

SNYCRR 225 Fuel Composition and Use

The existing Part 225 is redesignated as SUBPART 225-1 "Fuel Composition and Use-Sulfur Limitations."

A new SUBPART 225-2 titled "Fuel Composition and Use - Waste Fuel" is adopted to read as follows:

SUBPART 225-2

FUEL COMPOSITION AND USE - WASTE FUEL

Sec.		Sec.	
225-2.1	Applicability	225-2.5	Permit and/or certificate requirements
225-2.2	Definitions	225-2.6	Sale or use of Waste Fuels A and B
225-2.3	Eligibility to burn Waste Fuel A	225-2.7	Reports, sampling and analysis of Waste Fuels A and B
225-2.4	Eligibility to burn Waste Fuels A and B	225-2.8	Existing air contamination sources

Section 225-2.1 Applicability.

This subpart applies to the use of and trade in liquid and semi-liquid waste fuel to be burned for energy recovery.

Section 225-2.2 Definitions.

(a) For the purposes of this Subpart, the general definitions in Part 200 apply.

(b) For the purposes of this Subpart, the following definitions also apply:

(1) Combustion efficiency (C.E.). A measure of the completeness of combustion, determined by the measurement of carbon dioxide (CO₂) and carbon monoxide (CO) in flue gas.

$$\text{C.E.} = \frac{\text{CO}_2}{\text{CO}_2 + \text{CO}} \times 100$$

(2) Fuel oil. Any virgin distillate oil, virgin residual oil, re-refined oil or a blend of these.

(3) Reprocessed oil. A waste oil from which physical and/or chemical contaminants have been removed so that such oil is suitable for productive use.

(4) ~~Re-refined Oil.~~ Any waste oil from which physical and/or chemical contaminants have been removed so that it is substantially equivalent to virgin distillate or virgin residual oil.

(5) Residual oil. A fuel oil which meets the latest American Society for Testing and Materials (ASTM) specification number D396 for residual fuel oils (either #4, #5, or #6).

(6) Total halogens. The total organic and inorganic halides (fluorine, F; chlorine, Cl; bromine, Br; iodine, I), expressed as chloride, present in a fuel oil or waste fuel, in parts per million by weight (water free basis).

(7) Chemical waste. Liquid or semi-liquid waste other than waste oil, including but not limited to spent solvents, tars, paints and resins, and wastes and sludges from any process.

(8) Waste fuel. Either of the following to be burned singly, together, or in combination with fuel oil:

(i) Waste Fuel A

(ii) Waste Fuel B

(9) Waste Fuel A. Any waste oil, fuel oil, or mixture of these to be burned which contains between 25 and 250 parts per

million (by weight) lead and which meets the limitations of Table 2-1 and does not contain chemical waste.

(10) Waste Fuel B. Any fuel to be burned which does not meet the limitations of Table 2-1 and/or contains any chemical waste.

(11) Waste oil. Used and/or reprocessed engine lubricating oil and/or any other used oil, including but not limited to, fuel oil, engine oil, gear oil, cutting oil, transmission fluid, hydraulic fluid, dielectric fluid, oil storage tank residue, animal oil and vegetable oil, which has not subsequently been re-refined.

Section 225-2.3 Eligibility to burn Waste Fuel A.

(a) Except as provided in subdivision (b) of this section and in sections 225-2.4 and 2.5, no person may burn Waste Fuel A in any stationary combustion installation, incinerator, or process.

(b) An owner or operator of any of the following emission sources located outside New York County may be excepted from the prohibition of subdivision (a) of this section subject to the conditions specified:

(1) Stationary combustion installation, by including special conditions in the applicable permit/certificate, after written application by the owner or operator is submitted to the commissioner,

in accordance with Part 201 of this subchapter. As a minimum, the following conditions must be met for an exception to be granted:

(i) the maximum operating heat input is 20 million Btu. per hour or greater; and

(ii) the combustion efficiency of the installation is demonstrated to the commissioner to be at least 99% while burning Waste Fuel A.

(2) Incinerator, by including special conditions in the applicable permit/certificate, after written application by the owner or operator is submitted to the commissioner. As a minimum, the following conditions must be met for an exception to be considered:

(i) the furnace capacity exceeds 2,000 pounds per hour of refuse charged and will burn Type 0, 1, 2, 3 or 4 refuse; and

(ii) the combustion efficiency is demonstrated to the commissioner to be at least 99% while burning Waste Fuel A.

(3) Process, by including special conditions in the applicable permit/certificate, after written application by the owner or operator is submitted in accordance with Part 201 of this subchapter to the commissioner. As a minimum, the following condition must be met for an exception to be considered:

(i) the combustion efficiency is demonstrated to the Department to be at least 99% while burning Waste Fuel A.

Section 225-2.4 Eligibility to burn Waste Fuels A and B.

(a) Any owner and/or operator of an emission source may receive a permit and/or certificate to burn Waste Fuel A and/or Waste Fuel B in response to written application to the commissioner by the owner and/or operator, including submittal of the following information:

(i) a demonstration, to the satisfaction of the commissioner, that the emissions resulting from the use of the waste fuel comply with section 200.6 of Part 200;

(ii) fuel analyses representative of the waste fuel to be burned and acceptable to the commissioner;

(iii) a demonstration, to the satisfaction of the commissioner, showing compliance with the provisions of Title 40, Part 761 of the Code of Federal Regulations (40 CFR 761) if the Waste Fuel B contains 50 ppm by weight or greater of polychlorinated biphenyls (PCB) or is otherwise regulated as PCB waste under 40 CFR 761; and

(iv) a demonstration of compliance with guidelines issued by the commissioner relative to the burning of waste fuel.

TABLE 2-1

FUEL CONSTITUENTS/PROPERTY

Constituent/Property	Allowable
Polychlorinated Biphenyls (PCB)	Less than 50 ppm ⁽¹⁾
Total Halogens	1000 PPM ⁽¹⁾ Maximum
Sulfur	See Subpart 225-1 for fuel sulfur limitations
Lead	250 PPM ⁽¹⁾ Maximum
Gross Heat Content	125,000 (Btu/gal) Minimum

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(1). Parts per million (PPM) by weight (water free basis) of fuel.

requirement.

(a) Except as provided in subdivision (b) of this section, no person may initiate construction of a new emission source, or modification, or operate an air contamination source in which waste fuel is to be burned until all applicable provisions of this subpart have been met and the necessary permits to construct and/or certificates to operate have been issued in accordance with Part 201 of this subchapter.

(b) An owner or operator of the following emission sources may burn waste oil and be excepted from the requirement of subdivision (a) of this section, subject to the conditions specified:

(1) Space heater located in automotive service facilities, where the following conditions for an exception are met:

(i) The maximum operating heat input is less than one million Btu per hour;

(ii) waste oil is generated on site; and

(iii) the waste oil to be burned contains no chemical waste.

(2) Mobile emission source where the waste oil is generated in the same emission source.

Section 225-2.6 Sale or use of Waste Fuels A and B.

(a) Fuel oil and waste oil, except such fuel containing 50 ppm or more by weight of polychlorinated biphenyls (PCB), may be blended to meet the limitations of Table 2-1. Blending must be performed prior to delivery of the fuel to a facility burning Waste Fuel A.

(b) The department also regulates the burning, collection, transport and storage of waste fuel as a solid waste under the regulations promulgated pursuant to Article 27, Titles 3, 7 and 9 and Article 23, Title 23 of the Environmental Conservation Law (ECL).

(c) No person may sell, offer for sale, deliver, or exchange in trade any waste fuel except to a facility meeting the applicable requirements of this Subpart and the regulations promulgated pursuant to Article 27, Titles 7 and 9 and Article 23, Title 23 of the ECL or to a transporter of waste fuel who is permitted under 6NYCRR Part 364.

(d) No owner or operator of a facility proposing to burn waste fuel or transporter of waste fuel may purchase, accept delivery, pick up or accept in trade any waste fuel unless the facility receiving or proposing to burn waste fuel meets the

applicable requirements of this Subpart and the regulations promulgated pursuant to Article 27, Titles 7 and 9 and Article 23, Title 23 of the ECL and the transporter of waste fuel is permitted under 6NYCRR Part 364.

As of the date of promulgation of Subpart 225-2, these regulations include 6NYCRR 360, 361, 364, 365, and 366. Revision and renumbering of these regulations is expected.

A and B.

(a) The commissioner may require the owner and/or operator of an air contamination source burning waste fuel regulated under Section 225-2.4 to:

(1) sample, analyze and measure quantities of all waste fuel received and/or burned,

(2) monitor emissions and/or operations; and

(3) maintain records of quantities of Waste Fuel B received and the names and addresses of waste fuel suppliers for three calendar years.

(b) Any person delivering Waste Fuel A to a facility burning such waste fuel, must perform analyses or adopt procedures to assure compliance with Table 2-1 prior to delivery. The attendant records of such assurance and the quantities and identification (including names and addresses) of all buyers and users of such waste oil must be retained by the supplier for three calendar years.

(c) Any person delivering Waste Fuel A and/or B to a facility burning such waste fuel, must maintain records of the identification and quantity of all Waste Fuel A and/or B delivered to

that facilities and report such information to the owner of that facility.

(d) Any person required to maintain and retain records pursuant to this section must make such records available for inspection by the commissioner or his representative during normal business hours. Such person(s) must furnish copies of such records to the commissioner or his representative upon request.

(e) Sampling and analysis of waste fuel samples must be carried out in accordance with methods acceptable to the commissioner. A list of acceptable methods may be obtained from any office of the Department of Environmental Conservation.

Section 225-2.6 Existing air contamination sources.

(a) Any person who, on the effective date of this Subpart, owns or operates an existing air contamination source in which waste fuel is being burned must either:

(1) possess a valid certificate to operate meeting the requirements of subdivision (a) of Section 225-2.5, or

(2) within one hundred eighty days of the effective date of this Subpart, submit a complete application for an amended certificate to operate for burning waste fuel. If a certificate to

operate is denied, the owner and/or operator must discontinue burning waste fuel within forty five days of receipt of the denial.