



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2

290 BROADWAY

NEW YORK, NY 10007-1866

JUL 12 2019

Mr. Michael Cronin
Chief, Source Control Technology Section
Bureau of Stationary Source
Division of Air Resources, NYSDEC
625 Broadway
Albany, NY 12233-3258
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Re: Draft Initial title V Operating Permit for CPV Valley LLC,
Permit ID # 3-3356-00136/00010, Orange County, Middletown, NY

Dear Mr. Cronin:

Thank you for the opportunity to comment on the draft initial title V operating permit (draft permit) for CPV Valley LLC (CPVV or facility) that the New York State Department of Environmental Conservation Region 3 office (NYSDEC) issued for a 45-day public review on May 29, 2019. EPA reviewed this draft permit to ensure that it complies with New York's approved title V Operating Permit Program, NYSDEC's air regulations, and applicable Clean Air Act (CAA) requirements, and that the permit record adequately supports NYSDEC's permitting decision.

Background

On August 1, 2013, the NYSDEC issued CPVV a combined Air State Facility Permit (ASFP), Prevention of Significant Deterioration (PSD), and Nonattainment New Source Review (NNSR) permit for the construction of a 680 megawatts (MW) combined cycle electric generating facility. The facility commenced construction in August 2015. On August 31, 2018 the CPVV submitted an application to the NYSDEC for its initial title V permit, which includes the terms and conditions of the August 1, 2013 PSD and NNSR permit.

The facility comprises of two identical combined-cycle units, each consisting of a Siemens SGT6-5000 F-class combustion turbine (CCT) rated at 2,234 million British Thermal Units per hour (MMBTU/hr), a Heat Recovery Steam Generator (HRSG), a 500 MMBTU/hr duct burner (DB), and a steam turbine generator. The 2 CCTs are permitted to fire natural gas (NG) or ultra-low sulfur fuel oil, and the DBs are permitted to combust only NG. Each of the 2 CCTs and DBs use Selective Catalytic Reduction system, dry low-NO_x combustors, water and steam injection for the control of NO_x emissions, and Oxidation Catalyst for the control of CO, VOC, formaldehyde, and other HAPs emissions. The auxiliary equipment includes a 48 MMBTU/hr NG fired boiler which uses low NO_x burners, a dew point fuel gas heater with two forced draft dry low NO_x burners fired on NG, an emergency diesel generator, and an emergency diesel fire pump.

CPVV was constructed as a new major source relative to the NNSR and PSD regulations (see 6 NYCRR Part 231). Based on the draft permit, the facility is subject to BACT for NO_x, CO, SO₂, H₂SO₄, PM, PM₁₀, PM_{2.5}, and GHG emissions, and to LAER for NO_x and VOC as ozone precursors.

Enclosure A are EPA's comments on the subject draft title V permit and the Permit Review Report. 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 212-637-4019 or chan.suilin@epa.gov, or contact Viorica Petriman at 212-637-4021 or petriman.viorica@epa.gov.

Sincerely,



Suilin W. Chan, Chief
Permitting Section
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Enclosure A

cc: George Sweikert (george.sweikert@dec.ny.gov)
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Enclosure A

A. Comments on the draft permit

1. BACT and LAER Limits for Startup, Shutdown and Fuel Switching - The draft permit conditions establishing a BACT limit for CO and a LAER limit for NO_x for the two combined cycle combustion turbines (CCTs), with or without duct burner (DB), while firing natural gas (NG), or, for the 2 CCTs, while firing fuel oil state that BACT and LAER limits do not apply during startup, shutdown and fuel switching². However, the draft permit doesn't specify what BACT and LAER limits apply during startup, shutdown and fuel switching. Instead, Condition 71 of the draft permit allows the facility to develop startup, shutdown and fuel switching CO and NO_x limits for the CCTs and DBs, once a total of 15 startups, 15 shutdowns, and 15 fuel switchings occur. In case the total of 15 events does not occur until 18 months prior to the initial title V permit expiration date (i.e., which would expire 5 years from the approval date, i.e., year 2024 or latter), the draft permit allows CPPV to propose startup, shutdown and fuel switching CO and NO_x limits for the CCTs and DBs along with the title V renewal application.

BACT and LAER limits should apply at all times, including periods such as startup, shutdown, and fuel switching. Consistent with EPA guidance and Environmental Appeal Board Decisions³, if BACT and LAER emission limits specified during normal load operation are not feasible under certain conditions, such as startup, shutdown, and fuel switching, a permitting authority can make an on-the-record determination that such compliance is infeasible and create a secondary BACT and/or LAER limit for those events, describe what measures will be undertaken to minimize emissions during those events, and demonstrate that the secondary BACT limit(s) are in compliance with all applicable requirements, including NAAQS and PSD increment provisions.

Although the CPVV's "Revised Title V Application Forms" dated 8/24/2018 (initial title V application)⁴, should have included the BACT and LAER limits for startup, shutdown, and fuel switching, and defined those events and their duration and frequency, this information is missing from the initial title V application. However, as revealed by other documents in the permitting record for this draft permit,⁵ the facility determined that the normal load BACT limits for CO, NO_x,

¹ NO_x is subject to both, BACT and LAER requirements.

² The language regarding that the limit does not apply during startup, shutdown and fuel switching is also included in the draft permit condition establishing a limit on the ammonia slip emissions.

³ See *In re: Tallmadge Generating Station*, PSD Appeal No. 02-12, (EAB, May 22, 2003) and *In re: Rockgen Energy Center*, PSD Appeal No. 99-1, (EAB, August 25, 1999).

⁴ NYSDEC provided EPA the CPVV initial title V application on 4/4/2019 as attachment to an email. The initial application includes the following statement for all BACT and LAER limits included in the application for the 2 CCTs and DBs and auxiliary boiler "This emission limit applies at all loads except during the during startup, shutdown, and fuel switching".

⁵ "CPVV Valley Energy Center "PSD and Part 201 Air Permit Application Supplement"" January 2012 sent by CPVV to NYSDEC, was provided to us by NYSDEC via email dated 4/18/2019. The January 2012 submittal was a supplement to the November 2008 "PSD and Part 201 Air Permit Application", which was transmitted to both EPA and NYSDEC. The November 2008 application includes also the "November 2008 Air Quality Modeling Protocol (Revised)". The "Supplemental Air Quality Modeling Analyses" included in the January 2012 submittal was a supplement of the Air Quality Modeling Analysis included in the November 2008 "PSD and Part 201 Air Permit Application". We, also, reviewed the "CPV Valley Energy Center-PSD Air Permit Application" Response to Comment Letter, from TRC Environmental Corporation to Steven Riva, EPA R2, dated

PM, PM₁₀ and PM_{2.5} and LAER limits for NO_x and VOC (in either ppm or lb/MMBTU) established for the CCTs with or without DBs, combusting NG or fuel oil, will be exceeded during defined startup and shutdown periods. CPVV estimated the startup and shutdown emissions based on the vendor estimates⁶, and, also, demonstrated, through air quality analyses, that the startup and shutdown emissions will not cause or contribute to an exceedance of any applicable NAAQS or air quality “increment.” The permitting record does not appear to include a similar conclusion on air quality for fuel switching. Therefore, in addition to incorporating specific startup/shutdown provisions as per (a) through (d) below, the facility should provide BACT and LAER limits for fuel switching, the measures that will be undertaken to minimize the emissions during fuel switching, and a demonstration that the fuel switching BACT emissions limits will be in compliance with the applicable NAAQS and increments.

Not including BACT and LAER limits for startup, shutdown and fuel switching events is inconsistent with established permitting norms which have been consistently applied by air permitting authorities across the country, including the NYSDEC, and by the EPA in prior permits. Please see for example the combined title V and PSD permit for Caithness issued by R1 NYSDEC⁷, which defines startup, shutdown, and fuel switching events and provides their duration for its CCT and DB, and, also, provides the CO, PM/PM₁₀ and NO_x emissions associated with these events. Additionally, 6 NYCRR Parts 231-5 and 231-7 which requires LAER and BACT limits are applicable requirements⁸ for this facility. As specified at CAA §§ 504(a) and (c), 40 CFR § 70.6, and 6 NYCRR 201-6.4 each title V permit must include all emission limitations and standards, as well as operational requirements and limitations that assure compliance with all applicable requirements at the time of permit issuance, and also, all necessary testing, monitoring, recordkeeping, and reporting requirements to ensure compliance with the permit. Therefore, NYSDEC should address the following:

- a. Revise the draft permit to (1) include CO, NO_x, PM, PM₁₀, and PM_{2.5} BACT limits, and NO_x and VOC LAER limits for the CCTs and DBs for the periods of startup and shutdown, consistent with the limits in the permitting record; (2) include BACT and LAER limits as established by the facility for fuel switching events; and (3) specify the measures that the facility should take to minimize the emissions during startup, shutdown and fuel switching.
- b. Include in the draft permit the definition of startup (i.e., cold, warm, and hot) and shutdown and their duration, as consistent with the definitions in the permitting record⁹, and of fuel switching and its duration, as provided by the facility.
- c. Include in the draft permit monitoring and recordkeeping for the duration and frequency of each startup, shutdown and fuel switching event.
- d. the Permit Review Report (PRR)¹⁰ must include a discussion, pointing to the relevant portions

February 4, 2009, which was also transmitted to NYSDEC HQ and R3 DEC.

⁶ See November 2008 “PSD and Part 201 Air Permit Application”, page 2-6

⁷ Caithness combined title V & PSD permit can be found at <http://www.dec.ny.gov/dardata/boss/afs/permits/147220442600007.pdf>

⁸ Applicable requirement shall have the meaning of the applicable requirement definition in 40 CFR § 70.2

⁹ See November 2008 “PSD and Part 201 Air Permit Application.”

¹⁰ Part 70 requires permitting authorities to prepare a “statement of basis” for each Title V permit. 40 C.F.R. § 70.7(a)(5). The document that NYSDEC prepared and issued entitled “permit review report” is the functional equivalent of a statement of basis.

of the permitting record, that the BACT limits established for startup, shutdown and fuel switching do not cause a violation of the NAAQS and PSD increments.

2. Limits on the Facility PTE Must be Practically Enforceable - To be practically enforceable, all emission factors and/or short-term emission limits upon which PTE limits were calculated and not measured by CEMS should be verified via stack testing at least once every permit term. The draft permit should contain conditions requiring the facility to include all actual emissions from all emission sources or units when determining compliance with the respective PTE limit¹¹, specify the methodology the facility should use to quantify the actual emissions, and should include sufficient monitoring and testing to verify compliance with each limit. Thus, please revise Conditions 28, 33 and 48 accordingly.¹²
3. PM_{2.5} Attainment or Nonattainment Pollutant? - As indicated by Condition 28 of the draft permit, the purpose of the 95 tpy limit on the facility's PTE of PM_{2.5} is to keep the PM_{2.5} PTE below 100 tpy, which is the major source threshold for PM_{2.5} in nonattainment areas, and, thus, avoid the applicability of NYCRR Part 231-5 requirements for facilities in nonattainment areas (e.g., PM_{2.5} LAER, etc.). An identical PM_{2.5} PTE limit to the one in Condition 28 of the draft permit, is included in Condition 8 of the facility's Air State Facility Permit (ASFP) issued on August 1, 2013, since the area of the facility's location was nonattainment for PM_{2.5} at the time of the ASFP issuance. However, on April 18, 2014, the entire State of New York was re-designated from nonattainment to attainment for PM_{2.5} emissions. Thus, it's unclear what is the rationale of limiting the CPVV's PM_{2.5} PTE to 95 tpy (below the major source threshold for nonattainment areas in the draft permit) since the area has been in attainment for PM_{2.5} emissions since 2014. Please provide a discussion in the PRR to address this. Nevertheless, despite the PM_{2.5} PTE limit of 95 tpy in Condition 28 of the draft permit, according to Condition 48 of the draft permit, the facility is subject to PSD requirements for PM_{2.5} emissions¹³. As such, the draft permit should have included BACT limits for PM_{2.5} (i.e., lb/MMBTU) for each emission source at the facility that emits this pollutant and demonstrate compliance with the applicable NAAQS and PSD increments¹⁴. Please address the following:
 - a. Include PM_{2.5} BACT limits in the draft permit, and document in the PRR that the PM_{2.5} BACT limits for normal loads, startup, shutdown and fuel switching events comply with the NAAQS and PSD increments;
4. Ambient Air Quality Protection - To ensure that the CPVV's emissions are protective of the applicable NAAQS, the draft permit should be revised to include:

¹¹ See generally, e.g., Yuhuang Chemical Inc. Methanol Plant Title V petition response Order, No. VI-2015-03, pp. 19-22, at https://www.epa.gov/sites/production/files/2016-09/documents/yuhuang_response2015_0.pdf; Hu Honua Bioenergy Facility Title V petition response Order, No. IX-2011, February 7, 2014, pp. 9-12, at https://www.epa.gov/sites/production/files/2015-08/documents/hu_honua_decision2011.pdf; Cash Creek Generation, LLC, Title V petition response Order, No. IV-2010-4 June 22, 2012, pp. 17-19, at https://www.epa.gov/sites/production/files/2015-08/documents/cashcreek_response2010.pdf

¹² See 40 CFR § 70.6(a)(3) and 6 NYCRR Part 201-6.4(b)(2).

¹³ The facility PTE of PM_{2.5} of 95 tpy is much higher than the PSD applicability threshold for PM_{2.5} emission of 10 tpy

¹⁴ The EPA believes that BACT should have been evaluated for PM_{2.5} emissions since the new attainment area requirements became effective prior to NYSDEC's decision to grant a PSD permit extension to CPVV. 6 NYCRR 231-3.7 "Requirement to commence construction" provides that the PSD and NNSR permits become invalid if construction is not commenced within 18 months after the date of permit issuance. The 18-month period for the August 1, 2013 CPVV PSD and NNSR permit ended on February 1, 2015. On August 21, 2014 the NYSDEC extended the CPVV PSD and NNSR permits for an additional 18-month period, after the area of the facility's location was re-designated attainment for PM_{2.5}.

- a. The emission rates (i.e., lb/hr) modeled by the CPVV as emission limits in the permit¹⁵ and require an appropriate averaging period that would assure compliance with the corresponding NAAQS. Compliance with a “1-hour” NO_x or SO₂ NAAQS must be verified with a “1-hour average” period¹⁶ and not with a “3-hour block average” as currently included in the draft permit.
 - b. All assumptions related to the operation of the combustion sources at the facility that were considered in the air quality impact analysis, including but not limited to the number of hours fuel oil can be combusted in the CCT, number of hours that the DB can be operated, the DB capacity factor.
5. GHG BACT – While, Condition 48 of the draft permit indicates that GHG BACT applies to the facility emissions, the draft permit includes no GH BACT limits. Thus, please address the following:
- a. Include in the draft permit the GHG BACT limits (e.g., lb of CO₂e/MMBTU, lb of CO₂e/MW-hr, lb of CO₂e/hr) that apply to each emission source at the facility or revise the PRR by providing a justification for not including GHG BACT limits in the draft permit, since it appears that GHG BACT should be an underlying requirement.
 - b. Explain why the limit of 7,605 BTU/kW-hr on the heat rate only applies when the CCT burns natural gas (see Condition 61) and not under other scenarios, i.e., when the CCT burns oil or when the CCT and DB are both operating and burning natural gas.
6. Visible Emissions and Opacity - Condition 31 of the draft permit that cites to 6 NYCRR 227-1.3(a) establishes a 20% opacity based on 6 minutes averages, except for one 6-minute period per hour of no more than 27% opacity for CCTs with or without DBs, auxiliary boiler, and dew point heater, while firing NG. This condition requires CPVV to conduct one observation per year using EPA Method 9 for determining compliance with the above-mentioned opacity limit. Please address the following:
- a. Provide explanation or permit conditions for how the combustion of fuel oil in the two combustion turbines at the facility will comply with the opacity standards?
 - b. Pursuant to 40 CFR § 70.6(a)(3) and 6 NYCRR Part 201-6.4(b)(2), title V permits must include sufficient monitoring and testing to yield information to determine compliance with each limit. It is our view that one observation per year is not sufficient for determining compliance with the opacity limit for the CCTs and DBs when NG is fired. While, firing NG in the CCTs and DBs, we recommend conducting monthly observations at the CCTs and DBs emission points. While firing fuel oil, we recommend conducting daily observations at the combustion sources emission points, which would be consistent with the Opacity Monitoring Plan proposed by CPVV.

¹⁵ See “PSD and Part 201 Air Permit Application Supplement” January 2012; November 2008 “PSD and Part 201 Air Permit Application”; “November 2008 Air Quality Modeling Protocol (Revised)”, and “CPV Valley Energy Center-PSD Air Permit Application” Response to Comment Letter, from TRC Environmental Corporation to Steven Riva, EPA R2, dated February 4, 2009.

¹⁶ Average period is the period over which actual data gathered or recorded through measurement techniques such as CEMS or stack tests is averaged to verify compliance with a specific emission limit included in the permit.

- c. Please explain in the PRR why the facility is not required to use continuous opacity monitoring system for its CCT, since each of the CCT is rated at greater than 250 MMBTU/hr and permitted to combust fuel oil.
- d. EPA recommends that the CPVV Opacity Monitoring Plan that was provided with the application is included in the draft permit either as a permit condition or attached to the permit.
7. H₂SO₄ BACT Limit -Stack testing - Condition 60 of the draft establishes H₂SO₄ BACT limit for the CCTs firing oil. However, there are no stack testing requirements to verify compliance with the H₂SO₄ BACT limit. In accordance with 40 CFR § 70.6(a)(3) and 201-6.4 (b)(2) the permit must require monitoring, recordkeeping and testing sufficient to assure compliance. As such, the draft permit should be revised to include regular testing once per permit term to verify compliance with the H₂SO₄ BACT limit in Condition 60.
8. BACT Limits - Stack Testing - EPA recommends that the NYSDEC ensure that for each of the BACT or LAER limits established for the 2 CCT, DB, auxiliary boiler and dew point heart, for which no CEMS are required, the draft permit requires the facility to conduct at least one stack testing per permit term.
9. NO_x -Subject to both BACT and LAER - Since NO_x is subject to both BACT and LAER, all draft permit conditions which establish LAER limits for NO_x, should indicate that the limit is both BACT and LAER.
10. Add on Controls - Monitoring Methods - Please add monitoring, recordkeeping and reporting requirements to the draft permit for the selective catalytic reduction systems (SCRs) and oxidation catalysts (OCs)'s relevant parameters to ensure proper operation for these controls and, thus, continuous compliance with the BACT and LAER limits.
11. Fuel Usage - The permit should be revised to require the facility to continuously monitor the actual amount of fuel fired by each combustion source at the facility.
12. Fuel Oil Usage Limit - Condition 24 which includes a fuel oil limit of 22,100,000 gallons during each 12-month period cites to 6 NYCRR 201-6, as the underlying authority. The use of 6 NYCRR 201-6, which is the NYSDEC's title V regulation, as the basis for establishing fuel limitations is not appropriate, since title V do not create new requirements. Please verify the basis of the fuel usage limit and include the correction citation in the draft permit.
13. PTE of NO_x and VOC-Clarifications - Condition 33 indicates that the facility wide PTE of NO_x is 183.2 tpy and of VOC of 63.5tpy. However, Condition 46 indicates that the facility wide PTE of VOC is 65 tpy and Condition 47 indicates that the facility PTE of NO_x is 187 tpy. Please review these conditions and correct any inconsistency.
14. Ammonia Concentration Limit - The draft permit lacks a limit on the concentration of ammonia. However, Condition 3 of the ASFP establishes a limit of 19% for the concentration of ammonia stored at the facility, which is less than 20% concentration that would make the ammonia storage tank at CPVV subject to Section 112(r) of the CAA and the USEPA Risk Management Program regulations (i.e., 40 CFR Part 68). The 19% ammonia concentration limit in the ASFP should have been carried over to the draft permit. And the requirement for vendor certification of the

ammonia concentration and recordkeeping of the concentration of the ammonia stored on-site as described in Section IV, page 80 of the initial title V application should also be included in the permit.

15. Applicability of Federal and SIP Approved Regulations - As specified at CAA §§ 504(a) and (c), 40 CFR § 70.6 and 6 NYCRR 201-6.4 each title V permit must include all emission limitations and standards, as well as operational requirements and limitations that assure compliance with all applicable requirements at the time of permit issuance, and also, all necessary testing, monitoring, recordkeeping, and reporting requirements to ensure compliance with the permit. Thus, the draft permit should be revised to include all applicable federal and SIP approved requirements. If, the NYSDEC wishes to “streamline” the NSPS emissions standards and/or NO_x RACT emission and BACT or LAER limits into the most stringent limits, please follow the guidance on “streamlining” of multiple applicable requirements provided in the EPA’s White Paper #2, which is briefly discussed at Comment 16 of this Enclosure A. Also, please note that, although, the NSPS KKKK and Dc emission standards may be “streamlined”, the NSPS KKKK and Dc monitoring, recordkeeping and reporting requirements that apply to the CCTs, DBs, and auxiliary boiler, respectively, must be included in the draft permit.
 - a. 40 CFR 60 Subpart KKKK -Standards of Performance for Stationary Combustion Turbines (NSPS 4K) and 40 CFR 60 Subpart Dc-Standard of Performance for Industrial-Commercial-Institutional Steam Generating Units (NSPS Dc)- All emission standards, monitoring, recordkeeping and reporting requirements of Subparts 4K and Dc that apply to the CCTs and DBs and the auxiliary boiler (as presented in CPVV’s title V application) should be incorporated into the draft permit.
 - b. 40 CFR 60 Subpart IIII-Standards of Performance for Stationary Compression Ignition Internal Combustion Engines (NSPS 4I) – NSPS 4I applies to the EG¹⁷ and FP¹⁸ at the facility. While Condition 73 of the draft permit states, “[f]acilities that have stationary compression ignition internal combustion engines must comply with applicable portions of 40 CFR 60 Subpart IIII,” no NSPS 4I requirement were included in the draft permit. We believe the EPA NSPS 4I implementation tools, which can be found at <https://www.epa.gov/stationary-sources-air-pollution/epa-regulation-navigation-tools> may be helpful to DEC in developing permit conditions to address NSPS 4I requirements that apply to the EG and FP.
 - c. 40 CFR 60 Subpart TTTT - “Standards of Performance for Greenhouse Gas Emissions for Electric Generating Units” (NSPS 4T) - While, the NSPS 4T applies to the 2 CCTs at the facility, there are no NSPS 4T requirements in the draft permit. Please include all emissions standards, monitoring, recordkeeping and reporting requirements of NSPS 4T that apply to the CCTs. Also, please revise the discussion related to NSPS 4T on page 25 of the PRR to clarify that NSPS 4T establishes emission standards for carbon dioxide (CO₂) and not NO_x and SO₂. Thus, compliance with NO_x and SO₂ NSPS 4K emission standards or with BACT and LAER limits cannot ensure compliance with CO₂ emissions, neither NSPS 4K emission standards nor BACT and LAER limits address CO₂ emissions.

¹⁷The emission standards (NO_x +HC, CO, and PM) that apply to the EG are found in 40 CFR 89.112 (a) Table 1, engines greater than 560 kW, Tier 2, for model year 2006 and later.

¹⁸The emission standards (NO_x +HC, CO, and PM) that apply to the FP are found in table 4 of the NSPS 4I, for engines with a maximum engine power of 130 ≤ kW < 225, for model 2009 and later.

- d. 40 CFR 63 Subpart ZZZZ-National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (NESHAP 4Z) - As specified at 40 CFR § 63.6590(c)(1) (NESHAP 4Z), for new stationary emergency engines located at area sources, compliance with NESHAP 4Z is satisfied if the emergency engines comply with the NSPS 4I. We recommend revising Condition 77 to (1) specify the emissions sources to which NESHAP 4Z applies (i.e., by adding the emission unit ID number for the EG and FP); and (2) add the following language:

“The facility shall comply with the requirements of 40 C.F.R. part 63, subpart ZZZZ (National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines) for the emergency generator and fire pump by meeting the requirements of 40 C.F.R. part 60, subpart IIII (Standards of Performance for Stationary Compression Ignition (CI) Internal Combustion Engines (ICE)) that are specified in this permit. [40 CFR § 63.6590(c)(1)]”

- e. Applicability of NO_x RACT Rule - While the 6 NYCRR 227-2 “RACT for Major Facilities of Oxides of Nitrogen” (NO_x RACT rule) applies to the CCTs and auxiliary boiler at CPVV, there are no NO_x RACT rule requirements included in the draft permit. Please add the NO_x RACT requirements to the draft permit.

16. Streamlining in title V Permits

In the PRR, the NYSDEC seems to indicate that some emission limits from some federal or SIP approved regulations were not incorporated into the pre-draft permit because more stringent limits were required as BACT or LAER. While it may be appropriate to streamline similar requirements, the EPA White Paper #2 for Improved Implementation of The Part 70 Operating Permits Program recommends that when such streamlining is utilized, the permit should contain language indicating that when the facility is in compliance with the more restrictive limit, they are in compliance with the less restrictive limit. The citation of authority for the streamlined condition should reference the authority of the streamlined limit or more restrictive limit (i.e., BACT or LAER limit), as well as the authority of the subsumed or less restrictive limit (i.e., NSPS 4K, NO_x RACT). For instance, please add the citations of 6 NYCRR 227-2.4 (e)(2)(i), and 40 CFR 60.4320 (a) to the origin of authority for Condition 36, which establishes a NO_x LAER limit for CCT while firing NG. Also, please add language to Condition 36 stating that the NO_x LAER limit also satisfies the NO_x RACT rule and NSPS 4K requirements.

B. Comments on the Permit Review Report

1. 40 CFR Part 64 - Compliance Assurance Monitoring (CAM Rule) - The discussion on the CAM Rule applicability that was included by the NYSDEC at page 25 of the PRR is limited to following “The facility is not subject to CAM; therefore, it is not included in the permit.” This is contrary to the fact that this facility uses emission control devices to comply with federally enforceable emission limits Please clarify, in the PRR, the CAM applicability and exemption analysis, in accordance with 40 CFR § 64.2 and revise the draft permit to address CAM rule requirements, as necessary.
2. Ammonia Storage Tank - The permitting record and PRR should be updated to indicate the following regarding the ammonia storage tank(s): tank physical capacity in gallons, type of ammonia solution stored, tank characteristics (i.e., aboveground, type of walls, pressure, etc.), whether the tank is equipped with an emergency relief valve and a vapor recovery and return system. The PRR should include a brief discussion as to whether the ammonia storage tanks are subject to any federal (i.e., Section 112 (r) of the CAA, US EPA Risk Management Program regulations (i.e., 40 CFR Part 68)) or state regulations. Additionally, the draft permit should be updated, as necessary, to include any federal or state regulations requirements that apply to the ammonia storage tank.
3. Fuel Oil Storage Tank - The draft permit should be updated to include any applicable requirements from 40 CFR Subpart Kb “Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for which Construction, Reconstruction, or Modification Commenced After July 23, 1984” (NSPS Kb). The draft permit should require the facility to include fuel oil storage tank actual VOC emissions in the calculation of the actual VOC emissions from the facility, while verifying compliance with the facility’s limit on the PTE of VOC.
4. Estimation of the PTE of Formaldehyde - The EPA recommends that the emissions factors used in the calculation of the formaldehyde emissions (i.e., lb/MMBTU) for the CCTs and DBs and their basis be included in the permitting record and PRR to confirm the facility is not a major source for HAPs emissions.