

**Division of Air Resources
Permit Review Report**

Permit ID: 3-5518-00214/00019

Renewal Number: 2

Modification Number: 1 11/23/2021

Facility Identification Data

Name: AMERICAN SUGAR REFINING INC

Address: 1 FEDERAL ST

YONKERS, NY 10705

Owner/Firm

Name: AMERICAN SUGAR REFINING INC

Address: 1 FEDERAL ST

YONKERS, NY 10705-1079, USA

Owner Classification: Corporation/Partnership

Permit Contacts

Division of Environmental Permits:

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YONKERS, NY 10705

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**Permit Description
Introduction**

The Title V operating air permit is intended to be a document containing only enforceable terms and conditions as well as any additional information, such as the identification of emission units, emission points, emission sources and processes, that makes the terms meaningful. 40 CFR Part 70.7(a)(5) requires that each Title V permit have an accompanying "...statement that sets forth the legal and factual basis for the draft permit conditions". The purpose for this permit review report is to satisfy the above requirement by providing pertinent details regarding the permit/application data and permit conditions in a more easily understandable format. This report will also include background narrative and explanations of regulatory decisions made by the reviewer. It should be emphasized that this permit review report, while based on information contained in the permit, is a separate document and is not itself an enforceable term and condition of the permit.

Summary Description of Proposed Project

This project involves the installation of Boiler No.7 whose purpose is to provide redundancy to the Site. The boiler will operate under emission unit 0002 and its emission will stay under the existing nitrogen oxide's emissions limit of the unit.

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Attainment Status

AMERICAN SUGAR REFINING INC is located in the town of YONKERS in the county of WESTCHESTER.

The attainment status for this location is provided below. (Areas classified as attainment are those that meet all ambient air quality standards for a designated criteria air pollutant.)

Criteria Pollutant	Attainment Status
Particulate Matter (PM)	ATTAINMENT
Particulate Matter < 10µ in diameter (PM10)	ATTAINMENT
Sulfur Dioxide (SO2)	ATTAINMENT
Ozone*	SEVERE NON-ATTAINMENT
Oxides of Nitrogen (NOx)**	ATTAINMENT
Carbon Monoxide (CO)	ATTAINMENT

* Ozone is regulated in terms of the emissions of volatile organic compounds (VOC) and/or oxides of nitrogen (NOx) which are ozone precursors.

** NOx has a separate ambient air quality standard in addition to being an ozone precursor.

Facility Description:

The Primary function of the facility is to refine cane sugar for consumer use in the form of brown, white and confectionary sugar. The raw sugar goes through a series of processes including evaporation and crystallization in order to produce the final product. Small quantities of particulates are emitted during crushing, evaporation, crystallization and packaging of the product.

Permit Structure and Description of Operations

The Title V permit for AMERICAN SUGAR REFINING INC

is structured in terms of the following hierarchy: facility, emission unit, emission point, emission source and process. A facility is defined as all emission sources located at one or more adjacent or contiguous properties owned or operated by the same person or persons under common control. The facility is subdivided into one or more emission units (EU). Emission units are defined as any part or activity of a stationary facility that emits or has the potential to emit any federal or state regulated air pollutant. An emission unit is represented as a grouping of processes (defined as any activity involving one or more emission sources (ES) that emits or has the potential to emit any federal or state regulated air pollutant). An emission source is defined as any apparatus, contrivance or machine capable of causing emissions of any air contaminant to the outdoor atmosphere, including any appurtenant exhaust system or air cleaning device. [NOTE: Indirect sources of air contamination as defined in 6 NYCRR Part 203 (i.e. parking lots) are excluded from this definition]. The applicant is required to identify the principal piece of equipment (i.e., emission source) that directly results in or controls the emission of federal or state regulated air pollutants from an activity (i.e., process). Emission sources are categorized by the following types:

- combustion - devices which burn fuel to generate heat, steam or power
- incinerator - devices which burn waste material for disposal
- control - emission control devices

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process - any device or contrivance which may emit air contaminants that is not included in the above categories.

AMERICAN SUGAR REFINING INC is defined by the following emission unit(s):

Emission unit E00002 - Renewal 2 Mod 1.

Addition of one boiler (boiler number 7) and its associated processes as shown below:

C16 - boiler burns natural gas

C17 - boiler burns ultra low sulfur diesel.

The boiler is equipped with Low NOx burner with flue gas recirculation.

Venting is facilitated through Emission Point 00040.

Renewal 2 (carried over from Renewal 1).

This emission unit includes:

a) one emergency generator rated at 1600KW to be operated under 500 hr per year.

b) one boiler (# 3) rated at 165 mmBTU/hr, which is exhausting flue gases through emission point 21C. Boiler No.3 can fire natural gas or No.2 Oil.

c) one cogeneration unit with a combined heat rating of 167 mmBTU/hr. The cogeneration unit comprises a gas turbine and a duct burner. The gas turbine rated at 58 mmBTU/hr when it operates by itself. The gas burner can operate by itself or in conjunction with the gas turbine. When it is operated by itself, its maximum heat rating is 164 mmBTU/hr, whereas when it is operated in conjunction with the turbine (as a co-gen system) its heat rating is 109mmBTU/hr. The co-gen system is exhausting combustion gases through emission points 23.

The second Renewal gives the Site the flexibility to operate the turbine and the duct burner independently from each other, in which case the turbine would exhaust thru EP 23A and the duct burner thru EP23.

The two sources of the cogen system may operate independently exhausting via emission points 23A (gas turbine) and 23 (duct burner) under Process C08, C09, C12, or C13.

The turbine and the duct burner can burn natural gas or number 2 oil.

The cogeneration system of this emission unit is allowed operational flexibility as follows:

Process C06 - the turbine operates on natural gas and the duct burner operates on natural gas- cogen mode

Process C07 - the turbine operates on # 2 oil and the duct burner operates on #2 oil -

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cogen mode

Process C08 - the turbine operates on natural gas, duct burner is either off or operates independently venting thru a separate stack (EP 23)

Process C09 - the turbine operates on #2, duct burner is either off or operates independently venting thru a separate stack (EP 23)

Process C12 - the duct burner operates on natural gas only, turbine is off or operates independently venting thru a separate stack (EP 23A).

Process C13 - the duct burner operates on No.2 Oil only, turbine is off or operates independently venting thru a separate stack (EP 23A).

Process C14 - the turbine operates on natural gas and the duct burner operates on #2 oil - cogen mode

Process C15 - the turbine operates on #2 oil and the duct burner operates on natural gas - cogen mode

Notes: 1. The Facility is using the term duct burner and boiler No.4 interchangeably.

2. The operation of the turbine by itself (not in a cogen mode) is governed by emission limits set previously as per 227-2.4(e) (2), because these were the permit limits it had to comply prior to Renewal 2. No back sliding is allowed.

Emission unit E00002 is associated with the following emission points (EP):
00023, 00040, 0021C, 0023A

Process: C01 is located at Building 4A - BOILER #3 USING NATURAL GAS.

Process: C02 is located at Building 4A - BOILER #3 USING NO. 2 OIL.

Process: C06 is located at Building 5A - GAS TURBINE + DUCT BURNER (COGENERATION SYSTEM) BURNING NATURAL GAS.

The Duct Burner is also called boiler #4. When both sources operate together, they can generate up to 167 mmBTU/hr, out of which 58 mmBTU/hr is attributed to the turbine and the remaining (109 mmBTU/hr) to the duct burner. It is worth noting that the duct burner's rating is 164 mmBTU/hr when it operates by itself. This mode of operation exhausts thru emission point 00023.

Process: C07 is located at Building 5A - GAS TURBINE + DUCT BURNER (COGENERATION SYSTEM) BURNING NO. 2 OIL.

The Duct Burner is also called boiler #4. The two sources operating together can generate up to 167 mmBTU/hr, out of which 58 mmBTU/hr is attributed to the turbine and the remaining (109 mmBTU/hr) to the duct burner. It is worth noting that the duct burner's rating is 164 mmBTU/hr when it operates by itself. This mode of operation exhausts thru emission point 00023.

Process: C08 is located at Building 5A - This process describes the operation of the existing gas turbine (alone - not as part of the cogen system) while burning natural gas. Turbine alone is rated at 58 mmbtu/hr. This mode of operation exhausts thru emission point 0023A. The associated duct burner may be off or it may be operating independently of the Turbine as allowed by the second renewal of the Title V permit. The operation of the turbine is regulated by 40 CFR 60 GG among other regulations.

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Process: C09 is located at Building 5A - This process describes the operation of the existing gas turbine (alone - not as part of the cogen system) while burning No.2 Oil. Turbine alone is rated at 58 mmbtu/hr. This mode of operation exhausts thru emission point 0023A. The associated duct burner may be off or it may be operating independently of the Turbine as allowed by the second renewal of the Title V permit. This mode of operation of the turbine is regulated by 40 CFR 60 GG among other regulations.

Process: C12 is located at Building 5A - This process describes the operation of the duct burner (also called boiler #4) operating alone (not as part of the cogeneration system) while firing natural gas. The duct burner when operated alone can generate up to 164 mmBTU/hr. The turbine which is associated with this duct burner may be off or it may be operating independently of the duct burner a practice that is allowed by the second renewal of the Title V permit. The duct burner will be exhausting thru EP 23 while the turbine (if operated) will exhaust thru EP 23A. This mode of operation of the duct burner is regulated by 40 CFR 60 Db among other regulations.

Process: C13 is located at Building 5A - This process describes the operation of the duct burner (also called boiler #4) operating alone (not as part of the cogeneration system) while firing No.2 Oil. The duct burner when operated alone can generate up to 164 mmBTU/hr. The turbine which is associated with this duct burner may be off or it may be operating independently of the duct burner, a practice that is allowed by the second renewal of the Title V permit. The duct burner will be exhausting thru EP 23 while the turbine (if operated) will exhaust thru EP 23A. This mode of operation of the duct burner is regulated by 40 CFR 60 Db among other regulations.

Process: C14 is located at Building 5A - This process describes the operation of the cogeneration unit when the turbine operates burning natural gas while the duct burner operates firing No.2 Oil. This operational mode can achieve a heat rating of 167 mmBTU/hr, out of which 58 mmBTU/hr is attributed to the turbine and 109 mmBTU/hr is attributed to the duct burner. Please note that the duct burner's rating is 164 mmBTU/hr when the duct burner operates by itself.

This mode of operation is permitted to exhaust thru emission point 00023 only.

For approximately 50 hours per year, during maintenance periods the Gas Turbine and Duct burner may operate simultaneously but independently and thus exhaust through individual emission points 23 (duct burner) and 23A (Gas Turbine).

Process: C15 is located at Building 5A - This process describes the operation of the cogeneration unit when the turbine operates burning No.2 oil while the duct burner operates firing natural gas. This operational mode can achieve a heat rating of 167 mmBTU/hr, out of which 58 mmBTU/hr is attributed to the turbine and 109 mmBTU/hr is attributed to the duct burner. Please note that the duct burner's rating is 164 mmBTU/hr when the duct burner operates by itself. This mode of operation exhausts thru emission point 00023.

For approximately 50 hours per year, during maintenance periods the Gas Turbine and Duct burner may operate simultaneously but independently and thus exhaust through individual emission points 23 (duct

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burner) and 23A (Gas Turbine).

Process: C16 is located at Building YARD - Boiler No. 7 burning Natural Gas.

Process: C17 is located at Building YARD - Boiler No.7 burning Ultra Low Sulfur Diesel.

Emission unit E00001 - Process sources including dryers, granulators, conveying and storage systems, and other miscellaneous sources.

This unit includes four new dust collectors which have been installed to remove particulates (sugar dust) entrained in the air from the packaging of granulated and powdered sugar products.

Particulate emissions generated in the Bin Tower is collected by fabric filter (EP 00035).

Particulate emissions generated during the filling of small packaging are collected by fabric filter (EP 00036).

Particulate emissions generated during the filing of industrial granulated sugar containers are collected by fabric filter (EP 00037).

Particulate emissions generated during powder sugar packaging are collected by fabric filter (EP 00038).

Emission unit E00001 is associated with the following emission points (EP):

00001, 00003, 00004, 00007, 00008, 00014, 00015, 00016, 00018, 00019, 00020, 00021, 00024, 00025, 00026, 00027, 00028, 00029, 00030, 00031, 00032, 00033, 00034, 00035, 00036, 00037, 00038

Process: 00A is located at Building 10C - Air cooling and hot air drying of granulated sugar.

Process: 00B is located at Building 11B - SUGAR CONVEYING AND STORAGE SYSTEM.

Process: 00D is located at Building 12 - VACUUM SYSTEM TO RECOVER GRANULATED SUGAR.

Process: 00E is located at Building ADJ-12G - NON SUGAR CONVEYING AND STORAGE SYSTEM.

Process: 00F is located at Building 12 - SUGAR CONVEYING AND STORAGE SYSTEM AND PACKAGING SYSTEM.

Process: 00G is located at Building YARD - BULK TRAILOR MANHOLE EXHAUST AT GRANULATED SUGAR LOADING SPOT.

Process: 00H is located at Building 3 - Regeneration of carbon with the aid of a multi-hearth furnance with scrubber> The furnance is rated at 9.5 BTU/hr firing natural gas.

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Process: 00I is located at Building 14A - This process includes the new powder sugar mill, a 9,000 lb starch storage bin and a 60,000 lb sugar storage bin. This process is regulated under 6NYCRR Part 212.4(c) with permissible limit 0.05 grains/dscf.

Process: 00K is located at Building 14A - This process pertains to a new tote packaging line including a pressure blower package. Bulk bag supply bin is controlled through AVR vent filter (DC-6) EP33. Nuisance dust generated during the tote filling is controlled with AVS vent filter (DC-7) EP #34.

Process: 00L is located at Building 14A - Powder sugar conveying and storage system and packaging system.
This process started operating after 1973.

Process: 00M is located at Building 12 - The in-ground melter is used to return out of spec granulated and powdered sugar back to the process. The venturi meter will control the dust dumping of this sugar into the melter.

Title V/Major Source Status

AMERICAN SUGAR REFINING INC is subject to Title V requirements. This determination is based on the following information:

The Facility is major because of the level of Nitrogen Oxides (NOx) it emits. A Facility that emits Nitrogen Oxides more than 25 tons per year in a non-attainment area is considered major. This Facility has the potential to emit quantities of NOx much greater than 25 tons a year.

In fact, the Facility's NOx emissions from all combustion sources are capped to 276 tons per year.

The Facility is monitoring its fuel consumption for each combustion source monthly and uses these numbers along with appropriate emission factors to calculate its emission. Each month's emissions are added to the previous months on a rolling basis.

A major Facility is required to submit Annual, semiannual and quarterly reports. With these reports it certifies that it is in compliance. This Facility is inspected once a year by the Department which check the records and observe operation.

Program Applicability

The following chart summarizes the applicability of AMERICAN SUGAR REFINING INC with regards to the principal air pollution regulatory programs:

Regulatory Program	Applicability
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PSD	NO
NSR (non-attainment)	NO
NESHAP (40 CFR Part 61)	NO
NESHAP (MACT - 40 CFR Part 63)	YES
NSPS	YES
TITLE IV	NO
TITLE V	YES
TITLE VI	NO
RACT	YES
SIP	YES

NOTES:

PSD Prevention of Significant Deterioration (40 CFR 52, 6 NYCRR 231-7, 231-8) - requirements which pertain to major stationary sources located in areas which are in attainment of National Ambient Air Quality Standards (NAAQS) for specified pollutants.

NSR New Source Review (6 NYCRR 231-5, 231-6) - requirements which pertain to major stationary sources located in areas which are in non-attainment of National Ambient Air Quality Standards (NAAQS) for specified pollutants.

NESHAP National Emission Standards for Hazardous Air Pollutants (40 CFR 61, 6 NYCRR 200.10) - contaminant and source specific emission standards established prior to the Clean Air Act Amendments of 1990 (CAAA) which were developed for 9 air contaminants (inorganic arsenic, radon, benzene, vinyl chloride, asbestos, mercury, beryllium, radionuclides, and volatile HAP's).

MACT Maximum Achievable Control Technology (40 CFR 63, 6 NYCRR 200.10) - contaminant and source specific emission standards established by the 1990 CAAA. Under Section 112 of the CAAA, the US EPA is required to develop and promulgate emissions standards for new and existing sources. The standards are to be based on the best demonstrated control technology and practices in the regulated industry, otherwise known as MACT. The corresponding regulations apply to specific source types and contaminants.

NSPS New Source Performance Standards (40 CFR 60, 6 NYCRR 200.10) - standards of performance for specific stationary source categories developed by the US EPA under Section 111 of the CAAA. The standards apply only to those stationary sources which have been constructed or modified after the regulations have been proposed by publication in the Federal Register and only to the specific contaminant(s) listed in the regulation.

Title IV Acid Rain Control Program (40 CFR 72 thru 78, 6 NYCRR 201-6) - regulations which mandate the implementation of the acid rain control program for large stationary combustion facilities.

Title VI Stratospheric Ozone Protection (40 CFR 82, Subpart A thru G, 6 NYCRR 200.10) - federal requirements that apply to sources which use a minimum quantity of CFC's (chlorofluorocarbons), HCFC's (hydrofluorocarbons) or other ozone depleting substances or regulated substitute substances in equipment such as air conditioners, refrigeration equipment or motor vehicle air conditioners or appliances.

RACT Reasonably Available Control Technology (6 NYCRR Parts 212-3, 220-1.6, 220-1.7,

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220-2.3, 220-2.4, 226, 227-2, 228, 229, 230, 233, 234, 235, 236) - the lowest emission limit that a specific source is capable of meeting by application of control technology that is reasonably available, considering technological and economic feasibility. RACT is a control strategy used to limit emissions of VOC's and NOx for the purpose of attaining the air quality standard for ozone. The term as it is used in the above table refers to those state air pollution control regulations which specifically regulate VOC and NOx emissions.

SIP State Implementation Plan (40 CFR 52, Subpart HH, 6 NYCRR 200.10) - as per the CAAA, all states are empowered and required to devise the specific combination of controls that, when implemented, will bring about attainment of ambient air quality standards established by the federal government and the individual state. This specific combination of measures is referred to as the SIP. The term here refers to those state regulations that are approved to be included in the SIP and thus are considered federally enforceable.

Compliance Status

Facility is in compliance with all requirements.

SIC Codes

SIC or Standard Industrial Classification code is an industrial code developed by the federal Office of Management and Budget for use, among other things, in the classification of establishments by the type of activity in which they are engaged. Each operating establishment is assigned an industry code on the basis of its primary activity, which is determined by its principal product or group of products produced or distributed, or services rendered. Larger facilities typically have more than one SIC code.

SIC Code

Description

2062

CANE SUGAR REFINING

SCC Codes

SCC or Source Classification Code is a code developed and used" by the USEPA to categorize processes which result in air emissions for the purpose of assessing emission factor information. Each SCC represents a unique process or function within a source category logically associated with a point of air pollution emissions. Any operation that causes air pollution can be represented by one or more SCC's.

SCC Code

Description

1-01-005-01

EXTERNAL COMBUSTION BOILERS - ELECTRIC GENERATION
ELECTRIC UTILITY BOILER - DISTILLATE OIL
Grades 1 and 2 Oil

1-01-006-01

EXTERNAL COMBUSTION BOILERS - ELECTRIC GENERATION
ELECTRIC UTILITY BOILER - NATURAL GAS

1-02-005-01

Boilers > 100 MBtu/Hr except Tangential
EXTERNAL COMBUSTION BOILERS - INDUSTRIAL
INDUSTRIAL BOILER - DISTILLATE OIL
Grades 1 and 2 Oil

1-02-005-05

EXTERNAL COMBUSTION BOILERS - INDUSTRIAL
INDUSTRIAL BOILER - DISTILLATE OIL
Cogeneration

1-02-006-01

EXTERNAL COMBUSTION BOILERS - INDUSTRIAL
INDUSTRIAL BOILER - NATURAL GAS
Over 100 MBtu/Hr

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1-02-006-04	EXTERNAL COMBUSTION BOILERS - INDUSTRIAL INDUSTRIAL BOILER - NATURAL GAS Cogeneration
2-01-002-01	INTERNAL COMBUSTION ENGINES - ELECTRIC GENERATION ELECTRIC UTILITY INTERNAL COMBUSTION ENGINE - NATURAL GAS Turbine
2-02-001-03	INTERNAL COMBUSTION ENGINES - INDUSTRIAL INDUSTRIAL INTERNAL COMBUSTION ENGINE - DISTILLATE OIL (DIESEL) Turbine: Cogeneration
2-02-002-03	INTERNAL COMBUSTION ENGINES - INDUSTRIAL INDUSTRIAL INTERNAL COMBUSTION ENGINE - NATURAL GAS Turbine: Cogeneration
3-02-007-70	FOOD AND AGRICULTURE FOOD AND AGRICULTURE - GRAIN MILLINGS FOOD & AGR-GRAIN MILLINGS: DEXTROSE DRYING
3-02-015-25	FOOD AND AGRICULTURE FOOD AND AGRICULTURE - SUGAR CANE PROCESSING
3-02-015-99	Regeneration of carbon in a carbon furnace FOOD AND AGRICULTURE FOOD AND AGRICULTURE - SUGAR CANE PROCESSING Other Not Classified

Facility Emissions Summary

In the following table, the CAS No. or Chemical Abstract Service code is an identifier assigned to every chemical compound. [NOTE: Certain CAS No.'s contain a 'NY' designation within them. These are not true CAS No.'s but rather an identification which has been developed by the department to identify groups of contaminants which ordinary CAS No.'s do not do. As an example, volatile organic compounds or VOC's are identified collectively by the NY CAS No. 0NY998-00-0.] The PTE refers to the Potential to Emit. This is defined as the maximum capacity of a facility or air contaminant source to emit any air contaminant under its physical and operational design. Any physical or operational limitation on the capacity of the facility or air contamination source to emit any air contaminant, including air pollution control equipment and/or restrictions on the hours of operation, or on the type or amount or material combusted, stored, or processed, shall be treated as part of the design only if the limitation is contained in federally enforceable permit conditions. The PTE for each contaminant that is displayed represents the facility-wide PTE in tons per year (tpy) or pounds per year (lbs/yr). In some instances the PTE represents a federally enforceable emissions cap or limitation for that contaminant. The term 'HAP' refers to any of the hazardous air pollutants listed in section 112(b) of the Clean Air Act Amendments of 1990. Total emissions of all hazardous air pollutants are listed under the special NY CAS No. 0NY100-00-0. In addition, each individual hazardous air pollutant is also listed under its own specific CAS No. and is identified in the list below by the (HAP) designation.

Cas No.	Contaminant	PTE lbs/yr	PTE tons/yr	Actual lbs/yr	Actual tons/yr
000630-08-0	CARBON MONOXIDE	236000			
0NY210-00-0	OXIDES OF NITROGEN	552000			
0NY075-00-0	PARTICULATES	84000			
0NY075-00-5	PM-10	84000			
007446-09-5	SULFUR DIOXIDE	156000			
0NY100-00-0	TOTAL HAP	1			

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0NY998-00-0

VOC

44000

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

Item A: Public Access to Recordkeeping for Title V Facilities - 6 NYCRR 201-1.10(b)

The Department will make available to the public any permit application, compliance plan, permit, and monitoring and compliance certification report pursuant to Section 503(e) of the Act, except for information entitled to confidential treatment pursuant to 6 NYCRR Part 616 - Public Access to records and Section 114(c) of the Act.

Item B: Timely Application for the Renewal of Title V Permits -6 NYCRR Part 201-6.2(a)(4)

Owners and/or operators of facilities having an issued Title V permit shall submit a complete application at least 180 days, but not more than eighteen months, prior to the date of permit expiration for permit renewal purposes.

Item C: Certification by a Responsible Official - 6 NYCRR Part 201-6.2(d)(12)

Any application, form, report or compliance certification required to be submitted pursuant to the federally enforceable portions of this permit shall contain a certification of truth, accuracy and completeness by a responsible official. This certification shall state that based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

Item D: Requirement to Comply With All Conditions - 6 NYCRR Part 201-6.4(a)(2)

The permittee must comply with all conditions of the Title V facility permit. Any permit non-compliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

Item E: Permit Revocation, Modification, Reopening, Reissuance or Termination, and Associated Information Submission Requirements - 6 NYCRR Part 201-6.4(a)(3)

This permit may be modified, revoked, reopened and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.

Item F: Cessation or Reduction of Permitted Activity Not a Defense - 6 NYCRR 201-6.4(a)(5)

It shall not be a defense for a permittee in an enforcement action to claim that a cessation or reduction in the permitted activity would have been necessary in order to maintain compliance with the conditions of this permit.

Item G: Property Rights - 6 NYCRR 201-6.4(a)(6)

This permit does not convey any property rights of any sort or any exclusive privilege.

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Item H: Severability - 6 NYCRR Part 201-6.4(a)(9)

If any provisions, parts or conditions of this permit are found to be invalid or are the subject of a challenge, the remainder of this permit shall continue to be valid.

Item I: Permit Shield - 6 NYCRR Part 201-6.4(g)

All permittees granted a Title V facility permit shall be covered under the protection of a permit shield, except as provided under 6 NYCRR Subpart 201-6. Compliance with the conditions of the permit shall be deemed compliance with any applicable requirements as of the date of permit issuance, provided that such applicable requirements are included and are specifically identified in the permit, or the Department, in acting on the permit application or revision, determines in writing that other requirements specifically identified are not applicable to the major stationary source, and the permit includes the determination or a concise summary thereof. Nothing herein shall preclude the Department from revising or revoking the permit pursuant to 6 NYCRR Part 621 or from exercising its summary abatement authority. Nothing in this permit shall alter or affect the following:

- i. The ability of the Department to seek to bring suit on behalf of the State of New York, or the Administrator to seek to bring suit on behalf of the United States, to immediately restrain any person causing or contributing to pollution presenting an imminent and substantial endangerment to public health, welfare or the environment to stop the emission of air pollutants causing or contributing to such pollution;
- ii. The liability of a permittee of the Title V facility for any violation of applicable requirements prior to or at the time of permit issuance;
- iii. The applicable requirements of Title IV of the Act;
- iv. The ability of the Department or the Administrator to obtain information from the permittee concerning the ability to enter, inspect and monitor the facility.

Item J: Reopening for Cause - 6 NYCRR Part 201-6.4(i)

This Title V permit shall be reopened and revised under any of the following circumstances:

- i. If additional applicable requirements under the Act become applicable where this permit's remaining term is three or more years, a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which this permit is due to expire, unless the original permit or any of its terms and conditions has been extended by the Department pursuant to the provisions of Part 201-6.7 and Part 621.
- ii. The Department or the Administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
- iii. The Department or the Administrator determines that the Title V permit must be revised or reopened to assure compliance with applicable requirements.
- iv. If the permitted facility is an "affected source" subject to the requirements

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of Title IV of the Act, and additional requirements (including excess emissions requirements) become applicable. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit.

Proceedings to reopen and issue Title V facility permits shall follow the same procedures as apply to initial permit issuance but shall affect only those parts of the permit for which cause to reopen exists.

Reopenings shall not be initiated before a notice of such intent is provided to the facility by the Department at least thirty days in advance of the date that the permit is to be reopened, except that the Department may provide a shorter time period in the case of an emergency.

Item K: Permit Exclusion - ECL 19-0305

The issuance of this permit by the Department and the receipt thereof by the Applicant does not and shall not be construed as barring, diminishing, adjudicating or in any way affecting any legal, administrative or equitable rights or claims, actions, suits, causes of action or demands whatsoever that the Department may have against the Applicant for violations based on facts and circumstances alleged to have occurred or existed prior to the effective date of this permit, including, but not limited to, any enforcement action authorized pursuant to the provisions of applicable federal law, the Environmental Conservation Law of the State of New York (ECL) and Chapter III of the Official Compilation of the Codes, Rules and Regulations of the State of New York (NYCRR). The issuance of this permit also shall not in any way affect pending or future enforcement actions under the Clean Air Act brought by the United States or any person.

Item L: Federally Enforceable Requirements - 40 CFR 70.6(b)

All terms and conditions in this permit required by the Act or any applicable requirement, including any provisions designed to limit a facility's potential to emit, are enforceable by the Administrator and citizens under the Act. The Department has, in this permit, specifically designated any terms and conditions that are not required under the Act or under any of its applicable requirements as being enforceable under only state regulations.

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

Item A: Emergency Defense - 6 NYCRR 201-1.5

An emergency, as defined by subpart 201-2, constitutes an affirmative defense to penalties sought in an enforcement action brought by the Department for noncompliance with emissions limitations or permit conditions for all facilities in New York State.

(a) The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (1) An emergency occurred and that the facility owner or operator can identify the cause(s) of the emergency;
- (2) The equipment at the permitted facility causing the

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emergency was at the time being properly operated and maintained;

(3) During the period of the emergency the facility owner or operator took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and

(4) The facility owner or operator notified the Department within two working days after the event occurred. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

(b) In any enforcement proceeding, the facility owner or operator seeking to establish the occurrence of an emergency has the burden of proof.

(c) This provision is in addition to any emergency or upset provision contained in any applicable requirement. item_02

**Item B: General Provisions for State Enforceable Permit Terms and Condition - 6
NYCRR Part 201-5**

Any person who owns and/or operates stationary sources shall operate and maintain all emission units and any required emission control devices in compliance with all applicable Parts of this Chapter and existing laws, and shall operate the facility in accordance with all criteria, emission limits, terms, conditions, and standards in this permit. Failure of such person to properly operate and maintain the effectiveness of such emission units and emission control devices may be sufficient reason for the Department to revoke or deny a permit.

The owner or operator of the permitted facility must maintain all required records on-site for a period of five years and make them available to representatives of the Department upon request. Department representatives must be granted access to any facility regulated by this Subpart, during normal operating hours, for the purpose of determining compliance with this and any other state and federal air pollution control requirements, regulations or law.

Regulatory Analysis

Location Facility/EU/EP/Process/ES	Regulation	Condition	Short Description

FACILITY	ECL 19-0301	85	Powers and Duties of the Department with respect to air
FACILITY	40CFR 60-A.11	48	pollution control General provisions - compliance with standards and maintenance requirements
FACILITY	40CFR 60-A.12	49	General provisions - Circumvention
FACILITY	40CFR 60-A.13	50	General provisions - Monitoring requirements
FACILITY	40CFR 60-A.14	51	General provisions -

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FACILITY	40CFR 60-A.15	52	Modification
FACILITY	40CFR 60-A.4	35	General provisions - Reconstruction
FACILITY	40CFR 60-A.7 (a)	36	General provisions - Address
FACILITY	40CFR 60-A.7 (b)	37	Notification and Recordkeeping
FACILITY	40CFR 60-A.7 (c)	38	Notification and Recordkeeping
FACILITY	40CFR 60-A.7 (d)	39	Notification and Recordkeeping
FACILITY	40CFR 60-A.7 (e)	40	Notification and Recordkeeping
FACILITY	40CFR 60-A.7 (f)	41	Notification and Recordkeeping
FACILITY	40CFR 60-A.7 (g)	42	Notification and Recordkeeping
FACILITY	40CFR 60-A.8 (a)	43	Performance Tests
FACILITY	40CFR 60-A.8 (b)	44	Performance Tests
FACILITY	40CFR 60-A.8 (e)	45	Performance Tests
FACILITY	40CFR 60-A.8 (f)	46	Performance Tests
FACILITY	40CFR 60-A.9	47	General provisions - Availability of information
E-00002/-/C13	40CFR 60-Db.42b (j)	75	Exemption from Standards for Sulfur Dioxide.
E-00002/-/C14	40CFR 60-Db.42b (j)	78	Exemption from Standards for Sulfur Dioxide.
FACILITY	40CFR 60-Db.44b (a) (1)	53	Standard for Nitrogen Oxides Firing Natural Gas and Distillate Oil. (see narrative)
E-00002/00040/C17	40CFR 60-Db.44b (h)	1 -9	Standards for Nitrogen Oxides Provisions.
E-00002/00040/C17	40CFR 60-Db.46b (e) (1)	1 -10	Compliance and performance test methods and procedures for particulate matter and nitrogen oxides.
E-00002/-/C06	40CFR 60-GG.332	63	Standard for Nitrogen Oxides for Gas Turbines > 100 mmBtu/hr
E-00002/-/C08	40CFR 60-GG.332	69	Standard for Nitrogen Oxides for Gas Turbines > 100 mmBtu/hr
E-00002/-/C14	40CFR 60-GG.332	79	Standard for Nitrogen Oxides for Gas Turbines > 100 mmBtu/hr
FACILITY	40CFR 60-GG.334 (a)	54	Monitoring of Operations for Turbines Employing Water Injection to Control NOx
FACILITY	40CFR 63-JJJJJJ	1 -4	National Emission Standards for Hazardous Air

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			Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources
FACILITY	40CFR 68	19	Chemical accident prevention provisions
FACILITY	40CFR 82-F	20	Protection of Stratospheric Ozone - recycling and emissions reduction
FACILITY	6NYCRR 200.6	1	Acceptable ambient air quality.
FACILITY	6NYCRR 200.7	10	Maintenance of equipment.
FACILITY	6NYCRR 201-1.4	1 -11	Unavoidable noncompliance and violations
FACILITY	6NYCRR 201-1.7	11	Recycling and Salvage
FACILITY	6NYCRR 201-1.8	12	Prohibition of reintroduction of collected contaminants to the air
FACILITY	6NYCRR 201-3.2 (a)	13	Exempt Activities - Proof of eligibility
FACILITY	6NYCRR 201-3.3 (a)	14	Trivial Activities - proof of eligibility
FACILITY	6NYCRR 201-6	21, 23, 55, 56	Title V Permits and the Associated Permit Conditions
FACILITY	6NYCRR 201-6.4 (a) (4)	15	General Conditions - Requirement to Provide Information
FACILITY	6NYCRR 201-6.4 (a) (7)	2	General Conditions - Fees
FACILITY	6NYCRR 201-6.4 (a) (8)	16	General Conditions - Right to Inspect
FACILITY	6NYCRR 201-6.4 (c)	3	Recordkeeping and Reporting of Compliance Monitoring
FACILITY	6NYCRR 201-6.4 (c) (2)	4	Records of Monitoring, Sampling and Measurement
FACILITY	6NYCRR 201-6.4 (c) (3) (ii)	5	Reporting Requirements - Deviations and Noncompliance
FACILITY	6NYCRR 201-6.4 (d) (4)	24	Compliance Schedules - Progress Reports
FACILITY	6NYCRR 201-6.4 (e)	6	Compliance Certification
FACILITY	6NYCRR 201-6.4 (f)	1 -1	Operational Flexibility
FACILITY	6NYCRR 201-6.4 (f) (6)	17	Off Permit Changes
FACILITY	6NYCRR 201-6.5 (a)	1 -12	State Enforceable Requirements
FACILITY	6NYCRR 201-7	25, 57	Federally Enforceable Emissions Caps
FACILITY	6NYCRR 202-1	27	Emission Testing, Sampling and Analytical Determinations
FACILITY	6NYCRR 202-1.1	18	Required emissions tests.

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FACILITY	6NYCRR 202-1.4	28	Separate emission tests by the commissioner.
FACILITY	6NYCRR 202-1.5	29	Prohibitions.
FACILITY	6NYCRR 202-2.1	7	Emission Statements - Applicability
FACILITY	6NYCRR 202-2.5	8	Emission Statements - record keeping requirements.
FACILITY	6NYCRR 211.1	88	General Prohibitions - air pollution prohibited
FACILITY	6NYCRR 211.2	30	General Prohibitions - visible emissions limited.
FACILITY	6NYCRR 212-1.6 (a)	31	Limiting of Opacity
FACILITY	6NYCRR 212-2.4 (a)	32	Control of Particulate from Existing Process Emission Sources
FACILITY	6NYCRR 212-2.4 (b)	33	Control of Particulate from New and Modified Process Emission Sources
FACILITY	6NYCRR 215.2	9	Open Fires - Prohibitions
FACILITY	6NYCRR 225-1.2 (d)	1 -3	Sulfur-in-Fuel Limitation - Distillate Oil
E-00002/00040/C17	6NYCRR 227-1.4 (a)	1 -8	Opacity Standard
E-00002/-/C01	6NYCRR 227-2.4 (b) (1)	59	Emission limits.
E-00002/-/C02	6NYCRR 227-2.4 (b) (1)	60	Emission limits.
E-00002/-/C12	6NYCRR 227-2.4 (b) (1)	73	Emission limits.
E-00002/-/C13	6NYCRR 227-2.4 (b) (1)	74	Emission limits.
E-00002/-/C16	6NYCRR 227-2.4 (b) (1)	1 -6	Emission limits.
E-00002/-/C17	6NYCRR 227-2.4 (b) (1)	1 -7	Emission limits.
E-00002/-/C06	6NYCRR 227-2.4 (e) (2)	61, 62	Combined cycle combustion turbines.
E-00002/-/C07	6NYCRR 227-2.4 (e) (2)	65, 66	Combined cycle combustion turbines.
E-00002/-/C08	6NYCRR 227-2.4 (e) (2)	67, 68	Combined cycle combustion turbines.
E-00002/-/C09	6NYCRR 227-2.4 (e) (2)	71, 72	Combined cycle combustion turbines.
E-00002/-/C14	6NYCRR 227-2.4 (e) (2)	76, 77	Combined cycle combustion turbines.
E-00002/-/C15	6NYCRR 227-2.4 (e) (2)	81, 82	Combined cycle combustion turbines.
E-00002/-/C15	6NYCRR 227-2.6 (c)	83	Stack Test Requirements.
E-00002/0021C	6NYCRR 227-2.6 (c)	84	Stack Test Requirements.

Applicability Discussion:

Mandatory Requirements: The following facility-wide regulations are included in all Title V permits:

ECL 19-0301

This section of the Environmental Conservation Law establishes the powers and duties assigned to the Department with regard to administering the air pollution control program for New York State.

6 NYCRR 200.6

Acceptable ambient air quality - prohibits contravention of ambient air quality standards without mitigating

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6 NYCRR 200.7

Anyone owning or operating an air contamination source which is equipped with an emission control device must operate the control consistent with ordinary and necessary practices, standards and procedures, as per manufacturer's specifications and keep it in a satisfactory state of maintenance and repair so that it operates effectively

6 NYCRR 201-1.4

This regulation specifies the actions and recordkeeping and reporting requirements for any violation of an applicable state enforceable emission standard that results from a necessary scheduled equipment maintenance, start-up, shutdown, malfunction or upset in the event that these are unavoidable.

6 NYCRR 201-1.7

Requires the recycle and salvage of collected air contaminants where practical

6 NYCRR 201-1.8

Prohibits the reintroduction of collected air contaminants to the outside air

6 NYCRR 201-3.2 (a)

An owner and/or operator of an exempt emission source or unit may be required to certify that it operates within the specific criteria described in this Subpart. All required records must be maintained on-site for a period of 5 years and made available to department representatives upon request. In addition, department representatives must be granted access to any facility which contains exempt emission sources or units, during normal operating hours, for the purpose of determining compliance with this and any other state and federal air pollution control requirements, regulations, or law.

6 NYCRR 201-3.3 (a)

The owner and/or operator of a trivial emission source or unit may be required to certify that it operates within the specific criteria described in this Subpart. All required records must be maintained on-site for a period of 5 years and made available to department representatives upon request. In addition, department representatives must be granted access to any facility which contains trivial emission sources or units subject to this Subpart, during normal operating hours, for the purpose of determining compliance with this and any other state and federal air pollution control requirements, regulations, or law.

6 NYCRR Subpart 201-6

This regulation applies to those terms and conditions which are subject to Title V permitting. It establishes the applicability criteria for Title V permits, the information to be included in all Title V permit applications as well as the permit content and terms of permit issuance. This rule also specifies the compliance, monitoring, recordkeeping, reporting, fee, and procedural requirements that need to be met to obtain a Title V permit, modify the permit and demonstrate conformity with applicable requirements as listed in the Title V permit. For permitting purposes, this rule specifies the need to identify and describe all emission units, processes and products in the permit application as well as providing the Department the authority to include this and any other information that it deems necessary to determine the compliance status of the facility.

6 NYCRR 201-6.4 (a) (4)

This mandatory requirement applies to all Title V facilities. It requires the permittee to provide information that the Department may request in writing, within a reasonable time, in order to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. The request may include copies of records required to be kept by the permit.

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6 NYCRR 201-6.4 (a) (7)

This is a mandatory condition that requires the owner or operator of a facility subject to Title V requirements to pay all applicable fees associated with the emissions from their facility.

6 NYCRR 201-6.4 (a) (8)

This is a mandatory condition for all facilities subject to Title V requirements. It allows the Department to inspect the facility to determine compliance with this permit, including copying records, sampling and monitoring, as necessary.

6 NYCRR 201-6.4 (c)

This requirement specifies, in general terms, what information must be contained in any required compliance monitoring records and reports. This includes the date, time and place of any sampling, measurements and analyses; who performed the analyses; analytical techniques and methods used as well as any required QA/QC procedures; results of the analyses; the operating conditions at the time of sampling or measurement and the identification of any permit deviations. All such reports must also be certified by the designated responsible official of the facility.

6 NYCRR 201-6.4 (c) (2)

This requirement specifies that all compliance monitoring and recordkeeping is to be conducted according to the terms and conditions of the permit and follow all QA requirements found in applicable regulations. It also requires monitoring records and supporting information to be retained for at least 5 years from the time of sampling, measurement, report or application. Support information is defined as including all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

6 NYCRR 201-6.4 (c) (3) (ii)

This regulation specifies any reporting requirements incorporated into the permit must include provisions regarding the notification and reporting of permit deviations and incidences of noncompliance stating the probable cause of such deviations, and any corrective actions or preventive measures taken.

6 NYCRR 201-6.4 (d) (4)

This condition applies to every Title V facility subject to a compliance schedule. It requires that reports, detailing the status of progress on achieving compliance with emission standards, be submitted semiannually.

6 NYCRR 201-6.4 (e)

Sets forth the general requirements for compliance certification content; specifies an annual submittal frequency; and identifies the EPA and appropriate regional office address where the reports are to be sent.

6 NYCRR 201-6.4 (f) (6)

This condition allows changes to be made at the facility, without modifying the permit, provided the changes do not cause an emission limit contained in this permit to be exceeded. The owner or operator of the facility must notify the Department of the change. It is applicable to all Title V permits which may be subject to an off permit change.

6 NYCRR 202-1.1

This regulation allows the department the discretion to require an emission test for the purpose of determining compliance. Furthermore, the cost of the test, including the preparation of the report are to be borne by the owner/operator of the source.

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6 NYCRR 202-2.1

Requires that emission statements shall be submitted on or before April 15th each year for emissions of the previous calENdAr year.

6 NYCRR 202-2.5

This rule specifies that each facility required to submit an emission statement must retain a copy of the statement and supporting documentation for at least 5 years and must make the information available to department representatives.

6 NYCRR 211.2

This regulation limits opacity from sources to less than or equal to 20 percent (six minute average) except for one continuous six-minute period per hour of not more than 57 percent opacity.

6 NYCRR 215.2

Except as allowed by section 215.3 of 6 NYCRR Part 215, no person shall burn, cause, suffer, allow or permit the burning of any materials in an open fire.

40 CFR Part 68

This Part lists the regulated substances and there applicability thresholds and sets the requirements for stationary sources concerning the prevention of accidental releases of these substances.

40 CFR Part 82, Subpart F

Subpart F requires the reduction of emissions of class I and class II refrigerants to the lowest achievable level during the service, maintenance, repair, and disposal of appliances in accordance with section 608 of the Clean Air Act AmENDments of 1990. This subpart applies to any person servicing, maintaining, or repairing appliances except for motor vehicle air conditioners. It also applies to persons disposing of appliances, including motor vehicle air conditioners, refrigerant reclaimers, appliance owners, and manufacturers of appliances and recycling and recovery equipment. Those individuals, operations, or activities affected by this rule, may be required to comply with specified disposal, recycling, or recovery practices, leak repair practices, recordkeeping and/or technician certification requirements.

Facility Specific Requirements

In addition to Title V, AMERICAN SUGAR REFINING INC has been determined to be subject to the following regulations:

40 CFR 60.11

This regulation specifies the type of opacity monitoring requirements in relation to compliance with the standards and maintenance requirements.

40 CFR 60.12

This regulation prohibits an owner or operator from concealing emissions in violation of applicable standards by any means.

40 CFR 60.13

This regulation specifies how monitoring shall be performed and which methods and appendices are used to determine if the monitoring is adequate and in compliance with the regulated standards.

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40 CFR 60.14

This regulation defines the term modification and what is and is not considered to be a modification, for the purpose of rule applicability.

40 CFR 60.15

This regulation defines the term reconstruction and what is and is not considered to be a reconstruction project, for the purpose of rule applicability.

40 CFR 60.332

40 CFR 60.334 (a)

This regulation requires the owner or operator of any stationary gas turbine subject to the provisions of 40CFR60 Subpart GG that is using water injection to control NOx emissions to install and operate a continuous monitoring system to monitor and record fuel consumption and the ratio of water to fuel fired in the turbine

40 CFR 60.4

This condition lists the USEPA Region 2 address for the submittal of all communications to the "Administrator". In addition, all such communications must be copied to NYSDEC Bureau of Quality Assurance (BQA).

40 CFR 60.42b (j)

This subdivision contains an exemption from the percent reduction requirements if the affected facility fires very low sulfur content oil.

40 CFR 60.44b (a) (1)

These standards apply to all boilers firing natural gas and/or distillate oil except as provided in 40 CFR 60.44b(a)(4) Duct Burners Used in a Combined Cycle System.

40 CFR 60.44b (h)

This regulation specifies that the NSPS nitrogen oxide standards apply at all time including periods of startup, shutdown, or malfunction.

40 CFR 60.46b (e) (1)

This citation states the requirements for the initial compliance test for nitrogen oxides.

40 CFR 60.7 (a)

This regulation requires any owner or operator subject to a New Source Performance Standard (NSPS) to furnish the Administrator with notification of the dates of: construction or reconstruction, initial startup, any physical or operational changes, commencement of performance

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testing for continuous monitors and anticipated date for opacity observations as required.

40 CFR 60.7 (b)

This regulation requires the owner or operator to maintain records of the occurrence and duration of any startup, shutdown, or malfunction of the source or control equipment or continuous monitoring system.

40 CFR 60.7 (c)

This requirement details the information to be submitted in excess emissions and monitoring systems performance reports which must be submitted at least semi-annually for sources with compliance monitoring systems.

40 CFR 60.7 (d)

This condition specifies the required information and format for a summary report form and details when either a summary form and/or excess emissions reports are required.

40 CFR 60.7 (e)

This condition specifies how sources that remain in continuous compliance, and are subject to monthly or quarterly reporting, can reduce reporting frequency to semiannually.

40 CFR 60.7 (f)

This condition specifies requirements for maintenance of files of all measurements, including continuous monitoring system (CMS), monitoring device, and performance testing measurements; all CMS performance evaluations; all CMS or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices for at least two years.

40 CFR 60.7 (g)

This condition allows source owners to use reporting required for state or local agencies to satisfy the paragraph (a) reporting requirements of this section of this rule.

40 CFR 60.8 (a)

This regulation contains the requirements for the completion date and reporting of Performance Testing (stack testing), at the facility. Within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup, the owner or operator of the facility must conduct performance test(s) and furnish a written report of the test results.

40 CFR 60.8 (b)

This regulation contains the requirements for Performance test methods and procedures, to be used by the owner or operator, of the affected facility.

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40 CFR 60.8 (e)

This regulation requires the facility to provide appropriate sampling ports, safe platforms and utilities as necessary for Performance (stack) testing.

40 CFR 60.8 (f)

This regulation requires that Performance (stack) tests consist of three runs unless otherwise specified. The rule also designates the allowable averaging methods for the analysis of the results.

40 CFR 60.9

This rule citation allows the public access to any information submitted to the EPA Administrator (or state contact), in conjunction with a project subject to this section of the regulation.

40 CFR Part 63, Subpart JJJJJ

This regulation covers facilities that own or operate an industrial, commercial, or institutional boiler as defined in §63.11237 that is located at, or is part of, an area source of hazardous air pollutants (HAP), as defined in §63.2, except as specified in §63.11195.

6 NYCRR 201-6.4 (f)

This section describes the potential for certain operational changes to be made by the facility owner or operator without first obtaining a permit modification. Changes made pursuant to this provision must meet all of the criteria described in this section to qualify for consideration as operational flexibility. The Department reserves the right to require the facility owner or operator to obtain a permit modification prior to making any changes at the facility pursuant to this section.

6 NYCRR 201-6.5 (a)

This subdivision related to the Title V enforceable conditions under the State's Climate Leadership and Community Protection Act (CLCPA) and Article 75 of New York State Environmental Conservation Law.

Although the contribution of any single project to climate change is infinitesimal, the combined GHG emissions from all human activity may result in, or significantly contribute to, global climate change. While there are no established thresholds for assessing the significance of a project's contribution to climate change, ASR has quantified GHG emissions from the Boiler 7 project. ASR has corporate-wide initiatives to reduce its carbon footprint and is dedicated to reducing greenhouse gas emissions where feasible. Since GHG emissions from the Boiler 7 project are directly attributed to fuel consumption, ASR has proposed using natural gas (fossil fuel with lowest GHG emissions) as the primary fuel for Boiler 7. Total GHG emissions for the Boiler 7 project using the 20-year global warming potentials found in Appendix 8.A: Lifetimes, Radiative Efficiencies and Metric Values of *Climate Change 2013: The Physical Science Basis. Contribution of Working Group I to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change* (pp. 731 - 740) are expected to be 60,710 tons CO₂e per year. This total is based upon the assumption that Boiler 7 will operate with a 100% capacity factor primarily on natural gas with up to 1,400 hours of oil firing. It should be noted, however, that the steam demand for the facility is not increasing and therefore, total GHG emissions plantwide will not increase as a result of the project. In fact, only three of the four combustion units (two of the three boilers) at the facility will operate at a time. Because the project is providing redundant steam capacity, there are no indirect GHG emissions attributable to the proposed project (e.g. emissions from vehicle trips of additional

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employees, suppliers, vendors, material delivery, etc.). Further, Boiler 7 will tie into the gas line for Boiler 4, therefore there are no construction equipment emissions associated with this project.

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As an alternative to Boiler 7, the Facility evaluated the potential for using electric units, however the site is not currently equipped with the necessary infrastructure to import externally generated electricity to support an electric powered unit. The additional infrastructure necessary to bring an appropriately sized electrical supply to the site would involve the construction of high voltage transmission lines and a new substation (at a minimum) and would likely require many months to construct and a significant capital expenditure, even assuming all necessary approvals could be obtained. The construction of this necessary infrastructure would result in additional GHG emissions. In addition, there are inherent transmission losses as electricity generated by power plants travels to customers. These losses mainly occur from energy dissipated in the conductors, transformers, and other equipment used for transmission, transformation, and distribution of power. Based on 2018 eGRID data[1], 4.88% of the electricity that is generated in the NYC/Westchester region is lost. To summarize, the new emission unit (Boiler 7) will operate under the existing facility cap (emission unit cap) and therefore will not result in an increase in emissions of any criteria pollutant or greenhouse gas.

Therefore, with regard to climate change, no adverse impact is expected to occur due to this project.

6 NYCRR 202-1.4

This regulation allows the department discretion to conduct separate or additional emission tests, including preparation of the testing site, at the source owner's expense, to determine compliance.

6 NYCRR 202-1.5

This rule prohibits the concealment of an emission by the use of air or other gaseous diluents (diluting agents) to achieve compliance with an emission standard which is based on the concentration of a contaminant in the gases emitted through a stack.

6 NYCRR 211.1

This regulation requires that no person shall cause or allow emissions of air contaminants to the outdoor atmosphere of such quantity, characteristic or duration which are injurious to human, plant or animal life or to property, or which unreasonably interfere with the comfortable enjoyment of life or property.

6 NYCRR 212-1.6 (a)

This provisions requires that the facility owner or operator not cause or allow emissions having an average opacity during any six consecutive minutes of 20 percent or greater from any process emission source or emission point, except for the emission of uncombined water.

6 NYCRR 212-2.4 (a)

Particulate emissions from any process emission source, which received a B or C

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Environmental Rating, and for which an application was received by the department prior to July 1, 1973 are restricted to 0.15 grains per cubic foot of exhaust gas, expressed at standard conditions on a dry gas basis.

6 NYCRR 212-2.4 (b)

Particulate emissions from any process emission source, which received a B or C Environmental Rating, and for which an application was received by the department after July 1, 1973 are restricted to 0.050 grains per cubic foot of exhaust gas, expressed at standard conditions on a dry gas basis.

6 NYCRR 225-1.2 (d)

This subdivision sets the sulfur-in-fuel limitation for distillate oil fired emission sources throughout the State.

6 NYCRR 227-1.4 (a)

This subdivisions sets the opacity standard for subject stationary combustion installations.

6 NYCRR 227-2.4 (b) (1)

This regulation sets the NO_x emission limits for large boilers.

6 NYCRR 227-2.4 (e) (2)

Presumptive NO_x RACT emission limits for combined cycle combustion turbines.

6 NYCRR 227-2.6 (c)

6 NYCRR Subpart 201-7

This regulation sets forth an emission cap that cannot be exceeded by the facility. In this permit that cap is 276 tons of NO_x per year. Additionally, emission unit 2 which comprises all combustion sources cannot generate more than 274.5 tons of NO_x per year. The remaining 1.5 tons per year (276 tons - 274.5 tons) is due to allocated to emissions due to process related combustion sources such as the furnace that serves the carbon regeneration process between others).

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6 NYCRR Subpart 202-1

This subpart of Part 202 establishes the general criteria for verifying emissions by means of emissions sampling, testing and associated analytical determinations.

Compliance Certification

Summary of monitoring activities at AMERICAN SUGAR REFINING INC:

Location Facility/EU/EP/Process/ES	Cond No.	Type of Monitoring

FACILITY	38	record keeping/maintenance procedures
FACILITY	53	monitoring of process or control device parameters as surrogate
E-00002/-/C06	63	record keeping/maintenance procedures
E-00002/-/C08	69	record keeping/maintenance procedures
E-00002/-/C14	79	record keeping/maintenance procedures
FACILITY	54	monitoring of process or control device parameters as surrogate
FACILITY	23	record keeping/maintenance procedures
FACILITY	5	record keeping/maintenance procedures
FACILITY	6	record keeping/maintenance procedures
FACILITY	1-2	monitoring of process or control device parameters as surrogate
FACILITY	26	monitoring of process or control device parameters as surrogate
E-00002	1-5	monitoring of process or control device parameters as surrogate
FACILITY	27	record keeping/maintenance procedures
FACILITY	7	record keeping/maintenance procedures
FACILITY	31	monitoring of process or control device parameters as surrogate
FACILITY	32	monitoring of process or control device parameters as surrogate
FACILITY	33	monitoring of process or control device parameters as surrogate
FACILITY	1-3	work practice involving specific operations
E-00002/00040/C17	1-8	monitoring of process or control device parameters as surrogate
E-00002/-/C01	59	intermittent emission testing
E-00002/-/C02	60	intermittent emission testing
E-00002/-/C12	73	intermittent emission testing
E-00002/-/C13	74	intermittent emission testing
E-00002/-/C16	1-6	intermittent emission testing
E-00002/-/C17	1-7	intermittent emission testing
E-00002/-/C06	61	intermittent emission testing
E-00002/-/C06	62	monitoring of process or control device parameters as surrogate
E-00002/-/C07	65	intermittent emission testing
E-00002/-/C07	66	monitoring of process or control device parameters as surrogate
E-00002/-/C08	67	intermittent emission testing
E-00002/-/C08	68	monitoring of process or control device parameters as surrogate
E-00002/-/C09	71	intermittent emission testing
E-00002/-/C09	72	monitoring of process or control device parameters as surrogate

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E-00002/-/C14	76	intermittent emission testing
E-00002/-/C14	77	monitoring of process or control device parameters as surrogate
E-00002/-/C15	81	intermittent emission testing
E-00002/-/C15	82	monitoring of process or control device parameters as surrogate
E-00002/-/C15	83	intermittent emission testing
E-00002/0021C	84	intermittent emission testing

Basis for Monitoring

The Facility is Major for NOx. It monitors Sulfur content of fuel and particulates.

The operation of the turbine is subject to 40 CFR 60 GG limitation for NOx and Sulfur Dioxide. However, 6NYCRR parts 225 and 227 are more stringent than the federal rule. Thus, the Federal limitations are not included in the permit.

To ensure that the site operates under the NOx cap, the Site shall monitor fuel consumption monthly for every combustion mode of operation and then calculate the annual NOx emissions every month.

Additionally, the Site shall monitor the following parameters;

- 1) Water-To-Fuel ratio - continuously when the turbine operates
- 2) Hours of operation of the emergency generators - monthly and annually.
- 3) Sulfur content of fuel.

Furthermore, the Site shall perform stack testing once per permit term to verify that appropriate emission rates are used and provide proof of its NOx the emissions.