

**PROPOSED REVISION TO STATE PLAN  
FOR IMPLEMENTATION OF EMISSION GUIDELINES  
AND COMPLIANCE TIMES FOR LARGE MUNICIPAL WASTE  
COMBUSTOR THAT ARE CONSTRUCTED ON OR BEFORE  
SEPTEMBER 20, 1994**

The Clean Air Act (CAA) mandates that states submit to the US Environmental Protection Agency (EPA) a State Plan in accordance with the requirements of Section 111(d) and 129 of the CAA, for implementation and enforcement of 40 CFR 60, Subpart Cb - Emission Guidelines and Compliance Times for Large Municipal Waste Combustors that are Constructed on or Before September 20, 1994 (Guidelines). In accordance with the CAA, the NYS Department of Environmental Conservation (Department) submitted a State Plan to EPA on December 15, 1997, a supplement to the State Plan on June 22, 1998, a revised State Plan on October 7, 1998, and a supplement to the revised State Plan on November 5, 1998.

EPA most recently amended the Guidelines on May 10, 2006. As a result, the Department is proposing to revise the State Plan to conform to the 2006 amendments. In anticipation of the State Plan revision, the Department amended 6 NYCRR Part 200.10 on August 6, 2009 to incorporate by reference, EPA's amended Guidelines. This proposed State Plan revision addresses the nine (9) required elements specified in 40 CFR 60 Subpart B:

1. A demonstration of the State's legal authority to carry out the Section 111(d)/129 State Plan as Submitted (Revised cover sheet for Section A),
2. Identification of enforceable State mechanisms for implementing the Emission Guidelines (Section B),
3. An inventory of large MWC plants/units in the State affected by the Emission Guidelines, including MWC units that have ceased operation and are not partially or totally dismantled (Section C),
4. An inventory of emissions from large MWC units in the State (Section C),
5. Emission limitations for MWC units that are at least as protective as those in the Emission Guidelines (Section B),
6. Compliance schedules (Section D),
7. Testing, monitoring, recordkeeping, and reporting requirements (Section B),
8. A record of public hearing(s) on the State Plan is pending (Sections B & D), and
9. Provision for annual state progress reports to EPA on implementation of State Plan (Revised cover sheet for Section E).

Discussion and supporting documentation is also provided, where necessary.

**Section 111(d)/129 State Plan for Implementation of Municipal Waste Combustor  
Emission Guidelines [Title 40 CFR Part 60, Subpart Cb as amended May 10, 2006]**

**Section A**

**Demonstration of New York State's Legal Authority to Carry Out the Plan**

The legal authority has not changed from the previous State Plan submission.

**Section 111(d)/129 State Plan for Implementation of Municipal Waste Combustor  
Emission Guidelines [Title 40 CFR Part 60, Subpart Cb as amended May 10, 2006]**

**Section B**

**Enforceable Mechanism**

New York has adopted by reference the requirements of the May 10, 2006 Guidelines (including emissions limitations, testing, monitoring, recordkeeping and reporting requirements), in 6 NYCRR Part 200.10(b), Table 2, effective August 6, 2009, and will enforce the requirements under 6 NYCRR Part 200.10(b), and Part 201-2.1(b)(5)(iii) and (vii), effective October 15, 2011. Included is the public hearing record and supporting documentation for adoption by reference of the May 10, 2006 amendments into Part 200.10(b). All of the applicable requirements from Cb have been added to each of the seven large municipal waste combustor facility permits listed below. The permits for each of the facilities can be viewed at the following link [http://www.dec.ny.gov/dardata/boss/afs/issued\\_atv.html](http://www.dec.ny.gov/dardata/boss/afs/issued_atv.html).

| Facility Name                          | DEC ID#      |
|--|--------------|
| Hempstead Resource Recovery Facility   | 1-2820-01727 |
| Babylon Resource Recovery Facility     | 1-4720-00777 |
| Huntington Resource Recovery Facility  | 1-4726-00790 |
| Wheelabrator Westchester               | 3-5512-00031 |
| Wheelabrator Hudson Falls              | 5-5344-00001 |
| Onondaga Co Resource Recovery Facility | 7-3142-00028 |
| Covanta Niagara                        | 9-2911-00113 |

A public hearing on New York's MWC State Plan will be held and the public hearing record and related supporting documents will be submitted once the hearing is held.

## **B-1 Part 200 Express Terms**

The following is a copy of the Part 200 express terms from August 6, 2009 which incorporated by reference the amendments to 40 CFR 60 Subpart Cb for Large Municipal Waste Combustors That Are Constructed on or Before September 20, 1994.

## Express Terms

### Part 200, General Provisions

Sections 200.1 through 200.8 remain unchanged.

Existing Section 200.9 is amended to read as follows:

Table 1

| Regulation             | Referenced Material                        | Availability |
|------------------------|--|--------------|
| 6 NYCRR Part/sec./etc. | CFR (Code of Federal Regulations) or other |              |
| 200.10(b)              |  |              |
| Table 2                | 40 CFR Part 60 (July 1, 2003)              | *            |
|                        | <u>71 FR 27324-27348 May 10, 2006</u>      | <u>*</u>     |
|                        | <u>70 FR 74870-74924 December 16, 2005</u> | <u>*</u>     |
| Table 4                | 40 CFR Part 63 (July 1, 200[3]5)           | *            |

Existing subdivision 200.10(a) remains unchanged.

Existing subdivision 200.10(b) is amended to read as follows:

Table 2

#### Delegated Federal New Source Performance Standards of 40 CFR 60

| 40 CFR 60 Subpart | Source Category   | Page Numbers in July 1, 2003 Edition of 40 CFR 60 or Federal Register Citation |
|-------------------|---|--|
| Cb                | Large Municipal Waste Combustors That Are Constructed on or Before September 20, 1994   | [84-92] <u>71 FR 27324-27348 May 10, 2006</u>                                  |
| Cc                | Municipal Solid Waste Landfills   | 92-95  |
| Cd                | Sulfuric Acid Production Units  | 95   |
| Ce                | Hospital/Medical/Infectious Waste Incinerators  | 95-101   |
| D*                | Fossil-Fuel Fired Steam Generation for which Construction Commenced after August 17, 1971 (Steam Generators and Lignite Fired Steam Generators) | 101-108  |
| Da                | Electric Utility Steam Generating Units for which Construction is Commenced after September 18, 1978  | 108-123  |
| Db                | Industrial-Commercial-Institutional Steam Generating Units (only for units which are subject to the certification requirements of Part          | 123-146  |

|     |  |         |
|-----|--|---------|
|     | 201 of this Title)   |         |
| Dc  | Small Industrial-Commercial-Institutional Steam Generating Units   | 146-158 |
| E*  | Incinerators   | 158-159 |
| Ea  | Municipal Waste Combustors   | 158-174 |
| Eb  | Large Municipal Waste Combustors for Which Construction is Commenced After September 20, 1994 or for Which Modification or Reconstruction is Commenced After June 19, 1996 | 174-201 |
| Ec  | Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996   | 202-216 |
| F*  | Portland Cement Plants   | 216-218 |
| G*  | Nitric Acid Plants   | 218-220 |
| H*  | Sulfuric Acid Plants   | 220-222 |
| I*  | Asphalt Plants   | 222-223 |
| J*  | Petroleum Refineries   | 223-235 |
| K*  | Storage Vessels for Petroleum Liquids Constructed after June 11, 1973, and prior to May 19, 1978   | 235-237 |
| Ka* | Storage Vessels for Petroleum Liquids Constructed after May 18, 1978 and prior to July 24, 1984  | 237-242 |
| Kb  | Volatile Organic Liquid Storage Vessels (including Petroleum Liquids) Constructed after July 23, 1984  | 242-252 |
| L*  | Secondary Lead Smelters  | 252-253 |
| M*  | Secondary Brass and Bronze Ingot Production Plants   | 253     |
| N*  | Iron and Steel Plants  | 254-256 |
| Na  | Secondary Emissions from basic Oxygen Process Steelmaking Facilities   | 256-260 |
| O*  | Sewage Treatment Plants  | 260-264 |
| P*  | Primary Copper Smelters  | 265-267 |
| Q*  | Primary Zinc Smelters  | 267-269 |
| R*  | Primary Lead Smelters  | 269-271 |
| S*  | Primary Aluminum Reduction Plants  | 271-273 |
| T*  | Phosphate Fertilizer Industry: Wet Process Phosphoric Acid Plants  | 273-274 |
| U*  | Phosphate Fertilizer Industry: Superphosphoric Acid Plants   | 274-276 |
| V*  | Phosphate Fertilizer Industry: Diammonium Phosphate Plants   | 276-277 |
| W*  | Phosphate Fertilizer Industry: Triple Superphosphate Plants  | 277-278 |
| X*  | Phosphate Fertilizer Industry: Granular Triple   | 279-280 |

|      |  |         |
|------|--|---------|
|      | Superphosphate   |         |
| Y*   | Coal Preparation Plants  | 280-282 |
| Z*   | Ferroalloy Production Plants   | 282-286 |
| AA*  | Steel Plants; Electric Arc Furnaces  | 286-292 |
| AAa* | Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels in Steel Plants   | 292-298 |
| BB*  | Kraft Pulp Mills   | 298-303 |
| CC*  | Glass Manufacturing Plants   | 303-306 |
| DD*  | Grain Elevators  | 307-309 |
| EE*  | Surface Coating of Metal Furniture   | 309-314 |
| GG*  | Stationary Gas Turbines  | 315-319 |
| HH*  | Lime Plants  | 319-321 |
| KK*  | Lead Acid Battery Manufacturing Plants   | 321-323 |
| LL*  | Metallic Mineral Processing Plants   | 323-326 |
| MM*  | Automobile and Light-Duty Truck Surface Coating Operations   | 326-339 |
| NN*  | Phosphate Rock Plants  | 339-341 |
| PP*  | Ammonium Sulfate Manufacturing Plants  | 341-343 |
| QQ*  | Graphic Art Industry Publication Rotogravure Printing  | 343-351 |
| RR*  | Pressure Sensitive Tape and Label Surface Coating Operations   | 351-356 |
| SS*  | Industrial Surface Coating: Large Appliances   | 356-362 |
| TT*  | Metal Coil Surface Coating   | 362-369 |
| UU*  | Asphalt Processing and Asphalt Roofing Manufacture   | 370-373 |
| VV   | Equipment Leaks of VOC in Synthetic Organic Chemicals Manufacturing Industry   | 373-391 |
| WW*  | Beverage Can Surface Coating   | 391-397 |
| XX*  | Bulk Gasoline Terminals  | 397-401 |
| AAA  | New Residential Wood Heaters   | 401-419 |
| BBB  | Volatile Organic Compound (VOC) Emissions from the Rubber Tire Manufacturing Industry  | 419-416 |
| DDD  | Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry  | 416-464 |
| FFF* | Flexible Vinyl and Urethane Coating and Printing   | 464-469 |
| GGG  | Equipment Leaks of VOC in Petroleum Refineries   | 469-470 |
| HHH  | Synthetic Fiber Production Facilities  | 470-473 |
| III  | Volatile Organic Compound (VOC) Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Processes | 473-486 |
| JJJ* | Petroleum Dry Cleaning   | 486-488 |
| KKK  | Equipment Leaks of VOC from Onshore Natural Gas Processing Plants  | 489-492 |
| LLL* | Onshore Natural Gas Processing: SO <sub>2</sub> Emissions  | 492-500 |
| NNN  | Volatile Organic Compounds (VOC) Emissions   | 500-516 |

|                       |   |  |
|-----------------------|---|--|
|                       | from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations  |  |
| OOO*                  | Nonmetallic Mineral Processing  | 516-523                                    |
| PPP*                  | Wool Fiberglass Insulation Manufacturing  | 523-525                                    |
| QQQ                   | VOC Emissions from Petroleum Refinery Wastewater Systems  | 525-536                                    |
| RRR                   | VOC Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes  | 536-552                                    |
| SSS                   | Magnetic Tape Coating Facilities  | 552-569                                    |
| TTT                   | Surface Coating of Plastic Parts for Business Machines  | 569-573                                    |
| UUU                   | Calciners and Dryers in Mineral Industries  | 573-574                                    |
| VVV                   | Polymeric Coating of Supporting Substrates Facilities   | 574-576                                    |
| WWW                   | Municipal Solid Waste Landfills   | 590-609                                    |
| AAAA                  | Standards of Performance for Small Municipal Waste Combustion Units for Which Construction is Commenced After August 30, 1999 or for Which Modification or Reconstruction is Commenced After June 6, 2001                           | 609-640                                    |
| BBBB                  | Emission Guidelines and Compliance Times for Small Municipal Waste Combustion Units Constructed on or before August 30, 1999  | 640-672                                    |
| CCCC                  | Standards of Performance for Commercial and Industrial Solid Waste Incineration Units for Which Construction is Commenced After November 30, 1999 or for Which Modification or Reconstruction is Commenced on or After June 1, 2001 | 673-691                                    |
| DDDD                  | Emissions Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units that Commenced Construction On or Before November 30, 1999   | 692-713                                    |
| <u>EEEE and FFFF*</u> | <u>Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Other Solid Waste Incineration Units</u>   | <u>70 FR 74870-74924 December 16, 2005</u> |
| Appendix A            | Reference Methods 1-29A   | 5-605 [Book 2] <u>Appendices</u>           |
| Appendix B            | Performance Specifications 1-9  | 650-656 [Book 2] <u>Appendices</u>         |
| Appendix C            | Determination of Emission Rate Change   | 656-657 [Book 2] <u>Appendices</u>         |
| Appendix D            | Required Emission Inventory Information   | 657 [Book 2] <u>Appendices</u>             |
| Appendix F            | Quality Assurance Procedures  | 657-661 [Book 2] <u>Appendices</u>         |
| Appendix              | Provisions for an Alternative Method of   | 661-666 [Book 2] <u>Appendices</u>         |



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|------------|--|------------------------------------|
| G          | Demonstrating Compliance with 40 CFR 60.43 for the Newton Power Station of Central Illinois Public Service Company |                                    |
| Appendix I | Removable Label and Owner's Manual   | 666-667 [Book 2] <u>Appendices</u> |

Existing subdivision 200.10(c) remains unchanged.

(d) 'Table 4'.

**Table 4**

National Emission Standards for Hazardous Air Pollutants

| 40 CFR 63 Subpart | Source Category   | Page Number in July 1, 200[3]5 Edition or Date of Promulgation Federal Register Cite |
|-------------------|---|--|
| *A                | General Provisions  | [10-65]11-69 Vol. 1  |
| *B                | Requirements for Control Technology Determination for Major Sources in Accordance with Clean Air Sections, Sections 112(g) and 112(j)                               | [65-88]69-91 Vol. 1  |
| *F                | Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry   | [133-168]144-179 Vol. 1  |
| *G                | Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater | [168-326]179-339 Vol. 1  |
| *H                | Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiate Regulation For Equipment Leaks  | [326-368]339-380 Vol. 1  |
| *I                | Polyvinyl Chloride and Copolymers   | [368-377]380-390 Vol. 1  |
| *J                | Organic Hazardous Air Pollutants for Certain Processes Subject to Negotiated Regulations for Equipment Leaks  | [377-379]390-391 Vol. 1  |
| *L                | Coke Oven Batteries   | [379-403]391-418 Vol. 1  |
| *M                | Emission Standards for Dry Cleaning Facilities  | [403-411]418-426 Vol. 1  |
| *N                | Chromium Electroplating and Anodizing   | [411-440]426-456 Vol. 1  |
| *O                | Ethylene Oxide Commercial Sterilizers   | [440-455]456-471 Vol. 1  |
| *Q                | Industrial Process Cooling Towers   | [455-458]471-474 Vol. 1  |
| *R                | Gasoline Distribution Facilities  | [458-471]475-488 Vol. 1  |
| *S                | Pulp and Paper (P&P I and III)  | [471-500]488-520 Vol. 1  |
| *T                | Halogenated Solvent Cleaning  | [500-528]520-548 Vol. 1  |
| *U                | Group I Polymer and Resins  | [528-649]549-671 Vol. 1  |

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|-----|---|---|
| *W  | National Emission Standard for Hazardous Air Pollutants for Epoxy Resins Production and non-nylon Polyamides Production | [649-662] <u>672-685</u> Vol. 1               |
| *X  | Secondary Lead Smelters   | [662-675] <u>685-698</u> Vol. 1               |
| *Y  | Marine Tank Vessel Loading Operations   | [675-705] <u>698-728</u> Vol. 1               |
| *AA | Phosphoric Acid Manufacturing Plants  | 11-21 [Book] <u>Vol. 2</u>                    |
| *BB | Phosphate Fertilizers Production Plants   | 21-31 [Book] <u>Vol. 2</u>                    |
| *CC | Petroleum Refineries  | 31-93 [Book] <u>Vol. 2</u>                    |
| *DD | Off-site Waste and Recovery Operations  | 93-146 [Book] <u>Vol. 2</u>                   |
| *EE | Magnetic Tape Manufacturing Operations  | [147-175] <u>146-174</u> [Book] <u>Vol. 2</u> |
| *GG | Aerospace Manufacturing and Rework Facilities   | [175-227] <u>174-226</u> [Book] <u>Vol. 2</u> |
| *HH | Oil and Natural Gas Production Plants   | [227-261] <u>226-259</u> [Book] <u>Vol. 2</u> |
| *II | Shipbuilding/Ship Repair (Surface Coating)  | [261-276] <u>260-275</u> [Book] <u>Vol. 2</u> |
| *JJ | Wood Furniture Manufacturing Operations   | [276-305] <u>276-304</u> [Book] <u>Vol. 2</u> |
| *KK | Printing and Publishing Industry  | [305-334] <u>304-333</u> [Book] <u>Vol. 2</u> |
| *LL | Primary Aluminum Reduction Plants   | [334-354] <u>333-353</u> [Book] <u>Vol. 2</u> |
| *MM | Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills                   | [354-373] <u>353-371</u> [Book] <u>Vol. 2</u> |
| *OO | National Emission Standards for Tanks–Level 1   | [373-378] <u>371-376</u> [Book] <u>Vol. 2</u> |
| *PP | National Emission Standards for Containers  | [378-386] <u>376-384</u> [Book] <u>Vol. 2</u> |
| *QQ | Surface Impoundments  | [386-393] <u>384-390</u> [Book] <u>Vol. 2</u> |
| *RR | Individual Drain Systems  | [393-397] <u>390-394</u> [Book] <u>Vol. 2</u> |
| *SS | Closed Vent Streams, Control Devices, Recovery Devices, and Routing to a Fuel Gas System or a Process                   | [397-435] <u>395-432</u> [Book] <u>Vol. 2</u> |
| *TT | Equipment Leaks – Control Level 1   | [435-456] <u>432-454</u> [Book] <u>Vol. 2</u> |
| *UU | Equipment Leaks – Control Level 2   | [456-489] <u>454-487</u> [Book] <u>Vol. 2</u> |
| *VV | Oil-Water Separators and Organic-Water Separators   | [489-498] <u>487-495</u> [Book] <u>Vol. 2</u> |
| *WW | Storage Vessels – Control Level 2   | [498-504] <u>496-502</u> [Book] <u>Vol. 2</u> |
| *XX | Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations  | [504-513] <u>502-511</u> [Book] <u>Vol. 2</u> |

|       |   |  |
|-------|---|--|
| *YY   | Generic Maximum Achievable Control Technology Standards                               | [514-574] <u>511-572</u> [Book] Vol. 2 |
| *CCC  | Steel Pickling – HCl Facilities and HCl Regeneration                                  | [574-583] <u>572-581</u> [Book] Vol. 2 |
| *DDD  | Mineral Wool Production   | [583-595] <u>581-592</u> [Book] Vol. 2 |
| *EEE  | Hazardous Air Pollutants From Hazardous Waste Combustors                              | 8-68 [Book] Vol. 3                     |
| *GGG  | Pharmaceuticals Production  | 68-179 [Book] Vol. 3                   |
| *HHH  | Natural Gas Transmission and Storage Facilities                                       | 179-208 [Book] Vol. 3                  |
| *III  | Flexible Polyurethane Foam Production   | [208-238] <u>208-237</u> [Book] Vol. 3 |
| *JJJ  | Group IV Polymers and Resins  | [238-358] <u>237-358</u> [Book] Vol. 3 |
| *LLL  | Portland Cement Manufacturing Industry  | [358-380] <u>358-379</u> [Book] Vol. 3 |
| *MMM  | Pesticide Active Ingredient Production  | [380-462] <u>380-461</u> [Book] Vol. 3 |
| *NNN  | Wool Fiberglass Manufacturing   | [462-477] <u>461-476</u> [Book] Vol. 3 |
| *OOO  | Amino/Phenolic Resins Manufacturing   | [477-543] <u>476-541</u> [Book] Vol. 3 |
| *PPP  | Polyether Polyols Production  | [543-621] <u>541-619</u> [Book] Vol. 3 |
| *QQQ  | Primary Copper  | [27-52] <u>27-51</u> [Book] Vol. 4     |
| *RRR  | Secondary Aluminum Production   | [52-96] <u>51-94</u> [Book] Vol. 4     |
| *TTT  | Primary Lead Smelting   | [96-104] <u>95-103</u> [Book] Vol. 4   |
| *UUU  | Petroleum Refineries: Catalytic Cracking, Catalytic Reforming, and Sulfur Plant Units | [104-164] <u>103-180</u> [Book] Vol. 4 |
| *VVV  | Publicly Owned Treatment Works  | [164-173] <u>180-189</u> [Book] Vol. 4 |
| *XXX  | Ferrous Alloys Production: Ferromanganese and Silicomanganese                         | [173-185] <u>189-201</u> [Book] Vol. 4 |
| *AAAA | Municipal Solid Waste Landfills   | [185-192] <u>201-208</u> [Book] Vol. 4 |
| *CCCC | Manufacturing of Nutritional Yeast  | [192-204] <u>208-221</u> [Book] Vol. 4 |
| *DDDD | Plywood and Composite Wood Products   | 221-270 [Book] Vol. 4                  |
| *EEEE | Organic Liquid Distribution (Non-Gasoline)  | 271-303 [Book] Vol. 4                  |
| *FFFF | Miscellaneous Organic Chemical Manufacturing  | 304-342 [Book] Vol. 4                  |
| *GGGG | Solvent Extraction For Vegetable Oil Production                                       | [205-229] <u>343-367</u> [Book] Vol. 4 |

|        |  |                                 |
|--------|--|---------------------------------|
| *HHHH  | Wet Formed Fiberglass Mat Production   | [229-244]367-382 [Book] Vol. 4  |
| *IIII  | <u>Surface Coating of Automobiles and Light-Duty Trucks</u>                  | 382-440 [Book] Vol. 4           |
| *JJJJ  | Paper and Other Web Surface Coating  | [244-277]440-471 [Book] Vol. 4  |
| *KKKK  | <u>Surface Coating of Metal Cans</u>   | 471-529 [Book] Vol. 4           |
| *MMMM  | <u>Surface Coating of Miscellaneous Metal Parts and Products</u>             | 530-584 [Book] Vol. 4           |
| *NNNN  | Large Appliance Surface Coating  | [277-318]584-624 [Book] Vol. 4  |
| *OOOO  | Printing, Coating, and Dyeing of Fabrics                                     | [318-384]624-688 [Book] Vol. 4  |
| *PPPP  | <u>Surface Coating of Plastic Parts and Products</u>                         | 688-739 [Book] Vol. 4           |
| *QQQQ  | Wood Building Products   | [384-429]739-782 [Book] Vol. 4  |
| *RRRR  | Metal Furniture Surface Coating  | [429-473]782-824 [Book] Vol. 4  |
| *SSSS  | Metal Coil Surface Coating   | [474-499]824-850 [Book] Vol. 4  |
| *TTTT  | Leather Finishing Operations   | [499-514]850-866 [Book] Vol. 4  |
| *UUUU  | Cellulose Production Manufacturing   | [515-569]867-913 [Book] Vol. 4  |
| *VVVV  | Boat Manufacturing   | [569-599]913-942 [Book] Vol. 4  |
| *WWWW  | Reinforced Plastic Composites  | [599-655]942-998 [Book] Vol. 4  |
| *XXXX  | Tire Manufacturing   | [655-692]998-1033 [Book] Vol. 4 |
| *YYYY  | <u>Stationary Combustion Turbines</u>  | 1033-1049 [Book] Vol. 4         |
| *ZZZZ  | <u>Stationary Reciprocating Internal Combustion Engines</u>                  | 15-38 [Book] Vol. 5             |
| *AAAAA | <u>Lime Manufacturing</u>  | 38-62 [Book] Vol. 5             |
| *BBBBB | Semiconductor Manufacturing  | [692-701 Book 4]62-71 Vol. 5    |
| *CCCCC | Coke Oven: Pushing, Quenching, Battery Stacks                                | [701-728 Book 4]72-98 Vol. 5    |
| *DDDDD | <u>Industrial, Commercial, and Institutional Boilers and Process Heaters</u> | 98-148 [Book] Vol. 5            |
| *EEEEE | <u>Iron and Steel Foundries</u>  | 149-177 [Book] Vol. 5           |
| *FFFFF | Integrated Iron and Steel Manufacturing                                      | [728-750 Book 4]178-200 Vol. 5  |
| *GGGGG | <u>Site Remediation</u>  | 200-254 [Book] Vol. 5           |
| *HHHHH | <u>Miscellaneous Coating Manufacturing</u>                                   | 255-281 [Book] Vol. 5           |
| *IIIII | <u>Mercury Emissions from Mercury Cell Chlor-Alkali Plants</u>               | 281-308 [Book] Vol. 5           |

|               |   |  |
|---------------|---|--|
| *JJJJ & KKKKK | Brick and Structural Clay Products  | [751-799 Book 4] <u>308-355</u><br><u>Vol. 5</u>           |
| *LLLLL        | Asphalt Roofing and Processing  | [800-821 Book 4] <u>355-377</u><br><u>Vol. 5</u>           |
| *MMMMM        | Flexible Polyurethane Foam Fabrication  | [821-836 Book 4] <u>377-391</u><br><u>Vol. 5</u>           |
| *NNNNN        | Hydrochloric Acid & Fumed Silica Production   | [836-855 Book 4] <u>9-27</u><br><u>Vol. 6</u>              |
| *PPPPP        | Engine Test Cells   | [855-881 Book 4] <u>27-53</u><br><u>Vol. 6</u>             |
| *QQQQQ        | Friction Products Manufacturing   | [882-890 Book 4] <u>53-</u><br><u>61</u> <u>Vol. 6</u>     |
| *RRRRR        | Taconite Iron Ore Processing  | <u>61-86 [Book] Vol. 6</u>                                 |
| *SSSSS        | Refractory Products Manufacturing   | [890-938 Book 4] <u>86-134</u><br><u>Vol. 6</u>            |
| *TTTTT        | Primary Magnesium Refining  | <u>134-146 [Book] Vol. 6</u>                               |
| *Appendix A   | Test Methods  | [939-1139 Book 4] <u>146-</u><br><u>347</u> <u>Vol. 6</u>  |
| *Appendix B   | Sources Defined for Early Reduction Provisions  | [1140 Book 4] <u>348</u> <u>Vol. 6</u>                     |
| *Appendix C   | Determination of the Fraction Biodegraded in a Biological Treatment Unit  | [1140-1171 Book 4] <u>348-</u><br><u>379</u> <u>Vol. 6</u> |
| *Appendix D   | Alternative Validation Procedure for EPA Waste and Wastewater Methods   | [1171-1172 Book 4] <u>379-</u><br><u>380</u> <u>Vol. 6</u> |
| *Appendix E   | Monitoring Procedure For Nonthoroughly Mixed Open Biological Treatment Systems at Kraft Pulp Mills Under Unsafe Sampling Conditions | [1172-1184 Book 4] <u>380-</u><br><u>392</u> <u>Vol. 6</u> |

The remainder of 200.10 remains unchanged.

## **B-2 Part 200 ENB Notice**

The following is a copy of the Part 200 Environmental Notice Bulletin notice from April 11, 2007 which noticed the incorporation by reference for the amendments to 40 CFR 60 Subpart Cb for Large Municipal Waste Combustors That Are Constructed on or Before September 20, 1994.

## Notice of Proposed Rule Making

New York State Department of Environmental Conservation

### 6 NYCRR Part 200.10, General Provisions

Pursuant to Environmental Conservation Law, Sections 1-0101, 3-0301, 3-0303, 19-0103, 19-0105, 19-0301 and 19-0305, the New York State Department of Environmental Conservation hereby gives notice of the following:

This proposed rulemaking will update 6 NYCRR 200.10, Table 4 to incorporate by reference each of the new and amended National Emission Standards for Hazardous Air Pollutants (NESHAP) regulations as they were printed in the July 1, 2005 Code of Federal Regulations. 6 NYCRR 200.9 will also be updated to reflect the new references in Part 200.10. Pursuant to Section 112 of the Clean Air Act of 1990, New York State will implement and enforce all requirements under Section 112 for the NESHAPs.

This rulemaking is also updating the incorporation by references to two other EPA regulations which New York State implements and enforces. The new Emission Guidelines for existing Other Solid Waste Incinerators that were published in the Federal Register on December 16, 2005 and the amendments to the Emission Guidelines for Existing Large Municipal Waste Combustors that were published in the Federal Register on May 10, 2006 are being added to Table 2 of 200.10 in order to reflect New York State's ability to implement and enforce these regulations.

For further information, contact:

Edward A. Pellegrini, P.E.  
NYSDEC Division of Air Resources

625 Broadway Albany NY 12233-3254  
518 402-8403 E-mail [neshaps@gw.dec.state.ny.us](mailto:neshaps@gw.dec.state.ny.us)



## **B-3 Part 200 Hearing Transcript**

The following is a copy of the Part 200 public hearing transcript from the May 17, 2007 hearing for the incorporation by reference for the amendments to 40 CFR 60 Subpart Cb for Large Municipal Waste Combustors That Are Constructed on or Before September 20, 1994.

STATE OF NEW YORK  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
625 BROADWAY  
ALBANY, NEW YORK 12233-1550

In the Matter

- of the -

PROPOSED AMENDMENTS OF PART 200  
(General Provisions) AND ADOPTION OF  
NEW PARTS 243 (CAIR NOx Ozone Season  
Trading Program), 244 (CAIR NOx  
Annual Trading Program) AND 245  
(CAIR SO2 Trading Program) OF TITLE  
6 OF THE OFFICIAL COMPILATION OF  
CODES, RULES AND REGULATIONS OF  
THE STATE OF NEW YORK, AND REVISIONS  
TO THE STATE IMPLEMENTATION PLAN (SIP).

Held on: May 17, 2007

Before: Mark D. Sanza  
Administrative Law Judge

New York State Department of Environmental Conservation  
Office of Hearings and Mediation Services  
625 Broadway, 1st Floor  
Albany, New York 12233-1550  
(518) 402-9003

ALEXY ASSOCIATES  
COURT REPORTING SERVICES, LLC  
(518) 798-6109

1                   ALJ SANZA: Good afternoon, ladies  
2                   and gentlemen. My name is Mark Sanza. I'm an  
3                   administrative law judge with the New York State  
4                   Department of Environmental Conservation in the  
5                   Office of Hearing and Mediation Services. I'm  
6                   the administrative law judge assigned to conduct  
7                   this legislative public hearing.

8                   The purpose of this hearing is to  
9                   provide the members of the public with an  
10                  opportunity to comment about a proposal by staff  
11                  of the Department's Division of Air Resources to  
12                  add parts 243, 244 and 245 and to amend Part 200  
13                  of Title 6 of the Official Compilation of Codes,  
14                  Rules and Regulations of the State of New York,  
15                  and to revise the State implementation plan, or  
16                  SIP, to incorporate these changes and to address  
17                  additional requirements outlined in Section  
18                  110A2D of the federal Clean Air Act.

19                  During this hearing, members of the  
20                  public will have the opportunity to comment  
21                  about the proposed amendments to the rules and  
22                  related revisions to the SIP. If anyone wants  
23                  to make a statement, please fill out a card  
24                  located on the table in the front of the room.  
25                  I will use the cards to call the speakers in the

1 order that I receive the cards.

2 Today's hearing is the third in a series  
3 of three public hearing sessions being held  
4 across the State. The first hearing was held in  
5 Avon on May 15, 2007, and the second session was  
6 held in Long Island City on May 16, 2007.

7 At this hearing I will also accept any  
8 written comments that people may have. In  
9 addition, written comments may be filed with the  
10 Department until 5 p.m. on May 24, 2007. Please  
11 consult the Public Hearing Notice for  
12 information on how to submit written comments.

13 Before I call the first speaker, please  
14 note the following. I have a copy of the Public  
15 Hearing Notice that appeared in the Department's  
16 environmental notice bulletin on April 11, 2007.  
17 I have affidavits of publication for legal  
18 advertising of that notice in the Albany Times  
19 Union, Buffalo News, Glens Falls Post Star, the  
20 New York Post, News Day, Rochester Democrat and  
21 Chronicle and the Syracuse Post Standard. The  
22 legal notice appeared in each of those  
23 newspapers on April 11, 2007 except for News  
24 Day, in which the notice appeared on April 28,  
25 2007. And I have a copy of the public notice

1 from the New York State Register dated April 11,  
2 2007.

3 Because we don't own this building, but  
4 someone else does, I am obligated to read to you  
5 evacuation procedures for this public meeting  
6 room in case of an emergency. If an alarm  
7 sounds, please gather your belongings and calmly  
8 exit the room through the nearest exit. There  
9 are three of them in this particular room.  
10 Visitors, once they leave the room, they're  
11 supposed to go out onto Columbia Street and  
12 assemble over there. All right? Any DEC  
13 employee should continue to their assigned  
14 evacuation zone that we typically use.

15 Okay, first we're going to hear from  
16 Department staff about the proposal, and in that  
17 regard I would ask that Michael Miliani of DEC  
18 staff come forward. Thank you.

19 MR. MILIANI: Good afternoon. My  
20 name is Mike Miliani. I'm an environmental  
21 engineer with the New York State Department of  
22 Environmental Conservation, Division of Air  
23 Resources.

24 The Department is proposing three New  
25 York State Clean Air Interstate Rules, CAIR,

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1 that will establish cap-and-trade programs  
2 designed to mitigate interstate transport of  
3 nitrogen oxides, NOx, and sulfur dioxide, SO2,  
4 to help reduce ozone and fine particulate  
5 formation in CAIR states located in the eastern  
6 US.

7 These rules consist of Part 243, CAIR  
8 NOx Ozone Season Trading Program; Part 244, CAIR  
9 NOx Annual Trading Program; and Part 245 CAIR  
10 SO2 Trading Program. As part of this  
11 rulemaking, Part 200 will be amended to update  
12 cross references in Section 200.9, reference  
13 material.

14 On April 25, 2005, the United States  
15 Environmental Protection Agency, EPA, issued a  
16 final administrative action in which it made  
17 findings that numerous states, including New  
18 York State, had failed to submit State  
19 Implementation Plan, SIP, provisions that EPA  
20 determined are required under the federal Clean  
21 Air Act, Section 110A2D, to address interstate  
22 pollutant transport with respect to the National  
23 Ambient Air Quality Standards, NAAQS, for ozone,  
24 and particulate matter with an aerodynamic  
25 diameter less than or equal to a nominal 2.5

1 micrometers, PM2.5. New York State was  
2 identified by EPA as a state that must address  
3 emissions of NOx and SO2 because it contributes  
4 to the non-attainment of both the ozone and  
5 PM2.5 NAAQS in downwind states. New York  
6 State's CAIR will assist eastern states in  
7 attaining ozone and PM2.5 NAAQS.

8 The Department will be accepting  
9 comments on this rulemaking through 5 p.m.,  
10 Thursday, May 24, 2007. The proposed rules are  
11 available for review at the Department's website  
12 located at [www.dec.ny.gov](http://www.dec.ny.gov). I may be contacted  
13 at 518-402-8396 or via e-mail to answer any  
14 questions regarding this rulemaking. Thank you.

15 ALJ SANZA: Thank you. The next  
16 speaker will be Robert Bielawa.

17 MR. BIELAWA: Thank you. Good  
18 afternoon. My name is Robert Bielawa. I'm an  
19 environmental engineer in the Air Quality  
20 Planning Bureau of the Division of Air Resources  
21 at the New York State Department of  
22 Environmental Conservation.

23 Following the promulgation of a new  
24 National Ambient Air Quality Standard, the  
25 United States Environmental Protection Agency is

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1 required to designate areas as being an  
2 attainment or non-attainment of the new  
3 standard. A new National Ambient Air Quality  
4 Standard for fine particulate matter has  
5 resulted in a new non-attainment area  
6 designation in New York State, and thereby  
7 necessitates the amendment of the definition of  
8 "non-attainment area" found in Part 200 of Title  
9 6 of the Official Compilation of Codes, Rules  
10 and Regulations of the State of New York  
11 entitled "General Provisions."

12 The current "non-attainment area"  
13 definition codified as subdivision av of Subpart  
14 200.1 only includes the one-hour ozone standard  
15 and the particulate matter standard known as  
16 PM10. Subdivision av needs to be amended to  
17 include the new fine particulate matter National  
18 Standard Ambient Air Quality Standard  
19 non-attainment area designation and geographic  
20 boundary as promulgated by the United States  
21 Environmental Protection Agency on January 5,  
22 2005. Additionally, the existing definition of  
23 "non-attainment area" with respect to PM10 needs  
24 to be amended to clarify that the annual  
25 National Ambient Air Quality Standard was



1           revoked by EPA effective December 17, 2006.  
2           Both proposed amendments serve to avoid  
3           regulatory implementation difficulties that will  
4           arise when Department regulations reference  
5           outdated and undefined non-attainment areas.  
6           The map of the fine particulate non-attainment  
7           area as designated by the United States  
8           Environmental Protection Agency and as proposed  
9           in Part 200 is available upon request. A copy  
10          of the proposed rule is also available for  
11          review on the Department's website at  
12          www.dec.ny.gov.

13                         The New York State Department of  
14          Environmental Conservation will be accepting  
15          written comments on the proposed revisions to  
16          Part 200 until 5 p.m. on May 24, 2007. I may be  
17          reached at 518-402-8396 to answer any questions  
18          concerning this proposal. Thank you.

19                                 ALJ SANZA: Thank you. The next  
20          speaker will Ed Pellegrini.

21   MR. PELLEGRINI: Hello. My name is  
22          Edward Pellegrini. I'm an environmental  
23          engineer for the New York State Department of  
24          Environmental Conservation, Division of Air  
25          Resources.

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1           One of the purposes of this legislative  
2           hearing is to obtain public comment on proposed  
3           revisions to Title 6, New York Codes, Rules and  
4           Regulations Part 200, General Provisions.

5           The Department proposes to amend 6 NYCRR  
6           Part 200 in order to update the tables  
7           referencing Federal National Emission Standards  
8           for Hazardous Air Pollutants regulations, 40CFR  
9           Part 63, and two Federal Emissions Guidelines  
10          for Existing Large Municipal Large Waste  
11          Combustors and Other Solid Waste Incinerators.  
12          This rulemaking will update Table 4 by citing  
13          the 2005 Code of Federal Regulations which will  
14          reflect updated and more recent regulations  
15          through which the Department has accepted  
16          delegation to implement and enforce. The  
17          rulemaking will also update Table 2 by adding  
18          federal register notices for the two Emissions  
19          Guidelines for which the Department has also  
20          accepted delegation to implement and enforce.

21          The Department will be accepting  
22          comments on this rulemaking through 5 p.m. on  
23          May 24, 2007. A copy of proposed rule is  
24          available for review. To obtain a copy, please  
25          take one of my business cards and e-mail me your

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1 request, or give me your e-mail request today.  
2 I may be reached 518-402-8396 to answer any  
3 questions regarding this rulemaking. Thank you.

4 ALJ SANZA: Thank you. So far I've  
5 received two written cards for people indicating  
6 they want to make a statement. Does anyone else  
7 want to make or fill out a card? Are there any  
8 elected officials here who wish to make any  
9 statement? Okay, then we'll call the cards in  
10 order. The first I have is Sandra Meier.

11 MS. MEIER: Thank you. Good  
12 afternoon. I'm Sandra Meier, director of the  
13 Environmental Energy Alliance of New York, and  
14 I'm here today on behalf of members of the  
15 Generation Committee. Participating members of  
16 the committee for these comments include AES NY,  
17 Dynegy NE Generating, KeySpan, Mirant, NRG  
18 Energy, PSEG Power, Rochester Gas and Electric  
19 and Selkirk Cogen.

20 We appreciate the opportunity to comment  
21 on the proposed New York State CAIR rules. My  
22 statement today will highlight several areas of  
23 particular concern to our members. Additional  
24 and more detailed comments will be submitted in  
25 a written statement to follow.

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1                   Review of the EPA-imposed state budgets  
2                   across the CAIR region suggest that New York  
3                   State NOx budgets are disproportionately low  
4                   when compared with those in many other states.  
5                   Our calculations using DEC data show that in  
6                   order to meet the allocated statewide budget,  
7                   the New York sources will be required to achieve  
8                   an annual NOx rate of 0.104 ib/mmBtu. This rate  
9                   is roughly one-third below the federal CAIR  
10                  emission target of 0.15 ib/mmBtu. In addition,  
11                  New York State is one of the two states that did  
12                  not receive a compliance supplement pool  
13                  allocation. In this proposed rule, DEC will now  
14                  further reduce allocations to New York's sources  
15                  by another ten percent through the proposed  
16                  Energy Efficiency and Renewable Energy  
17                  Technology, EERET, Account set aside. In light  
18                  of the proposed allocation to the EERET Account,  
19                  the proposed CAIR NOx trading programs appear to  
20                  be more stringent than the underlying and  
21                  corresponding EPA requirements. In effect, the  
22                  proposal will create two potential avenues for  
23                  affected entities to comply. 1, either decrease  
24                  emissions to below the levels otherwise required  
25                  by the applicable federal Clean Air Act CAIR

1 program requirements, and/or, 2, bear the added  
2 expense of purchasing allowances either through  
3 the cap and trade program or from the EERET set  
4 aside. In reviewing the proposed rulemaking the  
5 alliance did not find the statutorily-required  
6 analysis where DEC proposes to impose  
7 requirements more stringent than those included  
8 in the federal Clean Air Act. By proposing to  
9 assign ten percent of allowances to the EERET  
10 Account, DEC would implement emissions  
11 requirements that are more stringent than the  
12 requirements of the Clean Air Act. New York  
13 State sources were penalized from the onset by  
14 the smaller budget, and as such we request DEC  
15 not impose the additional EERET set aside.

16 An additional legal issue is associated  
17 with the provision in the CAIR NOx Trading  
18 Program that NYSDEC and its agent, NYSERDA, will  
19 sell or otherwise distribute emission allowances  
20 to raise revenue in support of public benefit  
21 projects. The amount of revenue generated by  
22 the sale of the allowances will apparently have  
23 no relationship to the actual costs of  
24 administering the CAIR NOx Trading Program. As  
25 a consequence, the set aside to the EERET

1 Account is a form of taxation. Under the New  
2 York State Constitution, however, only the  
3 legislature may create a tax, and the Alliance  
4 is unaware of any legislative delegation of  
5 taxing authority to either NYSDEC or NYSERDA to  
6 allocate allowances to the EERET Account. As a  
7 result, the regulation would be  
8 unconstitutional. The RIS states that the sale  
9 of allowances through an auction is a "way in  
10 which the Department may allocate allowances."  
11 To the extent that DEC maintains that it  
12 possesses legislative authority to raise that  
13 revenue through the sale of emissions  
14 allowances, the Alliance respectfully requests  
15 that DEC specify the statutory basis for such  
16 authority. If DEC and/or NYSERDA believe that  
17 the allocation of allowances to the EERET  
18 Account for the purposes enumerated in the  
19 proposed rulemaking materials does not  
20 constitute a tax, the legal basis for that  
21 position should also be articulated.

22 Alliance members believe the costs of  
23 implementing this proposed program has been  
24 underestimated. Cost estimates in the RIS are  
25 based solely on EPA projections that have been

1 shown to overestimate NY NOx emissions and  
2 operations. It is common knowledge that cost  
3 controls increase as emission rates are reduced.  
4 Because New York's affected sources will have to  
5 reduce already low emission rates to meet their  
6 allocation levels and the EPA analysis did not  
7 accurately estimate actual New York emission  
8 rates, the EPA cost analysis projections that  
9 DEC relied on for the RIS are low.

10 The final issue that I would like to  
11 raise today concerns financial issues associated  
12 with the future likelihood of auctioning  
13 allowances in the CAIR program as discussed in  
14 the RIS. Allocating allowances to set asides  
15 and the future consideration of auctions as an  
16 allocation method for CAIR diminishes incentives  
17 for the installation of emission controls.  
18 Emission control investment decisions compare  
19 the costs of purchasing allowances relative to  
20 the cost of installing and operating emission  
21 control systems. The costs of control systems  
22 can be partially offset by the sale of  
23 allowances that are rendered surplus by over  
24 controlling emissions. The proposed 10 percent  
25 EERET set aside reduces the number of surplus

1 allowances that could be generated that would be  
2 used to subsidize the cost of emission controls.  
3 That's all I have for now, and thank you.

4 ALJ SANZA: Thank you.

5 MS. MEIER: And you would like  
6 that?

7 MR. PELLEGRINI: I would, thank  
8 you. I'll make a copy for you. All right, I  
9 have one other card, and that's David Gahl.

10 MR. GAHL: Hi. Thank you. My name  
11 is David Gahl. I'm the air and energy program  
12 director at Environmental Advocates of New York.  
13 Environmental Advocates is a state government  
14 watchdog, holding lawmakers and agencies  
15 accountable for enforcing laws that protect our  
16 natural resources and public health.

17 Today I am speaking on behalf of  
18 Environmental Advocates, the American Lung  
19 Association of New York State, the Natural  
20 Resources Defense Council, the New York Public  
21 Interest Research Group and the Pace Law School  
22 Energy Project.

23 Our organizations have followed the  
24 development of this proposed regulation and have  
25 previously submitted comments on New York State



1 Department of Environmental Conservation, DEC,  
2 regulations for the NOx and SO2 Trading  
3 Programs, current 6NYCRR Parts 237 and 238. We  
4 follow the regulation of these pollutants  
5 because they have a significant adverse impact  
6 on the environment and public health. Our  
7 testimony today centers around only one issue --  
8 the allocation of allowances -- but we will also  
9 be submitting more detailed comments on the  
10 proposal next week.

11 We commend the DEC for including an  
12 auction component in its draft regulations  
13 related to the CAIR NOx Trading Programs and  
14 creating the Energy Efficiency and Renewable  
15 Energy Technology Account, EERET.

16 But the decision to continue to allocate  
17 the majority of these allowances to affected  
18 sources based on historical operation is a lost  
19 opportunity and not in keeping with a related  
20 agency policy.

21 Selling or distributing merely 10  
22 percent of the available NOx allowances, while  
23 giving away 90 percent of these allowances, is  
24 an error that will lead to many million dollars  
25 worth of assets handed over to emitters each

1 year. Moreover, DEC would be giving away not  
2 only a valuable commodity -- a pollution  
3 credit -- to a private entity, but the agency is  
4 literally giving away the right to pollute the  
5 air we breathe.

6 DEC has proposed breaking this mode of  
7 operation for the pollution causing global  
8 warming, by auctioning 100 percent of carbon  
9 credits under the Regional Greenhouse Gas  
10 Initiative. Why should the pollution making our  
11 air unhealthy to breathe be treated differently?  
12 It shouldn't. The same rationale that applies  
13 to auctioning carbon dioxide emissions  
14 allowances under the Regional Greenhouse Gas  
15 Initiative applies here.

16 In the RGGI rulemaking, DEC is making  
17 the right choice. All of the emission  
18 allowances should be sold and the proceeds  
19 should be used to benefit electric consumers.  
20 In New York's competitive wholesale electric  
21 market, power plants will add the market value  
22 of allowances to their bid prices whether they  
23 receive those allowances for free or whether  
24 they have to buy them. If they are going to  
25 charge consumers for allowances, why should the

1 sources get the allowances for free? The answer  
2 is very simple -- they shouldn't.

3 I could go into great detail and quote  
4 from a document that I'm attaching to my  
5 testimony related to the rationale for  
6 auctioning a hundred percent of the emissions  
7 allowances prepared by the New York DEC. I  
8 think I'm going to just attach that to my  
9 testimony today and not get into that document  
10 here, but the message is simple. The principle  
11 for these kinds of environmental programs -  
12 especially in the context of a competitive  
13 market - is that the polluter should pay for the  
14 right to pollute, and then should incorporate  
15 that legitimate expense in its product price.

16 We ask DEC to reconsider this portion of  
17 its draft regulation and require that starting  
18 in 2009 all of the NOx allowances be auctioned  
19 in a process that will run roughly in parallel  
20 with the auction of RGGI allowances. The  
21 mechanics related to the auction is currently  
22 being developed.

23 We ask that DEC provide a more complete  
24 explanation as to why only a ten percent auction  
25 is feasible under the federal timelines, but

1 higher auction amounts would prevent adoption.

2 Further, we realize that the federal  
3 statutory and regulatory basis for awarding and  
4 allocating SO2 allowances is more restricted  
5 than that for NOx, but we believe that the State  
6 of New York in fact has authority to also see  
7 the SO2 allowances, and we ask that NYSDEC more  
8 fully explore these options.

9 So thank you for the opportunity to  
10 testify here today.

11 ALJ SANZA: Thank you. I don't  
12 have any more cards, but I'm going to leave the  
13 record open for about another 15 minutes or so,  
14 in case somebody does drive along. You're free  
15 to do what you want to do, but again I'll  
16 probably close the record down in another 15  
17 minutes or so, all right? In the meantime, I'm  
18 going to make photocopies of these statements  
19 for you. All right? So we're off the record.

20 (Discussion was held off the record.)

21 ALJ SANZA: We're back on the  
22 record. Some folks have left the room. It is  
23 now 20 minutes to 3. No new persons have come  
24 in, but I will open the floor one more time to  
25 see if anyone else wants to make a statement.

1           Hearing nothing, the only thing I would do would  
2           be to remind everyone that the deadline for  
3           written comments on staff's proposal is May 24,  
4           2007 at 5 p.m.

5                       Thank you all for coming, and these  
6           proceedings are adjourned. Thank you.

7

8

ATTACHMENTS

9 Attachment 1       NY CO2 Budget Trading Program  
10                               Frequently asked Questions

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C E R T I F I C A T E

I, Kyle Alexy, a Shorthand Reporter and Notary Public in and for the State of New York, do hereby certify that the foregoing record taken by me is a true and accurate transcript of the same, to the best of my ability and belief.

---

Kyle Alexy

DATE: May 19, 2007

**Section 111(d)/129 State Plan for Implementation of Municipal Waste Combustor  
Emission Guidelines [Title 40 CFR Part 60, Subpart Cb as amended May 10, 2006]**

**Section C**

**Inventory of Large MWC Plants/Units and Their Emissions**

The inventory includes all seven MWC plants/units in the State that will be affected by the State Plan. Names of facilities have changed since the previous State Plan was submitted to reflect changes in ownership. No affected units exist which have ceased operations and are not partially or totally dismantled.

## **C-1 Emission Inventory**

The following are emission summaries for each of the seven large municipal waste combustor facilities in New York State. The emissions data is from stack tests performed in 2007.



FACILITY: Hempstead Unit #1

Unit Capacity: 835 tpd

Technology: MB/WW

Emission Control: SDA, FF, SNCR, CEM

| Contaminant       | Units       | Subpart<br>Cb Limits | Actual<br>Emission | Test Date | Comments  |
|-------------------|-------------|----------------------|--------------------|-----------|-----------|
| Carbon Monoxide   | ppm         | 100                  | 32.9               | 8/07      |           |
| Dioxins/Furans    | ng/dscm     | 30                   |                    | “         | Tested #2 |
| Particulates      | mg/dscm     | 25                   | 4.89               | “         |           |
| Opacity           | %           | 10                   | 1.42               | “         |           |
| Cadmium           | ug/dscm     | 35                   | 0.484              | “         |           |
| Lead              | ug/dscm     | 400                  | 11.0               | “         |           |
| Mercury           | ug/dscm     | 50                   | 11.1               | “         |           |
|                   | % reduction | 85                   | 83.8               | “         |           |
| Sulfur Dioxide    | ppmv        | 29                   | 6.44               | “         |           |
|                   | % reduction | 75                   |                    | “         |           |
| Hydrogen Chloride | ppmv        | 29                   | 15.3               | “         |           |
|                   | % reduction | 95                   | 97.8               | “         |           |
| Nitrogen Oxides   | ppmv        | 205                  | 174                | “         |           |

**KEY:**

Technology

MB = Mass Burn

WW = Water Wall

Emission Control

SDA = Spray Dry Absorber

FF = Fabric Filter

SNCR = Selective Non-Catalytic Reduction

CEM = Continuous Emission Monitoring

**NOTE:**

All concentration levels in the table are converted to 7% oxygen on a dry basis

FACILITY: Hempstead Unit #2

Unit Capacity: 835 tpd

Technology: MB/WW

Emission Control: SDA, FF, SNCR, CEM

| Contaminant       | Units       | Subpart<br>Cb Limits | Actual<br>Emission | Test Date | Comments |
|-------------------|-------------|----------------------|--------------------|-----------|----------|
| Carbon Monoxide   | ppm         | 100                  | 49.0               | 8/07      |          |
| Dioxins/Furans    | ng/dscm     | 30                   | 2.94               | “         |          |
| Particulates      | mg/dscm     | 25                   | 1.37               | “         |          |
| Opacity           | %           | 10                   | 2.85               | “         |          |
| Cadmium           | ug/dscm     | 35                   | 0.253              | “         |          |
| Lead              | ug/dscm     | 400                  | 6.11               | “         |          |
| Mercury           | ug/dscm     | 50                   | 12.7               | “         |          |
|                   | % reduction | 85                   | 85.0               | “         |          |
| Sulfur Dioxide    | ppmv        | 29                   | 13.1               | “         |          |
|                   | % reduction | 75                   |                    | “         |          |
| Hydrogen Chloride | ppmv        | 29                   | 25.2               | “         |          |
|                   | % reduction | 95                   | 96.3               | “         |          |
| Nitrogen Oxides   | ppmv        | 205                  | 96.8               | “         |          |

**KEY:**

Technology

MB = Mass Burn

WW = Water Wall

Emission Control

SDA = Spray Dry Absorber

FF = Fabric Filter

SNCR = Selective Non-Catalytic Reduction

CEM = Continuous Emission Monitoring

**NOTE:**

All concentration levels in the table are converted to 7% oxygen on a dry basis

FACILITY: Hempstead Unit #3

Unit Capacity: 835 tpd

Technology: MB/WW

Emission Control: SDA, FF, SNCR, CEM

| Contaminant       | Units       | Subpart<br>Cb Limits | Actual<br>Emission | Test Date | Comments  |
|-------------------|-------------|----------------------|--------------------|-----------|-----------|
| Carbon Monoxide   | ppm         | 100                  | 30.8               | 8/07      |           |
| Dioxins/Furans    | ng/dscm     | 30                   |                    | “         | Tested #2 |
| Particulates      | mg/dscm     | 25                   | 1.97               | “         |           |
| Opacity           | %           | 10                   | 1.66               | “         |           |
| Cadmium           | ug/dscm     | 35                   | 0.416              | “         |           |
| Lead              | ug/dscm     | 400                  | 9.07               | “         |           |
| Mercury           | ug/dscm     | 50                   | 5.81               | “         |           |
|                   | % reduction | 85                   | 94.4               | “         |           |
| Sulfur Dioxide    | ppmv        | 29                   | 20.4               | “         |           |
|                   | % reduction | 75                   |                    | “         |           |
| Hydrogen Chloride | ppmv        | 29                   | 18.4               | “         |           |
|                   | % reduction | 95                   | 97.5               | “         |           |
| Nitrogen Oxides   | ppmv        | 205                  | 176                | “         |           |

**KEY:**

Technology

MB = Mass Burn

WW = Water Wall

Emission Control

SDA = Spray Dry Absorber

FF = Fabric Filter

SNCR = Selective Non-Catalytic Reduction

CEM = Continuous Emission Monitoring

**NOTE:**

All concentration levels in the table are converted to 7% oxygen on a dry basis

FACILITY: Babylon Unit #1

Unit Capacity: 375 tpd

Technology: MB/WW

Emission Control: DSCRUB, FF, CEM,  
CI, SNCR

| Contaminant       | Units       | Subpart<br>Cb Limits | Actual<br>Emission | Test Date | Comments  |
|-------------------|-------------|----------------------|--------------------|-----------|-----------|
| Carbon Monoxide   | ppm         | 100                  | 19                 | 8/07      |           |
| Dioxins/Furans    | ng/dscm     | 30                   |                    | “         | Tested #2 |
| Particulates      | mg/dscm     | 25                   | 0.575              | “         |           |
| Opacity           | %           | 10                   | 0.0                | “         |           |
| Cadmium           | ug/dscm     | 35                   | 0.696              | “         |           |
| Lead              | ug/dscm     | 400                  | 21.5               | “         |           |
| Mercury           | ug/dscm     | 50                   | 11.4               | “         |           |
|                   | % reduction | 85                   | 91.5               | “         |           |
| Sulfur Dioxide    | ppmv        | 29                   | 11                 | “         |           |
|                   | % reduction | 75                   | 92.9               | “         |           |
| Hydrogen Chloride | ppmv        | 29                   | 10.8               | “         |           |
|                   | % reduction | 95                   | 98.6               | “         |           |
| Nitrogen Oxides   | ppmv        | 205                  | 127                | “         |           |

**KEY:**

Technology

MB = Mass Burn

WW = Water Wall

Emission Control

DSCRUB = Dry Scrubber

FF = Fabric Filter

CEM = Continuous Emission Monitoring

CI = Activated Carbon Injection

SNCR = Selective Non-Catalytic Reduction

**NOTE:**

All concentration levels in the table are converted to 7% oxygen on a dry basis

FACILITY: Babylon Unit #2

Unit Capacity: 375 tpd

Technology: MB/WW

Emission Control: DSCRUB, FF, CEM,  
CI, SNCR

| Contaminant       | Units       | Subpart<br>Cb Limits | Actual<br>Emission | Test Date | Comments |
|-------------------|-------------|----------------------|--------------------|-----------|----------|
| Carbon Monoxide   | ppm         | 100                  | 20                 | 8/07      |          |
| Dioxins/Furans    | ng/dscm     | 30                   | 1.22               | “         |          |
| Particulates      | mg/dscm     | 25                   | 0.506              | “         |          |
| Opacity           | %           | 10                   | 0.0                | “         |          |
| Cadmium           | ug/dscm     | 35                   | 0.302              | “         |          |
| Lead              | ug/dscm     | 400                  | 8.13               | “         |          |
| Mercury           | ug/dscm     | 50                   | 5.23               | “         |          |
|                   | % reduction | 85                   | 96.4               | “         |          |
| Sulfur Dioxide    | ppmv        | 29                   | 9                  | “         |          |
|                   | % reduction | 75                   | 89.6               | “         |          |
| Hydrogen Chloride | ppmv        | 29                   | 13.1               | “         |          |
|                   | % reduction | 95                   | 98.8               | “         |          |
| Nitrogen Oxides   | ppmv        | 205                  | 125                | “         |          |

**KEY:**

Technology

MB = Mass Burn

WW = Water Wall

Emission Control

DSCRUB = Dry Scrubber

FF = Fabric Filter

CEM = Continuous Emission Monitor

CI = Activated Carbon Injection

SNCR = Selective Non-Catalytic Reduction

**NOTE:**

All concentration levels in the table are converted to 7% oxygen on a dry basis

FACILITY: Huntington Unit #1

Unit Capacity: 250 tpd

Technology: MB/WW

Emission Control: SDA, FF, SNCR, CI,  
CEM

| Contaminant       | Units       | Subpart<br>Cb Limits | Actual<br>Emission | Test Date | Comments  |
|-------------------|-------------|----------------------|--------------------|-----------|-----------|
| Carbon Monoxide   | ppm         | 100                  | 29                 | 8/07      |           |
| Dioxins/Furans    | ng/dscm     | 30                   |                    | “         | Tested #3 |
| Particulates      | mg/dscm     | 25                   | 0.243              | “         |           |
| Opacity           | %           | 10                   | 0                  | “         |           |
| Cadmium           | ug/dscm     | 35                   | 1.26               | “         |           |
| Lead              | ug/dscm     | 400                  | 13.6               | “         |           |
| Mercury           | ug/dscm     | 50                   | 3.53               | “         |           |
|                   | % reduction | 85                   |                    | “         |           |
| Sulfur Dioxide    | ppmv        | 29                   | 2                  | “         |           |
|                   | % reduction | 75                   |                    | “         |           |
| Hydrogen Chloride | ppmv        | 29                   | 4.50               | “         |           |
|                   | % reduction | 95                   | 99.2               | “         |           |
| Nitrogen Oxides   | ppmv        | 205                  | 147                | “         |           |

**KEY:**

Technology

MB = Mass Burn

WW = Water Wall

Emission Control

SDA = Spray Dry Absorber

FF = Fabric Filter

SNCR = Selective Non-Catalytic Reduction

CI = Carbon Injection

CEM = Continuous Emission Monitoring

**NOTE:**

All concentration levels in the table are converted to 7% oxygen on a dry basis

FACILITY: Huntington Unit #2

Unit Capacity: 250 tpd

Technology: MB/WW

Emission Control: SDA, FF, SNCR, CI,  
CEM

| Contaminant       | Units       | Subpart<br>Cb Limits | Actual<br>Emission | Test Date | Comments  |
|-------------------|-------------|----------------------|--------------------|-----------|-----------|
| Carbon Monoxide   | ppm         | 100                  | 24                 | 8/07      |           |
| Dioxins/Furans    | ng/dscm     | 30                   |                    | “         | Tested #3 |
| Particulates      | mg/dscm     | 25                   | 0.149              | “         |           |
| Opacity           | %           | 10                   | 0                  | “         |           |
| Cadmium           | ug/dscm     | 35                   | 0.408              | “         |           |
| Lead              | ug/dscm     | 400                  | 7.65               | “         |           |
| Mercury           | ug/dscm     | 50                   | 1.43               | “         |           |
|                   | % reduction | 85                   |                    | “         |           |
| Sulfur Dioxide    | ppmv        | 29                   | 1                  | “         |           |
|                   | % reduction | 75                   |                    | “         |           |
| Hydrogen Chloride | ppmv        | 29                   | 2.97               | “         |           |
|                   | % reduction | 95                   | 99.6               | “         |           |
| Nitrogen Oxides   | ppmv        | 205                  | 149                | “         |           |

**KEY:**

Technology

MB = Mass Burn

WW = Water Wall

Emission Control

SDA = Spray Dry Absorber

FF = Fabric Filter

SNCR = Selective Non-Catalytic Reduction

CI = Carbon Injection

CEM = Continuous Emission Monitoring

**NOTE:**

All concentration levels in the table are converted to 7% oxygen on a dry basis

FACILITY: Huntington Unit #3

Unit Capacity: 250 tpd

Technology: MB/WW

Emission Control: SDA, FF, SNCR, CI,  
CEM

| Contaminant       | Units       | Subpart<br>Cb Limits | Actual<br>Emission | Test Date | Comments |
|-------------------|-------------|----------------------|--------------------|-----------|----------|
| Carbon Monoxide   | ppm         | 100                  | 33                 | 8/07      |          |
| Dioxins/Furans    | ng/dscm     | 30                   | 1.57               | “         |          |
| Particulates      | mg/dscm     | 25                   | 1.17               | “         |          |
| Opacity           | %           | 10                   | 0                  | “         |          |
| Cadmium           | ug/dscm     | 35                   | 1.85               | “         |          |
| Lead              | ug/dscm     | 400                  | 25.4               | “         |          |
| Mercury           | ug/dscm     | 50                   | 2.03               | “         |          |
|                   | % reduction | 85                   |                    | “         |          |
| Sulfur Dioxide    | ppmv        | 29                   | 1                  | “         |          |
|                   | % reduction | 75                   |                    | “         |          |
| Hydrogen Chloride | ppmv        | 29                   | 2.22               | “         |          |
|                   | % reduction | 95                   |                    | “         |          |
| Nitrogen Oxides   | ppmv        | 205                  | 148                | “         |          |

KEY:

Technology

MB = Mass Burn

WW = Water Wall

Emission Control

SDA = Spray Dry Absorber

FF = Fabric Filter

SNCR = Selective Non-Catalytic Reduction

CI = Carbon Injection

CEM = Continuous Emission Monitoring

NOTE:

All concentration levels in the table are converted to 7% oxygen on a dry basis



FACILITY: Westchester Unit #1

Unit Capacity: 750 tpd

Technology: MB/WW

Emission Control: FF, SDA, CI, SNCR,  
CEM

| Contaminant       | Units       | Subpart<br>Cb Limits | Actual<br>Emission | Test Date | Comments  |
|-------------------|-------------|----------------------|--------------------|-----------|-----------|
| Carbon Monoxide   | ppm         | 100                  | 10.6               | 10/07     |           |
| Dioxins/Furans    | ng/dscm     | 30                   |                    | “         | Tested #2 |
| Particulates      | mg/dscm     | 25                   | 2.7                | “         |           |
| Opacity           | %           | 10                   | 0                  | “         |           |
| Cadmium           | ug/dscm     | 35                   | 0.7                | “         |           |
| Lead              | ug/dscm     | 400                  | 19.5               | “         |           |
| Mercury           | ug/dscm     | 50                   | 14.7               | “         |           |
|                   | % reduction | 85                   | 84.6               | “         |           |
| Sulfur Dioxide    | ppmv        | 29                   | 15.9               | “         |           |
|                   | % reduction | 75                   |                    | “         |           |
| Hydrogen Chloride | ppmv        | 29                   | 15.7               | “         |           |
|                   | % reduction | 95                   | 97.0               | “         |           |
| Nitrogen Oxides   | ppmv        | 205                  | 163.5              | “         |           |

KEY:

Technology

MB = Mass Burn

WW = Water Wall

Emission Control

FF = Fabric Filter

SDA = Spray Dry Absorber

CI = Carbon Injection

SNCR = Selective Non-Catalytic Reduction

CEM = Continuous Emission Monitoring

NOTE:

All concentration levels in the table are converted to 7% oxygen on a dry basis

FACILITY: Westchester Unit #2

Unit Capacity: 750 tpd

Technology: MB/WW

Emission Control: FF, SDA, CI, SNCR,  
CEM

| Contaminant       | Units       | Subpart<br>Cb Limits | Actual<br>Emission | Test Date | Comments |
|-------------------|-------------|----------------------|--------------------|-----------|----------|
| Carbon Monoxide   | ppm         | 100                  | 10.2               | 10/07     |          |
| Dioxins/Furans    | ng/dscm     | 30                   | 0.5                | “         |          |
| Particulates      | mg/dscm     | 25                   | 1.6                | “         |          |
| Opacity           | %           | 10                   | 0                  | “         |          |
| Cadmium           | ug/dscm     | 35                   | 0.7                | “         |          |
| Lead              | ug/dscm     | 400                  | 25.4               | “         |          |
| Mercury           | ug/dscm     | 50                   | 4.2                | “         |          |
|                   | % reduction | 85                   | 93.4               | “         |          |
| Sulfur Dioxide    | ppmv        | 29                   | 14.4               | “         |          |
|                   | % reduction | 75                   |                    | “         |          |
| Hydrogen Chloride | ppmv        | 29                   | 6.3                | “         |          |
|                   | % reduction | 95                   | 98.8               | “         |          |
| Nitrogen Oxides   | ppmv        | 205                  | 168.7              | “         |          |

KEY:

Technology

MB = Mass Burn

WW = Water Wall

Emission Control

FF = Fabric Filter

SDA = Spray Dry Absorber

CI = Carbon Injection

SNCR = Selective Non-Catalytic Reduction

CEM = Continuous Emission Monitoring

NOTE:

All concentration levels in the table are converted to 7% oxygen on a dry basis

FACILITY: Westchester Unit #3

Unit Capacity: 750 tpd

Technology: MB/WW

Emission Control: FF, SDA, CI, SNCR,  
CEM

| Contaminant       | Units       | Subpart<br>Cb Limits | Actual<br>Emission | Test Date | Comments  |
|-------------------|-------------|----------------------|--------------------|-----------|-----------|
| Carbon Monoxide   | ppm         | 100                  | 17.9               | 10/07     |           |
| Dioxins/Furans    | ng/dscm     | 30                   |                    | “         | Tested #2 |
| Particulates      | mg/dscm     | 25                   | 3.4                | “         |           |
| Opacity           | %           | 10                   | 0                  | “         |           |
| Cadmium           | ug/dscm     | 35                   | 0.3                | “         |           |
| Lead              | ug/dscm     | 400                  | 8.8                | “         |           |
| Mercury           | ug/dscm     | 50                   | 6.1                | “         |           |
|                   | % reduction | 85                   | 93.3               | “         |           |
| Sulfur Dioxide    | ppmv        | 29                   | 26.27              | “         |           |
|                   | % reduction | 75                   |                    | “         |           |
| Hydrogen Chloride | ppmv        | 29                   | 7.7                | “         |           |
|                   | % reduction | 95                   | 98.6               | “         |           |
| Nitrogen Oxides   | ppmv        | 205                  | 148.9              | “         |           |

KEY:

Technology

MB = Mass Burn

WW = Water Wall

Emission Control

FF = Fabric Filter

SDA = Spray Dry Absorber

CI = Carbon Injection

SNCR = Selective Non-Catalytic Reduction

CEM = Continuous Emission Monitoring

NOTE:

All concentration levels in the table are converted to 7% oxygen on a dry basis

FACILITY: Hudson Falls Unit #1

Unit Capacity: 274 tpd

Technology: MB/WW

Emission Control: DSCRUB, ESP, CI, CEM

| Contaminant       | Units       | Subpart<br>Cb Limits | Actual<br>Emission | Test Date | Comments  |
|-------------------|-------------|----------------------|--------------------|-----------|-----------|
| Carbon Monoxide   | ppm         | 100                  | 13.9               | 7/07      |           |
| Dioxins/Furans    | ng/dscm     | 35                   |                    | “         | Tested #2 |
| Particulates      | mg/dscm     | 25                   | 4.3                | “         |           |
| Opacity           | %           | 10                   | 0                  | “         |           |
| Cadmium           | ug/dscm     | 35                   | 5.0                | “         |           |
| Lead              | ug/dscm     | 400                  | 76.5               | “         |           |
| Mercury           | ug/dscm     | 50                   | 13.2               | “         |           |
|                   | % reduction | 85                   | 87.3               | “         |           |
| Sulfur Dioxide    | ppmv        | 29                   | 5.4                | “         |           |
|                   | % reduction | 75                   |                    | “         |           |
| Hydrogen Chloride | ppmv        | 29                   | 14.7               | “         |           |
|                   | % reduction | 95                   | 97.8               | “         |           |
| Nitrogen Oxides   | ppmv        | 205                  | 166                | “         |           |

**KEY:**

Technology

MB = Mass Burn

WW = Water Wall

Emission Control

DSCRUB = Dry Scrubber

ESP = Electrostatic Precipitator

CI = Carbon Injection

CEM = Continuous Emission Monitoring

**NOTE:**

All concentration levels in the table are converted to 7% oxygen on a dry basis

FACILITY: Hudson Falls Unit #2

Unit Capacity: 274 tpd

Technology: MB/WW

Emission Control: DSCRUB, ESP, CI, CEM

| Contaminant       | Units       | Subpart<br>Cb Limits | Actual<br>Emission | Test Date | Comments |
|-------------------|-------------|----------------------|--------------------|-----------|----------|
| Carbon Monoxide   | ppm         | 100                  | 12.8               | 7/07      |          |
| Dioxins/Furans    | ng/dscm     | 35                   | 2.93               | “         |          |
| Particulates      | mg/dscm     | 25                   | 9.6                | “         |          |
| Opacity           | %           | 10                   | 0                  | “         |          |
| Cadmium           | ug/dscm     | 35                   | 8.9                | “         |          |
| Lead              | ug/dscm     | 400                  | 114.9              | “         |          |
| Mercury           | ug/dscm     | 50                   | 12.6               | “         |          |
|                   | % reduction | 85                   | 89.0               | “         |          |
| Sulfur Dioxide    | ppmv        | 29                   | 1.3                | “         |          |
|                   | % reduction | 75                   |                    | “         |          |
| Hydrogen Chloride | ppmv        | 29                   | 13.8               | “         |          |
|                   | % reduction | 95                   | 97.7               | “         |          |
| Nitrogen Oxides   | ppmv        | 205                  | 182.1              | “         |          |

**KEY:**

Technology

MB = Mass Burn

WW = Water Wall

Emission Control

DSCRUB = Dry Scrubber

ESP = Electrostatic Precipitator

CI = Carbon Injection

CEM = Continuous Emission Monitoring

**NOTE:**

All concentration levels in the table are converted to 7% oxygen on a dry basis

FACILITY: Onondaga Unit #1

Unit Capacity: 330 tpd

Technology: MB/WW

Emission Control: SDA, FF, SNCR, CI,  
CEM

| Contaminant       | Units       | Subpart<br>Cb Limits | Actual<br>Emission | Test Date | Comments |
|-------------------|-------------|----------------------|--------------------|-----------|----------|
| Carbon Monoxide   | ppm         | 100                  | 3.1                | 5/07      |          |
| Dioxins/Furans    | ng/dscm     | 30                   | 2.29               | “         |          |
| Particulates      | mg/dscm     | 25                   | 4.41               | “         |          |
| Opacity           | %           | 10                   | 1.1                | “         |          |
| Cadmium           | ug/dscm     | 35                   | 0.290              | “         |          |
| Lead              | ug/dscm     | 400                  | 2.99               | “         |          |
| Mercury           | ug/dscm     | 50                   | 1.62               | “         |          |
|                   | % reduction | 85                   | 99.0               | “         |          |
| Sulfur Dioxide    | ppmv        | 29                   | 0                  | “         |          |
|                   | % reduction | 75                   |                    | “         |          |
| Hydrogen Chloride | ppmv        | 29                   | 2.94               | “         |          |
|                   | % reduction | 95                   | 99.6               | “         |          |
| Nitrogen Oxides   | ppmv        | 205                  | 171                | “         |          |

KEY:

Technology

MB = Mass Burn

WW = Water Wall

Emission Control

SDA = Spray Dry Absorber

FF = Fabric Filter

SNCR = Selective Non-Catalytic Reduction

CI = Carbon Injection

CEM = Continuous Emission Monitoring

NOTE:

All concentration levels in the table are converted to 7% oxygen on a dry basis

FACILITY: Onondaga Unit #2

Unit Capacity: 330 tpd

Technology: MB/WW

Emission Control: SDA, FF, SNCR, CI,  
CEM

| Contaminant       | Units       | Subpart<br>Cb Limits | Actual<br>Emission | Test Date | Comments |
|-------------------|-------------|----------------------|--------------------|-----------|----------|
| Carbon Monoxide   | ppm         | 100                  | 9.0                | 5/07      |          |
| Dioxins/Furans    | ng/dscm     | 30                   | 0.839              | “         |          |
| Particulates      | mg/dscm     | 25                   | 4.70               | “         |          |
| Opacity           | %           | 10                   | 0                  | “         |          |
| Cadmium           | ug/dscm     | 35                   | 1.37               | “         |          |
| Lead              | ug/dscm     | 400                  | 14.6               | “         |          |
| Mercury           | ug/dscm     | 50                   | 0.497              | “         |          |
|                   | % reduction | 85                   | 99.1               | “         |          |
| Sulfur Dioxide    | ppmv        | 29                   | 0.42               | “         |          |
|                   | % reduction | 75                   |                    | “         |          |
| Hydrogen Chloride | ppmv        | 29                   | 2.34               | “         |          |
|                   | % reduction | 95                   | 99.6               | “         |          |
| Nitrogen Oxides   | ppmv        | 205                  | 165                | “         |          |

**KEY:**

Technology

MB = Mass Burn

WW = Water Wall

Emission Control

SDA = Spray Dry Absorber

FF = Fabric Filter

SNCR = Selective Non-Catalytic Reduction

CI = Carbon Injection

CEM = Continuous Emission Monitoring

**NOTE:**

All concentration levels in the table are converted to 7% oxygen on a dry basis

FACILITY: Onondaga Unit #3

Unit Capacity: 330 tpd

Technology: MB/WW

Emission Control: SDA, FF, SNCR, CI,  
CEM

| Contaminant       | Units       | Subpart<br>Cb Limits | Actual<br>Emission | Test Date | Comments |
|-------------------|-------------|----------------------|--------------------|-----------|----------|
| Carbon Monoxide   | ppm         | 100                  | 9.6                | 5/07      |          |
| Dioxins/Furans    | ng/dscm     | 30                   | 6.01               | “         |          |
| Particulates      | mg/dscm     | 25                   | 2.80               | “         |          |
| Opacity           | %           | 10                   | 0.1                | “         |          |
| Cadmium           | ug/dscm     | 35                   | 4.46               | “         |          |
| Lead              | ug/dscm     | 400                  | 54.1               | “         |          |
| Mercury           | ug/dscm     | 50                   | 2.23               | “         |          |
|                   | % reduction | 85                   | 98.1               | “         |          |
| Sulfur Dioxide    | ppmv        | 29                   | 1.73               | “         |          |
|                   | % reduction | 75                   |                    | “         |          |
| Hydrogen Chloride | ppmv        | 29                   | 6.05               | “         |          |
|                   | % reduction | 95                   | 99.0               | “         |          |
| Nitrogen Oxides   | ppmv        | 205                  | 168                | “         |          |

**KEY:**

Technology

MB = Mass Burn

WW = Water Wall

Emission Control

SDA = Spray Dry Absorber

FF = Fabric Filter

SNCR = Selective Non-Catalytic Reduction

CI = Carbon Injection

CEM = Continuous Emission Monitoring

**NOTE:**

All concentration levels in the table are converted to 7% oxygen on a dry basis



FACILITY: Niagara Unit #1

Unit Capacity: 1125 tpd

Technology: MB/WW

Emission Control: SDA, FF, CI, SNCR,  
CEM

| Contaminant       | Units       | Subpart<br>Cb Limits | Actual<br>Emission | Test Date | Comments |
|-------------------|-------------|----------------------|--------------------|-----------|----------|
| Carbon Monoxide   | ppm         | 100                  | 12.2               | 5/07      |          |
| Dioxins/Furans    | ng/dscm     | 35                   | 7.6                | “         |          |
| Particulates      | mg/dscm     | 25                   | 1.02               | “         |          |
| Opacity           | %           | 10                   |                    | “         |          |
| Cadmium           | ug/dscm     | 35                   | 0.2                | “         |          |
| Lead              | ug/dscm     | 400                  | 1.67               | “         |          |
| Mercury           | ug/dscm     | 50                   | 5.8                | “         |          |
|                   | % reduction | 85                   | 94.1               | “         |          |
| Sulfur Dioxide    | ppmv        | 29                   | 3.9                | “         |          |
|                   | % reduction | 75                   |                    | “         |          |
| Hydrogen Chloride | ppmv        | 29                   |                    | “         |          |
|                   | % reduction | 95                   | 95.7               | “         |          |
| Nitrogen Oxides   | ppmv        | 205                  | 121                | “         |          |

**KEY:**

Technology

MB = Mass Burn

WW = Water Wall

Emission Control

SDA = Spray Dry Absorber

FF = Fabric Filter

CI = Carbon Injection

SNCR = Selective Non-Catalytic Reduction

CEM = Continuous Emission Monitoring

**NOTE:**

All concentration levels in the table are converted to 7% oxygen on a dry basis

FACILITY: Niagara Unit #2

Unit Capacity: 1125 tpd

Technology: MB/WW

Emission Control: SDA, FF, CI, SNCR,  
CEM

| Contaminant       | Units       | Subpart<br>Cb Limits | Actual<br>Emission | Test Date | Comments  |
|-------------------|-------------|----------------------|--------------------|-----------|-----------|
| Carbon Monoxide   | ppm         | 100                  | 19.9               | 5/07      |           |
| Dioxins/Furans    | ng/dscm     | 35                   |                    | “         | Tested #1 |
| Particulates      | mg/dscm     | 25                   | 1.3                | “         |           |
| Opacity           | %           | 10                   |                    | “         |           |
| Cadmium           | ug/dscm     | 35                   | 0.67               | “         |           |
| Lead              | ug/dscm     | 400                  | 0.8                | “         |           |
| Mercury           | ug/dscm     | 50                   | 4.7                | “         |           |
|                   | % reduction | 85                   | 95.4               | “         |           |
| Sulfur Dioxide    | ppmv        | 29                   | 6.0                | “         |           |
|                   | % reduction | 75                   |                    | “         |           |
| Hydrogen Chloride | ppmv        | 29                   | 15.6               | “         |           |
|                   | % reduction | 95                   | 98                 | “         |           |
| Nitrogen Oxides   | ppmv        | 205                  | 117                | “         |           |

**KEY:**

Technology

MB = Mass Burn

WW = Water Wall

Emission Control

SDA = Spray Dry Absorber

FF = Fabric Filter

CI = Carbon Injection

SNCR = Selective Non-Catalytic Reduction

CEM = Continuous Emission Monitor

**NOTE:**

All concentration levels in the table are converted to 7% oxygen on a dry basis

**Section 111(d)/129 State Plan for Implementation of Municipal Waste Combustor  
Emission Guidelines [Title 40 CFR Part 60, Subpart Cb as amended May 10, 2006]**

**Section D**

**Compliance Schedules**

The requirements for the May 10, 2006 amendments were effective upon permit modification and compliance schedules were not included in the seven large municipal waste combustor facility permits listed below. The permits for each of the facilities can be viewed at the following link [http://www.dec.ny.gov/dardata/boss/afs/issued\\_atv.html](http://www.dec.ny.gov/dardata/boss/afs/issued_atv.html).

| Facility Name                          | DEC ID#      |
|--|--------------|
| Hempstead Resource Recovery Facility   | 1-2820-01727 |
| Babylon Resource Recovery Facility     | 1-4720-00777 |
| Huntington Resource Recovery Facility  | 1-4726-00790 |
| Wheelabrator Westchester               | 3-5512-00031 |
| Wheelabrator Hudson Falls              | 5-5344-00001 |
| Onondaga Co Resource Recovery Facility | 7-3142-00028 |
| Covanta Niagara                        | 9-2911-00113 |

**Section 111(d)/129 State Plan for Implementation of Municipal Waste Combustor  
Emission Guidelines [Title 40 CFR Part 60, Subpart Cb as amended May 10, 2006]**

**Section E**

**Annual Progress Reports to EPA**

Annual reports on progress in the implementation of the Guidelines will be submitted to EPA. These will be incorporated into the reports required by 40 CFR Section 51.321. These reports will include compliance status, enforcement actions, increments of progress, identification of sources that have ceased operation or started operation, emissions inventory information for sources that have started operation, updated emission inventory and compliance information, and copies of technical reports on all performance testing and monitoring, including concurrent process data.