

Facility DEC ID: 2630700290

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

**IDENTIFICATION INFORMATION**

Permit Type: Air Title V Facility  
Permit ID: 2-6307-00290/00001  
Effective Date:

Expiration Date:

Permit Issued To: LONG ISLAND JEWISH MEDICAL CENTER  
Long Island Jewish Medical Center  
270-05 76th Ave  
NEW HYDE PARK, NY 11040-1433

Contact: Manuel Sanchez  
Long Island Jewish Medical Center  
270-05 76th Ave  
New Hyde Park, NY 11040  
(718) 470-7484

Facility: LONG ISLAND JEWISH MEDICAL CENTER  
270-05 76TH AVE  
NEW HYDE PARK, NY 11040

**Description:**

The facility is a hospital associated with the Northwell Health System - LIJ. The hospital operates three (3) dual fired boilers each rated at 63 mmBTU/hr, burning #2 fuel oil and natural gas, two cogen units rated at 12.219 mmbtu/hr (1.4 MW) burning natural gas, a dual use generator (emergency power back up engine) and seven (7) emergency generators burning fuel oil and Nine (9) exempt boilers and a water heater.

There are 9 existing boilers located within the Main Staff, Lowenstein, Littauer, Conference Center, Health & Speech, & Generator Bldgs. Littauer (Zucker Hillside) has 3 exempt boilers and 1 water heater.

The NO<sub>x</sub> (Oxides of Nitrogen) emissions for the three Nebraska boilers (emission sources 00CP1, 00CP2 and, 00CP3) are capped at 21.4 tons per year, and net emission increase from addition of the cogen system, and the assist engine generator is capped at than 22.5 tpy; on a 12-month rolling basis to avoid the New Source Review applicability (6NYCRR Subpart 231-2).

The facility has revised its NO<sub>x</sub> RACT variance plan in October 12, 2022 for its assist engine generator, complying with alternate NO<sub>x</sub> limit of 6.5 gm/bhp-hr. This engine has also a limit to operate no more than 500 hrs per year.

This is a major facility since the facility wide NO<sub>x</sub> emissions are greater than 25 tons per year and is subject to Part 201-6 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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- 6 5 Submission of application for permit modification or renewal - REGION 2 HEADQUARTERS

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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

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Long Island Jewish Medical Center  
270-05 76th Ave  
NEW HYDE PARK, NY 11040-1433

Facility: LONG ISLAND JEWISH MEDICAL CENTER  
270-05 76TH AVE  
NEW HYDE PARK, NY 11040

Authorized Activity By Standard Industrial Classification Code:  
8062 - GENERAL MEDICAL & SURGICAL HOSPITALS

Permit Effective Date:

Permit Expiration Date:

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- 8 4 6 NYCRR 201-6.4 (c) (2): Records of Monitoring, Sampling, and Measurement
- 9 5 6 NYCRR 201-6.4 (c) (3) (ii): Compliance Certification
- 11 6 6 NYCRR 201-6.4 (e): Compliance Certification
- 13 7 6 NYCRR 202-2.1: Compliance Certification
- 13 8 6 NYCRR 202-2.5: Recordkeeping requirements
- 13 9 6 NYCRR 215.2: Open Fires - Prohibitions
- 15 10 6 NYCRR 200.7: Maintenance of Equipment
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- 15 13 6 NYCRR 201-3.2 (a): Exempt Sources - Proof of Eligibility
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- 16 15 6 NYCRR 201-6.4 (a) (4): Requirement to Provide Information
- 16 16 6 NYCRR 201-6.4 (a) (8): Right to Inspect
- 17 17 6 NYCRR 202-1.1: Required Emissions Tests
- 17 18 40 CFR Part 68: Accidental release provisions.
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- 20 \*24 6 NYCRR Subpart 201-7: Capping Monitoring Condition
- 22 25 6 NYCRR 202-2.4 (a) (3): Statement dates for emissions statements.
- 22 26 6 NYCRR 211.2: Visible Emissions Limited
- 22 27 6 NYCRR 225-1.2 (d): Compliance Certification
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- 24 29 6 NYCRR 227-1.3 (a): Compliance Certification
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- 31 36 40CFR 60, NSPS Subpart IIII: Applicability
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- 33 39 40CFR 63, Subpart ZZZZ: Applicability
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37 43 6 NYCRR 227-2.4 (f) (1): Compliance Certification

**EU=U-000CP**

38 44 40CFR 60.48c(i), NSPS Subpart Dc: Compliance Certification

**EU=U-GENCP,EP=000G1,Proc=CF3,ES=0GEN1**

38 45 6 NYCRR 227-2.5 (c): Compliance Certification

39 46 6 NYCRR 227-2.5 (c): Compliance Certification

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42 47 ECL 19-0301: Contaminant List

42 48 6 NYCRR 201-1.4: Malfunctions and Start-up/Shutdown Activities

43 49 6 NYCRR 201-6.5 (a): CLCPA Applicability

43 50 6 NYCRR 211.1: Air pollution prohibited

NOTE: \* preceding the condition number indicates capping.

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**FEDERALLY ENFORCEABLE CONDITIONS**

Renewal 4/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 1: Acceptable Ambient Air Quality  
Effective for entire length of Permit****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 for entire length of Permit**

**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 for entire length of Permit**

**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 for entire length of Permit**

**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 for entire length of Permit**

**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.

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

**Condition 6: Compliance Certification  
Effective for entire length of Permit**

**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;
  - such other facts as the Department may require to

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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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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 10/30/2024.  
Subsequent reports are due on the same day each year

**Condition 7: Compliance Certification**  
**Effective for entire length of Permit**

**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 0 days after the reporting period.  
Subsequent reports are due every 12 calendar month(s).

**Condition 8: Recordkeeping requirements**  
**Effective for entire length of Permit**

**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 for entire length of Permit**

**Applicable Federal Requirement:6 NYCRR 215.2**

Permit ID: 2-6307-00290/00001

Facility DEC ID: 2630700290

**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.

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

Permit ID: 2-6307-00290/00001

Facility DEC ID: 2630700290

**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 for entire length of Permit**

**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 for entire length of Permit**

**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 for entire length of Permit**

**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 for entire length of Permit**

**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 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.

Permit ID: 2-6307-00290/00001

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**Condition 14: Trivial Sources - Proof of Eligibility  
Effective for entire length of Permit**

**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 for entire length of Permit**

**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 for entire length of Permit**

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

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Facility DEC ID: 2630700290

**Condition 17: Required Emissions Tests  
Effective for entire length of Permit**

**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 for entire length of Permit**

**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 for entire length of Permit**

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

**Item 19.1:**

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

**The following conditions are subject to annual compliance certification**

Permit ID: 2-6307-00290/00001

Facility DEC ID: 2630700290

requirements for Title V permits only.

**Condition 20: Emission Unit Definition  
Effective for entire length of Permit**

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

**Item 20.1:**

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

Emission Unit: E-MRGEN

Emission Unit Description:

Six emergency generators which not included in any other emission unit.

**Item 20.2:**

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

Emission Unit: U-000CP

Emission Unit Description:

This unit consists of three (3) boilers (3x63 mmBtu/hr) with emission sources 00CP1, 00CP2, 00CP3 combined to one (1) stack, emission point 000CP, with natural gas and no. 2 oil fuel; and two cogeneration systems (engines, 2x1426 kw) sources 00CG1 and 00CG2, with natural gas fuel, exhausting through the same existing stack, emission point 000CP.

Each of the cogeneration system is equipped with catalytic oxidation controls, designated as 01CG1, 02CG2 respectively.

Building(s): CENTRAL

**Item 20.3:**

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

Emission Unit: U-GENCP

Emission Unit Description:

This emission unit includes one dual-use generator (emergency and assist for the cogen units); designated as 0GEN1, exhausting to emission point 000G1.

Building(s): CENTRAL

**Item 20.4:**

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

Emission Unit: U-OEGCP

Emission Unit Description:

This emission unit is for the existing emergency generator (source EGEN1) installed in the central plant that was part of the central plant boiler installation. This emergency generator has a dedicated exhaust stack



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(emission point 00EG1).

Building(s): MAIN

**Condition 21: Progress Reports Due Semiannually  
Effective for entire length of Permit**

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

**Item 21.1:**

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

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

**Condition 22: Operational Flexibility  
Effective for entire length of Permit**

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

**Item 22.1:**

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 23: Facility Permissible Emissions  
Effective for entire length of Permit**

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

**Item 23.1:**

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

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

CAS No: 0NY210-00-0

PTE: 87,840 pounds per year

Name: OXIDES OF NITROGEN

**Condition 24: Capping Monitoring Condition**

Permit ID: 2-6307-00290/00001

Facility DEC ID: 2630700290

**Effective for entire length of Permit**

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

**Item 24.1:**

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

6 NYCRR Subpart 231-2

**Item 24.2:**

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

**Item 24.3:**

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

**Item 24.4:**

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

**Item 24.5:**

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

**Item 24.6:**

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

- |  |                        |
|--|------------------------|
| Emission Unit: U-000CP<br>Process: 1CF | Emission Source: 00CP1 |
| Emission Unit: U-000CP<br>Process: 2CF | Emission Source: 00CP2 |
| Emission Unit: U-000CP<br>Process: 3CF | Emission Source: 00CP3 |
| Emission Unit: U-000CP<br>Process: 3CG | Emission Source: 00CP1 |

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Emission Unit: U-000CP

Process: 3CG

Emission Source: 00CP2

Emission Unit: U-000CP

Process: 3CG

Emission Source: 00CP3

Regulated Contaminant(s):

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

**Item 24.7:**

Compliance Certification shall include the following monitoring:

Capping: Yes

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

Monitoring Description:

The NOx (Oxides of Nitrogen) emissions for the three Nebraska boilers (emission sources 00CP1, 00CP2 and, 00CP3) are capped as per previous permit 2-6307-0029/000001 Ren 0 Mod. 2, at 21.4 tons per year on a 12-month rolling basis to avoid New Source Review Applicability of 6NYCRR Subpart 231-2.

The owner or operator shall maintain record of the quantity of fuel burned by the three Nebraska boilers each with heat input of 63.0 mmbtu/hr and calculate the NOx emissions based on the type and quantity of fuel, burned using the following formula:

$$D(0.014) + G(63.24) < 21.4 \text{ tpy}$$

Where:

For the three Nebraska boilers, emission sources 00CP1, 00CP2 and, 00CP3:

D = 12-month rolling total of distillate oil fired in gallons/yr.

G = 12-month rolling total of natural gas fired in MMSCF/yr.

0.014 = NOx emission factor (lbs/gallon) from the 2021 stack test. Facility should use most recent stack test results.

63.24 = NOx emission factor(lbs/MMSCF) from the 2021 stack test. The facility should use most recent stack test results (Stack testing is required under 227-2.5 (a) condition).

Parameter Monitored: OXIDES OF NITROGEN

Upper Permit Limit: 21.4 tons per year

Reference Test Method: EPA approved

Monitoring Frequency: MONTHLY

Permit ID: 2-6307-00290/00001

Facility DEC ID: 2630700290

Averaging Method: 12-MONTH TOTAL, 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 25: Statement dates for emissions statements.  
Effective for entire length of Permit**

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

**Item 25.1:**

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

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

**Condition 26: Visible Emissions Limited  
Effective for entire length of Permit**

**Applicable Federal Requirement:6 NYCRR 211.2**

**Item 26.1:**

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 27: Compliance Certification  
Effective for entire length of Permit**

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

**Item 27.1:**

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

Emission Unit: E-MRGEN  
Process: EMG

Emission Unit: U-000CP

Permit ID: 2-6307-00290/00001

Facility DEC ID: 2630700290

Process: 1CF

Emission Unit: U-000CP  
Process: 2CF

Emission Unit: U-000CP  
Process: 3CF

Emission Unit: U-GENCP  
Process: CF3

Emission Unit: U-OEGCP  
Process: ECF

**Item 27.2:**

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: FUEL OIL

Parameter Monitored: SULFUR CONTENT

Upper Permit Limit: 0.0015 percent by weight

Monitoring Frequency: PER DELIVERY

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

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

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

**Condition 28: Compliance Certification**  
**Effective for entire length of Permit**

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

**Item 28.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 28.2:**

Compliance Certification shall include the following monitoring:

Permit ID: 2-6307-00290/00001

Facility DEC ID: 2630700290

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner or operator must maintain records of excess emissions. The owner or operator must submit a written report of the fuel sulfur content exceeding the applicable sulfur-in-fuel limitation, measured emissions exceeding the applicable sulfur-in-fuel limitation, measured emissions exceeding the applicable equivalent emission rate, and the nature and cause of such exceedances if known, for each calendar quarter, within 30 days after the end of any quarterly period in which an exceedance[s] takes place. These records must be kept on site or at a Department approved alternative location for a minimum of five years.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

Subsequent reports are due every 3 calendar month(s).

**Condition 29: Compliance Certification  
Effective for entire length of Permit**

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

**Item 29.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 29.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Any owner or operator of a stationary combustion installation (excluding combustion turbines) or a group of stationary combustion installations firing oil or oil in combination with other liquid or gaseous fuels with a total maximum heat input capacity of at least 50 million Btus per hour is required to meet the 0.1 lbs/mmBtu particulate matter standard. Compliance with this standard will be met by keeping vendor certified fuel receipts which contain the sulfur content of the oil being fired as required in Subpart 225-1 of this Title.

Monitoring Frequency: PER DELIVERY

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**

Permit ID: 2-6307-00290/00001

Facility DEC ID: 2630700290

**Effective for entire length of Permit**

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

**Item 30.1:**

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: E-MRGEN

Emission Unit: U-000CP

Emission Unit: U-GENCP

Emission Unit: U-OEGCP

**Item 30.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

Monitoring Frequency: ANNUALLY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

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

**Condition 31: Compliance Certification  
Effective for entire length of Permit**

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

**Item 31.1:**

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: U-000CP

Process: 1CG

Emission Unit: U-000CP

Process: 2CG

Emission Unit: U-000CP

Process: 3CG

Permit ID: 2-6307-00290/00001

Facility DEC ID: 2630700290

**Item 31.2:**

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

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

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: 40 CFR 60, Appendix A, Method 9

Monitoring Frequency: ANNUALLY

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

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

**Condition 32: Compliance Certification  
Effective for entire length of Permit**

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

**Item 32.1:**

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: E-MRGEN

Process: EMG

Emission Unit: U-000CP

Process: 1CF

Emission Unit: U-000CP

Process: 2CF

Emission Unit: U-000CP

Process: 3CF

Emission Unit: U-GENCP

Process: CF3



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**Item 32.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

1) Observe the stack for each emission source which is operating on oil once per day for visible emissions. This observation(s) must be conducted during daylight hours except during adverse weather conditions (fog, rain, or snow).

2) The results of each observation must be recorded in a bound logbook or other format acceptable to the Department. The following data must be recorded for each stack:

- date and time of day
- observer's name
- identity of the emission point
- weather conditions
- was a plume observed?

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

3) If the operator observes any visible emissions (other than steam - see below) for two consecutive days while firing oil (the firing of other fuels in between days of firing oil does not count as an interruption in the consecutive days of firing oil), then a Method 9 analysis (based upon a 6-minute mean) of the affected emission point(s) must be conducted within two (2) business days of such occurrence. The results of the Method 9 analysis must be recorded in the logbook. The operator must contact the Regional Air Pollution Control Engineer within one (1) business day of performing the Method 9 analysis if the opacity standard is contravened. Upon notification, any corrective actions or future compliance schedules shall be presented to the Department for acceptance.

**\*\* NOTE \*\*** Steam plumes generally form after leaving the top of the stack (this is known as a detached plume). The distance between the stack and the beginning of the detached plume may vary, however, there is (normally) a

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distinctive distance between the plume and stack. Steam plumes are white in color and have a billowy consistency. Steam plumes dissipate within a short distance of the stack (the colder the air the longer the steam plume will last) and leave no dispersion trail downwind of the stack.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 33: Compliance Certification**  
**Effective for entire length of Permit**

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

**Item 33.1:**

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):

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

**Item 33.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

Monitoring Frequency: ANNUALLY

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

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

**Condition 34: Compliance Certification**  
**Effective for entire length of Permit**

**Applicable Federal Requirement:6 NYCRR 227-2.5 (a)**

**Item 34.1:**

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):

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

**Item 34.2:**

Compliance Certification shall include the following monitoring:

Permit ID: 2-6307-00290/00001

Facility DEC ID: 2630700290

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

The owner or operator, of an affected facility, that chooses to comply with the requirements of NO<sub>x</sub> RACT via fuel switching, must perform a stack test on both oil (distillate and/or residual) and natural gas once every five years. The test results must be submitted to the Department for approval with 60 days of stack test completion. The results of the tests will be maintained at the facility for a minimum of five years and used to determine the annual NO<sub>x</sub> RACT compliance.

The following formula shall be used to calculate compliance with the calendar annual NO<sub>x</sub> RACT emission limit:

$$\text{NGR} * \text{NGO} + \text{DOR} * \text{DOO} \leq 0.08 \text{ lbs/mmBtu}$$

Where:

NGR = Tested natural gas emission rate in lbs/mmBtu

NGO = Annual percentage of natural gas operation

DOR = Tested distillate oil emission rate in lbs/mmBtu

DOO = Annual percentage of distillate oil operation

The owner or operator shall submit a report containing this calculation and the supporting annual percentage of each fuel operations records within 30 days of the end of each calendar year. All corresponding records used to calculate compliance with the applicable limit must be maintained at the facility for a minimum of five years and must be provided to the Department upon request.

Parameter Monitored: OXIDES OF NITROGEN

Upper Permit Limit: 0.08 pounds per million Btus

Reference Test Method: 7, 7E, or 19 from 40 CFR appendix A

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: CALENDAR YEAR AVERAGE

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

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

**Condition 35: Compliance Certification**  
**Effective for entire length of Permit**

Permit ID: 2-6307-00290/00001

Facility DEC ID: 2630700290

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

**Item 35.1:**

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

Emission Unit: U-000CP Process: 1CG	Emission Source: 00CG1
Emission Unit: U-000CP Process: 2CG	Emission Source: 00CG2
Emission Unit: U-GENCP Process: CF3	Emission Source: 0GEN1
Emission Unit: U-OEGCP Process: ECF	Emission Source: EGEN1
Regulated Contaminant(s): CAS No: 0NY210-00-0	OXIDES OF NITROGEN

**Item 35.2:**

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

Net emission increase from addition of the cogen system, the assist engine and the existing emergency generator is 22.5 tpy.

The owner or operator shall maintain record of the quantity of fuel burned by the two cogeneration IC engines (emission sources 00CG1 and 00CG2), the assist engine (emission source 0GEN1) as emergency and assist, the existing emergency generator (emission source EGEN1), and calculate the NOx emissions based on the type and quantity of fuel, burned using the following formula:

$$\text{COGEN} + \text{AE} + \text{EEG} < 22.5 \text{ tpy}$$

Where:

For the two cogeneration units, emission sources 00CG1 and 00CG2:

$$\text{COGEN} = 00\text{CG1} + 00\text{CG2}$$

$$00\text{CG1} = ((\text{hours of operation}) * (0.510 \text{ gr/bhp-hr}) * \text{bhp of the engine}) * (1 \text{ lb} / 453 \text{ gr}) * (1 \text{ ton} / 2000 \text{ lbs})$$

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$$00CG2 = ((\text{hours of operation}) * (0.519 \text{ gr/bhp-hr}) * \text{bhp of the engine}) * (1 \text{ lb} / 453 \text{ gr}) * (1 \text{ ton} / 2000 \text{ lbs})$$

The values of 0.510 and 0.519 gr/bhp-hr are based on the latest (2021) stack test results, latest stack test results to be used all the times (Stack testing is required under relevant 227-2 condition).

For the assist engine (dual use engine), emission source 0GEN1:

$$AE = (\text{hours of operation}) * (4.499 \text{ gr/bhp-hr}) * \text{bhp of the engine}) * (1 \text{ lb} / 453 \text{ gr}) * (1 \text{ ton} / 2000 \text{ lbs})$$

The value of 4.499 gr/bhp-hr are based on the latest (2021) stack test results, latest stack test results to be used all the times (Stack testing is required under relevant 227-2 condition).

For the existing emergency generator not previously permitted, emission source EGEN1:

$$EEG = \text{hours of operation} * \text{gallons of oil burned} / \text{hours of operation} * 0.142 \text{ mmBtu/ gallon} * 3.2 \text{ lbs/mmBtu} * (1 \text{ ton} / 2000 \text{ lbs}). 3.2 \text{ lb/mmBtu of NOx, based on AP-42 emission factor, latest ef to be used, all the times.}$$

Parameter Monitored: OXIDES OF NITROGEN

Upper Permit Limit: 22.5 tons per year

Monitoring Frequency: MONTHLY

Averaging Method: 12-MONTH TOTAL, ROLLED MONTHLY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

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

**Condition 36: Applicability**  
**Effective for entire length of Permit**

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

**Item 36.1:**

This Condition applies to:

Emission Unit: EMRGEN

Emission Unit: UGENCP

**Item 36.2:**

Facilities that have stationary compression ignition internal combustion engines must comply

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with applicable portions of 40 CFR 60 Subpart IIII.

**Condition 37: Applicability**  
**Effective for entire length of Permit**

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

**Item 37.1:**

This Condition applies to:

Emission Unit: U000CP

**Item 37.2:**

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

**Condition 38: Compliance Certification**  
**Effective for entire length of Permit**

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

**Item 38.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 38.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Three existing boilers of emission unit (EU): U-000CP fired on natural gas and No.2 fuel oil, each rated at 63 MMBTU/hr.

There are six existing exempt boilers located in the Main Staff, Lowenstein, Conference Center, Health & Speech, Sloman and Generator buildings fired on natural gas and No.2 fuel oil.

There are three exempt boilers rated at 4.5 MMBTU/hr and located in the Littauer building are fired on natural gas and No.2 fuel oil and a 0.6 MMBTU/hr water heater.

The owner or operator (the Permittee) is avoiding applicability of 40 CFR 63 Subpart JJJJJ "Industrial, Commercial, and Institutional Boilers Area Sources." (Subpart 6J). The Permittee is permitted to operate the above listed boilers on natural gas/No.2 fuel oil. Per 40 CFR 63.11195(e), these existing and new boilers are exempt from Subpart 6J because they are defined as gas-fired boiler(s) in 40 CFR 63.11237. In order to maintain this exemption, the Permittee is allowed to fire liquid fuel

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only during periods of gas curtailment, gas supply interruptions, startups, or for periodic testing on liquid fuel (periodic testing not to exceed a combined total of 48 hours during any calendar year).

The Permittee shall maintain records that document the time periods when liquid fuel is fired and the reasons the liquid fuel is fired.

If, the Permittee fires liquid fuel for reasons other than gas curtailment, gas supply interruptions, startups, or for periodic testing on liquid fuel, the Permittee is no longer exempt from Subpart JJJJJ. As required by 40 CFR 62.11225(g), the Permittee must provide notice within 30 days of the fuel switch. The notification must identify:

- i. The name of the owner or operator of the affected source, the location of the source, the boiler(s) that have switched fuels, and the date of the notice.
- ii. The date upon which the fuel switch occurred.

As required by 40 CFR 63.11210(h), the Permittee must demonstrate compliance with the Subpart JJJJJ requirements within 180 days of the effective date of the fuel switch.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

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

**Condition 39:     Applicability**  
**Effective for entire length of Permit**

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

**Item 39.1:**

This Condition applies to:

Emission Unit: EMRGEN

Process: EMG

**Item 39.2:**

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

**Condition 40:     Engines at Area sources of HAP**  
**Effective for entire length of Permit**

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

**Item 40.1:**

This Condition applies to:

Emission Unit: EMRGEN

**Item 40.2:**

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

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

**Condition 41: Emission Point Definition By Emission Unit  
Effective for entire length of Permit**

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

**Item 41.1:**

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

Emission Unit: U-000CP

Emission Point: 000CP

Height (ft.): 135

Diameter (in.): 96

NYTMN (km.): 4513.

NYTME (km.): 608.9

Building: CENTRAL

**Item 41.2:**

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

Emission Unit: U-GENCP

Emission Point: 000G1

Height (ft.): 42

Diameter (in.): 16

NYTMN (km.): 4512.277

NYTME (km.): 609.032

Building: CENTRAL

**Item 41.3:**

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

Emission Unit: U-OEGCP

Emission Point: 00EG1

Height (ft.): 42

Diameter (in.): 16

NYTMN (km.): 4512.277

NYTME (km.): 609.032



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**Condition 42: Process Definition By Emission Unit  
Effective for entire length of Permit**

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

**Item 42.1:**

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

Emission Unit: E-MRGEN  
Process: EMG Source Classification Code: 2-03-001-01  
Process Description: No. 2 oil

Emission Source/Control: EMRG1 - Combustion  
Design Capacity: 2,000 kilowatts

Emission Source/Control: EMRG2 - Combustion  
Design Capacity: 725 kilowatts

Emission Source/Control: EMRG3 - Combustion  
Design Capacity: 725 kilowatts

Emission Source/Control: EMRG4 - Combustion  
Design Capacity: 725 kilowatts

Emission Source/Control: EMRG5 - Combustion  
Design Capacity: 725 kilowatts

Emission Source/Control: EMRG6 - Combustion  
Design Capacity: 400 kilowatts

**Item 42.2:**

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

Emission Unit: U-000CP  
Process: 1CF Source Classification Code: 1-03-005-02  
Process Description: Firing no. 2 fuel oil.

Emission Source/Control: 00CP1 - Combustion  
Design Capacity: 63 million Btu per hour

**Item 42.3:**

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

Emission Unit: U-000CP  
Process: 1CG Source Classification Code: 2-03-002-04  
Process Description: Firing natural gas

Emission Source/Control: 00CG1 - Combustion  
Design Capacity: 1,426 kilowatts

Emission Source/Control: 01CG1 - Control  
Control Type: CATALYTIC OXIDATION

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**Item 42.4:**

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

Emission Unit: U-000CP  
Process: 2CF Source Classification Code: 1-03-005-02  
Process Description: Firing no. 2 fuel oil.

Emission Source/Control: 00CP2 - Combustion  
Design Capacity: 63 million Btu per hour

**Item 42.5:**

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

Emission Unit: U-000CP  
Process: 2CG Source Classification Code: 2-03-002-04  
Process Description: Firing natural gas.

Emission Source/Control: 00CG2 - Combustion  
Design Capacity: 1,426 kilowatts

Emission Source/Control: 01CG2 - Control  
Control Type: CATALYTIC OXIDATION

**Item 42.6:**

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

Emission Unit: U-000CP  
Process: 3CF Source Classification Code: 1-03-005-02  
Process Description: Firing no. 2 fuel oil.

Emission Source/Control: 00CP3 - Combustion  
Design Capacity: 63 million Btu per hour

**Item 42.7:**

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

Emission Unit: U-000CP  
Process: 3CG Source Classification Code: 1-03-006-02  
Process Description: Firing natural gas

Emission Source/Control: 00CP1 - Combustion  
Design Capacity: 63 million Btu per hour

Emission Source/Control: 00CP2 - Combustion  
Design Capacity: 63 million Btu per hour

Emission Source/Control: 00CP3 - Combustion  
Design Capacity: 63 million Btu per hour

**Item 42.8:**

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

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Emission Unit: U-GENCP  
Process: CF3 Source Classification Code: 2-03-001-01  
Process Description: Firing No. 2 oil.

Emission Source/Control: 0GEN1 - Combustion  
Design Capacity: 2,000 kilowatts

**Item 42.9:**

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

Emission Unit: U-OEGCP  
Process: ECF Source Classification Code: 2-03-001-01  
Process Description: Firing no. 2 fuel oil.

Emission Source/Control: EGEN1 - Combustion  
Design Capacity: 2,000 kilowatts

**Condition 43: Compliance Certification  
Effective for entire length of Permit**

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

**Item 43.1:**

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

Emission Unit: U-000CP  
Process: 1CG Emission Source: 00CG1

Emission Unit: U-000CP  
Process: 2CG Emission Source: 00CG2

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

**Item 43.2:**

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.

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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  
 Reporting Requirements: SEMI-ANNUALLY (CALENDAR)  
 Reports due 30 days after the reporting period.  
 Subsequent reports are due every 6 calendar month(s).

**Condition 44: Compliance Certification**  
**Effective for entire length of Permit**

**Applicable Federal Requirement: 40CFR 60.48c(i), NSPS Subpart Dc**

**Item 44.1:**

The Compliance Certification activity will be performed for:

Emission Unit: U-000CP

**Item 44.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

All records required under this section shall be maintained by the owner or operator of the affected facility for a period of two years following the date of such record, for determining compliance with the NSPS requirements.

**\*\* NOTE\*\*** Records shall be maintained for a minimum of five years to achieve compliance with the requirements of Title V.

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)  
 Reports due 30 days after the reporting period.  
 Subsequent reports are due every 6 calendar month(s).

**Condition 45: Compliance Certification**  
**Effective for entire length of Permit**

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

**Item 45.1:**

The Compliance Certification activity will be performed for:

Emission Unit: U-GENCP                      Emission Point: 000G1  
 Process: CF3                                      Emission Source: 0GEN1

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

Permit ID: 2-6307-00290/00001

Facility DEC ID: 2630700290

**Item 45.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

Based on the NOx RACT variance request due to economic and technological reasons dated Oct 12 2022, an alternative RACT emission limit of 6.5 grams per brake horsepower-hr has been approved by the department.

Stack testing will be required in order to demonstrate compliance with the regulatory standard. The owner or operator must submit a stack test protocol to the Department for approval prior to testing. The owner or operator shall submit stack test results, to the Department for approval, within 60 days of stack test completion.

Upper Permit Limit: 6.5 grams per brake horsepower-hour

Reference Test Method: EPA

Monitoring Frequency: Once every five years

Averaging Method: 1 HOUR MAXIMUM - NOT TO BE EXCEEDED AT ANY TIME

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

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

**Condition 46: Compliance Certification  
Effective for entire length of Permit**

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

**Item 46.1:**

The Compliance Certification activity will be performed for:

Emission Unit: U-GENCP

Emission Point: 000G1

Process: CF3

Emission Source: 0GEN1

**Item 46.2:**

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

Emission source 0GEN1, emission point 00EG1, is permitted to operate for no more than 500 hours per year.

Parameter Monitored: OPERATING HOURS

Upper Permit Limit: 500 hours per year

Monitoring Frequency: SEMI-ANNUALLY

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Averaging Method: 12-MONTH TOTAL, ROLLED MONTHLY  
Reporting Requirements: SEMI-ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
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 47: Contaminant List**  
**Effective for entire length of Permit**

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

**Item 47.1:**

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

**Condition 48: Malfunctions and Start-up/Shutdown Activities**  
**Effective for entire length of Permit**

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

**Item 48.1:**

(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 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,



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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 49: CLCPA Applicability**  
**Effective for entire length of Permit**

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

**Item 49.1:**

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 50: Air pollution prohibited**  
**Effective for entire length of Permit**

**Applicable State Requirement: 6 NYCRR 211.1**

**Item 50.1:**

No person shall cause or allow emissions of air contaminants to the outdoor atmosphere of such quantity, characteristic or duration which are injurious to human, plant or animal life or to

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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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