

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits

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October 25, 2018

Donald Atwood
CPV Valley, LLC
50 Braintree Hill Office Park
Suite 300
Braintree, Massachusetts 02184

RE: Notice of Incomplete Applications; CPV Valley Energy Center; Title V and Title IV

Dear Mr. Atwood:

Staff of the New York State Department of Environmental Conservation (DEC) has reviewed the August 31, 2018 submission of the Title V and Title IV applications submitted pursuant 6 NYCRR Part 201 for the CPV Valley Energy Center (Facility). Based on a review of the applications, DEC staff has determined that the applications are incomplete pursuant to 6 NYCRR Part 621 (Uniform Procedures). For the DEC to complete its review of the applications, the following information must be submitted:

Additional Technical Information.

6 NYCRR Part 201-6.2(d) requires that an application for a Title V permit must include certain technical information. Based on a review of the application for the Facility, staff have identified the following information that must be submitted in order for the application to be considered complete.

- 1) Plot Plan. An updated plot plan of the Facility based on the as-built plans that identifies all permitted emission points.
- 2) Process Flow Diagram. An updated process flow diagram based on the as-built plans.
- 3) Stack Test and Performance Test Reports. The Facility commenced operation on August 19, 2018. The DEC requires the submission of the

stack test and a performance test reports to support staff's technical review of the application and the applicable emission limits.¹

- 4) Continuous Emission Monitoring Plan.
- 5) Opacity Monitoring Plan. During initial startup of the Facility, and prior to the availability of natural gas, the Facility tested equipment using low sulfur diesel. DEC staff observed opacity violations during this period. The Title V application must include a plan for monitoring opacity during periods when the facility is operating on low sulfur diesel in the future.

Revised Applications.

Specified below are several issues that staff noted with the applications that need to be corrected. The applications should be corrected and resubmitted.

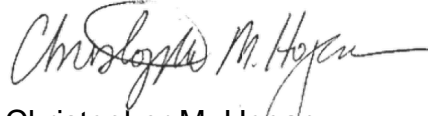
Title V

- 1) Pagination.
 - a. Pages 28 – 31 are out of order
 - b. Two page 35's of 54 – with a page 10 and 11 in between them
- 2) Section III – Facility Information (federal requirements)
 - a. Each subpart should be cited separately
 - b. The Facility is subject to CASPR regulations
 - i. 40 CFR 97 AAAAA
 - ii. 40 CFR 97 BBBB
 - iii. 40 CFR 97 CCCCC
- 3) Section III – Facility Information (state only requirements)
 - a. Each subpart should be cited separately
 - b. The Facility is not subject to 231-2
 - c. The Facility is subject to
 - i. 6 NYCRR Part 231-3
 - ii. 6 NYCRR Part 231-4
 - iii. 6 NYCRR Part 231-10
 - iv. 6 NYCRR Part 231-11
 - v. 6 NYCRR Part 231-12
 - d. CAIR no longer applicable
 - i. 6 NYCRR Part 243
 - ii. 6 NYCRR Part 244
 - iii. 6 NYCRR Part 245
- 4) Emission Unit Information
 - a. Page 104 - emission unit misnumbered
 - b. Mobile sources are not required to be permitted (U-00008)

¹ The Department issued a letter on August 1, 2018 denying the Facility's renewal application and therefore the Facility was not permitted to operate. The Facility received a temporary restraining order and commenced operation.

The information requested above is required in order for DEC staff to complete its technical review and to prepare draft Title V and Title IV permits. The DEC cannot deem the applications complete until draft permits are prepared and notice is provided to the U.S. Environmental Protection Agency.

Sincerely,

A handwritten signature in black ink, appearing to read "Christopher M. Hogan". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Christopher M. Hogan
Chief, Major Project Management Unit

CC: via email
R. Leistensnider, Nixon Peabody
G. Sweikert, RAPCE
K. Turturro, RD R3
K. Gibbs
M. Sanza