

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Office of Climate, Air, & Energy, Deputy Commissioner
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MAY 18 2022

Ms. Lisa F. Garcia
Regional Administrator
U.S. Environmental Protection Agency, Region 2
290 Broadway, 26th Floor
New York, NY 10007-1866

Dear Administrator Garcia:

On behalf of the Governor of the State of New York, I am submitting for approval by the U.S. Environmental Protection Agency (EPA) a Source-Specific State Implementation Plan Revision (SSSR) for Finch Paper, LLC in Glens Falls, New York. This SSSR replaces a SSSR for Finch Paper, LLC that was submitted by the New York State Department of Environmental Conservation (DEC) on September 16, 2008 that is pending EPA action.

Title 6 of the New York Codes, Rules, and Regulations (NYCRR) contains several regulations that define Reasonably Available Control Technology (RACT) for certain categories of stationary sources. The Air Title V Facility Permit for Finch Paper, LLC, issued on December 20, 2021 contains conditions that establish NOx emission limits that vary from presumptive RACT limits for large boilers; and establishes RACT for a wood waste boiler and recovery boilers for which there are no presumptive RACT limits.

A public notice for the SSSR was published in the Environmental Notice Bulletin (ENB) on March 30, 2022. A public comment period was held through May 2, 2022. No comments were received during the public comment period. The following documents, including those that were used by the DEC to evaluate and approve RACT emission limits, are enclosed with this proposed SSSR:

1. Source-Specific State Implementation Plan Revision, Reasonably Available Control Technology, Finch Paper, LLC., Permit ID: 5-5205-00005/00059; May 2022. The May 2022 version is identical to the March 2022 version that underwent a public comment period.
2. Public Notice of Source-Specific SIP Revision for Finch Paper as published in the *Environmental Notice Bulletin* on March 30, 2022.



Department of
Environmental
Conservation

If you have any questions or concerns, please contact Mr. Robert D. Bielawa, Chief, Division of Air Resources, Bureau of Air Quality Planning, SIP Planning Section at (518) 402-8396.

Sincerely,



J. Jared Snyder
Deputy Commissioner
Office of Climate, Air, & Energy

Enclosures

c: R. Ruvo, EPA Region 2
C. LaLone



ENB Statewide Notices 3/30/2022

Public Notice

Pursuant to the Environmental Conservation Law sections 3-0301, 11-0303, 11-0305, 11-0317, 11-1301, 11-1303, 11-1316, and 11-1319, the New York State Department of Environmental Conservation (NYS DEC) hereby gives notice of the following:

Notice of Adoption to amend 6 NYCRR Parts 10, 19 and 35. This notice will be published in issue 13 of the State Register, dated March 30, 2022. These amendments simplify statewide species fishing regulations, simplify ice fishing regulations, make adjustments to or eliminate species fishing regulations for specific waters, clarify regulations and make adjusts to or eliminate certain gear restrictions.

For further information, please contact:

Gregory Kozlowski
NYS DEC - Division of Fish and Wildlife
625 Broadway
Albany, NY 12233-4753
Phone: 518-402-8896
E-mail: gregory.kozowski@dec.ny.gov

Notice of Adoption of 6 NYCRR Part 353 Expanded Polystyrene Foam Container and Polystyrene Loose Fill Packaging Reduction

Pursuant to Article 27 Title 30, Section 27-3003(2) and Sections 1-0101 and 3-0301 of the Environmental Conservation Law (ECL), the New York State Department of Environmental Conservation (NYS DEC) hereby gives notice of the following:

NYS DEC is adopting a new 6 NYCRR Part 353 Expanded Polystyrene Foam Container and Polystyrene Loose Fill Packaging Reduction. This rule adds a new Part 353, Expanded Polystyrene Foam Container and Loose Fill Packaging Reduction, to set forth the requirements of Title 30 of Article 27 of the Environmental Conservation Law with respect to the prohibition on expanded polystyrene foam containers and loose fill packaging; financial hardship waiver application process; cost comparison analysis for alternative packaging; definition of the terms "comparable cost" and "undue financial hardship;" and hardship waiver approval, renewal, and revocation criteria.

This notice will be published in the State Register on March 30, 2022.

Documents pertaining to this [adopted rule making](#) can be found on NYS DEC's website at: <https://www.dec.ny.gov/regulations/propregulations.html#recent>.

Requests for information related to the revisions to Part 353 may be obtained from the contact listed below.

Contact: Rebecca Vaughan, NYS DEC - Division of Materials Management, 625 Broadway, Albany, NY 12233, Phone: (518) 402-8678, E-mail: rebecca.vaughan@dec.ny.gov.

Notice of Policy Rescission

CP-33, Assessing and Mitigating Impacts of Fine Particulate Matter Emissions became effective on February 13, 2004. It was written to provide guidance to New York State Department of Environmental Conservation (NYS DEC) staff who conduct reviews under the State Environmental Quality Review Act (SEQRA) concerning the methods to be used in determining whether a proposed source of fine particulate matter (PM_{2.5}) emissions will have a potentially adverse impact on air quality and when mitigation should be considered in connection with a proposed project. The methods set forth also served as a reference to applicants preparing environmental assessments in support of an application for a permit.

CP-33 was intended as interim direction until the Fine Particulate Matter (PM_{2.5}) National Ambient Air Quality Standards (NAAQS) were fully implemented. New York adopted its latest PM_{2.5} State Implementation Plans on June 27, 2013 and November 28, 2016 rendering CP-33 obsolete. Recission of CP-33 ensures NYS DEC staff and applicants properly refer to enacted rules in their assessments of PM_{2.5} as opposed to the outdated interim direction.

The policy from the public website: <https://www.dec.ny.gov/chemical/8912.html> will be removed thirty (30) days following this notice.

Written comments on the policy recission may be submitted until 5:00 p.m. on April 29, 2022.

For more information on CP-33, please contact: Margaret LaFarr, NYS DEC - Division of Air Resources, 625 Broadway, Albany, NY 12233-3251, Phone: (518) 402-8402, E-mail: air.regs@dec.ny.gov

Source-Specific State Implementation Plan Revision for Reasonably Available Control Technology for Finch Paper, LLC, Permit ID 5-5205-00005/00059 in Glens Falls, New York

Notice is hereby given that the New York State Department Of Environmental Conservation (NYS DEC) plans to submit a Source-Specific State Implementation Plan Revision (SSSR) for Reasonably Available Control Technology (RACT) for Finch Paper LLC to the United States Environmental Protection Agency (US EPA) for approval.

Title 6 of the New York Codes, Rules, and Regulations (NYCRR) contains several regulations that define RACT for certain categories of stationary sources. These regulations seek emissions reductions of nitrogen oxides (NO_x) and/or volatile organic compounds (VOCs) to help attain and/or maintain the 8-hour ozone National Ambient Air Quality Standards (NAAQS). Depending upon the relevant RACT regulation, a source that is required to implement RACT must meet a presumptive RACT limit, meet an alternate limit determined from an approved technical analysis if reaching a presumptive RACT limit is technically or economically infeasible, or meet an approved case-by-case RACT limit for sources which do not have a presumptive RACT limit established in regulation.

The Air Title V Facility Permit for Finch Paper LLC issued on December 20, 2021, contains conditions that 1) establish NO_x emission limits that vary from presumptive RACT limits for large boilers, which is 0.015 pounds per million British thermal units pursuant to 6 NYCRR 227-2.4; 2) allow the facility to determine compliance with the case-by-case NO_x RACT limits with averaging methods (30-day, 24-hour block) that differ from those imposed by 6 NYCRR 227-2.6 (1-hr); and 3) establish RACT for a wood waste boiler and recovery boilers for which there are no presumptive RACT limits.

The [Source-Specific State Implementation Plan Revision for Finch Paper LLC](https://www.dec.ny.gov/chemical/8403.html) that NYS DEC plans to submit to US EPA for approval is available at: <https://www.dec.ny.gov/chemical/8403.html>.

The [Air Title V Facility Permit](https://www.dec.ny.gov/dardata/boss/afs/permits/552050000500059_r4_1.pdf) that contains the permit conditions is available at: https://www.dec.ny.gov/dardata/boss/afs/permits/552050000500059_r4_1.pdf.

The [Permit Review Report](https://www.dec.ny.gov/dardata/boss/afs/permits/prr_552050000500059_r4_1.pdf) for this facility is available at https://www.dec.ny.gov/dardata/boss/afs/permits/prr_552050000500059_r4_1.pdf.

Source-specific RACT determinations that are included in this permit action will be submitted to the US EPA for approval as a SSSR. The NYS DEC is providing a 30-day period to comment on the proposed SSSR or to request a hearing. Written comments and/or a request for a hearing should be submitted by May 2, 2022 to Robert D. Bielawa, NYS DEC - Division of Air Resources, 625 Broadway, Albany, NY 12233-3251, Phone: (518) 402-8396, E-mail: airsips@dec.ny.gov

Contact: Robert D. Bielawa, NYS DEC - Division of Air Resources, 625 Broadway, Albany, NY 12233-3251, Phone: (518) 402-8396, E-mail: airsips@dec.ny.gov



Department of
Environmental
Conservation

SOURCE-SPECIFIC STATE IMPLEMENTATION PLAN REVISION

REASONABLY AVAILABLE CONTROL TECHNOLOGY

FINCH PAPER, LLC

Permit ID: 5-5205-00005/00059

May 2022

DIVISION OF AIR RESOURCES
Bureau of Air Quality Planning

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Acronyms and Abbreviations

CAA	Federal Clean Air Act
DAR	DEC Division of Air Resources
DEC	New York State Department of Environmental Conservation
EPA	United States Environmental Protection Agency
NAAQS	National Ambient Air Quality Standards
NYCRR	New York Codes, Rules, and Regulations
NO _x	Oxides of Nitrogen
NYCRR	New York Codes, Rules, and Regulations
PEMS	Predictive Emissions Monitoring System
RACT	Reasonably Available Control Technology
SIP	State Implementation Plan
SSSR	Source Specific SIP Revision
VOCs	Volatile Organic Compounds

Introduction

The United States Environmental Protection Agency (EPA) defines Reasonably Available Control Technology (RACT) as the lowest emission limitation that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility.

Title 6 of the New York Codes, Rules, and Regulations (NYCRR) contains several regulations that define Reasonably Available Control Technology (RACT) for certain categories of stationary sources in New York. These regulations seek emissions reductions of nitrogen oxides (NO_x) and/or volatile organic compounds (VOCs) to help attain and/or maintain the 8-hour ozone National Ambient Air Quality Standards (NAAQS).

Depending upon the relevant RACT regulation, a source that is required to implement RACT must meet a presumptive RACT limit, meet an alternate limit determined from an approved technical analysis if reaching a presumptive RACT limit is technically or economically infeasible, or meet an approved case-by-case RACT limit for sources which do not have a presumptive RACT limit established in regulation. Individual source specific RACT determinations that are included in a facility's operating permit must be submitted to EPA as a revision to the New York State Implementation Plan (SIP) in order to satisfy the NO_x and/or VOC RACT requirements under sections 182 and 184 of the Clean Air Act (CAA).

The New York State Department of Environmental Conservation's (DEC's) DAR-20 guidance, titled "Economic and Technical Analysis for Reasonably Available Control Technology (RACT)," provides procedures for the economic and technical feasibility analysis that needs to be used to evaluate source-specific RACT determinations and to determine appropriate RACT emission limits. This analysis must also be completed at each renewal of the emission source owner's permit. The re-evaluation must contain the latest control technologies and strategies available for review and allow for an inflation-adjusted economic threshold.

Source-specific RACT Determination and RACT Analysis

The Air Title V Facility Permit for Finch Paper LLC issued on December 20, 2021, and modified on January 12, 2022¹, contains a permit condition (Permit Condition 1-1) that establishes a NO_x emission limit that varies from the presumptive RACT limit for large boilers, which is 0.015 pounds per million British thermal units pursuant to 6 NYCRR 227-2.4 . Compliance will be determined using a predictive emissions monitoring system (PEMS) where NO_x emissions will be calculated daily based on boiler steam rates and emission rate curves developed for each boiler.

The permit also contains permit conditions that establish RACT for a wood waste boiler (Permit Condition 47) and recovery boilers (Permit Condition 60) for which there are no presumptive RACT limits.

The permit conditions also allow the facility to determine compliance with the alternate NO_x emission limits with averaging methods (30-day, 24-hour block) that differ from those imposed by 6 NYCRR 227-2.6 (1-hr).

The technical analyses used by DEC to determine the case-by-case RACT limits is included in this Source Specific SIP Revision (SSSR) as Appendix A.

¹ See “Air Title V Facility Permit and Permit Review Report”

Additional Considerations

DEC also used the following information in making its RACT variance determination and to demonstrate that the approved monitoring scheme, as included in the permit issued on December 20, 2017, reduces NO_x emissions:

- Boiler load and NO_x calculation sheet for March 2019.
- September 27, 2017, Inspection Detail for Finch Paper, LLC.
- Deviation detail for Certification Form Data.

These documents are included in this SSSR as Appendix B.

Air Title V Facility Permit and Permit Review Report

The Air Title V Facility Permit issued on December 20, 2021, for this facility that includes the RACT variance permit conditions is available at https://www.dec.ny.gov/dardata/boss/afs/permits/552050000500059_r4_1.pdf .

The Permit Review Report for this facility is available at https://www.dec.ny.gov/dardata/boss/afs/permits/prr_552050000500059_r4_1.pdf .