 6NYCRR 227-1.3: This condition is for Recordkeeping/Maintenance Procedures for visible emissions (opacity) for EU:2-00002 & EP: 0005B. This condition is for the Cummins Generator. This condition prohibits any person from operating a stationary combustion installation which emits smoke equal to or greater than 20% opacity except for one six-minute period per hour of not more than 27% opacity.

Condition # 68 for 6NYCRR 227-1.3(a): This condition is for Monitoring of Process or Control Device Parameters as Surrogate for Particulates for EU:2-00002 & EP: 0005B. This condition is for the Cummins Generator. This condition prohibits any person from operating a stationary combustion installation which emits smoke equal to or greater than 20% opacity except for one six-minute period per hour of not more than 27% opacity.

Condition # 69 for 6NYCRR 227-2-6(a)(7): This condition is for Monitoring of Process or Control Device Parameters as Surrogate for Oxides of Nitrogen for EU:2-00002 & EP: 0005B. This condition is for the Cummins Generator. This condition is for testing, monitoring and reporting for internal combustion engines. The facility is limiting the number 2 oil usage for the Cummins Generator - 300 kw diesel to 47,300 gallons/year (annual maximum rolled daily). The owner/operator of this internal combustion engine shall perform an initial compliance stack test as described in 6 NYCRR 227-2.6(c). If the internal combustion engine qualifies for the control exemption listed in 6 NYCRR 227-2.4(f)(3), do not need to perform the stack test. A test protocol shall be submitted for approval at least 60 days prior to testing. Testing procedures shall be those set for in 40 CFR 60 Appendix A, or any other methods acceptable to the Department and the USEPA for determining compliance with the appropriate NOx limit set forth in section 227-2.4. Testing procedures shall also comply with subpart 202-1.

Condition # 1-15 for 6NYCRR 227-2(b)(1): This condition is for Intermittent Emission Testing for Particulates for EU: 2-00002, EP: 0005B & Proc: 002. This regulation is from the 1972 version of Part 227 and still remains as part of New York's SIP. This condition establishes a particulate limit of 0.10 lbs/mmBtu based on a 2 hour average emission for the oil fired Cummins Generator and is required once during the term of the permit.

Condition # 1-16 for 6NYCRR 227-2: This condition is for Record Keeping/Maintenance Procedures for Oxides of Nitrogen for EU:2-00002, EP: 0005B, Proc: 002 & ES: 0005B. This condition limits the emission of oxides of nitrogen (NOx) from internal combustion engines, the Cummins Generator, in order to establish compliance with the NOx RACT rules and emission limit of 9.0 gm/bhp-hr for lean burn engines firing distillate oil. On May 23, 2000, an emission compliance evaluation or stack testing was conducted on the Cummins Generator and it established compliance with the 9.0 gm/bhp-hr NOx emission limit.

Condition # 71 for 6NYCRR 227-2.4(f)(2): This condition is for Intermittent Emission Testing for Oxides of Nitrogen for EU:2-00002, EP: 0005B, Proc: 002, ES: 0005B. This condition sets emission limits of 9.0 gm/bhp-hr on oxides of nitrogen for lean burn internal combustion engines firing distillate oil. Stack testing is required for the Cummins Generator, once during the term of the permit, in order to demonstrate compliance with the 9.0 gm/bhp-hr for lean burn engines firing distillate oil.

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Condition # 72 for 6NYCRR 227-2.4(f)(2): This condition is for Recordkeeping/Maintenance Procedures for Oxides of Nitrogen for EU:2-00002, EP: 0005B, Proc: 002, ES: 0005B. This condition sets emission limits on oxides of nitrogen for lean burn internal combustion engines firing distillate oil. To ensure that the Cummins Generator runs at optimum conditions and stays in compliance with the NOx RACT emission limit, periodic maintenance will be performed in accordance with the manufacturer's specification manual for the Cummins Generator.

Condition # 73 for 6NYCRR 227-2.4(f)(2)(ii): This condition is for Intermittent Stack Testing for Oxides of Nitrogen for EU:2-00002, EP: 0005B, Proc: 002 & ES: 0005B. This condition limits the NOx emission for lean burn engines firing other fuels by themselves or in combination with gas to 9.0 grams per brake horsepower-hour. This NOx emission limit applies to stationary internal combustion engine of 225 horsepower or larger (the Cummins Generator) in the severe nonattainment area, and 400 horsepower in the rest of the State, which provides primary power or is used for peak shaving generation. Compliance with the emission limit is determined on a one hour average if a stack test is utilized in accordance with 6 NYCRR 227-2.6(a)(7) or a 24 hour average if CEMS are utilized under 6 NYCRR 227-2.6(a)(2). If CEMS are utilized, the requirements of 6 NYCRR 227-2.6(b) apply, including the use of a 24 hour averaging period.. Emergency power generating units and units that operate during emergency situations which operate less than 500 hours per year, are exempt from this emission limitation.

Condition # 74 for 6NYCRR 227-2.6(a)(2): This condition is for Intermittent Stack Testing for Oxides of Nitrogen for EU:2-00002, EP: 0005B, Proc: 002, ES: 0005B. This condition is for the Cummins Generator. This condition is for internal combustion engines which opt to employ a continuous emissions monitoring system (CEMS), or equivalent, in lieu of the monitoring requirements to perform initial compliance stack tests as described in subdivision (c) of this section. Those internal combustion engines which opt to monitor emissions with a CEMS or equivalent shall follow the requirements of 6 NYCRR 227-2.6(b) to demonstrate compliance, including a 24 hour daily arithmetic average NOx emission rate.

Condition # 1-17 for 6NYCRR 227-2.6(a)(7): This condition is for Intermittent Emission Testing for Oxides of Nitrogen for EU: 2-00002, EP: 0005B, Proc: 002 & ES: 0005B. This condition is for the Cummins Generator. This condition limits the NOx emission for lean burn engines firing other fuels by themselves or in combination with gas to 9.0 grams per brake horsepower-hour. This condition is for testing, monitoring and reporting for internal combustion engines. The owner/operator of this internal combustion engine shall perform an initial compliance stack test as described in 6 NYCRR 227-2.6(c). If the internal combustion engine qualifies for the control exemption listed in 6 NYCRR 227-2.4(f)(3) ,do not need to perform the stack test. A test protocol shall be submitted for approval at least 60 days prior to testing. Testing procedures shall be those set for in 40 CFR 60 Appendix A, or any other methods acceptable to the Department and the USEPA for determining compliance with the appropriate NOx limit set forth in section 227-2.4. Testing procedures shall also comply with subpart 202-1.

Condition # 76 for 6NYCRR 227-2.6(c): This condition is for Intermittent Emission Testing for Oxides of Nitrogen for EU: 2-00002, EP: 0005B, Proc: 002 & ES: 0005B. This condition is for the Cummins Generator. This condition is for stack test requirements. The owner or operator of the facility is required to test for NOx emission and follow monitoring and reporting requirements. The stack testing for NOx emission requires the facility to:

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- (1) Submit a compliance test protocol to the department for approval at least 90 days prior to emission testing. The condition of the testing and the locations of the sampling devices must be acceptable to the department; and
- (2) Utilize procedures set forth in 40 CFR Part 60, Appendix A or any other method acceptable to the department and EPA for determining compliance with the appropriate NOx limit in section 227-2.4 of this Subpart, and shall follow the procedures set forth in Part 202 of this Title.
- (iv) For internal combustion engines, utilize Method 7, 7E or 19 from 40 CFR Part 60, Appendix A or another reference method approved by the department.