



CPV Valley Energy Center
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Thursday, August 02, 2018

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NYSDEC

AUG 06 2018

**Division of
Environmental Permits**

Re: ***Request for Adjudicatory Hearing
Denial of CPV Valley LLC Air State Facility Permit Renewal
DEC ID #3-3356-00136/000001***

Dear Sir or Madam:

By letter dated August 1, 2018, the Regional Director of Region 3 denied CPV Valley, LLC's ("CPV Valley") otherwise timely and sufficient renewal application for the above referenced Air State Facility permit. The purported ground for the denial was that CPV Valley was required to obtain a Title V Clean Air Act permit prior to operation of the facility pursuant to 6 NYCRR §§ 201-6.2(a) and 201-1.2(a), and CPV Valley had not submitted an application for a Title V permit nor had a Title V permit been issued for the facility. As a result, the renewal application failed to satisfy all applicable requirements.

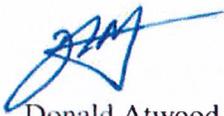
Please accept this letter as a request for an adjudicatory hearing pursuant to 6 NYCRR § 621.10(a)(2) of the above referenced denial. In support thereof, CPV Valley respectfully submits conditions of the Air State Facility Permit (Conditions 5 and 6) could not be clearer and state that a Title V permit application must be submitted within one year of commencement of operation of the new emission source. In addition, the applicable provisions of 6 NYCRR Part 201-6, and specifically, 6 NYCRR §§ 201-6.2(a)(2) and (a)(3), authorize the facility to continue to operate so long as a Title V permit application is submitted within one year of commencement of operation of the new emission source.

Furthermore, please be advised that since the August 1, 2018 denial does not state that the renewal application for the Air State Facility Permit was not timely or sufficient, CPV Valley believes that, pursuant to the provisions of 6 NYCRR § 621.11(l), and Section 401(2) of the New York State Administrative Procedures Act, the facility may continue to operate under its Air State Facility permit until such time as final agency action is taken on the Department's decision, and all appeals of such decision have been exhausted.

Please be further advised that CPV Valley reserves the right to supplement this request for adjudicatory hearing, should such supplement be required.

Thank you for your attention to this matter, and please feel free to contact me should you have any questions.

Very truly yours,



Donald Atwood
Asset Manager Representative

Attachment

cc: George Sweikert
John Urda