



**New York State Department of Environmental Conservation**  
**Permit Review Report**

**Permit ID: 3-5512-00031/00014**

**Renewal Number: 2**

**Modification Number: 1 06/21/2016**

**Facility Identification Data**

Name: WHEELABRATOR WESTCHESTER LP

Address: 1 CHARLES PT AVE

PEEKSKILL, NY 10566

**Owner/Firm**

Name: WESTCHESTER CO INDUSTRIAL DEVELOP AGENCY

Address: 148 MARTINE AVE

WHITE PLAINS, NY 10601-3311, USA

Owner Classification: Municipal

**Permit Contacts**

Division of Environmental Permits:

Name: JOHN W PETRONELLA

Address: NYSDEC - REGION 3

21 S PUTT CORNERS RD

NEW PALTZ, NY 12561-1696

Phone:8452563050

Division of Air Resources:

Name: DENSFORD D ESCARPETA

Address: NYSDEC - WHITE PLAINS SUBOFFICE

100 HILLSIDE AVE STE 1W

WHITE PLAINS, NY 10603

Phone:9144282505

Air Permitting Contact:

Name: BRETT BAKER

Address: CHARLES POINT RESOURCE RECOVERY FACILITY

1 CHARLES POINT AVE

PEEKSKILL, NY 10566

Phone:9147399304

**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**

Wheelabrator Westchester L.P. is an existing waste to energy facility with three identical municipal solid waste (MSW) combustor. Each combustor is rated at 750 tons per day, equivalent to 325 MMBtu/hr at 5,200 Btu/lb MSW. The permit modification increases the facility-wide allowable municipal solid waste



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from 710,000 to 755,000 tons per year. In addition, the permit modification caps the facility-wide NOx emissions at 1066 tons per year (tpy) in order to limit NOx emissions to no greater than 24.5 tpy above baseline emissions. The emission cap is being imposed to stay below significant emission increase threshold of 25 tpy to confirm Nonattainment New Source Review (NNSR) 6NYCRR Part 231-6 and 6NYCRR Part 231-8 Attainment Area Prevention of Significant Deterioration (PDS) major modification non-applicability.

**Attainment Status**

WHEELABRATOR WESTCHESTER LP is located in the town of PEEKSKILL in the county of WESTCHESTER.

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.)

<b>Criteria Pollutant</b>	<b>Attainment Status</b>
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:**

Wheelabrator Westchester L.P. is an existing waste to energy facility with three identical municipal solid waste (MSW) combustor. Each combustor is rated at 750 tons per day, equivalent to 325 MMBtu/hr at 5,200 Btu/lb MSW. No changes to the MSW combustors are proposed with this modification. .

**Permit Structure and Description of Operations**

The Title V permit for WHEELABRATOR WESTCHESTER LP

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



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control - emission control devices  
process - any device or contrivance which may emit air contaminants  
that is not included in the above categories.

WHEELABRATOR WESTCHESTER LP is defined by the following emission unit(s):

Emission unit U0000K - The Ash Handling Building Ventilation System serves to reduce potential fugitive emissions of ash from the Ash Handling Building. This ventilation system includes the use of dust scrubbers that are vented to the atmosphere. The ventilation system is used as necessary when the metals recovery system is operating and/or ash loadout activities are occurring.

Emission unit U0000K is associated with the following emission points (EP):  
00006, 00007

Process: 015 is located at Ash Handling Bldg, Building 006 - The Ash Handling Building Ventilation system serves to reduce potential fugitive emissions of ash from the Ash Handling Building. This ventilation system includes the use of dust scrubbers that are vented to the atmosphere. The ventilation system is used as necessary when the metals recovery system is operating and/or ash loadout activities are occurring.

Emission unit U0000J - Solvent Degreaser (located in Maintenance Area in Boiler Building).

Process: 014 Solvent Degreasing.

Emission unit U0000B -

Emission unit U0000B is associated with the following emission points (EP):  
0000B

Process: 004 Natural Gas Firing (auxiliary fuel). Boiler #2 is equipped with one natural gas fired auxiliary burner rated at 11.9 MMBTU/hr. The auxiliary burner is used to preheat the boiler during startup and is used to stabilize combustion conditions during shutdown and other transitory conditions.

Process: 005 Municipal Solid Waste Firing.

Emission unit U0000H - 184.1 Brake-Horsepower diesel fire pump (located in Pumphouse). Exempt Emission Unit per 6 NYCRR 201-3.2(c)(6).

Process: 012 184.1 Brake-Horsepower Diesel Fire Pump.

Emission unit U0000C - Municipal Solid Waste Combustor. Maximum heat input is 325 MMBTU/hr (equivalent to 750 tons per day MSW @ 5200 BTU/lb MSW). Combustion gases are exhausted through a stack that contains three flues (one for each of the three combustors).

Emission unit U0000C is associated with the following emission points (EP):  
0000C



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Process: 006 Natural Gas Firing (auxiliary fuel). Boiler #3 is equipped with one natural gas fired auxiliary burner rated at 11.9 MMBTU/hr. The auxiliary burner is used to preheat the boiler during startup and is used to stabilize combustion conditions during shutdown and other transitory conditions.

Process: 007 Municipal Solid Waste Firing.

Emission unit U0000A - Municipal Solid Waste Combustor. Maximum heat input is 325 MMBTU/hr (equivalent to 750 tons per day MSW @ 5200 BTU/lb MSW). Combustion gases are exhausted through a stack that contains three flues (one for each of the three combustors).

Emission unit U0000A is associated with the following emission points (EP):  
0000A

Process: 001 Natural Gas Firing (auxiliary fuel). Boiler #1 is equipped with one natural gas fired auxiliary burner rated at 11.9 MMBTU/hr. The auxiliary burner is used to preheat the boiler during startup and is used to stabilize combustion conditions during shutdown and other transitory conditions.

Process: 002

**Title V/Major Source Status**

WHEELABRATOR WESTCHESTER LP is subject to Title V requirements. This determination is based on the following information:

Emission of criteria pollutants are subject to PSD requirements. The facility is also a major source for NOx.

**Program Applicability**

The following chart summarizes the applicability of WHEELABRATOR WESTCHESTER LP with regards to the principal air pollution regulatory programs:

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



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**NOTES:**

**PSD** Prevention of Significant Deterioration (40 CFR 52, 6 NYCRR 231-7, 231-8) - 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 231-5, 231-6) - requirements which pertain to major stationary sources located in areas which are in non-attainment of National Ambient Air Quality Standards (NAAQS) for specified pollutants.

**NESHAP** National Emission Standards for Hazardous Air Pollutants (40 CFR 61, 6 NYCRR 200.10) - 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, 6 NYCRR 200.10) - 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, 6 NYCRR 200.10) - 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, 6 NYCRR 201-6) - regulations which mandate the implementation of the acid rain control program for large stationary combustion facilities.

**Title VI Stratospheric Ozone Protection** (40 CFR 82, Subpart A thru G, 6 NYCRR 200.10) - 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, 6 NYCRR 200.10) - as per the CAAA, all states are empowered and required to devise the specific combination of controls that, when implemented, will bring about attainment of ambient air quality standards established by the federal government and the individual state. This specific combination of measures is referred to as the SIP. The term here refers to those state regulations that are approved to be included in the SIP and thus are considered federally enforceable.

**Compliance Status**

Facility is in compliance with all requirements.



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**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.

<b>SIC Code</b>	<b>Description</b>
4953	REFUSE SYSTEMS
9999	NONCLASSIFIABLE ESTABLISHMENTS

**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.

<b>SCC Code</b>	<b>Description</b>
3-90-006-89	IN-PROCESS FUEL USE INDUSTRIAL PROCESSES - IN-PROCESS FUEL USE General
4-01-002-01	ORGANIC SOLVENT EVAPORATION ORGANIC SOLVENT EVAPORATION - DEGREASING STODDARD (PETROLEUM SOLVENT) - OPEN-TOP VAPOR DEGREASING
5-01-001-02	SOLID WASTE DISPOSAL - GOVERNMENT SOLID WASTE DISPOSAL: GOVERNMENT - MUNICIPAL INCINERATION Mass Burn: Single Chamber
5-01-006-02	SOLID WASTE DISPOSAL - GOVERNMENT SOLID WASTE DISPOSAL: GOVERNMENT - FIRE FIGHTING Structure: Distillate Oil
5-01-006-04	SOLID WASTE DISPOSAL - GOVERNMENT SOLID WASTE DISPOSAL: GOVERNMENT - FIRE FIGHTING Structure: Wood Pallets
5-03-008-99	SOLID WASTE DISPOSAL - INDUSTRIAL SOLID WASTE DISPOSAL: INDUSTRIAL - TREATMENT, STORAGE, DISPOSAL /TSDF GENERAL:FUGITIVE EMISSIONS

**Facility Emissions Summary**

In the following table, the CAS No. or Chemical Abstract Service 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



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control equipment and/or restrictions on the hours of operation, or on the type or amount of material combusted, stored, or processed, shall be treated as part of the design only if the limitation is contained in federally enforceable permit conditions. The PTE Range represents an emission range for a contaminant. Any PTE quantity that is displayed represents a facility-wide emission cap or limitation for that contaminant. If no PTE quantity is displayed, the PTE Range is provided to indicate the approximate magnitude of facility-wide emissions for the specified contaminant in terms of tons per year (tpy). The term 'HAP' refers to any of the hazardous air pollutants listed in section 112(b) of the Clean Air Act Amendments of 1990. Total emissions of all hazardous air pollutants are listed under the special NY CAS No. 0NY100-00-0. In addition, each individual hazardous air pollutant is also listed under its own specific CAS No. and is identified in the list below by the (HAP) designation.

Cas No.	Contaminant Name	PTE	
		lbs/yr	Range
001746-01-6	2,3,7,8-TETRACHLORODIBENZO-P-DIOXIN		> 0 but < 10 tpy
007440-36-0	ANTIMONY		> 0 but < 10 tpy
007440-38-2	ARSENIC		> 0 but < 10 tpy
007440-41-7	BERYLLIUM		> 0 but < 10 tpy
007440-43-9	CADMIUM		> 0 but < 10 tpy
000124-38-9	CARBON DIOXIDE		>= 100,000 tpy
0NY750-00-0	CARBON DIOXIDE EQUIVALENTS		>= 100,000 tpy
000630-08-0	CARBON MONOXIDE		>= 250 tpy but < 75,000 tpy
007440-47-3	CHROMIUM		> 0 but < 10 tpy
007440-48-4	COBALT		> 0 but < 10 tpy
007647-01-0	HYDROGEN CHLORIDE		>= 10 tpy
007664-39-3	HYDROGEN FLUORIDE		>= 10 tpy
007439-92-1	LEAD		> 0 but < 10 tpy
007439-96-5	MANGANESE		> 0 but < 10 tpy
007439-97-6	MERCURY		> 0 but < 10 tpy
000074-82-8	METHANE		>= 250 tpy but < 75,000 tpy
007440-02-0	NICKEL METAL AND INSOLUBLE COMPOUNDS		> 0 but < 10 tpy
010024-97-2	NITROUS OXIDE		>= 25 tpy but < 40 tpy
0NY210-00-0	OXIDES OF NITROGEN	2132000	
0NY075-00-0	PARTICULATES		>= 100 tpy but < 250 tpy
0NY075-00-5	PM-10		>= 100 tpy but < 250 tpy
001336-36-3	POLYCHLORINATED BIPHENYL		> 0 but < 10 tpy
007782-49-2	SELENIUM		> 0 but < 10 tpy
007446-09-5	SULFUR DIOXIDE		>= 250 tpy but < 75,000 tpy
007664-93-9	SULFURIC ACID		>= 50 tpy but < 100 tpy
0NY100-00-0	TOTAL HAP		>= 250 tpy but < 75,000 tpy
0NY998-00-0	VOC		>= 10 tpy but < 25 tpy

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

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



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An emergency, as defined by subpart 201-2, constitutes an affirmative defense to penalties sought in an enforcement action brought by the Department 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 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 and maintained;
  - (3) During the period of the emergency the facility owner 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 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 or operator seeking to establish the occurrence of an emergency has the burden of proof.
- (c) This provision is in addition to any emergency or upset provision contained in any applicable requirement.

**Item B: Public Access to Recordkeeping for Title V Facilities - 6 NYCRR 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 6 NYCRR 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 201-6.2(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 201-6.2(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.



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- Item E: Requirement to Comply With All Conditions - 6 NYCRR Part 201-6.4(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 201-6.4(a)(3)**  
This permit may be modified, revoked, reopened and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.
- Item G: Cessation or Reduction of Permitted Activity Not a Defense - 6 NYCRR 201-6.4(a)(5)**  
It shall not be a defense for a permittee in an enforcement action to claim that a cessation or reduction in the permitted activity would have been necessary in order to maintain compliance with the conditions of this permit.
- Item H: Property Rights - 6 NYCRR 201-6.4(a)(6)**  
This permit does not convey any property rights of any sort or any exclusive privilege.
- Item I: Severability - 6 NYCRR Part 201-6.4(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 201-6.4(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;



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- iii. The applicable requirements of Title IV of the Act;
- iv. The ability of the Department or the Administrator to obtain information from the permittee concerning the ability to enter, inspect and monitor the facility.

**Item K: Reopening for Cause - 6 NYCRR Part 201-6.4(i)**

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

- i. If additional applicable requirements under the Act become applicable where this permit's remaining term is three or more years, a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which this permit is due to expire, unless the original permit or any of its terms and conditions has been extended by the Department pursuant to the provisions of Part 201-6.7 and Part 621.
- ii. The Department or the Administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
- iii. The Department or the Administrator determines that the Title V permit must be revised or reopened to assure compliance with applicable requirements.
- iv. If the permitted facility is an "affected source" subject to the requirements of Title IV of the Act, and additional requirements (including excess emissions requirements) become applicable. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit.

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

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

**Item L: Permit Exclusion - ECL 19-0305**

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

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

All terms and conditions in this permit required by the Act or any applicable requirement,



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

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

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

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

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

**Regulatory Analysis**

<b>Location Facility/EU/EP/Process/ES</b>	<b>Regulation</b>	<b>Condition</b>	<b>Short Description</b>
FACILITY	ECL 19-0301	60	Powers and Duties of the Department with respect to air pollution control
FACILITY	40CFR 52-A.21(j)	29, 30, 31, 32, 34, 35, 36, 37, 38, 39, 40, 1 -22	Best Available Control Technology
FACILITY	40CFR 60-A.7(b)	41	Notification and Recordkeeping
FACILITY	40CFR 60-Cb.33b(a)(1)(i)	42	Existing Large MWC's - emission limit for particulates
U-0000A/0000A/002/00001	40CFR 60-Cb.33b(a)(1)(i)	55	Existing Large MWC's - emission limit for opacity
FACILITY	40CFR 60-Cb.33b(a)(3)	43, 44	Existing Large MWC's - emission limit for mercury
FACILITY	40CFR 60-Cb.33b(b)(3)(i)	45	Existing Large MWC's - emission limit for sulfur dioxide
FACILITY	40CFR 60-Cb.33b(b)(3)(i)	46	Existing Large MWC's - emission limit for hydrogen chloride
U-0000A/0000A/002/00001	40CFR 60-Cb.34b(a)	56	Existing Large MWC's - operating practices



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U- 0000A/0000A/002/00001	40CFR 60-Cb.34b(b)	57, 58	carbon monoxide limit Existing Large MWC's - operating practices MWC temperature requirements and unit load level
FACILITY	40CFR 60-Cb.35b	47, 48, 49	Municipal waste combustor operator training and certification.
FACILITY	40CFR 60-Cb.36b	50	Emission guidelines for municipal waste combustor fugitive ash emissions.
FACILITY	40CFR 60-Cb.38b	51	Compliance and performance testing.
FACILITY	40CFR 60-Cb.39b(a)	52	
U- 0000A/0000A/002/00001	40CFR 60- Eb.58b(g)(5)(i)	59	Alternative Dioxin/furan testing requirement
FACILITY	40CFR 68	20	Chemical accident prevention provisions
FACILITY	40CFR 82-F	21	Protection of Stratospheric Ozone - recycling and emissions reduction
FACILITY	6NYCRR 200.6	1	Acceptable ambient air quality.
FACILITY	6NYCRR 200.7	10	Maintenance of equipment.
FACILITY	6NYCRR 201-1.4	61, 1 -23	Unavoidable noncompliance and violations
FACILITY	6NYCRR 201-1.7	1 -7	Recycling and Salvage
FACILITY	6NYCRR 201-1.8	12	Prohibition of reintroduction of collected contaminants to the air
FACILITY	6NYCRR 201-3.2(a)	13, 1 -8	Exempt Activities - Proof of eligibility
FACILITY	6NYCRR 201-3.3(a)	14, 1 -9	Trivial Activities - proof of eligibility
FACILITY	6NYCRR 201-6	22, 53, 54	Title V Permits and the Associated Permit Conditions
FACILITY	6NYCRR 201-6.4	1 -13	Standard Permit Requirements
FACILITY	6NYCRR 201-6.4(a)(4)	1 -10	General Conditions - Requirement to Provide Information
FACILITY	6NYCRR 201-6.4(a)(7)	1 -1	General Conditions - Fees
FACILITY	6NYCRR 201-6.4(a)(8)	1 -11	General Conditions - Right to Inspect
FACILITY	6NYCRR 201-6.4(c)	1 -2	Recordkeeping and Reporting of
FACILITY	6NYCRR 201-6.4(c)(2)	1 -3	Compliance Monitoring Records of
FACILITY	6NYCRR 201- 6.4(c)(3)(ii)	1 -4	Monitoring, Sampling and Measurement Reporting Requirements - Deviations and



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FACILITY	6NYCRR 201-6.4(d)(4)	1	-14	Noncompliance
FACILITY	6NYCRR 201-6.4(e)	1	-5	Compliance Schedules - Progress Reports
FACILITY	6NYCRR 201-6.4(f)(6)	1	-12	Compliance Certification
FACILITY	6NYCRR 201-6.4(g)	1	-15	Off Permit Changes
FACILITY	6NYCRR 201-7	1	-16	Permit Shield
FACILITY	6NYCRR 202-1.1		19	Federally Enforceable Emissions Caps
FACILITY	6NYCRR 202-2.1	1	-6	Required emissions tests.
FACILITY	6NYCRR 202-2.5		8	Emission Statements - Applicability
FACILITY	6NYCRR 207.2(f)		24	Emission Statements - record keeping requirements.
FACILITY	6NYCRR 207.3(d)		25	Episode action plan for significant air contamination source
FACILITY	6NYCRR 211.1		26	Episode actions
FACILITY	6NYCRR 211.2	1	-24	General Prohibitions - air pollution prohibited
FACILITY	6NYCRR 215.2		9	General Prohibitions - visible emissions limited.
FACILITY	6NYCRR 219-6.4		27	Open Fires - Prohibitions
U-0000A/0000A/002/00001	6NYCRR 219-7.2		62, 63	Odorous emissions.
FACILITY	6NYCRR 225-1.2(f)	1	-18	Compliance with mercury emission limitations
FACILITY	6NYCRR 231-11.2(b)	1	-20	Sulfur-in-Fuel Limitations
FACILITY	6NYCRR 231-11.2(c)	1	-21	Reasonable Possibility requirements for insignificant mods - less than 50% with excluded emissions
FACILITY	6NYCRR 231-6.2	1	-19	Reasonable Possibility requirements for insignificant mods - greater than 50% with excluded emissions
				Netting

**Applicability Discussion:**

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

ECL 19-0301

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.

6 NYCRR 200.6

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

6 NYCRR 200.7



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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

6 NYCRR 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.

6 NYCRR 201-1.7

Requires the recycle and salvage of collected air contaminants where practical

6 NYCRR 201-1.8

Prohibits the reintroduction of collected air contaminants to the outside air

6 NYCRR 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.

6 NYCRR 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.

6 NYCRR Subpart 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.

6 NYCRR 201-6.4 (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.

6 NYCRR 201-6.4 (a) (7)

This is a mandatory condition that requires the owner or operator of a facility subject to Title V



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requirements to pay all applicable fees associated with the emissions from their facility.

6 NYCRR 201-6.4 (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.

6 NYCRR 201-6.4 (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.

6 NYCRR 201-6.4 (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.

6 NYCRR 201-6.4 (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.

6 NYCRR 201-6.4 (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.

6 NYCRR 201-6.4 (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.

6 NYCRR 201-6.4 (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.

6 NYCRR 201-6.4 (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.

6 NYCRR 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



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borne by the owner/operator of the source.

6 NYCRR 202-2.1

Requires that emission statements shall be submitted on or before April 15th each year for emissions of the previous calENDar year.

6 NYCRR 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.

6 NYCRR 211.2

This regulation limits opacity from sources to less than or equal to 20 percent (six minute average) except for one continuous six-minute period per hour of not more than 57 percent opacity.

6 NYCRR 215.2

Except as allowed by section 215.3 of 6 NYCRR Part 215, no person shall burn, cause, suffer, allow or permit the burning of any materials in an open fire.

40 CFR Part 68

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

40 CFR Part 82, Subpart F

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

**Facility Specific Requirements**

In addition to Title V, WHEELABRATOR WESTCHESTER LP has been determined to be subject to the following regulations:

40 CFR 52.21 (j)

BACT determinations are made on a case-by-case basis and can be no less stringent than any requirement that exists in the current State Implementation Plan (SIP) or 40 CFR 60 and 61. Emission and operational limitations required from a BACT determination will have to be entered into the special permit conditions, separately by the permit reviewer.

40 CFR 60.33b (a) (1) (i)

This section sets forth the emission limit for particulate matter contained in the gases discharged to the atmosphere from a municipal waste combustor subject to the requirements of the Emission Guidelines, 40 CFR 60, Subpart Cb. The emission limit for particulate matter is 25 milligrams per dry standard cubic meter, corrected to 7 percent oxygen.



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40 CFR 60.33b (a) (1) (iii)

This section sets forth the emission limit for opacity exhibited by the gases discharged to the atmosphere from a municipal waste combustor subject to the requirements of the Emission Guidelines, 40 CFR 60, Subpart Cb. The emission limit for opacity is 10 percent (6 minute average).

40 CFR 60.33b (a) (3)

This section sets forth the emission limit for mercury contained in the gases discharged to the atmosphere from a municipal waste combustor subject to the requirements of the Emission Guidelines, 40 CFR 60, Subpart Cb. The emission limit for mercury is 50 micrograms per dry standard cubic meter or 15 percent of the potential mercury emission concentration (an 85 - percent reduction by weight), corrected to 7 percent oxygen, whichever is less stringent.

40 CFR 60.33b (b) (3) (i)

This section sets forth the emission limit for sulfur dioxide contained in the gases discharged to the atmosphere from a municipal waste combustor subject to the requirements of the Emission Guidelines, 40 CFR 60, Subpart Cb. The emission limit for sulfur dioxide is 29 parts per million by volume or 25 percent of the potential sulfur dioxide emission concentration (75 - percent reduction by weight or volume), corrected to 7 percent oxygen (dry basis), whichever is less stringent.

Compliance

with this emission limit is based on a 24 - hour daily geometric mean.

40 CFR 60.33b (b) (3) (ii)

This section sets forth the emission limit for hydrogen chloride contained in the gases discharged to the atmosphere from a municipal waste combustor subject to the requirements of the Emission Guidelines, 40 CFR 60, Subpart Cb. The emission limit for hydrogen chloride is 29 parts per million by volume or 5 percent of the potential hydrogen chloride emission concentration (95 - percent reduction by weight or volume), corrected to 7 percent oxygen (dry basis), whichever is less stringent.

40 CFR 60.34b (a)

This section sets forth emission limits for carbon monoxide, by municipal waste combustor technology, for carbon monoxide contained in the gases discharged to the atmosphere from a municipal waste combustor subject to the requirements of the Emission Guidelines, 40 CFR 60, Subpart Cb. Limits are established as follows: 100 parts per million by volume (ppmv) for mass burn waterwall, mass burn refractory, mass burn rotary refractory, and fluidized-bed MWCs; 250 ppmv for mass burn rotary waterwall MWCs; 50 ppmv for modular starved - air and excess air MWCs; 150 ppmv mixed fuel-fired pulverized coal/refuse derived fuel (RDF) MWCs; 200 ppmv for spreader stoker mixed fuel-fired pulverized coal/RDF and RDF stoker MWCs, all corrected to 7 percent oxygen (dry basis).

40 CFR 60.34b (b)

This section sets forth municipal waste combustor operating practices which include maximum load level and temperature requirements. The operating range for the combustor must be no more than 110 percent



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of the maximum load level demonstrated during the most recent performance test demonstrating compliance with the applicable dioxin/furan limit. The temperature at the inlet of the particulate matter control device must be no more than 17degrees C (30.6 F) above the maximum demonstrated particulate matter control device temperature measured during the most recent dioxin/furan performance test demonstrating compliance with the applicable dioxin/furan limit.

40 CFR 60.35b

This section requires that the applicant develop and update on a yearly basis a site-specific operating manual that must, at a minimum, address the elements of municipal waste combustor unit operation specified in 40 CFR 60.54b of Subpart Eb.

In addition, a training program is required to review the operating manual with each person who has responsibilities affecting the operation of a municipal waste combustor including, but not limited to, chief facility operators, shift supervisors, control room operators, ash handlers, maintenance personnel, and crane/load handlers.

This section also requires that each chief facility operator and shift supervisor obtain and maintain a current provisional operator certification from either the American Society of Mechanical Engineers (QRO-1-1994) or from another certification program acceptable to the Department.

40 CFR 60.36b

This section sets forth the emission limit for municipal waste combustor fugitive ash emissions. It requires that discharge to the atmosphere of visible emissions of combustion ash from the ash conveying system (including conveyor transfer points) may not exceed 5 percent of the observation period (i.e. 9 minutes per 3-hour period), as determined by EPA Reference Method 22 observations. This emission limit does not cover visible emissions discharged inside buildings or enclosures of ash conveying systems; however, it does cover visible emissions discharged to the atmosphere from buildings or enclosures of ash conveying systems. This emission limit does not apply during maintenance and repair of ash conveying systems.

40 CFR 60.38b

This section sets forth compliance and performance testing requirements for municipal waste combustors.

40 CFR 60.39b (a)

This section requires that the applicant meet the municipal waste combustor reporting and recordkeeping provisions listed in 40 CFR 60.59b of Subpart Eb, as applicable.

40 CFR 60.58b (g) (5) (iii)

Alternative performance testing sequence for dioxins/furans.

40 CFR 60.7 (b)

This regulation requires the owner or operator to maintain records of the occurrence and duration of any



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startup, shutdown, or malfunction of the source or control equipment or continuous monitoring system.

6 NYCRR 201-6.4

Permit conditions for monitoring.

6 NYCRR 207.2 (f)

6 NYCRR 207.3 (d)

6 NYCRR 211.1

This regulation requires that no person shall cause or allow emissions of air contaminants to the outdoor atmosphere of such quantity, characteristic or duration which are injurious to human, plant or animal life or to property, or which unreasonably interfere with the comfortable enjoyment of life or property.

6 NYCRR 219-6.4

This section sets forth the requirements for maintaining the temperature and controlling the odorous emission, from the existing (prior to January 1, 1989) incinerators in New York City, Nassau, and Westchester counties, which are:

- a) For any continuous fed incinerator, the gas temperature at the furnace outlet is designed to be automatically maintained and is automatically maintained at not less than 1,400oF while the incinerator is in operation.  
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- b) For any batch fed incinerator, the gas temperature at the furnace outlet is designed to be automatically maintained and is automatically maintained at not less than 1400oF during 90 percent of the burning period.
- (c) Incinerators with a capacity of 2,000 lbs/hr or less of refuse charged shall be equipped with a sensing device indicating the gas temperature at the furnace outlet. Incinerators with a capacity of greater than 200 lbs/hr of refuse charged shall be equipped with a sensing device and recorder to measure and record the temperature at the furnace outlet. A person who owns, operates, or maintains an incinerator with a capacity greater than 2,000 lbs/hr of refuse charged shall retain recorder chart temperature records for a period of three years and shall make such charts available for inspection by the commissioner or his representative during normal business hours.
- (d) Upon application, the commissioner may modify the provisions of this section where the applicant can show to the satisfaction of the commissioner that the odorous emission from his incinerator can be and is controlled with equivalent effectiveness.

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6 NYCRR 219-7.2

Section 219-7.2 sets forth annual compliance requirements including stack testing procedures to demonstrate compliance with a mercury emission limitation of 28 micrograms/dscm (corrected to 7% oxygen) or 85% removal, whichever is less stringent, for each municipal waste combustor unit.

6 NYCRR 225-1.2 (f)

Sulfur-in-fuel limitations for the purchase of #2 heating oil on or after July 1, 2012.

6 NYCRR 231-11.2 (b)

This subdivision is referred to as the "Reasonable Possibility" provisions. This citation lists the record keeping requirements for insignificant modifications that are less than 50% of the applicable significant project threshold including excluded emissions as defined in Part 231-4.1(b)(40)(i)(c).

6 NYCRR 231-11.2 (c)

This citation lists the record keeping requirements for insignificant modifications that are greater than 50% of the threshold including excluded emissions as defined in 231-4.1(b)(40)(i)(c) of this Part.

6 NYCRR 231-6.2

This section establishes the requirements for performing a netting analyses.

6 NYCRR Subpart 201-7

This regulation sets forth an emission cap that cannot be exceeded by the facility. In this permit that cap is

**Compliance Certification**

**Summary of monitoring activities at WHEELABRATOR WESTCHESTER LP:**

<b>Location Facility/EU/EP/Process/ES</b>	<b>Cond No.</b>	<b>Type of Monitoring</b>
FACILITY	1-22	record keeping/maintenance procedures
FACILITY	29	record keeping/maintenance procedures
FACILITY	30	record keeping/maintenance procedures



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FACILITY	31	continuous emission monitoring (cem)
FACILITY	32	record keeping/maintenance procedures
FACILITY	34	intermittent emission testing
FACILITY	35	intermittent emission testing
FACILITY	36	intermittent emission testing
FACILITY	37	continuous emission monitoring (cem)
FACILITY	38	intermittent emission testing
FACILITY	39	continuous emission monitoring (cem)
FACILITY	40	intermittent emission testing
FACILITY	42	intermittent emission testing
U-0000A/0000A/002/00001	55	monitoring of process or control device parameters as surrogate
FACILITY	43	intermittent emission testing
FACILITY	44	intermittent emission testing
FACILITY	45	continuous emission monitoring (cem)
FACILITY	46	intermittent emission testing
U-0000A/0000A/002/00001	56	continuous emission monitoring (cem)
U-0000A/0000A/002/00001	57	monitoring of process or control device parameters as surrogate
U-0000A/0000A/002/00001	58	monitoring of process or control device parameters as surrogate
FACILITY	49	record keeping/maintenance procedures
FACILITY	50	monitoring of process or control device parameters as surrogate
FACILITY	52	record keeping/maintenance procedures
U-0000A/0000A/002/00001	59	intermittent emission testing
FACILITY	1-13	monitoring of process or control device parameters as surrogate
FACILITY	1-4	record keeping/maintenance procedures
FACILITY	1-5	record keeping/maintenance procedures
FACILITY	1-17	continuous emission monitoring (cem)
FACILITY	1-6	record keeping/maintenance procedures
FACILITY	27	monitoring of process or control device parameters as surrogate
U-0000A/0000A/002/00001	62	intermittent emission testing
U-0000A/0000A/002/00001	63	intermittent emission testing
FACILITY	1-18	work practice involving specific operations
FACILITY	1-20	record keeping/maintenance procedures
FACILITY	1-21	record keeping/maintenance procedures
FACILITY	1-19	monitoring of process or control device parameters as surrogate

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**Basis for Monitoring**

40 CFR Subpart CB for NO<sub>x</sub>, SO<sub>x</sub>, HCL, CD, HG, Dioxin/Furan, and lead. Continuous emission monitoring system (CEMS) for NO<sub>x</sub>, SO<sub>2</sub> and CO.