



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
AIR AND RADIATION

Kolli M. Rao, Phd.
Senior Environmental Engineer
New York Power Authority
123 Main Street
White Plains, New York 10601

Dear Dr. Rao:

This letter represents U.S. EPA's formal determination of applicability under §72.6(c) of the Acid Rain regulations in response to your letter of September 24, 2001, requesting that U.S. EPA make applicability determinations for New York Power Authority's (NYPA) Harlem River Yard (ORISPL 7914) units 1 and 2, Hell Gate (ORISPL 7913) units 1 and 2 , 23rd and 3rd (ORISPL 7910) units 1 and 2, Vernon Boulevard (ORISPL 7909) units 1 and 2, Pouch terminal (ORISPL 7911) unit 1, North 1st (ORISPL 7915) unit 1, and Brentwood (ORISPL 7912) unit 1. All of the aforementioned units are located in the New York City Metropolitan area.

Background

According to your letter, NYPA has installed a total of 11 identical simple combustion turbines at the above mentioned sites. Each General Electric LM6000 combustion turbine burns only pipeline natural gas and serves a single generator with a nameplate capacity of 47 MW. Further, each of the 11 combustion turbines commenced commercial operation sometime between July 25, 2001 and August 17, 2001. Since each of the combustion turbines burn natural gas, each is "fossil fuel-fired" and a "unit" as those terms are defined at §72.2. Also, since the units produce electricity for sale, and began selling electricity after November 15, 1990, each unit is also a "utility unit" and a "new unit," respectively, also as defined under §72.2.

EPA's Determination

Since each of NYPA's 11 combustion turbines are "new units," and "utility units," each combustion turbine is also an "affected unit" under §§72.2 and 72.6(a)(3)(i) of the Acid Rain Program regulations, as applied to new utility units. Therefore, the owners and operators must ensure that each of

the combustion turbines comply with all applicable requirements of the Acid Rain Program, including the requirement to apply for and receive an Acid Rain permit (under part 72), to monitor and report emissions (under part 75), and to hold allowances to cover sulfur dioxide emissions (under parts 72 and 73).

EPA's determination in this letter relies, and is contingent, on the accuracy and completeness of the representations in your letter, and is appealable under part 78. The applicable regulations require you to send copies of this letter to each owner or operator of the affected units. See §72.6(c)(1). If you have any further questions regarding the Acid Rain Program, please contact Robert Miller of EPA's Clean Air Markets Division at (202) 564-9077.

Sincerely,

/s/ (October 6, 2001)

Brian J. McLean, Director
Clean Air Markets Division

cc: Robert Metrie, New York State DEP
Randy Orr, New York State DEP
Gerry DeGaetano, EPA Region 2