

Facility DEC ID: 2610500301

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

**IDENTIFICATION INFORMATION**

Permit Type: Air Title V Facility  
Permit ID: 2-6105-00301/00010  
Effective Date: 11/17/2022 Expiration Date: 11/16/2027

Permit Issued To: KINGS PLAZA ENERGY LLC  
C/O THE MACERICH COMPANY  
401 WILSHIRE BLVD, SUITE 700  
SANTA MONICA, CA 90401-1452

Contact: Jeff Bedell  
Kings Plaza Energy LLC c/o The Macerich Co  
401 Wilshire Blvd Ste 700  
Santa Monica, CA 90401-1453  
(424) 229-3486

Facility: KINGS PLAZA ENERGY LLC  
5100 KINGS PLZ  
BROOKLYN, NY 11234

Contact: BRIAN REARDON  
VEOLIA NORTH AMERICA  
5100 KINGS PLZ  
BROOKLYN, NY 11234

Description:

This is an Air Title V Permit renewal for Kings Plaza Energy LLC which provides power, heating, and cooling for the Kings Plaza Shopping Center. The facility's combustion sources consists of four 3.2 megawatt (MW) Deutz spark-ignition natural gas fired engines, two natural gas fired 16.7 mmbtu/hr Cleaver Brooks boilers and two emergency generators.

The engines and boilers are subject to 6 NYCRR Part 227-2 NOx Reasonably Available Control Technology (RACT) requirements. Deutz engines are subject to the 6 NYCRR Part 227-2 NOx RACT limit 1.5g/bhp-hr and boilers are required to perform annual tune ups as RACT. Also, NOx and VOC emissions from four Deutz engines and two emergency generators are continued to be limited at 116 tons per year and 40 tons per year respectively to avoid the 6NYCRR 231-2 requirements.

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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

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C/O THE MACERICH COMPANY  
401 WILSHIRE BLVD, SUITE 700  
SANTA MONICA, CA 90401-1452

Facility: KINGS PLAZA ENERGY LLC  
5100 KINGS PLZ  
BROOKLYN, NY 11234

Authorized Activity By Standard Industrial Classification Code:  
4931 - ELEC & OTHER SERVICES COMBINED

Permit Effective Date: 11/17/2022

Permit Expiration Date: 11/16/2027

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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 11/17/2022 and 11/16/2027**

**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: Fees**  
**Effective between the dates of 11/17/2022 and 11/16/2027**

**Applicable Federal Requirement:6 NYCRR 201-6.4 (a) (7)**

**Item 2.1:**

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 3: Recordkeeping and Reporting of Compliance Monitoring**  
**Effective between the dates of 11/17/2022 and 11/16/2027**

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

**Item 3.1:**

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
- (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 4: Records of Monitoring, Sampling, and Measurement**  
**Effective between the dates of 11/17/2022 and 11/16/2027**

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

**Item 4.1:**

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

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reports required by the permit.

**Condition 5: Compliance Certification**  
**Effective between the dates of 11/17/2022 and 11/16/2027**

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

**Item 5.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 5.2:**

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 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,

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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 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



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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.

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 4/30/2023.

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

**Condition 6: Compliance Certification**  
**Effective between the dates of 11/17/2022 and 11/16/2027**

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

**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:

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;

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- 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 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:

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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 4/30/2023.  
 Subsequent reports are due on the same day each year

**Condition 7: Compliance Certification**  
**Effective between the dates of 11/17/2022 and 11/16/2027**

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

**Item 7.1:**  
 The Compliance Certification activity will be performed for the Facility.

**Item 7.2:**  
 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 106 days after the reporting period.  
 The initial report is due 4/15/2023.  
 Subsequent reports are due every 12 calendar month(s).

**Condition 8: Recordkeeping requirements**  
**Effective between the dates of 11/17/2022 and 11/16/2027**

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

**Item 8.1:**  
 (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 9: Open Fires - Prohibitions**  
**Effective between the dates of 11/17/2022 and 11/16/2027**

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**Applicable Federal Requirement: 6 NYCRR 215.2****Item 9.1:**

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 9.2**

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 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.

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

**Applicable Federal Requirement:6 NYCRR 200.7**

**Item 10.1:**

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 11: Recycling and Salvage  
Effective between the dates of 11/17/2022 and 11/16/2027**

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

**Item 11.1:**

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 12: Prohibition of Reintroduction of Collected Contaminants to the air  
Effective between the dates of 11/17/2022 and 11/16/2027**

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

**Item 12.1:**

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 13: Exempt Sources - Proof of Eligibility  
Effective between the dates of 11/17/2022 and 11/16/2027**

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

**Item 13.1:**

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

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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 14: Trivial Sources - Proof of Eligibility**  
**Effective between the dates of 11/17/2022 and 11/16/2027**

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

**Item 14.1:**

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 15: Requirement to Provide Information**  
**Effective between the dates of 11/17/2022 and 11/16/2027**

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

**Item 15.1:**

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 16: Right to Inspect**  
**Effective between the dates of 11/17/2022 and 11/16/2027**

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

**Item 16.1:**

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

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(iv) sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

**Condition 17: Required Emissions Tests**  
**Effective between the dates of 11/17/2022 and 11/16/2027**

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

**Item 17.1:**

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

**Condition 18: Accidental release provisions.**  
**Effective between the dates of 11/17/2022 and 11/16/2027**

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

**Item 18.1:**

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 19: Recycling and Emissions Reduction**  
**Effective between the dates of 11/17/2022 and 11/16/2027**

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

**Item 19.1:**

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

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

**Condition 20: Compliance Certification**  
**Effective between the dates of 11/17/2022 and 11/16/2027**

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

**Item 20.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 20.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

This condition applies to the emergency generators at the plant.

The operational hours of each engine must be limited to 500 hours per year, rolled monthly. The engines shall only be used for emergency purposes only. 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.

A summary of report must be submitted to the Department on a semiannual calendar basis.

Monitoring Frequency: MONTHLY

Averaging Method: ANNUAL TOTAL ROLLED MONTHLY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2023.

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

**Condition 21: Emission Unit Definition**  
**Effective between the dates of 11/17/2022 and 11/16/2027**

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

**Item 21.1:**

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

Emission Unit: 0-000CB



Permit ID: 2-6105-00301/00010

Facility DEC ID: 2610500301

**Emission Unit Description:**

Emission Unit #000CB consists of two 16.7 mmbtu/hr natural gas firing Cleaver Brooks boilers (Model #CB293-400) which are ducted to a single stack. Steam is produced in these boilers in order to provide heat to the shopping mall. These boilers are normally used during periods when Deutz engines are not operating due to maintenance and other other reasons.

These boilers are not subject to 40 CFR 63 Subpart JJJJJ since they meet the definition of gas-fired boiler. Kings Plaza's boilers do not have the capability to operate on fuel oil.

Building(s): PWRPL

**Item 21.2:**

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

Emission Unit: 0-000DG

**Emission Unit Description:**

Emission unit 000DZG consists of four 3.2 MW Deutz natural gas spark fired engines (Model TBG632V16) and two Caterpillar emergency generator engines.

These engines replaced five retired Nordberg engines. The Deutz units were installed and located in the exact same location as the retired Nordberg engines, and exhaust through the same emission points (00DG1, 00DG2, 00DG3 and 00DG4). NOx emissions from this emission unit is capped at 116 tpy(Kings Plaza created Emission Reduction Credits during the engine replacement project). VOC emissions are capped at 40 tpy.

Building(s): PWRPL

**Condition 22: Progress Reports Due Semiannually  
Effective between the dates of 11/17/2022 and 11/16/2027****Applicable Federal Requirement:6 NYCRR 201-6.4 (d) (4)****Item 22.1:**

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.

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**Condition 23: Operational Flexibility**  
**Effective between the dates of 11/17/2022 and 11/16/2027**

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

**Item 23.1:**

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.

**Condition 24: Notification**  
**Effective between the dates of 11/17/2022 and 11/16/2027**

**Applicable Federal Requirement:6 NYCRR 202-1.2**

**Item 24.1:**

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 25: Acceptable procedures - Stack test report submittal**  
**Effective between the dates of 11/17/2022 and 11/16/2027**

**Applicable Federal Requirement:6 NYCRR 202-1.3**

**Item 25.1:**

Emission test reports must be submitted in triplicate to the commissioner within 60 days after the completion of the tests, unless additional time is requested in writing.

**Condition 26: Statement dates for emissions statements.**  
**Effective between the dates of 11/17/2022 and 11/16/2027**

**Applicable Federal Requirement:6 NYCRR 202-2.4 (a) (3)**

**Item 26.1:**

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:

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(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.

**Condition 27: Visible Emissions Limited**  
**Effective between the dates of 11/17/2022 and 11/16/2027**

**Applicable Federal Requirement:6 NYCRR 211.2**

**Item 27.1:**

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 28: Compliance Certification**  
**Effective between the dates of 11/17/2022 and 11/16/2027**

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

**Item 28.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 28.2:**

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: DIESEL 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)

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Facility DEC ID: 2610500301

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)  
 Reports due 30 days after the reporting period.  
 The initial report is due 4/30/2023.  
 Subsequent reports are due every 6 calendar month(s).

**Condition 29: Compliance Certification**  
**Effective between the dates of 11/17/2022 and 11/16/2027**

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

**Item 29.1:**

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

Emission Unit: 0-000CB Process: CBG	Emission Point: 000CB Emission Source: 00CB1
Emission Unit: 0-000CB Process: CBG	Emission Point: 000CB Emission Source: 00CB2
Emission Unit: 0-000DG Process: DGN	Emission Point: 00DG1 Emission Source: 0DZG1
Emission Unit: 0-000DG Process: DGN	Emission Point: 00DG1 Emission Source: 0DZG2
Emission Unit: 0-000DG Process: DGN	Emission Point: 00DG1 Emission Source: 0DZG3

**Item 29.2:**

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



Permit ID: 2-6105-00301/00010

Facility DEC ID: 2610500301

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

Emission Unit: 0-000CB

Emission Point: 000CB

Height (ft.): 72                      Diameter (in.): 36  
 NYTMN (km.): 4496.              NYTME (km.): 591.2              Building: PWRPL

**Item 31.2:**

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

Emission Unit: 0-000DG

Emission Point: 00DG1

Height (ft.): 72                      Diameter (in.): 24  
 NYTMN (km.): 4496.              NYTME (km.): 591.2              Building: PWRPL

Emission Point: 00DG2

Height (ft.): 72                      Diameter (in.): 24  
 NYTMN (km.): 4496.              NYTME (km.): 591.2              Building: PWRPL

Emission Point: 00DG3

Height (ft.): 72                      Diameter (in.): 24  
 NYTMN (km.): 4496.              NYTME (km.): 591.2              Building: PWRPL

Emission Point: 00DG4

Height (ft.): 72                      Diameter (in.): 24  
 NYTMN (km.): 4496.              NYTME (km.): 591.2              Building: PWRPL

**Condition 32: Process Definition By Emission Unit**

**Effective between the dates of 11/17/2022 and 11/16/2027**

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

**Item 32.1:**

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

Emission Unit: 0-000CB

Process: CBG                              Source Classification Code: 1-02-006-02

Process Description:

The firing of natural gas in the two boilers is defined as process CBG.

Emission Source/Control: 00CB1 - Combustion

Design Capacity: 16.7 million Btu per hour

Emission Source/Control: 00CB2 - Combustion

Design Capacity: 16.7 million Btu per hour

**Item 32.2:**

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

Permit ID: 2-6105-00301/00010

Facility DEC ID: 2610500301

Emission Unit: 0-000DG  
Process: DGN Source Classification Code: 2-02-002-54

Process Description:  
The firing of natural gas in the Deutz gas-fired generators is defined as process DGN.

Emission Source/Control: 0DZG1 - Combustion  
Design Capacity: 3.2 megawatt

Emission Source/Control: 0DZG2 - Combustion  
Design Capacity: 3.2 megawatt

Emission Source/Control: 0DZG3 - Combustion  
Design Capacity: 3.2 megawatt

Emission Source/Control: 0DZG4 - Combustion  
Design Capacity: 3.2 megawatt

**Item 32.3:**

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

Emission Unit: 0-000DG  
Process: ENF Source Classification Code: 2-02-001-02

Process Description:  
The firing of distillate No.2 oil in the caterpillar emergency generators.

Emission Source/Control: 0ENG1 - Combustion  
Design Capacity: 1.825 megawatt

Emission Source/Control: 0ENG2 - Combustion  
Design Capacity: 1.825 megawatt

**Condition 33: Compliance Certification**  
Effective between the dates of 11/17/2022 and 11/16/2027

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

**Item 33.1:**

The Compliance Certification activity will be performed for:

Emission Unit: 0-000DG

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

**Item 33.2:**

Compliance Certification shall include the following monitoring:

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

Permit ID: 2-6105-00301/00010

Facility DEC ID: 2610500301

Monitoring Description:

The power output generated by the four Deutz natural gas fired engines of EU: 0-000DG, combined, shall not exceed 51,480,440 kilowatt hours (kW-hr) on any rolling twelve-month (12-month) period.

The facility shall continuously monitor the kW-hr generated by the four Deutz engines, and keep records of the monthly kW-hr.

The owner or operator, for the purpose of determining compliance, must maintain all required records onsite (or at a Department approved alternative location) for a minimum of five years.

Parameter Monitored: POWER

Upper Permit Limit: 51,480,440 kilowatt hour 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 4/30/2023.

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

**Condition 34: Compliance Certification**

**Effective between the dates of 11/17/2022 and 11/16/2027**

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

**Item 34.1:**

The Compliance Certification activity will be performed for:

Emission Unit: 0-000DG

**Item 34.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Each engine shall be tuned-up a minimum of once each calendar year. Kings Plaza shall maintain a log (in a format acceptable to the Department) containing the following information:

- (1) the date each tune-up was performed;
- (2) a summary of the items adjusted as part of the tune-up; and
- (3) the name, title and affiliation of the person(s) who performed the tune-up.



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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 4/30/2023.

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

**Condition 35: Compliance Certification**

**Effective between the dates of 11/17/2022 and 11/16/2027**

**Applicable Federal Requirement: 6 NYCRR 227-2.4 (f) (1)**

**Item 35.1:**

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: 0-000DG

Process: DGN

Emission Source: 0DZG1

Emission Unit: 0-000DG

Process: DGN

Emission Source: 0DZG2

Emission Unit: 0-000DG

Process: DGN

Emission Source: 0DZG3

Emission Unit: 0-000DG

Process: DGN

Emission Source: 0DZG4

Regulated Contaminant(s):

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

**Item 35.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

This condition applies to stationary internal combustion engines that have a maximum mechanical output rating equal to or greater than 200 brake horsepower in a severe ozone nonattainment area or 400 brake horsepower outside a severe ozone nonattainment area and are fired by natural gas. The owner or operator is required to submit a compliance testing protocol to the department for approval at least 90 days prior to testing. The owner or operator will maintain all records on-site for a minimum of five years.

Parameter Monitored: OXIDES OF NITROGEN

Upper Permit Limit: 1.5 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

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Reporting Requirements: SEMI-ANNUALLY (CALENDAR)  
 Reports due 30 days after the reporting period.  
 The initial report is due 4/30/2023.  
 Subsequent reports are due every 6 calendar month(s).

**Condition 36: Compliance Certification**  
**Effective between the dates of 11/17/2022 and 11/16/2027**

**Applicable Federal Requirement: 6 NYCRR 231-2.7**

**Item 36.1:**

The Compliance Certification activity will be performed for:

Emission Unit: 0-000DG

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

**Item 36.2:**

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

The VOC emissions from Emission Unit 0000DG (four Deutz units and two Caterpillar emergency generator engines), shall not exceed 40 tons during any rolling twelve-month (12-month) period.

On a monthly basis the facility must calculate annual emissions using the emission factor derived during the most recent performance test of the Deutz engines. At all times the facility will use EPA approved emission factors for the two Caterpillar emergency generator engines.

The facility shall calculate and record the VOC emissions from the four Deutz engines and two Caterpillar emergency engines, on a monthly and rolling 12-month basis to demonstrate compliance with the 40 tons limit.

The monthly tons of VOC emissions from the four Deutz engines shall be calculated using the following equation:

$$\frac{[(\text{Engine VOC emission factor from the most recent performance test, expressed as g/BHP-hr}) \times (1.341 \text{ BHP/kW}) \times (\text{actual kW-hr from four engines, combined})]}{[453.6 \text{ g/lb}] / [2000 \text{ lb/ ton}]}$$

1.341 BHP-hr- represents the conversion factor from g/BHP-hr to g/kW-hr.

The monthly tons of VOC emissions from the two Caterpillar

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engines shall be calculated using the following equation:

$$[(\text{VOC emission factor for the Caterpillar engines of 12.38 lbs/1000 gallons}) \times (\text{actual No.2 fuel oil usage in gallons})] / [2000 \text{ lb/ton}]$$

The VOC emission factor from the Caterpillar engines firing No.2 fuel oil is based on AP 42 Table 3.4-1 emission factor of 12.38 lbs/1000 gallons based on a HHV of 137,500 Btu/gallon

The total VOC emissions from the four Deutz engines and two Caterpillar engines in tons per rolling 12-month period shall be calculated, every month, by summing the tons of the current month plus the eleven (11) previous months.

The owner or operator, for the purpose of determining compliance, must maintain all required records (including fuel use logs, engine operating hours, KW-hrs generated onsite (or at a Department approved alternative location) for a minimum of five years.

Parameter Monitored: VOC

Upper Permit Limit: 40 tons 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 4/30/2023.

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

**Condition 37: Compliance Certification**  
**Effective between the dates of 11/17/2022 and 11/16/2027**

**Applicable Federal Requirement: 6 NYCRR 231-2.7**

**Item 37.1:**

The Compliance Certification activity will be performed for:

Emission Unit: 0-000DG

Regulated Contaminant(s):

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

**Item 37.2:**

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

The NOx emissions from Emission Unit 0000DG (four Deutz units and two Caterpillar emergency generator engines)

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shall not exceed 116 tons during any rolling twelve-month (12-month) period.

The facility shall maintain on site daily fuel use logs, engine operating hours, KW-hrs generated and supporting documentation to verify the NO<sub>x</sub> emissions and calculate emissions based on the most recent stack test used to determine the emission factors for the Deutz engines. NO<sub>x</sub> emissions from the Caterpillar emergency generators are based on AP42 emission factors.

The facility shall calculate and record the NO<sub>x</sub> emissions from the four Deutz and two Caterpillar emergency engines, on a monthly, and rolling 12-month basis to demonstrate compliance with the 116 ton limit.

The monthly tons of NO<sub>x</sub> emissions from the four Deutz engines shall be calculated using the following equation:

$$\frac{[(\text{Engine NO}_x \text{ emission factor from the most recent performance test, expressed as g/BHP-hr}) \times (1.341 \text{ BHP/kW}) \times (\text{actual kW-hr from four engines, combined})]}{[453.6 \text{ g/lb}] / [2000 \text{ lb/ ton}]}$$

The NO<sub>x</sub> emission factor used by the facility in the above-listed equation shall be the NO<sub>x</sub> emission rate determined during the most recent Department approved performance test of a Deutz engine.

1.341 BHP-hr- represents the conversion factor from g/BHP-hr to g/kW-hr.

The monthly tons of NO<sub>x</sub> emissions from the two Caterpillar engines shall be calculated using the following equation:

$$\frac{[(\text{NO}_x \text{ emission factor for the Caterpillar engines of 440 lbs/1000 gallons}) \times (\text{actual No.2 fuel oil usage in 1000 gallons of the two Caterpillar engines})]}{[2000 \text{ lb/ton}]}$$

NO<sub>x</sub> emission factor for Caterpillar engines firing No.2 fuel oil in lbs/1000 oil based on AP-42 Table 3.4-1 emission factor of 440 lbs/1000 gallons on a HHV of 137,500 Btu/gallon

The total NO<sub>x</sub> emissions from the four Deutz engines and two Caterpillar engines in tons per rolling 12-month period shall be calculated, every month, by summing the tons of the current month plus the eleven (11) previous months.

The owner or operator, for the purpose of determining compliance, must maintain all required records onsite (or at a Department approved alternative location) for a

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minimum of five years.

Parameter Monitored: OXIDES OF NITROGEN  
 Upper Permit Limit: 116 tons 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 4/30/2023.  
 Subsequent reports are due every 6 calendar month(s).

**Condition 38: Compliance Certification**  
**Effective between the dates of 11/17/2022 and 11/16/2027**

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

**Item 38.1:**  
 The Compliance Certification activity will be performed for:

Emission Unit: 0-000DG

**Item 38.2:**  
 Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES  
 Monitoring Description:

40 CFR 63 Subpart ZZZZ-National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (RICE)

Kings Plaza Energy, LLC (facility or Permittee) is subject to the requirements of 40 CFR 63, Subpart ZZZZ-National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (RICE) for area sources of hazardous air pollutants (HAPs). Notwithstanding conditions in this permit, the Permittee shall comply with all applicable requirements of 40 CFR 63 Subpart ZZZZ.

The 40 CFR 63 Subpart ZZZZ (or Subpart ZZZZ) applies to the following two existing emergency generators engines:

Two identical Caterpillar Fuel oil # 2 fired compression ignition (CI) stationary reciprocating internal combustion engines of emission unit (EU):0-000DG, each rated at 2,593 HP, 1.825 MW, and 18.15 MMBTU/hr.

The Permittee shall comply with the definition of emergency stationary RICE in 40 CFR 63.6675 and the following provisions:

I. Compliance Date:

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The compliance date for the two existing emergency engines is May 3, 2013. [40 CFR 63.6595 (a)]

II. General Requirements for Complying with Subpart ZZZZ

1. The Permittee must be in compliance with the emission limitations, operating limitations and other applicable requirements of Subpart ZZZZ at all times. [40 CFR 63.6605 (a)]

2. At all times, the Permittee must operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. The general duty to minimize emissions does not require you to make any further efforts to reduce emissions if levels required by this standard have been achieved. Determination of whether such operation and maintenance procedures are being used will be based on information available to NYSDEC which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source. [40 CFR 63.6605 (b)]

III. Emission Limitations, Management Practices and Other Requirements:

1. The Permittee shall comply with the following requirements of 40 CFR 63.6603 (a) and Table 2d, Section 4 of Subpart ZZZZ:

a. Change the oil and filter every 500 hours of operation or annually, whichever comes first. The Permittee has the option to utilize an oil analysis program as described in 63.6625(i) in order to extend the specified oil change requirements.

b. Inspect the air cleaner every 1,000 hours of operation or annually, whichever comes first, and replace as necessary.

c. Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary.

d. If the engine is operating during an emergency and it is not possible to shut down the engine in order to perform the management practice requirements on the schedules required in Table 2d of Subpart ZZZZ, or if

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performing the management practice on the required schedules would otherwise pose an unacceptable risk under federal, state or local law, the management practices can be delayed until the emergency is over or the unacceptable risk under federal, state, or local law has abated. The management practice shall be performed as soon as possible after the emergency has ended or the unacceptable risk has abated. The Permittee shall report any failure to perform the management practice on the schedule required and the federal, state, or local law under which the risk was deemed unacceptable.

2. Operate and maintain the engines and after-treatment control device (if any) according to the manufacturer's emission-related operation and maintenance instructions; or develop and follow your its own maintenance plan which must provide to the extent practicable for the maintenance and operation of the engine in a manner consistent with good pollution control practices for minimizing emissions. [40 CFR 63.6625 (e)]

3. Install a non-resettable hour meter if one is not already installed. [40 CFR 63.6625 (f)]

4. The Permittee may utilize an oil analysis program in order to extend the oil change requirements specified in 63.603 (a) and Table 2d. The oil analysis must be performed at the same frequency specified for changing the oil. If any of the limits listed below are exceeded, the Permittee shall change the oil within two (2) business days of receiving the results of the analysis. If the engine is not in operation when the results of the analysis are received, then the oil must be changed within two (2) business days or before commencing operation, whichever is later.

a. Total base number is less than 30 percent of the total base number of the oil when new; or

b. Viscosity of the oil has changed by more than 20 percent from the viscosity of the oil when new;  
or

c. Water content (by volume) is greater than 0.5%.

If all of the above limits are not exceeded, the Permittee is not required to change the oil before continuing to use the engine. [40 CFR 63.6625(i)]

5. If the Permittee does not operate the engine according to the requirements in 63.6640(f) (1) through (f) (4), then the engine will not be considered an emergency engine

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under NESHAP Subpart ZZZZ and must meet all requirements for non-emergency engines.  
[40 CFR 63.6640 (f)]

a. There is no time limit on the use in emergency situations. [40 CFR 63.6640 (f) (1)]

b. The Permittee may operate the engine for any combination of the purposes specified in paragraphs (f) (2) (i) through (ii) for a maximum of 100 hours per calendar year. Any operation for non-emergency situation as allowed by paragraph (f) (4) counts as part of the 100 hours per calendar year as allowed by paragraph (f) (2).  
[40 CFR 63.6640 (f) (2)]

- The engine may be operated for maintenance checks and readiness testing, provided that the tests are recommended by federal, state or local government, the manufacturer, the vendor, the regional transmission authority or equivalent balancing authority and transmission operator, or the insurance company associated with the engine. The Permittee may petition the Administrator for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the Permittee maintains records indicating that federal, state, or local standards require maintenance and testing of the engine beyond 100 hours per calendar year. [40 CFR 63.6640 (f) (2) (i)]

- The engine may operate for emergency demand response for periods in which the Reliability Coordinator under the North American Electric Reliability Corporation (NERC) Reliability Standard EOP-002-3, Capacity and Energy Emergency or other authorized entity as determined by the Reliability Coordinator has declared an Energy Emergency Alert Level 2 as defined in the NERC Reliability Standard EOP- 002-3.[40 CFR 63.6640 (f) (2) (ii)]

- The engine may be operated for periods where there is a deviation of voltage or frequency of 5 percent or greater below standard voltage or frequency. [40 CFR 63.6640 (f) (2) (iii)]

6. Pursuant to 40 CFR 63.6640(f) (4), the engine may be operated for up to 50 hours per calendar year in non-emergency situations. The 50 hours of operation in non-emergency situations are counted as part of the 100 hours per calendar year for maintenance and testing and emergency demand response provided in 63.6640(f) (2). Except as provided in 63.6640 (f)(4)(i)and (ii), the 50 hours per year for non-emergency situations cannot be used for peak shaving or non-emergency demand response, or to



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generate income for the facility to supply power to an electric grid or otherwise supply power as part of a financial arrangement with another entity. [40 CFR 63.6640 (f) (4)]

a. Prior to May 3, 2014, the 50 hours per year for non-emergency situations can be used for peak shaving or non-emergency demand response to generate income for the facility, or to otherwise supply power as part of a financial arrangement with another entity if the engine is operated as part of a peak shaving (load management program) with the local distribution system operator and the power is provided only to the facility itself or to support the local distribution system. [40 CFR 63.6640 (f) (4) (i)]

b. The 50 hours per year for non-emergency situations can be used to supply power as part of a financial arrangement with another entity if all of the following conditions are met [40 CFR 63.6640 (f) (4)(ii)]:

- The engine is dispatched by the local balancing authority or local transmission or distribution system operator. [40 CFR 63.6640 (f) (4) (ii) (A)]:
- The dispatch is intended to mitigate local transmission and/or distribution limitations so as to avert potential voltage collapse or line overloads that could lead to the interruption of power supply in a local area or region. . [40 CFR 63.6640 (f) (4) (ii) (B)]:
- The dispatch follows reliability, emergency operation or similar protocols that follow specific NERC, regional, state, public utility commission or local standards or guidelines. . [40 CFR 63.6640 (f) (4) (ii) (C)]:
- The power is provided only to the facility itself or to support the local transmission and distribution system. . [40 CFR 63.6640 (f) (4) (ii) (D)]:
- The owner or operator identifies and records the entity that dispatches the engine and the specific NERC, regional, state, public utility commission or local standards or guidelines that are being followed for dispatching the engine. The local balancing authority or local transmission and distribution system operator may keep these records on behalf of the engine owner or operator. . [40 CFR 63.6640 (f) (4) (ii) (E)]:

IV. Fuel Requirements

Pursuant to 40 CFR 63.6604(b) the following the Permittee

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shall comply with the following fuel requirements:

Beginning January 1, 2015, emergency engines that meet all the following conditions shall use diesel fuel that meets the requirements in 40 CFR 80.510(b) for nonroad diesel fuel.

- Greater than 100 brake HP;
- Displacement of less than 30 liters per cylinder;
- Operates for the purposes specified in 63.6640 (f)(4)(ii) or operates or is contractually obligated to be available for more than 15 hours per calendar year for the purposes specified in 63.6640 (f) (2) (ii) and (iii).

Any existing diesel fuel purchased prior to January 1, 2015 may be used until depleted.

The diesel fuel requirements of 40 CFR 80.510(b) are as follows: (1) Sulfur content of 15 ppm maximum; and (2) A minimum cetane index of 40, or a maximum aromatic content of 35 volume percent.

#### V. Recordkeeping Requirements

The Permittee shall keep records showing:

1. The Permittee must keep the records required in Table 6 of Subpart ZZZZ to show continuous compliance with each applicable emission or operating limitation in 40 CFR Part 63, Subpart ZZZZ. [40 CFR 63.6655(d)]
2. If applicable, the parameters that are analyzed as part of the oil analysis program, the results of the analysis, and the oil changes for the engine.[40CFR 63.6655 (e)]
3. The hours of operation of the engine that is recorded through the non-resettable hour meter. The Permittee shall document how many hours are spent for emergency operation; including what classified the operation as emergency and how many hours are spent for non-emergency operation. If the engine is used for purposes specified in 63.6640(f)(2)(ii) or (iii) or 63.6640 (f)(4)(ii), then the Permittee shall keep records of the notification of the emergency situation, and the date, start time and end time of the engine operation for these purposes.[40 CFR 63.6655 (f)]

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4. The records must be in a form suitable and readily available for expeditious review. [40 CFR 63.6660 (a) and 40 CFR 63.10 (b) (1)]

5. The Permittee must keep each record for 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record. [40 CFR 63.6660 (b) and 40 CFR 63.10 (b) (1)]

6. The Permittee must keep each record readily accessible in hard copy or electronic form on site at the source for 5 years after the date of each occurrence, measurement, maintenance, corrective action, report, or record, according to 63.10 (b)(1). [40 CFR 63.6660 (c) and 40 CFR 63.10 (b) (1)]

VI. Reporting Requirements

For an engine greater than 100 brake HP and that operates for the purposes specified in 63.6640 (f)(4)(ii), or operate or is contractually obligated to be available for more than 15 hours per calendar year for the purposes specified in 63.6640 (f) (2) (ii) and (iii), the Permittee shall submit an annual report to the Administrator. The report must contain the information specified at 63.6660 (h) (1) through (3), must be submitted according to the schedule specified at 63.6650 (h) (2), and in the format specified at 63.6650 (h) (3). [40 CFR 63.6650 (h)]:

40 CFR 63 Subpart A-General Provisions

The Permittee shall comply with all applicable provisions of 40 CFR Subpart A as outlined in Table 8 of 40 CFR 63 Subpart ZZZZ.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 39: Compliance Certification**  
**Effective between the dates of 11/17/2022 and 11/16/2027**

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

**Item 39.1:**

The Compliance Certification activity will be performed for:

Emission Unit: 0-000DG

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**Item 39.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

40 CFR 63 Subpart ZZZZ-National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (RICE)

Kings Plaza Energy, LLC (facility or Permittee) is subject to the requirements of 40 CFR 63, Subpart ZZZZ-National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (RICE) for area sources of hazardous air pollutants (HAPs). Notwithstanding conditions in this permit, the Permittee shall comply with all applicable requirements of 40 CFR 63 Subpart ZZZZ.

The 40 CFR 63 Subpart ZZZZ (or Subpart ZZZZ) applies to the following four existing non-emergency generators engines:

Four identical Deutz natural gas fired spark ignition four stroke lean burn stationary reciprocating internal combustion engines of emission unit (EU):0-000DG, each rated at 4, 257 HP, 3.2 MW, and 26 MMBTU/hr.

I. Compliance date:

The compliance date for the four existing non-emergency engines is October 19, 2013.  
[40 CFR 63.6595 (a)]

II. General Requirements for Complying with Subpart ZZZZ

1. The Permittee must be in compliance with the emission limitations, operating limitations and other applicable requirements of Subpart ZZZZ at all times. [40 CFR 63.6605 (a)]

2. At all times, the Permittee must operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. The general duty to minimize emissions does not require you to make any further efforts to reduce emissions if levels required by this standard have been achieved. Determination of whether such operation and maintenance procedures are being used will be based on information available to the

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Administrator, which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source. [40 CFR 63.6605 (b)]

### III. Emission Limitation, Operating Limitation, and Other Requirements

1. The Permittee shall install oxidation catalyst devices to reduce HAPs emissions resulting from the four engines, except during periods of startup. [40 CFR 63.6603 (a) and Table 2d, Section 9]

2. Emissions from each engine, must meet the following emission limitations according to Table 5 of Subpart ZZZZ, except during the startup:

- Average Reduction of CO emissions by 93 % or more; or
- Limit the average concentration of CO in the engine exhaust to 47 ppmvd @ 15% O<sub>2</sub> or less. [40 CFR 63.6630 and Table 5, Section 13]

3. The Permittee must minimize the engine's time spent at idle during startup and minimize the engine's startup time to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes, after which time the non-startup emission limitations in Table 2d of Subpart ZZZZ apply. [40 CFR 63.6625 (h)]

4. The Permittee must operate and maintain the engines and after-treatment control device according to the manufacturer's emission-related operation and maintenance instructions; or the Permittee must develop and follow your its own maintenance plan which must provide to the extent practicable for the maintenance and operation of the engine in a manner consistent with good pollution control practices for minimizing emissions. [40 CFR 63.6625 (e)]

### IV. Initial Compliance with Emission Limitations, Operating Limitations, and Other Requirements

Pursuant to 40 CFR 63.6612, 63.6625, and 63.6630, and Table 5, Section 13 of Subpart ZZZZ, the Permittee must demonstrate initial compliance with each emission and operating limitation in 40 CFR Part 63, Subpart ZZZZ that applies according to the following:

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- Demonstrate that the average reduction of emissions of CO determined from the initial performance test achieves the required CO percent reduction; or Demonstrate that the average carbon monoxide concentration, corrected to 15% O<sub>2</sub>, dry basis, from the 3 test runs is less than or equal to the carbon monoxide emission limitation;
  - Install a CPMS to continuously monitor catalyst inlet temperature according to the requirements in §63.6625(b);  
or
  - Install equipment to automatically shut down the engine if the catalyst inlet temperature exceeds 1350 0F.
- V. Continuous Compliance with Emission Limitations, and Other Requirements
1. Pursuant to 63.6640(a) and Table 6, Section 14 of Subpart ZZZZ, the Permittee must demonstrate continuous compliance with the emission limitations in 40 CFR Part 63, Subpart ZZZZ that applies to each engine according to the following methods:
    - Conduct annual performance test as specified at 63.6640 (c) to demonstrate that the required CO percent reduction is achieved, or to demonstrate that the carbon monoxide emissions remain at or below the carbon monoxide concentration limit; and either
    - Collect the catalyst inlet temperature data according to §63.6625(b), reduce these data to 4-hour rolling averages, and maintain the 4-hour rolling average within the operating limitation of greater than 450 0 F and less than or equal to 1350 0 F for the catalyst inlet temperature;  
or
    - Immediately shutting down the engine if the catalyst inlet temperature exceeds 1350 0 F
  2. The permittee must report each instance in which an emission or operating limit was not met. These instances are deviations from the emission and operating limitations and must be reported according to reporting requirements of §63.6650 and this permit.[40 CFR 63.6640(b)]
  3. Upon changing of catalyst, the values of the operating parameters measured during the initial performance test must be reestablished. Upon reestablishment of the operating parameters, the permittee must conduct a performance test to demonstrate that the required emission limitations continue to be met. [40 CFR

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63.6640(b)]

4. The Permittee must comply with the monitoring and collection data requirements specified at 63.6635, in order to demonstrate compliance with the emissions and operating limitations of Subpart ZZZZ.[ 40 CFR 63.6635]

VI. Performance Test Requirements

1. The Permittee must conduct an initial performance test or other initial compliance demonstration that apply within 180 days after the compliance date that is specified for the four Deutz engines in 63.6595 (i.e., October 19, 2013), and according to the provisions of 63.7 (a)(2). [40 CFR 63.6612 (a)]

2. The Permittee must perform subsequent performance test annually. [40 CFR 63.6640 (c)]

VII. Performance Test Procedures

1. The Permittee must conduct each performance test according to the applicable requirements in Table 4, Sections 1 and 3 of Subpart ZZZZ. If the engines are non-operational, the Permittee does not need to start up the engine solely to conduct performance test. The Permittee can conduct the performance test when the engine is started up again. [40 CFR 63.6620 (b)]

2. The Permittee must conduct 3 separate test runs for each performance test required. Each test run must last at least 1 hour as specified in 63.7 (e) (3). [40 CFR 63.6620 (d)]

3. The Permittee must use the equations specified at 63.6620 (e). [40 CFR 63.6620 (e)]

4. The engine percent load during a performance test must be determined by documenting the calculations, assumptions, and measurement devices used to measure or estimate the percent load in a specific application. A written report of the average percent load determination must be included in the notification of compliance status. The Permittee must include in the written report all information specified at 63.6620 (i). [40 CFR 63.6620 (i)]

VIII. Notifications

1. The permittee must submit all of the applicable notifications in 63.7(b) and (c), 63.8(e), (f) (4) and (f)

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(6), 63.9(b) through (e), and (g) and (h) of the General Provisions of 40 CFR Part 63 by the dates specified. [40 CFR 63.6645(a)]

2. If a performance test is required, the permittee must submit a Notification of Intent to conduct a performance test at least 60 days before the performance test is scheduled to begin as required in §63.7(b)(1). [40 CFR 63.6645(g)]

3. If a performance test or other initial compliance demonstration is required, the permittee must submit a Notification of Compliance Status according to §63.9(h)(2)(ii). [40 CFR 63.6645(h)]

#### IX. Recordkeeping

1. Pursuant to 40 CFR 63.6655 (a) the permittee must keep the following records:

- A copy of each notification and report that was submitted to comply with 40 CFR Part 63, Subpart ZZZZ, including all documentation supporting any Initial Notification or Notification of Compliance Status that was submitted, according to the requirements of §63.10(b)(2)(xiv);
- Records of the occurrence and duration of each malfunction operation (i.e. process equipment) or the air pollution control monitoring equipment;
- Records of performance tests and performance evaluations as required in 63.10(b) (2) (viii);
- Records of all required maintenance performed on the air pollution control equipment; and
- Records of actions taken during periods of malfunction to minimize emissions in accordance with §63.6605(b) including corrective actions to restore malfunctioning process and air pollution control monitoring equipment to its normal or usual manner of operation.

2. Pursuant to 40 CFR 63.6655(b), for each CPMS (if one is used), the Permittee must keep the following records:

- Records described in §63.10(b) (2) (vi) through (xi);
- Previous (i.e., superseded) versions of the performance evaluation plan as required in §63.8(d) (3);



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and

- Requests for alternatives to the relative accuracy test for CEMS or CPMS as required in §63.8(f) (6) (i), if applicable.

3. The Permittee must keep the records required in Table 6 of Subpart ZZZZ to show continuous compliance with each applicable emission or operating limitation in 40 CFR Part 63, Subpart ZZZZ. [40 CFR 63.6655(d)]

4. The Permittee shall keep records showing that each and after-treatment control device was operated and maintained according to the Permittee's own maintenance plan (if applicable). [40 CFR 63.6655(e)]

5. The records must be in a form suitable and readily available for expeditious review. [40 CFR 63.6660 (a) and 40 CFR 63.10 (b) (1)]

6. The Permittee must keep each record for 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record. [40 CFR 63.6660 (b) and 40 CFR 63.10 (b) (1)]

7. The Permittee must keep each record readily accessible in hard copy or electronic form on site at the source for 5 years after the date of each occurrence, measurement, maintenance, corrective action, report, or record, according to 63.10 (b)(1). [40 CFR 63.6660 (c) and 40 CFR 63.10 (b) (1)]

#### X. Reporting

1. The permittee must comply with all applicable reporting requirements of 63.6650 and Table 7, Section 3.

2. The permittee must submit a compliance report, which contains the results of the annual compliance demonstration (if one was conducted during the reporting period). [40 CFR 63.6650 and Table 7, Section 3 of Subpart ZZZZ]

3. The compliance report must be submitted semiannually according to the requirements specified at 63.6650 (b) (1) through (b) (5). [40 CFR 63.6650 (b) (1) through (5) and Table 7, Section 3 of Subpart ZZZZ]

4. The (semiannual) compliance report must contain the information described in 63.6650 (c). [40 CFR 63.6650(c)]

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5. The (semiannual) compliance report must include (if applicable) the information regarding each deviation from emissions that are specified at 63.6650 (d) and (e). [40 CFR 63.6650 (d) and (e)]

40 CFR 63 Subpart A-General Provisions

The Permittee shall comply with all applicable provisions of 40 CFR Subpart A as outlined in Table 8 of 40 CFR 63 S

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 40: Compliance Certification**  
**Effective between the dates of 11/17/2022 and 11/16/2027**

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

**Item 40.1:**

The Compliance Certification activity will be performed for:

Emission Unit: 0-000DG

Process: DGN

Regulated Contaminant(s):

CAS No: 0NY998-00-0 VOC

**Item 40.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Kings Plaza shall determine the VOC emission factor of its four Deutz engines burning gas by conducting a Department approved VOC emission stack testing. This emission factor shall be used in the VOC capping calculation formula. 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.

The Department reserve the right to require the facility to conduct subsequent VOC performance stack testing, as deemed necessary.

Reference Test Method: 40 CFR 60 Appendix A Method 18/25 A

Monitoring Frequency: UPON REQUEST OF REGULATORY AGENCY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

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The initial report is due 4/30/2023.  
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 41: Contaminant List**

**Effective between the dates of 11/17/2022 and 11/16/2027**

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

**Item 41.1:**

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

CAS No: 0NY210-00-0

Name: OXIDES OF NITROGEN

CAS No: 0NY998-00-0

Name: VOC

**Condition 42: Malfunctions and Start-up/Shutdown Activities**

**Effective between the dates of 11/17/2022 and 11/16/2027**

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

**Item 42.1:**

(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 maintenance and start-up/shutdown activities when they are expected to result in an exceedance

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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 43: CLCPA Applicability**  
**Effective between the dates of 11/17/2022 and 11/16/2027**

**Applicable State Requirement:6 NYCRR 201-6.5 (a)**

**Item 43.1:**

Pursuant to The New York State Climate Leadership and Community Protection Act (CLCPA) and Article 75 of the Environmental Conservation Law, emission sources shall comply with regulations to be promulgated by the Department to ensure that by 2030 statewide greenhouse gas emissions are reduced by 40% of 1990 levels, and by 2050 statewide greenhouse gas emissions are reduced by 85% of 1990 levels.

**Condition 44: Air pollution prohibited**  
**Effective between the dates of 11/17/2022 and 11/16/2027**

**Applicable State Requirement:6 NYCRR 211.1**

**Item 44.1:**

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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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