

NEW YORK CODES, RULES AND REGULATIONS

TITLE 6. DEPARTMENT OF ENVIRONMENTAL CONSERVATION

CHAPTER III. AIR RESOURCES

SUBCHAPTER A. PREVENTION AND CONTROL OF AIR CONTAMINATION AND AIR POLLUTION

PART 201, PERMITS AND REGISTRATIONS

6 NYCRR § 201

[Filed on 2/3/09, Effective on 3/5/09]

~~(Existing Subpart 201-1 through paragraph 201-2.1(b)(20) remains unchanged.)~~

~~Existing paragraph 201-2.1(b)(21) is repealed.~~

New paragraph 201-2.1(b)(21) is added to read as follows:

(21) Major stationary source or major source or major facility. Any stationary source or any group of stationary sources, any source or any group of sources, or any facility or any group of facilities, that are located on one or more contiguous or adjacent properties and are under common control, belonging to a single major industrial grouping and that are described in subparagraph (i), (ii), (iii), (iv), or (v) of this paragraph. For the purposes of this definition, a stationary source, source, or facility or group of stationary sources, sources, or facilities shall be considered part of a single industrial grouping if all of the air pollutant or air contaminant emitting activities at such stationary source, source, or facility, or any group of stationary sources, sources, or facilities on contiguous or adjacent properties belong to the same major group (i.e., all have the same two-digit code), as described in the Standard Industrial Classification Manual, 1987. Stand alone or common wall residential housing units including compatible commercial activities, which are not regulated by other applicable requirements, where the potential to emit for individual associated combustion or emission sources are below major stationary source, major source, or major facility applicability thresholds (notwithstanding that the sum of these individual combustion or emission sources could exceed major stationary sources, major source, or major facility applicability thresholds) shall not be considered a major stationary source, major source, or major facility.

(i) Except as otherwise expressly provided in this paragraph, a stationary source, source, or facility that directly emits or has the potential to emit, 100 tpy or more of any air pollutant or air contaminant regulated under the Act (including any major source or facility which emits only fugitive emissions, of any such pollutant, as determined through regulation by the administrator). With the exception of emissions of hazardous air pollutants, fugitive emissions shall not be considered in determining whether a facility is major unless it belongs to one of the source categories identified in subparagraph (iii) of this paragraph.

(ii) For hazardous air pollutants other than radionuclides, a stationary source, source, or facility that emits or has the potential to emit, in the aggregate, 10 tons per year (tpy) or more of any hazardous air pollutant as defined in Part 200 of this Title (including any fugitive emissions of such pollutant), 25 tpy or more of any combination of such hazardous air pollutants (including any fugitive emissions of such pollutants), or such lesser quantity as the administrator may establish by rule. The administrator shall specify the meaning of radionuclides for major stationary sources, major sources, or major facilities by rule. Notwithstanding the preceding sentence, emissions from any oil or gas

exploration or oil and gas production well (with its associated equipment) and the emissions from any pipeline compressor station or pump station shall not be aggregated with emissions from other units, whether or not such units are in a contiguous area or under common control, to determine whether such units or stations are major stationary sources, major sources, or major facilities.

(iii) A stationary source, source, or facility that belongs to one of the following source categories and directly emits or has the potential to emit, 100 tpy or more of any air pollutant or air contaminant regulated under the Act (including the fugitive emissions of any such pollutant or contaminant):

- (a) coal cleaning plants (with thermal dryers);
- (b) kraft pulp mills;
- (c) portland cement plants;
- (d) primary zinc smelters;
- (e) iron and steel mills;
- (f) primary aluminum ore reduction plants;
- (g) primary copper smelters;
- (h) municipal incinerators capable of charging more than 50 tons of refuse per day;
- (i) hydrofluoric, sulfuric, or nitric acid plants;
- (j) petroleum refineries;
- (k) lime plants;
- (l) phosphate rock processing plants;
- (m) coke oven batteries;
- (n) sulfur recovery plants;
- (o) carbon black plants (furnace process);
- (p) primary lead smelters;
- (q) fuel conversion plants;
- (r) sintering plants;
- (s) secondary metal production plants;
- (t) chemical process plants (excluding ethanol production facilities that produce ethanol by natural fermentation included in NAICS codes 325193 or 312140);
- (u) fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input; Page 4 of 5
- (v) petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
- (w) taconite ore processing plants;
- (x) glass fiber processing plants;
- (y) charcoal production plants;
- (z) fossil-fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input;
- (aa) all other source categories regulated by a standard under section 111, for which EPA has completed a rule making proceeding under section 302(j) of the act or section 112 of the act, but only with respect to those air pollutants or air contaminants that have been regulated for that category as of the effective date of this Part; or
- (bb) municipal solid waste landfills

(iv) A stationary source, source, or facility that is located in a nonattainment area or an attainment area of the state within the ozone transport region where the stationary source, source, or facility

potential to emit equals or exceeds the emissions thresholds (in tpy) identified in clauses (a), (b), (c), (d), or (e) of this subparagraph (including fugitive emissions if the stationary source, source, or facility belongs to one of the source categories listed in subparagraph (iii) of this Paragraph):

(a) For areas classified as marginal or moderate ozone nonattainment, any stationary source, source, or facility with the potential to emit 100 tpy or more of oxides of nitrogen (NO_x) or 50 tpy or more of volatile organic compounds (VOC). Page 5 of 5

(b) For areas classified as severe ozone nonattainment, any stationary source, source, or facility with the potential to emit 25 tpy or more of NO_x or VOC.

(c) For attainment areas of the state within the ozone transport region, any stationary source, source, or facility with the potential to emit 100 tpy or more of NO_x or 50 tpy or more of VOC.

(d) For areas classified as moderate PM-10 nonattainment, any stationary source, source, or facility with the potential to emit 100 tpy or more of PM-10.

(e) For PM-2.5 nonattainment areas, any stationary source, source, or facility with the potential to emit 100 tpy or more of PM-2.5.

(v) For purposes of determining the applicability of Part 231 with respect to Prevention of Significant Deterioration (PSD) requirements only, a stationary source, source, or facility located in an attainment area of the state where the stationary source, source, or facility potential to emit equals or exceeds 250 tons per year of any attainment contaminant regulated under the Act; or equals or exceeds 100 tons per year of any attainment contaminant regulated under the Act (including fugitive emissions) if the stationary source, source, or facility belongs to one of the source categories listed in subparagraph (iii) of this paragraph.

~~(Existing Paragraph 201-2.1(b)(22) through Subpart 201-8 remains unchanged.)~~