



**New York State Department of Environmental Conservation  
Permit Review Report**

**Permit ID: 2-6202-00032/00013**

**Renewal Number: 2**

**05/08/2014**

**Facility Identification Data**

Name: CON ED-59TH ST STATION

Address: 850 12TH AVE

NEW YORK, NY 10019

**Owner/Firm**

Name: CONSOLIDATED EDISON COMPANY OF NEW YORK INC

Address: 4 IRVING PL

NEW YORK, NY 10003-3502, USA

Owner Classification: Corporation/Partnership

**Permit Contacts**

Division of Environmental Permits:

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4 IRVING PL - 15FL NE

NEW YORK, NY 10003-3502

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**Permit Description**

**Introduction**

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

**Summary Description of Proposed Project**

Application for renewal of Air Title V Facility.

**Attainment Status**

CON ED-59TH ST STATION is located in the town of MANHATTAN in the county of NEW YORK.



**New York State Department of Environmental Conservation  
Permit Review Report**

**Permit ID: 2-6202-00032/00013**

**Renewal Number: 2**

**05/08/2014**

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

<b>Criteria Pollutant</b>	<b>Attainment Status</b>
Particulate Matter (PM)	ATTAINMENT
Particulate Matter < 10µ in diameter (PM10)	MODERATE NON-ATTAINMENT
Sulfur Dioxide (SO2)	ATTAINMENT
Ozone*	SEVERE NON-ATTAINMENT
Oxides of Nitrogen (NOx)**	ATTAINMENT
Carbon Monoxide (CO)	ATTAINMENT

\* Ozone is regulated in terms of the emissions of volatile organic compounds (VOC) and/or oxides of nitrogen (NOx) which are ozone precursors.

\*\* NOx has a separate ambient air quality standard in addition to being an ozone precursor.

**Facility Description:**

This facility operates two (2) very large boilers(114,& 115), each rated at 805 MMBtu/hr boilers, three (3) large boilers, each rated at 180 MMBtu/hr boilers, and one (1) 220 MMBtu/hr combustion turbine. All boilers have the capability to combust residual oil and natural gas. The combustion turbine burns distillate oil and natural gas. All boilers are used to generate steam only.

**Permit Structure and Description of Operations**

The Title V permit for CON ED-59TH ST STATION

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

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

CON ED-59TH ST STATION is defined by the following emission unit(s):

Emission unit 590020 - Very large boilers 114 and 115 and large boilers 116, 117 and 118. All boilers



**New York State Department of Environmental Conservation  
Permit Review Report**

**Permit ID: 2-6202-00032/00013**

**Renewal Number: 2**

**05/08/2014**

have the capability to combust residual oil and natural gas. All boilers are used to generate steam only.

Emission unit 590020 is associated with the following emission points (EP):

00001

Process: NG1 is located at 1 - 4, Building BOILERHS - This process includes: Two (2) tangentially fired boilers (114 and 115) rated at 805 MMBtu/hr each and covers the combustion of natural gas in these boilers. NOx emissions are controlled with the use of off-stoichiometric firing.

Process: NG2 is located at 1 - 4, Building BOILERHS -

6 NYCRR 202-2.1 is a requirement for all Title V facilities. These facilities must submit an annual emission statement by April 15th of each year.

6NYCRR 225-1.7(c): This condition requires the facility to record daily the rate of each fuel burned at the facility, the daily fuel usage, the average electrical output, and the hourly generation rate. Also, for each fuel delivery to the facility, the facility must determine the gross heat content and the ash content.

6NYCRR 225-1.8 This condition requires the facility to submit reports on the analysis of the fuel oil burned at the facility, information on the quantity of oil received and burned at the facility, and the results of any stack sampling, stack monitoring and any other procedures to ensure compliance.

6NYCRR 225.1(a)(3) This condition is a requirement which limits the sulfur content of distillate and residual fuel oil used at the facility. The facility must report monthly on the sulfur content of the oil used at the facility.

6NYCRR 227-1.3 This condition prohibits any person from operating a stationary combustion installation which emits smoke equal to or greater than 20% opacity (six minute average), except for one six-minute period per hour of not more than 27% opacity. The terms of the latest consent order have been made an enforceable part of this permit.

NYCRR 227-2.5 (b): This condition is effective until June 30, 2014. All combustion units at this facility comply with NOx RACT by system wide averaging. This condition states that the system-wide averaging of NOx emissions, done by Con Edison from its facilities, must comply with the Department approved NOx RACT Compliance and Operating Plan dated December 7, 2009.

NYCRR Part 227-2.5(a): This condition becomes effective on July 1, 2014 for large and very large boilers listed in for Emission Unit: 590020



**New York State Department of Environmental Conservation  
Permit Review Report**

**Permit ID: 2-6202-00032/00013**

**Renewal Number: 2**

**05/08/2014**

Con Edison has proposed to achieve 227-2 NO<sub>x</sub> RACT compliance by fuel switching, in which facility is committed to burn cleaner fuel during ozone (May1-September 30) of each year, Also, quantifiable annual NO<sub>x</sub> emissions will be equal to or less than the NO<sub>x</sub> emissions expected if the emission sources complied with the applicable presumptive RACT emission limit.

NYCRR Part 227-2.5(c): This condition becomes effective on July 1, 2014.  
NO<sub>x</sub> RACT limit for Turbine when burning distillate oil.

The most recent stack test for simple combustion turbine performed on June 9, 2011 while burning distillate demonstrated that the NO<sub>x</sub> emission rate was 0.426 lbs/mmbtu. This permit condition has NO<sub>x</sub> emission limit of 0.47 lb/mmbtu with a 10% margin.

Con Edison submitted a NO<sub>x</sub> RACT analysis dated December 2011 and demonstrated that the additional controls on the turbine are not economically feasible. Facility performed economic analysis as per Air Guide 20 and determined that the cost for per ton of NO<sub>x</sub> reduced with emission controls will be more than the department established cost limit of NO<sub>x</sub> RACT. Facility needs to verify compliance by performing stack test once during the permit term and to ensure ongoing compliance with the alternate limit.

6 NYCRR Part 201-5 - Condition previously cited under 201-6.6.(a) has been moved to 201-5 which is a state only applicable requirement. Facility has committed to special operating limitation for their combustion turbine.

6NYCRR 227.2(b)(1) This condition specifies a particulate emission limit for stationary combustion units which fire oil.  
This process includes: Three (3) normally fired boilers (116, 117 and 118) rated at 192 MMBtu/hr each and covers the combustion of natural gas in these boilers. NO<sub>x</sub> emissions are controlled with the use of Low Excess air.

Process: RO1 is located at 1 - 4, Building BOILERHS - This process includes: Two (2) tangentially fired boilers (114 and 115) rated at 805 MMBtu/hr each and covers the combustion of residual oil in these boilers. NO<sub>x</sub> emissions are controlled with the use of off-stoichiometric firing.

Process: RO2 is located at 1 - 4, Building BOILERHS - This process includes: Three (3) normally fired boilers (116, 117 and 118) rated at 180 MMBtu/hr each and covers the combustion of residual oil in these boilers. NO<sub>x</sub> emissions are controlled with the use of Low Excess air.

Emission unit 590005 - One (1) simple cycle combustion turbine utilized to generate electricity with maximum rated heat input of 220 mmbtu/hr and a rated electric output of 14 MW. The turbine burns distillate oil and natural gas. The turbine burns distillate oil and natural gas.



**New York State Department of Environmental Conservation  
Permit Review Report**

**Permit ID: 2-6202-00032/00013**

**Renewal Number: 2**

**05/08/2014**

Emission unit 590005 is associated with the following emission points (EP):

GT001

Process: GTD is located at West End Floor 1, Building BOILERHS - This process includes: one (1) combustion turbine, rated at 220 MMBtu/hr. This process covers the combustion of distillate oil in this turbine.

Process: GTN This process includes: one (1) combustion turbine, rated at 220 MMBtu/hr. This process covers the combustion of natural gas in this turbine.

**Title V/Major Source Status**

CON ED-59TH ST STATION is subject to Title V requirements. This determination is based on the following information:

The facility is subject to Title V requirements. This determination is based on the following information:

The 59th Street Generating Station is a major facility because the potential emissions of particulates, sulfur dioxide, oxides of nitrogen, carbon monoxide, and volatile organic compounds are greater than the major source thresholds (100 tons/year for both particulates and sulfur dioxide, 25 tons/year for both oxides of nitrogen and volatile organic compounds, and 100 tons/year for carbon monoxide).

**Program Applicability**

The following chart summarizes the applicability of CON ED-59TH ST STATION with regards to the principal air pollution regulatory programs:

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



**New York State Department of Environmental Conservation**  
**Permit Review Report**

**Permit ID: 2-6202-00032/00013**

**Renewal Number: 2**

**05/08/2014**

**NOTES:**

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

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

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

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

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

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

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

**RACT** Reasonably Available Control Technology (6 NYCRR Parts 212.10, 226, 227-2, 228, 229, 230, 232, 233, 234, 235, 236) - the lowest emission limit that a specific source is capable of meeting by application of control technology that is reasonably available, considering technological and economic feasibility. RACT is a control strategy used to limit emissions of VOC's and NOx for the purpose of attaining the air quality standard for ozone. The term as it is used in the above table refers to those state air pollution control regulations which specifically regulate VOC and NOx emissions.

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



**New York State Department of Environmental Conservation  
Permit Review Report**

**Permit ID: 2-6202-00032/00013**

**Renewal Number: 2**

**05/08/2014**

**Compliance Status**

Facility is in compliance with all requirements.

**SIC Codes**

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

of its primary activity, which is determined by its principal product or group of products produced or distributed, or services rendered. Larger facilities typically have more than one SIC code.

**SIC Code**

**Description**

4911  
4961

ELECTRIC SERVICES  
STEAM SUPPLY

**SCC Codes**

SCC or Source Classification Code is a code developed and used" by the USEPA to categorize processes which result in air emissions for the purpose of assessing emission factor information.Each SCC represents

a unique process or function within a source category logically associated with a point of air pollution emissions. Any operation that causes air pollution can be represented by one or more SCC's.

**SCC Code**

**Description**

1-02-004-01

EXTERNAL COMBUSTION BOILERS - INDUSTRIAL  
INDUSTRIAL BOILER - RESIDUAL OIL  
Grade 6 Oil

1-02-006-01

EXTERNAL COMBUSTION BOILERS - INDUSTRIAL  
INDUSTRIAL BOILER - NATURAL GAS  
Over 100 MBtu/Hr

2-01-001-01

INTERNAL COMBUSTION ENGINES - ELECTRIC  
GENERATION  
ELECTRIC UTILITY INTERNAL COMBUSTION ENGINE  
- DISTILLATE OIL (DIESEL)  
Turbine

2-01-002-01

INTERNAL COMBUSTION ENGINES - ELECTRIC  
GENERATION  
ELECTRIC UTILITY INTERNAL COMBUSTION ENGINE  
- NATURAL GAS  
Turbine

**Facility Emissions Summary**

In the following table, the CAS No. or Chemical Abstract Service code is an identifier assigned to every chemical compound. [NOTE: Certain CAS No.'s contain a 'NY' designation within them. These are not true CAS No.'s but rather an identification which has been developed by the department to identify groups of contaminants which ordinary CAS No.'s do not do. As an example, volatile organic compounds or VOC's are identified collectively by the NY CAS No. 0NY998-00-0.] The PTE refers to the Potential to Emit. This is defined as the maximum capacity of a facility or air contaminant source to emit any air contaminant under its physical and operational design. Any physical or operational limitation on the capacity of the facility or air contamination source to emit any air contaminant, including air pollution control equipment and/or restrictions on the hours of operation, or on the type or amount or material combusted, stored, or processed, shall be treated as part of the design only if the limitation is contained in

New York State Department of Environmental Conservation  
**Permit Review Report**



**Permit ID: 2-6202-00032/00013**

**Renewal Number: 2**

**05/08/2014**

federally enforceable permit conditions. The PTE Range represents an emission range for a contaminant. Any PTE quantity that is displayed represents a facility-wide emission cap or limitation for that contaminant. If no PTE quantity is displayed, the PTE Range is provided to indicate the approximate magnitude of facility-wide emissions for the specified contaminant in terms of tons per year (tpy). The term 'HAP' refers to any of the hazardous air pollutants listed in section 112(b) of the Clean Air Act Amendments of 1990. Total emissions of all hazardous air pollutants are listed under the special NY CAS No. 0NY100-00-0. In addition, each individual hazardous air pollutant is also listed under its own specific CAS No. and is identified in the list below by the (HAP) designation.

Cas No.	Contaminant Name	PTE	
		lbs/yr	Range
000630-08-0	CARBON MONOXIDE		>= 250 tpy but < 75,000 tpy
007439-92-1	LEAD		> 0 but < 10 tpy
0NY210-00-0	OXIDES OF NITROGEN		>= 250 tpy but < 75,000 tpy
0NY075-00-0	PARTICULATES		>= 250 tpy but < 75,000 tpy
0NY075-00-5	PM-10		>= 250 tpy but < 75,000 tpy
007446-09-5	SULFUR DIOXIDE		>= 250 tpy but < 75,000 tpy
0NY100-00-0	TOTAL HAP	49999	
0NY998-00-0	VOC		>= 50 tpy but < 100 tpy

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

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

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

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



New York State Department of Environmental Conservation  
**Permit Review Report**



**Permit ID: 2-6202-00032/00013**

**Renewal Number: 2**

**05/08/2014**

seeking to establish the occurrence of an emergency has the burden of proof.

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

**Item B: Public Access to Recordkeeping for 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 C: Timely Application for the Renewal of Title V Permits -6 NYCRR Part 201-6.2(a)(4)**

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

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

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

**Item E: Requirement to Comply With All Conditions - 6 NYCRR Part 201-6.4(a)(2)**

The permittee must comply with all conditions of the Title V facility permit. Any permit non-compliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

**Item F: Permit Revocation, Modification, Reopening, Reissuance or Termination, and Associated Information Submission Requirements - 6 NYCRR Part 201-6.4(a)(3)**

This permit may be modified, revoked, reopened and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.

**Item G: 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 H: Property Rights - 6 NYCRR 201-6.4(a)(6)**

This permit does not convey any property rights of any sort or any exclusive privilege.

New York State Department of Environmental Conservation  
**Permit Review Report**



**Permit ID: 2-6202-00032/00013**

**Renewal Number: 2**

**05/08/2014**

**Item I: Severability - 6 NYCRR Part 201-6.4(a)(9)**

If any provisions, parts or conditions of this permit are found to be invalid or are the subject of a challenge, the remainder of this permit shall continue to be valid.

**Item J: Permit Shield - 6 NYCRR Part 201-6.4(g)**

All permittees granted a Title V facility permit shall be covered under the protection of a permit shield, except as provided under 6 NYCRR Subpart 201-6. Compliance with the conditions of the permit shall be deemed compliance with any applicable requirements as of the date of permit issuance, provided that such applicable requirements are included and are specifically identified in the permit, or the Department, in acting on the permit application or revision, determines in writing that other requirements specifically identified are not applicable to the major stationary source, and the permit includes the determination or a concise summary thereof. Nothing herein shall preclude the Department from revising or revoking the permit pursuant to 6 NYCRR Part 621 or from exercising its summary abatement authority. Nothing in this permit shall alter or affect the following:

- i. The ability of the Department to seek to bring suit on behalf of the State of New York, or the Administrator to seek to bring suit on behalf of the United States, to immediately restrain any person causing or contributing to pollution presenting an imminent and substantial endangerment to public health, welfare or the environment to stop the emission of air pollutants causing or contributing to such pollution;
- ii. The liability of a permittee of the Title V facility for any violation of applicable requirements prior to or at the time of permit issuance;
- 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 K: Reopening for Cause - 6 NYCRR Part 201-6.4(i)**

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

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



New York State Department of Environmental Conservation  
**Permit Review Report**

**Permit ID: 2-6202-00032/00013**

**Renewal Number: 2**

**05/08/2014**

requirements) become applicable. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit.

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

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

**Item L: 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 M: 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.

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

**Item A: General Provisions for State Enforceable Permit Terms and Condition - 6 NYCRR Part 201-5**

Any person who owns and/or operates stationary sources shall operate and maintain all emission units and any required emission control devices in compliance with all applicable Parts of this Chapter and existing laws, and shall operate the facility in accordance with all criteria, emission limits, terms, conditions, and standards in this permit. Failure of such person to properly operate and maintain the effectiveness of such emission units and emission control devices may be sufficient reason for the Department to revoke or deny a permit.

The owner or operator of the permitted facility must maintain all required records on-site 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.

New York State Department of Environmental Conservation  
**Permit Review Report**



Permit ID: 2-6202-00032/00013  
 Renewal Number: 2  
 05/08/2014

**Regulatory Analysis**

Location Facility/EU/EP/Process/ES	Regulation	Condition	Short Description
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FACILITY	ECL 19-0301	67	Powers and Duties of the Department with respect to air pollution control
FACILITY	40CFR 63-DDDDD	26, 27	Boilers and Process Heaters Major Source NESHAP rule
FACILITY	40CFR 63-JJJJJJ	51	National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources
FACILITY	40CFR 68	19	Chemical accident prevention provisions
FACILITY	40CFR 82-F	20	Protection of Stratospheric Ozone - recycling and emissions reduction
FACILITY	6NYCRR 200.3	21	False Statement.
FACILITY	6NYCRR 200.6	1	Acceptable ambient air quality.
FACILITY	6NYCRR 200.7	10	Maintenance of equipment.
FACILITY	6NYCRR 201-1.4	68	Unavoidable noncompliance and violations
FACILITY	6NYCRR 201-1.7	11	Recycling and Salvage
FACILITY	6NYCRR 201-1.8	12	Prohibition of reintroduction of collected contaminants to the air
FACILITY	6NYCRR 201-3	22	Exemptions and Trivial Activities
FACILITY	6NYCRR 201-3.2 (a)	13	Exempt Activities - Proof of eligibility
FACILITY	6NYCRR 201-3.3 (a)	14	Trivial Activities - proof of eligibility
5-90005	6NYCRR 201-5	70	State Facility Permit General Provisions
FACILITY	6NYCRR 201-6	23, 52, 53	Title V Permits and the Associated Permit Conditions
FACILITY	6NYCRR 201-6.4 (a) (4)	15	General Conditions - Requirement to Provide Information
FACILITY	6NYCRR 201-6.4 (a) (7)	2	General Conditions - Fees
FACILITY	6NYCRR 201-6.4 (a) (8)	16	General Conditions - Right to Inspect
FACILITY	6NYCRR 201-6.4 (c)	3	Recordkeeping and Reporting of

New York State Department of Environmental Conservation  
**Permit Review Report**



**Permit ID: 2-6202-00032/00013**  
**Renewal Number: 2**  
**05/08/2014**

FACILITY	6NYCRR 201-6.4 (c) (2)	4	Compliance Monitoring
FACILITY	6NYCRR 201-6.4 (c) (3) (ii)	5	Records of Monitoring, Sampling and Measurement Reporting Requirements - Deviations and Noncompliance
FACILITY	6NYCRR 201-6.4 (d) (4)	24	Compliance Schedules - Progress Reports
FACILITY	6NYCRR 201-6.4 (e)	6	Compliance Certification
FACILITY	6NYCRR 201-6.4 (f) (6)	17	Off Permit Changes
FACILITY	6NYCRR 201-7	25, 26, 27	Federally Enforceable Emissions Caps
FACILITY	6NYCRR 202-1.1	18	Required emissions tests.
FACILITY	6NYCRR 202-2.1	7	Emission Statements - Applicability
FACILITY	6NYCRR 202-2.5	8	Emission Statements - record keeping requirements.
FACILITY	6NYCRR 207	28	Control Measures for an Air Pollution Episode
FACILITY	6NYCRR 211.1	29	General Prohibitions - air pollution prohibited
FACILITY	6NYCRR 211.2	69	General Prohibitions - visible emissions limited.
FACILITY	6NYCRR 215.2	9	Open Fires - Prohibitions
FACILITY	6NYCRR 225.1 (a) (3)	35	Sulfur in Fuel Limitations (SIP)
FACILITY	6NYCRR 225-1.2 (b)	30	Sulfur-in-Fuel Limitations
FACILITY	6NYCRR 225-1.2 (g)	31	Sulfur-in-Fuel Limitations
FACILITY	6NYCRR 225-1.2 (h)	32	Sulfur-in-Fuel Limitations
FACILITY	6NYCRR 225-1.5 (c)	33	Monitoring Requirements
FACILITY	6NYCRR 225-1.6 (f)	34	Excess Emission Reports
5-90005/GT001	6NYCRR 227.2 (b) (1)	58	Particulate emissions.
5-90020/00001	6NYCRR 227.2 (b) (1)	66	Particulate emissions.
FACILITY	6NYCRR 227-1.3	36	Smoke Emission Limitations.
5-90005	6NYCRR 227-1.3	54, 55	Smoke Emission Limitations.
5-90020	6NYCRR 227-1.3	60	Smoke Emission Limitations.
5-90005/GT001/GTN/GT001	6NYCRR 227-1.3 (a)	59	Smoke Emission Limitations.
5-90020/00001	6NYCRR 227-2.5 (a)	65	Fuel switching option.
FACILITY	6NYCRR 227-2.5 (b)	37	System averaging plan.
5-90005/-/GTD/GT001	6NYCRR 227-2.5 (c)	56	Alternative RACT option.
5-90005/-/GTN/GT001	6NYCRR 227-2.5 (c)	57	Alternative RACT

New York State Department of Environmental Conservation  
**Permit Review Report**



**Permit ID: 2-6202-00032/00013**

**Renewal Number: 2**

**05/08/2014**

FACILITY	6NYCRR 243-1.6 (a)	38	option. Permit Requirements - CAIR NOx Ozone Season Trading Program Monitoring Requirements - CAIR NOx Ozone Season Trading Program NOx Ozone Season Emission Requirements - CAIR NOx Ozone Season Trading Program
FACILITY	6NYCRR 243-1.6 (b)	39	Excess Emission Requirements - CAIR NOx Ozone Season Trading Program Recordkeeping and reporting requirements - CAIR NOx Ozone Season Trading Program
FACILITY	6NYCRR 243-1.6 (c)	40	Authorization and responsibilities - CAIR Designated Representative Certificate of representation - CAIR Designated Representative General Requirements - Monitoring and Reporting
FACILITY	6NYCRR 243-1.6 (d)	41	Out of control periods - Monitoring and Reporting
FACILITY	6NYCRR 243-1.6 (e)	42	Quarterly reports re: recordkeeping and reporting - Monitoring and Reporting
FACILITY	6NYCRR 243-2.1	43	Compliance certification re: recordkeeping and reporting - Monitoring and Reporting
FACILITY	6NYCRR 243-2.4	44	BART Emission Limitation Requirements for Sources
FACILITY	6NYCRR 243-8.1	45, 46	Deadline for BART Controls and/or Emission Reduction Measures
FACILITY	6NYCRR 243-8.3	47	Each BART determination established by the Department will be submitted to the EPA for approval as a SIP revision.
FACILITY	6NYCRR 243-8.5 (d)	48	
FACILITY	6NYCRR 243-8.5 (e)	49	
5-90020	6NYCRR 249.3 (a)	61, 62, 63	
FACILITY	6NYCRR 249.3 (d)	50	
5-90020	6NYCRR 249.3 (f)	64	

**Applicability Discussion:**



**New York State Department of Environmental Conservation  
Permit Review Report**

**Permit ID: 2-6202-00032/00013**

**Renewal Number: 2**

**05/08/2014**

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

ECL 19-0301

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

6 NYCRR 200.6

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

6 NYCRR 200.7

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

6 NYCRR 201-1.4

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

6 NYCRR 201-1.7

Requires the recycle and salvage of collected air contaminants where practical

6 NYCRR 201-1.8

Prohibits the reintroduction of collected air contaminants to the outside air

6 NYCRR 201-3.2 (a)

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

6 NYCRR 201-3.3 (a)

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

6 NYCRR Subpart 201-5

This regulation applies to those permit terms and conditions which are not federally enforceable. It specifies the applicability criteria for state facility permits, the information to be included in all state facility permit applications as well as the permit content, terms of permit issuance, and sets guidelines for modifying state facility permits and allowing for operational flexibility. For permitting purposes, this rule specifies the need to list all emission units except those that are exempt or trivial pursuant to Subpart 201-3 in the permit application and provide a description of the emission unit's processes and products. Finally, this rule also provides the Department the authority to include this and any other information that



**New York State Department of Environmental Conservation  
Permit Review Report**

**Permit ID: 2-6202-00032/00013**

**Renewal Number: 2**

**05/08/2014**

it deems necessary to identify applicable Federal standards, recordkeeping and reporting requirements, and establish terms and conditions that will ensure compliance with the national ambient air quality standards.

6 NYCRR Subpart 201-6

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

6 NYCRR 201-6.4 (a) (4)

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

6 NYCRR 201-6.4 (a) (7)

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

6 NYCRR 201-6.4 (a) (8)

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

6 NYCRR 201-6.4 (c)

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

6 NYCRR 201-6.4 (c) (2)

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

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

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





**New York State Department of Environmental Conservation**  
**Permit Review Report**

**Permit ID: 2-6202-00032/00013**

**Renewal Number: 2**

**05/08/2014**

6 NYCRR 201-6.4 (d) (5)

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

6 NYCRR 201-6.4 (e)

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

6 NYCRR 201-6.4 (f) (6)

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

6 NYCRR 202-1.1

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

6 NYCRR 202-2.1

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

6 NYCRR 202-2.5

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

6 NYCRR 211.2

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

6 NYCRR 215.2

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

40 CFR Part 68

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

40 CFR Part 82, Subpart F

Subpart F requires the reduction of emissions of class I and class II refrigerants to the lowest achievable level during the service, maintenance, repair, and disposal of appliances in accordance with section 608 of the Clean Air Act AmENDments of 1990. This subpart applies to any person servicing, maintaining, or repairing appliances except for motor vehicle air conditioners. It also applies to persons disposing of appliances, including motor vehicle air conditioners, refrigerant reclaimers, appliance owners, and manufacturers of appliances and recycling and recovery equipment. Those individuals, operations, or activities affected by this rule, may be required to comply with specified disposal, recycling, or recovery practices, leak repair practices, recordkeeping and/or technician certification requirements.

New York State Department of Environmental Conservation  
**Permit Review Report**



**Permit ID: 2-6202-00032/00013**

**Renewal Number: 2**

**05/08/2014**

**Facility Specific Requirements**

In addition to Title V, CON ED-59TH ST STATION has been determined to be subject to the following regulations:

40 CFR Part 63, Subpart DDDDD

This subpart establishes national emission limits and work practice standards for hazardous air pollutants (HAP) emitted from industrial, commercial, and institutional boilers and process heaters located at major sources of HAP emissions. It also establishes requirements to demonstrate initial and continuous compliance with the emission limits and work practice standards.

40 CFR Part 63, Subpart JJJJJ

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

6 NYCRR 200.3

No person shall make a false statement in connection with applications, plans, specifications and/or reports submitted pursuant to this Subchapter.

6 NYCRR 201-6.4 (a) (4)

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

6 NYCRR 201-6.4 (a) (7)

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

6 NYCRR 201-6.4 (a) (8)

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

6 NYCRR 201-6.4 (c)

This requirement specifies, in general terms, what information must be contained in any required compliance monitoring records and reports. This includes the date, time and place of any sampling,



**New York State Department of Environmental Conservation**  
**Permit Review Report**

**Permit ID: 2-6202-00032/00013**

**Renewal Number: 2**

**05/08/2014**

measurements and analyses; who performed the analyses; analytical techniques and methods used as well as any required QA/QC procedures; results of the analyses; the operating conditions at the time of sampling or measurement and the identification of any permit deviations. All such reports must also be certified by the designated responsible official of the facility.

6 NYCRR 201-6.4 (c) (2)

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

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

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

6 NYCRR 201-6.4 (d) (4)

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

6 NYCRR 201-6.4 (f) (6)

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

6 NYCRR 211.1

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

6 NYCRR 225.1 (a) (3)

This regulation limits the amount of sulfur that can be in fuel burned at a stationary source. It references



New York State Department of Environmental Conservation  
Permit Review Report

Permit ID: 2-6202-00032/00013

Renewal Number: 2

05/08/2014

Table 1 of the 1979 version of the sulfur in fuel limitations expressed in terms of percent by weight for fuel oil and pounds per million Btu gross heat content for solid fuel. **NOTE: This citation has been replaced by requirements cited under 225-1.2(a)(2) and is no longer part of current State regulations, however, it remains part of New York State's approved State Implementation Plan (SIP).**

6 NYCRR 225-1.2 (b)

Sulfur-in-fuel limitations for oil or solid fuel fired facilities effective through June 30, 2014.

6 NYCRR 225-1.2 (g)

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

6 NYCRR 225-1.2 (h)

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

6 NYCRR 225-1.5 (c)

This citation sets the daily and weekly fuel monitoring requirements for subject emission sources.

6 NYCRR 225-1.6 (f)

This citation requires subject facilities to submit excess emissions reports to the Department.

6 NYCRR 227.2 (b) (1)

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

6 NYCRR 227-1.3

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

6 NYCRR 227-1.3 (a)

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



**New York State Department of Environmental Conservation  
Permit Review Report**

**Permit ID: 2-6202-00032/00013**

**Renewal Number: 2**

**05/08/2014**

27% opacity.

6 NYCRR 227-2.5 (a)

Fuel switching NOx RACT compliance option.

6 NYCRR 227-2.5 (b)

System averaging plan NOx RACT compliance option.

6 NYCRR 227-2.5 (c)

This provision allows the owner or operator to demonstrate that the applicable presumptive RACT emission limit in section 227-2.4 of this Subpart is not economically or technically feasible. Based on this determination the Department is allowed to set a higher emission source specific emission limit.

6 NYCRR 243-1.6 (a)

This condition requires the facility to acknowledge that they are subject to this CAIR regulation and provide owner and contact information. It also requires them to update this information as it changes or provide supplemental information at the Departments request.

6 NYCRR 243-1.6 (b)

This condition obligates the owners and operators of the facility to comply with the monitoring and reporting requirements of the CAIR regulations.

6 NYCRR 243-1.6 (c)

This citation explains the general provisions of the Clean Air Interstate Rule (CAIR) NOx Ozone Season Trading Program. This ozone season NOx cap and trade program runs from May 1 through September 30 each year, starting in 2009. Each source shall hold a tonnage equivalent in CAIR NOx Ozone Season allowances that is not less than the total tons of NOx emissions for the ozone season.

6 NYCRR 243-1.6 (d)

This citation for the Clean Air Interstate Rule (CAIR) NOx Ozone Season Trading Program explains some of the penalties that can be imposed on a CAIR NOx Ozone Season source that does not surrender enough CAIR NOx Ozone Season allowances to cover their NOx Ozone Season emissions.



**New York State Department of Environmental Conservation  
Permit Review Report**

**Permit ID: 2-6202-00032/00013**

**Renewal Number: 2**

**05/08/2014**

6 NYCRR 243-1.6 (e)

This citation for the Clean Air Interstate Rule (CAIR) NOx Ozone Season Trading Program requires that all reports be submitted as required by this program, and that copies of all records and submissions made for this program be kept on site for at least five years.

6 NYCRR 243-2.1

This citation of the Clean Air Interstate Rule (CAIR) NOx Ozone Season Trading Program explains that an CAIR NOx Ozone Season designated representative must be selected to submit, sign and certify each submission on behalf of the source for the this program.

6 NYCRR 243-2.4

This condition describes the required elements of the "Certificate of Representation" for the CAIR program and the certifying language required with submissions to the Department.

6 NYCRR 243-8.1

This citation of the Clean Air Interstate Rule (CAIR) NOx Ozone Season Trading Program explains that CAIR NOx Ozone Season Trading Program sources must install, certify and operate monitoring systems the meet the monitoring, recordkeeping, and reporting requirements in Subpart 6 NYCRR 243-8 and in Subpart H of 40 CFR Part 75.

6 NYCRR 243-8.3

This citation of the Clean Air Interstate Rule (CAIR) NOx Ozone Season Trading Program explains what to do when an emission monitoring system fails quality assurance, quality control, or data validation requirements.

6 NYCRR 243-8.5 (d)

This citation of the Clean Air Interstate Rule (CAIR) NOx Ozone Season Trading Program explains what requirements the quarterly reports must meet.

6 NYCRR 243-8.5 (e)

This citation of the Clean Air Interstate Rule (CAIR) NOx Ozone Season Trading Program explains the compliance certification requirements the source must follow for each quarterly report.

6 NYCRR 249.3 (a)

This condition is necessary to ensure compliance with the BART requirements under EPA's Regional Haze Program

6 NYCRR 249.3 (d)



**New York State Department of Environmental Conservation  
Permit Review Report**

**Permit ID: 2-6202-00032/00013  
Renewal Number: 2  
05/08/2014**

This condition requires that control equipment or other emission reduction methods approved by the department as BART must be installed and operating no later than January 1, 2014.

6 NYCRR 249.3 (f)

The emission limits in this permit for NOx, SO2, and/or PM10 established under Part 249 are based on New York's Best Available Retrofit Technology (BART) Rule (6 NYCRR Part 249), are effective on the date of this permit's issuance, and are state-enforceable. Federal enforceability of these facility-specific requirements is effective on the date on which these emission limits, as submitted to EPA as a revision to New York State's Implementation Plan for Regional Haze, are published in the Federal Register.

6 NYCRR Part 207

This regulation requires the owner or operator to submit an episode action plan to the Department in accordance with the requirements of 6NYCRR Part 207. The plan must contain detailed steps which will be taken by the facility to reduce air contaminant emissions during each stage of an air pollution episode. Once approved, the facility shall take whatever actions are prescribed by the episode action plan when an air pollution episode is in effect.

6 NYCRR Subpart 201-3

Subpart 201-3 contains a listing of exempt and trivial activities. Neither exemptions nor trivial activities appear in state facility permits. Exempt activities are required to be listed in an attachment to the Title V permit application while trivial activities need not be listed in either the Title V application or permit. Emissions from exempt and trivial activities must be taken into account when determining Title V applicability.

6 NYCRR Subpart 201-7

This regulation sets forth an emission cap that cannot be exceeded by the facility. In this permit that caps are 25tpy and 10 tpy for total HAPs and individual HAP respectively.

**Compliance Certification**

**Summary of monitoring activities at CON ED-59TH ST STATION:**

<b>Location</b>	<b>Cond No.</b>	<b>Type of Monitoring</b>
<b>Facility/EU/EP/Process/ES</b>		
---		
5-90005	70	work practice involving specific operations
FACILITY	5	record keeping/maintenance procedures
FACILITY	6	record keeping/maintenance procedures

New York State Department of Environmental Conservation  
**Permit Review Report**



**Permit ID: 2-6202-00032/00013**

**Renewal Number: 2**

**05/08/2014**

FACILITY	26	record keeping/maintenance procedures
FACILITY	27	record keeping/maintenance procedures
FACILITY	7	record keeping/maintenance procedures
FACILITY	35	work practice involving specific operations
FACILITY	30	work practice involving specific operations
FACILITY	31	work practice involving specific operations
FACILITY	32	work practice involving specific operations
FACILITY	33	record keeping/maintenance procedures
FACILITY	34	record keeping/maintenance procedures
5-90005/GT001	58	intermittent emission testing
5-90020/00001	66	intermittent emission testing
FACILITY	36	record keeping/maintenance procedures
5-90005	54	record keeping/maintenance procedures
5-90005	55	record keeping/maintenance procedures
5-90020	60	continuous emission monitoring (cem)
5-90005/GT001/GTN/GT001	59	monitoring of process or control device parameters as surrogate
5-90020/00001	65	record keeping/maintenance procedures
FACILITY	37	record keeping/maintenance procedures
5-90005/-/GTD/GT001	56	intermittent emission testing
5-90005/-/GTN/GT001	57	intermittent emission testing
5-90020	61	record keeping/maintenance procedures
5-90020	62	continuous emission monitoring (cem)
5-90020	63	record keeping/maintenance procedures
FACILITY	50	record keeping/maintenance procedures
5-90020	64	record keeping/maintenance procedures

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**Basis for Monitoring**

6 NYCRR Part 202-2.1 is a requirement for all Title V facilities. These facilities must submit an annual emission statement by April 15th of each year.

6 NYCRR Part 225-1.5(c): This condition requires the facility to record daily the rate of each fuel burned at the facility.

6 NYCRR Part 225.1(a)(3) This condition is a requirement which limits the sulfur content of residual fuel oil used at the facility to 0.3% by weight.

6 NYCRR Part 227-1.3 This condition prohibits any person from operating a stationary combustion installation which emits smoke equal to or greater than 20% opacity (six minute average), except for one six-minute period per hour of not more than 27% opacity. The terms of the latest consent order have been made an enforceable part of this permit.

NYCRR Part 227-2.5(a): This condition becomes effective on July 1, 2014 for three large and three very large boilers listed in for Emission Unit: 590020.

Con Edison has proposed to achieve 227-2 NOx RACT compliance by fuel switching, in which facility will burn cleaner fuel, natural gas during ozone season (May 1-September 30) of each year. Also, quantifiable annual NOx emissions will be equal to or less than





**New York State Department of Environmental Conservation  
Permit Review Report**

**Permit ID: 2-6202-00032/00013**

**Renewal Number: 2**

**05/08/2014**

the NOx emissions expected if the emission sources complied with the applicable presumptive RACT emission limit 0.15lbs/MMBtu. In the event of any oil firing during ozone season, facility is required to report the average emission rate and an explanation for firing oil in their quarterly report.

NYCRR Part 227-2.5 (b): This condition is effective until June 30, 2014. All boilers at this facility comply with NOx RACT by system wide averaging. This condition states that the system-wide averaging of NOx emissions, done by Con Edison from its facilities, must comply with the Department approved NOx RACT Compliance and Operating Plan dated December 7, 2009.

NYCRR Part 227-2.5(c): These conditions become effective on July 1, 2014. NOx RACT limit for Turbine when burning distillate oil and gas.

The most recent stack test for simple combustion turbine performed on June 9, 2011 while burning distillate demonstrated that the NOx emission rate was 0.426 lbs/mmbtu. This permit condition has NOx emission limit of 0.47 lb/mmbtu with a 10% margin.

Con Edison submitted a NOx RACT analysis dated December 2011 and demonstrated that the additional controls on the turbine are not economically feasible. Facility performed economic analysis as per Air Guide 20 and determined that the cost for per ton of NOx reduced with emission controls will be more than the department established cost limit of NOx RACT. Facility needs to verify compliance by performing stack test once during the permit term and to ensure ongoing compliance with the alternate limit.

NOx emissions limit during gas combustion is set to be the current the presumptive NOx RACT 100ppmvd, corrected to 15% oxygen (0.389lbs/mmbtu). If it is demonstrated with a stack test that this limit cannot be met, then the facility may apply for an alternate NOx limit as per Air guide 2.

6 NYCRR Part 201-5 - Condition previously cited under 201-6.6.(a) has been moved to 201-5 which is a state only applicable requirement. Facility has committed to special operating limitation for their combustion turbine.

6 NYCRR Part 227.2(b)(1) This condition specifies a particulate emission limit for stationary combustion units which fire oil.

6 NYCRR Part 243 - This regulation requires facility to obtain at least as many allocations of oxides of Nitrogen (NOx) as they emit into the atmosphere during a specified period of time. An 'allocation' is a unit of pollution which is limited by a budget established by the regulations.



**New York State Department of Environmental Conservation  
Permit Review Report**

**Permit ID: 2-6202-00032/00013**

**Renewal Number: 2**

**05/08/2014**

40 CFR 63 Subpart JJJJJ: Boilers are subject to the requirement of this rule.

Facility has capped out of 40 CFR Subpart 63 DDDDD requirements by capping HAPs below the major source thresholds for HAPs.



**New York State Department of Environmental Conservation  
Permit Review Report**

**Permit ID: 2-6202-00032/00013**

**Renewal Number: 2**

**05/08/2014**

**Facility Identification Data**

Name: CON ED-59TH ST STATION

Address: 850 12TH AVE

NEW YORK, NY 10019

**Owner/Firm**

Name: CONSOLIDATED EDISON COMPANY OF NEW YORK INC

Address: 4 IRVING PL

NEW YORK, NY 10003-3502, USA

Owner Classification: Corporation/Partnership

**Permit Contacts**

Division of Environmental Permits:

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Air Permitting Contact:

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Address: CONSOLIDATED EDISON CO OF NY INC

4 IRVING PL - 15FL NE

NEW YORK, NY 10003-3502

Phone:2124601223

**Permit Description**

**Introduction**

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

**Summary Description of Proposed Project**

Application for renewal of Air Title V Facility.

**Attainment Status**

CON ED-59TH ST STATION is located in the town of MANHATTAN in the county of NEW YORK.



**New York State Department of Environmental Conservation  
Permit Review Report**

**Permit ID: 2-6202-00032/00013**

**Renewal Number: 2**

**05/08/2014**

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

<b>Criteria Pollutant</b>	<b>Attainment Status</b>
Particulate Matter (PM)	ATTAINMENT
Particulate Matter < 10µ in diameter (PM10)	MODERATE NON-ATTAINMENT
Sulfur Dioxide (SO2)	ATTAINMENT
Ozone*	SEVERE NON-ATTAINMENT
Oxides of Nitrogen (NOx)**	ATTAINMENT
Carbon Monoxide (CO)	ATTAINMENT

\* Ozone is regulated in terms of the emissions of volatile organic compounds (VOC) and/or oxides of nitrogen (NOx) which are ozone precursors.

\*\* NOx has a separate ambient air quality standard in addition to being an ozone precursor.

**Facility Description:**

This facility operates two (2) very large boilers(114,& 115), each rated at 805 MMBtu/hr boilers, three (3) large boilers, each rated at 180 MMBtu/hr boilers, and one (1) 220 MMBtu/hr combustion turbine. All boilers have the capability to combust residual oil and natural gas. The combustion turbine burns distillate oil and natural gas. All boilers are used to generate steam only.

**Permit Structure and Description of Operations**

The Title V permit for CON ED-59TH ST STATION

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

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

CON ED-59TH ST STATION is defined by the following emission unit(s):

Emission unit 590020 - Very large boilers 114 and 115 and large boilers 116, 117 and 118. All boilers



**New York State Department of Environmental Conservation  
Permit Review Report**

**Permit ID: 2-6202-00032/00013**

**Renewal Number: 2**

**05/08/2014**

have the capability to combust residual oil and natural gas. All boilers are used to generate steam only.

Emission unit 590020 is associated with the following emission points (EP):

00001

Process: NG1 is located at 1 - 4, Building BOILERHS - This process includes: Two (2) tangentially fired boilers (114 and 115) rated at 805 MMBtu/hr each and covers the combustion of natural gas in these boilers. NOx emissions are controlled with the use of off-stoichiometric firing.

Process: NG2 is located at 1 - 4, Building BOILERHS -

6 NYCRR 202-2.1 is a requirement for all Title V facilities. These facilities must submit an annual emission statement by April 15th of each year.

6NYCRR 225-1.7(c): This condition requires the facility to record daily the rate of each fuel burned at the facility, the daily fuel usage, the average electrical output, and the hourly generation rate. Also, for each fuel delivery to the facility, the facility must determine the gross heat content and the ash content.

6NYCRR 225-1.8 This condition requires the facility to submit reports on the analysis of the fuel oil burned at the facility, information on the quantity of oil received and burned at the facility, and the results of any stack sampling, stack monitoring and any other procedures to ensure compliance.

6NYCRR 225.1(a)(3) This condition is a requirement which limits the sulfur content of distillate and residual fuel oil used at the facility. The facility must report monthly on the sulfur content of the oil used at the facility.

6NYCRR 227-1.3 This condition prohibits any person from operating a stationary combustion installation which emits smoke equal to or greater than 20% opacity (six minute average), except for one six-minute period per hour of not more than 27% opacity. The terms of the latest consent order have been made an enforceable part of this permit.

NYCRR 227-2.5 (b): This condition is effective until June 30, 2014. All combustion units at this facility comply with NOx RACT by system wide averaging. This condition states that the system-wide averaging of NOx emissions, done by Con Edison from its facilities, must comply with the Department approved NOx RACT Compliance and Operating Plan dated December 7, 2009.

NYCRR Part 227-2.5(a): This condition becomes effective on July 1, 2014 for large and very large boilers listed in for Emission Unit: 590020



**New York State Department of Environmental Conservation**  
**Permit Review Report**

**Permit ID: 2-6202-00032/00013**

**Renewal Number: 2**

**05/08/2014**

Con Edison has proposed to achieve 227-2 NO<sub>x</sub> RACT compliance by fuel switching, in which facility is committed to burn cleaner fuel during ozone (May1-September 30) of each year, Also, quantifiable annual NO<sub>x</sub> emissions will be equal to or less than the NO<sub>x</sub> emissions expected if the emission sources complied with the applicable presumptive RACT emission limit.

NYCRR Part 227-2.5(c): This condition becomes effective on July 1, 2014.  
NO<sub>x</sub> RACT limit for Turbine when burning distillate oil.

The most recent stack test for simple combustion turbine performed on June 9, 2011 while burning distillate demonstrated that the NO<sub>x</sub> emission rate was 0.426 lbs/mmbtu. This permit condition has NO<sub>x</sub> emission limit of 0.47 lb/mmbtu with a 10% margin.

Con Edison submitted a NO<sub>x</sub> RACT analysis dated December 2011 and demonstrated that the additional controls on the turbine are not economically feasible. Facility performed economic analysis as per Air Guide 20 and determined that the cost for per ton of NO<sub>x</sub> reduced with emission controls will be more than the department established cost limit of NO<sub>x</sub> RACT. Facility needs to verify compliance by performing stack test once during the permit term and to ensure ongoing compliance with the alternate limit.

6 NYCRR Part 201-5 - Condition previously cited under 201-6.6.(a) has been moved to 201-5 which is a state only applicable requirement. Facility has committed to special operating limitation for their combustion turbine.

6NYCRR 227.2(b)(1) This condition specifies a particulate emission limit for stationary combustion units which fire oil.  
This process includes: Three (3) normally fired boilers (116, 117 and 118) rated at 192 MMBtu/hr each and covers the combustion of natural gas in these boilers. NO<sub>x</sub> emissions are controlled with the use of Low Excess air.

Process: RO1 is located at 1 - 4, Building BOILERHS - This process includes: Two (2) tangentially fired boilers (114 and 115) rated at 805 MMBtu/hr each and covers the combustion of residual oil in these boilers. NO<sub>x</sub> emissions are controlled with the use of off-stoichiometric firing.

Process: RO2 is located at 1 - 4, Building BOILERHS - This process includes: Three (3) normally fired boilers (116, 117 and 118) rated at 180 MMBtu/hr each and covers the combustion of residual oil in these boilers. NO<sub>x</sub> emissions are controlled with the use of Low Excess air.

Emission unit 590005 - One (1) simple cycle combustion turbine utilized to generate electricity with maximum rated heat input of 220 mmbtu/hr and a rated electric output of 14 MW. The turbine burns distillate oil and natural gas. The turbine burns distillate oil and natural gas.



**New York State Department of Environmental Conservation  
Permit Review Report**

**Permit ID: 2-6202-00032/00013**

**Renewal Number: 2**

**05/08/2014**

Emission unit 590005 is associated with the following emission points (EP):

GT001

Process: GTD is located at West End Floor 1, Building BOILERHS - This process includes: one (1) combustion turbine, rated at 220 MMBtu/hr. This process covers the combustion of distillate oil in this turbine.

Process: GTN This process includes: one (1) combustion turbine, rated at 220 MMBtu/hr. This process covers the combustion of natural gas in this turbine.

**Title V/Major Source Status**

CON ED-59TH ST STATION is subject to Title V requirements. This determination is based on the following information:

The facility is subject to Title V requirements. This determination is based on the following information:

The 59th Street Generating Station is a major facility because the potential emissions of particulates, sulfur dioxide, oxides of nitrogen, carbon monoxide, and volatile organic compounds are greater than the major source thresholds (100 tons/year for both particulates and sulfur dioxide, 25 tons/year for both oxides of nitrogen and volatile organic compounds, and 100 tons/year for carbon monoxide).

**Program Applicability**

The following chart summarizes the applicability of CON ED-59TH ST STATION with regards to the principal air pollution regulatory programs:

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



**New York State Department of Environmental Conservation**  
**Permit Review Report**

**Permit ID: 2-6202-00032/00013**

**Renewal Number: 2**

**05/08/2014**

**NOTES:**

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

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

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

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

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

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

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

**RACT** Reasonably Available Control Technology (6 NYCRR Parts 212.10, 226, 227-2, 228, 229, 230, 232, 233, 234, 235, 236) - the lowest emission limit that a specific source is capable of meeting by application of control technology that is reasonably available, considering technological and economic feasibility. RACT is a control strategy used to limit emissions of VOC's and NOx for the purpose of attaining the air quality standard for ozone. The term as it is used in the above table refers to those state air pollution control regulations which specifically regulate VOC and NOx emissions.

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





**New York State Department of Environmental Conservation  
Permit Review Report**

**Permit ID: 2-6202-00032/00013**

**Renewal Number: 2**

**05/08/2014**

**Compliance Status**

Facility is in compliance with all requirements.

**SIC Codes**

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

of its primary activity, which is determined by its principal product or group of products produced or distributed, or services rendered. Larger facilities typically have more than one SIC code.

**SIC Code**

**Description**

4911  
4961

ELECTRIC SERVICES  
STEAM SUPPLY

**SCC Codes**

SCC or Source Classification Code is a code developed and used" by the USEPA to categorize processes which result in air emissions for the purpose of assessing emission factor information.Each SCC represents

a unique process or function within a source category logically associated with a point of air pollution emissions. Any operation that causes air pollution can be represented by one or more SCC's.

**SCC Code**

**Description**

1-02-004-01

EXTERNAL COMBUSTION BOILERS - INDUSTRIAL  
INDUSTRIAL BOILER - RESIDUAL OIL  
Grade 6 Oil

1-02-006-01

EXTERNAL COMBUSTION BOILERS - INDUSTRIAL  
INDUSTRIAL BOILER - NATURAL GAS  
Over 100 MBtu/Hr

2-01-001-01

INTERNAL COMBUSTION ENGINES - ELECTRIC  
GENERATION  
ELECTRIC UTILITY INTERNAL COMBUSTION ENGINE  
- DISTILLATE OIL (DIESEL)  
Turbine

2-01-002-01

INTERNAL COMBUSTION ENGINES - ELECTRIC  
GENERATION  
ELECTRIC UTILITY INTERNAL COMBUSTION ENGINE  
- NATURAL GAS  
Turbine

**Facility Emissions Summary**

In the following table, the CAS No. or Chemical Abstract Service code is an identifier assigned to every chemical compound. [NOTE: Certain CAS No.'s contain a 'NY' designation within them. These are not true CAS No.'s but rather an identification which has been developed by the department to identify groups of contaminants which ordinary CAS No.'s do not do. As an example, volatile organic compounds or VOC's are identified collectively by the NY CAS No. 0NY998-00-0.] The PTE refers to the Potential to Emit. This is defined as the maximum capacity of a facility or air contaminant source to emit any air contaminant under its physical and operational design. Any physical or operational limitation on the capacity of the facility or air contamination source to emit any air contaminant, including air pollution control equipment and/or restrictions on the hours of operation, or on the type or amount or material combusted, stored, or processed, shall be treated as part of the design only if the limitation is contained in

New York State Department of Environmental Conservation  
**Permit Review Report**



**Permit ID: 2-6202-00032/00013**

**Renewal Number: 2**

**05/08/2014**

federally enforceable permit conditions. The PTE Range represents an emission range for a contaminant. Any PTE quantity that is displayed represents a facility-wide emission cap or limitation for that contaminant. If no PTE quantity is displayed, the PTE Range is provided to indicate the approximate magnitude of facility-wide emissions for the specified contaminant in terms of tons per year (tpy). The term 'HAP' refers to any of the hazardous air pollutants listed in section 112(b) of the Clean Air Act Amendments of 1990. Total emissions of all hazardous air pollutants are listed under the special NY CAS No. 0NY100-00-0. In addition, each individual hazardous air pollutant is also listed under its own specific CAS No. and is identified in the list below by the (HAP) designation.

Cas No.	Contaminant Name	PTE	
		lbs/yr	Range
000630-08-0	CARBON MONOXIDE		>= 250 tpy but < 75,000 tpy
007439-92-1	LEAD		> 0 but < 10 tpy
0NY210-00-0	OXIDES OF NITROGEN		>= 250 tpy but < 75,000 tpy
0NY075-00-0	PARTICULATES		>= 250 tpy but < 75,000 tpy
0NY075-00-5	PM-10		>= 250 tpy but < 75,000 tpy
007446-09-5	SULFUR DIOXIDE		>= 250 tpy but < 75,000 tpy
0NY100-00-0	TOTAL HAP	49999	
0NY998-00-0	VOC		>= 50 tpy but < 100 tpy

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

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

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

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

New York State Department of Environmental Conservation  
**Permit Review Report**



**Permit ID: 2-6202-00032/00013**

**Renewal Number: 2**

**05/08/2014**

seeking to establish the occurrence of an emergency has the burden of proof.

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

**Item B: Public Access to Recordkeeping for 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 C: Timely Application for the Renewal of Title V Permits -6 NYCRR Part 201-6.2(a)(4)**

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

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

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

**Item E: Requirement to Comply With All Conditions - 6 NYCRR Part 201-6.4(a)(2)**

The permittee must comply with all conditions of the Title V facility permit. Any permit non-compliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

**Item F: Permit Revocation, Modification, Reopening, Reissuance or Termination, and Associated Information Submission Requirements - 6 NYCRR Part 201-6.4(a)(3)**

This permit may be modified, revoked, reopened and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.

**Item G: 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 H: Property Rights - 6 NYCRR 201-6.4(a)(6)**

This permit does not convey any property rights of any sort or any exclusive privilege.

New York State Department of Environmental Conservation  
**Permit Review Report**



**Permit ID: 2-6202-00032/00013**

**Renewal Number: 2**

**05/08/2014**

**Item I: Severability - 6 NYCRR Part 201-6.4(a)(9)**

If any provisions, parts or conditions of this permit are found to be invalid or are the subject of a challenge, the remainder of this permit shall continue to be valid.

**Item J: Permit Shield - 6 NYCRR Part 201-6.4(g)**

All permittees granted a Title V facility permit shall be covered under the protection of a permit shield, except as provided under 6 NYCRR Subpart 201-6. Compliance with the conditions of the permit shall be deemed compliance with any applicable requirements as of the date of permit issuance, provided that such applicable requirements are included and are specifically identified in the permit, or the Department, in acting on the permit application or revision, determines in writing that other requirements specifically identified are not applicable to the major stationary source, and the permit includes the determination or a concise summary thereof. Nothing herein shall preclude the Department from revising or revoking the permit pursuant to 6 NYCRR Part 621 or from exercising its summary abatement authority. Nothing in this permit shall alter or affect the following:

- i. The ability of the Department to seek to bring suit on behalf of the State of New York, or the Administrator to seek to bring suit on behalf of the United States, to immediately restrain any person causing or contributing to pollution presenting an imminent and substantial endangerment to public health, welfare or the environment to stop the emission of air pollutants causing or contributing to such pollution;
- ii. The liability of a permittee of the Title V facility for any violation of applicable requirements prior to or at the time of permit issuance;
- 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 K: Reopening for Cause - 6 NYCRR Part 201-6.4(i)**

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

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



New York State Department of Environmental Conservation  
**Permit Review Report**

**Permit ID: 2-6202-00032/00013**

**Renewal Number: 2**

**05/08/2014**

requirements) become applicable. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit.

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

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

**Item L: 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 M: 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.

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

**Item A: General Provisions for State Enforceable Permit Terms and Condition - 6 NYCRR Part 201-5**

Any person who owns and/or operates stationary sources shall operate and maintain all emission units and any required emission control devices in compliance with all applicable Parts of this Chapter and existing laws, and shall operate the facility in accordance with all criteria, emission limits, terms, conditions, and standards in this permit. Failure of such person to properly operate and maintain the effectiveness of such emission units and emission control devices may be sufficient reason for the Department to revoke or deny a permit.

The owner or operator of the permitted facility must maintain all required records on-site 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.

New York State Department of Environmental Conservation  
**Permit Review Report**



Permit ID: 2-6202-00032/00013  
 Renewal Number: 2  
 05/08/2014

**Regulatory Analysis**

Location Facility/EU/EP/Process/ES	Regulation	Condition	Short Description
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FACILITY	ECL 19-0301	67	Powers and Duties of the Department with respect to air pollution control
FACILITY	40CFR 63-DDDDD	26, 27	Boilers and Process Heaters Major Source NESHAP rule
FACILITY	40CFR 63-JJJJJJ	51	National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources
FACILITY	40CFR 68	19	Chemical accident prevention provisions
FACILITY	40CFR 82-F	20	Protection of Stratospheric Ozone - recycling and emissions reduction
FACILITY	6NYCRR 200.3	21	False Statement.
FACILITY	6NYCRR 200.6	1	Acceptable ambient air quality.
FACILITY	6NYCRR 200.7	10	Maintenance of equipment.
FACILITY	6NYCRR 201-1.4	68	Unavoidable noncompliance and violations
FACILITY	6NYCRR 201-1.7	11	Recycling and Salvage
FACILITY	6NYCRR 201-1.8	12	Prohibition of reintroduction of collected contaminants to the air
FACILITY	6NYCRR 201-3	22	Exemptions and Trivial Activities
FACILITY	6NYCRR 201-3.2 (a)	13	Exempt Activities - Proof of eligibility
FACILITY	6NYCRR 201-3.3 (a)	14	Trivial Activities - proof of eligibility
5-90005	6NYCRR 201-5	70	State Facility Permit General Provisions
FACILITY	6NYCRR 201-6	23, 52, 53	Title V Permits and the Associated Permit Conditions
FACILITY	6NYCRR 201-6.4 (a) (4)	15	General Conditions - Requirement to Provide Information
FACILITY	6NYCRR 201-6.4 (a) (7)	2	General Conditions - Fees
FACILITY	6NYCRR 201-6.4 (a) (8)	16	General Conditions - Right to Inspect
FACILITY	6NYCRR 201-6.4 (c)	3	Recordkeeping and Reporting of

New York State Department of Environmental Conservation  
**Permit Review Report**



**Permit ID: 2-6202-00032/00013**  
**Renewal Number: 2**  
**05/08/2014**

FACILITY	6NYCRR 201-6.4 (c) (2)	4	Compliance Monitoring
FACILITY	6NYCRR 201-6.4 (c) (3) (ii)	5	Records of Monitoring, Sampling and Measurement Reporting Requirements - Deviations and Noncompliance
FACILITY	6NYCRR 201-6.4 (d) (4)	24	Compliance Schedules - Progress Reports
FACILITY	6NYCRR 201-6.4 (e)	6	Compliance Certification
FACILITY	6NYCRR 201-6.4 (f) (6)	17	Off Permit Changes
FACILITY	6NYCRR 201-7	25, 26, 27	Federally Enforceable Emissions Caps
FACILITY	6NYCRR 202-1.1	18	Required emissions tests.
FACILITY	6NYCRR 202-2.1	7	Emission Statements - Applicability
FACILITY	6NYCRR 202-2.5	8	Emission Statements - record keeping requirements.
FACILITY	6NYCRR 207	28	Control Measures for an Air Pollution Episode
FACILITY	6NYCRR 211.1	29	General Prohibitions - air pollution prohibited
FACILITY	6NYCRR 211.2	69	General Prohibitions - visible emissions limited.
FACILITY	6NYCRR 215.2	9	Open Fires - Prohibitions
FACILITY	6NYCRR 225.1 (a) (3)	35	Sulfur in Fuel Limitations (SIP)
FACILITY	6NYCRR 225-1.2 (b)	30	Sulfur-in-Fuel Limitations
FACILITY	6NYCRR 225-1.2 (g)	31	Sulfur-in-Fuel Limitations
FACILITY	6NYCRR 225-1.2 (h)	32	Sulfur-in-Fuel Limitations
FACILITY	6NYCRR 225-1.5 (c)	33	Monitoring Requirements
FACILITY	6NYCRR 225-1.6 (f)	34	Excess Emission Reports
5-90005/GT001	6NYCRR 227.2 (b) (1)	58	Particulate emissions.
5-90020/00001	6NYCRR 227.2 (b) (1)	66	Particulate emissions.
FACILITY	6NYCRR 227-1.3	36	Smoke Emission Limitations.
5-90005	6NYCRR 227-1.3	54, 55	Smoke Emission Limitations.
5-90020	6NYCRR 227-1.3	60	Smoke Emission Limitations.
5-90005/GT001/GTN/GT001	6NYCRR 227-1.3 (a)	59	Smoke Emission Limitations.
5-90020/00001	6NYCRR 227-2.5 (a)	65	Fuel switching option.
FACILITY	6NYCRR 227-2.5 (b)	37	System averaging plan.
5-90005/-/GTD/GT001	6NYCRR 227-2.5 (c)	56	Alternative RACT option.
5-90005/-/GTN/GT001	6NYCRR 227-2.5 (c)	57	Alternative RACT

New York State Department of Environmental Conservation  
**Permit Review Report**



**Permit ID: 2-6202-00032/00013**

**Renewal Number: 2**

**05/08/2014**

FACILITY	6NYCRR 243-1.6 (a)	38	option. Permit Requirements - CAIR NOx Ozone Season Trading Program Monitoring
FACILITY	6NYCRR 243-1.6 (b)	39	Requirements - CAIR NOx Ozone Season Trading Program
FACILITY	6NYCRR 243-1.6 (c)	40	NOx Ozone Season Emission Requirements - CAIR NOx Ozone Season Trading Program
FACILITY	6NYCRR 243-1.6 (d)	41	Excess Emission Requirements - CAIR NOx Ozone Season Trading Program
FACILITY	6NYCRR 243-1.6 (e)	42	Recordkeeping and reporting requirements - CAIR NOx Ozone Season Trading Program
FACILITY	6NYCRR 243-2.1	43	Authorization and responsibilities - CAIR Designated Representative Certificate of representation - CAIR Designated Representative
FACILITY	6NYCRR 243-2.4	44	General Requirements - Monitoring and Reporting
FACILITY	6NYCRR 243-8.1	45, 46	Out of control periods - Monitoring and Reporting
FACILITY	6NYCRR 243-8.3	47	Quarterly reports re: recordkeeping and reporting - Monitoring and Reporting
FACILITY	6NYCRR 243-8.5 (d)	48	Compliance certification re: recordkeeping and reporting - Monitoring and Reporting
FACILITY	6NYCRR 243-8.5 (e)	49	BART Emission Limitation Requirements for Sources
5-90020	6NYCRR 249.3 (a)	61, 62, 63	Deadline for BART Controls and/or Emission Reduction Measures
FACILITY	6NYCRR 249.3 (d)	50	Each BART determination established by the Department will be submitted to the EPA for approval as a SIP revision.
5-90020	6NYCRR 249.3 (f)	64	

**Applicability Discussion:**





**New York State Department of Environmental Conservation**  
**Permit Review Report**

**Permit ID: 2-6202-00032/00013**

**Renewal Number: 2**

**05/08/2014**

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

ECL 19-0301

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

6 NYCRR 200.6

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

6 NYCRR 200.7

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

6 NYCRR 201-1.4

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

6 NYCRR 201-1.7

Requires the recycle and salvage of collected air contaminants where practical

6 NYCRR 201-1.8

Prohibits the reintroduction of collected air contaminants to the outside air

6 NYCRR 201-3.2 (a)

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

6 NYCRR 201-3.3 (a)

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

6 NYCRR Subpart 201-5

This regulation applies to those permit terms and conditions which are not federally enforceable. It specifies the applicability criteria for state facility permits, the information to be included in all state facility permit applications as well as the permit content, terms of permit issuance, and sets guidelines for modifying state facility permits and allowing for operational flexibility. For permitting purposes, this rule specifies the need to list all emission units except those that are exempt or trivial pursuant to Subpart 201-3 in the permit application and provide a description of the emission unit's processes and products. Finally, this rule also provides the Department the authority to include this and any other information that



**New York State Department of Environmental Conservation  
Permit Review Report**

**Permit ID: 2-6202-00032/00013**

**Renewal Number: 2**

**05/08/2014**

it deems necessary to identify applicable Federal standards, recordkeeping and reporting requirements, and establish terms and conditions that will ensure compliance with the national ambient air quality standards.

6 NYCRR Subpart 201-6

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

6 NYCRR 201-6.4 (a) (4)

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

6 NYCRR 201-6.4 (a) (7)

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

6 NYCRR 201-6.4 (a) (8)

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

6 NYCRR 201-6.4 (c)

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

6 NYCRR 201-6.4 (c) (2)

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

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

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



**New York State Department of Environmental Conservation**  
**Permit Review Report**

**Permit ID: 2-6202-00032/00013**

**Renewal Number: 2**

**05/08/2014**

6 NYCRR 201-6.4 (d) (5)

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

6 NYCRR 201-6.4 (e)

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

6 NYCRR 201-6.4 (f) (6)

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

6 NYCRR 202-1.1

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

6 NYCRR 202-2.1

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

6 NYCRR 202-2.5

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

6 NYCRR 211.2

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

6 NYCRR 215.2

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

40 CFR Part 68

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

40 CFR Part 82, Subpart F

Subpart F requires the reduction of emissions of class I and class II refrigerants to the lowest achievable level during the service, maintenance, repair, and disposal of appliances in accordance with section 608 of the Clean Air Act AmENDments of 1990. This subpart applies to any person servicing, maintaining, or repairing appliances except for motor vehicle air conditioners. It also applies to persons disposing of appliances, including motor vehicle air conditioners, refrigerant reclaimers, appliance owners, and manufacturers of appliances and recycling and recovery equipment. Those individuals, operations, or activities affected by this rule, may be required to comply with specified disposal, recycling, or recovery practices, leak repair practices, recordkeeping and/or technician certification requirements.



**New York State Department of Environmental Conservation  
Permit Review Report**

**Permit ID: 2-6202-00032/00013**

**Renewal Number: 2**

**05/08/2014**

**Facility Specific Requirements**

In addition to Title V, CON ED-59TH ST STATION has been determined to be subject to the following regulations:

40 CFR Part 63, Subpart DDDDD

This subpart establishes national emission limits and work practice standards for hazardous air pollutants (HAP) emitted from industrial, commercial, and institutional boilers and process heaters located at major sources of HAP emissions. It also establishes requirements to demonstrate initial and continuous compliance with the emission limits and work practice standards.

40 CFR Part 63, Subpart JJJJJ

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

6 NYCRR 200.3

No person shall make a false statement in connection with applications, plans, specifications and/or reports submitted pursuant to this Subchapter.

6 NYCRR 201-6.4 (a) (4)

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

6 NYCRR 201-6.4 (a) (7)

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

6 NYCRR 201-6.4 (a) (8)

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

6 NYCRR 201-6.4 (c)

This requirement specifies, in general terms, what information must be contained in any required compliance monitoring records and reports. This includes the date, time and place of any sampling,



**New York State Department of Environmental Conservation**  
**Permit Review Report**

**Permit ID: 2-6202-00032/00013**

**Renewal Number: 2**

**05/08/2014**

measurements and analyses; who performed the analyses; analytical techniques and methods used as well as any required QA/QC procedures; results of the analyses; the operating conditions at the time of sampling or measurement and the identification of any permit deviations. All such reports must also be certified by the designated responsible official of the facility.

6 NYCRR 201-6.4 (c) (2)

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

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

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

6 NYCRR 201-6.4 (d) (4)

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

6 NYCRR 201-6.4 (f) (6)

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

6 NYCRR 211.1

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

6 NYCRR 225.1 (a) (3)

This regulation limits the amount of sulfur that can be in fuel burned at a stationary source. It references



New York State Department of Environmental Conservation  
Permit Review Report

Permit ID: 2-6202-00032/00013

Renewal Number: 2

05/08/2014

Table 1 of the 1979 version of the sulfur in fuel limitations expressed in terms of percent by weight for fuel oil and pounds per million Btu gross heat content for solid fuel. **NOTE: This citation has been replaced by requirements cited under 225-1.2(a)(2) and is no longer part of current State regulations, however, it remains part of New York State's approved State Implementation Plan (SIP).**

6 NYCRR 225-1.2 (b)

Sulfur-in-fuel limitations for oil or solid fuel fired facilities effective through June 30, 2014.

6 NYCRR 225-1.2 (g)

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

6 NYCRR 225-1.2 (h)

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

6 NYCRR 225-1.5 (c)

This citation sets the daily and weekly fuel monitoring requirements for subject emission sources.

6 NYCRR 225-1.6 (f)

This citation requires subject facilities to submit excess emissions reports to the Department.

6 NYCRR 227.2 (b) (1)

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

6 NYCRR 227-1.3

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

6 NYCRR 227-1.3 (a)

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



**New York State Department of Environmental Conservation  
Permit Review Report**

**Permit ID: 2-6202-00032/00013**

**Renewal Number: 2**

**05/08/2014**

27% opacity.

6 NYCRR 227-2.5 (a)

Fuel switching NOx RACT compliance option.

6 NYCRR 227-2.5 (b)

System averaging plan NOx RACT compliance option.

6 NYCRR 227-2.5 (c)

This provision allows the owner or operator to demonstrate that the applicable presumptive RACT emission limit in section 227-2.4 of this Subpart is not economically or technically feasible. Based on this determination the Department is allowed to set a higher emission source specific emission limit.

6 NYCRR 243-1.6 (a)

This condition requires the facility to acknowledge that they are subject to this CAIR regulation and provide owner and contact information. It also requires them to update this information as it changes or provide supplemental information at the Departments request.

6 NYCRR 243-1.6 (b)

This condition obligates the owners and operators of the facility to comply with the monitoring and reporting requirements of the CAIR regulations.

6 NYCRR 243-1.6 (c)

This citation explains the general provisions of the Clean Air Interstate Rule (CAIR) NOx Ozone Season Trading Program. This ozone season NOx cap and trade program runs from May 1 through September 30 each year, starting in 2009. Each source shall hold a tonnage equivalent in CAIR NOx Ozone Season allowances that is not less than the total tons of NOx emissions for the ozone season.

6 NYCRR 243-1.6 (d)

This citation for the Clean Air Interstate Rule (CAIR) NOx Ozone Season Trading Program explains some of the penalties that can be imposed on a CAIR NOx Ozone Season source that does not surrender enough CAIR NOx Ozone Season allowances to cover their NOx Ozone Season emissions.



**New York State Department of Environmental Conservation  
Permit Review Report**

**Permit ID: 2-6202-00032/00013**

**Renewal Number: 2**

**05/08/2014**

6 NYCRR 243-1.6 (e)

This citation for the Clean Air Interstate Rule (CAIR) NOx Ozone Season Trading Program requires that all reports be submitted as required by this program, and that copies of all records and submissions made for this program be kept on site for at least five years.

6 NYCRR 243-2.1

This citation of the Clean Air Interstate Rule (CAIR) NOx Ozone Season Trading Program explains that an CAIR NOx Ozone Season designated representative must be selected to submit, sign and certify each submission on behalf of the source for the this program.

6 NYCRR 243-2.4

This condition describes the required elements of the "Certificate of Representation" for the CAIR program and the certifying language required with submissions to the Department.

6 NYCRR 243-8.1

This citation of the Clean Air Interstate Rule (CAIR) NOx Ozone Season Trading Program explains that CAIR NOx Ozone Season Trading Program sources must install, certify and operate monitoring systems the meet the monitoring, recordkeeping, and reporting requirements in Subpart 6 NYCRR 243-8 and in Subpart H of 40 CFR Part 75.

6 NYCRR 243-8.3

This citation of the Clean Air Interstate Rule (CAIR) NOx Ozone Season Trading Program explains what to do when an emission monitoring system fails quality assurance, quality control, or data validation requirements.

6 NYCRR 243-8.5 (d)

This citation of the Clean Air Interstate Rule (CAIR) NOx Ozone Season Trading Program explains what requirements the quarterly reports must meet.

6 NYCRR 243-8.5 (e)

This citation of the Clean Air Interstate Rule (CAIR) NOx Ozone Season Trading Program explains the compliance certification requirements the source must follow for each quarterly report.

6 NYCRR 249.3 (a)

This condition is necessary to ensure compliance with the BART requirements under EPA's Regional Haze Program

6 NYCRR 249.3 (d)





**New York State Department of Environmental Conservation  
Permit Review Report**

**Permit ID: 2-6202-00032/00013  
Renewal Number: 2  
05/08/2014**

This condition requires that control equipment or other emission reduction methods approved by the department as BART must be installed and operating no later than January 1, 2014.

6 NYCRR 249.3 (f)

The emission limits in this permit for NOx, SO2, and/or PM10 established under Part 249 are based on New York's Best Available Retrofit Technology (BART) Rule (6 NYCRR Part 249), are effective on the date of this permit's issuance, and are state-enforceable. Federal enforceability of these facility-specific requirements is effective on the date on which these emission limits, as submitted to EPA as a revision to New York State's Implementation Plan for Regional Haze, are published in the Federal Register.

6 NYCRR Part 207

This regulation requires the owner or operator to submit an episode action plan to the Department in accordance with the requirements of 6NYCRR Part 207. The plan must contain detailed steps which will be taken by the facility to reduce air contaminant emissions during each stage of an air pollution episode. Once approved, the facility shall take whatever actions are prescribed by the episode action plan when an air pollution episode is in effect.

6 NYCRR Subpart 201-3

Subpart 201-3 contains a listing of exempt and trivial activities. Neither exemptions nor trivial activities appear in state facility permits. Exempt activities are required to be listed in an attachment to the Title V permit application while trivial activities need not be listed in either the Title V application or permit. Emissions from exempt and trivial activities must be taken into account when determining Title V applicability.

6 NYCRR Subpart 201-7

This regulation sets forth an emission cap that cannot be exceeded by the facility. In this permit that caps are 25tpy and 10 tpy for total HAPs and individual HAP respectively.

**Compliance Certification**

**Summary of monitoring activities at CON ED-59TH ST STATION:**

<b>Location</b>	<b>Cond No.</b>	<b>Type of Monitoring</b>
<b>Facility/EU/EP/Process/ES</b>		
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5-90005	70	work practice involving specific operations
FACILITY	5	record keeping/maintenance procedures
FACILITY	6	record keeping/maintenance procedures

New York State Department of Environmental Conservation  
**Permit Review Report**



**Permit ID: 2-6202-00032/00013**  
**Renewal Number: 2**  
**05/08/2014**

FACILITY	26	record keeping/maintenance procedures
FACILITY	27	record keeping/maintenance procedures
FACILITY	7	record keeping/maintenance procedures
FACILITY	35	work practice involving specific operations
FACILITY	30	work practice involving specific operations
FACILITY	31	work practice involving specific operations
FACILITY	32	work practice involving specific operations
FACILITY	33	record keeping/maintenance procedures
FACILITY	34	record keeping/maintenance procedures
5-90005/GT001	58	intermittent emission testing
5-90020/00001	66	intermittent emission testing
FACILITY	36	record keeping/maintenance procedures
5-90005	54	record keeping/maintenance procedures
5-90005	55	record keeping/maintenance procedures
5-90020	60	continuous emission monitoring (cem)
5-90005/GT001/GTN/GT001	59	monitoring of process or control device parameters as surrogate
5-90020/00001	65	record keeping/maintenance procedures
FACILITY	37	record keeping/maintenance procedures
5-90005/-/GTD/GT001	56	intermittent emission testing
5-90005/-/GTN/GT001	57	intermittent emission testing
5-90020	61	record keeping/maintenance procedures
5-90020	62	continuous emission monitoring (cem)
5-90020	63	record keeping/maintenance procedures
FACILITY	50	record keeping/maintenance procedures
5-90020	64	record keeping/maintenance procedures

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**Basis for Monitoring**

6 NYCRR Part 202-2.1 is a requirement for all Title V facilities. These facilities must submit an annual emission statement by April 15th of each year.

6 NYCRR Part 225-1.5(c): This condition requires the facility to record daily the rate of each fuel burned at the facility.

6 NYCRR Part 225.1(a)(3) This condition is a requirement which limits the sulfur content of residual fuel oil used at the facility to 0.3% by weight.

6 NYCRR Part 227-1.3 This condition prohibits any person from operating a stationary combustion installation which emits smoke equal to or greater than 20% opacity (six minute average), except for one six-minute period per hour of not more than 27% opacity. The terms of the latest consent order have been made an enforceable part of this permit.

NYCRR Part 227-2.5(a): This condition becomes effective on July 1, 2014 for three large and three very large boilers listed in for Emission Unit: 590020.

Con Edison has proposed to achieve 227-2 NOx RACT compliance by fuel switching, in which facility will burn cleaner fuel, natural gas during ozone season (May 1-September 30) of each year. Also, quantifiable annual NOx emissions will be equal to or less than



New York State Department of Environmental Conservation  
**Permit Review Report**

**Permit ID: 2-6202-00032/00013**

**Renewal Number: 2**

**05/08/2014**

the NOx emissions expected if the emission sources complied with the applicable presumptive RACT emission limit 0.15lbs/MMBtu. In the event of any oil firing during ozone season, facility is required to report the average emission rate and an explanation for firing oil in their quarterly report.

NYCRR Part 227-2.5 (b): This condition is effective until June 30, 2014. All boilers at this facility comply with NOx RACT by system wide averaging. This condition states that the system-wide averaging of NOx emissions, done by Con Edison from its facilities, must comply with the Department approved NOx RACT Compliance and Operating Plan dated December 7, 2009.

NYCRR Part 227-2.5(c): These conditions become effective on July 1, 2014. NOx RACT limit for Turbine when burning distillate oil and gas.

The most recent stack test for simple combustion turbine performed on June 9, 2011 while burning distillate demonstrated that the NOx emission rate was 0.426 lbs/mmbtu. This permit condition has NOx emission limit of 0.47 lb/mmbtu with a 10% margin.

Con Edison submitted a NOx RACT analysis dated December 2011 and demonstrated that the additional controls on the turbine are not economically feasible. Facility performed economic analysis as per Air Guide 20 and determined that the cost for per ton of NOx reduced with emission controls will be more than the department established cost limit of NOx RACT. Facility needs to verify compliance by performing stack test once during the permit term and to ensure ongoing compliance with the alternate limit.

NOx emissions limit during gas combustion is set to be the current the presumptive NOx RACT 100ppmvd, corrected to 15% oxygen (0.389lbs/mmbtu). If it is demonstrated with a stack test that this limit cannot be met, then the facility may apply for an alternate NOx limit as per Air guide 2.

6 NYCRR Part 201-5 - Condition previously cited under 201-6.6.(a) has been moved to 201-5 which is a state only applicable requirement. Facility has committed to special operating limitation for their combustion turbine.

6NYCRR Part 227.2(b)(1) This condition specifies a particulate emission limit for stationary combustion units which fire oil.

6 NYCRR Part 243 - This regulation requires facility to obtain at least as many allocations of oxides of Nitrogen (NOx) as they emit into the atmosphere during a specified period of time. An 'allocation' is a unit of pollution which is limited by a budget established by the regulations.



**New York State Department of Environmental Conservation  
Permit Review Report**

**Permit ID: 2-6202-00032/00013**

**Renewal Number: 2**

**05/08/2014**

40 CFR 63 Subpart JJJJJ: Boilers are subject to the requirement of this rule.

Facility has capped out of 40 CFR Subpart 63 DDDDD requirements by capping HAPs below the major source thresholds for HAPs.