



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2

290 BROADWAY

NEW YORK, NY 10007-1866

September 30, 2021

thomas.john@dec.ny.gov

Mr. Thomas John
Section Chief, Division of Air Resources
New York State Department of Environmental Conservation
Region 2
47-40 21st Street
Long Island City, NY 11101

Re: Title V Renewal and Modification for Parkchester South Condominium Permit ID # 2-6005-000139/00002, Bronx County, New York

Dear Mr. John:

Thank you for the opportunity to comment on the draft renewal title V operating permit for the Parkchester South Condominium ("Parkchester" or "facility") that the New York State Department of Environmental Conservation Region 2 office (NYSDEC) issued for a 30-day public review on August 30, 2021. This draft permit authorizes the installation and operation of a new 115 KW (155 HP) (Kohler Model 100 REZDG) emergency spark-ignition engine, model year 2016, that will operate on natural gas at the facility.

We have reviewed the draft permit, permit review report (PRR)¹ and application and have identified below our concerns regarding the draft permit. If the Parkchester draft permit is finalized without further revision, it is our position that it does not comply with the applicable Clean Air Act (CAA) requirements, NYSDEC's title V regulations, and federal standards. To ensure that the draft permit complies with the aforementioned requirements, and the permit record adequately supports the NYSDEC's permit decision, EPA recommends that the NYSDEC address these issues.

As specified at CAA §§ 504(a) and (c), 40 CFR § 70.6(a)(1) and (3), and 6 NYCRR 201-6.4, each title V permit must include all emission limits and standards, as well as operational requirements and limitations that assure compliance with all applicable requirements at the time of permit issuance. The permit must also include all necessary testing, monitoring, recordkeeping, and reporting requirements to demonstrate compliance with the emission limitations. As discussed below, the Parkchester draft permit must be revised to include all applicable requirements from NSPS Db and NSPS 4J in order to comply with the provisions of CAA §§ 504(a) and (c), 40 CFR § 70.6(a)(1) and (3), and 6 NYCRR 201-6.4.

1. 40 CFR 60 Subpart Db "Standards of Performance of Industrial-Commercial-Institutional Steam Generating Units" Applicability (NSPS Db)

¹ 40 CFR § 70.7(a)(5) requires permitting authorities to prepare a "statement of basis" for each Title V permit. The document that NYSDEC prepared and issued entitled "permit review report" is the functional equivalent of a statement of basis.

The facility has four (4) identical boilers, each rated at 133 MMBTU, and are permitted to operate on natural gas as the primary fuel and #2 fuel oil as the backup fuel. These boilers supply steam for space heating of the facility buildings/apartments and are also used to provide hot water for the facility. As indicated in the draft permit, in 2019, the facility increased the heat input capacity of each of the 4 boilers from 99 to 133 MMBTU/hr, and the fuel oil was switched from #6 fuel oil to #2 fuel oil (ultra low distillate fuel oil with 15 ppm sulfur content). These modifications to the 4 boilers were approved by the NYSDEC through a title V permit modification issued on September 3, 2019. Based on their heat input capacity, each of the 4 boilers at Parkchester could potentially be subject to NSPS Db. However, there is no discussion regarding the applicability or non-applicability of the NSPS Db requirements to the 4 boilers in the PRR or application, and there are no NSPS Db requirements in the draft permit.

Under 40 CFR § 60.14, a modification is “any physical or operational change to an existing facility which results in an increase in the emission rate to the atmosphere of any pollutant to which a standard applies shall be considered a modification within the meaning of section 111 of the Act. Upon modification, an existing facility shall become an affected facility for each pollutant to which a standard applies and for which there is an increase in the emission rate to the atmosphere.” Further, § 60.14 provides that an emission rate shall be expressed as kg/hr of any pollutant discharged into the atmosphere for which a standard is applicable. Based on some limited information we found in the application, current and draft permit(s), it seems that the boilers may be subject to NSPS Db for their NO_x emissions. However, absent information about the heat release rate² of the boilers, we couldn’t identify the NO_x emission standard that would apply to the boilers.

The NYSDEC should instruct Parkchester to send EPA, as soon as possible, a request for an EPA determination regarding the increase in the heat input capacity of each of the 4 boilers from 99 to 133 MMBTU/hr to ascertain whether it qualifies as a modification under 40 CFR § 60.14. Such a letter shall contain (1) all relevant emissions information and calculations regarding the emission rates, before and after the increase in heat input capacity, of each pollutant to which NSPS Db applies; and (2) information documenting whether the boilers have a high heat release rate or low heat release rate. The NSPS Db provisions and definitions related to emission rate and heat release rate must be followed. Once EPA determines that the 4 boilers are subject to NSPS Db and the specific NSPS Db requirements that would apply, those requirements must be included in the permit.

2. 40 CFR 60 Subpart JJJJ “Standards of Performance for Stationary Ignition Internal Combustion Engines” (NSPS 4J)

The new emergency engine included in the draft permit is rated at 115 kW(155 HP), model year 2016, is subject to the NSPS 4J emission standards for emergency engines with maximum engine power of equal to or greater than 130 HP that appear in Table 1 to NSPS 4J. In order to comply with the provisions of CAA §§ 504(a) and (c), 40 CFR § 70.6(a)(1) and (3), and 6 NYCRR 201-6.4, all NSPS 4J requirements that apply to this engine must be included in the draft permit. Therefore, NYSDEC must revise this draft permit accordingly.

² See “Heat release rate” definition in NSPS Db at §60.41b

We look forward to working with you to address these comments. If you have any further questions or wish to discuss any of these issues, please feel free to contact me at 212-637-4352 or chan.suilin@epa.gov, or contact Brian Marmo at 212-637-4021 or Marmo.Brian@epa.gov.

Sincerely,

Suilin W. Chan, Chief
Permitting Section
Air and Radiation Division