

Facility DEC ID: 2630400404

PERMIT
Under the Environmental Conservation Law (ECL)

IDENTIFICATION INFORMATION

Permit Type: Air Title V Facility

Permit ID: 2-6304-00404/00004

Mod 0 Effective Date: 04/04/2024 Expiration Date: 04/03/2029

Mod 1 Effective Date: Expiration Date:

Permit Issued To:BIG SIX TOWERS, INC.

59-55 47TH AVE
WOODSIDE, NY 11377-5662

Contact: Denise Keehan-Smith
59-55 47th Ave
Woodside, NY 11377

Facility: BIG SIX TOWERS INC
59-55 47TH AVE
Queens, NY 11377

Contact: Melisa Zimonjic
60-10 Queens Blvd
Woodside, NY 11377
(718) 898-7022

Description:

Big Six Towers, Inc. generates electrical power and steam for an apartment complex and mixed retail space located at 59-55 47th Avenue in Woodside, Queens. The primary SIC code for this facility is 6513.

The facility's power plant consists of six (6) internal combustion engines and three (3) small boilers. The facility has three (3) natural gas-fired engines, which are Caterpillar Model G399, rated at 650 KW each. The other three (3) No.2 fuel oil-fired engines are Caterpillar engines; two (2) of which are Model D399, rated at 850 KW each; and the third one is a Caterpillar Model D3516, rated at 1600 KW. Electrical power is generated by a revolving field, 3-phase CAT generator coupled at each of the six engines. Exhaust heat is captured in six waste heat exchangers before being exhausted through a common 24-inch diameter manifold to stack. All six engines exhaust through a common stack (emission Point 00002).

The heating plant contains three (3) new Easco Boiler Corp. boilers. One is rated at 10.46 mmBtu/hr., and two (2) are rated at 16.74 mmBtu/hr. each. These new boilers fire Natural Gas as primary fuel and No.2 fuel oil as backup fuel. All three boilers exhaust through a common stack (emission point 00001).

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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: CAITLYN P NICHOLS
1 HUNTERS POINT PLAZA
47-40 21ST ST
LONG ISLAND CITY, NY 11101

Authorized Signature: _____ Date: ____ / ____ / ____

Facility DEC ID: 2630400404**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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Facility DEC ID: 2630400404**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 1-1: Applications for permit renewals, modifications and transfers

Applicable State Requirement: 6 NYCRR 621.11

Item 1-1.1:

The permittee must submit a 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 1-1.2:

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

Item 1-1.3

Permits are transferable 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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ARTICLE 19: AIR POLLUTION CONTROL - TITLE V PERMIT

IDENTIFICATION INFORMATION

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WOODSIDE, NY 11377-5662

Facility: BIG SIX TOWERS INC
59-55 47TH AVE
Queens, NY 11377

Authorized Activity By Standard Industrial Classification Code:

4911 - ELECTRIC SERVICES
6513 - APARTMENT BUILDING OPERATORS
6514 - DWELLING OPERATORS, EXC. APART

Permit Effective Date:

Permit Expiration Date:

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FEDERALLY ENFORCEABLE CONDITIONS

Renewal 3/Mod 1/DRAFT

**** Facility Level ****

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 7: Compliance Certification

Effective between the dates of 04/04/2024 and Permit Expiration Date

Applicable Federal Requirement:

Expired by Mod 1

Item 7.1:

The Compliance Certification activity will be performed for the Facility.

Item 7.2:

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Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Emission statements shall be submitted on or before April 15th each year for emissions of the previous calendar year. Statements are to be mailed to: New York State Department of Environmental Conservation, Division of Air Resources, Bureau of Air Quality Planning, 625 Broadway, Albany NY 12233-3251

Monitoring Frequency: ANNUALLY

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 45 days after the reporting period.

The initial report is due 2/14/2025.

Subsequent reports are due every 12 calendar month(s).

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

Condition 19: Emission Unit Definition

Effective between the dates of 04/04/2024 and Permit Expiration Date

Applicable Federal Requirement: 6 NYCRR Subpart 201-6

Item 19.1(From Mod 1):

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

Emission Unit: 1-STACK

Emission Unit Description:

The emission unit consists of six internal combustion engines and three boilers.

Three engines N0.2 fuel oil fired engines (OENG2, OENG4 and OENG6) are compression ignition, lean burn engines.

Engines, OENG2 & OENG4 are Caterpillar model D399, rated at 850 kw each and the third engine (OENG6) is a Caterpillar model D3516, rated at 1600 kw.

The three natural gas fired engines (OENG1, OENG3, and OENG5) are caterpillar model G399, rated at 650 kw each, and are spark ignition, rich burn engines.

All six engines exhaust through a common stack (emission Point 00002).

The old boilers have been replaced by three (3) new Easco Boiler Corp models FST-250, FST-400, and ISB-400. The FST-250 boiler is rated at 10.46 MMBtu/hr., while FST-400 and ISB-400 are rated at approximately 16.74 MMBtu/hr.

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The three new boilers have commenced operation. All three boilers exhaust through a common stack (emission point 00001).

Building(s): BLDG3

**Condition 1-1: Compliance Certification
Effective for entire length of Permit**

Applicable Federal Requirement: 6 NYCRR 227-2.5 (c)

Item 1-1.1:

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

Emission Unit: 1-STACK Process: PEO Emission Source: 0ENG2

Emission Unit: 1-STACK Process: PEO Emission Source: 0ENG4

Emission Unit: 1-STACK Process: PEO Emission Source: 0ENG6

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

Item 1-1.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

Three engines burning No. 2 fuel oil shall produce no more than 80% of the power requirement limited at a total of 11 million /yr. The rest will come from the three natural gas fired engines.

The facility shall have monitors displaying the instantaneous load, enabling real-time monitoring of each engine's performance. At the end of each day, the current kilowatt-hour readings for each engine shall be manually recorded in a log. The daily monitoring data shall be compiled at the end of each month, and the facility shall calculate monthly and 12 -month rolling total kilowatt-hrs demonstrating compliance with the output limit for oil firing.

The owner or operator shall maintain records on-site for a minimum of five years.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

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Process Material: DISTILLATES - NUMBER 1 AND NUMBER 2 OIL

Parameter Monitored: ELECTRICAL OUTPUT

Upper Permit Limit: 8800 megawatt-hours per year

Monitoring Frequency: DAILY

Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

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

**Condition 1-2: Compliance Certification
Effective for entire length of Permit**

Applicable Federal Requirement: 6 NYCRR 227-2.5 (c)

Item 1-2.1:

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: 1-STACK

Process: PEG

Emission Unit: 1-STACK

Process: PEO

Regulated Contaminant(s):

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

Item 1-2.2:

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

The annual total electrical output limit of six engines
shall be limited to 11,000,000 kilowatt-hours.

The facility shall have monitors displaying the
instantaneous load, enabling real-time monitoring of each
engine's performance. At the end of each day, the current
kilowatt-hour readings for each engine shall be manually
recorded in a log. The daily monitoring data shall be
compiled at the end of each month, and the facility shall
calculate monthly and 12-month rolling total kilowatt-hrs
demonstrating compliance with the total output
limit.

The owner or operator shall maintain records on-site for a
minimum of five years.

Parameter Monitored: ELECTRICAL OUTPUT

Upper Permit Limit: 11,000,000 kilowatt hour per year

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Monitoring Frequency: DAILY
Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY
Reporting Requirements: SEMI-ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
Subsequent reports are due every 6 calendar month(s).

Condition 30: Compliance Certification

Effective between the dates of 04/04/2024 and Permit Expiration Date

Applicable Federal Requirement:

Expired by Mod 1

Item 30.1:

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

Emission Unit: 1-STACK Process: PEO Emission Source: 0ENG2

Emission Unit: 1-STACK
Process: PEO Emission Source: 0ENG4

Emission Unit: 1-STACK
Process: PEO Emission Source: 0ENG6

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

Item 30.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

Three engines burning No. 2 fuel oil will produce no more than 80% of the power requirement limited at a total of 11 million kwh/yr. The rest will come from the three natural gas fired engines.

The facility shall monitor power output in Kilowatt hours continuously. The owner or operator will maintain records on-site for a minimum of five years.

Work Practice Type: PARAMETER OF PROCESS MATERIAL
Process Material: DISTILLATES - NUMBER 1 AND NUMBER 2 OIL
Parameter Monitored: ELECTRICAL OUTPUT
Upper Permit Limit: 8800 megawatt-hours per year
Reference Test Method: CATERPILLAR KWH METE
Monitoring Frequency: MONTHLY
Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY
Reporting Requirements: SEMI-ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.

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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 43: Contaminant List

Effective between the dates of 04/04/2024 and Permit Expiration Date

Applicable State Requirement:ECL 19-0301

Item 43.1:

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

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