

**Division of Air Resources  
Permit Review Report**

**Permit ID: 2-6403-00014/00031**

**Renewal Number: 3**

**Modification Number: 1 10/24/2022**

**Facility Identification Data**

Name: ARTHUR KILL GENERATING STATION

Address: 4401 VICTORY BLVD

STATEN ISLAND, NY 10314

**Owner/Firm**

Name: ARTHUR KILL POWER LLC

Address: 4401 VICTORY BLVD

STATEN ISLAND, NY 10314, USA

Owner Classification: Corporation/Partnership

**Permit Contacts**

Division of Environmental Permits:

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47-40 21st St

Long Island City, NY 11101-5401

Phone:7184824997

Division of Air Resources:

Name: PARESH SHAH

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Air Permitting Contact:

Name: RODNEY JOHNSON

Address: ARTHUR KILL POWER LLC

4401 VICTORY BLVD

STATEN ISLAND, NY 10314

Phone:7183902711

**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**

This modification is being submitted to incorporate the conditions of 6 NYCRR Part 251, Performance Standards for Major Electric Generating Facilities to establish carbon dioxide (CO<sub>2</sub>) emissions standards for non-modified existing fossil fuel fired major electric generating facilities.

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**Attainment Status**

ARTHUR KILL GENERATING STATION is located in the town of STATEN ISLAND in the county of RICHMOND.

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

Criteria Pollutant	Attainment Status
Particulate Matter (PM)	ATTAINMENT
Particulate Matter < 10µ in diameter (PM10)	ATTAINMENT
Sulfur Dioxide (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:**

The facility produces electricity. It operates two very large boilers rated at 3717 MMBtu/hr and 5502 MMBtu/hr and one medium size boiler rated at 65 MMBtu/hr. The very large boilers combust residual fuel and natural gas and the medium size boiler combusts natural gas only. The facility also has one combustion turbine rated at 235 MMBtu/hr. The turbine can combust distillate fuel or natural gas and is equipped with a 430 hp starting engine. There are two lube oil vapor extractors. Emergency coal burning capabilities exist at this facility. The facility has two emergency diesel-fired generators rated at 402 hp and 805 hp.

**Permit Structure and Description of Operations**

The Title V permit for ARTHUR KILL GENERATING 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

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process - any device or contrivance which may emit air contaminants that is not included in the above categories.

ARTHUR KILL GENERATING STATION is defined by the following emission unit(s):

Emission unit AK0003 - One house boiler rated at 65 MMBtu/hr. This boiler combusts natural gas and is equipped with a flue gas recirculation system.

Emission unit AK0003 is associated with the following emission points (EP):  
00003

Process: NG3 is located at Floor 1, Building BOILERHS - This process includes one House Boiler rated at 65 MMBtu/hr. This process covers the combustion of natural gas in this boiler.

Emission unit AK0005 - One combustion turbine rated at 235 MMBtu/hr which can combust distillate or natural gas. The combustion turbine is equipped with a 430 hp diesel starter engine.

Emission unit AK0005 is associated with the following emission points (EP):  
GT001

Process: GTD is located at Ground, Building GTFAC - This process includes one combustion turbine rated at 235 MMBtu/hr. This process covers combustion of distillate fuel oil.

Process: GTN is located at Ground, Building GTFAC - This process includes one combustion turbine rated at 235 MMBtu/hr. This process covers combustion of natural gas.

Emission unit AK0013 - Emission unit consists of two emergency diesel-fired generators, installed in 1969. They are added to accommodate placing a condition in the permit to address an archival particulate limit of 0.10 lbs/MMBtu on each unit, found in a previous version of the Part 227 regulation (5/1/72 - SIP approved 9/22/72). The generators are housed in the Turbine Room. Each generator is tested once per week for approximately one hour. The generators will be operated less than 500 hours per year.

Emission unit AK0013 is associated with the following emission points (EP):  
EG001, EG002

Process: EMG is located at Building TURBINERM - This process includes firing distillate oil in the two emergency generators. Each generator is tested once per week for approximately one hour. The generators will be operated less than 500 hours per year.

Emission unit AK0001 - Very large boilers 20 and 30. Boiler 20 is face fired and Boiler 30 is tangentially fired.

Emission unit AK0001 is associated with the following emission points (EP):  
00002

Process: BC1 is located at Building BOILERHS - This process is for the chemical cleaning of the boiler tubes for Boiler 20. The boiler tubes will be cleaned using EDTA method and

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the nonhazardous solution subsequently incinerated in one of the boilers. This process is considered ordinary maintenance of the boiler and is a trivial activity under 6NYCRR 201-3.3(c)(45) - Maintenance and Construction activities. No reporting is required for this process. However, the facility will maintain records of boiler chemical cleaning activities.

Process: BC2 is located at Building BOILERHS - This process is for the chemical cleaning of the boiler tubes for Boiler 30. The boiler tubes will be cleaned using EDTA method and the nonhazardous solution subsequently incinerated in one of the boilers. This process is considered ordinary maintenance of the boiler and is a trivial activity under 6NYCRR 201-3.3(c)(45) - Maintenance and Construction activities. No reporting is required for this process. However, the facility will maintain records of boiler chemical cleaning activities.

Process: NG1 is located at Floor 1, Building BOILERHS - This process includes one face fired boiler (Boiler 20). This boiler is rated at 3717 MMBtu/hr. This process covers the combustion of natural gas in this boiler.

Process: NG2 is located at Floor 1, Building BOILERHS - This process includes one tangentially fired boiler (Boiler 30). This boiler is rated at 5502 MMBtu/hr. This process covers the combustion of natural gas in this boiler.

Process: RO1 is located at Floor 1, Building BOILERHS - This process includes one face fired boiler (Boiler 20). This boiler is rated at 3717 MMBtu/hr. This process covers the combustion of residual oil in this boiler.

Process: RO2 is located at Floor 1, Building BOILERHS - This process includes one tangentially fired boiler (Boiler 30). This boiler is rated at 5502 MMBtu/hr. This process covers the combustion of residual oil in this boiler.

**Title V/Major Source Status**

ARTHUR KILL GENERATING STATION is subject to Title V requirements. This determination is based on the following information:

This is a major facility as the annual emissions of NO<sub>x</sub>, CO, VOC, HAP, Particulates are above the threshold limits of a major facility.

**Program Applicability**

The following chart summarizes the applicability of ARTHUR KILL GENERATING 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

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NESHAP (MACT - 40 CFR Part 63)	YES
NSPS	YES
TITLE IV	YES
TITLE V	YES
TITLE VI	NO
RACT	YES
SIP	YES

**NOTES:**

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

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

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

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

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

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

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

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

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term as it is used in the above table refers to those state air pollution control regulations which specifically regulate VOC and NOx emissions.

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

**Compliance Status**

Facility is in compliance with all requirements.

**SIC Codes**

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

**SIC Code**

**Description**

4911	ELECTRIC SERVICES
5541	GASOLINE SERVICE STATIONS

**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**

1-01-004-01	EXTERNAL COMBUSTION BOILERS - ELECTRIC GENERATION ELECTRIC UTILITY BOILER - RESIDUAL OIL Grade 6 Oil: Normal Firing
1-01-004-04	EXTERNAL COMBUSTION BOILERS - ELECTRIC GENERATION ELECTRIC UTILITY BOILER - RESIDUAL OIL Grade 6 Oil: Tangential Firing
1-01-006-01	EXTERNAL COMBUSTION BOILERS - ELECTRIC GENERATION ELECTRIC UTILITY BOILER - NATURAL GAS Boilers > 100 MBtu/Hr except Tangential
1-01-006-02	EXTERNAL COMBUSTION BOILERS - ELECTRIC GENERATION ELECTRIC UTILITY BOILER - NATURAL GAS Boilers < 100 MBtu/Hr except Tangential
1-01-006-04	EXTERNAL COMBUSTION BOILERS - ELECTRIC GENERATION ELECTRIC UTILITY BOILER - NATURAL GAS Tangentially Fired Units
2-01-001-01	INTERNAL COMBUSTION ENGINES - ELECTRIC

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	GENERATION
	ELECTRIC UTILITY INTERNAL COMBUSTION ENGINE
	- DISTILLATE OIL (DIESEL)
	Turbine
2-01-001-02	INTERNAL COMBUSTION ENGINES - ELECTRIC
	GENERATION
	ELECTRIC UTILITY INTERNAL COMBUSTION ENGINE
	- DISTILLATE OIL (DIESEL)
	Reciprocating
2-01-002-01	INTERNAL COMBUSTION ENGINES - ELECTRIC
	GENERATION
	ELECTRIC UTILITY INTERNAL COMBUSTION ENGINE
	- NATURAL GAS
	Turbine
3-01-009-99	CHEMICAL MANUFACTURING
	CHEMICAL MANUFACTURING - CLEANING CHEMICALS
	Other Not Classified

**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 federally enforceable permit conditions. The PTE for each contaminant that is displayed represents the facility-wide PTE in tons per year (tpy) or pounds per year (lbs/yr). In some instances the PTE represents a federally enforceable emissions cap or limitation for that contaminant. The term 'HAP' refers to any of the hazardous air pollutants listed in section 112(b) of the Clean Air Act Amendments of 1990. Total emissions of all hazardous air pollutants are listed under the special NY CAS No. 0NY100-00-0. In addition, each individual hazardous air pollutant is also listed under its own specific CAS No. and is identified in the list below by the (HAP) designation.

<b>Cas No.</b>	<b>Contaminant</b>	<b>PTE lbs/yr</b>	<b>PTE tons/yr</b>	<b>Actual lbs/yr</b>	<b>Actual tons/yr</b>
000106-99-0	1,3-BUTADIENE	33			
000075-07-0	ACETALDEHYDE	84			
000107-02-8	ACROLEIN	13			
007440-36-0	ANTIMONY	2827			
007440-38-2	ARSENIC	733			
000071-43-2	BENZENE	281			
007440-41-7	BERYLLIUM	16			
007440-43-9	CADMIUM	225			
000124-38-9	CARBON DIOXIDE		6924578		608735
000630-08-0	CARBON MONOXIDE		3361.15		
007440-47-3	CHROMIUM	478			
007440-48-4	COBALT	3241			
000100-41-4	ETHYLBENZENE	100			
000050-00-0	FORMALDEHYDE		9.64		
000110-54-3	HEXANE		70.18		
007439-92-1	LEAD	842			
007439-96-5	MANGANESE	3242			

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007439-97-6	MERCURY	63	
000091-20-3	NAPHTHALENE	681	
007440-02-0	NICKEL METAL AND INSOLUBLE COMPOUNDS		22.75
0NY210-00-0	OXIDES OF NITROGEN		6343.68
0NY075-00-0	PARTICULATES		464.23
0NY075-00-5	PM-10		464.23
007782-49-2	SELENIUM	419	
007446-09-5	SULFUR DIOXIDE		12682.95
000108-88-3	TOLUENE	3609	
0NY100-00-0	TOTAL HAP		110.84
0NY998-00-0	VOC		216.98
001330-20-7	XYLENE, M, O & P MIXT.	191	

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

**Item A: Public Access to Recordkeeping for Title V Facilities - 6 NYCRR 201-1.10(b)**

The Department will make available to the public any permit application, compliance plan, permit, and monitoring and compliance certification report pursuant to Section 503(e) of the Act, except for information entitled to confidential treatment pursuant to 6 NYCRR Part 616 - Public Access to records and Section 114(c) of the Act.

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

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

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

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

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

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

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

This permit may be modified, revoked, reopened and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or



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termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.

**Item F: Cessation or Reduction of Permitted Activity Not a Defense - 6 NYCRR 201-6.4(a)(5)**

It shall not be a defense for a permittee in an enforcement action to claim that a cessation or reduction in the permitted activity would have been necessary in order to maintain compliance with the conditions of this permit.

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

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

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

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

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

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

- i. The ability of the Department to seek to bring suit on behalf of the State of New York, or the Administrator to seek to bring suit on behalf of the United States, to immediately restrain any person causing or contributing to pollution presenting an imminent and substantial endangerment to public health, welfare or the environment to stop the emission of air pollutants causing or contributing to such pollution;
- ii. The liability of a permittee of the Title V facility for any violation of applicable requirements prior to or at the time of permit issuance;
- iii. The applicable requirements of Title IV of the Act;
- iv. The ability of the Department or the Administrator to obtain information from the permittee concerning the ability to enter, inspect and monitor the facility.

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

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

- i. If additional applicable requirements under the Act become applicable where this permit's remaining term is three or more years, a reopening shall be completed not later than 18 months after promulgation of the applicable

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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 2 01-6.7 and Part 621.

ii. The Department or the Administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

iii. The Department or the Administrator determines that the Title V permit must be revised or reopened to assure compliance with applicable requirements.

iv. If the permitted facility is an "affected source" subject to the requirements of Title IV of the Act, and additional requirements (including excess emissions requirements) become applicable. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit.

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

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

**Item K: Permit Exclusion - ECL 19-0305**

The issuance of this permit by the Department and the receipt thereof by the Applicant does not and shall not be construed as barring, diminishing, adjudicating or in any way affecting any legal, administrative or equitable rights or claims, actions, suits, causes of action or demands whatsoever that the Department may have against the Applicant for violations based on facts and circumstances alleged to have occurred or existed prior to the effective date of this permit, including, but not limited to, any enforcement action authorized pursuant to the provisions of applicable federal law, the Environmental Conservation Law of the State of New York (ECL) and Chapter III of the Official Compilation of the Codes, Rules and Regulations of the State of New York (NYCRR). The issuance of this permit also shall not in any way affect pending or future enforcement actions under the Clean Air Act brought by the United States or any person.

**Item L: Federally Enforceable Requirements - 40 CFR 70.6(b)**

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

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

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

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

(a) The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:

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

(b) In any enforcement proceeding, the facility owner or operator seeking to establish the occurrence of an emergency has the burden of proof.

(c) This provision is in addition to any emergency or upset provision contained in any applicable requirement. item\_02

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

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

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

**Regulatory Analysis**

<b>Location Facility/EU/EP/Process/ES</b>	<b>Regulation</b>	<b>Condition</b>	<b>Short Description</b>
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FACILITY	ECL 19-0301	48		Powers and Duties of the Department with respect to air pollution control Reporting and Recordkeeping Requirements.
A-K0003	40CFR 60-Dc.48c	44		Boilers and Process Heaters Major Source NESHAP rule (current version)
FACILITY	40CFR 63-DDDDD	28		ICI Boiler Major Source NESHAP - Compliance Date for Existing Sources
FACILITY	40CFR 63-DDDDD.7495 (b)	29		NESHAP for Coal- and Oil-Fired Electric Utility Steam Generating Units
FACILITY	40CFR 63-UUUUU	30		Reciprocating Internal Combustion Engine (RICE) NESHAP - Applicability
FACILITY	40CFR 63-ZZZZ.6585	31		Chemical accident prevention provisions
FACILITY	40CFR 68	19		Permits regulation
FACILITY	40CFR 72	32		Protection of Stratospheric Ozone - recycling and emissions reduction
FACILITY	40CFR 82-F	20		Acceptable ambient air quality.
FACILITY	6NYCRR 200.6	1		Maintenance of equipment.
FACILITY	6NYCRR 200.7	10, 1	-3	Unavoidable noncompliance and violations
FACILITY	6NYCRR 201-1.4	1	-12	Recycling and Salvage
FACILITY	6NYCRR 201-1.7	11		Prohibition of reintroduction of collected contaminants to the air
FACILITY	6NYCRR 201-1.8	12		Exempt Activities - Proof of eligibility
FACILITY	6NYCRR 201-3.2 (a)	13		Trivial Activities - proof of eligibility
FACILITY	6NYCRR 201-3.3 (a)	14		Title V Permits and the Associated Permit Conditions
FACILITY	6NYCRR 201-6	21, 33, 34		General Conditions - Requirement to Provide Information
FACILITY	6NYCRR 201-6.4 (a) (4)	15		General Conditions - Fees
FACILITY	6NYCRR 201-6.4 (a) (7)	2		General Conditions - Right to Inspect
FACILITY	6NYCRR 201-6.4 (a) (8)	16		Recordkeeping and Reporting of Compliance Monitoring
FACILITY	6NYCRR 201-6.4 (c)	3		Records of Monitoring, Sampling and Measurement
FACILITY	6NYCRR 201-6.4 (c) (2)	4		

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FACILITY	6NYCRR 201-6.4 (c) (3) (ii)	5	Reporting Requirements - Deviations and Noncompliance
FACILITY	6NYCRR 201-6.4 (d) (4)	22	Compliance Schedules - Progress Reports
FACILITY	6NYCRR 201-6.4 (e)	1 -1	Compliance Certification
FACILITY	6NYCRR 201-6.4 (f)	1 -4	Operational Flexibility
FACILITY	6NYCRR 201-6.5 (a)	1 -13	State Enforceable Requirements
FACILITY	6NYCRR 202-1.1	18	Required emissions tests.
FACILITY	6NYCRR 202-1.2	23	Notification.
FACILITY	6NYCRR 202-1.3	24	Acceptable procedures.
FACILITY	6NYCRR 202-2.1	7	Emission Statements - Applicability
FACILITY	6NYCRR 202-2.4 (a) (3)	1 -5	Emission statement methods and procedures
FACILITY	6NYCRR 202-2.5	8, 1 -2	Emission Statements - record keeping requirements.
FACILITY	6NYCRR 207	25	Control Measures for an Air Pollution Episode
FACILITY	6NYCRR 211.1	26	General Prohibitions - air pollution prohibited
FACILITY	6NYCRR 211.2	50	General Prohibitions - visible emissions limited.
FACILITY	6NYCRR 215.2	9	Open Fires - Prohibitions
FACILITY	6NYCRR 227-1.3 (a)	1 -6	Particulate Emission Standards
FACILITY	6NYCRR 227-1.4 (a)	1 -7	Opacity Standard
A-K0005	6NYCRR 227-1.4 (a)	1 -10	Opacity Standard
A-K0001	6NYCRR 227-2.4 (a) (1)	1 -8	Emission limits.
A-K0003	6NYCRR 227-2.4 (c) (1)	1 -9	Emission limits.
A-K0005	6NYCRR 227-2.4 (e) (1)	1 -11	Simple cycle combustion turbines.
A-K0003	6NYCRR 227-2.6 (c)	43	Stack Test Requirements.
A-K0005	6NYCRR 227-2.6 (c)	46	Stack Test Requirements.
FACILITY	6NYCRR 242-1.5	51, 52, 53	CO2 Budget Trading Program - Standard requirements
A-K0001	6NYCRR 249.3 (a)	36, 37, 38, 39	BART Emission Limitation Requirements for Sources
A-K0001	6NYCRR 249.3 (d)	40	Deadline for BART Controls and/or Emission Reduction Measures
A-K0001	6NYCRR 249.3 (f)	41	Each BART determination established by the Department will be submitted to the EPA for approval as a SIP

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A-K0001

6NYCRR 251.3(b)

1 -14

revision.  
Emission limits for  
non-modified sources.

**Applicability Discussion:**

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

ECL 19-0301

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

6 NYCRR 200.6

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

6 NYCRR 200.7

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

6 NYCRR 201-1.4

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

6 NYCRR 201-1.7

Requires the recycle and salvage of collected air contaminants where practical

6 NYCRR 201-1.8

Prohibits the reintroduction of collected air contaminants to the outside air

6 NYCRR 201-3.2 (a)

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

6 NYCRR 201-3.3 (a)

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

6 NYCRR Subpart 201-6

This regulation applies to those terms and conditions which are subject to Title V permitting. It establishes the applicability criteria for Title V permits, the information to be included in all Title V permit

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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.

6 NYCRR 201-6.4 (d) (4)

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

6 NYCRR 201-6.4 (e)

Sets forth the general requirements for compliance certification content; specifies an annual submittal

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frequency; and identifies the EPA and appropriate regional office address where the reports are to be sent.

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 202-2.5

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

6 NYCRR 211.2

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

6 NYCRR 215.2

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

40 CFR Part 68

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

40 CFR Part 82, Subpart F

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

**Facility Specific Requirements**

In addition to Title V, ARTHUR KILL GENERATING STATION has been determined to be subject to the following regulations:

40 CFR 60.48c

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

40 CFR 63.6585

This condition details what criteria are used to determine if a reciprocating internal combustion engine is subject to the provisions of this NESHAP rule. If the engine meets the rule's definition of reciprocating internal combustion engine, and is located at a facility that emits at least 10 tons of a single hazardous air



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pollutant or 25 tons of all hazardous air pollutants, then the engine will need to meet the provisions in this rule.

40 CFR 63.7495 (b)

This regulation requires industrial, commercial or institutional boilers located at facilities that are major sources of hazardous air pollutants to comply with 40 CFR 63 Subpart DDDDD by January 31, 2016.

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 UUUUU

Description: This subpart establishes national emission limits and work practice standards for hazardous air pollutants emitted from coal- and oil-fired electric utility steam generating units. This subpart also establishes requirements to demonstrate initial and continuous compliance with the emission limits and work practice standards.

40 CFR Part 72

In order to reduce acid rain in the U.S. and Canada, Title IV of the Clean Air Act Amendments of 1990 requires the establishment of a program to reduce emissions of SO<sub>2</sub> and NO<sub>x</sub> (sulfur dioxide and oxides of nitrogen). Fossil fuel burning electric utility companies are a major source of these contaminants in the US. These sources were regulated in a phased approach. Phase I, which began in 1995, requires 110 of the higher-emitting utility plants in the eastern and Midwest states to meet intermediate SO<sub>2</sub> emission limitations. Phase II, which began in 2000, tightens the emission limitations and expands the coverage to most fossil fuel burning utilities. The utilities are given "allowances" which is a limited authorization to emit one ton of SO<sub>2</sub>. The utilities are required to limit SO<sub>2</sub> emissions to the number of allowances they hold. Some can benefit however by reducing their emissions and selling their excess allowances. Part 72 contains the means of implementing this portion of Title IV of the Clean Air Act.

6 NYCRR 201-6.4 (f)

This section describes the potential for certain operational changes to be made by the facility owner or operator without first obtaining a permit modification. Changes made pursuant to this provision must meet all of the criteria described in this section to qualify for consideration as operational flexibility. The Department reserves the right to require the facility owner or operator to obtain a permit modification prior to making any changes at the facility pursuant to this section.

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6 NYCRR 201-6.5 (a)

This subdivision states that the Department shall include state enforceable conditions in Title V permits. State enforceable conditions related to regulations developed pursuant to the Climate Leadership and Community Protection Act (CLCPA) and Article 75 of New York State Environmental Conservation Law may be included in future versions of this permit, as applicable.

6 NYCRR 202-1.2

This regulation specifies that the department is to be notified at least 30 days in advance of any required stack test. The notification is to include a list of the procedures to be used that are acceptable to the department. Finally, free access to observe the stack test is to be provided to the department's representative.

6 NYCRR 202-1.3

This regulation requires that any emission testing, sampling and analytical determination used to determine compliance must use methods acceptable to the department. Acceptable test methods may include but are not limited to the reference methods found in 40 CFR Part 60 appendix A and Part 61, appendix B. Alternate methods may be also be used provided they are determined to be acceptable by the department. Finally, unless otherwise specified, all emission test reports must be submitted within 60 days after completion of testing.

6 NYCRR 202-2.4 (a) (3)

Once a facility is required to submit annual emission statements electronically, emission statements must be submitted to the department per the specified schedule, in this regulation beginning the reporting year that a Title V permit containing a condition mandating electronic submittal is issued.

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 227-1.3 (a)

This subdivision sets the particulate matter emission standards for subject stationary combustion installations.

6 NYCRR 227-1.4 (a)

This subdivisions sets the opacity standard for subject stationary combustion installations.

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6 NYCRR 227-2.4 (a) (1)

NOx emission limits for very large boilers.

6 NYCRR 227-2.4 (c) (1)

Presumptive NOx RACT emission limits for mid-size boilers.

6 NYCRR 227-2.4 (e) (1)

Presumptive NOx RACT emission limits for simple cycle combustion turbines.

6 NYCRR 227-2.6 (c)

6 NYCRR 242-1.5

His regulation requires that the facility hold enough carbon dioxide allowances in their carbon dioxide budget at least equal to the amount of carbon dioxide emitted from the facility each year.

6 NYCRR 249.3 (a)

6 NYCRR 249.3 (d)

6 NYCRR 249.3 (f)

6 NYCRR 251.3 (b)

Emission limits for non-modified sources.  
Emission limits for non-modified sources.

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

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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.

**Compliance Certification**

**Summary of monitoring activities at ARTHUR KILL GENERATING STATION:**

<b>Location Facility/EU/EP/Process/ES</b>	<b>Cond No.</b>	<b>Type of Monitoring</b>
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FACILITY	28	record keeping/maintenance procedures
FACILITY	29	record keeping/maintenance procedures
FACILITY	30	record keeping/maintenance procedures
FACILITY	31	record keeping/maintenance procedures
FACILITY	5	record keeping/maintenance procedures
FACILITY	1-1	record keeping/maintenance procedures
FACILITY	7	record keeping/maintenance procedures
FACILITY	1-6	intermittent emission testing
FACILITY	1-7	record keeping/maintenance procedures
A-K0005	1-10	record keeping/maintenance procedures
A-K0001	1-8	continuous emission monitoring (cem)
A-K0003	1-9	intermittent emission testing
A-K0005	1-11	intermittent emission testing
A-K0003	43	record keeping/maintenance procedures
A-K0005	46	record keeping/maintenance procedures
FACILITY	52	record keeping/maintenance procedures
FACILITY	53	record keeping/maintenance procedures
A-K0001	36	record keeping/maintenance procedures
A-K0001	37	record keeping/maintenance procedures
A-K0001	38	record keeping/maintenance procedures
A-K0001	39	continuous emission monitoring (cem)
A-K0001	40	record keeping/maintenance procedures
A-K0001	41	record keeping/maintenance procedures
A-K0001	1-14	continuous emission monitoring (cem)
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**Basis for Monitoring**

Condition under 6 NYCRR Part 201-6.5(c)(3)(ii): This is a facility-wide condition that applies to monitoring conditions in all Title V Permits. All facilities that are subject to the Title V requirements must submit reports of any required monitoring to the NYSDEC every six months.

Condition under 6 NYCRR Part 201-6.5(e): This is a facility-wide record keeping requirement that applies to all Title V facilities. These facilities must submit an annual compliance certification to the NYSDEC and the USEPA.

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

Conditions under 6 NYCRR 204-4.1; 6 NYCRR 204-8.2; 6 NYCRR 204-8.4; and 6 NYCRR 204-8.7 are the requirements for the Title V facilities under NOx Budget Trading Program under 6 NYCRR

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204. This facility is a mandatory participant in the NO<sub>x</sub> budget program and is required to retain and submit reports on quarterly basis to USEPA and NYSDEC.

Conditions under 6 NYCRR Part 225-1.2(a)(2)); 6NYCRR 225-1.7(c); 6NYCRR 225-1.8: These conditions are to monitor the fuel oil and its sulfur content used at the facility. The sulfur content must be certified by the seller. The facility must maintain a log of the sulfur content of oil on a per delivery basis.

Conditions under 6 NYCRR 227.2(b)(1): These conditions are for monitoring, testing and reporting requirement for particulate emissions from the emergency diesel generators.

Conditions under 6 NYCRR 227-1.3: These conditions are for monitoring and reporting for opacity limit.

Conditions under 6 NYCRR 227-2.5(b); and 6NYCRR 227-2.6(c): These conditions are for the monitoring of NO<sub>x</sub> emissions for system wide averaging and stack tests.

Conditions under 6 NYCRR 249: These conditions are to incorporate new EPA regulations and conditions for BART (Best Available Retrofit Technology).

Conditions under 40 CFR 63: These conditions are to incorporate new EPA regulations and conditions for NESHAP Subpart JJJJJ for oil-fired equipment.