

PART 227**STATIONARY COMBUSTION INSTALLATIONS**

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

Subpart 227-1 Stationary Combustion Installations

Subpart 227-2 Reasonably Available Control Technology (RACT) for Major Facilities of Oxides of Nitrogen (NO_x)

Subpart 227-3 Ozone Season Oxides of Nitrogen (NO_x) Emission Limits for Simple Cycle and Regenerative Combustion Turbines

Historical Note

Part filed April 28, 1972; repealed, new Part 227 (§§ 227.1-227.9) filed April 27, 1973; renum. Subpart 227-1, new (Subparts 227-1—227-2) filed Jan. 19, 1994 eff. 30 days after filing.

SUBPART 227-1**STATIONARY COMBUSTION INSTALLATIONS**

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Historical Note

Subpart (§§ 227-1.1—227-1.7) added by renum. and amd. Part 227, filed Jan. 19, 1994; Subpart (§§ 227-1.1—227-1.7) repealed, new Subpart (§§ 227-1.1—227-1.6) filed Jan. 26, 2021 eff. 30 days after filing.

§ 227-1.1 Definitions.

The definitions within Part 200, Part 201, and Subpart 227-2 of this Title apply to this Subpart.

Historical Note

Sec. added by renum. 227.2, filed Jan. 19, 1994; repealed, new filed Jan. 26, 2021 eff. 30 days after filing.

§ 227-1.2 Applicability and prohibitions.

(a) This Subpart applies to stationary combustion installations except for those stationary combustion installations that are subject to new source performance standards under 40 Code of Federal Regulation (CFR) 60 and/or national emissions standards for hazardous air pollutants under 40 CFR 63, where the particulate matter standards established in the above regulations are equal to or more stringent than the particulate matter emission standards established in this Subpart.

(b) No owner or operator shall construct, install, or modify, or cause to be constructed, installed, or modified, any hand fed stationary combustion installation designed to fire bituminous coal.

Historical Note

Sec. added by renum. 227.3, filed Jan. 19, 1994; amds. filed: Feb. 3, 1999; Jan. 26, 2000; repealed, new filed Jan. 26, 2021 eff. 30 days after filing.

§ 227-1.3 Particulate emissions.

(a) Upon promulgation of this regulation, no owner or operator of an existing stationary combustion installation which fires oil or oil in combination with other liquid or gaseous fuels shall be allowed to emit particulate matter in excess of 0.10 pound per million Btu heat input. Within four years of the promulgation of this regulation, no owner or operator of an existing

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stationary combustion installation firing solid fuel shall be allowed to emit particulate matter in excess of 0.10 pound per million Btu heat input. Upon the commencement of operation, no owner or operator of a new stationary combustion installation shall be allowed to emit particulate matter in excess of 0.10 pound per million Btu heat input. The above emission limits apply to stationary combustion installations with a maximum heat input capacity equal to or exceeding:

- (1) one million Btu per hour firing any amount of solid fuel; or
 - (2) fifty million Btu per hour firing oil or oil in combination with other liquid or gaseous fuels.
- (b) When two or more stationary combustion installations are connected to a common air cleaning device and/or stack, the total heat input of all the connected emission sources shall be the heat input for the purpose of determining the applicability of subdivision (a) of this section, unless there is a limit in the facility's permit that prohibits operation of the connected emission sources below the specified heat inputs in subdivision (a) of this section.
- (c) All stationary combustion installations subject to the requirements of this Subpart shall perform an annual tune-up of their equipment.

Historical Note

Sec. added by renum. 227.4, filed Jan. 19, 1994; amd. filed Feb. 3, 1999; repealed, new filed Jan. 26, 2021 eff. 30 days after filing.

§ 227-1.4 Opacity.

- (a) No owner or operator shall operate a stationary combustion installation which exhibits greater than 20 percent opacity (6-minute average), except for one 6-minute period per hour of not more than 27 percent opacity.
- (b) Compliance with the opacity standard may be determined by:
- (1) conducting observations in accordance with 40 CFR 60 appendix A method 9 (See Table 1, section 200.9 of this Title);
 - (2) evaluating Continuous Opacity Monitoring System (COMS) records and reports as per Procedure 3 – Quality Assurance Requirements for Continuous Opacity Monitoring Systems at Stationary Sources of 40 CFR part 60 appendix F, procedure – 3 (See Table 1, section 200.9 of this Title); and/or
 - (3) considering any other credible evidence.

Historical Note

Sec. added by renum. 227.6, filed Jan. 19, 1994; amds. filed; Dec. 29, 1995; Feb. 3, 1999; repealed, new filed Jan. 26, 2021 eff. 30 days after filing.

§ 227-1.5 Compliance testing, monitoring, and recordkeeping.

- (a) The owner or operator of a new solid fuel fired stationary combustion installation must conduct an initial compliance test within 180 days of the commencement of operation of the new stationary combustion installation to determine compliance with the applicable particulate matter emission limit as prescribed in this Subpart. The owner or operator of an existing solid fuel fired stationary combustion installation must conduct a compliance test within four years of the promulgation of this regulation. After the initial compliance test, all solid fuel fired stationary combustion installations must conduct periodic compliance tests at least once during the term of the permit. Prior to each test, the owner or operator of a solid fuel fired stationary combustion installation must meet the following criteria:
- (1) submit a compliance test protocol to the department for approval at least 30 days prior to emission testing. The conditions of the testing, including the representative loads of operation the testing will be conducted at, and the locations of the sampling devices must be acceptable to the department; and
 - (2) follow the procedures set forth in 40 CFR 60, appendix A method 5 (See Table 1, section 200.9 of this Title), or any other method acceptable to the department and the administrator for determining compliance with the appropriate particulate matter emission limit in section 227-1.3 of this Subpart;
 - (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.

(b) *Monitoring requirements.* (1) Any owner or operator of a stationary combustion installation (excluding combustion turbines) or a group of stationary combustion installations with a total maximum heat input capacity exceeding 250 million Btu per hour shall install, operate, and properly maintain (in accordance with manufacturer's instructions), accurate COMS that satisfy the criteria in either 40 CFR 60 appendix B (See Table 1, section 200.9 of this Title) or a department approved case-by-case method for continuously monitoring and recording opacity. Stationary combustion installations required to install COMS shall operate the COMS during all periods of oil and/or solid fuel firing.

(2) Each owner or operator required to operate a COMS in accordance with paragraph (1) of this subdivision shall submit an accurate excess emissions and monitoring system performance report to the department for each calendar year quarter. All reports shall be certified by a responsible corporate official as true, accurate and complete and postmarked by the 30th day following the end of each calendar quarter. The quarterly excess emissions report shall be submitted in a form acceptable to the department and shall include the following minimum information:

(i) the magnitude, date and time of each six-minute block average during which the average opacity of emissions exceeds 20 percent, except for one six-minute block average per hour not to exceed 27 percent;

(ii) identification of the specific cause and corrective action taken for each period of excess emission;

(iii) identification of all periods of COMS downtime, including the date, time and duration of each inoperable period, and the cause and corrective action for each COMS downtime period;

(iv) the total time in which the COMS are required to record data during the reporting period;

(v) the total number of exceedances and the duration of exceedances expressed as a percentage of the total time in which the COMS are required to record data; and

(vi) such other things as the department may deem necessary, proper or desirable in order to enforce article 19 of the Environmental Conservation Law or the rules promulgated thereunder.

(3) Any owner or operator of a stationary combustion installation (excluding combustion turbines) or a group of stationary combustion installations firing oil or oil in combination with other liquid or gaseous fuels with a total maximum heat input capacity of at least 50 million Btu per hour shall keep vendor certified fuel receipts which contain the sulfur content of the oil being fired as required in Subpart 225-1 of this Title.

(c) *Recordkeeping.* (1) All records, department approved compliance testing protocols, and test results must be maintained on site or at an alternative location, as approved by the department, for a minimum of five years.

(2) Stationary combustion installations required to maintain a COMS must maintain a record of all measurements made by the COMS and the hours of COMS downtime.

(3) Facilities required to conduct annual tune-ups must maintain records of each annual tune-up for all subject stationary combustion installations at the facility.

Historical Note

Sec. added by renum. 227.7, filed Jan. 19, 1994; repealed, new filed Jan. 26, 2021 eff. 30 days after filing.

§ 227-1.6 Severability.

Each provision of this Subpart shall be deemed severable. In the event that any provision of this Subpart is held to be invalid the remainder of this Subpart shall continue in full force and effect.

Historical Note

Sec. added by renum. 227.8, filed Jan. 19, 1994; repealed, new filed Jan. 26, 2021 eff. 30 days after filing.

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Historical Note

Sec. added by renum. 227.9, filed Jan. 19, 1994; amd. filed Jan. 26, 2000; repealed, filed Jan. 26, 2021 eff. 30 days after filing.