

**Division of Air Resources
Permit Review Report**

Permit ID: 8-1802-00045/00022

Renewal Number: 3

11/30/2021

Facility Identification Data

Name: BATAVIA POWER PLANT

Address: 163 CEDAR ST

BATAVIA, NY 14020

Owner/Firm

Name: SENECA POWER PARTNERS LP

Address: 163 CEDAR ST

BATAVIA, NY 14020, USA

Owner Classification: Corporation/Partnership

Permit Contacts

Division of Environmental Permits:

Name: KIMBERLY A MERCHANT

Address: 6274 E AVON LIMA RD

AVON, NY 14414-9519

Phone:5852262466

Division of Air Resources:

Name: ZACHARY TENNIES

Address: 6274 E Avon Lima Rd

Avon, NY 14414-9519

Phone:7162262466

Air Permitting Contact:

Name: GREG SHARLAND

Address: Seneca Power Partners

163 Cedar St

Batavia, NY 14020

Phone:3153939048

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 3 of Air Title V Facility/Title IV (Acid Rain) permit. This renewal does not include any proposed equipment changes or modifications. Minor changes and/or corrections to permit conditions or applicable regulations have been made as part of this renewal. Please note that although there has been no change to facility equipment or CO emissions, to better ensure that CO emissions remain

**Division of Air Resources
Permit Review Report**

Permit ID: 8-1802-00045/00022
Renewal Number: 3
11/30/2021

below PSD thresholds, a 499,800 pounds per year CO emissions cap has also been established as part of this renewal.

Per 6 NYCRR 227-2.4(e), combined cycle gas turbines are subject to case-by-case NOx RACT and must submit a RACT analysis upon permit renewal or modification. The facility submitted a NOx RACT analysis as part of the renewal evaluating whether additional NOx emissions reductions are achievable through the existing steam injection system. Based on this analysis and historical NOx emissions data, it was determined that lowering the NOx limit from 42 ppm to 41ppm @15% O2 is achievable using the existing steam injection rate and turbine operation. This lower limit has been included for the gas turbine as part of this renewal based on the findings of the analysis of the steam injection system. To fulfill the NOx RACT analysis requirements, a monitoring condition is included requiring submission of an addendum to the NOx RACT analysis evaluating the feasibility of additional controls for gas turbine within 30 days of permit issuance. The Department will determine the compliance status of the facility and whether a permit modification is necessary following receipt of this submission.

Attainment Status

BATAVIA POWER PLANT is located in the town of BATAVIA in the county of GENESEE. 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*	TRANSPORT REGION (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:

Cogeneration facility consisting of one gas turbine/heat recovery steam generating (HRSG) unit with steam injection, two auxiliary boilers firing natural gas only and one starting engine for the gas turbine firing distillate oil. The facility is intended to provide steam to a host facility. The facility is not subject to PSD;

**Division of Air Resources
Permit Review Report**

Permit ID: 8-1802-00045/00022
Renewal Number: 3
11/30/2021

however it is subject to NSPS.

Permit Structure and Description of Operations

The Title V permit for BATAVIA POWER PLANT

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.

BATAVIA POWER PLANT is defined by the following emission unit(s):

Emission unit 1CMBTN - This Emission Unit consists of a single General Electric Frame 6 gas turbine and heat recovery steam generator (HRSG) with steam injection (EP 00001); two identical natural gas fired 16 MMBtu/hr auxiliary boilers with a combined stack (EP 00002); and a distillate oil fired starting engine for the gas turbine (EP 00006) which are used for electricity generation and steam production. This emission unit also includes a permit-exempt auxiliary generator firing distillate fuel oil.

Emission unit 1CMBTN is associated with the following emission points (EP):
00001, 00002, 00006

Process: ALL is located at GROUND, Building 1 - This process includes the turbine/HRSG, firing natural gas; auxiliary boilers (one or both) firing natural gas; and the starting engine firing distillate oil; all operating simultaneously, or in any combination to generate electricity or steam.

Title V/Major Source Status

BATAVIA POWER PLANT is subject to Title V requirements. This determination is based on the following information:

The facility is a major source due to potential-to-emit emissions of oxides of nitrogen (NOx) and carbon monoxide (CO) greater than the 100 tons per year major source thresholds. Therefore, the facility must obtain an Air Title V Facility Permit.

Program Applicability

The following chart summarizes the applicability of BATAVIA POWER PLANT with regards to the principal air pollution regulatory programs:

Regulatory Program

Applicability

**Division of Air Resources
Permit Review Report**

Permit ID: 8-1802-00045/00022
Renewal Number: 3
11/30/2021

PSD	NO
NSR (non-attainment)	NO
NESHAP (40 CFR Part 61)	NO
NESHAP (MACT - 40 CFR Part 63)	YES
NSPS	YES
TITLE IV	NO
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.

**Division of Air Resources
Permit Review Report**

Permit ID: 8-1802-00045/00022
Renewal Number: 3
11/30/2021

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 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
4931	ELEC & OTHER SERVICES COMBINED
4961	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
2-03-002-03	INTERNAL COMBUSTION ENGINES - COMMERCIAL/INSTITUTIONAL COMMERCIAL/INSTITUTIONAL IC ENGINE - NATURAL GAS TURBINE:COGENERATION

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

**Division of Air Resources
Permit Review Report**

Permit ID: 8-1802-00045/00022
Renewal Number: 3
11/30/2021

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.

Cas No.	Contaminant	PTE lbs/yr	PTE tons/yr	Actual lbs/yr	Actual tons/yr
000124-38-9	CARBON DIOXIDE		293617		
000630-08-0	CARBON MONOXIDE	499880			
000050-00-0	FORMALDEHYDE		1.8		
0NY210-00-0	OXIDES OF NITROGEN	499800			
0NY075-00-0	PARTICULATES		28		
0NY075-00-5	PM-10		28		
007446-09-5	SULFUR DIOXIDE		21		
0NY100-00-0	TOTAL HAP		2.6		
0NY998-00-0	VOC		17		

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

**Division of Air Resources
Permit Review Report**

Permit ID: 8-1802-00045/00022

Renewal Number: 3

11/30/2021

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 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;

Division of Air Resources
Permit Review Report

Permit ID: 8-1802-00045/00022

Renewal Number: 3

11/30/2021

- 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 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 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.

**Division of Air Resources
Permit Review Report**

Permit ID: 8-1802-00045/00022
Renewal Number: 3
11/30/2021

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

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

**Division of Air Resources
Permit Review Report**

Permit ID: 8-1802-00045/00022

Renewal Number: 3

11/30/2021

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

Location Facility/EU/EP/Process/ES	Regulation	Condition	Short Description
--			
FACILITY	ECL 19-0301	54	Powers and Duties of the Department with respect to air
FACILITY	40CFR 60-A	33	pollution control
FACILITY	40CFR 60-A.11	37	General provisions
			General provisions -
			compliance with
			standards and
			maintenance
			requirements
FACILITY	40CFR 60-A.13	38	General provisions -
			Monitoring
			requirements
FACILITY	40CFR 60-A.4	34	General provisions -
			Address
FACILITY	40CFR 60-A.7 (b)	35	Notification and
			Recordkeeping
FACILITY	40CFR 60-A.7 (c)	36	Notification and
			Recordkeeping
FACILITY	40CFR 60-Dc.48c (g) (2)	39	Alternative
			recordkeeping
FACILITY	40CFR 60-Dc.48c (i)	40	Reporting and
			Recordkeeping
			Requirements.
1-CMBTN/-/ALL/000GT	40CFR 60-GG.334 (b)	51	Monitoring of
			Operations: CEMS
1-CMBTN/-/ALL/000GT	40CFR 60-GG.334 (h) (3)	52	Allowance not to
			monitor sulfur or
			nitrogen for natural
			gas
FACILITY	40CFR 63-A	41	Subpart A - General
			Provisions apply to
			all NESHAP affected
			sources
FACILITY	40CFR 63-ZZZZ	42	Reciprocating
			Internal Combustion
			Engine (RICE) NESHAP
FACILITY	40CFR 68	18	Chemical accident
			prevention provisions
FACILITY	40CFR 82-F	19	Protection of
			Stratospheric Ozone -
			recycling and
			emissions reduction
FACILITY	6NYCRR 200.6	1	Acceptable ambient
			air quality.
FACILITY	6NYCRR 200.7	10	Maintenance of
			equipment.

**Division of Air Resources
Permit Review Report**

Permit ID: 8-1802-00045/00022

Renewal Number: 3

11/30/2021

FACILITY	6NYCRR 201-1.4	55	Unavoidable noncompliance and violations
1-CMBTN	6NYCRR 201-1.4	65, 66, 67, 68, 69, 70, 71, 72, 73	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 201-3.2 (a)	13	Exempt Activities - Proof of eligibility
FACILITY	6NYCRR 201-3.3 (a)	14	Trivial Activities - proof of eligibility
FACILITY	6NYCRR 201-6	20, 43, 44	Title V Permits and the Associated Permit Conditions
1-CMBTN/-/ALL/000GT	6NYCRR 201-6	47, 48	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 Compliance Monitoring
FACILITY	6NYCRR 201-6.4 (c) (2)	4	Records of Monitoring, Sampling and Measurement
FACILITY	6NYCRR 201-6.4 (c) (3) (ii)	5	Reporting Requirements - Deviations and Noncompliance
FACILITY	6NYCRR 201-6.4 (d) (4)	21	Compliance Schedules - Progress Reports
FACILITY	6NYCRR 201-6.4 (e)	6	Compliance Certification
FACILITY	6NYCRR 201-6.4 (f)	22	Operational Flexibility
FACILITY	6NYCRR 201-6.4 (f) (2)	23	Operational Flexibility - Protocol
FACILITY	6NYCRR 201-6.4 (g)	24	Permit Shield
FACILITY	6NYCRR 201-6.5 (a)	56	State Enforceable Requirements
FACILITY	6NYCRR 201-7.1	25, 45	Emission Capping in Facility Permits
FACILITY	6NYCRR 202-1	28	Emission Testing, Sampling and Analytical Determinations
FACILITY	6NYCRR 202-1.1	17	Required emissions tests.
FACILITY	6NYCRR 202-1.2	29	Notification.
FACILITY	6NYCRR 202-2.1	7	Emission Statements - Applicability
FACILITY	6NYCRR 202-2.5	8	Emission Statements - record keeping requirements.

**Division of Air Resources
Permit Review Report**

Permit ID: 8-1802-00045/00022

Renewal Number: 3

11/30/2021

1-CMBTN FACILITY	6NYCRR 207.3 (d) 6NYCRR 211.1	46 57	Episode actions General Prohibitions - air pollution prohibited
FACILITY	6NYCRR 211.2	30	General Prohibitions - visible emissions limited.
FACILITY	6NYCRR 215.2	9	Open Fires - Prohibitions
FACILITY	6NYCRR 225-1.2 (d)	31	Sulfur-in-Fuel Limitation - Distillate Oil
FACILITY	6NYCRR 227-2.4 (d)	32	Small boilers, small combustion turbines, and small stationary internal combustion engines.
1-CMBTN/-/ALL/000GT	6NYCRR 227-2.4 (e) (2)	49, 50	Combined cycle combustion turbines.
1-CMBTN/-/ALL/DETEN	6NYCRR 227-2.4 (f) (3)	53	Emission limit for distillate oil fired engines.
FACILITY	6NYCRR 242-1.5	58, 59, 60	CO2 Budget Trading Program - Standard requirements
FACILITY	6NYCRR 242-4	61	CO2 Budget Trading Program - Compliance certification
FACILITY	6NYCRR 242-8	62	CO2 Budget Trading Program - Monitoring and reporting
FACILITY	6NYCRR 242-8.5	63	CO2 Budget Trading Program - Recordkeeping and reporting
1-CMBTN/-/ALL/000GT	6NYCRR 251.3 (b)	74	Emission limits for non-modified sources.
FACILITY	6NYCRR 251.6 (f)	64	Annual reports.

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

**Division of Air Resources
Permit Review Report**

Permit ID: 8-1802-00045/00022

Renewal Number: 3

11/30/2021

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 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)

**Division of Air Resources
Permit Review Report**

Permit ID: 8-1802-00045/00022

Renewal Number: 3

11/30/2021

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

6 NYCRR 201-6.4 (g)

Permit Exclusion Provisions - specifies those actions, such as administrative orders, suits, claims for natural resource damages, etc that are not affected by the federally enforceable portion of the permit, unless they are specifically addressed by it.

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.

**Division of Air Resources
Permit Review Report**

Permit ID: 8-1802-00045/00022

Renewal Number: 3

11/30/2021

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, BATAVIA POWER PLANT has been determined to be subject to the following regulations:

40 CFR 60.11

This regulation specifies the type of opacity monitoring requirements in relation to compliance with the standards and maintenance requirements.

40 CFR 60.13

This regulation specifies how monitoring shall be performed and which methods and appendices are used to determine if the monitoring is adequate and in compliance with the regulated standards.

40 CFR 60.334 (b)

This regulation allows the owner/operator of a gas turbine to use a CEMS to monitor NO_x emissions instead of monitoring fuel and water/steam usage.

40 CFR 60.334 (h) (3)

This regulation allows the owner or operator of a gas turbine to not monitor the fuel for sulfur or nitrogen content if the fuel meets the 40 CFR 60.331(u) definition of natural gas.

40 CFR 60.4

This condition lists the USEPA Region 2 address for the submittal of all communications to the "Administrator". In addition, all such communications must be copied to NYSDEC Bureau of Quality Assurance (BQA).

40 CFR 60.48c (g) (2)

**Division of Air Resources
Permit Review Report**

Permit ID: 8-1802-00045/00022

Renewal Number: 3

11/30/2021

This regulation allows the owner or operator of an affected facility that combusts only natural gas, wood, fuels using fuel certification in 40 CFR 60.48c(f) to demonstrate compliance with the SO₂ standard, fuels not subject to an emissions standard (excluding opacity), or a mixture of these fuels may elect to record and maintain records of the amount of each fuel combusted during each calendar month.

40 CFR 60.48c (i)

This regulation requires the source owner or operator to retain all records for a minimum of two years for compliance with the NSPS. This does not supercede any requirement that is more stringent, including the Title V requirement to maintain records for for a minimum of 5 years.

40 CFR 60.7 (b)

This regulation requires the owner or operator to maintain records of the occurrence and duration of any startup, shutdown, or malfunction of the source or control equipment or continuous monitoring system.

40 CFR 60.7 (c)

This requirement details the information to be submitted in excess emissions and monitoring systems performance reports which must be submitted at least semi-annually for sources with compliance monitoring systems.

40 CFR Part 60, Subpart A

This regulation contains the General Provisions of 40 CFR 60. The facility owner is responsible for reviewing these general provisions in detail and complying with all applicable technical, administrative and reporting requirements

40 CFR Part 63, Subpart A

The General Provisions in 40CFR63, Subpart A apply to facilities subject to other National Emission Standards for Hazardous Air Pollutants for Source Categories (NESHAP) regulations in 40 CFR 63. These rules are also known as MACT rules since they are based on attaining Maximum Achievable Control Technology. Each MACT rule has a table or section that describe which portions of the General Provisions apply to facilities covered by that particular rule and which portions are overridden or do not apply. Note that NESHAP regulations found in 40CFR61 do **not** trigger the general provisions of 40CFR63.

40 CFR Part 63, Subpart ZZZZ

Subpart ZZZZ applies to reciprocating internal combustion engines. Sources subject to Subpart ZZZZ must limit emissions of carbon monoxide and formaldehyde. Sources must also comply with work practice standards and operating limits.

Division of Air Resources
Permit Review Report

Permit ID: 8-1802-00045/00022

Renewal Number: 3

11/30/2021

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.

6 NYCRR 201-6.4 (f) (2)

This section describes the requirements for operational flexibility protocols included in Title V permits. The facility owner or operator may make certain changes to the facility that have been reviewed and approved pursuant to the protocol without first obtaining a permit modification for those changes.

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 201-7.1

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 207.3 (d)

This citation states that owners and operators of an emission source with an episode action plan must follow the plan.

6 NYCRR 211.1

This

6 NYCRR 225-1.2 (d)

**Division of Air Resources
Permit Review Report**

Permit ID: 8-1802-00045/00022

Renewal Number: 3

11/30/2021

This subdivision sets the sulfur-in-fuel limitation for distillate oil fired emission sources throughout the State.

6 NYCRR 227-2.4 (d)

This section includes NO_x RACT requirements for small boilers, small combustion turbines, and small stationary internal combustion engines.

6 NYCRR 227-2.4 (e) (2)

Presumptive NO_x RACT emission limits for combined cycle combustion turbines.

6 NYCRR 227-2.4 (f) (3)

Presumptive NO_x RACT emission limit for distillate oil fired stationary internal combustion engines.

6 NYCRR 242-1.5

This 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 242-8.5

This regulation requires the CO₂ authorized account representative to comply with all applicable recordkeeping and reporting requirements in section 242-8.5, the applicable record keeping and reporting requirements under 40 CFR 75.73 and with the certification requirements of section 242-2.1(e) of this Part.

6 NYCRR 251.3 (b)

Emission limits for non-modified sources.

6 NYCRR 251.6 (f)

Recordkeeping and reporting - annual reports.

6 NYCRR Subpart 202-1

**Division of Air Resources
Permit Review Report**

Permit ID: 8-1802-00045/00022
Renewal Number: 3
11/30/2021

6 NYCRR Subpart 242-4

This citation requires that an Annual Compliance Certification report be submitted by March 1st, on an annual basis, certifying compliance with the CO₂ Budget Trading Program.

6 NYCRR Subpart 242-8

Citation 6NYCRR Part 242-8.5 requires that the record keeping and reporting requirements of 40 CFR Part 75.73 and 6NYCRR Part 242-2.1(e) be followed, that a CO₂ monitoring plan(s) be submitted, that the CO₂ emission monitor(s) be certified, and that CO₂ emissions be reported quarterly in an electronic format.

Non Applicability Analysis

List of non-applicable rules and regulations:

Location Facility/EU/EP/Process/ES	Regulation	Short Description
FACILITY	40 CFR Part 63, Subpart DDDDD	Boilers and Process Heaters Major Source NESHAP rule (current version)
Reason: The auxiliary steam boilers are not subject to NESHAP Subpart DDDDD per 40 CFR 63.7348 since the facility is an area source of hazardous air pollutants.		
FACILITY	40 CFR Part 63, Subpart JJJJJJ	National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources
Reason: The auxiliary steam boilers are not subject to NESHAP Subpart JJJJJJ per 40 CFR 63.11195(e) since they meet the definition of "gas-fired boilers".		

NOTE: Non-applicability determinations are cited as a permit condition under 6 NYCRR Part 201-6.4(g). This information is optional and provided only if the applicant is seeking to obtain formal confirmation, within an issued Title V permit, that specified activities are not subject to the listed federal applicable or state only requirement. The applicant is seeking to obtain verification that

**Division of Air Resources
Permit Review Report**

Permit ID: 8-1802-00045/00022
Renewal Number: 3
11/30/2021

a requirement does not apply for the stated reason(s) and the Department has agreed to include the non-applicability determination in the issued Title V permit which in turn provides a shield against any potential enforcement action.

Compliance Certification
Summary of monitoring activities at BATAVIA POWER PLANT:

Location Facility/EU/EP/Process/ES	Cond No.	Type of Monitoring

FACILITY	36	record keeping/maintenance procedures
FACILITY	40	record keeping/maintenance procedures
1-CMBTN/-/ALL/000GT	52	record keeping/maintenance procedures
1-CMBTN	65	monitoring of process or control device parameters as surrogate
1-CMBTN	66	monitoring of process or control device parameters as surrogate
1-CMBTN	67	monitoring of process or control device parameters as surrogate
1-CMBTN	68	monitoring of process or control device parameters as surrogate
1-CMBTN	69	monitoring of process or control device parameters as surrogate
1-CMBTN	70	monitoring of process or control device parameters as surrogate
1-CMBTN	71	monitoring of process or control device parameters as surrogate
1-CMBTN	72	monitoring of process or control device parameters as surrogate
1-CMBTN	73	monitoring of process or control device parameters as surrogate
1-CMBTN/-/ALL/000GT	47	continuous emission monitoring (cem)
1-CMBTN/-/ALL/000GT	48	continuous emission monitoring (cem)
FACILITY	5	record keeping/maintenance procedures
FACILITY	6	record keeping/maintenance procedures
FACILITY	23	record keeping/maintenance procedures
FACILITY	26	monitoring of process or control device parameters as surrogate
FACILITY	27	monitoring of process or control device parameters as surrogate
FACILITY	7	record keeping/maintenance procedures
FACILITY	31	work practice involving specific operations
FACILITY	32	record keeping/maintenance procedures
1-CMBTN/-/ALL/000GT	49	record keeping/maintenance procedures
1-CMBTN/-/ALL/000GT	50	continuous emission monitoring (cem)
1-CMBTN/-/ALL/DETEN	53	intermittent emission testing
FACILITY	59	record keeping/maintenance procedures
FACILITY	60	record keeping/maintenance procedures
FACILITY	61	record keeping/maintenance procedures
FACILITY	62	record keeping/maintenance procedures
FACILITY	63	record keeping/maintenance procedures
1-CMBTN/-/ALL/000GT	74	continuous emission monitoring (cem)
FACILITY	64	record keeping/maintenance procedures

Basis for Monitoring

**Division of Air Resources
Permit Review Report**

Permit ID: 8-1802-00045/00022

Renewal Number: 3

11/30/2021

6 NYCRR Part 201-1 General Provisions

- 6 NYCRR 201-1.4 – Prior permits contained a condition limiting startup and shutdown duration and NO_x/CO emissions that were established in the Certificate to Operate special conditions during initial permitting. These limits have been retained as part of this renewal but have been included as separate monitoring conditions.

6 NYCRR Part 201-6 Title V Permits

- 6 NYCRR 201-6.4(f)(2) – This condition contains the most recent operational flexibility protocol. Please note that this condition has been relocated from 6 NYCRR 201-6.4(f) in accordance with the revisions to Part 201 promulgated in February 2021.
- 6 NYCRR 201-6 – To ensure that CO emissions from the gas turbine (ES 000GT) remain consistent with the values during initial permitting and do not exceed any additional thresholds (e.g., PSD), two monitoring conditions have been included limiting hourly CO emissions to the values measured during the initial stack test. Please note that the hourly mass emissions limit (41 lbs CO/hour) corresponds to the design point (48 degrees F) for the turbine as established by the manufacturer. The full range of measured emissions rates across the temperature spectrum were documented as part of the initial permitting. This limit and condition has been retained as part of this Renewal.

These conditions have been retained as part of this renewal but have been relocated from 6 NYCRR 201-6.5 to 6 NYCRR 201-6 consistent with current Department procedure. Compliance with these limits is demonstrated through use of a CO continuous emissions monitor. As specified in the permit condition, the monitor is maintained and operated in accordance with EPA methods under 40 CFR 60, Appendix B and Appendix F.

- 6 NYCRR 201-6 – The two identical steam boilers (ES AUXBS and AUXB2) that exhaust to a common stack were previously included under a single emission source ES AUXBS. As part of this renewal one of the boilers was moved to a separate emission source ID: AUXB2. Please note that the emissions sources have not changed, and no equipment has been added to the facility.

6 NYCRR Part 201-7 Title V Permits

- 6 NYCRR 201-7.1 – This renewal retains the 249 tons per year federally enforceable emissions cap for NO_x established in prior permits to remain below the applicability thresholds for New Source Review.

Additionally, a 249 tons per year federally enforceable emissions cap for CO has been added as part of his Renewal. Please note that the addition of the CO cap did not result from any change in equipment or operation of the facility but appears to have been erroneously excluded from prior permits.

To demonstrate compliance with these emissions caps, monitoring conditions are included requiring monthly emissions monitoring, recordkeeping, and annual reporting. Compliance with these caps are determined on a 12-month rolling basis using a combination of CEMS and calculations.

6 NYCRR Part 225 Sulfur in Fuel

- 6 NYCRR 225-1.2(d) – This citation limits sulfur content for distillate fuels. A monitoring condition is included consistent with the monitoring in the regulation under 6 NCYRR 225-1.6.

6 NYCRR Part 227 Stationary Combustion Installations

- 6 NYCRR 227-1.3(a) – The facility does not operate any stationary combustion installations firing oil (or oil in combination with a gaseous fuel) with a heat input greater than 50 MMBtu/hour. Therefore, this requirement does not apply.

Division of Air Resources Permit Review Report

Permit ID: 8-1802-00045/00022

Renewal Number: 3

11/30/2021

- 6 NYCRR 227-1.4(a) – Specifies the applicable opacity limit for stationary combustion installations. A monitoring condition has been included requiring an annual Method 9 test for the gas turbine to demonstrate compliance.
- 6 NYCRR 227-2.4(d) – As specified in this citation, small combustion installations are required to perform annual tune-ups. Since the subject boilers (ES AUXBS) are in dry layup and have not operated since the effective date of this regulation a monitoring condition is included specifying that the annual tune-up must be completed prior to resuming operation and annually thereafter.
- 6 NYCRR 227-2.4(f)(6) – As specified in this citation, emergency power generating engines are exempt from NO_x RACT requirements under 6 NYCRR 227-2. Therefore, no conditions have been included under this Subpart for the emergency generator.
- 6 NYCRR 227-2.4(e) – Combined cycle gas turbines are subject to case-by-case NO_x RACT and must submit a RACT analysis upon permit renewal or modification. The turbine currently utilizes steam injection for NO_x control. Additionally, the prior version of 6 NYCRR 227-2 set a presumptive RACT limit of 42 ppmvd NO_x limit for combined cycle turbines (1-hour block average per 227-2.5(b)(3)(ii)) that was applicable but not included in prior permits.

An analysis was submitted on August 16, 2021 evaluating whether the existing controls and NO_x limit for the turbine are still considered RACT. Based on this analysis, increased steam injection is technically infeasible per the original manufacturer's specifications for maximum steam injection rate and historical operations data. However, historical turbine NO_x emissions data has shown that a more stringent NO_x limit of 41 ppmvd is achievable with the existing steam injection rate and turbine operation. This analysis has been reviewed and approved by the Department and a more stringent 41 ppmvd NO_x RACT limit included as part of this Renewal.

A monitoring condition has been included requiring submission of an addendum to the case-by-case NO_x RACT analysis evaluating the feasibility of other add-on controls (and a combination of process changes and add-on controls) within 30 days of permit issuance. If other or additional add-on controls are determined to be feasible, a permit modification application must be submitted to the Department.

6 NYCRR Part 242 CO₂ Budget Trading Program

- 6 NYCRR 242 – The facility remains subject to the requirements of Part 242. Associated conditions have been retained as part of this renewal that are consistent with the regulation.

6 NYCRR Part 251 CO₂ Performance Standards for Major Electric Generating Utilities

- 6 NYCRR 251.2(b) – Since this facility is a non-modified existing source (has not increased capacity by more than 25 MW after July 12, 2012), the provisions of 251.3(a) do not apply. Since no requirement is included under this citation an associated permit condition is not included in the permit for permit streamlining.
- 6 NYCRR 251.3(b) – Non-modified existing major electric generators are limited to either an emission rate of 1800 pounds of CO₂ per MW hour gross electrical output (output-based limit) or 180 pounds of CO₂ per million Btu of input (input-based limit) for each fossil fuel combusted after December 31, 2020. As part of this Renewal the facility owner or operator has elected to demonstrate on-going compliance with the emission limit on an input-basis. A monitoring condition has been included as part of this renewal to demonstrate on-going compliance with this limit. The facility complies with this monitoring through use of existing monitoring equipment installed and operated in accordance with 40 CFR Part 75.
- 6 NYCRR 251.6(e) – The facility is subject to quarterly reporting requirements under this citation. Since the facility complies with the quarterly recordkeeping and reporting requirements of 40 CFR Part 75 for CO₂, for permit streamlining this citation has been excluded from the permit.
- 6 NYCRR 251.6(f) – Annual reporting requirements for subject sources are included in a monitoring condition under this citation that are consistent with the regulation.

**Division of Air Resources
Permit Review Report**

Permit ID: 8-1802-00045/00022

Renewal Number: 3

11/30/2021

40 CFR 60, Subpart A NSPS General Provisions

- 40 CFR 60, Subpart A – Specifies the general requirements for monitoring, recordkeeping, and reporting for operations subject to Federal New Source Performance Standards (NSPS).

**40 CFR 60, Subpart Dc NSPS for Small Industrial-Commercial-Institutional Steam
Generating Units**

- 40 CFR 60.40c(a) – The auxiliary steam boilers were contrasted after June 9, 1989 and are greater than 10 MMBtu/hour/less than 100 MMBtu/hour. Therefore, they are subject to applicable requirements under NSPS Subpart Dc. However, since the boilers are less than 30 MMBtu/hour and exclusively fire natural gas they are not subject to any applicable emission limits, standards, or testing under 40 CFR 60.42c – 60.47c. Therefore, only the monthly fuel use recordkeeping requirement under 40 CFR 60.48c(g)(2) has been included in the permit.
- 40 CFR 60.40c(e) – The HRSG is associated with a gas turbine regulated under 40 CFR 60, Subpart GG. Therefore, it is not subject to NSPS Subpart Dc.

40 CFR 60, Subpart GG NSPS for Fossil Fuel-Fired Steam Generators

- 40 CFR 60.332(a)(1) – The natural gas-fired turbine (1-COMBN) is subject to 40 CFR 60, Subpart GG NOx limit requirements under this citation and monitoring and testing requirements under 40 CFR 60.334(h)(2) and 40 CFR 60.335(a), respectively. Assuming a value of zero for F and the maximum allowable value of Y (14.4 kJ/W-hrs) in the NOx standard equation for gas turbines greater than 100 MMBtu/hour under Subpart GG-40 CFR 60.332(a)(1), the lowest applicable NOx limit under this citation is 0.0075 percent NOx by volume (adjusted to 15% oxygen at ISO conditions). This limit is equivalent to about 75 ppmvd adjusted to 15% oxygen. The turbine is subject to a 41 ppmv adjusted to 15% oxygen RACT limit under 6 NYCRR Subpart 227-2 which is more stringent than the limit under 40 CFR 60, Subpart GG. Compliance with the NOx limit is demonstrated through continuous emissions monitoring which is equivalent to the monitoring requirements under 40 CFR 60.334(a). Therefore, for permit streamlining, this citation has been excluded from the permit.
- 40 CFR 60.332(a)(4) – Specifies the fuel nitrogen content monitoring requirements under 40 CFR 60, Subpart GG. Since a value of zero is used for F in the calculation of the NOx standard, monitoring of the fuel nitrogen content is not required, as allowed by 40 CFR 60.334(h)(2). Therefore, for permit streamlining, this citation and the fuel nitrogen monitoring frequency under 40 CFR 60.334(i)(2) have been excluded from the permit.
- 40 CFR 60.333 – Specifies the fuel sulfur content limit under 40 CFR 60, Subpart GG. As allowed by 40 CFR 60.334(h)(3), the facility is exempt from monitoring the total sulfur content of the gaseous fuel by only burning natural gas. A monitoring condition is included under the exemption citation requiring demonstrating compliance with this limit through a valid contract, tariff sheet, or representative fuel sampling. This monitoring is consistent with the regulation and the monitoring exemption under 40 CFR 30.334(h)(3).

40 CFR 63, Subpart ZZZZ Reciprocating Internal Combustion Engine NESHP

- The facility owns and operates a 10.9 MMBtu/hour diesel-fired emergency generator which is exempt from permitting per 6 NYCRR 201-3.2(c)(6). This engine is an affected source under 40 CFR 63, Subpart ZZZZ. In the prior permit, this exempt source was included as an emission source but has been removed as part of this renewal since it qualifies as exempt. This exempt source continue to be referenced in the permit description and emission unit description. The facility owner or operator must comply with the applicable requirements of 40 CFR 63, Subpart ZZZZ.

**Division of Air Resources
Permit Review Report**

Permit ID: 8-1802-00045/00022

Renewal Number: 3

11/30/2021

- The Department has not accepted delegation of 40 CFR 63, Subpart ZZZZ. Therefore, a single general condition regarding the applicability of this Subpart is included for subject sources (emergency generator and starting engine). Please note that the applicable sources are exempt from permitting and not listed as emissions sources in the permit.

40 CFR 64, Compliance Assurance Monitoring

- The gas turbine (ES 000GT) has pre-controlled potential emissions of NO_x and CO greater than 100 tons per year. Additionally, ES 000GT is subject to a NO_x emission standard and CO limit. However, since the facility uses continuous monitoring to demonstrate compliance with these limits, this emission source is not subject to CAM requirements per 40 CFR 64.2(b)(1)(vi).

40 CFR 63, Subpart DDDDD Industrial, Commercial, and Institutional Boilers and Process Heaters NESHAP

- The facility is not a major source of HAP emissions and therefore the steam boilers are not subject to the requirements of this Subpart.

40 CFR 63, Subpart JJJJJ Industrial, Commercial, and Institutional Boilers and Process Heaters NESHAP

- The auxiliary steam boilers fire exclusively natural gas and meet the definition of a “gas-fired boiler” under 40 CFR 63.11237. Therefore, the boilers are not subject to NESHAP Subpart JJJJJ per 40 CFR 63.11195(e).