

**Division of Air Resources  
Permit Review Report**

**Permit ID: 2-6304-00404/00004**

**Renewal Number: 2**

**Modification Number: 1 11/01/2019**

**Facility Identification Data**

Name: BIG SIX TOWERS INC

Address: 59-55 47TH AVE

WOODSIDE, NY 11377

**Owner/Firm**

Name: BIG SIX TOWERS INC

Address: 59-55 47TH AVE

WOODSIDE, NY 11377-5662, USA

Owner Classification: Corporation/Partnership

**Permit Contacts**

Air Permitting Contact:

Name: DAVID D BECKER

Address: DOUGLAS ELLIMAN PROPERTY MANAGEMENT

59-55 47TH AVE

WOODSIDE, NY 11377

Phone: 7188987022

**Permit Description  
Introduction**

The Title V operating air permit is intended to be a document containing only enforceable terms and conditions as well as any additional information, such as the identification of emission units, emission points, emission sources and processes, that makes the terms meaningful. 40 CFR Part 70.7(a)(5) requires that each Title V permit have an accompanying "...statement that sets forth the legal and factual basis for the draft permit conditions". The purpose for this permit review report is to satisfy the above requirement by providing pertinent details regarding the permit/application data and permit conditions in a more easily understandable format. This report will also include background narrative and explanations of regulatory decisions made by the reviewer. It should be emphasized that this permit review report, while based on information contained in the permit, is a separate document and is not itself an enforceable term and condition of the permit.

**Summary Description of Proposed Project**

Big Six Towers, Inc. is submitting a modification to the existing Air Title V (ATV) Facility permit. The existing boilers have reached their useful life and are being replaced under this modification. The facility will be removing the existing three boilers and installing three more-efficient smaller boilers. After the boilers replacement, the facility will consist of the following equipment:

1. Three (3) new Easco Boiler Corp. boilers, two(2) at 400-horsepower (HP) (16.74 mmBtu/hr) and one (1) at 250-HP (10.46 mmBtu/hr), located at Building 3 venting through the existing stack. The new boilers will replace the three (3) existing three (3) identical Fitzgibbons DM-485 boilers (22.5 mmBtu/hr each). These new boilers will primarily be operating on Natural Gas and will have the capability of combusting No.2 fuel oil as backup to be used only during periods of natural gas curtailment. The new boilers are being permitted under the existing Emission Unit 1-STACK.
2. Six (6) existing internal combustion engines, three (3) of which are natural gas-fired engines, which are Caterpillar Model G399, rated at 650 KW each. The other three (3) No.2 fuel oil-fired engines are Caterpillar engines; two(2) of which are Model D399, rated at 850 KW each; and the third one is a Caterpillar Model D3516, rated at 1600 KW. These engines were previously permitted under the existing Emission Unit 1-STACK. With these modification, these six (6) existing engines will remain unchanged.

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With the new boilers, this modification will have the NO<sub>x</sub> PTE emissions below the Non-Attainment New-Source Review (NANSR) and Prevention of Significant Deterioration (PSD) thresholds. Therefore, Part 231 requirements do not apply.

**Attainment Status**

BIG SIX TOWERS INC is located in the town of QUEENS in the county of QUEENS.

The attainment status for this location is provided below. (Areas classified as attainment are those that meet all ambient air quality standards for a designated criteria air pollutant.)

Criteria Pollutant	Attainment Status
Particulate Matter (PM)	ATTAINMENT
Particulate Matter < 10µ in diameter (PM10)	ATTAINMENT
Sulfur Dioxide (SO <sub>2</sub> )	ATTAINMENT
Ozone*	SEVERE NON-ATTAINMENT
Oxides of Nitrogen (NO <sub>x</sub> )**	ATTAINMENT
Carbon Monoxide (CO)	ATTAINMENT

\* Ozone is regulated in terms of the emissions of volatile organic compounds (VOC) and/or oxides of nitrogen (NO<sub>x</sub>) which are ozone precursors.

\*\* NO<sub>x</sub> has a separate ambient air quality standard in addition to being an ozone precursor.

**Facility Description:**

Big Six Towers, Inc. generates electrical power and steam for an apartment complex and mixed retail space located at 59-55 47th Avenue in Woodside, Queens. The primary SIC code for this facility is 6513. The previous Air Title V permit was issued on 1/31/2017, with an expiration date of 1/30/2022.

The facility has a power plant, which contains a total of six (6) internal combustion engines and three (3) small boilers. With the last conversion, the facility now has three (3) natural gas-fired engines, which are Caterpillar Model G399, rated at 650 KW each. The other three (3) No.2 fuel oil-fired engines are Caterpillar engines; two (2) of which are Model D399, rated at 850 KW each; and the third one is a Caterpillar Model D3516, rated at 1600 KW. Electrical power is generated by a revolving field, 3-phase CAT generator coupled at each of the six engines. Exhaust heat is captured in six waste heat exchangers before being exhausted through a common 24-inch diameter manifold to stack..

The heating plant contains three (3) existing Fitzgibbons DM-485 boilers, rated at 22.5 mmBtu/hr each. These will be replaced by three (3) new Easco Boiler Corp. boilers. One is rated at 10.46 mmBtu/hr, and two (2) are rated at 16.74 mmBtu/hr each. These new boilers will fire Natural Gas as primary fuel and No.2 fuel oil as backup fuel. All of the engines and boilers exhaust through a common stack.

**Permit Structure and Description of Operations**

The Title V permit for BIG SIX TOWERS INC

is structured in terms of the following hierarchy: facility, emission unit, emission point, emission source

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and process. A facility is defined as all emission sources located at one or more adjacent or contiguous properties owned or operated by the same person or persons under common control. The facility is subdivided into one or more emission units (EU). Emission units are defined as any part or activity of a stationary facility that emits or has the potential to emit any federal or state regulated air pollutant. An emission unit is represented as a grouping of processes (defined as any activity involving one or more emission sources (ES) that emits or has the potential to emit any federal or state regulated air pollutant). An emission source is defined as any apparatus, contrivance or machine capable of causing emissions of any air contaminant to the outdoor atmosphere, including any appurtenant exhaust system or air cleaning device. [NOTE: Indirect sources of air contamination as defined in 6 NYCRR Part 203 (i.e. parking lots) are excluded from this definition]. The applicant is required to identify the principal piece of equipment (i.e., emission source) that directly results in or controls the emission of federal or state regulated air pollutants from an activity (i.e., process). Emission sources are categorized by the following types:

- combustion - devices which burn fuel to generate heat, steam or power
- incinerator - devices which burn waste material for disposal
- control - emission control devices
- process - any device or contrivance which may emit air contaminants that is not included in the above categories.

BIG SIX TOWERS INC is defined by the following emission unit(s):

Emission unit 1STACK - THE EMISSIONS UNIT CONSISTS OF SIX INTERNAL COMBUSTION ENGINES AND THREE BOILERS. THREE OF THE SIX INTERNAL COMBUSTION ENGINES BURN NO. 2 FUEL OIL. TWO OF THE NO.2 OIL FIRED ENGINES (# 2 AND # 4) ARE CATERPILLAR MODEL D399, RATED AT 850 KW EACH. THE THIRD NO.2 OIL FIRED ENGINE (# 6) IS A CATERPILLAR MODEL D3516, RATED AT 1600 KW. THE THREE NATURAL GAS FIRED ENGINES ARE CATERPILLAR MODEL G399, RATED AT 650 KW EACH. THE THREE EXISTING BOILERS ARE FITZGIBBONS MODEL DM-485 WITH AN IRON FIREMAN AGO-2-22.5 DUAL FUEL BURNER ON EACH BOILER. EACH BOILER IS RATED AT APPROXIMATELY 150 GPH NO.2 FUEL OIL/22.5 MMBTU/HR NATURAL GAS.

ABOVE-MENTIONED THREE (3) EXISTING BOILERS ARE BEING REMOVED AND WILL BE REPLACED BY THREE (3) NEW EASCO BOILER CORP MODELS FST-250, FST-400, AND ISB-400. THE FST-250 BOILER IS RATED AT 10.46 MMBTU/HR, WHILE FST-400 AND ISB-400 ARE RATED AT APPROXIMATELY 16.74 MMBTU/HR. ONCE EXISTING BOILERS ARE REMOVED, THE THREE NEW BOILERS WILL COMMENCE OPERATION.

Emission unit 1STACK is associated with the following emission points (EP):

00001, 00002

Process: PBG is located at BASEMENT, Building BLDG3 - This process is for the firing of Natural gas as primary fuel in the three existing or three new Easco boilers

Process: PBO is located at BASEMENT, Building BLDG3 - This process is for the firing of Distillate No. 2 fuel oil as backup fuel in the three existing or three new Easco boilers. The No. 2 fuel oil is used only as a backup during periods of interruptible natural gas supply.

Process: PEG is located at MAIN, Building BLDG3 - COMBUSTION OF NATURAL GAS IN THE CATERPILLAR ENGINE GENERATOR SET MODEL G399 ENGINES.

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Process: PEO is located at MAIN, Building BLDG3 - COMBUSTION OF NO.2 DISTILLATE OIL IN THREE (3) CATERPILLAR ENGINE GENERATOR SETS, TWO (2) MODEL D399'S AND ONE (1) MODEL D3516. EACH GENERATOR SET INCLUDES A 16 CYLINDER, 4 STROKE WATER COOLED ENGINE RUNNING ON NO.2 FUEL OIL. ELECTRICAL POWER IS GENERATED BY A REVOLVING FIELD, 3-PHASE CAT GENERATOR COUPLED AT EACH OF THE THREE ENGINES. EXHAUST HEAT IS CAPTURED IN THREE WASTE-HEAT EXCHANGERS BEFORE BEING EXHAUSTED THROUGH A COMMON 24-INCH DIAMETER MANIFOLD. THESE ENGINES ARE HOUSED IN THE POWER PLANT AND DISCHARGE UNDERGROUND TO A COMMON STACK.

**Title V/Major Source Status**

BIG SIX TOWERS INC is subject to Title V requirements. This determination is based on the following information:

Big Six Tower Inc is a major facility because the potential emissions of nitrogen oxides (NOx), volatile organic compounds (VOC), sulfur dioxide (SO2) and carbon monoxide (CO) are greater than the major source thresholds (25 tons/year each for NOx and VOC; 100 tons/year each for SO2 and CO).

**Program Applicability**

The following chart summarizes the applicability of BIG SIX TOWERS INC with regards to the principal air pollution regulatory programs:

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

**NOTES:**

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

**NSR** New Source Review (6 NYCRR 231-5, 231-6) - requirements which pertain to major stationary sources located in areas which are in non-attainment of National Ambient Air Quality Standards (NAAQS) for specified pollutants.

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**NESHAP** National Emission Standards for Hazardous Air Pollutants (40 CFR 61, 6 NYCRR 200.10) - contaminant and source specific emission standards established prior to the Clean Air Act Amendments of 1990 (CAAA) which were developed for 9 air contaminants (inorganic arsenic, radon, benzene, vinyl chloride, asbestos, mercury, beryllium, radionuclides, and volatile HAP's).

**MACT** Maximum Achievable Control Technology (40 CFR 63, 6 NYCRR 200.10) - contaminant and source specific emission standards established by the 1990 CAAA. Under Section 112 of the CAAA, the US EPA is required to develop and promulgate emissions standards for new and existing sources. The standards are to be based on the best demonstrated control technology and practices in the regulated industry, otherwise known as MACT. The corresponding regulations apply to specific source types and contaminants.

**NSPS** New Source Performance Standards (40 CFR 60, 6 NYCRR 200.10) - standards of performance for specific stationary source categories developed by the US EPA under Section 111 of the CAAA. The standards apply only to those stationary sources which have been constructed or modified after the regulations have been proposed by publication in the Federal Register and only to the specific contaminant(s) listed in the regulation.

**Title IV Acid Rain Control Program** (40 CFR 72 thru 78, 6 NYCRR 201-6) - regulations which mandate the implementation of the acid rain control program for large stationary combustion facilities.

**Title VI Stratospheric Ozone Protection** (40 CFR 82, Subpart A thru G, 6 NYCRR 200.10) - federal requirements that apply to sources which use a minimum quantity of CFC's (chlorofluorocarbons), HCFC's (hydrofluorocarbons) or other ozone depleting substances or regulated substitute substances in equipment such as air conditioners, refrigeration equipment or motor vehicle air conditioners or appliances.

**RACT** Reasonably Available Control Technology (6 NYCRR Parts 212-3, 220-1.6, 220-1.7, 220-2.3, 220-2.4, 226, 227-2, 228, 229, 230, 233, 234, 235, 236) - the lowest emission limit that a specific source is capable of meeting by application of control technology that is reasonably available, considering technological and economic feasibility. RACT is a control strategy used to limit emissions of VOC's and NOx for the purpose of attaining the air quality standard for ozone. The term as it is used in the above table refers to those state air pollution control regulations which specifically regulate VOC and NOx emissions.

**SIP** State Implementation Plan (40 CFR 52, Subpart HH, 6 NYCRR 200.10) - as per the CAAA, all states are empowered and required to devise the specific combination of controls that, when implemented, will bring about attainment of ambient air quality standards established by the federal government and the individual state. This specific combination of measures is referred to as the SIP. The term here refers to those state regulations that are approved to be included in the SIP and thus are considered federally enforceable.

**Compliance Status**

Facility is in compliance with all requirements.

**SIC Codes**

SIC or Standard Industrial Classification code is an industrial code developed by the federal Office of Management and Budget for use, among other things, in the classification of establishments by the type of activity in which they are engaged. Each operating establishment is assigned an industry code on the basis of its primary activity, which is determined by its principal product or group of products produced or

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distributed, or services rendered. Larger facilities typically have more than one SIC code.

SIC Code	Description
4911	ELECTRIC SERVICES
6513	APARTMENT BUILDING OPERATORS
6514	DWELLING OPERATORS, EXC. APART

**SCC Codes**

SCC or Source Classification Code is a code developed and used" by the USEPA to categorize processes which result in air emissions for the purpose of assessing emission factor information. Each SCC represents a unique process or function within a source category logically associated with a point of air pollution emissions. Any operation that causes air pollution can be represented by one or more SCC's.

SCC Code	Description
1-03-005-02	EXTERNAL COMBUSTION BOILERS - COMMERCIAL/INDUSTRIAL COMMERCIAL/INSTITUTIONAL BOILER - DISTILLATE OIL 10-100MMBTU/HR **
1-03-006-02	EXTERNAL COMBUSTION BOILERS - COMMERCIAL/INDUSTRIAL COMMERCIAL/INSTITUTIONAL BOILER - NATURAL GAS 10-100 MMBtu/Hr
2-03-001-01	INTERNAL COMBUSTION ENGINES - COMMERCIAL/INSTITUTIONAL COMMERCIAL/INSTITUTIONAL IC ENGINE - DISTILLATE OIL (DIESEL) Reciprocating
2-03-002-01	INTERNAL COMBUSTION ENGINES - COMMERCIAL/INSTITUTIONAL COMMERCIAL/INSTITUTIONAL IC ENGINE - NATURAL GAS Reciprocating

**Facility Emissions Summary**

In the following table, the CAS No. or Chemical Abstract Service code is an identifier assigned to every chemical compound. [NOTE: Certain CAS No.'s contain a 'NY' designation within them. These are not true CAS No.'s but rather an identification which has been developed by the department to identify groups of contaminants which ordinary CAS No.'s do not do. As an example, volatile organic compounds or VOC's are identified collectively by the NY CAS No. 0NY998-00-0.] The PTE refers to the Potential to Emit. This is defined as the maximum capacity of a facility or air contaminant source to emit any air contaminant under its physical and operational design. Any physical or operational limitation on the capacity of the facility or air contamination source to emit any air contaminant, including air pollution control equipment and/or restrictions on the hours of operation, or on the type or amount of material combusted, stored, or processed, shall be treated as part of the design only if the limitation is contained in federally enforceable permit conditions. The PTE for each contaminant that is displayed represents the facility-wide PTE in tons per year (tpy) or pounds per year (lbs/yr). In some instances the PTE represents a federally enforceable emissions cap or limitation for that contaminant. The term 'HAP' refers to any of the hazardous air pollutants listed in section 112(b) of the Clean Air Act Amendments of 1990. Total emissions of all hazardous air pollutants are listed under the special NY CAS No. 0NY100-00-0. In addition, each individual hazardous air pollutant is also listed under its own specific CAS No. and is

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identified in the list below by the (HAP) designation.

Cas No.	Contaminant	PTE lbs/yr	PTE tons/yr	Actual lbs/yr	Actual tons/yr
000075-07-0	ACETALDEHYDE	1246			
000107-02-8	ACROLEIN	1248			
000071-43-2	BENZENE		0.19		
0NY750-00-0	CARBON DIOXIDE EQUIVALENTS		38665.47		
000630-08-0	CARBON MONOXIDE		79.57		
000071-55-6	ETHANE, 1,1,1- TRICHLORO	0.2			
000100-41-4	ETHYLBENZENE	17.4			
000050-00-0	FORMALDEHYDE		4.44		
000110-54-3	HEXANE	693			
000091-20-3	NAPHTHALENE	27			
0NY210-00-0	OXIDES OF NITROGEN		88.62		
0NY075-02-5	PM 2.5		7.63		
0NY075-00-5	PM-10		7.7		
007446-09-5	SULFUR DIOXIDE		0.23		
000108-88-3	TOLUENE		0.09		
0NY100-00-0	TOTAL HAP		6.37		
0NY998-00-0	VOC		14.06		
001330-20-7	XYLENE, M, O & P MIXT.		0.03		

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

**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 Part 201-6.2(a)(4)**

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

**Item C: Certification by a Responsible Official - 6 NYCRR Part 201-6.2(d)(12)**

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



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- Item D: Requirement to Comply With All Conditions - 6 NYCRR Part 201-6.4(a)(2)**  
The permittee must comply with all conditions of the Title V facility permit. Any permit non-compliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.
- Item E: Permit Revocation, Modification, Reopening, Reissuance or Termination, and Associated Information Submission Requirements - 6 NYCRR Part 201-6.4(a)(3)**  
This permit may be modified, revoked, reopened and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.
- Item 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 Part 201-6.4(a)(9)**  
If any provisions, parts or conditions of this permit are found to be invalid or are the subject of a challenge, the remainder of this permit shall continue to be valid.
- Item I: Permit Shield - 6 NYCRR Part 201-6.4(g)**  
All permittees granted a Title V facility permit shall be covered under the protection of a permit shield, except as provided under 6 NYCRR Subpart 201-6. Compliance with the conditions of the permit shall be deemed compliance with any applicable requirements as of the date of permit issuance, provided that such applicable requirements are included and are specifically identified in the permit, or the Department, in acting on the permit application or revision, determines in writing that other requirements specifically identified are not applicable to the major stationary source, and the permit includes the determination or a concise summary thereof. Nothing herein shall preclude the Department from revising or revoking the permit pursuant to 6 NYCRR Part 621 or from exercising its summary abatement authority. Nothing in this permit shall alter or affect the following:
- i. The ability of the Department to seek to bring suit on behalf of the State of New York, or the Administrator to seek to bring suit on behalf of the United States, to immediately restrain any person causing or contributing to pollution presenting an imminent and substantial endangerment to public health, welfare or the environment to stop the emission of air pollutants causing or contributing to such pollution;
  - ii. The liability of a permittee of the Title V facility for any violation of applicable requirements prior to or at the time of permit issuance;



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

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

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

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

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

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

**Item 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,

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

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

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

An emergency, as defined by subpart 201-2, constitutes an affirmative defense to penalties sought in an enforcement action brought by the Department for noncompliance with emissions limitations or permit conditions for all facilities in New York State.

- (a) The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - (1) An emergency occurred and that the facility owner or operator can identify the cause(s) of the emergency;
  - (2) The equipment at the permitted facility causing the emergency was at the time being properly operated and maintained;
  - (3) During the period of the emergency the facility owner or operator took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and
  - (4) The facility owner or operator notified the Department within two working days after the event occurred. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.
- (b) In any enforcement proceeding, the facility owner or operator seeking to establish the occurrence of an emergency has the burden of proof.
- (c) This provision is in addition to any emergency or upset provision contained in any applicable requirement. item\_02

**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 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

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

**Regulatory Analysis**

<b>Location Facility/EU/EP/Process/ES</b>	<b>Regulation</b>	<b>Condition</b>	<b>Short Description</b>
-- FACILITY	ECL 19-0301	46	Powers and Duties of the Department with respect to air pollution control
FACILITY	40CFR 60-A.4	1 -3	General provisions - Address
1-STACK	40CFR 60-Dc.40c	1 -5	Steam generators 10-100 million Btu per hour
1-STACK	40CFR 60-Dc.48c	1 -6	Reporting and Recordkeeping Requirements.
FACILITY	40CFR 63-JJJJJJ	1 -4	National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers
1-STACK	40CFR 63-ZZZZ	34, 35, 36	Area Sources Reciprocating Internal Combustion Engine (RICE) NESHAP
FACILITY	40CFR 63-ZZZZ.6595(a)(1)	29	Reciprocating Internal Combustion Engine (RICE) NESHAP - Compliance date for existing sources
FACILITY	40CFR 68	19	Chemical accident prevention provisions
FACILITY	40CFR 82-F	20	Protection of Stratospheric Ozone - recycling and emissions reduction
FACILITY	6NYCRR 200.6	1	Acceptable ambient air quality.
FACILITY	6NYCRR 200.7	10	Maintenance of equipment.
FACILITY	6NYCRR 201-1.4	47	Unavoidable noncompliance and violations
FACILITY	6NYCRR 201-1.7	11	Recycling and Salvage
FACILITY	6NYCRR 201-1.8	12	Prohibition of reintroduction of collected contaminants to the air
FACILITY	6NYCRR 201-3.2(a)	13	Exempt Activities - Proof of eligibility
FACILITY	6NYCRR 201-3.3(a)	14	Trivial Activities - proof of eligibility

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FACILITY	6NYCRR 201-6	21, 30, 31	Title V Permits and the Associated Permit Conditions
FACILITY	6NYCRR 201-6.4(a)(4)	15	General Conditions - Requirement to Provide Information
FACILITY	6NYCRR 201-6.4(a)(7)	2	General Conditions - Fees
FACILITY	6NYCRR 201-6.4(a)(8)	16	General Conditions - Right to Inspect
FACILITY	6NYCRR 201-6.4(c)	3	Recordkeeping and Reporting of Compliance Monitoring
FACILITY	6NYCRR 201-6.4(c)(2)	4	Records of Monitoring, Sampling and Measurement
FACILITY	6NYCRR 201-6.4(c)(3)(ii)	5	Reporting Requirements - Deviations and Noncompliance
FACILITY	6NYCRR 201-6.4(d)(4)	22	Compliance Schedules - Progress Reports
FACILITY	6NYCRR 201-6.4(e)	6	Compliance Certification
FACILITY	6NYCRR 201-6.4(f)(6)	17	Off Permit Changes
FACILITY	6NYCRR 202-1.1	18	Required emissions tests.
FACILITY	6NYCRR 202-2.1	7	Emission Statements - Applicability
FACILITY	6NYCRR 202-2.5	8	Emission Statements - record keeping requirements.
FACILITY	6NYCRR 211.1	23	General Prohibitions - air pollution prohibited
FACILITY	6NYCRR 211.2	48	General Prohibitions - visible emissions limited.
FACILITY	6NYCRR 215.2	9	Open Fires - Prohibitions
FACILITY	6NYCRR 225-1.2(f)	24	Sulfur-in-Fuel Limitations
FACILITY	6NYCRR 225-1.2(g)	25	Sulfur-in-Fuel Limitations
FACILITY	6NYCRR 225-1.2(h)	26	Sulfur-in-Fuel Limitations
FACILITY	6NYCRR 225-1.6	27	Reports, Sampling, and Analysis
1-STACK/00001	6NYCRR 227.2(b)(1)	44	Particulate emissions.
1-STACK/-/PEO	6NYCRR 227-1.3	40	Smoke Emission Limitations.
1-STACK/00001/PBO	6NYCRR 227-1.3	45	Smoke Emission Limitations.
1-STACK	6NYCRR 227-1.3(a)	32	Smoke Emission Limitations.
FACILITY	6NYCRR 227-2	28	Reasonably available control technology for NOx
1-STACK	6NYCRR 227-2.4(d)	33	Small boilers, small combustion turbines, and small stationary internal combustion engines.
1-STACK/-/PEG/0ENG1	6NYCRR 227-2.4(f)(1)	37	Emission limit for

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1-STACK/-/PEG/0ENG3	6NYCRR 227-2.4(f)(1)	38	natural gas fired engines.
1-STACK/-/PEG/0ENG5	6NYCRR 227-2.4(f)(1)	39	Emission limit for natural gas fired engines.
1-STACK/-/PEO/0ENG2	6NYCRR 227-2.4(f)(3)	41	Emission limit for natural gas fired engines.
1-STACK/-/PEO/0ENG4	6NYCRR 227-2.4(f)(3)	42	Emission limit for distillate oil fired engines.
1-STACK/-/PEO/0ENG6	6NYCRR 227-2.4(f)(3)	43	Emission limit for distillate oil fired engines.
FACILITY	6NYCRR 231-6.2	1 -1, 1 -2	Netting

**Applicability Discussion:**

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

ECL 19-0301

This section of the Environmental Conservation Law establishes the powers and duties assigned to the Department with regard to administering the air pollution control program for New York State.

6 NYCRR 200.6

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

6 NYCRR 200.7

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

6 NYCRR 201-1.4

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

6 NYCRR 201-1.7

Requires the recycle and salvage of collected air contaminants where practical

6 NYCRR 201-1.8

Prohibits the reintroduction of collected air contaminants to the outside air

6 NYCRR 201-3.2 (a)

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

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6 NYCRR 201-3.3 (a)

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

6 NYCRR Subpart 201-6

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

6 NYCRR 201-6.4 (a) (4)

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

6 NYCRR 201-6.4 (a) (7)

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

6 NYCRR 201-6.4 (a) (8)

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

6 NYCRR 201-6.4 (c)

This requirement specifies, in general terms, what information must be contained in any required compliance monitoring records and reports. This includes the date, time and place of any sampling, measurements and analyses; who performed the analyses; analytical techniques and methods used as well as any required QA/QC procedures; results of the analyses; the operating conditions at the time of sampling or measurement and the identification of any permit deviations. All such reports must also be certified by the designated responsible official of the facility.

6 NYCRR 201-6.4 (c) (2)

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

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6 NYCRR 201-6.4 (c) (3) (ii)

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

6 NYCRR 201-6.4 (d) (4)

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

6 NYCRR 201-6.4 (e)

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

6 NYCRR 201-6.4 (f) (6)

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

6 NYCRR 202-1.1

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

6 NYCRR 202-2.1

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

6 NYCRR 202-2.5

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

6 NYCRR 211.2

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

6 NYCRR 215.2

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

40 CFR Part 68

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

40 CFR Part 82, Subpart F

Subpart F requires the reduction of emissions of class I and class II refrigerants to the lowest achievable level during the service, maintenance, repair, and disposal of appliances in accordance with section 608 of the Clean Air Act Amendments of 1990. This subpart applies to any person servicing, maintaining, or repairing appliances except for motor vehicle air conditioners. It also applies to persons disposing of



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appliances, including motor vehicle air conditioners, refrigerant reclaimers, appliance owners, and manufacturers of appliances and recycling and recovery equipment. Those individuals, operations, or activities affected by this rule, may be required to comply with specified disposal, recycling, or recovery practices, leak repair practices, recordkeeping and/or technician certification requirements.

**Facility Specific Requirements**

In addition to Title V, BIG SIX TOWERS INC has been determined to be subject to the following regulations:

40 CFR 60.4

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

40 CFR 60.40c

This regulation requires the source owner or operator to comply with the applicable General Provisions of 40 CFR 60 Subpart Dc. The facility owner is responsible for reviewing these general provisions in detail and complying with all applicable technical, administrative and reporting requirements.

40 CFR 60.48c

This regulation requires that the facility maintain reports and records in accordance with the provisions of this section 40 CFR 60-Dc.48c.

40 CFR 63.6595 (a) (1)

This condition lists the compliance dates for existing engines.

40 CFR Part 63, Subpart JJJJJ

This regulation covers facilities that own or operate an industrial, commercial, or institutional boiler as defined in §63.11237 that is located at, or is part of, an area source of hazardous air pollutants (HAP), as defined in §63.2, except as specified in §63.11195.

40 CFR Part 63, Subpart ZZZZ

6 NYCRR 211.1

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

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6 NYCRR 225-1.2 (f)

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

6 NYCRR 225-1.2 (g)

Sulfur-in-fuel limitations for the purchase of distillate oil on or after July 1, 2014.

6 NYCRR 225-1.2 (h)

Sulfur-in-fuel limitation for the firing of distillate oil on or after July 1, 2016.

6 NYCRR 225-1.6

This section establishes the requirements for reporting, sampling, and analyzing fuel by subject facilities.

6 NYCRR 227.2 (b) (1)

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

6 NYCRR 227-1.3

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

6 NYCRR 227-1.3 (a)

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

6 NYCRR 227-2.4 (d)

This section includes NOx RACT requirements for small boilers, small combustion turbines, and small stationary internal combustion engines.

6 NYCRR 227-2.4 (f) (1)

Presumptive NOx RACT emission limit for natural gas fired stationary internal

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combustion engines.

6 NYCRR 227-2.4 (f) (3)

Presumptive NOx RACT emission limit for distillate oil fired stationary internal combustion engines.

6 NYCRR 231-6.2

The facility is replacing three existing boilers with three new boilers. The Net Emission Increase for the replacement is 19.24 tons per year of NOx, which is less than the Significant Net Emission Increase Threshold of 25 tons per year. The calculation is based on the 231-6 regulations. Thus, the NOx emissions from the new boilers is limited to 19.24 tons per year. The NOx emission from the boilers while using the fuel oil is limited to 6.92 tons per year to limit the total NOx emissions from the boilers to be less than 19.24 tons per year.

6 NYCRR Subpart 227-2

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

**Compliance Certification**

**Summary of monitoring activities at BIG SIX TOWERS INC:**

<b>Location Facility/EU/EP/Process/ES</b>	<b>Cond No.</b>	<b>Type of Monitoring</b>
---		
1-STACK	34	record keeping/maintenance procedures
1-STACK	35	record keeping/maintenance procedures
1-STACK	36	record keeping/maintenance procedures
FACILITY	5	record keeping/maintenance procedures
FACILITY	6	record keeping/maintenance procedures
FACILITY	7	record keeping/maintenance procedures
FACILITY	24	work practice involving specific operations
FACILITY	25	work practice involving specific operations
FACILITY	26	work practice involving specific operations
FACILITY	27	record keeping/maintenance procedures
1-STACK/00001	44	intermittent emission testing
1-STACK/-/PEO	40	record keeping/maintenance procedures
1-STACK/00001/PBO	45	record keeping/maintenance procedures
1-STACK	32	monitoring of process or control device parameters

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		as surrogate
FACILITY	28	work practice involving specific operations
1-STACK	33	record keeping/maintenance procedures
1-STACK/-/PEG/0ENG1	37	intermittent emission testing
1-STACK/-/PEG/0ENG3	38	intermittent emission testing
1-STACK/-/PEG/0ENG5	39	intermittent emission testing
1-STACK/-/PEO/0ENG2	41	intermittent emission testing
1-STACK/-/PEO/0ENG4	42	intermittent emission testing
1-STACK/-/PEO/0ENG6	43	intermittent emission testing
FACILITY	1-1	monitoring of process or control device parameters as surrogate
FACILITY	1-2	monitoring of process or control device parameters as surrogate

**Basis for Monitoring**

Condition under 6 NYCRR 201-6.5(c)(3)(ii): This facility-wide monitoring condition has been added to all Title V permits issued in New York State to clarify that all required monitoring reports are to be submitted at least every 6 months on a calendar year basis in order to comply with Title V requirements regardless of the reporting requirement that may be listed for an individual permit monitoring condition. Any monitoring conditions that may have more frequent reporting requirements will remain in effect as displayed in the condition.

Condition under 6 NYCRR 201-6.5(e): This facility-wide monitoring condition has been added in order to comply with the Title V annual compliance certification requirements and specify the mailing addresses for submitting the compliance reports.

Condition under 6 NYCRR 202-2.1: This facility-wide monitoring condition is a requirement for all Title V facilities. These facilities must submit an annual emission statement by April 15th of each year.

Conditions under 6 NYCRR 225-1(a)(2) and 6 NYCRR 225-1.8: These facility level monitoring conditions limit the sulfur content of fuel oil used at the facility and specify sampling and record keeping requirements. The sulfur content must be determined by the seller. The facility must maintain a log of the sulfur content of oil on a per delivery basis for at least three years.

Condition under 6 NYCRR 227-2(b)(1): This condition sets a particulate emissions limit for any oil fired stationary combustion installation.

Conditions under 6 NYCRR 227-1.3(a) and 6 NYCRR 227-1.3: These conditions are set to monitor opacity limits.

Condition under 6 NYCRR 227-2.4(d): This condition requires the facility to perform annual tune up of all the boilers under NOx RACT for the category of small boilers.

Conditions under 6 NYCRR 227-2.4(f)(3): These are the Emission Unit level conditions for NOx emissions RACT limits for a lean burn compression ignition stationary internal combustion engine. This limit applies to fuel oil fired engines. Stack testing will be required in order to demonstrate compliance with the limit. The facility is authorized a limit variance and emission is capped at 5.0 grams per brake horsepower-hour, in view of the high cost to reduce the emissions to below 2.3 grams per brake horsepower-hour.

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