

Part 227, 227-1  
revised

## PART 227

## STATIONARY COMBUSTION INSTALLATIONS

(Statutory authority: Environmental Conservation Law, §§ 1-0101, 3-0301, 19-0103, 19-0105, 19-0301, 19-0303, 19-0305, 19-0311)

Subpart 227-1 Stationary Combustion Installations

Subpart 227-2 Reasonably Available Control Technology (RACT) for Oxides of Nitrogen (NO<sub>x</sub>)

Subpart 227-3 Pre-2003 Nitrogen Oxides Emissions Budget and Allowance Program

## Historical Note

Part filed April 28, 1972; repealed, new Part 227 (§§ 227.1-227.9) filed April 27, 1973, renum. Subpart 227-1, new (Subparts 227-1—227-2) filed Jan. 19, 1994 eff. 30 days after filing.

## SUBPART 227-1

## STATIONARY COMBUSTION INSTALLATIONS

## Sec.

227-1.1	Construction of hand fired bituminous coal installations prohibited
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## Historical Note

Subpart (§§ 227-1.1—227-1.7) added by renum. and amd Part 227, filed Jan. 19, 1994 eff. 30 days after filing.

**§ 227-1.1 Construction of hand fired bituminous coal installations prohibited.**

No person shall construct, install or modify, or cause to be constructed, installed or modified, any stationary combustion installation designed to burn bituminous coal, hand fired.

## Historical Note

Sec. added by renum. 227.2, filed Jan. 19, 1994 eff. 30 days after filing

**§ 227-1.2 Particulate emissions.**

(a) No person shall cause or allow an emission into the outdoor atmosphere of particulates in excess of:

(1) 0.10 pound per million Btu heat input from any stationary combustion installation with a maximum heat input capacity exceeding 250 million Btu per hour using oil, coal tar, or any liquid fuel derived from coal; or

~~(2) 0.20 pound per million Btu heat input from any stationary combustion installation with a maximum heat input capacity exceeding 50 million Btu per hour but no greater than 250 million Btu per hour using oil (other than distillate oil), coal tar, or any liquid fuel derived from coal; or~~

(3) 0.10 pound per million Btu heat input from any stationary combustion installation with a maximum heat input capacity exceeding 250 million Btu per hour using coal and/or wood, coke, or any solid fuel derived from coal for which an application for a permit to construct pursuant to 6 NYCRR Part 201 was received by the department subsequent to August 11, 1972; or

(4) the permissible emission rates specified in Table 1 of subdivision (b) of this section from any stationary combustion installation burning coal and/or wood, coke, or any solid fuel derived from coal not subject to paragraph (3) of this subdivision.

(b) If two or more simultaneously operated furnaces are connected to a common air cleaning device and/or stack, the total heat input of all furnaces connected to the device and/or stack shall be the heat input for the purpose of computing the permissible emission rate.

**TABLE 1**  
**PERMISSABLE EMISSION RATES FOR STATIONARY COMBUSTION**  
**INSTALLATIONS BURNING SOLID FUEL**

<i>Maximum heat input capacity* (million Btu/hr)</i>	<i>Permissible emission rate** (lb/million Btu)</i>	<i>Maximum heat input capacity* (million Btu/hr)</i>	<i>Permissible emission rate** (lb/million Btu)</i>
1 to 10	0.60	600	0.24
20	0.52	700	0.24
30	0.47	800	0.23
40	0.44	900	0.22
50	0.42	1,000	0.22
60	0.41	2,000	0.19
70	0.39	3,000	0.17
80	0.38	4,000	0.16
90	0.37	5,000	0.15
100	0.36	6,000	0.15
200	0.31	7,000	0.14
300	0.29	8,000	0.14
400	0.27	9,000	0.13
500	0.25	10,000	0.13

- \* (a) Installations having a maximum heat input capacity less than one million Btu/hr are exempted.
- \*\* (b) Maximum heat input capacity between 10-10,000 million Btu/hr:

use  $E = 1.0/p^{0.22}$  to determine the permissible emission rate

where E = permissible emission rate in lb/million Btu and

p = maximum heat input capacity in million Btu/hr.

(c) Individual combustion installations with a maximum heat input capacity equal to or less than 300 million Btu/hr and in operation prior to June 1, 1972, may exceed the values in Table 1 provided they meet the following criteria:

- (1) Spreader stokers — permissible emission rate shall not exceed 0.60 lb/million Btu input.
- (2) Other than spreader stokers — permissible emission rate shall not exceed the following:

<i>Maximum heat input capacity (million Btu/hr)</i>	<i>Permissible emission rate (lb/million Btu)***</i>
1-100	0.60
200	0.45
300	0.30

\*\*\*calculate intermediate values by linear interpolation.

(c) Upon written application by a source owner, the commissioner may except such person from the provisions of this section for a period not exceeding one year if the applicant can demonstrate to the satisfaction of the commissioner, by acceptable diffusion analysis or other acceptable method, that the emissions from his stationary combustion installation will not cause any applicable ambient air quality standard for particulates to be exceeded. Any exception granted by the commissioner shall include the condition that the source shall not cause air

pollution or contravention of any air quality standard. The commissioner may extend the exception provided the source owner has complied with all such conditions. No exception will be granted for any stationary combustion installation with a heat input in excess of 250 million Btu per hour which is also required to comply with title 40, part 60 of the *Code of Federal Regulations*, which sets forth standards of performance for new stationary sources.

**Historical Note**

Sec. added by renum. 227.3, filed Jan. 19, 1994; amds. filed Feb. 3, 1999, Jan. 26, 2000 eff. 30 days after filing. Amended Table 1.

**§ 227-1.3 Opacity.**

(a) No person shall operate a stationary combustion installation which exhibits greater than 20 percent opacity (six minute average), except for one six-minute period per hour of not more than 27 percent opacity.

(b) Compliance with the opacity standard may be determined by:

- (1) conducting observations in accordance with Reference Method 9;
- (2) evaluating Continuous Opacity Monitoring System (COMS) records and reports; and/or
- (3) considering any other credible evidence.

(c) Upon written application by a source owner, the commissioner may accept an equivalent opacity standard less stringent than the opacity standard of subdivision (a) of this section for a stationary combustion installation with a maximum operating heat input greater than 50 million Btu per hour, if such source owner can demonstrate through acceptable emission tests for such stationary combustion installation that it is in compliance with all applicable emission standards other than the opacity standard and that the source and any associated emission control equipment is operated and maintained in a manner acceptable to the commissioner. Any stationary combustion installation to be eligible for an equivalent opacity standard must have applied Best Available Control Technology (BACT) as determined by the commissioner. Any equivalent opacity standard granted by the commissioner shall be submitted to the USEPA for approval as a SIP revision. The owner or operator of a source for which an equivalent opacity standard has been accepted shall not cause or allow emissions to exceed the equivalent opacity.

**Historical Note**

Sec. added by renum. 227.4, filed Jan. 19, 1994; amd. filed Feb. 3, 1999 eff. 30 days after filing.

**§ 227-1.4 Stack monitoring.**

~~(a) Any person who owns a stationary combustion installation (excluding gas turbines) with a total maximum heat input capacity exceeding 250 million Btu per hour shall install, operate in accordance with manufacturer's instructions, and properly maintain accurate instruments satisfying the criteria in appendix B of title 40, part 60 of the *Code of Federal Regulations*, or approved by the commissioner on an individual case basis, for continuously monitoring and recording opacity, and when sulfur dioxide continuous monitoring is required by Part 225 of this Title for continuously monitoring and recording either the percent oxygen or carbon dioxide in the flue gases from such installations at all times that the combustion installation is in service. Where gas~~  
~~the only fuel burned, monitoring and recording of opacity is not required.~~

(b) Each owner or operator required to operate a Continuous Opacity Monitoring System (COMS) in accordance with subdivision (a) of this section shall submit an accurate excess emissions and monitoring system performance report to the department for each calendar year quarter. All reports shall be certified by a responsible corporate official as true, accurate and complete and postmarked by the 60th day following the end of each calendar quarter. The quarterly excess emissions report shall be submitted in a form acceptable to the department and shall include the following minimum information:

(1) the magnitude, date and time of each six minute block average during which the average opacity of emissions exceeds 20 percent, except for one six minute block average per hour not to exceed 27 percent;

(2) for each period of excess emission, specific identification of the cause and corrective action taken;

(3) identification of all periods of COMS downtime, including the date, time and duration of each inoperable period, and the cause and corrective action for each COMS downtime period;

(4) the total time in which the COMS are required to record data during the reporting period;

(5) the total number of exceedences and the duration of exceedences expressed as a percentage of (operating time) the total time in which the COMS are required to record data; and

(6) such other things as the department may deem necessary, proper or desirable in order to enforce article 19 of the Environmental Conservation Law or the rules promulgated thereunder.

(c) If the sum of the maximum heat input capacity of all furnaces, which are operated simultaneously and are connected to a common air cleaning device and/or a common stack exceeds 250 million Btu per hour maximum heat input capacity, stack monitoring shall be required for such combustion installation in accordance with this section. The continuous stack monitoring and reporting requirements of this section as they may pertain to existing stationary combustion installations shall apply within one year after the effective date of this section, or by such later date as determined by an order of the commissioner.

~~(d) Upon written application by a source owner, the commissioner may exempt the owner or operator from the provisions of this section and set forth alternative stack monitoring and reporting requirements if the source owner can demonstrate that:~~

~~(1) commercially available continuous stack monitoring systems would not provide accurate determinations of readings;~~

~~(2) the installation of a continuous stack monitoring system would impose an extreme economic burden on the source owner;~~

~~(3) existing stack monitoring equipment which does not conform to the criteria in appendix B of title 40, part 60 of the Code of Federal Regulations provides accurate and reliable data; or~~

~~(4) a continuous stack monitoring system cannot be installed due to physical limitations.~~

**Historical Note**

Sec. added by renum. 227.6, filed Jan. 19, 1994; amds. filed: Dec. 29, 1995, Feb. 3, 1999 eff. 30 days after filing.

**§ 227-1.5 Fuel mixtures.**

When two or more different fuels are burned simultaneously in a single furnace of a stationary combustion installation, the permissible emission rate for a contaminant shall be the sum of the permissible emission rates of the contaminant for each fuel multiplied by the heat derived from such fuel.

**Historical Note**

Sec. added by renum. 227.7, filed Jan. 19, 1994 eff. 30 days after filing

**§ 227-1.6 Corrective action.**

(a) Any person found to have violated any provision of this Part shall not cause, permit or allow operation of the stationary combustion installation involved in the violation unless:

(1) it is equipped with approved emission control equipment;

(2) it is rehabilitated or upgraded in an approved manner; or

(3) the fuel is changed to an acceptable type.

(b) The commissioner may seal such stationary combustion installation so as to prevent any operation if the conditions of paragraphs (a)(1)-(3) of this section are not met within the time provided by the order of final determination issued in the case of the violation.

(c) No person shall cause, permit or allow operation of any stationary combustion installation sealed by the commissioner in accordance with this section.

(d) No person except the commissioner or his representatives shall remove, tamper with or destroy any seal affixed to any stationary combustion installation in accordance with this section.

**Historical Note**

Sec. added by renum. 227.8, filed Jan. 19, 1994 eff. 30 days after filing

**§ 227-1.7 General.**

(a) *Emission data.* Any person who owns or operates a stationary combustion installation subject to this Subpart shall provide emissions data when so requested by the commissioner.

(b) *Test methods.* Sampling, compositing and analysis of fuel samples shall be carried out in accordance with the most recent ASTM standard methods or equivalent methods acceptable to the commissioner.

**Historical Note**

Sec. added by renum. 227.9, filed Jan. 19, 1994, amd. filed Jan. 26, 2000 eff. 30 days after filing Amended (a).