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PART 200

GENERAL PROVISIONS

(Statutory authority: Environmental Conservation Law, §§ 1-0101, 1-0303, 3-0301, 3-0303, 11-0303, 11-0305, 11-0535, 13-0105, 15-0109, 15-1903, 16-0111, 17-0303, 19-0103, 19-0105, 19-0107, 19-0301, 19-0302, 19-0303, 19-0305, 19-0306, 19-0311, 19-0319, 19-0323, 19-0325, 19-1101, 19-1103, 19-1105, 24-0103, 25-0102, 34-0108, 49-0309, 70-0109, 71-2103, 71-2105, 72-0303; Energy Law, §§ 3-101, 3-103; Public Authorities Law, §§ 1850, 1851, 1854, 1855; Federal Clean Air Act, §§ 111, 129, 160-169, 171-193 [42 U.S.C. 7470-7479; 7501-7515]; 40 CFR part 60, subpart M))

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Historical Note

Part (§§ 200.1-200.16) renum. Part 370, Title 9, filed Sept. 1971; new (§§ 200.1-200.10) filed April 28, 1972; repealed, new (§§ 200.1-200.4) filed May 17, 1972; amd. filed Dec. 13, 1974 eff. 30 days after filing. New statutory authority cited.

§ 200.1 Definitions.

(a) *Act.* The Federal Clean Air Act, 42 U.S.C. section 7401, *et seq.*, as amended by Public Law 101-549, November 15, 1990.

(b) *Administrator.* The Administrator of the United States Environmental Protection Agency or designee.

(c) *Air cleaning installation, air cleaning device or control equipment.* Any method, process or equipment which removes, reduces or renders less noxious air contaminants discharged into the outdoor atmosphere.

(d) *Air contaminant or air pollutant.* A chemical, dust, compound, fume, gas, mist, odor, smoke, vapor, pollen or any combination thereof.

(e) *Air contamination.* The presence in the outdoor atmosphere of one or more air contaminants which contribute or which are likely to contribute to a condition of air pollution.

(f) *Air contamination source or emission source.* Any apparatus, contrivance or machine capable of causing emission of any air contaminant to the outdoor atmosphere, including any apparatus exhaust system or air cleaning device. Where a process at an emission unit uses more than one apparatus, contrivance or machine in combination, the combination may be considered a single emission source.

(g) *Air pollution.* The presence in the outdoor atmosphere of one or more contaminants in quantities, of characteristics and of a duration which are or may be injurious to human, plant or animal life or to property or which unreasonably interfere with the comfortable enjoyment of life and property.

(h) *Annual.* Refers to a period of time based upon a calendar year commencing January 1st and terminating midnight December 31st.

(i) *Attainment area.* Any area of the State meeting all National Ambient Air Quality Standards (NAAQS) for a specific air contaminant as designated pursuant to section 107(d) of the Federal Clean Air Act. (*Note:* A list of such areas may be obtained from any office of the Department of Environmental Conservation.)

(j) *Best available control technology (BACT).* An emission limitation or equipment standard based on the maximum degree of reduction of each contaminant emitted from stationary air contamination source which the department determines is achievable for such source on a case-by-case basis considering:

- (1) process, fuels and raw material available and to be used;
- (2) engineering aspects of the application of various types of control technology which has been adequately demonstrated;
- (3) process and fuel changes;
- (4) respective costs of the application of all such control technologies, process changes, alternative fuels, etc.;
- (5) applicable State and Federal emission standards.

In no event shall application of BACT result in emissions of any contaminant which will exceed the emissions allowed by any applicable standard established.

(k) *By-product coke oven battery.* A process for the destructive distillation of coal and separation of gaseous and liquid distillates from the carbon residue or coke, which includes ovens, charging systems (including larry cars, jumper pipes, charging conveyors from coal storage and/or weigh bins), auxiliary gas collection systems, heating systems and flues, pushing systems, door machines, mud trucks, quench cars, quenching systems, desulfurization systems, sulfur recovery units, waste heat stacks and air cleaning devices or control equipment (including oven patching equipment, door hoods, sheds and other hoods either movable or stationary and with or without water sprays).

(l) *Combustion installation.* An installation, consisting of a single furnace, device, engine or turbine in which fossil fuel, wood, and/or other solid, liquid, or gaseous fuel is burned with air or oxygen and the air contaminant emissions include only those products resulting from:

- (1) combustion of the fuel;
- (2) additives or impurities in the fuel; and
- (3) material introduced for the purpose of altering air contaminant emissions.

(m) *Commissioner.* Commissioner of Environmental Conservation of the State of New York.

(n) *Confined process.* Any process whose emissions are contained or captured in a hood and then conveyed through a duct, vent or stack prior to discharge to the outer atmosphere.

- (o) *Day*. A 24-hour period beginning at midnight.
- (p) *Department*. The New York State Department of Environmental Conservation.
- (q) *Diesel engine*. An internal combustion engine in which air is compressed to a temperature capable of igniting fuel injected into the cylinders where combustion occurs.
- (r) *Distillate oil*. A fuel oil consisting of distilled fractions and having a kinematic viscosity of 5.8 centistokes or less at 100 degrees Fahrenheit. This includes ASTM grade numbers 1 and 2 fuel oil, ASTM grade numbers 1-D and 2-D diesel fuel oil and proposed ASTM grade numbers 1-GT and 2-GT gas turbine fuel oil.
- (s) *Emission*. The release of any air contaminant into the outdoor atmosphere.
- (t) *Emission point*. Any conduit, chimney, duct, vent, flue, stack or opening of any kind through which air contaminants are emitted to the outdoor atmosphere.
- (u) *Emission rate potential*. The maximum rate at which a specified air contaminant from an emission source would be emitted to the outdoor atmosphere in the absence of any control equipment. The emission rate potential of a specified air contaminant from an emission source is calculated by dividing the weight of such contaminant (expressed in pounds) that would be emitted to the outdoor atmosphere during maximum emission conditions in the absence of any control equipment, by the duration (expressed in hours) of such emissions. When an air contaminant is emitted for a period equal to or less than one hour, the emission rate potential is the weight of the contaminant emitted in the absence of any control equipment, divided by one hour, except that for any toxic air contaminant specified by the commissioner, the duration of emissions used in calculating the emission rate potential may be less than one hour. The maximum emission rate used for calculating the emission rate potential is not the emission rate during catastrophic or malfunction conditions.
- (v) *Emission test*. Any method of collecting stack samples or samples of emissions from an air contamination source and analyzing such samples for air contaminants.
- (w) *Environmental rating*. An assigned rating indicated by the letter A, B, C or D, which considers the potential environment effects of an air contamination source on its surroundings.
- (x) *EPA*. The United States Environmental Protection Agency.
- (y) *Equivalent opacity*. The opacity measured by methods acceptable to the commissioner when a specific emission source is emitting air contaminants at, or less than, the mass emission standards, as corroborated by emission tests acceptable to the commissioner.
- (z) *Exhaust and/or ventilation system*. Any system which removes air contaminants from a process and transports them from their point of generation to the outdoor atmosphere.
- (aa) *Facility*. All emission sources located at one or more adjacent or contiguous properties owned or operated by the same person or persons under common control.
- (ab) *Federally enforceable*. Federally enforceable means all limitations and conditions that are enforceable by the department and the administrator and citizens under the act. Examples of federally enforceable limitations and conditions include but are not limited to:
- (1) emission standards, alternative emission standards, alternative emission limitations, and equivalent emission limitations established pursuant to section 112 of the act as amended in 1990;
 - (2) new source performance standards established pursuant to section III of the act, and emission standards established pursuant to section 112 of the act before it was amended in 1990;
 - (3) all terms and conditions in a title V permit, including any provisions that limit a source's potential to emit, unless expressly designated as not federally enforceable;
 - (4) all limitations and requirements under the applicable implementation plan (SIP) for the State of New York;
 - (5) limitations and conditions that are part of a Federal construction permit issued under 40 CFR 52.21 or any construction permit issued under regulations approved by the EPA in accordance with 40 CFR 51; and

(6) limitations and conditions in a permit issued under this Chapter that are designed to limit a facility's potential to emit for the purpose of avoiding an applicable requirement to which the facility would otherwise be subject.

(ac) *Fossil fuel burning equipment.* Any furnace, steam, hot-air or hot-water generating equipment or any other device, exclusive of process equipment in which the fuel burned is coal, oil, gas or other fossil fuels.

(ad) *Fuel.* Solid, liquid or gaseous combustible material.

(ae) *Garbage.* The animal and vegetable waste resulting from the handling, preparation, cooking and serving of food.

(af) *Fugitive emissions.* Emissions of air contaminants which could not reasonably pass through a stack, vent, chimney or other functionally equivalent opening.

(ag) *Hazardous air pollutant.* Set forth below is the list of hazardous air pollutants as of the effective date of this Part:

<i>CAS number</i>	<i>Chemical name</i>
75070	Acetaldehyde
60355	Acetamide
75058	Acetonitrile
98862	Acetophenone
53963	2-Acetylaminofluorene
107028	Acrolein
79061	Acrylamide
79107	Acrylic acid
107131	Acrylonitrile
107051	Allyl chloride
92671	4-Aminobiphenyl
62533	Aniline
90040	o-Anisidine
1332214	Asbestos
71432	Benzene (including benzene from gasoline)
92875	Benzidine
98077	Benzotrichloride
100447	Benzyl chloride
92524	Biphenyl
117817	Bis(2-ethylhexyl)phthalate (DEHP)
542881	Bis(chloromethyl)ether
75252	Bromoform
106990	1,3-Butadiene
156627	Calcium cyanamide
105602	Caprolactam
133062	Captan
63252	Carbaryl
75150	Carbon disulfide
56235	Carbon tetrachloride
463581	Carbonyl sulfide
120809	Catechol
133904	Chloramben
57749	Chlordane
7782505	Chlorine
79118	Chloroacetic acid
532274	2-Chloroacetophenone
108907	Chlorobenzene
510156	Chlorobenzilate
67663	Chloroform
107302	Chloromethyl methyl ether
126998	Chloroprene
1319773	Cresols/Cresylic acid (isomers and mixture)
95487	o-Cresol

<i>CAS number</i>	<i>Chemical name</i>
108394	m-Cresol
106445	p-Cresol
98828	Cumene
94757	2,4-D, salts and esters
3547044	DDE
334883	Diazomethane
132649	Dibenzofurans
96128	1,2-Dibromo-3-chloropropane
84742	Dibutylphthalate
106467	1,4-Dichlorobenzene(p)
91941	3,3-Dichlorobenzidene
111444	Dichloroethyl ether (Bis(2-chloroethyl)ether)
542756	1,3-Dichloropropene
62737	Dichlorvos
111422	Diethanolamine
121697	N,N-Diethyl aniline (N,N-Dimethylaniline)
64675	Diethyl sulfate
119904	3,3-Dimethoxybenzidine
60117	Dimethyl aminoazobenzene
119937	3,3-Dimethyl benzidine
79447	Dimethyl carbamoyl chloride
68122	Dimethyl formamide
57147	1,1-Dimethyl hydrazine
131113	Dimethyl phthalate
77781	Dimethyl sulfate
534521	4,6-Dinitro-o-cresol, and salts
51285	2,4-Dinitrophenol
121142	2,4-Dinitrotoluene
123911	1,4-Dioxane (1,4-Diethyleneoxide)
122667	1,2-Diphenylhydrazine
106898	Epichlorohydrin (1-Chloro-2,3-epoxypropane)
106887	1,2-Epoxybutane
140885	Ethyl acrylate
100414	Ethyl benzene
51796	Ethyl carbamate (Urethane)
75003	Ethyl chloride (Chloroethane)
106934	Ethylene dibromide (Dibromoethane)
107062	Ethylene dichloride (1,2-Dichloroethane)
107211	Ethylene glycol
151564	Ethylene imine (Aziridine)
75218	Ethylene oxide
96457	Ethylene thiourea
75343	Ethylidene dichloride (1,1-Dichloroethane)
50000	Formaldehyde
76448	Heptachlor
118741	Hexachlorobenzene
87683	Hexachlorobutadiene
77474	Hexachlorocyclopentadiene
67721	Hexachloroethane
822060	Hexamethylene-1,6-diisocyanate
680319	Hexamethylphosphoramide
110543	Hexane
302012	Hydrazine
7647010	Hydrochloric acid
7664393	Hydrogen fluoride (Hydrofluoric acid)
123319	Hydroquinone
78591	Isophorone
58899	Lindane (all isomers)
108316	Maleic anhydride

<i>CAS number</i>	<i>Chemical name</i>
67561	Methanol
72435	Methoxychlor
74839	Methyl bromide (Bromomethane)
74873	Methyl chloride (Chloromethane)
71556	Methyl chloroform (1,1,1-Trichloroethane)
60344	Methyl hydrazine
74884	Methyl iodide (Iodomethane)
108101	Methyl isobutyl ketone (Hexone)
624839	Methyl isocyanate
80626	Methyl methacrylate
1634044	Methyl tert butyl ether
101144	4,4-Methylene bis(2-chloroaniline)
75092	Methylene chloride (Dichloromethane)
101688	Methylene diphenyl diisocyanate (MDI)
101779	4,4-Methylenedianiline
91203	Naphthalene
98953	Nitrobenzene
92933	4-Nitrobiphenyl
100027	4-Nitrophenol
79469	2-Nitropropane
684935	N-Nitroso-N-methylurea
62759	N-Nitrosodimethylamine
59892	N-Nitrosomorpholine
56382	Parathion
82688	Pentachloronitrobenzene (Quintobenzene)
87865	Pentachlorophenol
108952	Phenol
106503	p-Phenylenediamine
75445	Phosgene
7803512	Phosphine
7723140	Phosphorus
85449	Phthalic anhydride
1336363	Polychlorinated biphenyls (Aroclors)
1120714	1,3-Propane sultone
57578	beta-Propiolactone
123386	Propionaldehyde
114261	Propoxur (Baygon)
78875	Propylene dichloride (1,2-Dichloropropane)
75569	Propylene oxide
75558	1,2-Propylenimine (2-Methyl azridine)
91225	Quinoline
106514	Quinone
100425	Styrene
96093	Styrene oxide
1746016	2,3,7,8-Tetrachlorodibenzo-p-dioxin
79345	1,1,2,2-Tetrachloroethane
127184	Tetrachloroethylene (Perchloroethylene)
7550450	Titanium tetrachloride
108883	Toluene
95807	2,4-Toluene diamine
584849	2,4-Toluene diisocyanate
95534	o-Toluidine
8001352	Toxaphene (chlorinated camphene)
120821	1,2,4-Trichlorobenzene
79005	1,1,2-Trichloroethane
79016	Trichloroethylene
95954	2,4,5-Trichlorophenol
88062	2,4,6-Trichlorophenol
121448	Triethylamine

<i>CAS number</i>	<i>Chemical name</i>
1582098	Trifluralin
540841	2,2,4-Trimethylpentane
108054	Vinyl acetate
593602	Vinyl bromide
75014	Vinyl chloride
75354	Vinylidene chloride (1,1-Dichloroethylene)
1330207	Xylenes (isomers and mixture)
95476	o-Xylenes
108383	m-Xylenes
106423	p-Xylenes
0	Antimony Compounds
0	Arsenic Compounds (inorganic including arsine)
0	Beryllium Compounds
0	Cadmium Compounds
0	Chromium Compounds
0	Cobalt Compounds
0	Coke Oven Emissions
0	Cyanide Compounds ¹
0	Glycol ethers ²
0	Lead Compounds
0	Manganese Compounds
0	Mercury Compounds
0	Fine mineral fibers ³
0	Nickel Compounds
0	Polycyclic Organic Matter ⁴
0	Radionuclides (including radon) ⁵
0	Selenium Compounds

¹X'CN where X = H' or any other group where a formal dissociation may occur.

For example KCN or Ca(CN)₂

²Includes mono- and di-ethers of ethylene, glycol, diethylene glycol, and triethylene glycol R-(OCH₂CH₂)_n-OR' where

n = 1, 2, or 3

R = alkyl or aryl groups

R' = R, H, or groups which, when removed, yield glycol ethers with the structure: R-(OCH₂CH)_n-OH. Polymers are excluded from the glycol category.

³Includes mineral fiber emissions from facilities manufacturing or processing glass, rock, or slag fibers (or other mineral derived fibers) of average diameter 1 micrometer or less.

⁴Includes organic compounds with more than one benzene ring, and which have a boiling point greater than or equal to 100°C.

⁵A type of atom which spontaneously undergoes radioactive decay.

Note: For all listings above which contain the word "compounds" and for glycol ethers, the following applies: Unless otherwise specified, these listings are defined as including any unique chemical substance that contains the named chemical (*i.e.*, antimony, arsenic, etc.) as part of that chemical's infrastructure.

(ah) *Heat input.* The heat released (exothermic heat of chemical reaction) due to the combustion of fuel. It includes only the weight rate (*e.g.*, lb/hr) of the fuel fired multiplied by the calorific value of the fuel.

(ai) *Incinerator.* Any structure or furnace in which combustion takes place and refuse is used as a fuel, alone or in conjunction with fossil fuel.

(aj) *Iron and/or steel processes.* Processes commonly associated with or necessary to production of iron and steel, excluding ferro-alloys but including, but not limited to, the following:

- (1) materials handling systems, including but not limited to systems for handling iron ore, ore pallets, coal, limestone, fluxes, scrap steel sinter, coke, steel alloying ingredients, slag and dust;

- (2) blast furnaces for making iron;
- (3) sintering processes such as agglomeration including sintering and handling of agglomerated materials, but excluding iron-ore beneficiating processes and processes occurring prior to iron-ore agglomeration such as washing, screening, crushing, blending and materials handling;
- (4) basic oxygen furnaces, open hearths and electric furnaces;
- (5) iron and/or steel furnaces, except furnaces in jobbing foundries;
- (6) molten material transfer and processing operations, including but not limited to teeming, tapping, reladling and casting;
- (7) continuous casting operations;
- (8) scarfing and other surface defect removal operations, except those in jobbing foundries;
- (9) scrap preparation, including scrap melting and burning operations;
- (10) molten metal desulfurization operations;
- (11) raw material drying systems; and
- (12) process furnaces, including soaking pits, annealing furnaces, reheating furnaces and other process furnaces using direct heat transfer.

(ak) *Lowest achievable emission rate (LAER)*. The most stringent emission limitation achieved in practice, or which can reasonably be expected to occur in practice for a category of emission sources taking into consideration each air contaminant which must be controlled. In no event shall the application of this term permit a proposed new source or modification to emit any air contaminant in excess of the amount permitted under any applicable emission standard established under 6 NYCRR or 40 CFR.

(al) *Lower Orange County metropolitan area*. The area including the Towns of Blooming Grove, Chester, Highlands, Monroe, Tuxedo, Warwick, and Woodbury.

(am) *L.P. gas*. A petroleum hydrocarbon, such as propane, butane or isobutane which is normally a gas but which can be compressed and condensed to a liquid.

(an) *MACT* means maximum achievable control technology. MACT is determined or approved by EPA under section 112 of the act.

(ao) *Maximum heat input capacity*. The ability of a source to combust a stated maximum amount of fuel on a steady state basis, as determined by the physical design and characteristics of the source. Maximum heat input capacity is expressed in MMBtu per unit of time. It is the product of the gross caloric value of the fuel (expressed in Btu/lb) multiplied by the fuel feed rate in to the combustion device (expressed in mass of fuel/time).

(ap) *Maximum operating heat input*. The maximum heat input in million Btu per hour at which a stationary combustion installation is anticipated to be operated or at which it actually has been operated. This heat input will be the permissible operating limit as specified on a permit to construct or certificate to operate.

(aq) *Modification*. Any physical change or change in the method of operation of an incinerator, stationary combustion installation or process which (1) increases the hourly emission rate, emission concentration or emission opacity of any air contaminant, or (2) involves the installation or alteration of any air cleaning installation, air cleaning device or control equipment, or (3) involves conversion of fuel used in any emission source to a fuel with a higher ash content than the fuel used prior to the change, or (4) involves the alteration of any furnace or other physical changes to allow burning of refuse or refuse-derived fuel with fossil fuel, or (5) results in the emission of any air pollutant not previously emitted or authorized under the permit. Routine maintenance, repair and replacement of original equipment or parts thereof are not considered physical changes. An increase or decrease in the hours of operation is not considered a change in the method of operation if the total emissions do not cause air pollution or contravention of any applicable ambient air quality standard, and the hours of operation are not restricted through a condition of a permit or certificate issued for the air contamination source. A physical change or a

change in the method or operation shall not include the use of an alternative fuel or raw material which:

(1) the facility or emission source was capable of accommodating before January 6, 1975, unless such change would be prohibited under any federally enforceable permit condition which was established after January 6, 1975 pursuant to 40 CFR part 52.21; or

(2) the facility or emission source is approved to use under any permit issued under 40 CFR part 52.21.

(ar) *Motor vehicle.* A vehicle which can travel on land and which is propelled by means other than human or animal muscular power except such vehicles which run only on tracks or rails.

(as) *Municipal solid waste.* All materials or substances discarded from single and multiple family dwellings, and other residential sources; similar types of materials from institutional, commercial and industrial sources; concurrently incinerated sewage sludge but not hazardous waste as defined in Part 371 of this Title.

(at) *Municipal solid waste incineration facility.* A facility that is owned, operated, or utilized by, or under contract with, a municipality or political subdivision and which utilizes high temperature thermal destruction technologies, including combustion for the recovery of thermal value or for the disposal of municipal solid waste. (*Note:* A municipal solid waste incineration facility may also be a regulated medical waste incineration facility.)

(au) *New York City metropolitan area.* All of the City of New York, and Nassau, Suffolk, Westchester and Rockland Counties.

(av) *Nonattainment area.* Any area of the State not meeting a National Ambient Air Quality Standard (NAAQS) for a specific air contaminant. Nonattainment areas in New York State are as follows:

(1) [*Reserved*]

(2) [*Reserved*]

(3) Areas designated as "Nonattainment" for the 1-Hour Ozone NAAQS.

(i) Nonattainment areas classified as "Severe."

(a) The area consisting of the New York City Metropolitan Area and the Lower Orange County Metropolitan Area.

(ii) Nonattainment areas classified as "Moderate."

(a) The Lower Hudson Valley area consisting of Putnam and Dutchess Counties, and all of Orange County except the Lower Orange County Metropolitan Area.

(iii) Nonattainment areas classified as "Marginal."

(a) The Capital District area consisting of Saratoga, Montgomery, Schenectady, Albany, Rensselaer and Greene Counties.

(b) The portion of Essex County surrounding Whiteface Mountain above the elevation of 4,500 feet.

(c) The area consisting of all of Jefferson County.

(d) The Niagara Frontier area consisting of Niagara and Erie Counties.

(4) Areas designated as "Nonattainment" for the PM₁₀ NAAQS (Annual NAAQS revoked by EPA effective December 17, 2006).

(i) The area consisting of all of New York County.

(aw) *Nonroad engine.* (1) Except as specified in paragraph (2) of this subdivision, a *nonroad engine* is an internal combustion engine:

(i) in or on a piece of equipment that is self-propelled or serves a dual purpose by both propelling itself and performing another function (such as garden tractors, off-highway mobile cranes and bulldozers);

(ii) in or on a piece of equipment that is intended to be propelled while performing its function (such as lawnmowers and string trimmers); or

(iii) that, by itself or in or on a piece of equipment, is portable or transportable, meaning designed to be and capable of being carried or moved from one location to another. Indicators of transportability include, but are not limited to, wheels, skids, carrying handles, dolly, trailer, or platform.

(2) An internal combustion engine is not a nonroad engine if:

(i) the engine is used to propel a motor vehicle or a vehicle used solely for competition, or is subject to standards promulgated under section 202 of the act; or

(ii) the engine is regulated by a Federal New Source Performance Standard promulgated under section 111 of the act; or

(iii) the engine otherwise included in subparagraph (1)(iii) of this subdivision remains or will remain at a location for more than 12 consecutive months or a shorter period of time for an engine located at a seasonal source. A *location* is any single site at a building, structure, facility, or installation. Any engine (or engines) that replaces an engine at a location and that is intended to perform the same or similar function as the engine replaced will be included in calculating the consecutive time period. An engine located at a seasonal source is an engine that remains at a seasonal source during the full annual operating period of the seasonal source. A seasonal source is a stationary source that remains in a single location on a permanent basis (*i.e.*, at least two years) and that operates at that single location approximately three months (or more) each year. This paragraph does not apply to an engine after the engine is removed from the location.

(ax) *Onsite incinerator.* Any incinerator except one used to burn refuse which is collected from more than 100 different premises and brought to the incinerator site by truck.

(ay) *Opacity.* The degree to which emissions other than water reduce the transmission of light and obscure the view of an object in the background.

(az) *Open fire.* Any outdoor fire or outdoor smoke producing process from which the air contaminants are emitted directly into the outdoor atmosphere.

(ba) *Operator.* Any person who leases, operates, controls or supervises a facility at which air contaminants are emitted.

(bb) *Outdoor atmosphere.* The atmosphere outside of and surrounding all buildings, structures, stacks or exterior ducts.

(bc) *Owner.* Any person who has legal or equitable title to an emission source, or of the control equipment at such source.

(bd) *Ozone transport region.* The area which includes all of New York State, and the states of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Pennsylvania, Rhode Island, Vermont, and the consolidated metropolitan statistical area that includes the District of Columbia and northern Virginia.

(be) *Oxides of nitrogen (also nitrogen oxides or NO_x).* All oxides of nitrogen, except nitrous oxide, expressed as nitrogen dioxide.

(bf) *Particulates.* Any air or gas-borne material, except water, which exists as a liquid or solid. The determination of the quantity of particulates present in a stack shall be determined in accordance with emission testing methods acceptable to the commissioner.

(bg) *Peak shaving generation.* The practice of utilizing on-site generating capacity for use at a facility (excluding emergency generation when the usual sources of heat, power, and lighting are temporarily unavailable) at the request of the primary electricity supplier.

(bh) *Permissible emission rate.* The maximum rate at which air contaminants are allowed to be emitted to the outdoor atmosphere. This includes:

(1) an applicable emission limitation in this Subchapter;

(2) any performance standard contained in title 40 of the Code of Federal Regulations; and

(3) any emission limitation specified by the commissioner as a condition of a permit to construct and/or certificate to operate.

(bi) *Person*. Any individual, public or private corporation, political subdivision, government agency, department or bureau of the State, municipality, industry, copartnership, association, firm, trust, estate or any other legal entity whatsoever.

(bj) *PM-10*. Filterable particulate matter with an aerodynamic diameter less than or equal to 10 micrometers and material that is vapor phase at stack conditions but which condenses and/or reacts upon cooling and dilution in the ambient air to form solid or liquid particulate immediately after discharge from the stack.

(bk) *Pollutants regulated under section 112(r) of the act*. Set forth below is the list of pollutants regulated under section 112(r) of the act as of the effective date of this Part:

<i>CAS Number</i>	<i>Chemical Name</i>
000075-07-0	Acetaldehyde
000074-86-2	Acetylene [Ethyne]
000107-02-8	Acrolein [2-Propenal]
000107-13-1	Acrylonitrile [2-Propenenitrile]
000814-68-6	Acrylyl chloride [2-Propenoyl chloride]
000107-18-6	Allyl alcohol [2-Propen-1-ol]
000107-11-9	Allylamine [2-Propen-1-amine]
007664-41-7	Ammonia (anhydrous)
007664-41-7	Ammonia (conc 20% or greater)
007784-34-1	Arsenous trichloride
007784-42-1	Arsine
010294-34-5	Boron trichloride [Borane, trichloro-]
007637-07-2	Boron trifluoride [Borane, trifluoro-]
000353-42-4	Boron trifluoride compound with methyl ether (1:1) [Boron, trifluoro [oxybis [methane]]-, T-4-
007726-95-6	Bromine
000598-73-2	Bromotrifluoroethylene [Ethene, bromotrifluoro-]
000106-99-0	1,3-Butadiene
000106-97-8	Butane
025167-67-3	Butene
000106-98-9	1-Butene
000107-01-7	2-Butene
000590-18-1	2-Butene-cis
000624-64-6	2-Butene-trans [2-Butene, (E)]
000075-15-0	Carbon disulfide
000463-58-1	Carbon oxysulfide [Carbon oxide sulfide (COS)]
007782-50-5	Chlorine
010049-04-4	Chlorine dioxide [Chlorine oxide (ClO ₂)]
007791-21-1	Chlorine monoxide [Chlorine oxide]
000067-66-3	Chloroform [Methane, trichloro-]
000542-88-1	Chloromethyl ether [Methane, oxybis chloro-]
000107-30-2	Chloromethyl methyl ether [Methane, chloromethoxy-]
000590-21-6	1-Chloropropylene [1-Propene, 1-chloro-]
000557-98-2	2-Chloropropylene [1-Propene, 2-chloro-]
004170-30-3	Crotonaldehyde [2-Butenal]
000123-73-9	Crotonaldehyde, (E)- [2-Butenal, (E)-]
000460-19-5	Cyanogen [Ethanedinitrile]
000506-77-4	Cyanogen chloride
000108-91-8	Cyclohexylamine [Cyclohexanamine]
000075-19-4	Cyclopropane
019287-45-7	Diborane
004109-96-0	Dichlorosilane [Silane, dichloro-]
000075-37-6	Difluoroethane [Ethane, 1,1-difluoro-]
000124-40-3	Dimethylamine [Methanamine, N-methyl-]
000075-78-5	Dimethyldichlorosilane [Silane, dichlorodimethyl-]
000057-14-7	1,1-Dimethylhydrazine [Hydrazine, 1,1-dimethyl-]

<i>CAS Number</i>	<i>Chemical Name</i>
000463-82-1	2,2-Dimethylpropane [Propane, 2,2-dimethyl-]
000106-89-8	Epichlorohydrin [Oxirane, (chloromethyl)-]
000074-84-0	Ethane
000107-00-6	Ethyl acetylene [1-Butyne]
000075-04-7	Ethylamine [Ethanamine]
000075-00-3	Ethyl chloride [Ethane, chloro-]
000074-85-1	Ethylene [Ethene]
000107-15-3	Ethylenediamine [1,2-Ethanediamine]
000151-56-4	Ethyleneimine [Aziridine]
000075-21-8	Ethylene oxide [Oxirane]
000060-29-7	Ethyl ether [Ethane, 1,1'-oxybis-]
000075-08-1	Ethyl mercaptan [Ethanethiol]
000109-95-5	Ethyl nitrite [Nitrous acid, ethyl ester]
007782-41-4	Fluorine
000050-00-0	Formaldehyde (solution)
000110-00-9	Furan
000302-01-2	Hydrazine
007647-01-0	Hydrochloric acid (conc 37% or greater)
000074-90-8	Hydrocyanic acid
001333-74-0	Hydrogen
007647-01-0	Hydrogen chloride (anhydrous) [Hydrochloric acid]
007664-39-3	Hydrogen fluoride/Hydrofluoric acid (conc 50% or greater) [Hydrofluoric acid]
007783-07-5	Hydrogen selenide
007783-06-4	Hydrogen sulfide
013463-40-6	Iron, pentacarbonyl- [Iron carbonyl (Fe(CO) ₅), (TB-5-11)-]
000075-28-5	Isobutane [Propane, 2-methyl]
000078-82-0	Isobutyronitrile [Propanenitrile, 2-methyl-]
000078-78-4	Isopentane [Butane, 2-methyl-]
000078-79-5	Isoprene [1,3-Butadiene, 2-methyl-]
000075-31-0	Isopropylamine [2-Propanamine]
000108-23-6	Isopropyl chloroformate [Carbonochloridic acid, 1-methylethyl ester]
000075-29-6	Isopropyl chloride [Propane, 2- chloro-]
000126-98-7	Methacrylonitrile [2-Propenenitrile, 2-methyl-]
000074-82-8	Methane
000074-89-5	Methylamine [Methanamine]
000563-46-2	2-Methyl-1-butene
000563-45-1	3-Methyl-1-butene
000074-87-3	Methyl chloride [Methane, chloro-]
000079-22-1	Methyl chloroformate [Carbonochloridic acid, methylester]
000115-10-6	Methyl ether [Methane, oxybis-]
000107-31-3	Methyl formate [Formic acid, methyl ester]
000060-34-4	Methyl hydrazine [Hydrazine, methyl-]
000624-83-9	Methyl isocyanate [Methane, isocyanato-]
000074-93-1	Methyl mercaptan [Methanethiol]
000115-11-7	2-Methylpropene [1-Propene, 2- methyl-]
000556-64-9	Methyl thiocyanate [Thiocyanic acid, methyl ester]
000075-79-6	Methyltrichlorosilane [Silane, trichloromethyl-]
013463-39-3	Nickel carbonyl
007697-37-2	Nitric acid (conc 80% or greater)
010102-43-9	Nitric oxide [Nitrogen oxide (NO)]
008014-95-7	Oleum (Fuming Sulfuric acid) [Sulfuric acid, mixture with sulfur trioxide]
000504-60-9	1,3-Pentadiene
000109-66-0	Pentane
000109-67-1	1-Pentene
000646-04-8	2-Pentene, (E)-
000627-20-3	2-Pentene, (Z)-

<i>CAS Number</i>	<i>Chemical Name</i>
000079-21-0	Peracetic acid [Ethaneperoxoic acid]
000594-42-3	Perchloromethylmercaptan [Methanesulfonyl chloride, trichloro-]
000075-44-5	Phosgene [Carbonic dichloride]
007803-51-2	Phosphine
010025-87-3	Phosphorus oxychloride [Phosphoryl chloride]
007719-12-2	Phosphorus trichloride [Phosphorous trichloride]
000110-89-4	Piperidine
000463-49-0	Propadiene [1,2-Propadiene]
000074-98-6	Propane
000107-12-0	Propionitrile [Propanenitrile]
000109-61-5	Propyl chloroformate [Carbonochloridic acid, propylester]
000115-07-1	Propylene [1-Propene]
000075-55-8	Propyleneimine [Aziridine, 2- methyl-]
000075-56-9	Propylene oxide [Oxirane, methyl-]
000074-99-7	Propyne [1-Propyne]
007803-62-5	Silane
007446-09-5	Sulfur dioxide (anhydrous)
007783-60-0	Sulfur tetrafluoride [Sulfur fluoride (SF ₄), (T-4)-]
007446-11-9	Sulfur trioxide
000116-14-3	Tetrafluoroethylene [Ethene, tetrafluoro-]
000075-74-1	Tetramethyllead [Plumbane, tetramethyl-]
000075-76-3	Tetramethylsilane [Silane, tetramethyl-]
000509-14-8	Tetranitromethane [Methane, tetranitro-]
007550-45-0	Titanium tetrachloride [Titanium chloride (TiCl ₄) (T-4)-]
000584-84-9	Toluene 2,4-diisocyanate [Benzene, 2,4-diisocyanato-1-methyl-]
000091-08-7	Toluene 2,6-diisocyanate [Benzene, 1,3-diisocyanato-2-methyl-]
026471-62-5	Toluene diisocyanate (unspecified isomer) [Benzene, 1,3-diisocyanatomethyl-]
010025-78-2	Trichlorosilane [Silane, trichloro-]
000079-38-9	Trifluorochloroethylene [Ethene, chlorotrifluoro-]
000075-50-3	Trimethylamine [Methanamine, N,N-dimethyl-]
000075-77-4	Trimethylchlorosilane [Silane, chlorotrimethyl-]
000108-05-4	Vinyl acetate monomer [Acetic acid ethenyl ester]
000689-97-4	Vinyl acetylene [1-Buten-3-yne]
000075-01-4	Vinyl chloride [Ethene, chloro-]
000109-92-2	Vinyl ethyl ether [Ethene, ethoxy-]
000075-02-5	Vinyl fluoride [Ethene, fluoro-]
000075-35-4	Vinylidene chloride [Ethene, 1,1-dichloro-]
000075-38-7	Vinylidene fluoride [Ethene, 1,1-difluoro-]
000107-25-5	Vinyl methyl ether [Ethene, methoxy-]

(bl) *Potential to emit.* The maximum capacity of an air contamination source to emit any regulated air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the emission source to emit a regulated air pollutant, including air pollution control equipment and/or restrictions on the hours of operation, or on the type or amount of material combusted, stored, or processed, shall be treated as a part of the design if the limitation is enforceable by the department and the administrator. Fugitive emissions, to the extent that they are quantifiable, are included in determining the potential to emit where required by an applicable requirement. Secondary emissions (as defined in Subpart 231-4 of this Title) are not to be included when calculating an emission source's potential to emit. For emergency power generating stationary internal combustion engines, the potential to emit will be based on a maximum of 500 hours of operation per year per engine unless a more restrictive limitation exists in a permit or registration.

(bm) *Process.* Any activity involving one or more emission sources that emits or has the potential to emit any regulated air pollutant.

(bn) *Process weight*. The total weight of all materials introduced into a process which may cause air contaminant emissions to the outdoor atmosphere. Solid fuel used in a process is considered part of the process weight, but liquid and/or gaseous fuel, uncombined water and combustion air are not.

(bo) *Process weight per hour*. The total process weight for any emission source divided by the number of hours during which air contaminants are emitted by such source to the outdoor atmosphere. For continuous processes, process weight should be determined on a daily basis.

(bp) *Pyroprocesses*. That part of cement and lightweight aggregate manufacturing related to the preheating, calcining, sintering, burning and cooling of clinker. Such processes include a means of chemically changing the material processed and do not include physical changes such as perlite or shale expansion.

(bq) *Reasonably available control technology (RACT)*. Lowest emission limit that a particular source is capable of meeting by application of control technology that is reasonably available, considering technological and economic feasibility.

(br) *Refuse*. All waste material, including but not limited to garbage, rubbish, incinerator residue, street cleanings, dead animals and offal.

(bs) *Refuse disposal area*. Land used for depositing of refuse, except that it shall not include land used for depositing of refuse from a single family, a member of which is the owner, occupant or leasee of said land, or any part of a farm on which animal or vegetable waste resulting from the operation of such farm are deposited. This definition includes, but is not limited to, those areas commonly referred to as landfills, sanitary landfills and dumps.

(bt) *Registration certificate*. Certificate issued by the department to the owner and/or operator of an eligible facility, that has been registered pursuant to the provisions of Subpart 201-4 of this Title.

(bu) *Regulated air pollutant or regulated air contaminant*. The following are regulated air pollutants or regulated air contaminants for the purposes of this Title:

- (1) nitrogen oxides and any volatile organic compounds;
- (2) any air pollutant or contaminant for which a national ambient air quality standard has been promulgated including PM-10, sulfur dioxide, carbon monoxide, and lead;
- (3) any air pollutant or contaminant that is subject to any standard promulgated pursuant to section 111 of the act including the new source performance standards (NSPS) in 40 CFR part 60, *et seq*;
- (4) any Class I or II substance subject to a standard promulgated pursuant to section 601a of the act. Set forth below is the list of such class I or II substances as of the effective date of this regulation:

1. CLASS I SUBSTANCES

Group I

chlorofluorocarbon-11 (CFC-11)
chlorofluorocarbon-12 (CFC-12)
chlorofluorocarbon-113 (CFC-113)
chlorofluorocarbon-114 (CFC-114)
chlorofluorocarbon-115 (CFC-115)

Group II

halon-1211
halon-1301
halon-2402

Group III

chlorofluorocarbon-13 (CFC-13)
chlorofluorocarbon-111 (CFC-111)
chlorofluorocarbon-112 (CFC-112)

- chlorofluorocarbon-211 (CFC-211)
- chlorofluorocarbon-212 (CFC-212)
- chlorofluorocarbon-213 (CFC-213)
- chlorofluorocarbon-214 (CFC-214)
- chlorofluorocarbon-215 (CFC-215)
- chlorofluorocarbon-216 (CFC-216)
- chlorofluorocarbon-217 (CFC-217)
- Group IV
- carbon tetrachloride
- Group V
- methyl chloroform

Note: This list shall also include the isomers of the substances listed above, other than 1,1,2-trichloroethane (an isomer of methyl chloroform).

2. CLASS II SUBSTANCES

- hydrochlorofluorocarbon-21 (HCFC-21)
- hydrochlorofluorocarbon-22 (HCFC-22)
- hydrochlorofluorocarbon-31 (HCFC-31)
- hydrochlorofluorocarbon-121 (HCFC-121)
- hydrochlorofluorocarbon-122 (HCFC-122)
- hydrochlorofluorocarbon-123 (HCFC-123)
- hydrochlorofluorocarbon-124 (HCFC-124)
- hydrochlorofluorocarbon-131 (HCFC-131)
- hydrochlorofluorocarbon-132 (HCFC-132)
- hydrochlorofluorocarbon-133 (HCFC-133)
- hydrochlorofluorocarbon-141 (HCFC-141)
- hydrochlorofluorocarbon-142 (HCFC-142)
- hydrochlorofluorocarbon-221 (HCFC-221)
- hydrochlorofluorocarbon-222 (HCFC-222)
- hydrochlorofluorocarbon-223 (HCFC-223)
- hydrochlorofluorocarbon-224 (HCFC-224)
- hydrochlorofluorocarbon-225 (HCFC-225)
- hydrochlorofluorocarbon-226 (HCFC-226)
- hydrochlorofluorocarbon-231 (HCFC-231)
- hydrochlorofluorocarbon-232 (HCFC-232)
- hydrochlorofluorocarbon-233 (HCFC-233)
- hydrochlorofluorocarbon-234 (HCFC-234)
- hydrochlorofluorocarbon-235 (HCFC-235)
- hydrochlorofluorocarbon-241 (HCFC-241)
- hydrochlorofluorocarbon-242 (HCFC-242)
- hydrochlorofluorocarbon-243 (HCFC-243)
- hydrochlorofluorocarbon-244 (HCFC-244)
- hydrochlorofluorocarbon-251 (HCFC-251)
- hydrochlorofluorocarbon-252 (HCFC-252)
- hydrochlorofluorocarbon-253 (HCFC-253)
- hydrochlorofluorocarbon-261 (HCFC-261)
- hydrochlorofluorocarbon-262 (HCFC-262)
- hydrochlorofluorocarbon-271 (HCFC-271)

Note: This list includes the isomers of the substances listed above.

- (5) any hazardous air pollutant;

(6) pollutants regulated under section 112(r) of the act.

(bv) *Ringelmann chart*. The chart published and described in the U.S. Bureau of Mines Information circular 7718, on which are illustrated graduated shades of gray for use in estimating the light obscuring density of smoke. The "Micro" Ringelmann chart, a photographically reduced reproduction approximately $\frac{1}{18}$ the size of the Ringelmann chart, is acceptable to the commissioner as an equivalent standard.

(bw) *Rubbish*. Solid or liquid waste materials, including but not limited to paper and paper products; rags; trees or leaves, needles and branches therefrom; vines; lawn and garden debris; furniture; cans; crockery; plastics; cartons; chemicals; paint; greases; sludges; oils and other petroleum products; wood; sawdust; demolition materials; tires and automobiles and other vehicles and parts, for junk, salvage, or disposal. Rubbish shall not include garbage, incinerator residue, street sweepings, dead animals, or offal.

(bx) *Smoke*. An air contaminant consisting of small gas-borne particles emitted by an air contamination source in sufficient number to be observable.

(by) *Stack sample*. A sample of the emission from an air contamination source collected from within a stack.

(bz) *Stack*. Any conduit, chimney, duct, vent, flue or opening of any kind arranged to conduct air contaminants to the outdoor atmosphere.

(ca) *Standard conditions*. A temperature of 20 degrees C (68 degrees F) and an absolute pressure of 760 mm (30 inches) of mercury.

(cb) *Standard Industrial Classification Code*. The Standard Industrial Classification Code (SIC code) utilized by the United States Office of Management and Budget to classify establishments according to the type of economic activity in which they are engaged.

(cc) *State implementation plan*. The documents, including regulations, approved by the administrator under the act that identify actions and programs to be undertaken by the State and its subdivisions to implement the act.

(cd) *Stationary source*. Any building, structure, facility or installation, excluding nonroad engines, that emits or may emit any air pollutant.

(ce) *Title V*. Refers to title V of the act and all rules promulgated in accordance with it.

(cf) *Unit space heater*. A small heating unit, which may be portable, used at a nonresidential facility for warming air of an enclosed area, such as a room.

(cg) *Volatile organic compound (VOC)*. Any organic compound which participates in atmospheric photochemical reactions. This includes any organic compounds other than those compounds with negligible photochemical reactivity which are listed below and in subdivision (ck) of this section. For purposes of determining compliance with emission limits in this Subchapter, VOC will be measured by test methods in appendix A of 40 CFR 60 (see table 1, section 200.9 of this Part) or by an alternative method acceptable to the department on the basis of a demonstration that it is as accurate as the appendix A method. Where such a method also inadvertently measures compounds with negligible photochemical reactivity, an owner or operator may exclude these negligibly reactive compounds when determining compliance with a VOC emission standard. The following compounds are not volatile organic compounds:

- (1) carbon monoxide;
- (2) carbon dioxide;
- (3) carbonic acid;
- (4) metallic carbides or carbonates;
- (5) ammonium carbonate;
- (6) methane;
- (7) ethane;
- (8) 1,1,1-trichloroethane (methyl chloroform);

- (9) trichlorotrifluoroethane (CFC-113);
- (10) methylene chloride;
- (11) trichlorofluoromethane (CFC-11);
- (12) dichlorodifluoromethane (CFC-12);
- (13) chlorodifluoromethane (CFC-22);
- (14) trifluoromethane (FC-23);
- (15) 1,2-dichlorotetrafluoroethane (CFC-114);
- (16) chloropentafluoroethane (CFC-115);
- (17) perfluorocarbon compounds which are: cyclic; branched, or linear completely fluorinated alkanes; cyclic, branched, or linear completely fluorinated ethers with no unsaturations; cyclic, branched, or linear completely fluorinated tertiary amines with no unsaturations; or sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine;
- (18) dichlorotrifluoroethane (HCFC-123);
- (19) tetrafluoroethane (HFC-134a);
- (20) dichlorofluoroethane (HCFC-141b);
- (21) chlorodifluoroethane (HCFC-142b);
- (22) 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124);
- (23) pentafluoroethane (HFC-125);
- (24) 1,1,2,2-tetrafluoroethane (HFC-134);
- (25) 1,1,1-trifluoroethane (HFC-143a);
- (26) 1,1-difluoroethane (HFC-152a);
- (27) parachlorobenzotrifluoride (PCBTF);
- (28) cyclic, branched, or linear completely methylated siloxanes:

Volatile Methyl Siloxanes (VMS)

<i>CAS No.</i>	<i>Chemical Name</i>	<i>Formula</i>
Linear VMS:		
00107-46-0	hexamethyldisiloxane (MM)	C ₆ H ₁₈ OSi ₂
00107-51-7	octamethyltrisiloxane (MDM)	C ₈ H ₂₄ O ₂ Si ₃
00141-62-8	decamethyltetrasiloxane (MD ₂ M)	C ₁₀ H ₃₀ O ₃ Si ₄
00141-63-9	dodecamethylpentasiloxane (MD ₃ M)	C ₁₂ H ₃₆ O ₄ Si ₅
00107-52-8	tetradecamethylhexasiloxane (MD ₄ M)	C ₁₄ H ₄₂ O ₅ Si ₆
63148-62-9	dimethyl silicones and siloxanes (Md _x M)	-----
Cyclic VMS:		
00541-05-9	hexamethylcyclotrisiloxane (D ₃)	C ₆ H ₁₈ O ₃ Si ₃
00556-67-2	octamethylcyclotetrasiloxane (D ₄)	C ₈ H ₂₄ O ₄ Si ₄
00541-02-6	decamethylcyclopentasiloxane (D ₅)	C ₁₀ H ₃₀ O ₅ Si ₅
00540-97-6	dodecamethylcyclohexasiloxane (D ₆)	C ₁₂ H ₃₆ O ₆ Si ₆
69430-24-6	cyclopolydimethylsiloxanes (D _x)	-----
Branched VMS:		
17928-28-8	1,1,1,3,5,5,5-heptamethyl-3-trisiloxane (M ₃ T)	C ₁₀ H ₃₀ O ₃ Si ₄
03555-47-3	1,1,1,5,5,5-hexamethyl-3,3,bis-trisiloxane (M ₄ Q)	C ₁₂ H ₃₆ O ₄ Si ₅
-----	pentamethyl-cyclotrisiloxane (MD ₃)	C ₈ H ₂₄ O ₄ Si ₄

- (29) acetone;
- (30) perchloroethylene (tetrachloroethylene);
- (31) methyl acetate;

- (32) 3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca);
- (33) 1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb);
- (34) dimethyl carbonate;
- (35) 1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane (known as HFE-7000);
- (36) 3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane (known as HFE-7500, HFE-s702, T-7145, and L-15381);
- (37) 1,1,1,2,3,3,3-heptafluoropropane (known as HFC 227-ea);
- (38) methyl formate; and
- (39) propylene carbonate.

(ch) *Wood*. The fibrous material beneath and including the bark of trees or any derivative fuel or residue thereof, in any unadulterated form, including but not limited to sawdust, sanderdust, wood chips, scraps, slabs, millings, shavings and processed pellets made from wood or other forest residues.

(ci) *Maintenance area*. Any geographic region of the United States previously designated nonattainment under the act and subsequently redesignated to attainment subject to the requirement to develop a maintenance plan under section 175A of the act, as amended (see section 200.9 of this Part).

(cj) *PM-2.5*. Filterable particulate matter with an aerodynamic diameter less than or equal to 2.5 micrometers and material that is vapor phase at stack conditions but which condenses and/or reacts upon cooling and dilution in the ambient air to form solid or liquid particulate immediately after discharge from the stack.

(ck) *Exempt VOCs*. The organic compounds listed in the paragraphs of this subdivision do not constitute VOCs for purposes of determining permitting applicability, demonstrating compliance with a VOC emission limit or VOC content requirement, or calculating operating permit program fees. These compounds are considered to be VOCs for purposes of all VOC recordkeeping and emissions reporting requirements and are considered regulated air contaminants for the purposes of Subpart 202-2, Emission Reporting Requirements;

- (1) tertiary butyl acetate.

(cl) *Routine maintenance, repair, or replacement*. Whether work done at an emissions source constitutes routine maintenance, repair, or replacement is determined on a case-by-case basis by examining factors such as the nature and extent, purpose, frequency, and cost of the work. Although no single factor is conclusive, generally routine maintenance, repair, or replacement work is undertaken on a prescribed or regular schedule, limited in scope, and typically paid for out of the operation and maintenance budget of the facility. Work that is infrequent, extensive in scope, intended to extend the life expectancy of an emission source, or intended to result in regaining lost capacity or availability is less likely to constitute routine maintenance, repair or replacement.

(cm) *Boiler*. A device that combusts fossil fuel or wood and produces steam or heats water or any other heat transfer medium.

(cn) *Combined cycle combustion turbine*. A combustion turbine that recovers heat from the turbine's exhaust gases in order to heat water or generate steam.

(co) *Combustion turbine*. A stationary internal combustion engine that operates with a rotary motion.

(cp) *Continuous emissions monitoring system (CEMS) certification protocol*. Emissions testing procedures that demonstrate compliance with requirements for system accuracy and precision.

(cq) *Emergency power generating stationary internal combustion engine*. A stationary internal combustion engine that operates as a mechanical or electrical power source only when the usual supply of power is unavailable, and operates for no more than 500 hours per year. The 500 hours of annual operation for the engine include operation during emergency situations, rou-

tine maintenance, and routine exercising (for example, test firing the engine for one hour a week to ensure reliability). If a State disaster emergency is declared pursuant to Executive Law, section 28, the 500-hour limitation is suspended for the duration of the State disaster emergency. A stationary internal combustion engine used for peak shaving generation or demand response programs is not an emergency power generating stationary internal combustion engine.

(cr) *Continuous emissions monitoring system (CEMS) plan.* A document that includes, but is not limited to, source identification, source description, a description of the control technology, the applicable regulations, the type of monitor, a monitoring system flow diagram, a description of the data system, and a sample calculation for compliance.

(cs) *Simple cycle combustion turbine.* A combustion turbine that does not recover heat from the turbine's exhaust gases.

(ct) *Very large boiler.* A boiler with a maximum heat input capacity greater than 250 million British thermal units (Btu) per hour.

(cu) *Greenhouse gases.* The aggregate group of six contaminants: carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

(cv) *CO₂ equivalent.* The sum of each of the six greenhouse gases multiplied by their respective global warming potentials. The global warming potentials can be found in Table 9 of Subpart 231-13 of this Title.

(cw) *Waste oil.* Any used and/or reprocessed oil which has not been re-refined, and which does not contain chemical waste. This includes but is not limited to, engine oil, gear oil, cutting oil, transmission fluid, hydraulic fluids, dielectric fluid, oil storage tank residue, animal oil, and vegetable oil..

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

(cy) *Polychlorinated Dibenzo-para-dioxins and Polychlorinated Dibenzofurans.* A combination or mixture containing four to eight chlorinated dibenzo-para-dioxins and/or chlorinated dibenzofurans and/or specific polychlorinated biphenyls. Polychlorinated Dibenzo-para-dioxins and Polychlorinated Dibenzofurans are expressed as 2,3,7,8 tetrachlorinated dibenzo-para-dioxin equivalents using the toxic equivalency factors (TEFs) listed below.

Chlorinated dibenzo-`para`-dioxins		
CAS Number	Compound	Factor (WHO 2005)
001746-01-6	2,3,7,8 tetrachlorinated dibenzo-`para`-dioxin	1
040321-76-4	1,2,3,7,8 pentachlorinated dibenzo-`para`-dioxin	1
039227-28-6	1,2,3,4,7,8 hexachlorinated dibenzo-`para`-dioxin	0.1
057653-85-7	1,2,3,6,7,8 hexachlorinated dibenzo-`para`-dioxin	0.1
019408-74-3	1,2,3,7,8,9 hexachlorinated dibenzo-`para`-dioxin	0.1
035822-46-9	1,2,3,4,6,7,8 heptachlorinated dibenzo-`para`-dioxin	0.01
003268-87-9	Octachlorodibenzodioxin	0.0003

Chlorinated dibenzo furans		
CAS Number	Compound	Factor (WHO 2005)
051207-31-9	2,3,7,8 tetrachlorinated dibenzo furan	0.1
057117-41-6	1,2,3,7,8 pentachlorinated dibenzo furan	0.03
057117-31-4	2,3,4,7,8 pentachlorinated dibenzo furan	0.3
070648-26-9	1,2,3,4,7,8 hexachlorinated dibenzo furan	0.1
057117-44-9	1,2,3,6,7,8 hexachlorinated dibenzo furan	0.1
072918-21-9	1,2,3,7,8,9 hexachlorinated dibenzo furan	0.1
060851-34-5	2,3,4,6,7,8 hexachlorinated dibenzo furan	0.1
067562-39-4	1,2,3,4,6,7,8 heptachlorinated dibenzo furan	0.01
055673-89-7	1,2,3,4,7,8,9 heptachlorinated dibenzo furan	0.01
039001-02-0	Octachlorodibenzofuran	0.0003

Non-`ortho`-substituted Polychlorinated Biphenyls		
CAS Number	Compound	Factor (WHO 2005)

032598-13-3	3,3',4,4' tetrachlorobiphenyl (PCB 77)	0.0001
070362-50-4	3,4,4',5 tetrachlorobiphenyl (PCB 81)	0.0003
057465-28-8	3,3',4,4',5 pentachlorobiphenyl (PCB 126)	0.1
032774-16-6	3,3',4,4',5,5', hexachlorobiphenyl (PCB 169)	0.03

Mono-'ortho'-substituted Polychlorinated Biphenyls

CAS Number	Compound	Factor (WHO 2005)
032598-14-4	2,3,3',4,4' pentachlorobiphenyl (PCB 105)	0.00003
074472-37-0	2,3,4,4',5 pentachlorobiphenyl (PCB 114)	0.00003
031508-00-6	2,3',4,4',5 pentachlorobiphenyl (PCB 188)	0.00003
065510-44-3	2',3,4,4',5 pentachlorobiphenyl (PCB 123)	0.00003
038380-08-4	2,3,3',4,4',5 hexachlorobiphenyl (PCB 156)	0.00003
069782-90-7	2,3,3',4,4',5 hexachlorobiphenyl (PCB 157)	0.00003
052663-72-6	2,3',4,4',5,5' hexachlorobiphenyl (PCB 167)	0.00003
039635-31-9	2,3,3',4,4',5,5' heptachlorobiphenyl (PCB 189)	0.00003

(cz) *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.

(da) *Stationary reciprocating internal combustion engine.* A stationary combustion engine that operates with a reciprocating motion.

(db) *Fossil fuel.* Natural gas, petroleum, coal, and any form of solid, liquid, or gaseous fuel derived from such material for the purpose of creating useful heat.

(dc) *Furnace.* Any device (excluding internal combustion engines and gas turbines) that combusts fossil fuel, wood, and/or other solid, liquid, or gaseous fuel for any purpose and whose emissions to the outdoor atmosphere only include the products of combustion from the fuel.

Historical Note

Sec. renum. 370.1. Title 9, filed Sept. 1971; new filed April 28, 1972; repealed, new filed May 17, 1972; amds. filed: Sept. 7, 1973; Sept. 4, 1974; Dec. 13, 1974; Feb. 22, 1979; July 24, 1979; March 7, 1983; July 10, 1984; Dec. 17, 1991; March 5, 1993; April 2, 1993; Jan. 19, 1994 as emergency measure, expired 90 days after filing; Sept. 15, 1994; June 7, 1996; May 27, 1998; Feb. 3, 1999; May 4, 2001 as emergency measure, expired 90 days after filing; Aug. 3, 2001 as emergency measure, expired 90 days after filing; Sept. 19, 2001 as emergency measure; Nov. 2, 2001 as emergency measure, expired 90 days after filing; Dec. 4, 2001 as emergency measure; Dec. 19, 2001; Oct. 4, 2002; June 23, 2003; April 29, 2005; July 10, 2006; Sept. 19, 2007; Jan. 20, 2009; amended adoption filed Feb. 3, 2009; June 8, 2010; amds. filed: Sept. 21, 2010; Dec. 29, 2010 as emergency measure; March 28, 2011 as emergency measure; May 26, 2011 as emergency measure; July 19, 2011 as emergency measure; Sept. 16, 2011 as emergency measure; Sept. 15, 2011; March 6, 2013; April 19, 2013; Aug. 18, 2014; May 14, 2015; Nov. 1, 2016; March 3, 2020; Jan. 26, 2021 eff. 30 days after filing. Amended (l), (cq); added (db)-(dc).

§ 200.2 Safeguarding information.

~~Information pertaining to manufacture, production or secret processes submitted in connection with applications, reports, plans and specifications or testing and designated by the person submitting such information as secret or proprietary, shall be kept confidential as provided by Part 616 of this Title dealing with trade secret confidentiality. The quantity and physical and chemical characteristics of actual and allowable air contaminant emissions shall be considered public information.~~

Historical Note

~~Sec. renum. 370.2. Title 9, filed Sept. 1971; new filed April 28, 1972; repealed, new filed May 17, 1972; amd. filed Dec. 17, 1991 eff. 30 days after filing.~~