

OFFICIAL COMPILATION OF CODES, RULES AND REGULATIONS OF THE STATE OF NEW YORK  
TITLE 6. DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
CHAPTER III. AIR RESOURCES  
SUBCHAPTER A. PREVENTION AND CONTROL OF AIR CONTAMINATION AND AIR POLLUTION  
SUBPART 227-2 REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT) FOR MAJOR  
FACILITIES OF OXIDES OF NITROGEN (NOX)

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

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**§227-2.1 Applicability**

(a) The provisions of this Subpart apply to major facilities of NO<sub>x</sub> that contain any of the following types of emission sources:

- (1) very large boilers;
- (2) large boilers;
- (3) mid-size boilers;
- (4) small boilers;
- (5) combustion turbines;
- (6) stationary internal combustion engines; and
- (7) other combustion installations

(b) Any provision of this Part that applies to an emission source or facility shall also apply to the owners and operators of such emission source or facility.

**§227-2.2 Definitions**

(a) To the extent that they are not inconsistent with the specific definitions in subdivision (b) of this section, the general definitions of Part 200 and Part 201 of this Title apply.

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

- (1) *Actual 1990 baseline emissions.* An emissions baseline established from 1990 actual emissions as reported in response to the department's survey of major facilities.

(2) *Forced outage.* An unplanned component failure that requires the source or major electrical inter-tie (345 kV or greater) be removed from service immediately or before the next weekend. Such failures must not include those attributable to improperly designed equipment, lack of preventive maintenance, careless or improper operation, or operator error.

(3) *Large boiler.* A boiler with a maximum heat input capacity greater than 100 million Btu per hour and equal to or less than 250 million Btu per hour.

(4) *Mid-size boiler.* A boiler with a maximum heat input capacity greater than 25 million Btu per hour and equal to or less than 100 million Btu per hour.

(5) *Peaking combustion turbine.* A combustion turbine used intermittently to produce energy during periods of extremely high (*i.e.*, peak) power demand.

(6) *Regenerative combustion turbine.* Any combustion turbine that recovers heat from the turbine exhaust gases to preheat combustion air.

(7) *Shutdown.* The permanent removal from service of an emission source as evidenced by either a permit condition or provision prohibiting the emission source from further operation, the surrender of the emission source's permit, or the complete deletion of mention of the emission source from the permit of the major facility of which it had formerly been a part with no authorization for operation of the emission source appearing in any other permit.

(8) *Small boiler.* A boiler with a maximum heat input capacity equal to or greater than one million Btu per hour and equal to or less than 25 million Btu per hour.

(9) *Small combustion turbine.* A combustion turbine with a maximum heat input capacity less than 10 mmBtu per hour.

(10) *Small stationary internal combustion engine.* A stationary internal combustion engine with a maximum mechanical output rating of less than 200 brake horsepower in any severe ozone nonattainment area and less than 400 brake horsepower in the remainder of the State.

(11) *Stationary internal combustion engine.* Any internal combustion engine of either the reciprocating or rotary type whose uses may include, but are not limited to, the generation of electric power, pumping gases and liquids, and compressing air for pneumatic machinery.

(12) *System.* As used in the term *system averaging plan*, a combination of operating emission sources that are located within the same ozone nonattainment area. A system may consist of multiple emission sources at multiple facilities having different owners and/or operators.

(13) *Tune-up.* Adjustments made to a combustion installation in accordance with procedures supplied by the manufacturer (or an approved specialist) to optimize the combustion efficiency.

(14) *Weighted average permissible emission rate.* The average emission rate of all operating emission sources in a system averaging plan where the emission rate of the emission sources in operation is equivalent to the emission rate achieved if each emission source operated in compliance with the most stringent permissible emission rate applicable to that emission source.

### **§227-2.3 Application and permitting requirements**

(a) Every facility containing an emission source subject to this Subpart must have or obtain a permit pursuant to Subpart 201-6 of this Title.

(b) By January 1, 2012, a facility must submit to the department either a complete application for a permit or a RACT analysis that explains why the control technology the facility currently employs should still be considered RACT for that source. Any permit application must include any new requirements (for example, emission limits, monitoring, and record keeping requirements) and a RACT analysis that explains how the facility intends to comply with the provisions of this Subpart. Facilities that submit a complete application but are unable to meet their specific RACT compliance date may request an extension (up to but not exceeding one year) of their RACT compliance date from the department. This request must set forth the reason(s) why the source will be unable to meet their RACT compliance date and suggest an alternative RACT compliance date. This request is subject to department review and approval and must be submitted to the administrator for approval as a separate State Implementation Plan (SIP) revision.

(c) Any case-by-case RACT proposal made pursuant to the provisions of sections 227-2.4 or 227-2.5 of this Subpart that is approved by the department will be recorded in the relevant major facility permit as the applicable NOx RACT requirements, and must be submitted to the administrator for approval as a separate SIP revision.

**§227-2.4 Control requirements**

RACT requirements applicable to a particular emission source may fall into one of two categories - presumptive RACT limits (which may be complied with by direct application of emission limits on the emission source, the use of flexibility mechanisms such as switching fuels or participation in a system averaging plan, or a commitment to shut down the emission source) or case-by-case RACT determinations. Presumptive RACT limits are category-wide requirements. Presumptive RACT limits are based on capabilities that are general to an emission source category. However, for some categories of emission sources, presumptive RACT limits may not be attainable at every individual emission source. Case-by-case RACT determinations consider the technological and economic circumstances of the individual emission source.

(a) *Very large boilers.* The owner or operator of a very large boiler must comply with either the relevant presumptive RACT emission limit of paragraph (1) of this subdivision or a case-by-case RACT determination made pursuant to paragraph (2) of this subdivision, as applicable.

(1) Emission limits.

(i) prior to July 1, 2014 (pounds NO<sub>x</sub> per million Btu):

<i>Fuel Type</i>	<i>Tangential</i>	<i>Wall</i>	<i>Cyclone</i>	<i>Stokers</i>
Gas Only	0.20	0.20	na	na
Gas/Oil	0.25	0.25	0.43	na
Coal Wet Bottom	1.00	1.00	0.60	na
Coal Dry Bottom	0.42	0.45	na	0.30 <sup>1</sup>

(ii) on or after July 1, 2014 (pounds NO<sub>x</sub> per million Btu):

<i>Fuel Type</i>	<i>Tangential</i>	<i>Wall</i>	<i>Cyclone</i>	<i>Fluidized Bed</i>
Gas Only	0.08	0.08	na	na
Gas/Oil	0.15	0.15	0.20	na
Coal Wet Bottom	0.12	0.12	0.20	na
Coal Dry Bottom	0.12	0.12	na	0.08

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<sup>1</sup>This emission limit is 0.33 pounds per million Btu when at least 25 percent of the total content of the fuel combusted, on a Btu basis, includes other solid fuels (for example, tire-derived fuel, waste wood).

(2) For very large boilers having configurations other than those listed above or which are fired primarily with fuels not listed above, the owner or operator must submit a proposal for RACT to be implemented that includes descriptions of:

(i) the available NO<sub>x</sub> control technologies, the projected effectiveness of the technologies considered, and the costs for installation and operation for each of the technologies; and

(ii) the technology and the appropriate emission limit selected as RACT considering the costs for installation and operation of the technology.

(b) *Large boilers.* The owner or operator of a large boiler must comply with either the relevant presumptive RACT emission limit of paragraph (1) of this subdivision or a case-by-case RACT determination made pursuant to paragraph (2) of this subdivision, as applicable.

(1) Emission limits.

(i) prior to July 1, 2014 (pounds per million Btu):

<i>Fuel Type</i>	<i>Emission Limit</i>
Gas Only	0.20
Gas/Oil	0.30
Pulverized Coal	0.50
Coal (Overfeed Stoker)	0.30 <sup>1</sup>

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<sup>1</sup>This emission limit is 0.33 pounds per million Btu when at least 25 percent of the total content of the fuel combusted, on a Btu basis, includes other solid fuels (for example, tire-derived fuel, waste wood).

(ii) on or after July 1, 2014 (pounds NO<sub>x</sub> per million Btu):

<b>Fuel Type</b>	<b>Emission Limit</b>
Gas only	0.06
Gas/Oil	0.15
Pulverized Coal	0.20
Coal	0.08 <sup>2</sup>

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<sup>2</sup> This emission limit also applies to fluidized bed boilers that combust other solid fuels (for example, tire-derived fuel, waste wood) that constitute no more than 30 percent of the total fuel content on a Btu basis.

Compliance with these emission limits must be determined with a one hour average unless the owner or operator chooses to use a CEMS under the provisions of section 227-2.6(b) of this Subpart.

(2) For large boilers fired primarily with fuels not listed above, the owner or operator must submit a proposal for RACT to be implemented that includes descriptions of:

(i) the available NO<sub>x</sub> control technologies, the projected effectiveness of the technologies considered, and the costs for installation and operation for each of the technologies; and

(ii) the technology and the appropriate emission limit selected as RACT considering the costs for installation and operation of the technology.

(c) *Mid-size boilers.* The owner or operator of a mid-size boiler must comply with the relevant presumptive RACT emission limit of paragraph (1) of this subdivision or a case-by-case RACT determination pursuant to paragraph (2) of this subdivision, as applicable.

(1) Emission limits.

(i) prior to July 1, 2014 (pounds NO<sub>x</sub> per million Btu)

<i>Fuel Type</i>	<i>Emission Limit</i>
Gas Only	0.10
Distillate Oil/Gas	0.12
Residual Oil/Gas	0.30

(ii) on or after July 1, 2014 (pounds NO<sub>x</sub> per million Btu):

<b>Fuel Type</b>	<b>Emission Limit</b>
Gas only	0.05
Distillate Oil/Gas	0.08
Residual Oil/Gas	0.20

Compliance with these emission limits must be determined with a one hour average unless the owner or operator chooses to use a CEMS under the provisions of section 227-2.6(b) of this Subpart.

(2) For mid-size boilers fired primarily with fuels not listed above, the owner or operator must submit a proposal for RACT to be implemented that includes descriptions of:

(i) the available NO<sub>x</sub> control technologies, the projected effectiveness of the technologies considered, and the costs for installation and operation for each of the technologies; and

(ii) the technology and the appropriate emission limit selected as RACT considering the costs for installation and operation of the technology.

(d) *Small boilers, small combustion turbines, and small stationary internal combustion engines.* The owner or operator of a small boiler, small combustion turbine, or small stationary internal combustion engine must annually perform a tune-up and maintain, in a permanently bound log book, or other format approved in writing by the department, the following information:

(1) the date of the last tune-up;

(2) the name, title and affiliation of the person who made the adjustments; and

(3) any other information that the department may require.

(e) *Combustion turbines.* The owner or operator of a combustion turbine with a maximum heat input rate of 10 million Btu per hour or greater must comply with either the relevant presumptive RACT emission limit in paragraph (1) or (2) of this subdivision or a case-by-case RACT determination pursuant to paragraph (3) of this subdivision, as applicable:

(1) For simple cycle and regenerative combustion turbines:

- (i) 50 parts per million on a dry volume basis (ppmvd), corrected to 15 percent oxygen, for sources designed to burn gaseous fuels (gaseous fuels include, but are not limited to, natural gas, landfill gas, and digester gas) only; and
- (ii) 100 ppmvd, corrected to 15 percent oxygen, for sources capable of firing distillate oil or more than one fuel.

Compliance with these emission limits must be determined with a one hour average during the ozone season and a 30-day average during the non-ozone season unless the owner or operator chooses to use a CEMS under the provisions of section 227- 2.6(b) of this Subpart.

(2) For combined cycle combustion turbines:

- (i) prior to July 1, 2014, 42 ppmvd, corrected to 15 percent oxygen, when firing gas; and
- (ii) prior to July 1, 2014, 65 ppmvd, corrected to 15 percent oxygen, when firing oil.

For facilities that have a duct burner, compliance will be based on the combination of the turbine and the duct burner when both fire, and the turbine alone when not duct-firing.

Compliance with these emission limits must be determined with a one hour average unless the owner or operator chooses to use a CEMS under the provisions of section 227-2.6(b) of this Subpart.

(3) For combustion turbines fired primarily with fuels not listed in paragraph (2) of this subdivision that operate prior to July 1, 2014, and for all combustion turbines that operate after July 1, 2014, the owner or operator must submit a proposal for RACT to be implemented that includes descriptions of:

- (i) the available NO<sub>x</sub> control technologies, the projected effectiveness of the technologies considered, and the costs for installation and operation for each of the technologies; and
- (ii) the technology and the appropriate emission limit selected as RACT considering the costs for installation and operation of the technology.

(f) *Stationary internal combustion engines.* The owner or operator of a stationary internal combustion engine either having a maximum mechanical output rating equal to or greater than 200 brake horsepower in a severe ozone nonattainment area or having a maximum mechanical output rating equal to or greater than 400 brake horsepower outside a severe ozone nonattainment area must comply with one of the emission limits in paragraph (1), (2), or (3) of this subdivision or a case-by-case RACT determination made pursuant to paragraph (4) of this subdivision, as applicable:

- (1) For internal combustion engines fired solely with natural gas: 1.5 grams per brake horsepower-hour.
- (2) For internal combustion engines fired with landfill gas or digester gas (solely or in combination with natural gas): 2.0 grams per brake horsepower-hour.
- (3) For internal combustion engine fired with distillate oil (solely or in combination with other fuels): 2.3 grams per brake horsepower-hour.

Compliance with these emission limits must be determined with a one hour average unless the owner or operator chooses to use a CEMS under the provisions of section 227- 2.6(b) of this Subpart.

(4) For stationary internal combustion engines fired primarily with fuels not listed above, the owner or operator must submit a proposal for RACT to be implemented that includes descriptions of:

(i) the available NO<sub>x</sub> control technologies, the projected effectiveness of the technologies considered, and the costs for installation and operation for each of the technologies; and

(ii) the technology and the appropriate emission limit selected as RACT considering the costs for installation and operation of the technology.

(5) Any stationary internal combustion engine may rely on an emission limit that reflects a 90 percent or greater NO<sub>x</sub> reduction from the engine's actual 1990 baseline emissions, if such emissions baseline exists.

(6) Emergency power generating stationary internal combustion engines, and engine test cells at engine manufacturing facilities that are used for either research and development purposes, reliability testing, or quality assurance performance testing are exempt from the requirements of this subdivision.

(g) *Other combustion installations.* The owner or operator of a major facility of NO<sub>x</sub> that contains an emission source that is not specifically addressed in this Subpart and is of an emission source type not regulated under Part 212, 214, 216, 219, 220, or 224 of this Title and which has an emission rate potential of at least 3 pounds per hour and actual emissions in the absence of control equipment of at least 15 pounds per day must comply with the case-by-case RACT determination made pursuant to this subdivision. The owner or operator must submit a proposal for RACT to be implemented that includes descriptions of:

(1) the available NO<sub>x</sub> control technologies, the projected effectiveness of the technologies considered, and the costs for installation and operation for each of the technologies;

(2) the technology and the appropriate emission limit selected as RACT considering the costs for installation and operation of the technology; and

(3) testing, monitoring, and reporting procedures.

### **§227-2.5 Compliance options**

With the exception of the compliance options described in subdivisions (c) and (d) of this section, the compliance options established below do not involve case-by-case RACT determinations with the need to individually select an appropriate technology and/or alternative emission limit. As such, these options provide flexibility to any owner or operator of a major facility of NO<sub>x</sub> to meet the control requirements of section 227-2.4 of this Subpart but are not of the type that require the additional approval of the administrator as a separate SIP revision.

(a) *Fuel switching option.* The owner or operator of an emission source subject to this Subpart may commit to burning a cleaner fuel between May 1st and September 30th of each year. Fuel switching must result in quantifiable annual NO<sub>x</sub> emissions equal to or less than the NO<sub>x</sub> emissions expected if the emission source complied with the applicable presumptive RACT emission limits set forth in section 227-2.4 of this Subpart.

(b) *System averaging plan.* The owner or operator of an emission source subject to this Subpart may apply to have the emission source included in a system averaging plan. Every system averaging plan must have the following characteristics:

(1) The system averaging plan must employ a weighted average permissible emission rate.

(2) Averaging of emissions from sources within the severe ozone nonattainment area with those outside the severe ozone nonattainment area is not allowed.

(3) In the event of a forced outage, the weighted average permissible emission rate must be adjusted to account for the emission source or major electrical inter-tie (345 kV or greater) not in operation as a result of the forced outage. The adjusted emission rate will be deemed in compliance for the period of the forced outage. In the event of a forced outage, the facility owner or operator must, within 30 days thereafter, submit a written report to the department which describes why the outage was unavoidable and includes the following:

(i) a contemporaneous operating log signed by the responsible official identifying the location of the emission source which was subject to the forced outage and the cause of such outage;

(ii) a demonstration that the emission source was being properly operated at the time the outage occurred;

(iii) a demonstration that, during the outage, the facility owner or operator took all reasonable steps to minimize emissions from the operating emission sources included in the system averaging plan, or other requirements of the permit; and

(iv) a proposed repair or replacement schedule for the subject emission source or a proposed revised system averaging plan.

(4) Every owner or operator of an emission source participating in the system averaging plan is liable for any and all violations of the provisions of this Subpart by any owner or operator of any emission source participating in the system averaging plan.

(c) For those sources for which the owner or operator demonstrates that the applicable presumptive RACT emission limit in section 227-2.4 of this Subpart is not economically or technically feasible, the owner or operator can request the department to set a higher emission source specific emission limit. Economic or technical feasibility must be demonstrated through an analysis that includes, at a minimum, an evaluation of the use of fuel switching the use of a system averaging plan, and implementation of any available control technologies (including, for example, selective catalytic reduction).

(d) *Shutdown of an emission source.* An owner or operator of an existing emission source may opt to comply with this Subpart by shutting down the emission source. The intent to shut down must be recorded as part of a federally enforceable permit modification prior to January 1, 2012, wherein the owner or operator commits to permanently shut down the emission source prior to December 31, 2014.

#### **§227-2.6 Testing, monitoring, and reporting requirements**

(a) The owner or operator of each emission source must verify NO<sub>x</sub> emissions by performing the applicable testing or monitoring procedure detailed below:

(1) For any very large boiler, NO<sub>x</sub> emissions must be measured with a CEMS as described in subdivision (b) of this section or with an equivalent monitoring system approved by the department.

(2) For any large boiler, NO<sub>x</sub> emissions must be

(i) measured in accordance with emission test requirements described in subdivision (c) of this section, or

(ii) monitored with a CEMS as described in subdivision (b) of this section or with an equivalent monitoring system approved by the department.



(3) For any mid-size boiler, NO<sub>x</sub> emissions must be

(i) measured in accordance with the emission test requirements described in subdivision (c) of this section, or

(ii) monitored with a CEMS as described in subdivision (b) of this section or with an equivalent monitoring system approved by the department.

(4) For any combined cycle combustion turbine having a maximum heat input rate greater than 250 million Btu per hour, NO<sub>x</sub> emissions must be measured with a CEMS as described in subdivision (b) of this section.

(5) For any simple cycle, regenerative combustion turbine, and any combined cycle combustion turbine having a maximum heat input rate of 250 million Btu per hour or less, NO<sub>x</sub> emissions must be

(i) measured in accordance with the emission test requirements described in subdivision (c) of this section, or

(ii) monitored with a CEMS as described in subdivision (b) of this section or with an equivalent monitoring system approved by the department.

(6) For any stationary internal combustion engine, NO<sub>x</sub> emissions must be

(i) measured in accordance with the emission test requirements as described in subdivision (c) of this section, or

(ii) monitored with a CEMS as described in subdivision (b) of this section or with an equivalent monitoring system approved by the department.

(7) For any emission source subject to section 227-2.4(g) of this Subpart, NO<sub>x</sub> emissions must be measured pursuant to a testing, monitoring, and reporting protocol that the department has determined is consistent with the applicable requirements for emission sources regulated under this Subpart that have comparable heat input ratings.

(b) *CEMS requirements.*

(1) The owner or operator of an emission source that monitors NO<sub>x</sub> emissions with a CEMS or equivalent monitoring system must submit for department approval:

(i) a CEMS plan as part of its application for a permit or permit modification if a CEMS has already been installed, or if a CEMS is in the process of being procured or installed;

(ii) a CEMS plan at least 180 days prior to equipment installation. The department will notify the owner or operator of the acceptability of the plan, at least 60 days prior to equipment installation if it is not covered under subparagraph (i) of this paragraph; or

(iii) a proposed plan for a monitoring system that is equivalent to a CEMS.

(2) The owner or operator of an emission source that monitors NO<sub>x</sub> emissions with a CEMS must submit for department approval a CEMS certification protocol at least 60 days prior to compliance testing. The certification protocol must include the location of and specifications for each instrument or device, as well as procedures for calibration, operation, data evaluation, and data reporting.

(3) The owner or operator of an emission source that monitors NO<sub>x</sub> emissions with a CEMS must install, calibrate, maintain, and operate a CEMS for measuring NO<sub>x</sub> at locations approved in the CEMS certification protocol under paragraph (2) of this subdivision, and must record the output of each such

system. The following procedures and test methods must be used for determining compliance with the relevant NO<sub>x</sub> emission limit under section 227- 2.4 of this Subpart:

(i) With the exception of emission sources subject to paragraph (a)(4) of this section, the owner or operator of an emission source must:

(a) calculate all 24-hour daily heat input-weighted average NO<sub>x</sub> emission rates from block hourly arithmetic emission rate averages calculated by the CEMS and expressed in terms of pounds of NO<sub>x</sub> per million Btu;

(b) demonstrate compliance with the appropriate emission limit under section 227-2.4 of this Subpart by using a CEMS for measuring NO<sub>x</sub> and calculating a 24-hour daily heat input-weighted average NO<sub>x</sub> emission rate. Facilities that are subject to 40 CFR part 75 will calculate their NO<sub>x</sub> emission rate using part 75 monitoring requirements. Facilities that are not subject to 40 CFR part 75 may calculate their NO<sub>x</sub> emission rate using either 40 CFR part 60, appendix A, method 19 or 40 CFR part 75. A 30-day rolling heat input-weighted average emission rate may be used to demonstrate compliance with the appropriate emission limit under section 227-2.4 of this Subpart from October 1st to April 30th for emission sources other than combustion turbines; and

(c) determine the 24-hour daily heat input-weighted average NO<sub>x</sub> emission rate based on the heat input-weighted average of the block hourly arithmetic average emission rates during each 24-hour daily period from 12:00 AM to 12:00 AM the following day using CEMS data. The block hourly heat input-weighted average emission rate must be calculated for each one-hour period starting with the period 12:00 AM to 1:00 AM and continuing through until the last period 11:00 PM to 12:00 AM; or, starting with the period 12:00 PM to 1:00 PM and continuing through the last period 11:00 AM to 12:00 PM. The 30-day rolling heat input-weighted average must be the average of the 24-hour daily heat input-weighted NO<sub>x</sub> emission rate.

(ii) The owner or operator of an emission source subject to paragraph (a)(4) of this section must calculate:

(a) block hourly arithmetic average emission rates using data points generated by CEMS and expressed in terms of parts per million on a dry volume basis, corrected to 15 percent oxygen; and

(b) block hourly arithmetic average emission rates for the periods starting 12:00 AM to 1:00 AM, 1:00 AM to 2:00 AM, and so on.

(iii) At a minimum, valid CEMS data must be obtained for 90 percent of the operating hours in each calendar quarter that the subject facility is operating.

(iv) All valid CEMS data must be used in calculating emission rates even if the minimum data requirements of subparagraph (iii) of this paragraph are not met.

(v) The procedures under 40 CFR part 60, appendix B, Performance Specification 2; and any additional criteria specified by the department must be followed for the installation, evaluation, and operation of the CEMS.

(vi) Along with any specific additional data requirements mandated by the department for a particular emission source, annual recertifications, quarterly accuracy, and daily calibration drift tests must be performed in accordance with 40 CFR part 60, appendix F or 40 CFR part 75, as applicable.

(vii) When NO<sub>x</sub> emissions data are not obtained because of CEMS downtime, emission data shall be obtained by using the 90th percentile value of all CEMS NO<sub>x</sub> emission data collected over the

last 180 days. Alternatively the owner or operator of a facility subject to part CFR 75 may use 40 CFR part 75 data substitution procedures for periods when no valid CEMS data is available.

(4) CEMS recordkeeping and reporting requirements.

(i) The owner or operator of an emission source must notify the department of the planned initial start-up date of any new CEMS.

(ii) Protocols, reports, summaries, compliance plans and schedules, and any other information required to be submitted to the department under provisions of this Subpart must be sent (in either hardcopy or electronically) as follows:

(a) one copy to the Division of Air Resources, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233; and

(b) one copy to the regional air pollution control engineer at the appropriate regional office of the department.

(iii) Emissions, monitoring, and operating parameter records or measurements required by this Subpart, quarterly and annual summaries, and any additional parameters required by the department must be maintained for at least five years and made available to the department upon request.

(iv) Following each calendar quarter, the owner or operator must tabulate and summarize applicable emissions, monitoring, and operating parameter measurements recorded during the preceding three months (including but not limited to type and amount of fuel burned on a daily basis, heat content of the fuel, total heating value of the fuel consumed on a daily basis, the actual NO<sub>x</sub> emission rate, the allowable NO<sub>x</sub> emission rate, and the summation of the emission sources included in a system averaging plan). These records must be submitted to the department within 30 days following the end of each calendar quarter in a format acceptable to the department and must include:

(a) the average NO<sub>x</sub> emission rates as specified under paragraph (3) of this subdivision. (With the exception of emission sources subject to paragraph (a)(4) of this Section, emission sources are to record and tabulate block hourly average emission rates, but do not need to included the block hourly average emission rates in the quarterly summaries);

(b) identification of the operating hours when NO<sub>x</sub> emissions data are not included in the calculation of the average emission rate and the reasons for not including that data; and

(c) the results of accuracy assessments as required by 40 CFR part 60, appendix F and any additional data quality information required by the department.

(v) The owner or operator of an emission source must submit the initial compliance test data, the performance evaluation of the CEMS found in 40 CFR part 60, appendix B, and the maximum heat input capacity.

(c) *Emission test requirements.* The owner or operator of an emission source required to conduct an emission test under subdivision (a) of this section must:

(1) submit a compliance test protocol to the department for approval at least 30 days prior to emission testing. The conditions of the testing and the locations of the sampling devices must be acceptable to the department; and

(2) follow the procedures set forth in Part 202 of this Title and use the following procedures set forth in 40 CFR part 60, appendix A, or any other method acceptable to the department and the administrator for determining compliance with the appropriate NO<sub>x</sub> limit in section 227-2.4 of this Subpart:

(i) for large and mid-size boilers, use method 7, 7E, or 19 from 40 CFR part 60, appendix A;

(ii) for simple cycle combustion turbines or regenerative combustion turbines, use method 20 from 40 CFR part 60, appendix A;

(iii) for combined cycle combustion turbines, use method 7, 7E, 19 or 20 from 40 CFR part 60, appendix A;

(iv) for stationary internal combustion engines, use method 7, 7E, or 19 from 40 CFR part 60, appendix A;

(3) submit a compliance test report containing the results of the emission test to the department for approval no later than 60 days after completion of the emission test.