

PART 222**DISTRIBUTED GENERATION SOURCES**

(Statutory authority: Environmental Conservation Law, §§ 1-0101, 3-0301, 19-0103, 19-0105, 19-0107, 19-0301, 19-0302, 19-0303, 19-0305, 19-0311, 71-2103, 71-2105)

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Historical Note

Part (§§ 222.1-222.13) filed May 23, 1969; renum. Part 385, Title 9, filed Sept. 1971; new (§§ 222.1-222.6) filed May 17, 1972; Part (*Incinerators — New York City, Nassau and Westchester Counties*, §§ 222.1-222.6) renum. Subpart 219-6, filed Dec. 1, 1988; new Part (§§ 222.1-222.8) filed Nov. 1, 2016; repealed, new (§§ 222.1-222.7) filed Feb. 24, 2020 eff. 30 days after filing.

§ 222.1 Applicability.

This Part applies to owners and operators of distributed generation sources classified as economic dispatch sources located in the New York City metropolitan area with a maximum mechanical output rating of 200 horsepower or greater where the potential to emit oxides of nitrogen (NO_x) at a facility is less than 25 tons per year.

Historical Note

Part previously repealed; new sec. filed Nov. 1, 2016; repealed, new filed Feb. 24, 2020 eff. 30 days after filing.

§ 222.2 Definitions.

(a) The definitions of Part 200 and Subpart 201-2 of this Title apply to this Part unless they are inconsistent with the definitions in subdivision (b) of this section.

(b) The following definitions also apply to this Part:

(1) *Compression ignition*. A type of stationary internal combustion engine that is not a spark ignition engine.

(2) *Demand response program*. The Emergency Demand Response Program or Special Case Resources demand response programs sponsored by the New York Independent System Operator or similarly designed programs sponsored by distribution utilities and approved by the Public Service Commission.

(3) *Demand response source*. A distributed generation source enrolled in a demand response program.

(4) *Demand response event*. Activation of a demand response program by the New York Independent System Operator or a distribution utility.

(5) *Distribution utility*. A retail distributor of electricity.

(6) *Distributed generation source*. A stationary reciprocating or rotary internal combustion engine that feeds into the distribution grid or produces electricity for use at the host facility or both. This includes, but is not limited to, emergency power generating stationary internal combustion engines and demand response sources.

(7) *Economic dispatch source*. A distributed generation source intended to provide electricity for general use to a building, structure, or collection of structures in place of electricity supplied by the distribution utilities. Demand response and price-responsive generation sources are considered economic dispatch sources. *Economic dispatch sources* do not include emergency generators or distributed generation sources that provide electricity to power equipment or structures not served by distribution utilities.

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(8) *Lean burn engine.* A natural gas-fired spark ignition engine that is not a rich burn engine.

(9) *Maximum load relief.* Maximum power (kilowatts) pledged by a demand response source during demand response events or the maximum load the source operates at as a price-responsive generation source.

(10) *Model year.* Means either:

(i) the calendar year in which the engine was originally produced; or

(ii) the annual new model production period of the engine manufacturer if it is different than the calendar year. This must include January 1st of the calendar year for which the model year is named. It may not begin before January 2nd of the previous calendar year and it must end by December 31st of the named calendar year.

(11) *Price-responsive generation source.* A distributed generation source used to provide electricity for short periods of time when the cost of electricity supplied by the distribution utility is high.

(12) *Rich burn engine.* Any four-stroke spark ignited engine where the manufacturer's recommended operating air-to-fuel ratio divided by the stoichiometric air-to-fuel ratio at full load conditions is less than or equal to 1:1.

(13) *Spark ignition.* A natural gas fueled engine or any other type of engine with a spark plug (or other sparking device) and with operating characteristics similar to the theoretical Otto combustion cycle. Dual-fuel engines in which a liquid fuel (typically diesel fuel) is used for compression ignition and gaseous fuel (typically natural gas) is used as the primary fuel at an annual average ratio of less than 2 parts diesel fuel to 100 parts total fuel on an energy equivalent basis are spark ignition engines.

(14) *Three-way catalyst emission controls.* A control technology (also known as non-selective catalytic reduction) that reduces NO_x, volatile organic compounds and carbon monoxide emissions from rich burn engines.

Historical Note

Part previously repealed; new sec. filed Nov. 1, 2016; repealed, new filed Feb. 24, 2020 eff. 30 days after filing.

§ 222.3 Notification of applicability.

(a) An owner or operator of a distributed generation source must obtain a registration certificate or permit issued in accordance with Part 201 of this Title prior to operation as an economic dispatch source.

(b) An owner or operator of a distributed generation source that will operate as an economic dispatch source and is subject to a registration or permit issued by the department prior to the effective date of this Part, must notify the department in writing by March 15, 2021 or 30 days prior to operating the source as an economic dispatch source, whichever is later.

Historical Note

Part previously repealed; new sec. filed Nov. 1, 2016; repealed, new filed Feb. 24, 2020 eff. 30 days after filing.

§ 222.4 Control requirements.

(a) Effective May 1, 2021, owners or operators of economic dispatch sources subject to this Part must comply with the following requirements:

(1) combustion turbines firing natural gas: must be of model year 2000 or newer or must have a NO_x emission rate less than or equal to 2.96 pounds per megawatt-hour as certified in writing by a professional engineer;

(2) combustion turbines firing oil: must be of model year 2000 or newer or must have a NO_x emission rate less than or equal to 2.96 pounds per megawatt-hour as certified in writing by a professional engineer;

(3) compression-ignition engines: must be of model year 2000 or newer or must have a NO_x emission rate less than or equal to 2.96 pounds per megawatt-hour as certified in writing by a professional engineer;

- (4) lean-burn engines: must be of model year 2000 or newer or must have a NO_x emission rate less than or equal to 2.96 pounds per megawatt-hour as certified in writing by a professional engineer; or
 - (5) rich-burn engines: must be equipped with three-way catalyst emission controls.
- (b) Effective May 1, 2025, owners or operators of economic dispatch sources subject to this Part must comply with the following NO_x emission limits:
- (1) combustion turbines firing natural gas: 25 parts per million on a dry volume basis corrected to 15 percent oxygen;
 - (2) combustion turbines firing oil: 42 parts per million on a dry volume basis corrected to 15 percent oxygen;
 - (3) spark ignition engines firing natural gas: 1.0 grams per brake horsepower-hour;
 - (4) compression-ignition engines firing distillate oil (solely or in combination with other fuels) with nameplate ratings less than 750 horsepower: 0.30 grams per brake horsepower-hour; or
 - (5) compression-ignition engines firing distillate oil (solely or in combination with other fuels) with nameplate ratings greater than or equal to 750 horsepower: 0.50 grams per brake horsepower-hour.
- (c) An extension to the subdivision (b) of this section compliance date of no more than two years may be granted to sources meeting the requirements of subdivision (a) of this section if owners or operators demonstrate a need for additional time to install controls or install new engines or turbines. Facility owners or operators must provide evidence, such as a contract, to the department's satisfaction to demonstrate that they intend to meet the emission limits set forth in subdivision (b) of this section as expeditiously as possible, but not later than April 30, 2027.

Historical Note

Part previously repealed; new sec. filed Nov. 1, 2016; repealed, new filed Feb. 24, 2020 eff. 30 days after filing.

§ 222.5 Emissions testing.

- (a) Emissions test reports demonstrating compliance with section 222.4(b) of this Part must be submitted to and approved by the department before an economic dispatch may operate on or after May 1, 2025.
- (b) *Emission test requirements.* (1) The owner or operator of an economic dispatch source must notify the Regional Air Pollution Control Engineer in writing at least 15 calendar days prior to the scheduled date of an emissions test. Written test protocols are required only if the test method listed in paragraph (2) of this subdivision will not be used during the emissions testing. In such case, the emissions test may not commence until 15 calendar days following the department's approval of the protocols.
- (2) Emission test method. Method 7E pursuant to 40 CFR 60, Appendix A (see Table 1, section 200.9 of this Title).
- (3) Additional protocols. (i) Each emissions test must be conducted at the maximum load relief of the economic dispatch source.
- (ii) The span of the monitoring system must be selected such that the pollutant gas concentration equivalent to the emission limit is not less than 30 percent of the span.
- (4) Emission test reports. The owner or operator of an economic dispatch source subject to this section must submit an electronic copy of the emission test report to the department within 60 calendar days after the completion of the tests. In addition, the data collected during the test must be available to the department in an electronic format acceptable to the department.

Historical Note

Part previously repealed; new sec. filed Nov. 1, 2016; repealed, new filed Feb. 24, 2020 eff. 30 days after filing.

§ 222.6 Recordkeeping.

- (a) The department may enter a facility during normal operating hours to inspect an economic dispatch source subject to the requirements of this Part, and any records, papers, log

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books, and operational data maintained pursuant to this Part. Upon request, all records, papers, log books and operational data maintained pursuant to this Part must be made available to the department.

(b) Emission test results must be maintained at a facility for five years from the date of the emission test.

(c) The following operational data must be recorded for each economic dispatch source subject to this Part in a format acceptable to the department. The following data must be recorded monthly and maintained at the facility for five years from the date the data were recorded:

- (1) hours of operation;
- (2) type and quantity of fuel(s) used or purchased; and
- (3) electricity generated by economic dispatch source in kilowatt-hours.

Historical Note

Part previously repealed; new sec. filed Nov. 1, 2016; repealed, new filed Feb. 24, 2020 eff. 30 days after filing.

§ 222.7 Severability.

Each provision of this Part shall be deemed severable. If any provision of this Part is held to be invalid, the remainder of this Part shall continue in full force and effect.

Historical Note

Part previously repealed; new sec. filed Nov. 1, 2016; repealed, new filed Feb. 24, 2020 eff. 30 days after filing.

§ 222.8

Historical Note

Part previously repealed; new sec. filed Nov. 1, 2016; repealed, filed Feb. 24, 2020 eff. 30 days after filing.