

Attachment 1

1. Draft Title V Permit Omits Applicable Requirements

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 Starrett draft title V permit must be revised to ensure compliance with these provisions.

- a. The New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP) requirements – Emission limits, monitoring, reporting and recordkeeping requirements from the following subparts are missing from the draft permit:
 - i. NSPS IIII “Standards of Performance for Compression Ignition Internal Combustion Engines” (NSPS 4I), apply to the 2 new identical CAT 175-20 (“CAT”) diesel engines¹. Condition 40 of the draft permit indicates that the 2 engines are subject to the requirements of NSPS 4I, but it does not include those requirements as conditions in the permit.
 - ii. NESHAP ZZZZ “National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines” (NESHAP 4Z) apply to the 2 existing Nordberg diesel engines. Condition 42 of the draft permit indicates that these engines are subject to the requirements of NESHAP 4Z but it does not include those requirements as conditions in the permit.
 - iii. NESHAP JJJJJ “National Emission Standards for Hazardous Air Pollutants for Area Source Industrial, Commercial, and Institutional Boilers” (NESHAP 6J) apply to the 3 existing identical natural gas and oil fired boilers, each rated at 140 MMBTU/hr. The draft permit does not limit the fuel oil usage for these boilers. Thus, these boilers are subject to the NESHAP 6J requirements that apply to existing oil-fired boilers. Condition 41 of the draft permit indicates that these 3 boilers are subject to the requirements of NESHAP 6J but it does not include those requirements as conditions in the permit.
- b. Requirements from the following NY SIP approved rule are omitted:

6 NYCRR Subpart 227-2 “Reasonably Available Control Technology (RACT) for Major Facilities of Oxides of Nitrogen (NO_x)” apply to the 3 existing boilers. The draft permit

¹As indicated in the PRR, the facility provided an EPA Certificate Conformity (which is Certificate No. JCPXL106.NZS-003) for the new CAT diesel engines. Based on the “EPA Annual Certificate Data for Vehicles, Engines, and Equipment” database, this EPA Certificate was issued for Tier 2 emission standards (NO_x+ NMHC = 6.4 g/kW-hr; CO = 3.5 g/kW-hr; PM = 0.2 g/kW-hr) that applies only to emergency engines.

should be revised to include the omitted applicable requirements. Condition 45 of the draft permit establishes a limit of 0.1 lb of NO_x/MMBTU for each of the 3 existing boilers (for assuring compliance with the 1-hr NO₂) and requires NO_x performance test every 5 years. This draft permit condition could be revised by adding the following or similar language “Compliance with this permit condition ensures compliance with the NO_x RACT limit of 0.15 lb/MMBTU and the associated NO_x RACT regulatory monitoring requirements.”

2. Limitations on Potential to Emit Must Be Practically Enforceable

The draft permit includes limits on the potential to emit (PTE) of NO_x (Condition 39) and VOC (Condition 38) for the 2 new CAT engines and 46 new boilers, combined. Condition 37 of the draft permit properly requires Starrett to conduct performance test every 5 years to demonstrate compliance with the emission rates of 0.5 g/BHP-hr or 0.165 lb/MMBTU of NO_x that were used in the development of the NO_x emission limit for the 2 new CAT engines. However, the same was not required for VOC emissions resulting from the 2 new CAT engines. The draft permit does not require the facility to conduct performance test to demonstrate compliance with the emission rates of 0.156 g/BHP-hr or 0.05 lb/MMBTU of VOC that were used in the development of the VOC emission limit for the 2 new CAT engines. In order for the VOC emission limit to be practically enforceable, the draft permit should also require the facility to conduct VOC performance test to validate the above-mentioned VOC emission rates for engines. Otherwise, the NYSDEC should include in the PRR a discussion justifying why it is not necessary to require VOC performance testing on the 2 new CAT engines to ensure practical enforceability of the VOC emission limit.