



BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R02-OAR-2025-3588; FRL-13122-01-R2]

Approval of Source-Specific Air Quality Implementation Plan; New York; Big Six Towers Inc.

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to determine a revision to the State of New York's State Implementation Plan (SIP) for the ozone National Ambient Air Quality Standard (NAAQS) related to a source-specific SIP (SSSIP) revision, for Big Six Towers Inc. (the Big Six), located at 59-55 47th Ave. Woodside, NY 11377 (the Facility), is approvable. The EPA is proposing to find that the control options in this SSSIP revision implement Reasonably Available Control Technology (RACT) with respect to oxides of nitrogen (NO_x) emissions from the relevant Facility sources, which are identified as three oil-fired engines. This SSSIP revision is intended to implement NO_x RACT for the relevant Facility sources in accordance with the requirements for implementation of the 2008 and 2015 ozone NAAQS. The EPA proposes to determine that this rulemaking will not interfere with ozone NAAQS requirements and meets all applicable requirements of the Clean Air Act (CAA).

DATES: Written comments must be received on or before **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-R02-OAR-2025-3588, at <https://www.regulations.gov> (our preferred method), or the other submission methods identified in the link below. Once submitted, comments cannot be edited or removed from the docket. The EPA may publish any comment received to its public docket. Do not submit to the EPA's docket at <https://www.regulations.gov> any information you consider to be Confidential Business Information (CBI), Proprietary Business Information (PBI), or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (i.e., on the web, cloud, or other file sharing system). Please visit <https://www.epa.gov/dockets/commenting-epa-dockets> for additional submission methods; the full EPA public comment policy; information about CBI, PBI, or multimedia submissions; and general guidance on making effective comments.

FOR FURTHER INFORMATION CONTACT: Stephanie Lin, Air Programs Branch, Environmental Protection Agency, 290 Broadway, 25th Floor, New York, New York 10007-1866, telephone number: (212) 637-3711, email address: lin.stephanie@epa.gov.

SUPPLEMENTARY INFORMATION: For additional information on regulatory background and the EPA's technical findings relating to the Facility's RACT, the reader can refer to the Technical Support Document (TSD) that is contained in the EPA docket assigned to this *Federal Register* document.

Table of Contents

- I. Background
- II. The EPA's Evaluation of New York's submission
- III. The EPA's Proposed Action
- IV. Incorporation by Reference
- V. Statutory and Executive Order Reviews

I. Background

Ground-level Ozone Formation

Ground-level ozone is predominantly a secondary air pollutant created by chemical reactions that occur when ozone precursors, including nitrogen oxides (NO_x) and volatile organic compounds (VOC), react in the presence of sunlight. Emissions from industrial facilities are anthropogenic sources of ozone precursors. The potential for ground-level ozone formation tends to be highest during months with warmer temperatures and stagnant air masses that are conducive to ozone formation – often referred to as “the ozone season.” The ozone season means, for each state (or portion of a state), the ozone monitoring season specified for that jurisdiction defined in 40 CFR part 58, appendix D, section 4.1(i).¹ In New York, the ozone season begins in March and ends in October.²

Ozone Nonattainment

A geographic area of the United States that is not meeting the National Ambient Air Quality Standard (NAAQS) for ozone is designated as a nonattainment area. *See* CAA section 107(d)(1)(A)(i). Nonattainment areas are classified as either Marginal, Moderate, Serious, Severe, or Extreme. With respect to this proposed action, there are two relevant ozone NAAQS standards. First, effective May 27, 2008, the EPA promulgated a revision to the ozone NAAQS, setting the standard at 0.075 parts per million (ppm) averaged over an 8-hour time frame (2008 8-hour Ozone Standard) (73 FR

16436, March 27, 2008). Second, effective December 28, 2015, the EPA lowered this standard to 0.070 ppm averaged over an 8-hour time frame (2015 8-hour Ozone Standard) (80 FR 65292, October 26, 2015). The Facility is located in the New York-Northern New Jersey-Long Island ozone nonattainment area for both the 2008 and 2015 ozone NAAQS, and is a major source of NO_x (50 tons per year (tpy) for Serious ozone nonattainment areas and 25 tpy for Severe ozone nonattainment areas). Therefore, the Facility is required to implement RACT for nonattainment planning purposes under CAA section 182. The State of New York is also located within the Ozone Transport Region (OTR), which means that it is subject to statewide RACT requirements under CAA section 184.

Federal RACT Requirements

RACT is defined as the lowest emission limit that a source is capable of meeting through the application of control technology that is reasonably available considering technological and economic feasibility.¹ CAA section 182 sets forth the requirement to establish control measures to implement RACT for major sources of VOC and NO_x located in ozone nonattainment areas. As noted, the State of New York is also located within the OTR, and the State is required to implement RACT for all major sources of VOC and NO_x within the State under CAA sections 184(b)(1)(B) and 182(f)(1).

NYSDEC RACT Requirements

The New York State Department of Environmental Conservation's (NYSDEC) RACT regulations require applicable facilities to meet certain requirements, referred to as

¹ See EPA, "Guidance for determining acceptability of SIP regulations in non-attainment areas," memo 1976, Roger Strelow, https://www3.epa.gov/ttn/naaqs/aqmguidance/collection/cp2/19761209_strelow_ract.pdf.

“presumptive RACT requirements.” These presumptive requirements generally require sources to implement emission limits, control efficiency requirements, specific control technologies, averaging plans, and/or fuel/raw material switching practices. In some instances, the presumptive RACT requirements may not be technologically or economically feasible for a certain source, and the State can make a source-specific RACT determination (or variance), which is submitted to the EPA as a SSSIP. The SSSIP should include the facility’s RACT plan that demonstrates how the facility will implement RACT. The SSSIP will also include the applicable CAA Title V operating permit conditions that address RACT requirements. These RACT variance permit conditions for the Facility will become part of the Federally enforceable SIP upon the EPA’s final approval of this SSSIP.

Under existing NYSDEC RACT regulations, facilities are required to assess all technologically feasible control options that meet the State’s cost threshold. The cost threshold for NYSDEC RACT requirements is found under NYSDEC’s 2013 policy, “DAR-20 Economic and Technical Analysis for Reasonably Available Control Technology (RACT).” Under this policy, facilities must consider in their RACT determinations control technologies that remove VOC or NO_x emissions up to a certain cost threshold, expressed in a dollar amount per ton of VOC or NO_x removed, which includes an inflation-adjusted economic threshold.²

II. The EPA’s Evaluation of New York’s Submission

² The DAR-20 cost threshold is based on 1994 dollars. State of New York relies on the U.S. Department of Labor, Bureau of Labor Statistics inflationary calculator to adjust the RACT economic feasibility threshold over time for inflation. See https://www.bls.gov/data/inflation_calculator.htm.

This proposed action relates to a SSSIP revision that concerns a facility that generates electrical power and steam for an apartment complex and mixed retail space located at 59-55 47th Avenue in Woodside, Queens. Under the facility-wide Title V Operating Permit, the Big Six is permitted to operate six internal combustion engines (consisting of three natural gas-fired engines and three oil-fired engines) and three boilers. The Facility also operates three small dual-fuel boilers. All of the emission sources are grouped under Emission Unit 1-STACK (EU 1-STACK). The natural gas-fired engines meet the presumptive RACT limit of 1.5 grams per brake horsepower-hour (g/bhp-hr) and are not required to be addressed in this proposed action. The sources evaluated in this proposed action are the Facility's three oil-fired engines (emission unit 1-STACK, emission sources 0ENG2, 0ENG4, 0ENG6). The three oil-fired engines do not meet the presumptive limits of 2.3 grams per brake horsepower-hour. To minimize NO_x emissions, the Facility employs good combustion practices for the oil-fired engines without any add-on controls.

The NYSDEC RACT regulations establish RACT requirements for this category of sources in 6 NYCRR subpart 227-2, "Reasonable Available Control Technology (RACT) For Major Facilities of Oxides of Nitrogen (NO_x)," last approved into New York's SIP by the EPA on July 12, 2013, 78 FR 41846. The three oil-fired engines are subject to 6 NYCRR subpart 227-2.4(f)(3) because they are stationary internal combustion engines that run on oil. The subpart lists a presumptive RACT emission limit of 2.3 grams per brake horsepower-hour. However, as explained above, the NYSDEC RACT regulations allow source-specific RACT determinations if the presumptive RACT

requirements are not technologically or economically feasible; such source-specific determinations must be submitted to the EPA as a SSSIP.

This SSSIP was submitted by NYSDEC on July 24, 2024. The EPA has reviewed the RACT determination for the three oil-fired engines in this SSSIP submittal for consistency with the CAA and the EPA regulations, as interpreted through the EPA actions and guidance. The intended effect of this SSSIP revision is to establish an emission limit for the process specific control measure for the three oil-fired engines.

The EPA is proposing to determine through this SSSIP rulemaking that the NO_x RACT emission limit submitted by the State for the three oil-fired engines is the lowest emission limit with the application of control technology that is reasonably available given technological and economic feasibility considerations. The relevant NO_x RACT emission limit is contained in the Facility's air permit, Permit ID 2-6304-00404/00004, under conditions 19, 30, 31, 32, and 40, which was issued by the State on April 4, 2024 and expires on April 3, 2029. The EPA is proposing to approve the incorporation of permit conditions 19, 30, 31, 32, and 40 into the SIP. In addition to the emission limit, these conditions include monitoring, reporting, and recordkeeping requirements for the proposed three oil-fired engines further described in the EPA RACT Analysis below.

The Facility submitted a RACT demonstration, dated June 2022, to NYSDEC for the emission limit requirements, and NYSDEC reviewed and approved the variance emission limit as adequately implementing RACT for the source. NYSDEC then submitted the SSSIP revision package at issue in this proposed action for EPA approval, and the EPA is proposing to determine the variance emission limit as implementing

RACT for this source. The RACT variance emission limit for the Facility will become part of the Federally enforceable SIP upon the EPA's final approval of this SSSIP.

The EPA's RACT Analysis

The following is a summary of the EPA's analysis of how the proposed NO_x emission limit implements RACT for the emission sources 0ENG2, 0ENG4, and 0ENG6 (the three oil-fired engines). Further detail on this analysis is provided in the TSD available in the docket for this rulemaking.

Under 6 NYCRR subpart 227-2, the RACT demonstration must show an alternate emission limit to comprise RACT, and a RACT variance can be requested. Such a RACT variance can be approved by the State if supported by a RACT demonstration; the State then submits its determination to the EPA for review as a SIP revision.

The Facility's RACT demonstration states that good combustion practice with no add-on controls is the only NO_x control technology that is technologically and economically feasible for the Facility's three oil-fired engines, and that good combustion practices ensure the NO_x emissions will not exceed 5 grams per brake horsepower-hour (g/bhp-hr). Good combustion practices for an engine mean operating them in accordance with manufacturer specifications and conducting prescribed maintenance based on the manufacturer's schedule.

NYSDEC reviewed the RACT demonstration and determined that the alternate emission limit implements RACT for the three oil-fired engines. Specifically, NYSDEC approved the following case-by-case emission limit: (1) Condition 32. Subpart 227-2.5(c). RACT. NO_x one-hour average emissions from Emission Unit 1-STACK, Process PEO, Emission Sources 0ENG2, 0ENG4, 0ENG6 shall not exceed 5.0 grams per brake

horsepower-hour; monitored once every five years; report semi-annually with the initial report due July 30, 2024. “Alternate NO_x RACT limit for the three engines is 5.0 grams/bhp-hr as demonstrated in the June 2022 NO_x RACT analysis. The facility shall submit a testing protocol to the Department for approval a minimum of 90 days prior to any stack testing. The owner or operator will maintain records on-site for a minimum of five years”; and (2) Condition 40. Subpart 201-6. The permit authorizes the following regulated processes for the cited Emission Unit: 1-STACK, Process: PEO, Process Description: “Combustion of No.2 distillate oil in three (3) caterpillar engine generator sets, two (2) model D399’s and one (1) model D3516. Each generator set includes a 16-cylinder, 4 stroke water cooled engine running on no.2 fuel oil. Electrical power is generated by a revolving field, 3-phase cat generator coupled at each of the three engines. Exhaust heat is captured in three waste-heat exchangers before being exhausted through a common 24-inch diameter manifold. These engines are house[d] in the power plant and discharge underground to a common stack.” Emission Source/Control: 0ENG2 – Combustion, Design Capacity: 850 kilowatts, Emission Source/Control: 0ENG4 – Combustion, Design Capacity: 850 kilowatts, Emission Source/Control: 0ENG6 – Combustion, Design Capacity: 1,600 kilowatts.

We are proposing to determine that the following additional technically feasible control options do not need to be implemented because they are not cost effective: selective catalytic reduction (SCR).

To determine what NO_x control technologies could be economically and technologically feasible for the three oil-fired engines, the EPA reviewed the Reasonably Available Control Technology/Best Available Control Technology/Lowest Achievable

Emission Rate Clearinghouse (RBLC)³ and the vendor quotes provided by the State as part of the RACT evaluation. The EPA's RBLC search criteria were based on the process type 17.000 - Internal Combustion Engines, 17.100 - Large Internal Combustion Engines (> 500 HP), 17.110 – Fuel Oil (ASTM #1,2, includes kerosene, aviation, diesel fuel).

The EPA's RBLC review reveals that there are 18 facilities in the United States that operate with similar situations (having oil-fired internal combustion engines in energy-generating facilities): (1) Sycamore Riverside Energy LLC, located in Indiana with emergency generators; (2) Blue Lake, located in Minnesota with emergency generators; (3) Lansing Board of Water and Light – Delta Energy Park, located in Michigan with an engine; (4) Nemadji Trail Energy Center, located in Wisconsin with an emergency generator; (5) Maple Creek Energy LLC, located in Indiana with an emergency fire pump and an emergency generator; (6) Lansing Board of Water and Light – Erickson Station, located in Michigan with an emergency engine; (7) Lincoln Land Energy Center, located in Illinois with emergency engines; (8) Marshall Energy Center North, LLC, located in Michigan with an emergency engine; (9) Marshall Energy Center South, LLC, located in Michigan with an emergency engine; (10) Magnolia Power Generating Station Unit 1, located in Louisiana with an emergency diesel generator engine; (11) Maidsville, located in West Virginia with an emergency generator and fire water pump; (12) Shady Hills Combined Cycle Facility, located in Florida with an emergency diesel generator; (13) Plant Barry, located in Alabama with diesel emergency engines; (14) Nemadji Trail Energy Center, located in Wisconsin with an emergency

³ The RBLC contains case-specific information on the best available air pollution technologies that have been required to reduce the emission of air pollutants from stationary sources. See <https://cfpub.epa.gov/rblc/index.cfm?action=Search.BasicSearch&lang=en>.

diesel generator; (15) Indeck Niles, LLC, located in Michigan with a diesel fuel emergency engine; (16) Thomas Township Energy, LLC, located in Michigan with an engine; (17) Chickahominy Power LLC, located in Virginia with an emergency diesel generator; and (18) Riverview Energy Corporation, located in Indiana with an emergency fire pump and emergency generator. The EPA also reviewed two vendor quotes for the three oil-fired engines as contained in the SSSIP submission, and they appear to be technically sound. Based on the EPA's review of the RBLC, the EPA did not identify any other cost-effective NOx control technologies that have become available that could be implemented on the Facility's three oil-fired engines.

The EPA is proposing to determine that the proposed limit of 5.0 g/bhp-hr for the three oil-fired engines implements RACT because: (1) the 6 NYCRR part 227 presumptive NOx limit for the three oil-fired engines of 2.3 g/bhp-hr is not economically and technologically feasible for this source; (2) no additional control technologies beyond what are currently used at the three oil-fired engines are both technically and economically feasible; and (3) the SIP revision contains monitoring and reporting requirements associated with the emission limit.

III. The EPA's Proposed Action

The EPA is proposing to approve this SIP revision because the limits included in the SSSIP are demonstrated to implement RACT for emission unit 1-STACK, emission sources 0ENG2, 0ENG4, 0ENG6 (representing the Facility's three oil-fired engines). Based on information provided by NYSDEC, a thorough RBLC review of similar sources, and an analysis of this source-specific SIP revision, the EPA proposes to

approve the Big Six's operation under the NYSDEC-approved NO_x emission limits for the Facility's three oil-fired engines.

Specifically, the EPA proposes to determine the following limit and associated requirements as implementing RACT: (1) the Facility must not exceed the alternate NO_x RACT limit for the three oil-fired engines of 5.0 grams/bhp-hr as demonstrated in the June 2022 NO_x RACT analysis, (2) the Facility shall submit a testing protocol to the Department for approval a minimum of 90 days prior to any stack testing, and (3) the owner or operator will maintain records on-site for a minimum of five years.

IV. Incorporation by Reference

In this document, the EPA is proposing to include regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference revisions to the Big Six's Title V operating permit conditions 19, 30, 31, 32, and 40 as described in section II of this preamble. The EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region 2 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations (42 U.S.C. 7410(k); 40 CFR 52.02(a)). Thus, in reviewing SIP submissions, EPA's role is to approve State choices, provided that they meet the criteria of the CAA. Accordingly, this proposed action merely approves State law as meeting Federal requirements and does not

impose additional requirements beyond those imposed by State law. For that reason, this proposed action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Is not an Executive Order 14192 (90 FR 9065, February 6, 2025) regulatory action because this action is not significant under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it approves a State program;
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA.

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian Tribe has demonstrated that a Tribe has jurisdiction. In those areas of Indian country, the rule does not have Tribal implications and will not impose substantial direct costs on Tribal governments or preempt Tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

List of Subjects 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Oxides of nitrogen, Ozone, Reporting and recordkeeping requirements.

(Authority: 42 U.S.C. 7401 et seq.)

Michael Martucci,
Regional Administrator,
Region 2.

[FR Doc. 2026-10642 Filed: 5/27/2026 8:45 am; Publication Date: 5/28/2026]