

New York State Department of Environmental Conservation

Permit Review Report

Permit ID: 2-6308-00513/00012



07/02/2007

Facility Identification Data

Name: BAYSWATER / JAMAICA BAY PEAKING FACILITY
Address: 14-25 BAY 24TH ST
FAR ROCKAWAY, NY 11691

Owner/Firm

Name: BAYSWATER PEAKING FACILITY LLC
Address: C/O FPL ENERGY
700 UNIVERSE BLVD
NORTH PALM BEACH, FL 33408, USA
Owner Classification: Corporation/Partnership

Permit Contacts

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14-25 24TH ST
FAR ROCKAWAY, NY 11691
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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.

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Summary Description of Proposed Project

This permit is for the Bayswater Peaking Facility located in Far Rockaway, Queens, New York. This Title V is combination of two existing State Facility Permits; Bayswater Peaking Facility, LLC and Jamaica Bay Peaking Facility, LLC. Both facilities are located on the same piece of property but housed in different buildings. This Facility is an Acid Rain Affected Source.

Attainment Status

BAYSWATER / JAMAICA BAY PEAKING FACILITY 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)	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 existing facility houses two simple-cycle electric generating stations. These are listed as the Bayswater Peaking Facility and the Jamaica Bay Peaking Facility. The Bayswater Peaking Facility has the Pratt & Whitney Model FT-8 'Twin Pac' (which are labeled EU-00001), while the Jamaica Bay Peaking Facility (which is labeled EU-00002) has the Pratt & Whitney FT-8 'Swift Pac'. EU-00001 produces 55 MW of electricity, while EU-00002 produces 54 MW. This electricity is sold for public and commercial consumption.

Permit Structure and Description of Operations

The Title V permit for BAYSWATER / JAMAICA BAY PEAKING FACILITY is structured in terms of the following hierarchy: facility, emission unit,

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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.

BAYSWATER / JAMAICA BAY PEAKING FACILITY is defined by the following emission unit(s):

Emission unit U00001 - Emission unit U-00001 - Two simple cycle Pratt and Whitney FT8 Combustion Turbines fired solely by natural gas. The two turbines serve one generator (Twin Pac configuration) and exhaust to a common stack, they generate 55 MW of electricity. Water injection and Selective Catalytic Reduction (SCR) are the emission controls for NOx and an oxidation catalyst is used for CO control.

Emission unit U00001 is associated with the following emission points (EP):
00001

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

Process: 001 is located at Main Floor, Building B1 - This process is the combustion of natural gas in the two simple cycle Pratt and Whitney FT8 Combustion Turbines for Emission Unit: U-00001.

Emission unit U00002 - Emission unit U-00002 - Two simple cycle Pratt and Whitney FT8

Combustion Turbines fire by both natural gas and fuel oil. The two turbines serve one generator (Twin Pac configuration) and exhaust to a common stack, they generate 54 MW of electricity. Water injection and Selective Catalytic Reduction (SCR) are the emission controls for NOx and an oxidation catalyst is used for CO control.

Emission unit U00002 is associated with the following emission points (EP):
00002

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

Process: 002 is located at Main Floor, Building B3 - This process is the combustion of natural gas in the two simple cycle Pratt and Whitney FT8 Combustion Turbines for Emission Unit: U-00002.

Process: 003 is located at Main Floor, Building B3 - This process is the combustion of fuel oil in the two

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simple cycle Pratt and Whitney FT8 Combustion Turbines for Emission Unit: U-00002.

Title V/Major Source Status

BAYSWATER / JAMAICA BAY PEAKING FACILITY is subject to Title V requirements. This determination is based on the following information:

The facility has combined two emission units, from a State Permit, into one Title V permit. The total emissions of NOx from the two emission units combined will be 45.3 tpy, thus exceeding the threshold requirement in a Non-attainment area. It is also applicable to Title IV requirements.

Program Applicability

The following chart summarizes the applicability of BAYSWATER / JAMAICA BAY PEAKING FACILITY with regards to the principal air pollution regulatory programs:

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

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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
4911	ELECTRIC SERVICES

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
2-01-001-01	INTERNAL COMBUSTION ENGINES - ELECTRIC GENERATION ELECTRIC UTILITY INTERNAL COMBUSTION ENGINE - DISTILLATE OIL (DIESEL) Turbine
2-01-002-01	INTERNAL COMBUSTION ENGINES - ELECTRIC GENERATION ELECTRIC UTILITY INTERNAL COMBUSTION ENGINE - NATURAL GAS 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

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

Cas No.	Contaminant Name	PTE	
		lbs/yr	Range
007664-41-7	AMMONIA	133900	
000630-08-0	CARBON MONOXIDE	176400	
0NY210-00-0	OXIDES OF NITROGEN	90000	
0NY075-00-0	PARTICULATES		>= 50 tpy but < 100 tpy
0NY075-00-5	PM-10		>= 100 tpy but < 250 tpy
007446-09-5	SULFUR DIOXIDE		>= 50 tpy but < 100 tpy
007664-93-9	SULFURIC ACID		>= 2.5 tpy but < 10 tpy
0NY998-00-0	VOC		>= 25 tpy but < 40 tpy

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

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

An emergency constitutes an affirmative defense to an action brought for noncompliance with emissions limitations or permit conditions for all facilities in New York State.

(a) The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (1) An emergency occurred and that the facility owner and/or operator can identify the cause(s) of the emergency;
- (2) The equipment at the permitted facility causing the emergency was at the time being properly operated;
- (3) During the period of the emergency the facility owner and/or operator took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and
- (4) The facility owner and/or operator notified the Department within two working days after the event occurred. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

(b) In any enforcement proceeding, the facility owner and/or operator seeking to establish the occurrence of an emergency has the burden of proof.

(c) This provision is in addition to any emergency or upset provision

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contained in any applicable requirement.

Item B: Public Access to Recordkeeping for Title V Facilities - 6NYCRR Part 201-1.10(b)

The Department will make available to the public any permit application, compliance plan, permit, and monitoring and compliance certification report pursuant to Section 503(e) of the Act, except for information entitled to confidential treatment pursuant to 6NYCRR Part 616 - Public Access to records and Section 114(c) of the Act.

Item C: Timely Application for the Renewal of Title V Permits - 6 NYCRR Part 201-6.3(a)(4)

Owners and/or operators of facilities having an issued Title V permit shall submit a complete application at least 180 days, but not more than eighteen months, prior to the date of permit expiration for permit renewal purposes.

Item D: Certification by a Responsible Official - 6 NYCRR Part 201-6.3(d)(12)

Any application, form, report or compliance certification required to be submitted pursuant to the federally enforceable portions of this permit shall contain a certification of truth, accuracy and completeness by a responsible official. This certification shall state that based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

Item E: Requirement to Comply With All Conditions - 6 NYCRR Part 201-6.5(a)(2)

The permittee must comply with all conditions of the Title V facility permit. Any permit non-compliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

Item F: Permit Revocation, Modification, Reopening, Reissuance or Termination, and Associated Information Submission Requirements - 6 NYCRR Part 201-6.5(a)(3)

This permit may be modified, revoked, reopened and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.

Item G: Cessation or Reduction of Permitted Activity Not a Defense - 6NYCRR Part 201-6.5(a)(5)

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It shall not be a defense for a permittee in an enforcement action to claim that a cessation or reduction in the permitted activity would have been necessary in order to maintain compliance with the conditions of this permit.

Item H: Property Rights - 6 NYCRR Part 201-6.5(a)(6)

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

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

If any provisions, parts or conditions of this permit are found to be invalid or are the subject of a challenge, the remainder of this permit shall continue to be valid.

Item J: Permit Shield - 6 NYCRR Part 201-6.5(g)

All permittees granted a Title V facility permit shall be covered under the protection of a permit shield, except as provided under 6 NYCRR Subpart 201-6. Compliance with the conditions of the permit shall be deemed compliance with any applicable requirements as of the date of permit issuance, provided that such applicable requirements are included and are specifically identified in the permit, or the Department, in acting on the permit application or revision, determines in writing that other requirements specifically identified are not applicable to the major stationary source, and the permit includes the determination or a concise summary thereof. Nothing herein shall preclude the Department from revising or revoking the permit pursuant to 6 NYCRR Part 621 or from exercising its summary abatement authority. Nothing in this permit shall alter or affect the following:

- i. The ability of the Department to seek to bring suit on behalf of the State of New York, or the Administrator to seek to bring suit on behalf of the United States, to immediately restrain any person causing or contributing to pollution presenting an imminent and substantial endangerment to public health, welfare or the environment to stop the emission of air pollutants causing or contributing to such pollution;
- ii. The liability of a permittee of the Title V facility for any violation of applicable requirements prior to or at the time of permit issuance;
- iii. The applicable requirements of Title IV of the Act;

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iv. The ability of the Department or the Administrator to obtain information from the permittee concerning the ability to enter, inspect and monitor the facility.

Item K: Reopening for Cause - 6 NYCRR Part 201-6.5(i)

This Title V permit shall be reopened and revised under any of the following circumstances:

i. If additional applicable requirements under the Act become applicable where this permit's remaining term is three or more years, a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which this permit is due to expire, unless the original permit or any of its terms and conditions has been extended by the Department pursuant to the provisions of Part 201-6.7 and Part 621.

ii. The Department or the Administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

iii. The Department or the Administrator determines that the Title V permit must be revised or reopened to assure compliance with applicable requirements.

iv. If the permitted facility is an "affected source" subject to the requirements of Title IV of the Act, and additional requirements (including excess emissions requirements) become applicable. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit.

Proceedings to reopen and issue Title V facility permits shall follow the same procedures as apply to initial permit issuance but shall affect only those parts of the permit for which cause to reopen exists.

Reopenings shall not be initiated before a notice of such intent is provided to the facility by the Department at least thirty days in advance of the date that the permit is to be reopened, except that the Department may provide a shorter time period in the case of an emergency.

Item L: Permit Exclusion - ECL 19-0305

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The issuance of this permit by the Department and the receipt thereof by the Applicant does not and shall not be construed as barring, diminishing, adjudicating or in any way affecting any legal, administrative or equitable rights or claims, actions, suits, causes of action or demands whatsoever that the Department may have against the Applicant for violations based on facts and circumstances alleged to have occurred or existed prior to the effective date of this permit, including, but not limited to, any enforcement action authorized pursuant to the provisions of applicable federal law, the Environmental Conservation Law of the State of New York (ECL) and Chapter III of the Official Compilation of the Codes, Rules and Regulations of the State of New York (NYCRR). The issuance of this permit also shall not in any way affect pending or future enforcement actions under the Clean Air Act brought by the United States or any person.

Item M: Federally Enforceable Requirements - 40 CFR 70.6(b)

All terms and conditions in this permit required by the Act or any applicable requirement, including any provisions designed to limit a facility's potential to emit, are enforceable by the Administrator and citizens under the Act. The Department has, in this permit, specifically designated any terms and conditions that are not required under the Act or under any of its applicable requirements as being enforceable under only state regulations.

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

Item A: General Provisions for State Enforceable Permit Terms and Condition - 6 NYCRR Part 201-5

Any person who owns and/or operates stationary sources shall operate and maintain all emission units and any required emission control devices in compliance with all applicable Parts of this Chapter and existing laws, and shall operate the facility in accordance with all criteria, emission limits, terms, conditions, and standards in this permit. Failure of such person to properly operate and maintain the effectiveness of such emission units and emission control devices may be sufficient reason for the Department to revoke or deny a permit.

The owner or operator of the permitted facility must maintain all required records on-site for a period of five years and make them available to representatives of the Department upon request. Department representatives must be granted access to any facility regulated by this Subpart, during normal operating hours, for the purpose of determining compliance with this and any other state and federal air pollution control requirements, regulations or law.

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Regulatory Analysis

Location Facility/EU/EP/Process/ES	Regulation	Short Description	Condition
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FACILITY	40CFR 52-A.21	Prevention of Significant Deterioration	36, 37
FACILITY	40CFR 60-A.14	General provisions - Modification	41
FACILITY	40CFR 60-A.4	General provisions - Address	38
FACILITY	40CFR 60-A.7 (a)	Notification and Recordkeeping	39
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FACILITY	40CFR 60-GG.334 (a)	Monitoring of Operations for Turbines Employing Water Injection to Control NOx	42
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FACILITY	40CFR 72	Permits regulation	43
FACILITY	40CFR 82-F	Protection of Stratospheric Ozone - recycling and emissions reduction	22
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FACILITY	6NYCRR 200.7	Maintenance of equipment.	10
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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.

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6NYCRR Part 200-.6

Acceptable ambient air quality - prohibits contravention of ambient air quality standards without mitigating measures

6NYCRR Part 200-.7

Anyone owning or operating an air contamination source which is equipped with an emission control device must operate the control consistent with ordinary and necessary practices, standards and procedures, as per manufacturer's specifications and keep it in a satisfactory state of maintenance and repair so that it operates effectively

6NYCRR Part 201-1.4

This regulation specifies the actions and recordkeeping and reporting requirements for any violation of an applicable state enforceable emission standard that results from a necessary scheduled equipment maintenance, start-up, shutdown, malfunction or upset in the event that these are unavoidable.

6NYCRR Part 201-1.7

Requires the recycle and salvage of collected air contaminants where practical

6NYCRR Part 201-1.8

Prohibits the reintroduction of collected air contaminants to the outside air

6NYCRR Part 201-3.2(a)

An owner and/or operator of an exempt emission source or unit may be required to certify that it operates within the specific criteria described in this Subpart. All required records must be maintained on-site for a period of 5 years and made available to department representatives upon request. In addition, department representatives must be granted access to any facility which contains exempt emission sources or units, during normal operating hours, for the purpose of determining compliance with this and any other state and federal air pollution control requirements, regulations, or law.

6NYCRR Part 201-3.3(a)

The owner and/or operator of a trivial emission source or unit may be required to certify that it operates within the specific criteria described in this Subpart. All required records must be maintained on-site for a period of 5 years and made available to department representatives upon request. In addition, department representatives must be granted access to any facility which contains trivial emission sources or units subject to this Subpart, during normal operating hours, for the purpose of determining compliance with this and any other state and federal air pollution control requirements, regulations, or law.

6NYCRR Part 201-5

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This regulation applies to those permit terms and conditions which are not federally enforceable. It specifies the applicability criteria for state facility permits, the information to be included in all state facility permit applications as well as the permit content, terms of permit issuance, and sets guidelines for modifying state facility permits and allowing for operational flexibility. For permitting purposes, this rule specifies the need to list all emission units except those that are exempt or trivial pursuant to Subpart 201-3 in the permit application and provide a description of the emission unit's processes and products. Finally, this rule also provides the Department the authority to include this and any other information that it deems necessary to identify applicable Federal standards, recordkeeping and reporting requirements, and establish terms and conditions that will ensure compliance with the national ambient air quality standards.

6NYCRR Part 201-6

This regulation applies to those terms and conditions which are subject to Title V permitting. It establishes the applicability criteria for Title V permits, the information to be included in all Title V permit applications as well as the permit content and terms of permit issuance. This rule also specifies the compliance, monitoring, recordkeeping, reporting, fee, and procedural requirements that need to be met to obtain a Title V permit, modify the permit and demonstrate conformity with applicable requirements as listed in the Title V permit. For permitting purposes, this rule specifies the need to identify and describe all emission units, processes and products in the permit application as well as providing the Department the authority to include this and any other information that it deems necessary to determine the compliance status of the facility.

6NYCRR 201-6.5(a)(4)

This mandatory requirement applies to all Title V facilities. It requires the permittee to provide information that the Department may request in writing, within a reasonable time, in order to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. The request may include copies of records required to be kept by the permit.

6NYCRR 201-6.5(a)(7)

This is a mandatory condition that requires the owner or operator of a facility subject to Title V requirements to pay all applicable fees associated with the emissions from their facility.

6NYCRR 201-6.5(a)(8)

This is a mandatory condition for all facilities subject to Title V requirements. It allows the Department to inspect the facility to determine compliance with this permit, including copying records, sampling and monitoring, as necessary.

6NYCRR Part 201-6.5(c)

This requirement specifies, in general terms, what information must be contained in any required compliance monitoring records and reports. This includes the date, time

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and place of any sampling, measurements and analyses; who performed the analyses; analytical techniques and methods used as well as any required QA/QC procedures; results of the analyses; the operating conditions at the time of sampling or measurement and the identification of any permit deviations. All such reports must also be certified by the designated responsible official of the facility.

6NYCRR Part 201-6.5(c)(2)

This requirement specifies that all compliance monitoring and recordkeeping is to be conducted according to the terms and conditions of the permit and follow all QA requirements found in applicable regulations. It also requires monitoring records and supporting information to be retained for at least 5 years from the time of sampling, measurement, report or application. Support information is defined as including all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

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

This regulation specifies any reporting requirements incorporated into the permit must include provisions regarding the notification and reporting of permit deviations and incidences of noncompliance stating the probable cause of such deviations, and any corrective actions or preventive measures taken.

6NYCRR 201-6.5(d)(5)

This condition applies to every Title V facility subject to a compliance schedule. It requires that reports, detailing the status of progress on achieving compliance with emission standards, be submitted semiannually.

6NYCRR Part 201-6.5(e)

Sets forth the general requirements for compliance certification content; specifies an annual submittal frequency; and identifies the EPA and appropriate regional office address where the reports are to be sent.

6NYCRR 201-6.5(f)(6)

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

6NYCRR Part 202-1.1

This regulation allows the department the discretion to require an emission test for the purpose of determining compliance. Furthermore, the cost of the test, including the preparation of the report are to be borne by the owner/operator of the source.

6NYCRR Part 202-2.1

Requires that emission statements shall be submitted on or before April 15th each

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year for emissions of the previous calendar year.

6NYCRR Part 202-2.5

This rule specifies that each facility required to submit an emission statement must retain a copy of the statement and supporting documentation for at least 5 years and must make the information available to department representatives.

6NYCRR Part 211-.2

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

6 NYCRR Part 211.3

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

6 NYCRR Part 215

Prohibits open fires at industrial and commercial sites.

40 CFR Part 68.

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

40 CFR Part 82, Subpart F

Subpart F requires the reduction of emissions of class I and class II refrigerants to the lowest achievable level during the service, maintenance, repair, and disposal of appliances in accordance with section 608 of the Clean Air Act Amendments of 1990. This subpart applies to any person servicing, maintaining, or repairing appliances except for motor vehicle air conditioners. It also applies to persons disposing of appliances, including motor vehicle air conditioners, refrigerant reclaimers, appliance owners, and manufacturers of appliances and recycling and recovery equipment. Those individuals, operations, or activities affected by this rule, may be required to comply with specified disposal, recycling, or recovery practices, leak repair practices, recordkeeping and/or technician certification requirements.

Facility Specific Requirements

In addition to Title V, BAYSWATER / JAMAICA BAY PEAKING FACILITY has been determined to be subject to the following regulations:

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40CFR 52-A.21

This citation applies to facilities that are subject to Prevention of Significant Deterioration provisions; ie: facilities that are located in an attainment area and that emit pollutants which are listed in 40 CFR 52.21(b)(23)(i) .

40CFR 60-A.14

This regulation defines the term modification and what is and is not considered to be a modification, for the purpose of rule applicability.

40CFR 60-A.4

This condition lists the USEPA Region 2 address for the submittal of all communications to the "Administrator". In addition, all such communications must be copied to NYSDEC Bureau of Quality Assurance (BQA).

40CFR 60-A.7 (a)

This regulation requires any owner or operator subject to a New Source Performance Standard (NSPS) to furnish the Administrator with notification of the dates of: construction or reconstruction, initial startup, any physical or operational changes, commencement of performance testing for continuous monitors and anticipated date for opacity observations as required.

40CFR 60-A.7 (b)

This regulation requires the owner or operator to maintain records of the occurrence and duration of any startup, shutdown, or malfunction of the source or control equipment or continuous monitoring system.

40CFR 60-GG.334 (a)

This regulation requires the owner or operator of any stationary gas turbine subject to the provisions of 40CFR60 Subpart GG that is using water injection to control NOx emissions to install and operate a continuous monitoring system to monitor and record fuel consumption and the ratio of water to fuel fired in the turbine

40CFR 60-GG.334 (b)

This regulation allows the owner/operator of a gas turbine to use a CEMS to monitor NOx emissions instead of monitoring fuel and water/steam usage.

40CFR 72

In order to reduce acid rain the the U.S. and Canada, Title IV of the Clean Air Act Amendments of 1990 requires the establishment of a program to reduce emissions of SO₂ and NO_x (sulfur dioxide and oxides of nitrogen). Fossil fuel burning electric utility companies are a major source of these contaminants in the US. These sources were regulated in a phased approach. Phase I, which began in 1995, requires 110 of the higher-emitting utility plants in the eastern and Midwest states to meet intermediate SO₂ emission limitations. Phase II, which began in 2000, tightens the emission limitations and expands the coverage to most fossil fuel burning utilities. The utilities are given "allowances" which is a limited authorization to emit one ton of SO₂. The utilities are required to limit SO₂ emissions to the number of allowances they hold. Some can benefit however by reducing their emissions and selling their excess allowances. Part 72 contains the means of implementing this portion of Title IV of the Clean Air Act.

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6NYCRR 201-7.2

Condition 48: The facility has selected to limit the emissions of Emission Unit U-00001 of NO_x, through the use of water injection and Selective Catalytic Removal, to 22.8 tpy. This will enable the emission unit to avoid the New Source Review requirements.

Condition 51: The facility has selected to limit the emissions of Emission Unit U-00002 of NO_x, through the use of water injection and Selective Catalytic Removal, to 22.5 tpy. This will enable the emission unit to avoid the New Source Review requirements.

6NYCRR 204-2

As per the regulation, each NO_x budget source shall have only one NO_x authorized account representative. Each certified statement submitted shall signed and certified by the account representative with a specific statement.

6NYCRR 204-2.4

This citation lists specific elements that must be included in a format prescribed by the administrator.

6NYCRR 204-4.1

This condition covers the compliance certification report requirements for the NO_x Budget Program.

6NYCRR 204-7.1

This condition lists the requirements for transfer of allowances in the NO_x Budget Program.

6NYCRR 204-8.1

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

6NYCRR 204-8.2

This condition covers the procedures for initially certifying and recertifying the monitoring systems of the unit meet the requirements of the NO_x Budget Program

6NYCRR 204-8.3

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

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 shall be sent.

6NYCRR 204-8.5

This condition requires the facility to quarterly reports with in 30 days following the end of the calender quarter. It requires account representatives to submit compliance certifications with specific content which is listed.

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6NYCRR 207 .2 (a)

Any person who owns a significant air contamination source shall submit a proposed episode action plan to the commissioner within 90 days of his request therefor.

6NYCRR 225-1.8 (a)

Upon request the owner or operator of a facility which purchases and fires coal or oil shall submit reports to the commissioner containing a fuel analysis, 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. All records shall be available for a minimum of three years

6NYCRR 227 .2 (b) (1)

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

6NYCRR 227-1.3

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

6NYCRR 227-1.3 (a)

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

6NYCRR 227-2.4 (e)

This citation requires that combustion processes meet specific limits. The gas process for NO_x is set at the 2.5 ppm while the oil is limited to 6.0 ppm and 13.9 lbs/ hr. The NO_x emissions may be measured with a CEMS or with an equivalent monitoring system approved by the department in lieu of the monitoring requirements as described in subdivision (b) of this section.

6NYCRR 231-2

Facility is individually limiting its NO_x emissions for each of the Emission Units in order to cap out of this regulation. See 201-7.2 conditions for additional information.

6NYCRR 237-1.4 (a)

This condition specifies that any emission unit or facility with a unit; that at any time on or after January 1, 1999, serves a generator with a nameplate capacity equal to or greater than 25 MWe, and sells any amount of electricity, is a NO_x budget unit and subject to the requirements of NYCRR 237

6NYCRR 237-1.6 (a)

This condition requires the applicant to submit a NO_x budget application for a permit and to operate in compliance with that permit.

6NYCRR 237-1.6 (c)

This subdivision outlines the standard requirements of the Acid Deposition Reduction NO_x Budget Trading Program for oxides of nitrogen.

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6NYCRR 237-1.6 (e)

This requires the owners and operators of the NOx budget source and each NOx budget unit at the source to keep pertinent documents at the site for a period of 5 years; and lists which documents are pertinent.

6NYCRR 237-1.6 (f)

This describes the liability issues regarding the requirements of the ADR NOx Budget Trading Program .

6NYCRR 237-1.6 (g)

This item states that no provision of the ADR NOx Budget Trading Program, a NOx budget permit application, or a NOx budget permit, will exempt or exclude the owners and operators from compliance with any other provisions of applicable State and federal law and regulations.

6NYCRR 237-2

This condition requires the permittee to select and authorize one person to manage, and represent the owners of any NOx budget unit; and specifies the responsibilities of this NOx authorized account representative

6NYCRR 237-4.1

This item specifies the requirements of the compliance certification report.

6NYCRR 237-7.1

This item specifies what information and actions are necessary in order to record the transfer of NOx allowances.

6NYCRR 237-8

This item requires the owners and operators of a NOx budget unit to comply with the monitoring and reporting requirements of NYCRR 237-8 and Subpart H of 40 CFR part 75; and allows NOx budget units which are also NOx budget units under NYCRR Part 204 to be summarily referenced in order to demonstrate compliance with the requirements of this item.

6NYCRR 238-1.6 (a)

This condition requires the applicant to submit a SO2 budget application for a permit and to operate in compliance with that permit.

6NYCRR 238-1.6 (c)

This Item requires the owners and operators of each SO2 budget source and each SO2 budget unit to hold SO2 allowances available for compliance deductions under NYCRR 238-6.5; and how such allowances will be managed.

6NYCRR 238-1.6 (e)

This item requires the owners and operators of the SO2 budget source to keep on site at the source pertinent documents for a period of 5 years from the date the document is created.

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6NYCRR 238-1.6 (f)

This subdivision outlines the liability of an affected source.

6NYCRR 238-1.6 (g)

This subdivision outlines the liability of an affected source as subject to other requirements.

6NYCRR 238-2.1

This section outlines the authorization and responsibilities of the SO2 authorized account representative.

6NYCRR 238-4.1

This section lists all of the requirements for the submission of the compliance certification report.

6NYCRR 238-7.1

This section outlines the requirements for the submission of SO2 allowance transfers.

6NYCRR 238-8

This condition requires the owner or operator of the facility to comply with the reporting and record keeping requirements of 40 CFR Part 75.

Compliance Certification

Summary of monitoring activities at BAYSWATER / JAMAICA BAY PEAKING FACILITY:

Location Facility/EU/EP/Process/ES	Type of Monitoring	Cond No.
FACILITY	continuous emission monitoring (cem)	36
FACILITY	continuous emission monitoring (cem)	37
FACILITY	record keeping/maintenance procedures	42
U-00001	continuous emission monitoring (cem)	83
U-00001	continuous emission monitoring (cem)	84
U-00001	continuous emission monitoring (cem)	85
U-00001	continuous emission monitoring (cem)	86
U-00001	continuous emission monitoring (cem)	87
U-00002/-/003	continuous emission monitoring (cem)	88
U-00002/-/003	continuous emission monitoring (cem)	89
U-00002/-/003	continuous emission monitoring (cem)	90
U-00002/-/003	continuous emission monitoring (cem)	91
FACILITY	record keeping/maintenance procedures	24
U-00002/-/003	work practice involving specific operations	56
FACILITY	record keeping/maintenance procedures	5
FACILITY	record keeping/maintenance procedures	6
U-00001	continuous emission monitoring (cem)	48
U-00002	continuous emission monitoring (cem)	51
FACILITY	record keeping/maintenance procedures	7
U-00001	record keeping/maintenance procedures	49
U-00002	record keeping/maintenance procedures	53
FACILITY	record keeping/maintenance procedures	31
FACILITY	record keeping/maintenance procedures	32
U-00002	record keeping/maintenance procedures	55
U-00002/-/003	intermittent emission testing	57
U-00002/00002/003	record keeping/maintenance procedures	58
FACILITY	monitoring of process or control device	34

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	parameters as surrogate	
FACILITY	continuous emission monitoring (cem)	35
U-00002/00002/003	continuous emission monitoring (cem)	59
U-00002/00002/003	continuous emission monitoring (cem)	60
FACILITY	record keeping/maintenance procedures	66
FACILITY	record keeping/maintenance procedures	71
FACILITY	record keeping/maintenance procedures	73
FACILITY	record keeping/maintenance procedures	75
FACILITY	record keeping/maintenance procedures	76
FACILITY	record keeping/maintenance procedures	80

Basis for Monitoring

Condition 5

Requires that the facility submit their Semi-annual reports 60 days after the end of the reporting period.

Condition 6

Requires the facility to submit compliance certifications by a responsible official annually, within 30 days after the end of the four consecutive calendar quarters. This information must be submitted to EPA Region 2, NYSDEC Region 2 RAPCE and NYSDEC Main Office.

Condition 7

Requires any owner or operator of a facility, located in an ozone non-attainment area which emits NOx or VOCs equal to or greater than 25 tons during any such calendar year, to submit emission statements.

Condition 24

Requires the turbines to run at base load (maximum load) when they are operating, except when starting up or shutting down. Must keep a log when of emissions when output is not at base load..

Condition 31

Requires the facility's account representative to submit a written notice to the DEC and the EPA Region 2 office in accordance with 40 CFR 75.61

Condition 32

Requires the facility's account representative to submit each quarterly reports with compliance certifications to DEC and the Administrator within 30 days following the end of the calendar quarter covered by the report.

Condition 34

Facility cannot exceed 20 percent opacity except for a single six minute period per hour allowing nothing greater than 27 percent opacity.

Condition 35

Limits emissions of NOx to 2.5 ppmbv when using gas as a fuel.

Condition 48

The facility is capping out of NSR by limiting the emissions of NOx to 22.8 tpy for Emission Unit U-00001.

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Condition 49

The authorized account representative must submit a compliance certificate every period NOx budget units are required to have them. This information must be received by November 30 of that year.

Condition 51

The facility is capping out of NSR by limiting the emissions of NOx to 22.5 tpy for Emission Unit U-00002.

Condition 53

Same as Condition 49 but for Emission Unit U-00002.

Condition 55

Requires the facility to retain fuel oil certifications from supplier with specific information.

Condition 56

Prohibits the facility from acquiring, selling or using fuel oil with more than 0.05 percent of sulfur content. A log must be maintained onsite for five years in order to valid this.

Condition 57

The specific Emission Unit cannot emit more than 0.10 pounds per million BTUs when firing fuel oil. A stack test must be performed to determine compliance and records are to be kept for five years on site.

Condition 60

Requires the facility to monitor the stack when oil fuel is being burned.

Condition 64

The facility owners must account, before the control period ends, all of its NOx budget emissions or its is in violation of the State law. If the facility requires additional allowances, it must procure them before the deadline passes.

Condition 66

The facility owners must account, before the control period ends, all of its SO2 budget emissions or its is in violation of the State law. If the facility requires additional allowances, it must procure them before the deadline passes.

Condition 67

The facility owners and operators must keep all SO2 budget information at an approved location for five years.

Condition 71

For each control period, the NOx authorized account representative shall submit a compliance certification report for each source covering all NOx budget units. This report will describe whether each unit was in compliance, its monitoring plan was effective, its specific monitoring information, any changes in its certification and what those changes were.

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Condition 73

The owners and operators shall comply with the monitoring and reporting requirements as per NYCRR 237-7 and Subpart H of 40 CFR 75.

Condition 75

For each control period, the SO₂ authorized account representative shall submit a compliance certification report for each source covering all SO₂ budget units. This report will describe whether each unit was in compliance, its monitoring plan was effective, its specific monitoring information, any changes in its certification and what those changes were.

Condition 80

For each control period, the SO₂ authorized account representative shall submit a compliance certification report for each source covering all SO₂ budget units. This report will describe whether each unit was in compliance, its monitoring plan was effective, its specific monitoring information, any changes in its certification and what those changes were.

Condition 83

Shutdown for EU: U-00001 is not to exceed 4 pounds of NO_x and 20 minutes per occurrence.

Condition 84

Startup for EU: U-00001 is not to exceed 20 pounds of NO_x and 30 minutes per occurrence.

Condition 85

Describes the NO_x requirements during steady state partial hours operation for EU: U-00001. These limits are based on data provided by the facility.

Condition 86

Describes the upper permit limit for NO_x concentration for EU: U-00001. This limit is based on the data provided by the facility.

Condition 87

States the limit of CO for EU: U-00001, which the facility has requested in order to avoid New Source Review requirements.

Condition 88

Shutdown for EU: U-00002 is not to exceed 2 pounds of NO_x and 20 minutes per occurrence.

Condition 89

Describes the upper permit limit for NO_x concentration for EU: U-00002. This limit is based on the data provided by the facility.

Condition 90

Describes the NO_x requirements during steady state partial hours operation for EU: U-00002. This limit is based on the limit provided by the facility.

Condition 91

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Startup for EU: U-00002 is not to exceed 40 pounds and 30 minutes per occurrence.