

Facility DEC ID: 2610500263

**PERMIT  
Under the Environmental Conservation Law (ECL)**

**IDENTIFICATION INFORMATION**

Permit Type: Air Title V Facility  
 Permit ID: 2-6105-00263/00008  
 Effective Date: 05/17/2022 Expiration Date: 05/16/2027

Permit Issued To: BSC OWNER LLC  
 1201 BROADWAY STE 401  
 NEW YORK, NY 10001

Contact: BILL FOLEY  
 STARRETT CITY POWER PLANT  
 165 ELMIRA LOOP  
 BROOKLYN, NY 11239  
 (917) 843-7967

Facility: STARRETT CITY POWER PLANT  
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Description:  
 Starrett City (a.k.a., Spring Creek Towers) is a Housing Development in Brooklyn, NY that produces all of its own electricity, heating, and cooling through its power plant. Steam from the boilers is fed through two steam turbines of 6 MW each. The plant has a total electric generating capacity of 12 MW.

The facility has the following emission sources: four (4) identical Combustion Engineering large boilers (140 MMBtu/hr each) which are capable of firing natural gas and #2 oil; two Nordberg engines (2 MW each), which will be used only for emergency purposes with this permit renewal; two new Caterpillar compression ignition engines (4 MW each), which will also only be used for emergency purposes; and 46 new small (less than 10 mmbtu/hr) natural gas-fired condensing boilers.

The four combustion Engineering boilers are subject to 6 NYCRR Part 227-2 NOx RACT and 40 CFR 63 JJJJJ NESHAP requirements. The facility is currently operating on a firm gas contract with respect to the fuel firing of its four boilers. The new two Caterpillar engines are subject to the requirements of 40 CFR 60 IIII and 40 FR 63 ZZZZ. The Nordberg engines are subject to the requirements of 40 FR 63 ZZZZ. The two new Caterpillars engines and existing Nordberg engines are limited to 500 hrs per year of emergency operations.

Starrett City has demonstrated compliance with 1-hr NO2 National ambient air quality Standard (NAAQS). Starrett City has also demonstrated that the facility’s net emission increases of NOx and VOC emissions from the two new Caterpillar emergency engines and new forty-six small

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boilers are 14.75 tons per year and 5.94 tons per year, respectively, and thus are not subject to the 6 NYCRR Part 231 6.4 New Source Review's major modification requirements. The facility is required to demonstrate ongoing compliance with these limits.

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, the General Conditions specified and any Special Conditions included as part of this permit.

Permit Administrator:           STEPHEN A WATTS  
  47-40 21ST ST  
  LONG ISLAND CITY, NY 11101-5401

Authorized Signature: \_\_\_\_\_ Date: \_\_\_ / \_\_\_ / \_\_\_

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### Notification of Other State Permittee Obligations

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

The permittee expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the compliance permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in any compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

Item B: Permittee's Contractors to Comply with Permit

The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

Item C: Permittee Responsible for Obtaining Other Required Permits

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

Item D: No Right to Trespass or Interfere with Riparian Rights

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.

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**DEC GENERAL CONDITIONS**

\*\*\*\* General Provisions \*\*\*\*

**For the purpose of your Title V permit, the following section contains state-only enforceable terms and conditions.**

**GENERAL CONDITIONS - Apply to ALL Authorized Permits.**

**Condition 1: Facility Inspection by the Department**

**Applicable State Requirement: ECL 19-0305**

**Item 1.1:**

The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71-0301 and SAPA 401(3).

**Item 1.2:**

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

**Item 1.3:**

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

**Condition 2: Relationship of this Permit to Other Department Orders and Determinations**

**Applicable State Requirement: ECL 3-0301 (2) (m)**

**Item 2.1:**

Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

**Condition 3: Applications for permit renewals, modifications and transfers**

**Applicable State Requirement: 6 NYCRR 621.11**

**Item 3.1:**

The permittee must submit a separate written application to the Department for renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing.

**Item 3.2:**

The permittee must submit a renewal application at least 180 days before the expiration of permits for Title V and State Facility Permits.

**Item 3.3**

Permits are transferrable with the approval of the department unless specifically prohibited by the statute, regulation or another permit condition. Applications for permit transfer should be

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submitted prior to actual transfer of ownership.

**Condition 4: Permit modifications, suspensions or revocations by the Department**

**Applicable State Requirement: 6 NYCRR 621.13**

**Item 4.1:**

The Department reserves the right to exercise all available authority to modify, suspend, or revoke this permit in accordance with 6NYCRR Part 621. The grounds for modification, suspension or revocation include:

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

**\*\*\*\* Facility Level \*\*\*\***

**Condition 5: Submission of application for permit modification or renewal - REGION 2**

**HEADQUARTERS**

**Applicable State Requirement: 6 NYCRR 621.6 (a)**

**Item 5.1:**

Submission of applications for permit modification or renewal are to be submitted to:

NYSDEC Regional Permit Administrator  
Region 2 Headquarters  
Division of Environmental Permits  
1 Hunters Point Plaza, 4740 21st Street  
Long Island City, NY 11101-5407  
(718) 482-4997

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**Permit Under the Environmental Conservation Law (ECL)**

ARTICLE 19: AIR POLLUTION CONTROL - TITLE V PERMIT

IDENTIFICATION INFORMATION

Permit Issued To: BSC OWNER LLC  
1201 BROADWAY STE 401  
NEW YORK, NY 10001

Facility: STARRETT CITY POWER PLANT  
165 ELMIRA LOOP  
BROOKLYN, NY 11239

Authorized Activity By Standard Industrial Classification Code:  
6513 - APARTMENT BUILDING OPERATORS  
6514 - DWELLING OPERATORS, EXC. APART

Permit Effective Date: 05/17/2022

Permit Expiration Date: 05/16/2027

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**FEDERALLY ENFORCEABLE CONDITIONS**

Renewal 4/FINAL

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**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

The items listed below are not subject to the annual compliance certification requirements under Title V. Permittees may also have other obligations under regulations of general applicability.

**Item A: 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 B: Timely Application for the Renewal of Title V Permits - 6 NYCRR 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 C: Certification by a Responsible Official - 6 NYCRR 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.

**Item D: Requirement to Comply With All Conditions - 6 NYCRR 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 E: Permit Revocation, Modification, Reopening, Reissuance or Termination, and Associated Information Submission Requirements - 6 NYCRR 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

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reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.

**Item F: 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 G: 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 H: Severability - 6 NYCRR 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 I: Permit Shield - 6 NYCRR 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

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facility for any violation of applicable requirements prior to or at the time of permit issuance;

iii. The applicable requirements of Title IV of the Act;

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

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

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

i. When additional applicable requirements under the act become applicable to a title V facility with a remaining permit term of 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 the 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 section 201- 6.6 of this Subpart.

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

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is to be reopened, except that the Department may provide a shorter time period in the case of an emergency.

**Item K: 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 L: 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.

**MANDATORY FEDERALLY ENFORCEABLE PERMIT CONDITIONS  
SUBJECT TO ANNUAL CERTIFICATIONS AT ALL TIMES**

**The following federally enforceable permit conditions are mandatory for all Title V permits and are subject to annual compliance certification requirements at all times.**

**Condition 1: Acceptable Ambient Air Quality**  
**Effective between the dates of 05/17/2022 and 05/16/2027**

**Applicable Federal Requirement: 6 NYCRR 200.6****Item 1.1:**

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

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contravention occurs or may occur, the Commissioner shall specify the degree and/or method of emission control required.

**Condition 2: Modeling Report****Effective between the dates of 05/17/2022 and 05/16/2027****Applicable Federal Requirement:6 NYCRR 200.6**

**Item 2.1: The facility owner or operator shall attach a copy of the final emissions modeling report** for this facility, as approved by the Department, to this permit. The facility owner or operator shall implement all property access restrictions or other measures that are included in the approved modeling report. These restrictions include, but are not limited to, the posting and patrolling of facility property, restricted access to portions of the property when specific operations occur, or the requirement to place barriers along the property line. Any future updates to the approved modeling report must be incorporated into the version attached to this permit and implemented as appropriate.

**Condition 3: Fees****Effective between the dates of 05/17/2022 and 05/16/2027****Applicable Federal Requirement:6 NYCRR 201-6.4 (a) (7)****Item 3.1:**

The owner and/or operator of a stationary source shall pay fees to the Department consistent with the fee schedule authorized by ECL 72-0303.

**Condition 4: Recordkeeping and Reporting of Compliance Monitoring****Effective between the dates of 05/17/2022 and 05/16/2027****Applicable Federal Requirement:6 NYCRR 201-6.4 (c)****Item 4.1:**

The following information must be included in any required compliance monitoring records and reports:

- (i) The date, place, and time of sampling or measurements;
- (ii) The date(s) analyses were performed;
- (iii)The company or entity that performed the analyses;
- (iv) The analytical techniques or methods used including quality assurance and quality control procedures if required;
- (v) The results of such analyses including quality assurance data where required; and

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(vi) The operating conditions as existing at the time of sampling or measurement.

Any deviation from permit requirements must be clearly identified in all records and reports. Reports must be certified by a responsible official, consistent with Section 201-6.2 of Part 201.

**Condition 5: Records of Monitoring, Sampling, and Measurement  
Effective between the dates of 05/17/2022 and 05/16/2027**

**Applicable Federal Requirement:6 NYCRR 201-6.4 (c) (2)**

**Item 5.1:**

Compliance monitoring and recordkeeping shall be conducted according to the terms and conditions contained in this permit and shall follow all quality assurance requirements found in applicable regulations. Records of all monitoring data and support information must be retained for a period of at least 5 years from the date of the monitoring, sampling, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

**Condition 6: Compliance Certification  
Effective between the dates of 05/17/2022 and 05/16/2027**

**Applicable Federal Requirement:6 NYCRR 201-6.4 (c) (3) (ii)**

**Item 6.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 6.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

To meet the requirements of this facility permit with respect to reporting, the permittee must:

Submit reports of any required monitoring at a minimum frequency of every 6 months, based on a calendar year reporting schedule. These reports shall be submitted to the Department within 30 days after the end of a reporting period. All instances of deviations from permit requirements must be clearly identified in such reports. All required reports must be certified by the responsible official for this facility.

Notify the Department and report permit deviations and incidences of noncompliance stating the probable cause of such deviations, and any corrective actions or preventive measures taken. Where the underlying applicable requirement contains a definition of prompt or otherwise specifies a time frame for reporting deviations, that

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definition or time frame shall govern. Where the underlying applicable requirement fails to address the time frame for reporting deviations, reports of deviations shall be submitted to the permitting authority based on the following schedule:

- (1) For emissions of a hazardous air pollutant (as identified in an applicable regulation) that continue for more than an hour in excess of permit requirements, the report must be made within 24 hours of the occurrence.
- (2) For emissions of any regulated air pollutant, excluding those listed in paragraph (1) of this section, that continue for more than two hours in excess of permit requirements, the report must be made within 48 hours.
- (3) For all other deviations from permit requirements, the report shall be contained in the 6 month monitoring report required above.
- (4) This permit may contain a more stringent reporting requirement than required by paragraphs (1), (2) or (3) above. If more stringent reporting requirements have been placed in this permit or exist in applicable requirements that apply to this facility, the more stringent reporting requirement shall apply.

If above paragraphs (1) or (2) are met, the source must notify the permitting authority by telephone during normal business hours at the Regional Office of jurisdiction for this permit, attention Regional Air Pollution Control Engineer (RAPCE) according to the timetable listed in paragraphs (1) and (2) of this section. For deviations and incidences that must be reported outside of normal business hours, on weekends, or holidays, the DEC Spill Hotline phone number at 1-800-457-7362 shall be used. A written notice, certified by a responsible official consistent with 6 NYCRR Part 201-6.2(d)(12), must be submitted within 10 working days of an occurrence for deviations reported under (1) and (2). All deviations reported under paragraphs (1) and (2) of this section must also be identified in the 6 month monitoring report required above.

The provisions of 6 NYCRR 201-1.4 shall apply if the permittee seeks to have a violation excused unless otherwise limited by regulation. In order to have a violation of a federal regulation (such as a new source performance standard or national emissions standard for hazardous air pollutants) excused, the specific federal



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regulation must provide for an affirmative defense during start-up, shutdowns, malfunctions or upsets. Notwithstanding any recordkeeping and reporting requirements in 6 NYCRR 201-1.4, reports of any deviations shall not be on a less frequent basis than the reporting periods described in paragraphs (1) and (4) above.

In the case of any condition contained in this permit with a reporting requirement of "Upon request by regulatory agency" the permittee shall include in the semiannual report, a statement for each such condition that the monitoring or recordkeeping was performed as required or requested and a listing of all instances of deviations from these requirements.

In the case of any emission testing performed during the previous six month reporting period, either due to a request by the Department, EPA, or a regulatory requirement, the permittee shall include in the semiannual report a summary of the testing results and shall indicate whether or not the Department or EPA has approved the results.

All semiannual reports may be submitted electronically or physically. Electronic reports shall be submitted using the Department's Air Compliance and Emissions Electronic-Reporting system (ACE). If the facility owner or operator elects to send physical copies instead, two copies shall be sent to the Department (one copy to the regional air pollution control engineer (RAPCE) in the regional office and one copy to the Bureau of Quality Assurance (BQA) in the DEC central office) and one copy shall be sent to the Administrator (or his or her representative). Mailing addresses for the above referenced persons are contained in the monitoring condition for 6 NYCRR Part 201-6.4(e), contained elsewhere in this permit.

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2022.

Subsequent reports are due every 6 calendar month(s).

**Condition 7: Compliance Certification**  
**Effective between the dates of 05/17/2022 and 05/16/2027**

**Applicable Federal Requirement: 6 NYCRR 201-6.4 (e)**

**Item 7.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 7.2:**

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Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Requirements for compliance certifications with terms and conditions contained in this facility permit include the following:

- i. Compliance certifications shall contain:
  - the identification of each term or condition of the permit that is the basis of the certification;
  - the compliance status;
  - whether compliance was continuous or intermittent;
  - the method(s) used for determining the compliance status of the facility, currently and over the reporting period consistent with the monitoring and related record keeping and reporting requirements of this permit;
  - such other facts as the Department may require to determine the compliance status of the facility as specified in any special permit terms or conditions; and
  - such additional requirements as may be specified elsewhere in this permit related to compliance certification.
- ii. The responsible official must include in the annual certification report all terms and conditions contained in this permit which are identified as being subject to certification, including emission limitations, standards, or work practices. That is, the provisions labeled herein as "Compliance Certification" are not the only provisions of this permit for which an annual certification is required.
- iii. Compliance certifications shall be submitted annually. Certification reports are due 30 days after the anniversary date of four consecutive calendar quarters. The first report is due 30 days after the calendar quarter that occurs just prior to the permit anniversary date, unless another quarter has been acceptable by the Department.
- iv. All annual compliance certifications may be submitted electronically or physically. Electronic reports shall be submitted using the Department's Air Compliance and Emissions Electronic-Reporting system (ACE). If the facility owner or operator elects to send physical copies instead, two copies shall be sent to the Department (one copy to the regional air pollution control engineer (RAPCE) in the regional office and one copy to the Bureau of Quality Assurance (BQA) in the DEC central office) and one copy shall be sent to the Administrator (or his or her

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representative). The mailing addresses for the above referenced persons are:

Chief – Air Compliance Branch  
USEPA Region 2 DECA/ACB  
290 Broadway, 21st Floor  
New York, NY 10007

The address for the RAPCE is as follows:

Regional Air Pollution Control Engineer  
Hunters Point Plaza  
47-40 21st Street  
Long Island City, NY 11101-5407

The address for the BQA is as follows:

NYSDEC  
Bureau of Quality Assurance  
625 Broadway  
Albany, NY 12233-3258

Monitoring Frequency: ANNUALLY  
Reporting Requirements: ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
The initial report is due 7/30/2022.  
Subsequent reports are due on the same day each year

**Condition 8: Compliance Certification**  
**Effective between the dates of 05/17/2022 and 05/16/2027**

**Applicable Federal Requirement:6 NYCRR 202-2.1**

**Item 8.1:**  
The Compliance Certification activity will be performed for the Facility.

**Item 8.2:**  
Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES  
Monitoring Description:  
Emission statements shall be submitted on or before April 15th each year for emissions of the previous calendar year.

Monitoring Frequency: ANNUALLY  
Reporting Requirements: ANNUALLY (CALENDAR)  
Reports due by April 15th for previous calendar year

**Condition 9: Recordkeeping requirements**  
**Effective between the dates of 05/17/2022 and 05/16/2027**

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**Applicable Federal Requirement:6 NYCRR 202-2.5****Item 9.1:**

(a) The following records shall be maintained for at least five years:

(1) a copy of each emission statement submitted to the department; and

(2) records indicating how the information submitted in the emission statement was determined, including any calculations, data, measurements, and estimates used.

(b) These records shall be made available at the facility to the representatives of the department upon request during normal business hours.

**Condition 10: Open Fires - Prohibitions****Effective between the dates of 05/17/2022 and 05/16/2027****Applicable Federal Requirement:6 NYCRR 215.2****Item 10.1:**

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

**Item 10.2**

Per Section 215.3, burning in an open fire, provided it is not contrary to other law or regulation, will be allowed as follows:

- (a) On-site burning in any town with a total population less than 20,000 of downed limbs and branches (including branches with attached leaves or needles) less than six inches in diameter and eight feet in length between May 15th and the following March 15th. For the purposes of this subdivision, the total population of a town shall include the population of any village or portion thereof located within the town. However, this subdivision shall not be construed to allow burning within any village.
- (b) Barbecue grills, maple sugar arches and similar outdoor cooking devices when actually used for cooking or processing food.
- (c) Small fires used for cooking and camp fires provided that only charcoal or untreated wood is used as fuel and the fire is not left unattended until extinguished.
- (d) On-site burning of agricultural wastes as part of a valid agricultural operation on contiguous agricultural lands larger than five acres actively devoted to agricultural or horticultural use, provided such waste is actually grown or generated on those lands and such waste is capable of being fully burned within a 24-hour period.
- (e) The use of liquid petroleum fueled smudge pots to prevent frost damage to crops.
- (f) Ceremonial or celebratory bonfires where not otherwise prohibited by law, provided that only untreated wood or other agricultural products are used as fuel and the fire is not left unattended until extinguished.
- (g) Small fires that are used to dispose of a flag or religious item, and small fires or other smoke producing process where not otherwise prohibited by law that are used in connection with a religious ceremony.
- (h) Burning on an emergency basis of explosive or other dangerous or contraband materials by police or other public safety organization.
- (i) Prescribed burns performed according to Part 194 of this Title.
- (j) Fire training, including firefighting, fire rescue, and fire/arson investigation training, performed under applicable rules and guidelines of the New York State Department of State's Office of Fire Prevention and Control. For fire training performed on acquired structures, the

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structures must be emptied and stripped of any material that is toxic, hazardous or likely to emit toxic smoke (such as asbestos, asphalt shingles and vinyl siding or other vinyl products) prior to burning and must be at least 300 feet from other occupied structures. No more than one structure per lot or within a 300 foot radius (whichever is bigger) may be burned in a training exercise.

(k) Individual open fires as approved by the Director of the Division of Air Resources as may be required in response to an outbreak of a plant or animal disease upon request by the commissioner of the Department of Agriculture and Markets, or for the destruction of invasive plant and insect species.

(l) Individual open fires that are otherwise authorized under the environmental conservation law, or by rule or regulation of the Department.

**MANDATORY FEDERALLY ENFORCEABLE PERMIT CONDITIONS  
SUBJECT TO ANNUAL CERTIFICATIONS ONLY IF APPLICABLE**

**The following federally enforceable permit conditions are mandatory for all Title V permits and are subject to annual compliance certification requirements only if effectuated during the reporting period.**

**[NOTE: The corresponding annual compliance certification for those conditions not effectuated during the reporting period shall be specified as "not applicable".]**

**Condition 11: Maintenance of Equipment**  
**Effective between the dates of 05/17/2022 and 05/16/2027**

**Applicable Federal Requirement:6 NYCRR 200.7**

**Item 11.1:**

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

**Condition 12: Recycling and Salvage**  
**Effective between the dates of 05/17/2022 and 05/16/2027**

**Applicable Federal Requirement:6 NYCRR 201-1.7**

**Item 12.1:**

Where practical, the owner or operator of an air contamination source shall recycle or salvage air contaminants collected in an air cleaning device according to the requirements of the ECL.

**Condition 13: Prohibition of Reintroduction of Collected Contaminants to the air**  
**Effective between the dates of 05/17/2022 and 05/16/2027**

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**Applicable Federal Requirement:6 NYCRR 201-1.8****Item 13.1:**

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

**Condition 14: Exempt Sources - Proof of Eligibility**  
**Effective between the dates of 05/17/2022 and 05/16/2027**

**Applicable Federal Requirement:6 NYCRR 201-3.2 (a)****Item 14.1:**

The owner or operator of an emission source or activity that is listed as being exempt may be required to certify that it is operated within the specific criteria described in this Subpart. The owner or operator of any such emission source or activity must maintain all records necessary for demonstrating compliance with this Subpart on-site for a period of five years, and make them available to representatives of the department upon request.

**Condition 15: Trivial Sources - Proof of Eligibility**  
**Effective between the dates of 05/17/2022 and 05/16/2027**

**Applicable Federal Requirement:6 NYCRR 201-3.3 (a)****Item 15.1:**

The owner or operator of an emission source or activity that is listed as being trivial in this Section may be required to certify that it is operated within the specific criteria described in this Subpart. The owner or operator of any such emission source or activity must maintain all required records on-site for a period of five years and make them available to representatives of the department upon request.

**Condition 16: Requirement to Provide Information**  
**Effective between the dates of 05/17/2022 and 05/16/2027**

**Applicable Federal Requirement:6 NYCRR 201-6.4 (a) (4)****Item 16.1:**

The owner and/or operator shall furnish to the department, within a reasonable time, any information that the department may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the department copies of records required to be kept by the permit or, for information claimed to be confidential, the permittee may furnish such records directly to the administrator along with a claim of confidentiality, if the administrator initiated the request for information or otherwise has need of it.

**Condition 17: Right to Inspect**  
**Effective between the dates of 05/17/2022 and 05/16/2027**

**Applicable Federal Requirement:6 NYCRR 201-6.4 (a) (8)**

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**Item 17.1:**

The department or an authorized representative shall be allowed upon presentation of credentials and other documents as may be required by law to:

- (i) enter upon the permittee's premises where a facility subject to the permitting requirements of this Subpart is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;
- (ii) have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
- (iii) inspect at reasonable times any emission sources, equipment (including monitoring and air pollution control equipment), practices, and operations regulated or required under the permit; and
- (iv) sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

**Condition 18: Right to Inspect**

**Effective between the dates of 05/17/2022 and 05/16/2027**

**Applicable Federal Requirement:6 NYCRR 201-6.4 (a) (8)**

**Item 18.1:**

The department or an authorized representative shall be allowed upon presentation of credentials and other documents as may be required by law to:

- (i) enter upon the permittee's premises where a facility subject to the permitting requirements of this Subpart is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;
- (ii) have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
- (iii) inspect at reasonable times any emission sources, equipment (including monitoring and air pollution control equipment), practices, and operations regulated or required under the permit; and
- (iv) sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

**Condition 19: Required Emissions Tests**

**Effective between the dates of 05/17/2022 and 05/16/2027**

**Applicable Federal Requirement:6 NYCRR 202-1.1**

**Item 19.1:**

For the purpose of ascertaining compliance or non-compliance with any air pollution control code, rule or regulation, the commissioner may require the person who owns such air

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contamination source to submit an acceptable report of measured emissions within a stated time.

**Condition 20: Accidental release provisions.**

**Effective between the dates of 05/17/2022 and 05/16/2027**

**Applicable Federal Requirement:40 CFR Part 68**

**Item 20.1:**

If a chemical is listed in Tables 1,2,3 or 4 of 40 CFR §68.130 is present in a process in quantities greater than the threshold quantity listed in Tables 1,2,3 or 4, the following requirements will apply:

- a) The owner or operator shall comply with the provisions of 40 CFR Part 68 and;
- b) The owner or operator shall submit at the time of permit issuance (if not previously submitted) one of the following, if such quantities are present:
  - 1) A compliance schedule for meeting the requirements of 40 CFR Part 68 by the date provided in 40 CFR §68.10(a) or,
  - 2) A certification statement that the source is in compliance with all requirements of 40 CFR Part 68, including the registration and submission of the Risk Management Plan. Information should be submitted to:

Risk Management Plan Reporting Center  
C/O CSC  
8400 Corporate Dr  
Carrollton, Md. 20785

**Condition 21: Recycling and Emissions Reduction**

**Effective between the dates of 05/17/2022 and 05/16/2027**

**Applicable Federal Requirement:40CFR 82, Subpart F**

**Item 21.1:**

The permittee shall comply with all applicable provisions of 40 CFR Part 82.

**The following conditions are subject to annual compliance certification requirements for Title V permits only.**

**Condition 22: Compliance Certification**

**Effective between the dates of 05/17/2022 and 05/16/2027**

**Applicable Federal Requirement:6 NYCRR 201-3.2 (c)**



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**Item 22.1:**

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: 0-00002	
Process: 502	Emission Source: OODG1
Emission Unit: 0-00002	
Process: 502	Emission Source: OODG3
Emission Unit: U-00003	
Process: 802	Emission Source: DG004
Emission Unit: U-00003	
Process: 802	Emission Source: DG005

**Item 22.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: MONITORING OF PROCESS OR CONTROL  
DEVICE PARAMETERS AS SURROGATE

Monitoring Description:

The operational hours of each engine shall be recoded through a non-resettable hour meter, and shall be limited to 500 hours per year, rolled monthly. The engines shall only be used for emergency purposes only. The 500 hours of annual operation include emergency situations, routine maintenance, and routine exercising (for example, test firing the engine for one hour a week to ensure reliability). Facility must maintain on site records which demonstrate that each engine is operated less than 500 hours per year on a monthly rolling basis. The owner or operator must maintain a bound log book at the facility to record each emergency occurrence with date, time, duration of operation, and reason for operation of each emergency generating power source at the facility.

All records shall be kept at the facility for a minimum period of five years.

Parameter Monitored: OPERATING HOURS  
Upper Permit Limit: 500 hours per year  
Monitoring Frequency: MONTHLY  
Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY  
Reporting Requirements: SEMI-ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
The initial report is due 7/30/2022.  
Subsequent reports are due every 6 calendar month(s).

**Condition 23: Emission Unit Definition**  
**Effective between the dates of 05/17/2022 and 05/16/2027**

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**Applicable Federal Requirement:6 NYCRR Subpart 201-6****Item 23.1:**

The facility is authorized to perform regulated processes under this permit for:

Emission Unit: 0-00001

Emission Unit Description:

This emission unit consist of four (4) identical Combustion Engineering type 28-VP-12Ww boilers (each with maximum heat input capacity 140 mmbtu/hr) that are capable of firing either natural gas as a primary fuel or #2 fuel oil as backup fuel. Steam from the boilers is fed to two (2) steam turbines to generate 6 MW each. These boilers were upgraded with new Zecco GB low NOx burners (LNB) as per the NOx RACT compliance Plan. Emissions vent via its own individual stacks, 000B1, 000B2, 000B3 and 000B4.

Only three (3) boilers will be fired at any given point of time.

Building(s): 1

**Item 23.2:**

The facility is authorized to perform regulated processes under this permit for:

Emission Unit: 0-00002

Emission Unit Description:

Two (2) existing Nordberg engines listed in this emission unit will be used for emergency purposes only. These two (2) existing identical Nordberg large bore compression ignition engines are capable of firing low sulfur #2 fuel oil. These engines are equipped with Johnson Mathhey carbon monoxide (CO) catalyst system to reduce CO emissions from compliance with EPA's 40 CFR 63 Subpart ZZZZ, National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. The installed CO catalyst system on each engine guarantee CO emission below 23ppm or a 70% reduction. The catalyst system is complete with a continuous parametric monitoring system(CPMS). One (engine #2) of the three (3) engines was shut down and is being decommissioned.

Building(s): 1

**Item 23.3:**

The facility is authorized to perform regulated processes under this permit for:

Emission Unit: U-00003

Emission Unit Description:

This emission unit consists of two (2) Caterpillar CAT 175-20 diesel engine generators (emission sources DG004 & DG005) classified as "emergency generators" and will only

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be used for emergencies only.

Each Caterpillar CAT 175-20 diesel generator is rated at 4 MW [5364 bhp-hr mechanical output] with a Miratech Diesel Particulate filter, oxidation catalyst [OC] and a SCR control systems for NO<sub>x</sub> emission reduction utilizing a 32.5% urea solution. The PM-OC-SCR control systems for both the engines are designated as SCR04 & SCR05. The reaction tank for each system has a 1900 gallon capacity for urea solution storage. Each emission source has its own stack/emission point.

These two (2) new diesel generators will be in enclosures located immediately west of Van Siclen Avenue. The enclosures are designated Buildings 2A for DG002, the northern most generator, and 2B for DG005, the southernmost generator. SCR04 & SCR05 are located above their respective enclosures.

The two emergency generators 0DG04 and 0DG05 are subject to 40 CFR Part 60 Subpart IIII and 40 CFR 63 ZZZZ.

Building(s): 2A  
2B

**Item 23.4:**

The facility is authorized to perform regulated processes under this permit for:

Emission Unit: U-00004

Emission Unit Description:

This emission unit consists of forty-six (46) small AERCO condensing boilers (CB) with capacities less than 10 MMBtu/hr each. These boilers are installed in eight (8) different locations (Garages A-H). NO<sub>x</sub> emissions from each boiler is limited to 10 PPM as per manufacturer's guarantee. All these boilers fire natural gas only and with no back-up/secondary fuel option and each boiler has its own individual stack. Therefore, this emission unit has forty-six (46) emission points.

The details of boiler placements are as below,

AERCO BMK 6000 (4), AERCO BMK 3000 (2) -  
Garage A

AERCO BMK 5000 (2), AERCO BMK 2500 (2) -  
Garage B

AERCO BMK 6000 (6), AERCO BMK 3000 (2) -  
Garage C

AERCO BMK 5000 (2), AERCO BMK 2500 (2) -  
Garage D

AERCO BMK 6000 (4), AERCO BMK 3000 (2) -  
Garage E

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AERCO BMK 5000 (3), AERCO BMK 2500 (2) -  
 Garage F  
 AERCO BMK 6000 (6), AERCO BMK 3000 (2) -  
 Garage G  
 AERCO BMK 6000 (3), AERCO BMK 3000 (2) -  
 Garage H  
 Total 218 mmbtu/hr

Manufacturer's guaranteed NOX emission  
 rate for Boilers BMK 3000 and BMK 2500 is  
 <13 ppm and for all others 10 PPM.

**Condition 24: Compliance Certification**  
**Effective between the dates of 05/17/2022 and 05/16/2027**

**Applicable Federal Requirement: 6 NYCRR Subpart 201-6**

**Item 24.1:**

The Compliance Certification activity will be performed for the facility:  
 The Compliance Certification applies to:

Emission Unit: U-00003  
 Process: 802

Emission Unit: U-00004  
 Process: BNG

Regulated Contaminant(s):  
 CAS No: 0NY998-00-0 VOC

**Item 24.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: MONITORING OF PROCESS OR CONTROL  
 DEVICE PARAMETERS AS SURROGATE

Monitoring Description:

Twelve month rolling total VOC emissions from two  
 emergency generators DG004 and DG005 in emission unit  
 U0003, and the 46 boilers in emission unit U0004 are  
 limited to 5.94 tons per year.

Facility shall total calculate emissions using the  
 following formula:

$$(E \times F) + (G \times H) = < 5.94 \text{ tons/yr}$$

E = 12 month rolling total million cubic feet of natural  
 gas used in 46 boilers

F = (AP- 42 1.4-2 VOC emission factor 5.5 lb/million scf  
 of natural gas)/2000lb/ton

G= 12 month rolling total of diesel used in DG004 and  
 DG005 in thousand gallons

H = (Y lb/mmbtu x 137mmbtu/1000 gallon)/2000lb/ton

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Y: Facility shall establish Caterpillar engine's NMHC emission factor Y(lb/mmbtu) after the initial NO<sub>x</sub> emission testing and using Tier 2 emission standard (40 CFR Part 1039 Appendix I Table 2) 6.4g/KW-hr for NMHC +NO<sub>x</sub>. Until then the facility shall calculate engine's VOC emissions using 0.05lb/mmbtu (derived from 0.156 grams/bhp-hr(from EPA's NRCI certification data base) and engine rating 37.6mmbtu/hr (275 gph)).

Parameter Monitored: VOC

Upper Permit Limit: 5.94 tons per year

Monitoring Frequency: MONTHLY

Averaging Method: 12-MONTH TOTAL, ROLLED MONTHLY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2022.

Subsequent reports are due every 6 calendar month(s).

**Condition 25: Progress Reports Due Semiannually**  
**Effective between the dates of 05/17/2022 and 05/16/2027**

**Applicable Federal Requirement:6 NYCRR 201-6.4 (d) (4)**

**Item 25.1:**

Progress reports consistent with an applicable schedule of compliance are to be submitted at least semiannually, or at a more frequent period if specified in the applicable requirement or by the department. Such progress reports shall contain the following:

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

**Condition 26: Operational Flexibility**  
**Effective between the dates of 05/17/2022 and 05/16/2027**

**Applicable Federal Requirement:6 NYCRR 201-6.4 (f)**

**Item 26.1:**

A permit modification is not required for changes that are provided for in the permit. Such changes include approved alternate operating scenarios and changes that have been submitted and approved pursuant to an established operational flexibility protocol and the requirements of this section. Each such change cannot be a modification under any provision of Title I of the Clean Air Act or exceed, or cause the facility to exceed, an emissions cap or limitation in the permit. The facility owner or operator must incorporate all changes into any compliance certifications, record keeping, and/or reporting required by the permit.

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**Condition 27: Notification****Effective between the dates of 05/17/2022 and 05/16/2027****Applicable Federal Requirement:6 NYCRR 202-1.2****Item 27.1:**

A person who is required by the commissioner to submit a stack test report shall notify the commissioner, in writing, not less than 30 days prior to the test, of the time and date of the test. Such notification shall also include the acceptable procedures to be used to stack test including sampling and analytical procedures. Such person shall allow the commissioner, or his representative, free access to observe stack testing being conducted by such person.

**Condition 28: Acceptable procedures****Effective between the dates of 05/17/2022 and 05/16/2027****Applicable Federal Requirement:6 NYCRR 202-1.3 (a)****Item 28.1:**

Emission testing, sampling and analytical determinations to ascertain compliance with this Subchapter shall be conducted in accordance with test methods acceptable to the commissioner. The Reference Methods contained in part 60, appendix A and part 61, appendix B of title 40 of the Code of Federal Regulations and all future technical revisions, additions or corrections made thereto shall be considered as acceptable test methods for those sources and contaminants for which they are expressly applicable, except where the commissioner has issued a specific method to be used instead of a Reference Method contained in these Federal regulations or where the commissioner determines that one or more alternate methods are also acceptable. The person who owns or operates an air contamination source shall submit the emission test report in triplicate, to the commissioner within 60 days after the completion of tests. In the event such source owner/operator can demonstrate to the commissioner such time is not sufficient, he may request in writing and be granted an extension. Where an opacity emission standard is applicable to the source tested, the emission test report shall include the opacity observation.

**Condition 29: Statement dates for emissions statements.****Effective between the dates of 05/17/2022 and 05/16/2027****Applicable Federal Requirement:6 NYCRR 202-2.4 (a) (3)****Item 29.1:**

This facility is required to submit an annual emission statement electronically and these emissions statements must be submitted to the department as per the following schedule:

- (i) March 15th of each year for facilities with three or fewer processes listed in their Title V permit:
- (ii) March 31st of each year for facilities with four to six processes listed in their Title V permit:
- (iii) April 15th of each year for facilities with 7 to 12 processes listed in their Title V permit:
- (iv) April 30th of each year for facilities with 13 or more processes listed in their Title V permit.

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**Condition 30: Visible Emissions Limited**  
**Effective between the dates of 05/17/2022 and 05/16/2027**

**Applicable Federal Requirement:6 NYCRR 211.2**

**Item 30.1:**

Except as permitted by a specific part of this Subchapter and for open fires for which a restricted burning permit has been issued, no person shall cause or allow any air contamination source to emit any material having an opacity equal to or greater than 20 percent (six minute average) except for one continuous six-minute period per hour of not more than 57 percent opacity.

**Condition 31: Compliance Certification**  
**Effective between the dates of 05/17/2022 and 05/16/2027**

**Applicable Federal Requirement:6 NYCRR 225-1.2 (d)**

**Item 31.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 31.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

Owners or operators of emission sources that fire distillate oil are limited to a 0.0015 percent sulfur content by weight of the fuel. Compliance with the sulfur-in-fuel limitation is based on fuel vendor receipts. All fuel vendor receipts must be maintained on site or at a Department approved alternative location for a minimum of five years.

Note - Process sources and incinerators must comply with the above requirements on or after July 1, 2023.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: DISTILLATES - NUMBER 1 AND NUMBER 2 OIL

Parameter Monitored: SULFUR CONTENT

Upper Permit Limit: 0.0015 percent by weight

Monitoring Frequency: PER DELIVERY

Averaging Method: MAXIMUM - NOT TO BE EXCEEDED AT ANY TIME (INSTANTANEOUS/DISCRETE OR GRAB)

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2022.

Subsequent reports are due every 6 calendar month(s).

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**Condition 32: Compliance Certification**

**Effective between the dates of 05/17/2022 and 05/16/2027**

**Applicable Federal Requirement:6 NYCRR 225-1.5 (c)**

**Item 32.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 32.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner or operator must make daily measurements of the rate of each fuel fired at the facility. The owner or operator must also measure the gross heat content and ash content of each fuel fired at least once each week if this information is not provided in the vendor fuel certification receipts. Owners or operators of stationary combustion installations producing electricity for sale must measure the average electrical output and the hourly generation rate of the facility. These records must be maintained on site or at a Department approved alternative location for a minimum of five years.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2022.

Subsequent reports are due every 6 calendar month(s).

**Condition 33: Compliance Certification**

**Effective between the dates of 05/17/2022 and 05/16/2027**

**Applicable Federal Requirement:6 NYCRR 225-1.6 (f)**

**Item 33.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 33.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner or operator must maintain records of excess emissions. The owner or operator must submit a written report of the fuel sulfur content exceeding the applicable sulfur-in-fuel limitation, measured emissions exceeding the applicable sulfur-in-fuel limitation, measured emissions exceeding the applicable equivalent emission rate, and the nature and cause of such exceedances if





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a minimum of five years.

Parameter Monitored: PARTICULATES  
 Upper Permit Limit: 0.1 pounds per million Btus  
 Reference Test Method: 40 CFR 60, Appendix A, Method 5  
 Monitoring Frequency: ONCE DURING THE TERM OF THE PERMIT  
 Averaging Method: 1-HOUR AVERAGE  
 Reporting Requirements: SEMI-ANNUALLY (CALENDAR)  
 Reports due 30 days after the reporting period.  
 The initial report is due 7/30/2022.  
 Subsequent reports are due every 6 calendar month(s).

**Condition 35: Compliance Certification**  
**Effective between the dates of 05/17/2022 and 05/16/2027**

**Applicable Federal Requirement: 6 NYCRR 227-1.3 (c)**

**Item 35.1:**  
 The Compliance Certification activity will be performed for the Facility.

**Item 35.2:**  
 Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner or operator of a stationary combustion installation must perform an annual tune-up on each emission source subject to 6 NYCRR Subpart 227-1. Records of the tune-up shall be maintained at the facility or at a Department approved alternative location for a minimum of five years. The records shall, at a minimum, include the date the tune-up(s) occurred and the details of the tune-up procedures for each emission source.

Monitoring Frequency: ANNUALLY  
 Reporting Requirements: ANNUALLY (CALENDAR)  
 Reports due 30 days after the reporting period.  
 The initial report is due 7/30/2022.  
 Subsequent reports are due every 12 calendar month(s).

**Condition 36: Compliance Certification**  
**Effective between the dates of 05/17/2022 and 05/16/2027**

**Applicable Federal Requirement: 6 NYCRR 227-1.4 (a)**

**Item 36.1:**  
 The Compliance Certification activity will be performed for the facility:  
 The Compliance Certification applies to:

Emission Unit: 0-00001  
 Process: 009

Emission Source: 000B1

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Emission Unit: 0-00001 Process: 009	Emission Source: 000B2
Emission Unit: 0-00001 Process: 009	Emission Source: 000B3
Emission Unit: 0-00001 Process: 009	Emission Source: 000B4
Emission Unit: 0-00001 Process: 101	Emission Source: 000B1
Emission Unit: 0-00001 Process: 101	Emission Source: 000B2
Emission Unit: 0-00001 Process: 101	Emission Source: 000B3
Emission Unit: 0-00001 Process: 101	Emission Source: 000B4

**Item 36.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: MONITORING OF PROCESS OR CONTROL  
DEVICE PARAMETERS AS SURROGATE

Monitoring Description:

No owner or operator of a stationary combustion installation subject to this Subpart shall operate an emission source which exhibits greater than 20 percent opacity (based on a six minute average), except for one 6 minute period per hour of not more than 27 percent opacity. The owner or operator will conduct a Method 9 test annually. A report of the results of the test will be submitted to the Department within 30 days of the completion of the Method 9 test. All records generated by the permittee must be maintained at the facility or at an alternative location approved by the Department for a minimum of five years.

Parameter Monitored: OPACITY  
Upper Permit Limit: 20 percent  
Reference Test Method: 40 CFR 60, Appendix A, Method 9  
Monitoring Frequency: ANNUALLY  
Averaging Method: 6-MINUTE AVERAGE (METHOD 9)  
Reporting Requirements: SEMI-ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
The initial report is due 7/30/2022.  
Subsequent reports are due every 6 calendar month(s).

**Condition 37: Compliance Certification**  
**Effective between the dates of 05/17/2022 and 05/16/2027**

Permit ID: 2-6105-00263/00008

Facility DEC ID: 2610500263

**Applicable Federal Requirement: 6 NYCRR 227-1.4 (a)**

**Item 37.1:**

The Compliance Certification activity will be performed for the facility:  
The Compliance Certification applies to:

Emission Unit: 0-00001 Process: 009	Emission Point: 000B1 Emission Source: 000B1
Emission Unit: 0-00001 Process: 009	Emission Point: 000B2 Emission Source: 000B2
Emission Unit: 0-00001 Process: 009	Emission Point: 000B3 Emission Source: 000B3
Emission Unit: 0-00001 Process: 009	Emission Point: 000B4 Emission Source: 000B4

**Item 37.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Operators of oil firing emission sources subject to 6 NYCRR Subpart 227-1 which do not employ a continuous opacity monitor for measuring smoke emissions, shall be required to perform the following:

- 1) Observe the stack for each emission source which is operating on oil once per day for visible emissions. This observation(s) must be conducted during daylight hours except during adverse weather conditions (fog, rain, or snow).
- 2) The results of each observation must be recorded in a bound logbook or other format acceptable to the Department. The following data must be recorded for each stack:
  - date and time of day
  - observer's name
  - identity of the emission point
  - weather conditions
  - was a plume observed?

Incident weather conditions shall be recorded for those days when observations are prohibited. This logbook must be retained at the facility for five (5) years after the date of the last entry.

- 3) If the operator observes any visible emissions (other than steam - see below) for two consecutive days while



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Emission Unit: 0-00001

Process: 101

Emission Source: 000B2

Emission Unit: 0-00001

Process: 101

Emission Source: 000B3

Emission Unit: 0-00001

Process: 101

Emission Source: 000B4

Regulated Contaminant(s):

CAS No: 0NY210-00-0 OXIDES OF NITROGEN

**Item 38.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

The facility’s NOx emissions are limited to 0.1 lbs/MMbtu during oil or gas firing from their four large boilers.

This limit was established to comply with the 1-hr NO2 National Ambient Air Quality Standard. This limit is more stringent than the presumptive NOx RACT limit set under 227-2.4(b) and has been approved by the Department as RACT.

The facility shall demonstrate compliance with this limit during both oil and gas firing once every five years. The stack test protocol must be submitted to the Department for approval 90 days prior the stack testing and the results of the testing must be reported to the Department within 60 days of the completion of the test.

The facility shall keep all records onsite for minimum period of 5 years.

Parameter Monitored: OXIDES OF NITROGEN

Upper Permit Limit: 0.1 pounds per million Btus

Reference Test Method: 40 CFR 60 Appendix A Methods 7, 7E or 19

Monitoring Frequency: Once every five years

Averaging Method: 1-HOUR AVERAGE

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2022.

Subsequent reports are due every 6 calendar month(s).

**Condition 39: Compliance Certification**

**Effective between the dates of 05/17/2022 and 05/16/2027**

**Applicable Federal Requirement: 6 NYCRR 227-2.4 (d)**

**Item 39.1:**

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The Compliance Certification activity will be performed for the facility:  
The Compliance Certification applies to:

Emission Unit: U-00004  
Process: BNG

Regulated Contaminant(s):  
CAS No: 0NY210-00-0 OXIDES OF NITROGEN

**Item 39.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner or operator of a small boiler, small combustion turbine, or small internal combustion engine must perform an annual tune-up of their equipment. This tune-up should be performed in accordance with the requirements of the DAR-5 guidance document. Records of each tune-up must be kept on-site for a minimum of five years.

Monitoring Frequency: ANNUALLY  
Reporting Requirements: ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
The initial report is due 7/30/2022.  
Subsequent reports are due every 12 calendar month(s).

**Condition 40: Compliance Certification**  
**Effective between the dates of 05/17/2022 and 05/16/2027**

**Applicable Federal Requirement:6 NYCRR 231-6.2**

**Item 40.1:**

The Compliance Certification activity will be performed for the facility:  
The Compliance Certification applies to:

Emission Unit: U-00003  
Process: 802 Emission Source: DG004

Emission Unit: U-00003  
Process: 802 Emission Source: DG005

Regulated Contaminant(s):  
CAS No: 0NY210-00-0 OXIDES OF NITROGEN

**Item 40.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

NOx emissions of the two Caterpillar engines DG004 and DG005 is limited to 0.165 lb/mmmbtu and 0.5

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gr/bhp-hr.

Starrett city shall perform a stack test to verify NOx emission factors as per Department approved stack test protocol.

The stack test protocol must be submitted to the Department for approval 60 days prior the stack test, and the results of the testing must be reported to the Department within 60 days of the completion of the test.

Facility shall keep all records onsite for minimum period of 5 years and must be available to the Department upon request.

Parameter Monitored: OXIDES OF NITROGEN  
 Upper Permit Limit: 0.5 grams per brake horsepower-hour  
 Reference Test Method: 40 CFR 60 Appendix A - Method 7, 7E, or 19  
 Monitoring Frequency: Once every five years  
 Averaging Method: 1-HOUR AVERAGE  
 Reporting Requirements: SEMI-ANNUALLY (CALENDAR)  
 Reports due 30 days after the reporting period.  
 The initial report is due 7/30/2022.  
 Subsequent reports are due every 6 calendar month(s).

**Condition 41: Compliance Certification**  
**Effective between the dates of 05/17/2022 and 05/16/2027**

**Applicable Federal Requirement: 6 NYCRR 231-6.2**

**Item 41.1:**  
 The Compliance Certification activity will be performed for the facility:  
 The Compliance Certification applies to:

Emission Unit: U-00003  
 Process: 802

Emission Unit: U-00004  
 Process: BNG

Regulated Contaminant(s):  
 CAS No: 0NY210-00-0 OXIDES OF NITROGEN

**Item 41.2:**  
 Compliance Certification shall include the following monitoring:

Monitoring Type: MONITORING OF PROCESS OR CONTROL  
 DEVICE PARAMETERS AS SURROGATE

Monitoring Description:  
 Total twelve month rolling NOx emissions of the two  
 Caterpillar engines DG004 and DG005 in Emission Units



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U-00003 and 46 boilers in emission unit U-00004 are limited 14.75 tons per year.

Facility shall calculate NOx emissions using the following formula:

$$(A \times B) + (C \times D) = <14.75 \text{ tpy}$$

A = 12 month rolling total million cubic feet of natural gas burned in 46 boilers

B = (12.81 lb of NOx/million cubic feet natural gas)/2000/ton

Manufacturer NOx emission factor 10 ppm = 0.0125lb/mmbtu: using EPA method 19 & 1050 million btu/million cubic feet of nat. gas

C = 12 month rolling total diesel oil used in DG004 and DG005 in thousand gallons

D = (Most recent stack test NOx emission factor lb/mmbtu X 137mmbtu/1000 gallon)/2000lbs/ton

Manufacturer guaranteed NOx emission factor = 0.5 gr/bhp-hr

Facility uses emission factor 0.165 lb/mmbtu to calculate NOx emission until the stack test; each engine is 37.6mmbtu/hr (275 gph)

Facility shall keep records of the fuel usage of these sources and documentation to verify compliance. All records shall be kept at the facility for a minimum period of five years.

Parameter Monitored: OXIDES OF NITROGEN

Upper Permit Limit: 14.75 tons per year

Monitoring Frequency: MONTHLY

Averaging Method: 12-MONTH TOTAL, ROLLED MONTHLY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2022.

Subsequent reports are due every 6 calendar month(s).

**Condition 42: Applicability**

**Effective between the dates of 05/17/2022 and 05/16/2027**

**Applicable Federal Requirement:40CFR 60, NSPS Subpart IIII**

**Item 42.1:**

This Condition applies to:

Emission Unit: 000002

Process: 502

Emission Source: OODG1

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Emission Unit: 000002  
 Process: 502                      Emission Source: OODG3

Emission Unit: U00003  
 Process: 802                      Emission Source: DG004

Emission Unit: U00003  
 Process: 802                      Emission Source: DG005

**Item 42.2:**

Facilities that have stationary compression ignition internal combustion engines must comply with applicable portions of 40 CFR 60 Subpart IIII.

**Condition 43:     Applicability**

**Effective between the dates of 05/17/2022 and 05/16/2027**

**Applicable Federal Requirement:40CFR 63, Subpart JJJJJ**

**Item 43.1:**

This Condition applies to:

Emission Unit: 000001  
 Process: 009                      Emission Source: 000B1

Emission Unit: 000001  
 Process: 009                      Emission Source: 000B2

Emission Unit: 000001  
 Process: 009                      Emission Source: 000B3

Emission Unit: 000001  
 Process: 009                      Emission Source: 000B4

Emission Unit: 000001  
 Process: 101                      Emission Source: 000B1

Emission Unit: 000001  
 Process: 101                      Emission Source: 000B2

Emission Unit: 000001  
 Process: 101                      Emission Source: 000B3

Emission Unit: 000001  
 Process: 101                      Emission Source: 000B4

**Item 43.2:**

Facilities that are area sources of HAP with industrial, commercial, or institutional boilers must comply with applicable portions of 40 CFR 63 JJJJJ.

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**Condition 44: Applicability**

Effective between the dates of 05/17/2022 and 05/16/2027

Applicable Federal Requirement: 40CFR 63, Subpart ZZZZ

**Item 44.1:**

This Condition applies to:

Emission Unit: 000002	
Process: 502	Emission Source: OODG1
Emission Unit: 000002	
Process: 502	Emission Source: OODG3
Emission Unit: U00003	
Process: 802	Emission Source: DG004
Emission Unit: U00003	
Process: 802	Emission Source: DG005

**Item 44.2:**

Facilities that have reciprocating internal combustion engines must comply with applicable portions of 40 CFR 63 subpart ZZZZ.

**\*\*\*\* Emission Unit Level \*\*\*\***

**Condition 45: Emission Point Definition By Emission Unit**

Effective between the dates of 05/17/2022 and 05/16/2027

Applicable Federal Requirement: 6 NYCRR Subpart 201-6

**Item 45.1:**

The following emission points are included in this permit for the cited Emission Unit:

Emission Unit: 0-00001			
Emission Point: 000B1			
Height (ft.): 99	Diameter (in.): 56		
NYTMN (km.): 4500.466	NYTME (km.): 594.736	Building: 1	
Emission Point: 000B2			
Height (ft.): 99	Diameter (in.): 56		
NYTMN (km.): 4500.461	NYTME (km.): 594.74	Building: 1	
Emission Point: 000B3			
Height (ft.): 99	Diameter (in.): 56		
NYTMN (km.): 4500.457	NYTME (km.): 594.744	Building: 1	

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Emission Point: 000B4  
 Height (ft.): 99 Diameter (in.): 56  
 NYTMN (km.): 4500.452 NYTME (km.): 594.748 Building: 1

**Item 45.2:**

The following emission points are included in this permit for the cited Emission Unit:

Emission Unit: U-00003

Emission Point: DG001  
 Height (ft.): 26 Diameter (in.): 36  
 NYTMN (km.): 4500.491 NYTME (km.): 594.76 Building: 2A

Emission Point: DG005  
 Height (ft.): 26 Diameter (in.): 36  
 NYTMN (km.): 4500.491 NYTME (km.): 594.708 Building: 2B

**Condition 46: Process Definition By Emission Unit**  
**Effective between the dates of 05/17/2022 and 05/16/2027**

**Applicable Federal Requirement:6 NYCRR Subpart 201-6**

**Item 46.1:**

This permit authorizes the following regulated processes for the cited Emission Unit:

Emission Unit: 0-00001  
 Process: 009 Source Classification Code: 1-01-005-01  
 Process Description:  
 This process is when one(1) or any three (out of 4)  
 boilers firing No.2 fuel oil.

Emission Source/Control: 000B1 - Combustion  
 Design Capacity: 140 million Btu per hour

Emission Source/Control: 000B2 - Combustion  
 Design Capacity: 140 million Btu per hour

Emission Source/Control: 000B3 - Combustion  
 Design Capacity: 140 million Btu per hour

Emission Source/Control: 000B4 - Combustion  
 Design Capacity: 140 million Btu per hour

**Item 46.2:**

This permit authorizes the following regulated processes for the cited Emission Unit:

Emission Unit: 0-00001  
 Process: 101 Source Classification Code: 1-01-006-01  
 Process Description:  
 This process is when one(1) or any three (out of 4)  
 boilers firing natural gas.

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Emission Source/Control: 000B1 - Combustion  
Design Capacity: 140 million Btu per hour

Emission Source/Control: 000B2 - Combustion  
Design Capacity: 140 million Btu per hour

Emission Source/Control: 000B3 - Combustion  
Design Capacity: 140 million Btu per hour

Emission Source/Control: 000B4 - Combustion  
Design Capacity: 140 million Btu per hour

**Item 46.3:**

This permit authorizes the following regulated processes for the cited Emission Unit:

Emission Unit: 0-00002  
Process: 502 Source Classification Code: 2-01-001-02  
Process Description:  
Two Nordberg emergency generators burning #2 fuel oil.

Emission Source/Control: OODG1 - Combustion  
Design Capacity: 2 megawatt

Emission Source/Control: OODG3 - Combustion  
Design Capacity: 2 megawatt

**Item 46.4:**

This permit authorizes the following regulated processes for the cited Emission Unit:

Emission Unit: U-00003  
Process: 802 Source Classification Code: 2-01-001-02  
Process Description:  
Two Caterpillar emergency generators firing diesel.

Emission Source/Control: DG004 - Combustion  
Design Capacity: 4 megawatt

Emission Source/Control: DG005 - Combustion  
Design Capacity: 4 megawatt

**Item 46.5:**

This permit authorizes the following regulated processes for the cited Emission Unit:

Emission Unit: U-00004  
Process: BNG Source Classification Code: 1-03-006-03  
Process Description:  
46 boilers(less than 10 mmbtu/hr) firing natural gas.

Emission Source/Control: GA0B1 - Combustion  
Design Capacity: 3 million Btu per hour

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Emission Source/Control: GA0B3 - Combustion  
Design Capacity: 6 million Btu per hour

Emission Source/Control: GB0B1 - Combustion  
Design Capacity: 2.5 million Btu per hour

Emission Source/Control: GB0B3 - Combustion  
Design Capacity: 5 million Btu per hour

Emission Source/Control: GC0B1 - Combustion  
Design Capacity: 3 million BTUs per 1000 gallons

Emission Source/Control: GC0B3 - Combustion  
Design Capacity: 6 million Btu per hour

Emission Source/Control: GD0B1 - Combustion  
Design Capacity: 2.5 million Btu per hour

Emission Source/Control: GD0B3 - Combustion  
Design Capacity: 5 million Btu per hour

Emission Source/Control: GE0B1 - Combustion  
Design Capacity: 3 million Btu per hour

Emission Source/Control: GE0B3 - Combustion  
Design Capacity: 6 million Btu per hour

Emission Source/Control: GF0B1 - Combustion  
Design Capacity: 2.5 million Btu per hour

Emission Source/Control: GF0B3 - Combustion  
Design Capacity: 5 million Btu per hour

Emission Source/Control: GG0B1 - Combustion  
Design Capacity: 3 million Btu per hour

Emission Source/Control: GG0B3 - Combustion  
Design Capacity: 6 million Btu per hour

Emission Source/Control: GH0B1 - Combustion  
Design Capacity: 3 million Btu per hour

Emission Source/Control: GH0B3 - Combustion  
Design Capacity: 6 million Btu per hour

**Condition 47: Compliance Certification**  
**Effective between the dates of 05/17/2022 and 05/16/2027**

**Applicable Federal Requirement: 6 NYCRR 200.6**

**Item 47.1:**  
The Compliance Certification activity will be performed for:

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Facility DEC ID: 2610500263

Emission Unit: 0-00001

**Item 47.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

At any given time, only three boilers (out of four) can operate at a time as per the Title V application and NOx 1-hr approved Dispersion modeling.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2022.

Subsequent reports are due every 6 calendar month(s).

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**STATE ONLY ENFORCEABLE CONDITIONS**

**\*\*\*\* Facility Level \*\*\*\***

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

**This section contains terms and conditions which are not federally enforceable. Permittees may also have other obligations under regulations of general applicability**

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

An emergency, as defined in 6 NYCRR 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 demonstrate, 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 facility was being properly operated and maintained;

(3) during the period of the emergency the facility owner or operator took all reasonable steps to minimize the 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 any 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 malfunction provision contained in any applicable requirement.

**Item B: 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



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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.

#### STATE ONLY APPLICABLE REQUIREMENTS

**The following conditions are state applicable requirements and are not subject to compliance certification requirements unless otherwise noted or required under 6 NYCRR Part 201.**

**Condition 48: Contaminant List**

**Effective between the dates of 05/17/2022 and 05/16/2027**

**Applicable State Requirement: ECL 19-0301**

**Item 48.1:**

Emissions of the following contaminants are subject to contaminant specific requirements in this permit (emission limits, control requirements or compliance monitoring conditions).

CAS No: 0NY075-00-0  
Name: PARTICULATES

CAS No: 0NY210-00-0  
Name: OXIDES OF NITROGEN

CAS No: 0NY998-00-0  
Name: VOC

**Condition 49: Malfunctions and Start-up/Shutdown Activities**

**Effective between the dates of 05/17/2022 and 05/16/2027**

**Applicable State Requirement: 6 NYCRR 201-1.4**

**Item 49.1:**

(a) The facility owner or operator shall take all necessary and appropriate actions to prevent the emission of air pollutants that result in contravention of any applicable emission standard during periods of start-up, shutdown, or malfunction.

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(b) The facility owner or operator shall compile and maintain records of all equipment maintenance and start-up/shutdown activities when they are expected to result in an exceedance of any applicable emission standard, and shall submit a report of such activities to the department when required by a permit condition or upon request by the department. Such reports shall state whether an exceedance occurred and if it was unavoidable, include the time, frequency and duration of the exceedance, and an estimate of the emission rates of any air contaminants released. Such records shall be maintained for a period of at least five years and made available for review to department representatives upon request. Facility owners or operators subject to continuous monitoring and quarterly reporting requirements need not submit additional reports of exceedances to the department.

(c) In the event that air contaminant emissions exceed any applicable emission standard due to a malfunction, the facility owner or operator shall notify the department as soon as possible during normal working hours, but not later than two working days after becoming aware that the malfunction occurred. In addition, the facility owner or operator shall compile and maintain a record of all malfunctions. Such records shall be maintained at the facility for a period of at least five years and must be made available to the department upon request. When requested by the department, the facility owner or operator shall submit a written report to the department describing the malfunction, the corrective action taken, the air contaminants emitted, and the resulting emission rates and/or opacity.

(d) The department may also require the facility owner or operator to include, in reports described under Subdivisions (b) and (c) of this Section, an estimate of the maximum ground level concentration of each air contaminant emitted and the effect of such emissions.

(e) A violation of any applicable emission standard resulting from start-up, shutdown, or malfunction conditions at a permitted or registered facility may not be subject to an enforcement action by the department and/or penalty if the department determines, in its sole discretion, that such a violation was unavoidable. The actions and recordkeeping and reporting requirements listed above must be adhered to in such circumstances.

**Condition 50: Air pollution prohibited**  
**Effective between the dates of 05/17/2022 and 05/16/2027**

**Applicable State Requirement:6 NYCRR 211.1**

**Item 50.1:**

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. Notwithstanding the existence of specific air quality standards or emission limits, this prohibition applies, but is not limited to, any particulate, fume, gas, mist, odor, smoke, vapor, pollen, toxic or deleterious emission, either alone or in combination with others.

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