

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Office of Climate, Air, & Energy, Deputy Commissioner
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JUN 28 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) an updated Source-Specific State Implementation Plan Revision (SSSR) for Lehigh Cement Company LLC – Glens Falls, NY; DECID: 5-5205-00013. This SSSR replaces two SSSRs for Lehigh Cement that were submitted by the New York State Department of Environmental Conservation (NYSDEC) and are still pending EPA action; one dated September 16, 2008 and the other dated December 18, 2013. Consequently, through this transmittal letter the DEC also withdraws those SSSRs for the above referenced facility from the SIP revisions that the state submitted on September 16, 2008 and December 18, 2013.

Title 6 New York Codes Rules and Regulations (6 NYCRR) Part 220, Portland Cement Plants and Glass Plants, requires Portland cement plants to perform facility specific Reasonably Available Control Technology (RACT) analyses for oxides of nitrogen (NOx) to determine which pollution control options are reasonable based on technological and economic feasibility. This SSSR includes the RACT analyses for Lehigh Cement. The facility, however, ultimately signed a Consent Decree with EPA and others that imposed a lower emission limit that meets Best Available Control Technology (BACT). Therefore, DEC requests that EPA approve the BACT emission limits provided for in the RACT determination as RACT; as well as approve the emission limits in the facility permit issued on February 28, 2022 as “satisfying” RACT.

A “Completed Application” public notice for the permit issued on February 28, 2022 was first published in the *Environmental Notice Bulletin* (ENB) on July 14, 2021. The public comment period was held through August 13, 2021. It was re-noticed on December 8, 2021 to expand upon requirements established under the Consent Decree and clarified that the emission limit from the Consent Decree would be included in the permit and would be submitted to EPA as a revision to the State Implementation Plan (SIP). The public comment period for the re-notice was held through January 7, 2022. No comments were received during either public comment period.

The following documents are enclosed with this SSSR:

1. Source-Specific State Implementation Plan Revision, Reasonably Available Control Technology, Lehigh Cement Company, LLC., Permit ID: 5-5205-00013/00058; May 2022.
2. Public notice of source-specific SIP revision for Lehigh Cement as published in the *Environmental Notice Bulletin* on July 14, 2021 and December 8, 2021.
3. "Proof of Publication" for July 15, 2021 newspaper public notice that includes SIP revision language.

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,

A handwritten signature in dark ink, appearing to read 'J. Jared Snyder', with a long horizontal flourish extending to the right.

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

Enclosures

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



Department of
Environmental
Conservation

SOURCE-SPECIFIC STATE IMPLEMENTATION PLAN REVISION

REASONABLY AVAILABLE CONTROL TECHNOLOGY

LEHIGH CEMENT COMPANY, LLC
Permit ID: 5-5205-00013/00058

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 Lehigh Cement Company, LLC issued on February 28, 2022 contains a permit condition (Permit Conditions 85 and 86) that includes a case-by-case oxides of nitrogen reasonably available control technology (NOx RACT) emission limit for the facility's cement kiln. There are no presumptive NOx RACT limits applicable to this cement kiln, therefore the facility is required to submit a RACT analysis pursuant to 6 NYCRR Part 220-1.6(b).

The NOx emission controls and associated cost analysis from a November 2010 RACT analysis for the kiln were determined to be acceptable as RACT by the DEC. An August 27, 2021 NOx RACT evaluation to support Lehigh's Title V permit renewal application has successfully demonstrated that they continue to be acceptable as RACT, and therefore were included in the February 28, 2022 Title V permit renewal. However, Lehigh Cement Company has agreed to a more stringent NOx emissions limit (2.5 lbs NOx / ton clinker (30-day rolling average)) than the NOx emissions limit calculated in the RACT analysis (2.9 lbs NOx / ton clinker (30-day rolling average)). The 2.5 lbs NOx / ton clinker (30-day rolling average) is the result of and defined in a Consent Decree that became effective on November 18, 2020 and is a federally enforceable limit that is incorporated into the Title V operating permit.

The following documents that were considered for the permit renewal, and are included in this SSSR, can be found in Appendix A.

- RACT Analysis; November, 2010
- NOx RACT Evaluation to Support Title V Renewal Application; August 27, 2021
- Consent Decree effective November 18, 2020

Air Title V Facility Permit and Permit Review Report

The Air Title V Facility Permit issued on February 28, 2022 for this facility that includes the RACT case-by-case permit conditions is available at https://www.dec.ny.gov/dardata/boss/afs/permits/552050001300058_r4.pdf .

The Permit Review Report for this facility is available at https://www.dec.ny.gov/dardata/boss/afs/permits/prr_552050001300058_r4.pdf .