



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

**IDENTIFICATION INFORMATION**

Permit Type: Air State Facility  
Permit ID: 2-6202-01816/00001  
Mod 0 Effective Date: 03/28/2013 Expiration Date: 03/27/2023  
Mod 1 Effective Date: 07/25/2016 Expiration Date: 03/27/2023

Permit Issued To: HLT NY HILTON LLC  
DBA HILTON NEW YORK  
1335 AVE OF THE AMERICAS  
NEW YORK, NY 10019

Contact: MICHAEL SMITH  
HLT NY HILTON LLC  
1335 AVE OF THE AMERICAS  
NEW YORK, NY 10019  
(212) 261-5767

Facility: HLT NY HILTON LLC  
1335 AVENUE OF THE AMERICAS  
NEW YORK, NY 10019

Contact: MICHAEL SMITH  
HLT NY HILTON LLC  
1335 AVE OF THE AMERICAS  
NEW YORK, NY 10019  
(212) 261-5767

Description:  
HLT NY HILTON LLC, located at 1335 Avenue of Americas, New York, NY,  
is a luxury hotel facility.

This permit modification is issued to transfer ownership of the onsite  
cogeneration plant to Hilton from the previous owner.

Hilton New York (HNY) operates seven identical 250 kW gas firing cogen  
engines on the roof of HNY for combined heat and power generation purposes.  
Exhaust from each engine passes through a heat recovery steam generator  
(HRSG) and finally exits to the atmosphere via the stack. The engines  
participate in Coordinated Demand Response Program (CDRP).

Each engine has independent stack. Engines were built in 2010 and are  
spark-ignited, lean burn, fire natural gas only. All engines are equipped with



3-way catalyst that help in controlling NOx emissions.

The facility nitrogen oxides (NOx) emissions are limited to 24.9 tons per year. Records demonstrating compliance with this cap will be kept in accordance with the permit special conditions.

The facility is subject to the provisions of State Facility specified under 6NYCRR 201-7.

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: \_\_\_\_ / \_\_\_\_ / \_\_\_\_



**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.



**LIST OF CONDITIONS**

**DEC GENERAL CONDITIONS**

**General Provisions**

- Facility Inspection by the Department
- Relationship of this Permit to Other Department Orders and Determinations
  - Applications for permit renewals, modifications and transfers
  - Applications for permit renewals, modifications and transfers
  - Permit modifications, suspensions or revocations by the Department

**Facility Level**

- Submission of application for permit modification or renewal -  
REGION 2 HEADQUARTERS



**DEC GENERAL CONDITIONS**  
**\*\*\*\* General Provisions \*\*\*\***  
**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 expiration of permits for Title V Facility Permits, or at least 30 days before expiration of permits for 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 submitted prior to actual transfer of ownership.



**Condition 1-1: Applications for permit renewals, modifications and transfers**  
**Applicable State Requirement: 6 NYCRR 621.11**

**Item 1-1.1:**

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

**Item 1-1.3:**

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 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

**New York State Department of Environmental Conservation**

Permit ID: 2-6202-01816/00001

Facility DEC ID: 2620201816



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

**ARTICLE 19: AIR POLLUTION CONTROL - AIR STATE FACILITY  
PERMIT**

**IDENTIFICATION INFORMATION**

Permit Issued To: HLT NY HILTON LLC  
DBA HILTON NEW YORK  
1335 AVE OF THE AMERICAS  
NEW YORK, NY 10019

Facility: HLT NY HILTON LLC  
1335 AVENUE OF THE AMERICAS  
NEW YORK, NY 10019

Authorized Activity By Standard Industrial Classification Code:  
4939 - COMBINATION UTILITY SERVICES  
7011 - HOTELS AND MOTELS

Mod 0 Permit Effective Date: 03/28/2013

Permit Expiration Date: 03/27/2023

Mod 1 Permit Effective Date: 07/25/2016

Permit Expiration Date: 03/27/2023



**LIST OF CONDITIONS**

**FEDERALLY ENFORCEABLE CONDITIONS**

**Facility Level**

- 1 6 NYCRR Subpart 201-7: Facility Permissible Emissions
- \*2 6 NYCRR Subpart 201-7: Capping Monitoring Condition
- \*3 6 NYCRR Subpart 201-7: Capping Monitoring Condition
- 4 6 NYCRR 211.1: Air pollution prohibited
- 5 6 NYCRR 227-1.3 (a): Compliance Demonstration
- 6 40CFR 60, NSPS Subpart JJJJ: Applicability
- 7 40CFR 63, Subpart ZZZZ: Engines at Area sources of HAP

**STATE ONLY ENFORCEABLE CONDITIONS**

**Facility Level**

- 8 ECL 19-0301: Contaminant List
- 9 6 NYCRR 201-1.4: Malfunctions and start-up/shutdown activities
- 10 6 NYCRR 201-1.4: Unavoidable noncompliance and violations
- 11 6 NYCRR Subpart 201-5: Emission Unit Definition
- 1-1 6 NYCRR 201-5.2 (c): Renewal deadlines for state facility permits
- 1-2 6 NYCRR 201-5.3 (c): Compliance Demonstration
- 12 6 NYCRR 211.2: Visible Emissions Limited

**Emission Unit Level**

- 13 6 NYCRR Subpart 201-5: Emission Point Definition By Emission Unit
- 14 6 NYCRR Subpart 201-5: Process Definition By Emission Unit

NOTE: \* preceding the condition number indicates capping.





**FEDERALLY ENFORCEABLE CONDITIONS**  
**\*\*\*\* Facility Level \*\*\*\***

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

**This section contains terms and conditions which are federally enforceable. Permittees may also have other obligations under regulations of general applicability**

**Item A: Sealing - 6 NYCRR 200.5**

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

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

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

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

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

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

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



required to operate such device effectively.

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

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

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

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

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

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

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

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

**Item G: Proof of Eligibility for Sources Defined as Exempt Activities - 6 NYCRR 201-3.2 (a)**

The owner and/or operator of an emission source or unit that is eligible to be exempt, may be required to certify that it operates within the specific criteria described in 6 NYCRR Subpart 201-3. The owner or operator of any such emission source must maintain all required records on-site for a period of five years and make them available to representatives of the Department upon request. Department representatives must be granted access to any facility which contains emission sources or units subject to 6 NYCRR Subpart 201-3, during normal operating hours, for the purpose of determining compliance with this and any other state and federal air pollution control requirements, regulations, or law.

**Item H: Proof of Eligibility for Sources Defined as Trivial**





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.

**FEDERAL APPLICABLE REQUIREMENTS**

**The following conditions are federally enforceable.**

**Condition 1: Facility Permissible Emissions**  
**Effective between the dates of 03/28/2013 and 03/27/2023**

**Applicable Federal Requirement:6 NYCRR Subpart 201-7**

**Item 1.1:**

The sum of emissions from the emission units specified in this permit shall not equal or exceed the following

Potential To Emit (PTE) rate for each regulated contaminant:

CAS No: 0NY210-00-0 (From Mod 1) PTE: 49,800 pounds  
per year  
Name: OXIDES OF NITROGEN

**Condition 2: Capping Monitoring Condition**  
**Effective between the dates of 03/28/2013 and 03/27/2023**

**Applicable Federal Requirement:6 NYCRR Subpart 201-7**

**Item 2.1:**

Under the authority of 6 NYCRR Part 201-7, this condition contains an emission cap for the purpose of limiting emissions from the facility, emission unit or process to avoid being subject to the following applicable requirement(s) that the facility, emission unit or process would otherwise be subject to:

6 NYCRR Subpart 201-6  
6 NYCRR Subpart 231-2

**Item 2.2:**

Operation of this facility shall take place in accordance with the approved criteria, emission limits, terms, conditions and standards in this permit.

**Item 2.3:**

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.



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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.

**Item 2.4:**

On an annual basis, unless otherwise specified below, beginning one year after the granting of an emissions cap, the responsible official shall provide a certification to the Department that the facility has operated all emission units within the limits imposed by the emission cap. This certification shall include a brief summary of the emissions subject to the cap for that time period and a comparison to the threshold levels that would require compliance with an applicable requirement.

**Item 2.5:**

The emission of pollutants that exceed the applicability thresholds for an applicable requirement, for which the facility has obtained an emissions cap, constitutes a violation of Part 201 and of the Act.

**Item 2.6:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

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

**Item 2.7:**

Compliance Demonstration shall include the following monitoring:

Capping: Yes

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

Monitoring Description:

The NO<sub>x</sub> (oxides of nitrogen) emissions are capped at 24.9 tons per year.

The owner or operator shall maintain a record of the quantity of each fuel fired at the facility. Also, the owner or operator shall calculate (based on the fuel quantity) using the following formula:

$N(643) < 49,800 \text{ lbs/yr of Oxides of Nitrogen emissions.}$

Where:

$N = 12\text{-month rolling total of natural gas fired (from engines) in MMSCF/yr}$   
643 lb of NO<sub>x</sub> per mmscf of natural gas - emission factor is based on the emission standard of 60.4233(c) and 60.4231(c) of 40 CFR 60, and 40CFR 1048.101 - 2.7 g of NO<sub>x</sub> per kW-hr for engines.

Parameter Monitored: OXIDES OF NITROGEN

Upper Permit Limit: 24.9 tons per year

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Monitoring Frequency: PER DELIVERY  
Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY  
Reporting Requirements: ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
The initial report is due 1/30/2014.  
Subsequent reports are due every 12 calendar month(s).

**Condition 3: Capping Monitoring Condition**  
**Effective between the dates of 03/28/2013 and 03/27/2023**

**Applicable Federal Requirement:6 NYCRR Subpart 201-7**

**Item 3.1:**

Under the authority of 6 NYCRR Part 201-7, this condition contains an emission cap for the purpose of limiting emissions from the facility, emission unit or process to avoid being subject to the following applicable requirement(s) that the facility, emission unit or process would otherwise be subject to:

6 NYCRR Subpart 201-6

**Item 3.2:**

Operation of this facility shall take place in accordance with the approved criteria, emission limits, terms, conditions and standards in this permit.

**Item 3.3:**

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.

**Item 3.4:**

On an annual basis, unless otherwise specified below, beginning one year after the granting of an emissions cap, the responsible official shall provide a certification to the Department that the facility has operated all emission units within the limits imposed by the emission cap. This certification shall include a brief summary of the emissions subject to the cap for that time period and a comparison to the threshold levels that would require compliance with an applicable requirement.

**Item 3.5:**

The emission of pollutants that exceed the applicability thresholds for an applicable requirement, for which the facility has obtained an emissions cap, constitutes a violation of Part 201 and of the Act.

**Item 3.6:**

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

Emission Unit: U-00001

Process: ENG

Emission Source: ES001

Emission Unit: U-00001



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Process: ENG Emission Source: ES002

Emission Unit: U-00001  
Process: ENG Emission Source: ES003

Emission Unit: U-00001  
Process: ENG Emission Source: ES004

Emission Unit: U-00001  
Process: ENG Emission Source: ES005

Emission Unit: U-00001  
Process: ENG Emission Source: ES006

Emission Unit: U-00001  
Process: ENG Emission Source: ES007

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

**Item 3.7:**

Compliance Demonstration shall include the following monitoring:

Capping: Yes

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

Nox emission factor of 643 lb per mmscf of natural gas should be demonstrated through the stack test.

Upper Permit Limit: 643 pounds per million cubic feet

Reference Test Method: EPA Method

Monitoring Frequency: SINGLE OCCURRENCE

Averaging Method: AVERAGING METHOD - SEE MONITORING DESCRIPTION

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 4: Air pollution prohibited  
Effective between the dates of 03/28/2013 and 03/27/2023**

**Applicable Federal Requirement:6 NYCRR 211.1**

**Item 4.1:**

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.

**Condition 5: Compliance Demonstration**



Effective between the dates of 03/28/2013 and 03/27/2023

Applicable Federal Requirement: 6 NYCRR 227-1.3 (a)

**Item 5.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 5.2:**

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

No person shall operate a stationary combustion installation which exhibits greater than 20 percent opacity (six minute average), except for one 6 minute period per hour of not more than 27 percent opacity. The Department reserves the right to perform or require the performance of a Method 9 opacity evaluation at any time during facility operation.

The permittee will conduct observations of visible emissions from the emission unit, process, etc. to which this condition applies at the monitoring frequency stated below while the process is in operation. The permittee will investigate, in a timely manner, any instance where there is cause to believe that visible emissions have the potential to exceed the opacity standard.

The permittee shall investigate the cause, make any necessary corrections, and verify that the excess visible emissions problem has been corrected. If visible emissions with the potential to exceed the standard continue, the permittee will conduct a Method 9 assessment within the next operating day of the sources associated with the potential noncompliance to determine the degree of opacity and will notify the NYSDEC if the Method 9 test indicates that the opacity standard is not met.

Records of visible emissions observations (or any follow-up Method 9 tests), investigations and corrective actions will be kept on-site. Should the Department determine that permittee's record keeping format is inadequate to demonstrate compliance with this condition, it shall provide written notice to the permittee stating the inadequacies, and permittee shall have 90 days to revise its prospective record keeping format in a manner acceptable to the Department.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING



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DESCRIPTION

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 6: Applicability**  
**Effective between the dates of 03/28/2013 and 03/27/2023**

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

**Item 6.1:**

Facilities that have stationary spark ignition internal combustion engines must comply with applicable portions of 40 CFR 60 subpart JJJJ.

**Condition 7: Engines at Area sources of HAP**  
**Effective between the dates of 03/28/2013 and 03/27/2023**

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

**Item 7.1:**

Internal combustion engines, constructed or re-constructed on or after June 12, 2006, that meet the requirements of 40 CFR 60 Subpart IIII or Subpart JJJJ meet the requirements of 40 CFR 63 Subpart ZZZZ.



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

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

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

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

(c) This provision is in addition to any emergency or upset provision contained in any applicable requirement.

**Item B: Public Access to Recordkeeping for Facilities With State Facility Permits - 6 NYCRR 201-1.10 (a)**

Where emission source owners and/or operators keep records pursuant to compliance with the operational flexibility requirements of 6 NYCRR Subpart 201-5.4(b)(1), and/or the emission capping requirements of 6 NYCRR Subparts 201-7.2(d), 201-7.3(f), 201-7.3(g), 201-7.3(h)(5), 201-7.3(i) and 201-7.3(j), the Department





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

**Item 9.1:**

(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.

(b) The facility owner or operator shall compile and maintain records of all equipment malfunctions, maintenance, or start-up/shutdown activities when they can be expected to result in an exceedance of any applicable emission standard, and shall submit a report of such activities to the department when requested to do so, or when so required by a condition of a permit issued for the corresponding air contamination source. Such reports shall state whether any violations occurred and, if so, whether they were unavoidable, include the time, frequency and duration of the maintenance and/or start-up/shutdown activities, 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 stack monitoring and quarterly reporting requirements need not submit additional reports for equipment maintenance or start-up/shutdown activities for the facility to the department.

(c) In the event that emissions of air contaminants in excess of any emission standard in this Subchapter occur due to a malfunction, the facility owner or operator shall compile and maintain records of the malfunction and 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. 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, identification of air contaminants, and an estimate of the emission rates.

(d) The department may also require the 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 10: Unavoidable noncompliance and violations**  
**Effective between the dates of 03/28/2013 and 03/27/2023**

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

**Item 10.1:**

At the discretion of the commissioner a violation of any applicable emission standard for necessary scheduled equipment maintenance, start-up/shutdown conditions and malfunctions or upsets may be excused if such violations are unavoidable. The following actions and recordkeeping and reporting requirements must be adhered to in such circumstances.

(a) The facility owner and/or operator shall compile and maintain records of all



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equipment maintenance or start-up/shutdown activities when they can be expected to result in an exceedance of any applicable emission standard, and shall submit a report of such activities to the commissioner's representative when requested to do so in writing or when so required by a condition of a permit issued for the corresponding air contamination source except where conditions elsewhere in this permit which contain more stringent reporting and notification provisions for an applicable requirement, in which case they supercede those stated here. Such reports shall describe why the violation was unavoidable and shall include the time, frequency and duration of the maintenance and/or start-up/shutdown activities and the identification of air contaminants, and the estimated emission rates. If a facility owner and/or operator is subject to continuous stack monitoring and quarterly reporting requirements, he need not submit reports for equipment maintenance or start-up/shutdown for the facility to the commissioner's representative.

(b) In the event that emissions of air contaminants in excess of any emission standard in 6 NYCRR Chapter III Subchapter A occur due to a malfunction, the facility owner and/or operator shall report such malfunction by telephone to the commissioner's representative as soon as possible during normal working hours, but in any event not later than two working days after becoming aware that the malfunction occurred. Within 30 days thereafter, when requested in writing by the commissioner's representative, the facility owner and/or operator shall submit a written report to the commissioner's representative describing the malfunction, the corrective action taken, identification of air contaminants, and an estimate of the emission rates. These reporting requirements are superceded by conditions elsewhere in this permit which contain reporting and notification provisions for applicable requirements more stringent than those above.

(c) The Department may also require the owner and/or operator to include in reports described under (a) and (b) above an estimate of the maximum ground level concentration of each air contaminant emitted and the effect of such emissions depending on the deviation of the malfunction and the air contaminants emitted.

(d) In the event of maintenance, start-up/shutdown or malfunction conditions which result in emissions exceeding any applicable emission standard, the facility owner and/or operator shall take appropriate action to prevent emissions which will result in contravention of any applicable ambient air quality standard. Reasonably available control technology, as determined by the commissioner, shall be applied during any maintenance, start-up/shutdown or malfunction condition subject to this paragraph.

(e) 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 regulation must provide for an affirmative defense during start-up, shutdowns, malfunctions or upsets.

**Condition 11: Emission Unit Definition**  
**Effective between the dates of 03/28/2013 and 03/27/2023**

**Applicable State Requirement:6 NYCRR Subpart 201-5**

**Item 11.1(From Mod 0):**

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

Emission Unit: U-00001

Emission Unit Description:

This unit consists of the seven identical cogen engines

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each rated at 250 kW. The cogen engine is capable of firing natural gas only. The exhaust gases are vented via an individual stack for each engine.

Building(s): MAIN

**Condition 1-1: Renewal deadlines for state facility permits**  
**Effective between the dates of 07/25/2016 and 03/27/2023**

**Applicable State Requirement:6 NYCRR 201-5.2 (c)**

**Item 1-1.1:**

The owner or operator of a facility having an issued state facility 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.

**Condition 1-2: Compliance Demonstration**  
**Effective between the dates of 07/25/2016 and 03/27/2023**

**Applicable State Requirement:6 NYCRR 201-5.3 (c)**

**Item 1-2.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 1-2.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Any reports or submissions required by this permit shall be submitted to the Regional Air Pollution Control Engineer (RAPCE) at the following address:

Division of Air Resources  
NYS Dept. of Environmental Conservation  
Region 2  
47-40 21st St.  
Long Island City, NY 11101

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: AVERAGING METHOD - SEE MONITORING DESCRIPTION

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 12: Visible Emissions Limited**  
**Effective between the dates of 03/28/2013 and 03/27/2023**

**Applicable State Requirement:6 NYCRR 211.2**

**Item 12.1:**

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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.

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

**Condition 13: Emission Point Definition By Emission Unit**  
**Effective between the dates of 03/28/2013 and 03/27/2023**

**Applicable State Requirement:6 NYCRR Subpart 201-5**

**Item 13.1(From Mod 0):**

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

Emission Unit: U-00001

Emission Point: 00001

Height (ft.): 110 Diameter (in.): 12  
NYTMN (km.): 4512.874 NYTME (km.): 586.199 Building: MAIN

Emission Point: 00002

Height (ft.): 110 Diameter (in.): 12  
NYTMN (km.): 4512.874 NYTME (km.): 586.199 Building: MAIN

Emission Point: 00003

Height (ft.): 110 Diameter (in.): 12  
NYTMN (km.): 4512.874 NYTME (km.): 586.199 Building: MAIN

Emission Point: 00004

Height (ft.): 110 Diameter (in.): 12  
NYTMN (km.): 4512.874 NYTME (km.): 586.199 Building: MAIN

Emission Point: 00005

Height (ft.): 110 Diameter (in.): 12  
NYTMN (km.): 4512.874 NYTME (km.): 586.199 Building: MAIN

Emission Point: 00006

Height (ft.): 110 Diameter (in.): 12  
NYTMN (km.): 4512.874 NYTME (km.): 586.199 Building: MAIN

Emission Point: 00007

Height (ft.): 110 Diameter (in.): 12  
NYTMN (km.): 4512.874 NYTME (km.): 586.199 Building: MAIN

**Condition 14: Process Definition By Emission Unit**  
**Effective between the dates of 03/28/2013 and 03/27/2023**

**Applicable State Requirement:6 NYCRR Subpart 201-5**

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**Item 14.1(From Mod 0):**

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

Emission Unit: U-00001

Process: ENG

Source Classification Code: 2-01-002-02

Process Description: Firing natural gas.

Emission Source/Control: ES001 - Combustion

Design Capacity: 250 kilowatts

Emission Source/Control: ES002 - Combustion

Design Capacity: 250 kilowatts

Emission Source/Control: ES003 - Combustion

Design Capacity: 250 kilowatts

Emission Source/Control: ES004 - Combustion

Design Capacity: 250 kilowatts

Emission Source/Control: ES005 - Combustion

Design Capacity: 250 kilowatts

Emission Source/Control: ES006 - Combustion

Design Capacity: 250 kilowatts

Emission Source/Control: ES007 - Combustion

Design Capacity: 250 kilowatts



