

**New York State Department of Environmental Conservation
Division of Environmental Permits**

NYSDEC Headquarters
625 Broadway
Albany, NY 12233
(518) 402-9167



May 29, 2019

CPV VALLEY LLC
8403 Colesville Rd Ste 915
Silver Spring, MD 20910

Re: DEC ID # 3-3356-00136/00010
CPV VALLEY ENERGY CENTER

Dear Applicant :

Please be advised that your application for a DEC permit(s) is complete and a technical review has commenced. Notice and the opportunity for public comment is required for this application. Enclosed is a Notice of Complete Application for your project. Please have the Notice published in the newspaper identified below once during the week of 05/27/2019 on any day Monday through Friday.

TIMES HERALD-RECORD
40 MULBERRY ST
PO BOX 2046
MIDDLETOWN, NY 10940

On the Notice of Complete Application, that information presented between the horizontal lines, on the enclosed page(s) should be published. Do not print this letter or the information contained below the second horizontal line. Please request the newspaper publisher to provide you with a Proof of Publication for the Notice. Upon receipt of the Proof of Publication promptly forward it to this office. You must provide the Proof of Publication before a final decision can be rendered on your application. You are responsible for paying the cost of publishing the Notice in the newspaper.

Notification of this complete application is also being provided by this Department in the NYSDEC Environmental Notice Bulletin.

This notification does not signify approval of your application for permit. Additional information may be requested from you at a future date, if deemed necessary to reach a decision on your application. Your project is classified major under the Uniform Procedures Act. Accordingly, a decision is due within 90 days of the date of this notice unless a public hearing is held, which may extend this time frame. If a public hearing is necessary, you will be notified.

If you have any questions please contact me at the above address or phone number above.

Sincerely,

CHRISTOPHER M HOGAN
Division of Environmental Permits

THIS IS NOT A PERMIT



**New York State Department of Environmental Conservation
Notice of Complete Application**

Date: 05/27/2019

Applicant: CPV VALLEY LLC
8403 Colesville Rd Ste 915
Silver Spring, MD 20910

Facility: CPV VALLEY ENERGY CENTER
3330 ROUTE 6
MIDDLETOWN, NY 10940

Application ID: 3-3356-00136/00010

Permits(s) Applied for: 1 - Article 19 Air Title V Facility
1 - Article 19 Title IV (Phase II Acid Rain)

Project is located: in WAWAYANDA in ORANGE COUNTY

Project Description:

CPV Valley Energy LLC (CPV) currently operates the CPV Valley Energy Center (the Facility), a nominal net 680-megawatt (MW) combined-cycle gas turbine electric generating facility, on a site located in Wawayanda, Orange County, New York. The Facility was previously approved (ASF Permit ID: 3-3356-00136/00001) by the New York State Department of Environmental Conservation (NYS DEC).

The initial ASF permit for the Facility was issued on August 1, 2013 and expired on July 31, 2018. NYS DEC denied the renewal of the ASF permit on August 1, 2018 and required the submission of a Title V air permit application. Pursuant to an Order of Albany County Supreme Court issued on August 15, 2018, CPV was allowed to continue operating the Facility under the terms of the ASF permit pending a final determination on the previously denied permit renewal. On August 31, 2018, CPV submitted applications for Title V and Title IV Acid Rain air permits to NYS DEC pursuant to 6 NYCRR Part 201.

The current air permit applications were re-submitted following two Notices of Incomplete Applications, issued by NYS DEC on October 25, 2018 and December 14, 2018, respectively. Pursuant to a subsequent Decision, Order and Judgment of Albany County Supreme Court issued on February 13, 2019, NYS DEC's August 1, 2018 permit expiration determination was vacated, and CPV was allowed to continue operating pending final administrative resolution of its ASF renewal application or until a final determination on Title V and Title IV air permits. Considering the latest Supreme Court decision, NYS DEC will seek to suspend the current ASF revocation proceeding and process CPV's Title V and Title IV air permit applications, which will allow the public a full and fair opportunity to review and comment on those applications and draft permits.

The Facility consists of two Siemens F-class combustion turbine generators (CTGs) operating in combined-cycle mode with supplemental firing of the heat recovery steam generators (HRSGs). The Facility includes a natural gas-fired auxiliary boiler and a ULSD-fired emergency fire pump engine. The auxiliary boiler and emergency fire pump engine have the same rating and emissions as those contained in the original ASF permit issued by NYS DEC. In addition to the air emitting equipment, the Facility has one steam turbine generators (STGs), an air cooled condenser (ACC) and associated auxiliary equipment and systems. Each combined cycle generating unit consisting of the CTG, HRSG and STG is exhausted through its own stack.

Air emissions from the Facility primarily consist of products of combustion from the CTGs, HRSG duct burners, and ancillary combustion sources. Orange County is designated as being in attainment with respect to

the National Ambient Air Quality Standards for all criteria pollutants with the exception of ozone. Based upon the potential to emit estimates, the Facility is subject to Prevention of Significant Deterioration requirements for emissions of carbon monoxide (CO); nitrogen oxides (NO_x); particulate matter (PM) with a diameter equal to or less than 10 microns; greenhouse gases; and sulfuric acid mist. In accordance with the NYS DEC's Nonattainment New Source Review (NNSR) permitting program, the Facility is also subject to NNSR for emissions of NO_x and volatile organic compounds (VOC). The Facility has capped emissions of PM with a diameter equal to or less than 2.5 microns to less than the NNSR applicability threshold.

The Facility is equipped with state-of-the-art emissions control technology, including dry low NO_x burners and selective catalytic reduction technology to control emissions of NO_x, and an oxidation catalyst to control CO and VOC emissions. A continuous emissions monitoring system is utilized to ensure and document facility compliance with applicable emissions standards. Water use is minimized by the use of ACC.

To authorize the continued operation of the Facility the conditions in the draft Title V and Title IV air permits must assure conformance of the Facility with all applicable State and federal air pollution control regulations, including the requirements of 6 NYCRR Parts 201, 225, 227, 231, 242, 243, 244, 245 and 257, as well as all New Source Performance Standards (NSPS) at 40 Code of Federal Regulations (CFR) Part 60. Information regarding the demonstration of the Lowest Achievable Emission Rate or Best Available Control Technology or both is included within the draft air permits.

As per the requirements of 6 NYCRR Subpart 231-5, the Facility is subject to NNSR review for NO_x and VOC. Based on the applicability of NNSR, the Facility has purchased 216 tons per year (tpy) of NO_x Emission Reduction Credits (ERCs) and 75 tpy of VOC ERCs to comply with the rule. The sources of these ERCs are as follows, and these have not changed from NYS DEC's prior ASF permit approval:

NO_x

SONY Electronics, Inc. – 216 tpy

VOC

Airbill Industries, Inc. – 17 tpy

S. Walter Packaging Corp. (Uniflex Holdings, Inc.) [DEC ID # 1-2822-00367] – 58 tpy

A Combined Notice of Complete Application and Determination to Hold a Public Hearing can be found at: http://www.dec.ny.gov/enb/20190529_not3.html

In accordance with 6 NYCRR Parts 621.7(b)(9) and 201-6.3(c), the Administrator of the United States Environmental Protection Agency (USEPA) has the authority to bar issuance of any Title V Facility Permit if it is determined not to be in compliance with applicable requirements of the Clean Air Act or 6 NYCRR Part 201. Persons wishing to inspect the subject Title V files, including the application with all relevant supporting materials, the draft permit, and all other materials available to the DEC (the "permitting authority") that are relevant to this permitting decision should contact the DEC representative listed below. The Draft Permit and Permit Review Report may be viewed and printed from the Department web site at:

<http://www.dec.ny.gov/chemical/32249.html>.

DEC has made a determination to hold a public hearing on the air permit applications and draft permits and will provide a notice of the time, date and location in the near future. A copy of the Department's permit hearing procedures is available upon request or on the Department web site at:

<http://www.dec.ny.gov/permits/6234.html>.

Availability of Application Documents:

Filed application documents, and Department draft permits where applicable, are available for inspection during normal business hours at the address of the contact person. To ensure timely service at the time of inspection, it is recommended that an appointment be made with the contact person.

State Environmental Quality Review (SEQR) Determination

A draft environmental impact statement has been prepared on this project and is on file.

SEQR Lead Agency Wawayanda Town Planning Board

State Historic Preservation Act (SHPA) Determination

The proposed activity is not subject to review in accordance with SHPA. The application type is exempt and/or the project involves the continuation of an existing operational activity.

DEC Commissioner Policy 29, Environmental Justice and Permitting (CP-29)

The proposed action is subject to CP-29. An enhanced public participation plan was submitted by the applicant and has become part of the complete application.

Availability For Public Comment

Comments on this project must be submitted in writing to the Contact Person no later than 07/13/2019 or 45 days after the publication date of this notice, whichever is later.

Contact Person

CHRISTOPHER M HOGAN
NYSDEC
625 Broadway
Albany, NY 12233
(518) 402-9151
