

STATE UNIVERSITY CONSTRUCTION FUND

PROGRAM DIRECTIVES

DIRECTIVE 1 D-8

Issue date: September 2012

NYS AND EPA PERMITTING REQUIREMENTS FOR AIR CONTAMINATION SOURCES

1. General

- a. Projects involving repair/modification of existing or installation of new air contamination sources will require a coordinated (Campus, Fund, and Consultants) assessment of the permitting requirements and a recommended plan of action that addresses the required permitting process steps and associated equipment design requirements. Determine from the facility what type of existing DEC air permit exists. (Most of the facilities within the State University of New York system currently have either a State Facility Permit or a Title V Facility Permit).
- b. For the purpose of this Directive, "Air Contamination Sources" will be boilers (steam generator, high temperature hot water generator or furnace). It may also include other process emission sources, including engine-driven generator or mechanical equipment, gas turbines, laboratory fume hood exhaust systems, fuel-fired water heaters, solvent storage and dispensing rooms ventilation, hazardous waste storage room ventilation, and fuel storage tank vents.
- c. Changes resulting from an individual project may precipitate the necessity of Campus permit changes beyond the original scope of the individual project under consideration.

2. Regulations and Standards

- a. New York State – Department of Environmental Conservation (DEC)
 - 1) 6NYCRR Parts 200 - 317
- b. United States – Environmental Protection Agency (EPA)
 - 1) 40CFR Part 60, "Standards of Performance for New Stationary Sources"
 - 2) 40CFR Part 63, "National Emission Standards for Air Pollutants for Source Categories (a.k.a. Maximum Achievable Control Technology (MACT))."
 - 3) 40CFR Part 52, Section 21, "Approval and Promulgation of Implementation Plans"

STATE UNIVERSITY CONSTRUCTION FUND

PROGRAM DIRECTIVES

3. **The Campus, as operator and permit holder, is responsible for all aspects of compliance with the permit conditions.** When a Fund project involves installing a new or modifying an existing air contamination source subject to Part 200, the Fund will notify the Campus that they are responsible for obtaining or amending the required DEC permit or registration certificate. Where 40CFR Part 60 or 40CFR Part 63 applies, the Campus will also be responsible for notifying EPA of construction activity and providing operational reports.
4. Air Permit application or modification regulations are complex, technical, and subject to change. Many Campuses and Consultants do not have the specialized capabilities to perform this permit-related work.

To address this project-related permitting requirement, the Campus may choose one of the following:

- a. The Campus may hire a “Permitting Consultant” to be responsible for the permitting requirements.
 - b. The Campus may request that the permitting requirements be included in the project as an additional service. This will likely require the services of a permitting consultant, to be hired by the Fund’s Design Consultant. Unless included in the lump sum fee or Schedule B of the Consultant’s Agreement, the services and fees related to Air Permit modifications may be provided through extra compensation (ECA) when approved by the Fund.
 - c. The Campus may provide the required “permitting consultant services” using qualified and experienced in-house personnel.
5. Permitting Consultant Responsibilities
 - a. The permitting consultant will identify and provide specific information for compliance with all permit-required equipment design details, operational and testing requirements, permitting agency notification, and permit documentation requirements.
 - b. The permitting consultant’s services shall include the following:
 - 1) Determine from the facility what type of existing DEC air permit exists. (Most of the facilities within the State University of New York system currently have either a State Facility Permit or a Title V Facility Permit).

STATE UNIVERSITY CONSTRUCTION FUND

PROGRAM DIRECTIVES

- 2) Determine if the stationary source is considered an exempt or trivial activity. Exempt activities must still be listed in the Title V permit application. Also, emissions from exempt or trivial activities must be considered in the emission calculations to determine if a stationary source is subject to Title V permitting or New Source Review pursuant to Subpart 231-2 of Title 6. Advise the Campus of records needed to support assertion of exempt or trivial status.
- 3) For new stationary sources that are not exempt or trivial, notify the Fund and the Campus as to what DEC and/or EPA regulations are applicable to the project and provide the Fund and the Campus the necessary information required for obtaining a permit for said new stationary source(s).
- 4) If an existing permitted air contamination source is being modified, determine if said modifications require that the existing air permit has to be modified. If modifications trigger DEC and/or EPA regulations, provide the Fund and the Campus the information required to modify the existing permit.

Per 40CFR Part 60, the "air contamination source" is considered reconstructed if the upgrading costs exceed 50% of the cost of a new unit. This 50% is an accumulative quantity, which in the case of successive less-than-50% upgrades within a time period may also trigger a "reconstructed" designation.

6. Fund's Design Consultant Responsibilities

- a. The Fund will not proceed with the bidding of a project containing an air contamination source unless the Permit modification process is underway and has progressed far enough or is simple enough to obtain permission to construct the work of the project.
- b. The Fund's Consultant shall provide the following services:
 - 1) When included in the ECA, track the status of the permit, proposed modifications and required approvals during the design and construction phases. Otherwise the Campus will track the status of the Permit.
 - 2) In conjunction with the Campus to support new source permitting or modification of an existing source permit and as requested by the Permitting Consultant, provide the necessary project-related technical design information, such as size and type of equipment, type(s) of fuels to be used. Specific, detailed operational and technical design details should

STATE UNIVERSITY CONSTRUCTION FUND

PROGRAM DIRECTIVES

be obtained by the Permitting Consultant from the equipment manufacturers.

- 3) Modify the project design documentation as required to incorporate the design and equipment features required to comply with the conditions of the permit(s) for both new and existing sources.

7. Operational Testing at Less than Nameplate Capacity

- a. DEC requires that boilers be tested at their nameplate, full-load capacity. On some projects, the boiler nameplate capacity is greater than the Campus' maximum heating load.
- b. To address this situation when it occurs, a request can be made to allow testing to be done at the Campus' maximum heating load. EPA must be contacted and authorize an operating permit at less than boiler nameplate capacity. The written request to EPA must address and explain why the boiler will not be used at its nameplate full capacity and should request that a permit be issued at the lower (Campus' maximum heat load) capacity. This lower operating point will be used on the air permit. If future Campus needs require full nameplate capacity be used, the air permit can be changed and additional testing will probably be required.

8. New York State Department of Labor Permitting

- a. Various regulations of the New York State Department of Labor govern the operation of boilers. New York State Industrial Code Rules 4 and 14 are two most commonly applicable to Campus boilers. Obtain all necessary New York State Department of Labor permits as applicable for the type(s) of boiler(s) involved in the project. No boiler shall be started, operated, or put in service until all permits are obtained, including those from the New York State Department of Labor.

* * * * *