PROPOSED STATE PLAN
FOR IMPLEMENTION OF EMISSION GUIDELINES
AND COMPLIANCE TIMES FOR
EXISTING SEWAGE SLUDGE INCINERATION UNITS

The Clean Air Act Amendments of 1990 (CAAA) mandates that States submit to EPA a State Plan in accordance with the requirements of Section 111(d) and 129 of the Clean Air Act, for implementation and enforcement of 40 CFR 60, Subpart MMMM- Emission Guidelines and Compliance Times for Existing Sewage Sludge Incineration Units ("Guidelines") promulgated by the US Environmental Protection Agency (EPA) on March 21, 2011. In anticipation of this requirement and as part of this proposed State Plan, the Department promulgated 6 NYCRR Part 219-9 'Emission Guidelines and Compliance Times for Existing Sewage Sludge Incineration Units' on May 12, 2012; which incorporated by reference, EPA's Guidelines. This State Plan addresses the nine (9) required elements specified in Subpart MMMM 60.5015, as follows:

1. An inventory of affected sewage sludge incineration (SSI) units in the State (Section A, Table A-1), including SSI units that have ceased operation but have not been dismantled (Section A, Table A-2);

2. An inventory of emissions from affected SSI units in the State (Section B);

3. Compliance schedules for affected SSI units (Section A and Section E-see Subpart 219-9);

4. Emission limitations, emission standards, operator training and qualification requirements, and operating limits for affected SSI units which are at least as protective as those in the Guidelines (Section E);

5. Performance testing, monitoring, recordkeeping, and reporting requirements (Section E);

6. Certification that the hearings on the State Plan were held, a list of witnesses and their organizational affiliations, and a brief written summary of each presentation or written submission (Section C).

7. Provision for State progress reports to EPA on the implementation of the State Plan (Section D).

8. Identification of enforceable State mechanisms for implementing the Emission Guidelines (Section E, 6 NYCRR Parts 200, 201 and Subpart 219-9),

9. A demonstration of the States' legal authority to carry out the Sections 111(d) and 129 State Plan (Section F, Legal Authority),

Discussion and supporting documentation is provided, where necessary.

Section A

Inventory of SSI Units and Their Compliance Schedules

The inventory includes all SSI units in the State affected by the State Plan including units which have ceased operation (or have not been operating) and are not partially or totally dismantled.

Owners/operators of SSI units are required to submit a plan to the Department no later than September 21, 2012, which will bring them into full compliance with the State Plan. There are three options for these plans: 1. Submit a final closure plan where permanent closure of the SSI unit(s) occurs within 36 months of the State Plan approval and no later than March 21, 2016; 2. A plan to come into full compliance within 12 months of State Plan approval and no later than June 21, 2013; or 3. An extended compliance plan, to come into full compliance within 36 months of State Plan approval and no later than March 21, 2016. The extended compliance plan requires five (5) enforceable increments of progress. Section E (6 NYCRR Subpart Part 219-9) details the schedule requirements. All plans are subject to Department review and approval.

The anticipated schedules for compliance with the State Plan for affected facilities are included in Table A-1 with relative correspondence located in Appendix A. The final schedules will be incorporated into each Title V permit issued and become enforceable upon permit issuance.

Table A-1 Affected Permitted SSI Units (Operating or Idle)
This table includes the affected permitted SSI units (operating or idle) in NYS and anticipated compliance schedule if available. In summary; of the twelve (12) permitted facilities: five (5) intend to cease operation of their SSI units (Bergen Point STP, Poughkeepsie (T) WWTP, Little Falls STP, Watertown WPCF, and Tonawanda SD#2 STP). Three (3) facilities will likely continue operating and have extended plans to comply with the new requirements (Glens Falls STP, Saratoga Co. SD#1, and Bird Island STP). Four (4) facilities are still in the decision making process (Albany Co. SD North and South, Oneida Co. WPCP, and Southtown STP).

Table A-2 Existing SSI Units, Without Active Permits
This table includes other existing SSI Units which have expired permits; are not operating; and not partially or totally dismantled.

Appendix A- Correspondence from affected facilities regarding their expected compliance schedules.

Table A-1 Affected Permitted SSI Units (Operating or Idle)

Facility Name DEC ID no.	Permit Type*	SSI Unit Description	Operating Status Current and Expected
Bergen Point STP 1-4720-00355	ATV	Two, 2.5 dry tons per hour (tph) fluidized bed incinerators	Title V is SAPA extended since 2003. Will be treated as new if continued. Committed to close facility in Notice of Operational Intent, May 11'
Poughkeepsie (T) WWTP 3-1346-00052	ASF	700 pounds per hour (lb/hr) fluidized bed incinerator	Poughkeepsie committed to close facility in Notice of Operational Intent, May 11'
Albany Co. SD – South 4-0101-00020	AO2	Two CO's for multiple hearth incinerators	Albany Co. continues to contest the federal rule governing existing SSI units; emission testing might be done next year; there is no current decision on a course of action but they will be responding to Part 219-9's requirement for a schedule by 9/21
Albany Co. SD – North 4-0126-00138	AO2	Two CO's for multiple hearth incinerators	Albany Co. continues to contest the federal rule governing existing SSI units; emission testing might be done next year; there is no current decision on a course of action but they will be responding to Part 219-9's requirement for a schedule by 9/21
Glens Falls STP 5-5205-00015	ASF	3080 lb/hr fluidized bed incinerator	Stack tests are planned. They are Still evaluating equipment/ process modifications & other alternatives. Additional testing is planned
Saratoga Co, SD #1 5-4138-00014	ASF	30,750 cubic feet per minute (cfm) fluidized bed incinerator	Saratoga Co. intends to continue operation of their SSI unit; emission testing will be done as part of the contract for upgrade of the emission controls and their schedule will include increments of progress.
Little Falls WPC 6-2109-00011	AFR	720 lb/hr fluidized bed incinerator	Little Falls intends to surrender their air permit in the near future; no emission testing was done to make this determination; and there are no plans of operating the unit in the future.
Watertown WPCF 6-2218-00024	AFR	fluidized bed incinerator	Watertown intends to cease operation of their sewage sludge incinerator unit (in approximately one year); and there are no plans of operating the unit in the future.
Oneida Co. WPCP 6-3016-00048	ASF	Three, 1670 lb/hr fluidized bed incinerators	Oneida Co. currently making final their intended course of action. See Section B-1 for the result of a stack test of their 07' SSI unit.
Bird Island STP 9-1402-00154	ATV	Three, 60 tpd incinerators	Bird Island STP intends to continue operation of their sewage sludge incinerator units; emission testing will be done as part of their permit renewal; plan to upgrade emission controls; and compliance schedule will include increments of progress.
Southtowns STP 9-1448-00012	ASF	Two, 18.75 tons per day (tpd) fluidized bed incinerators	Consultant currently making final their recommendations on a course of action.
Tonawanda SD#2 STP 9-1464-00116	AFR	Two, 3 tph (wet) multiple hearth incinerators	Tonawanda intends to cease operation of their sewage sludge incinerator unit; there are no plans of operating the unit in the future.

* ATV- Title V, ASF- State Facility, AFR- Facility Registration , AO2- Certificate to Operate

Table A-2 Existing SSI Units, Without Active Permits*

Facility Name DEC ID no.	Facility Description	Status
Auburn STP 7-0501-0003	1.5 tph multiple hearth incinerator	AFR Expired. SSI Unit was under TV permit 7-0501-00042 but was permanently shut down 9/23/09
Beacon STP 3-1302-00003	3100 lbs/hr multiple hearth incinerator	AO3 Expired, Unit shut down 6/21/1999
West Side WTF 7-3512-00018	Two multiple hearth incinerators	AFS Expired, Units shut down 12/31/2001
Oswego East Side 7-3512-00017	Two, 5800 lbs/hr multiple hearth incinerators	AFR Expired, Units shut down 12/31/2001
New Rochelle STP 3-5510-00147	Two, 3600 lbs/hr multiple hearth incinerators	ASF Expired 10/25/02, ASF application received 5/14/07 was never issued.
Ossining WWTP 3-5542-00029/0001	Two, multiple hearth incinerators	AC2 (permit to construct) issued 6/4/86 Expired 1/9/87, never issued permit to operate, reported shut down in 89'
NW Quadrant Pure Waters dist. WWTP 8-262800048/00002	One multiple hearth incinerator	AO2 Expired, ASF logged in never issued, according to regional staff unit is shut down and not operational
Orangetown SD WWTP 3-3924-00038	Three sludge incinerators	AO2 Expired, Units shut down 12/21/2005
Port Washington STP 1-2822-00286	3440 lbs/hr fluidized bed sludge incinerator	AO3 Expired, Unit shut down 6/1/2011

***NOTE** Some of the facilities listed in Table A-2 may be partly or totally dismantled. All would be considered new facilities if they applied for an air permit to operate SSI units.

Section B

Emissions Inventory

B-1 Data from affected SSI unit stack test performed for 219-9 compliance plan.

B-2 Historical emissions data for affected SSI units taken from the States emissions inventory data base. They consist of the last five (5) years for the two (2) current Title V facilities (Bergen Point and Bird Island) and one or two years (1993 and 1995) emissions data for determining permit classification for the rest. Data relevant to the Guidelines requirements is limited. They are mostly presented as an illustration of the facilities throughput.

B-3 EPA's baseline emissions for NYS SSI units taken from Table 9 'Emission Reduction Detail' of EPA's 'Estimation of Baseline Emissions from Existing Sewage Sludge Incineration Units'.

Section C

Certification of State Plan Hearings

C-1 To be added at conclusion of State Plan Hearings

C-2 Hearing documents for adopting Subpart 219-9
and associated changes to Part 200

Section D

Annual Progress Reports to EPA

Annual reports on progress in the implementation of the Guidelines will be submitted to EPA. These will be incorporated into the reports required by 40 CFR Section 51.321 These reports will include compliance status, enforcement actions, increments of progress, identification of sources that have ceased operation or started operation, emissions inventory and compliance information, and copies of technical reports on all performance testing and monitoring, including concurrent process data.

Section E

Enforceable Mechanism

New York has adopted by reference the requirements of the Guidelines (including emissions limitations, testing, monitoring, recordkeeping and reporting requirements), in 6 NYCRR Part 200.10(b), Table 2 effective May 12, 2012, and will enforce the requirements under 6 NYCRR Part 201-2.1(b)(5)(iii) and (vii), effective October 15, 2011. Applicability requirements and compliance schedules are also specified in 6 NYCRR Subpart 219-9 which became effective May 12, 2012. Public hearing records on the adoption of Subpart 219-9 and related changes to Part 200 are included in Section C-2.

Owners/operators of SSI units which plan to continue operation are required to submit a Title V permit application by the earlier of twelve (12) months from State Plan approval, or March 21, 2014. The Title V permit process includes public notice. Public participation requirements for this portion of the State Plan will be addressed at that time

PART 200
GENERAL PROVISIONS

Sec.
200.1 Definitions
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Section 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 appurtenant exhaust system, air cleaning device, but excepting an indirect source of air contamination as defined in Part 203 of this Title. 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 lst 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 and/or wood 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:

CAS number	*Chemical Name*
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
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
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	Napthalene
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 aziridine)
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
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 Compunds
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	Polycylic 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.

[*5]A 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 caloric 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) Areas designated as "Nonattainment" for the Fine Particulate ($PM_{2.5}$) NAAQS.

(i) The New York – N. New Jersey – Long Island, NY – NJ – CT – PA area consisting of Bronx, Kings, Nassau, new York, Orange, Queens, Richmond, Rockland, Suffolk and Westchester Counties.

(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 an 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 PM_{10} 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:

CAS Number	*Chemical Name*
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-l-ol]
000107-11-9	Allylamine [2-Propen-l-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	Bromotrifluorethylene [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, tricloro-]
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-]
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-Butane, 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)-
000079-21-0	Peracetic acid [Ethaneperoxoic acid]
000594-42-3	Perchloromethylmercaptan [Methanesulfenyl 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 (SF4), (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:

(l) 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
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 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)

CAS No.	*Chemical Name*	*Formula*
Linear VMS:		
00107-46-0	hexamethyldisiloxane (MM)	$C_6H_{18}OSi_2$
00107-51-7	octamethyltrisiloxane (MDM)	$C_8H_{24}O_2Si_3$
00141-62-8	decamethyltetrasiloxane (MD_2M)	$C_{10}H_{30}O_3Si_4$
00141-63-9	dodecamethylpentasiloxane (MD_3M)	$C_{12}H_{36}O_4Si_5$
00107-52-8	tetradecamethylhexasiloxane (MD_4M)	$C_{14}H_{42}O_5Si_6$
63148-62-9	dimethyl silicones and siloxanes (Md_xM)	----------
Cyclic VMS:		
00541-05-9	hexamethylcyclotrisiloxane (D_3)	$C_6H_{18}O_3Si_3$
00556-67-2	octamethylcyclotetrasiloxane (D_4)	$C_8H_{24}O_4Si_4$
00541-02-6	decamethylcyclopentasiloxane (D_5)	$C_{10}H_{30}O_5Si_5$
00540-97-6	dodecamethylcyclohexasiloxane (D_6)	$C_{12}H_{36}O_6Si_6$
69430-24-6	cyclopolydimethylsiloxanes (D_x)	----------
Branched VMS:		
17928-28-8	1,1,1,3,5,5,5-heptamethyl-3-trisiloxane (M_3T)	$C_{10}H_{30}O_3Si_4$
03555-47-3	1,1,1,3,5,5,5-heptamethyl-3,3,bistrisiloxane (M_4Q)	$C_{12}H_{36}O_4Si_5$
----------	pentamethyl-cyclotrisiloxane (MD_3)	$C_8H_{24}O_4Si_4$

(29) acetone;

(30) perchloroethylene (tetrachloroethylene).

(31) methyl acetate;

(32) 3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca);

(33) 1,3-dicholoro-1,1,2,2,3-pentaflouropropane (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 227ea);

(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.* 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 record keeping 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 combust fossil fuel or wood

(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 operate 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, routine maintenance, and routine exercising (for example, test firing the engine for one hour a week to ensure reliability). A stationary internal combustion engine used for peak shaving generation 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 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) 'CO_2 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.

Section 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.

Section 200.3 False statement.

No person shall make a false statement in connection with applications, plans, specifications and/or reports submitted pursuant to this Subchapter.

Section 200.4 Severability.

If any provisions of this Subchapter are held invalid, such invalidity shall not affect other provisions which can be given effect without the invalid provisions.

Section 200.5 Sealing.

(a) The commissioner may seal an air contamination source to prevent its operation if compliance with this Chapter is not met within the time provided by an order of the commissioner issued in the case of the violation. 'Sealing' means labelling or tagging a source to notify any person that operation of the source is prohibited, and also includes physical means of preventing the operation of an air contamination source without resulting in destruction of any equipment associated with such source, and includes, but is not limited to,

bolting, chaining or wiring shut control panels, apertures or conduits associated with such source.

(b) No person shall operate any air contamination source sealed by the commissioner in accordance with this section unless a modification has been made which enables such source to comply with all requirements applicable to such modification.

(c) Unless authorized by the commissioner, no person shall remove or alter any seal affixed to any air contamination source in accordance with this section.

Section 200.6 Acceptable ambient air quality.

Notwithstanding the provisions of this Subchapter, no person shall allow or permit any air contamination source to emit air contaminants in quantities which alone or in combination with emissions from other air contamination sources would contravene any applicable ambient air quality standard and/or cause air pollution. In such cases where contravention occurs or may occur, the commissioner shall specify the degree and/or method of emission control required.

Section 200.7 Maintenance of equipment.

Any person who owns or operates an air contamination source which is equipped with an emission control device shall operate such device and keep it in a satisfactory state of maintenance and repair in accordance with ordinary and necessary practices, standards and procedures, inclusive of manufacturer's specifications, required to operate such device effectively.

Section 200.8 Conflict of interest.

(a) The commissioner or his designees who have the designated authority to approve either permits and certificates issued pursuant to 6 NYCRR Part 201, or the issuance of an order pursuant to section 19 of the ECL, shall disclose prior to any such approval of issuance any significant portion of income, directly or indirectly received from persons who may be a recipient of such a permit, certificate or order.

(b) For the purposes of this section:

(1) *A significant portion of income* shall mean 10 percent or more of gross personal income for a calendar year; or if the recipient is 60 years or over, a *significant portion of income* shall mean 50 percent of gross personal income for a calendar year if such income is received pursuant to an established fixed pension or retirement program.

(2) *Income* shall include retirement benefits, consultant fees and dividends.

(3) Income is not received directly or indirectly where it is derived from mutual fund payments or other diversified investments where the identity of the primary source of income is not known to the recipient.

Section 200.9 Referenced material.

Regulations included in Chapter III, Air Resources, frequently contain references to documents for information as to the standards to be met or guidelines and methodology to be used in meeting the requirements of specific regulations. The availability of such documents will be noted in table 1 below which correlates specific references with specific regulations. In addition, copies of referenced material are available for public inspection and copying at the Division of Air Resources in the Albany office of the Department of Environmental Conservation or at the Albany office of the New York State Department of State.

Table 1

Regulation	Referenced Material	Availability
6 NYCRR Part/sec./etc	CFR (Code of Federal Regulations) or other	
200.10(b)		
Table 2	40 CFR Part 60 (July 1, 2003)	*
	71 FR 27324-27348 (May 10, 2006)	*
	70 FR 74870-74924 (December 16, 2005)	*
200.10(c)		
Table 3	40 CFR Part 61 (July 1, 2007)	*
200.10(d)		
Table 4	40 CFR Part 63 (July 1, 2009)	*
200.10(e)		
Table 5	40 CFR Part 52.21 (July 1, 2009)	*
	40 CFR Parts 72-74 (July 1, 2003)	*
	40 CFR Part 75 (July 1, 2006)	*
	40 CFR Parts 76-78 (July 1, 2003)	*
	40 CFR Part 82 (July 1, 2003)	*
201-2.1(b)(21)	Standardized Industrial Classification Manual (1987)	******

	Clean Air Act, 42 U.S.C. Section 111 as amended by Public Law 101-549 (November 15, 1990)	**
	Clean Air Act, 42 U.S.C. Section 112 as amended by Public Law 101-549 (November 15, 1990)	**
201-3.3(c)(94)	United States Department of Health and Human Services' Seventh Annual Report on Carcinogens (1994)	*******
202-1.3(a)	40 CFR Part 51, Appendix M (July 2003)	*
	40 CFR Part 60, Appendix A (July 2003)	*
	40 CFR Part 61, Appendix B (July 2003)	*
	40 CFR Part 63, Appendix A (July 2003)	*
205.2(d)	Federal Insecticide, Fungicide, and Rodenticide Act 7 U.S.C. Section 136 *et. seq.*	**
205.2(v)	ASTM, E119-00A (Approved July 10, 2000)	****
205.2(w)	ASTM, E84-01 (Approved July 10, 2001)	****
205.2(x)	ASTM, D523-89 (Reapproved 1999)	****
205.2(ak)	South Coast Air Quality Management District Method 318-95 (Approved July 1996)	***
205.2(am)	ASTM, D523-89 (Reapproved 1999)	****
205.2(an)	ASTM, D523-89 (Reapproved 1999)	****
205.2(ap)	ASTM, D4082-02 (Approved January 10, 2002)	****
205.2(ap)	ASTM, D3912-95 (Reapproved 2001)	****
205.2(ar)	ASTM, D1613-96 (Reapproved 1999)	****
205.2(at)(2)	ASTM, D1640-95 (Reapproved 1999)	****
205.2(au)	ASTM, D1640-95 (Reapproved 1999)	****

205.2(bh)	ASTM, D4214-98 (Approved August 10, 1998)	****
205.2(bu)	Federal Insecticide, Fungicide, and Rodenticide Act 7 U.S.C. Section 136 *et. seq.*	**
205.6(b)	40 CFR Part 60, Appendix A, method 24	*
205.6(b)	South Coast Air Quality Management District Method 304-91 (Revised February 1996)	***
205.6(b)	South Coast Air Quality Management District Method 303-91 (Revised August 1996)	***
205.6(d)	40 CFR Part 59, Subpart D, Appendix A	*
208.8(d)	40 CFR Part 60 (July 1, 1999) 64 *Federal Register* 7463 (Feb. 12, 1999)	*
209.1(b)(7)	40 CFR Part 60, Appendix A (July 1989) pages 568-964	*
209.2(c)	40 CFR Part 60, Subpart S (July 1989) pages 344-346	*
210-1.2(d)	Clean Air Act 42 U.S.C. Section 7507 (1988) amended by Pub. L. 101-549 (1990)	**
210-1.2(f)	California Health and Safety Code, Section 39003 (2000)	***
210-1.2(g)	California Code of Regulations, Title 13, Section 2442 (8-21-02)	***
	California Code of Regulations, Title 13, Section 2447 (1-7-00)	***
210-1.2(q)	California Code of Regulations, Title 13, Section 2442 (8-21-02)	***
210-1.2(y)	California Code of Regulations, Title 13, Section 2442 (8-21-02)	***

210-1.2(ab)	California Code of Regulations, Title 13, Section 2446(a) (8-21-02)	***
210-1.2(aj)	40 CFR Section 86.1827-01 (7-1-02)	*
210-2.1(a)	California Code of Regulations, Title 13, Section 2440 (8-21-02)	***
	California Code of Regulations, Title 13, Section 2442 (8-21-02)	***
	California Code of Regulations, Title 13, Section 2443.1 (8-21-02)	***
	California Code of Regulations, Title 13, Section 2443.2 (8-21-02)	***
	California Code of Regulations, Title 13, Section 2443.3 (8-21-02)	***
	California Code of Regulations, Title 13, Section 2444.1 (8-21-02)	***
	California Code of Regulations, Title 13, Section 2444.2 (8-21-02)	***
	California Code of Regulations, Title 13, Section 2445.1 (8-21-02)	***
	California Code of Regulations, Title 13, Section 2445.2 (8-21-02)	***
	California Code of Regulations, Title 13, Section 2446 (8-21-02)	***
210-2.1(b)(2)(i)	40 CFR, Subpart J, Section 90.908 (7-1-02)	*

	40 CFR, Part 91, Subpart B (7-1-02)	
210-3.1	California Code of Regulations, Title 13, Section 2442 (8-21-02)	***
210-4.1(a)	California Code of Regulations, Title 13, Section 2444.1 (8-21-02)	***
	California Code of Regulations, Title 13, Section 2444.1(b) (8-21-02)	***
210-4.1(b)	California Code of Regulations, Title 13, Section 2444.1(b) (8-21-02)	***
210-4.1(c)	California Code of Regulations, Title 13, Section 2444.1(c) (8-21-02)	***
210-4.2(a)	California Code of Regulations, Title 13, Section 2442 (8-21-02)	***
210-4.2(b)	40 CFR, Part 91, Subpart N (7-1-02)	*
210-5.1	California Code of Regulations, Title 13, Section 2445.1 (8-21-02)	***
	California Code of Regulations, Title 13, Section 2445.2 (8-21-02)	***
210-6.1	California Code of Regulations, Title 13, Section 2446 (8-21-02)	***
210-6.2	California Code of Regulations, Title 13, Section 2446 (8-21-02)	***
212.5(e)	40 CFR Part 60 (July 1989) pages 195-1013	*
	40 CFR Part 61 (July 1989) pages 4-164	

	40 CFR Part 761 (July 1989) pages 213-267	
214.9(b)(2)(iv)	40 CFR Part 61 Subpart L (July 1991) pages 63-69	*
	40 CFR Part 61 Subpart FF (July 1991) pages 151-178	
214.11(a), (c)	40 CFR Part 60 Appendix A (July 1989) pages 568-964	*
216.6(a)	40 CFR Part 60 Subpart N (July 1989) pages 326-328	*
216.7(a)	40 CFR Part 60 Subpart AA (July 1989) pages 359-364	*
216.9(a)	40 CFR Part 60 Appendix A (July 1989) Reference Method 5, pages 624-648	*
217-1.1(e)	Emissions Inspection Procedure Manual (VS-28) (April 1992)	*****
217-1.3(a)	Emissions Inspection Procedure Manual (VS-28) (April 1992)	*****
217-1.3(b)	Emissions Inspection Procedure Manual (VS-28) (April 1992)	****
217-2.3(a)	Emissions Inspection Procedure Manual (VS-28) (April 1992)	*****
217-2.3(b)	Emissions Inspection Procedure Manual (VS-28) (April 1992)	*****
217-5.1(ai)	SAE J1667 Surface Vehicle Recommended Practice (Snap-Acceleration Smoke Test Procedure for Heavy-Duty Diesel Powered Vehicles) (February 1996)	********
218-1.2(d)	Clean Air Act 42 U.S.C. Section 7543 (1988) as amended by Pub. L. 101-549 (1990)	**

	Clean Air Act 42 U.S.C. Section 7507 (1988) as amended by Pub. L. 101-549 (1990)	**
218-1.2(e)	California Health and Safety Code, Section 39003 (2004)	**
218-1.2(h)	California Code of Regulations, Title 13, Section 1900 (4-17-09)	** ***
218-1.2(j)	California Vehicle Code, Section 165 (2004)	** †
218-1.2(k)	California Code of Regulations, Title 13, Section 1900 (4-17-09)	** ***
218-1.2(r)	California Code of Regulations, Title 13, Section 1900 (4-17-09)	** ***
218-1.2(s)	California Code of Regulations, Title 13, Section 1900 (4-17-09)	** ***
218-1.2(t)	California Code of Regulations, Title 13, Section 1900 (4-17-09)	** ***
218-1.2(v)	California Code of Regulations, Title 13, Section 1900 (4-17-09)	** ***
218-1.2(w)	California Code of Regulations, Title 13, Section 1900 (4-17-09)	** ***
218-1.2(x)	California Code of Regulations, Title 13, Section 1905 (7-3-96)	** ***
218-1.2(z)	California Code of Regulations, Title 13, Section 1900 (4-17-09)	** ***

218-1.2(ad)	California Code of Regulations, Title 13, Section 1960.5	**
	(10-16-02)	***
218-1.2(ai)	California Code of Regulations, Title 13, Section 1900	**
	(4-17-09)	***
218-1.2(al)	40 CFR Section 86.1827-01 (2-26-07)	*
218-1.2(aq)	California Code of Regulations, Title 13, Section 2112	**
	(8-15-07)	***
218-1.2(at)	California Code of Regulations, Title 13, Section 1962	**
	(4-17-09)	***
218-1.2(au)	California Code of Regulations, Title 13, Section 1900	**
	(4-17-09)	***
218-1.2(av)	California Code of Regulations, Title 13, Section 1900	**
	(4-17-09)	***
218-2.1(a)	California Code of Regulations, Title 13, Section 1956.8	**
	(10-7-06)	***
	California Code of Regulations, Title 13, Section 1956.9	**
	(3-6-96)	***
	California Code of Regulations, Title 13, Section 1960.1	**
	(3-26-04)	***
	California Code of Regulations, Title 13, Section	**
	1960.1.5 (9-30-91)	***
	California Code of Regulations, Title 13, Section 1960.5	**
	(10-16-02)	***

California Code of Regulations, Title 13, Section 1961 **
(4-1-10) ***
California Code of Regulations, Title 13, Section **
1961(a)(8)(B) (4-1-10) ***
California Code of Regulations, Title 13, Section 1961(d) **
(4-1-10) ***
California Code of Regulations, Title 13, Section 1962 **
(4-17-09) ***
California Code of Regulations, Title 13, Section 1962.1 **
(4-17-09) ***
California Code of Regulations, Title 13, Section 1964 **
(2-23-90) ***
California Code of Regulations, Title 13, Section 1965 **
(6-16-08) ***
California Code of Regulations, Title 13, Section 1968.1 **
(11-27-99) ***
California Code of Regulations, Title 13, Section 1968.2 **
(11-9-07) ***
California Code of Regulations, Title 13, Section 1976 **
(1-4-08) ***
California Code of Regulations, Title 13, Section 1978 **
(1-4-08) ***
California Code of Regulations, Title 13, Section 2030 **
(9-25-97) ***

	California Code of Regulations, Title 13, Section 2031 (9-25-97)	** ***
	California Code of Regulations, Title 13, Section 2047 (5-31-88)	** ***
	California Code of Regulations, Title 13, Section 2065 (12-04-03)	** ***
	California Code of Regulations, Title 13, Section 2235 (9-17-91)	** ***
	California Code of Regulations, Title 13, Article 1.5 (12-04-03)	** ***
	Clean Air Act 42 U.S.C. Section 7521 (1988) as amended by Pub. L. 101-549 (1990)	**
218-2.1(b)(5)	Clean Air Act 42 U.S.C. Section 7401 *et. seq.* (1988) as amended by Pub. L. 101-549 (1990)	**
218-2.1(b)(8)	California Health and Safety Code, Section 43656 (2004)	***
218-2.1(d)	Clean Air Act 42 U.S.C. Section 7507 (1988) as amended by Pub. L. 101-549 (1990)	**
218-2.4	California Health and Safety Code, Section 43656 (2008)	** †
218-3.1	California Code of Regulations, Title 13, Section 1960.1 (3-26-04)	** ***
	California Code of Regulations, Title 13, Section 1961 (4-1-10)	** ***

	California Code of Regulations, Title 13, Section	**
	1961(a)(8)(B) (4-1-10)	***
	California Code of Regulations, Title 13, Section 1961(d)	**
	(4-1-10)	***
218-3.1(a)	California Code of Regulations, Title 13, Section 1960.1	**
	(3-26-04)	***
218-3.1(b)	California Code of Regulations, Title 13, Section 1960.1	**
	(3-26-04)	***
	California Code of Regulations, Title 13, Section 1961	**
	(4-1-10)	***
	California Code of Regulations, Title 13, Section	**
	1961(a)(8)(B) (4-1-10)	***
	California Code of Regulations, Title 13, Section 1961(d)	**
	(4-1-10)	***
218-4.1	California Code of Regulations, Title 13, Section 1962	**
	(4-17-09)	***
	California Code of Regulations, Title 13, Section 1962.1	**
	(4-17-09)	***
218-4.2	California Code of Regulations, Title 13, Section 1962	**
	(4-17-09)	***
218-5.1(a)	California Code of Regulations, Title 13, Section 2061	**
	(10-23-96)	***
	California Code of Regulations, Title 13, Section 2062	**
	(11-27-99)	***

	California Code of Regulations, Title 13, Section 2065 (12-04-03)	** ***
	California Code of Regulations, Title 13, Section 2106 (11-27-99)	** ***
	California Code of Regulations, Title 13, Section 2107 (11-27-99)	** ***
	California Code of Regulations, Title 13, Article 1.5 (12-04-03)	** ***
218-5.1(b)	California Code of Regulations, Title 13, Section 2061 (10-23-96)	** ***
	California Code of Regulations, Title 13, Section 2062 (11-27-99)	** ***
	California Code of Regulations, Title 13, Section 2065 (12-04-03)	** ***
	California Code of Regulations, Title 13, Article 1.5 (12-04-03)	** ***
218-5.2(a)	California Code of Regulations, Title 13, Section 2065 (12-04-03)	** ***
	California Code of Regulations, Title 13, Section 2109 (12-30-83)	** ***
	California Code of Regulations, Title 13, Section 2110 (11-27-99)	** ***
	California Code of Regulations, Title 13, Article 1.5 (12-04-03)	** ***

218-5.2(b)(1)	California Code of Regulations, Title 13, Section 2106	**
	(11-27-99)	***
218-5.3(b)	California Code of Regulations, Title 13, Section 2101	**
	(11-27-99)	***
218-6.2	Clean Air Act 42 U.S.C. Section 7401 et. seq. (1988) as amended by Pub. L. 101-549 (1990)	**
218-7.3(a)(1)	California Code of Regulations, Title 13, Section 2221	**
	(11-30-83)	***
	California Code of Regulations, Title 13, Section 2224	**
	(8-16-90)	***
218-7.3(a)(2)	California Code of Regulations, Title 13, Section 2224(a)	**
	(8-16-90)	***
218-7.4(b)(3)(i)	California Code of Regulations, Title 13, Section 2222	**
	(8-16-90)	***
218-7.4(b)(3)(ii)	California Code of Regulations, Title 13, Section 2222	**
	(8-16-90)	***
218-7.5(b)	California Code of Regulations, Title 13, Section 2222	**
	(8-16-90)	***
218-8.1(a)	California Code of Regulations, Title 13, Section 1961.1	**
	(4-1-10)	***
218-8.1(b)	California Code of Regulations, Title 13, Section 1961.1	**
	(4-1-10)	***
218-8.2	California Code of Regulations, Title 13, Section 1961.1	**
	(4-1-10)	***

218-8.3(a)	California Code of Regulations, Title 13, Section 1961.1 (4-1-10)	** ***
218-8.3(b)	California Code of Regulations, Title 13, Section 1961.1 (4-1-10)	** ***
218-8.3(c)	California Code of Regulations, Title 13, Section 1961.1 (4-1-10)	** ***
218-8.3(d)	California Code of Regulations, Title 13, Section 1961.1 (4-1-10)	** ***
218-8.4(a)	California Code of Regulations, Title 13, Section 1961.1 (4-1-10)	** ***
218-8.4(b)	California Code of Regulations, Title 13, Section 1961.1 (4-1-10)	** ***
218-8.5(c)	California Code of Regulations, Title 13, Section 1961.1 (4-1-10)	** ***
219-2.2(f)	40 CFR Part 60.58(d)(2) (July 1, 2003)	*
219-2.7(a)	40 CFR Part 60, Appendix B (July 1987) Performance Specifications 1,2 and 3, pages 822-847	*
219-3.8	40 CFR Part 60, Appendix B (July 1987) Performance Specifications 1,2 and 3, pages 822-847	*
219-7.2	40 CFR Part 60.58(d)(2) (July 1, 2003)	*
219-9.1	40 CFR Part 60, Subpart MMMM (March 21, 2011)	*
219-9.2	40 CFR Part 60, Subpart MMMM (March 21, 2011)	*
219-9.3	40 CFR Part 60, Subpart MMMM (March 21, 2011)	*
219-9.3(a)(1)(iv)	40 CFR Part 60.5175 (March 21, 2011)	*

219-9.3(a)(2)	40 CFR Part 60, Subpart MMMM (March 21, 2011)	*
219-9.3(b)(1)(iv)	40 CFR Part 60.5175 (March 21, 2011)	*
219-9.3(b)(5)	40 CFR Part 60, Subpart MMMM (March 21, 2011)	*
220-1.7(d)(1)	40 CFR Part 75, July 1, 2006, pages 204-466	*
220-1.7(d)(2)	40 CFR Part 75, Subpart F, July 1, 2006, pages 285-313	*
220-1.7(d)(4)(ii)	40 CFR Part 75, Subpart C, July 1, 2006, pages 243-262	*
220-1.7(d)(4)(iii)	40 CFR Part 75, Subpart D, July 1, 2006, pages 262-279	*
220-1.7(d)(5)	40 CFR Part 75, Subpart F, July 1, 2006, pages 285-313	*
	40 CFR Part 75, Subpart G, July 1, 2006, pages 313-323	*
220-1.7(d)(5)(iii)(‘f’)	40 CFR Part 75, Appendix A, July 1, 2006, pages 353-390	*
	40 CFR Part 75, Appendix B, July 1, 2006, pages 390-406	*
220-2.4(c)(1)	40 CFR Part 60, Appendix A, July 1, 2006, pages 5-626	*
	40 CFR Part 60, Appendix B, July 1, 2006, pages 627-697	*
	40 CFR Part 60, Appendix F, July 1, 2006, pages 698-709	*
220-2.4(c)(4)(iv)	40 CFR Part 60, Appendix F, July 1, 2006, pages 698-709	*
220-2.4(c)(5)	40 CFR Part 60, Appendix A, July 1, 2006, pages 5-626	*
	40 CFR Part 60, Appendix F, July 1, 2006, pages 698-709	*

220-2.4(c)(5)(iii)(‘f’)	40 CFR Part 60, Appendix F, July 1. 2006, pages 698-709	*
225-1.7(b)	40 CFR Part 60, Appendix B (July 1989) Performance Specification 2, pages 981-988	*
225-2.4(a)(3)	40 CFR Part 761 (July 1989) pages 213-267	*
225-3.2(b)(12)	Clean Air Act 42 U.S.C. Section 7512a(a)(2)(A) (1988) as amended by Pub. L. 101-549 (1990)	**
225-3.2(b)(16)	Clean Air Act 42 U.S.C. Section 7512a(a)(2)(A) (1988) as amended by Pub. L. 101-549 (1990)	**
225-3.3(c)(1)	Clean Air Act 42 U.S.C. Section 7502(c)(9) (1988) as amended by Pub. L. 101-549 (1990)	**
225-3.3(c)(1)	Clean Air Act 42 U.S.C. Section 7512a(a)(3) (1988) as amended by Pub. L. 101-549 (1990)	**
225-3.3(c)(1)(i)	Clean Air Act 42 U.S.C. Section 7512a(a)(2)(A) (1988) as amended by Pub. L. 101-549 (1990)	**
225-3.3(c)(1)(ii)	Clean Air Act 42 U.S.C. Section 7512a(a)(2)(A) (1988) as amended by Pub. L. 101-549 (1990)	**
225-4.2(b)	40 CFR 80.2(z) (July 1, 2003) page 580 as amended by 68 FR pages 56776-56781 (October 2, 2003)	+++
	40 CFR 80.2(nn) (July 1, 2003) page 581	*
	40 CFR 80.2(t) (July 1, 2003) pages 579-580	*
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	40 CFR 80.2(r) (July 1, 2003) page 579	*
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	40 CFR 80.2(ss) (July 1, 2003) page 581	*
	40 CFR 80.2(o) (July 1, 2003) page 579	*
225-4.3	40 CFR Part 80, Subpart I (July 1, 2003) pages 826-865	*
227-1.3(b)(1)	40 CFR Part 60, Appendix A (Updated July 1, 1996) Reference Method 9, pages 734-740	*
227-2.6(b)(3)(1)	40 CFR Part 60, Appendix A, (July 1, 2006) Reference Method 19, pages 479-488	*
227-2.6(b)(3)(i)(‘b’)	40 CFR Part 75 *Federal Register*, July 1, 2006	*
227-2.6(b)(3)(v)	40 CFR 60, Appendix B, (July 1, 2006) Performance Specification 2, pages 639-646	*
227-2.6(b)(3)(vi)	40 CFR Part 60, Appendix F (July 1, 2006) pages 698-709	*
227-2.6(b)(4)(iv)	40 CFR Part 60, Appendix F (July 1, 2006) pages 698-709	*

227-2.6(b)(4)(v)	40 CFR Part 60, Appendix B (July 1, 2006) pages 627-697	*
227-2.6(b)(5)	40 CFR Part 75, *Federal Register*, July 1, 2006	*
227-2.6(c)(2)	40 CFR Part 60, Appendix A, July 1, 2006, pages 5-626	*
227-2.6(c)(2)(i)	40 CFR Part 60, Appendix A, July 1, 2006, Reference Methods 7, 7E, and 19, pages 269-275, 294-295, 479-488	*
227-2.6(c)(2)(ii)	40 CFR Part 60, Appendix A, July 1, 2006, Reference Method 20, pages 488-496	*
227-2.6(c)(2)(iii)	40 CFR Part 60, Appendix A, July 1, 2006, Reference Methods 7, 7E, 19 and 20, pages 269-275, 294-295, 479-496	*
227-2.6(c)(2)(iv)	40 CFR Part 60, Appendix A, July 1, 2006, Reference Methods 7, 7E, and 19, pages 269-275, 294-295, 479-488	*
227-3.1	OTC NO_x MOU (September 27, 1994)	**
227-3.3(b)(27)	Guidance For Implementation of Emissions Monitoring Requirements for the NO_x Budget Program (January 28, 1997)	**
	NO_x Budget Program Monitoring Certification and Reporting Requirements (July 3, 1997)	**
	Electronic Data Reporting, Acid Rain Program/NO_x Budget Program (July 3, 1997)	**
227-303(b)(37)	Clean Air Act 42 U.S.C. Sections 7511c(a) and 7506a as amended by Public Law 101-549 (November 20, 1990)	**
227-3.3(b)(38)	OTC NO_x MOU (September 27, 1994)	**

227-3.3(b)(39)	Clean Air Act 42 U.S.C. Sections 7511c(a) as amended by Public Law 101-549 (November 20, 1990)	**
227-3.3(b)(44)	40 CFR Part 72 (October 1997, as updated on July 1, 1998; or May 26, 1999)	*
227-3.13(a)(1)	Guidance For Implementation of Emissions Monitoring Requirements for the NO_x Budget Program (January 28, 1997)	**
	NO_x Budget Program Monitoring Certification and Reporting Requirements (July 3, 1997)	**
	Electronic Data Reporting, Acid Rain Program/NO_x Budget Program (July 3, 1997)	**
227-3.13(a)(2)	Guidance For Implementation of Emissions Monitoring Requirements for the NO_x Budget Program (January 28, 1997)	**
	NO_x Budget Program Monitoring Certification and Reporting Requirements (July 3, 1997)	**
	Electronic Data Reporting, Acid Rain Program/NO_x Budget Program (July 3, 1997)	**
	40 CFR Part 75 (November 20 1996, as updated on July 1, 1998; or May 26, 1999)	*
227-3.13(a)(3)	Guidance For Implementation of Emissions Monitoring Requirements for the NO_x Budget Program (January 28, 1997)	**

	NO_x Budget Program Monitoring Certification and Reporting Requirements (July 3, 1997)	**
	Electronic Data Reporting, Acid Rain Program/NO_x Budget Program (July 3, 1997)	**
227-3.13(a)(4)	Guidance For Implementation of Emissions Monitoring Requirements for the NO_x Budget Program (January 28, 1997)	**
	NO_x Budget Program Monitoring Certification and Reporting Requirements (July 3, 1997)	**
	Electronic Data Reporting, Acid Rain Program/NO_x Budget Program (July 3, 1997)	**
227-3.13(a)(5)	40 CFR Part 75 (November 20, 1996, as updated July 1, 1998, or May 26, 1999)	*
	Guidance For Implementation of Emissions Monitoring Requirements for the NO_x Budget Program (January 28, 1997)	**
	NO_x Budget Program Monitoring Certification and Reporting Requirements (July 3, 1997)	**
	Electronic Data Reporting, Acid Rain Program/NO_x Budget Program (July 3, 1997)	**
227-3.13(b)	40 CFR Part 75 (November 20, 1996, as updated July 1, 1998; or May 26, 1999)	*
227-3.13(b)(1)	40 CFR Part 75 (November 20, 1996, as updated July 1, 1998; or May 26, 1999)	*

227-3.13(b)(1)(i)	40 CFR Part 75 Appendix F, Section 3 (November 20, 1996 as updated July 1, 1998; or May 26, 1999)	*
227-3.13(b)(1)(ii)	40 CFR Part 75 Appendix F, Section 5 (November 20, 1996, as updated July 1, 1998; or May 26, 1999)	*
227-3.13(b)(2)(i)	40 CFR Part 75 Appendix F, Section 3 (November 20, 1996, as updated July 1, 1998; or May 26, 1999)	*
227-3.13(b)(2)(ii)	40 CFR Part 75 Appendix D (November 20, 1996, as updated July 1, 1998; or May 26, 1999)	*
227-3.13(b)(3)	40 CFR Part 75 Appendix E (November 20, 1996, as updated July 1, 1998; or May 26, 1999)	*
227-3.13(b)(3)(i)	40 CFR Part 75 Appendix E (November 20, 1996, as updated July 1, 1998; or May 26, 1999)	*
227-3.13(b)(3)(ii)	40 CFR Part 75 Appendix D (November 20, 1996, as updated July 1, 1998; or May 26, 1999)	*
227-3.13(b)(4)	40 CFR Part 75 Subpart E (November 20, 1996, as updated July 1, 1998; or May 26, 1999)	*
227-3.13(b)(4)(i)	40 CFR Part 75 Subpart E (November 20, 1996, as updated July 1, 1998; or May 26, 1999)	*
227-3.13(b)(4)(ii)	Guidance For Implementation of Emissions Monitoring Requirements for the NO_x Budget Program (January 28, 1997)	**
	NO_x Budget Program Monitoring Certification and Reporting Requirements (July 3, 1997)	**

	Electronic Data Reporting, Acid Rain Program/NO_x Budget Program (July 3, 1997)	**
227-3.13(b)(5)	Guidance For Implementation of Emissions Monitoring Requirements for the NO_x Budget Program (January 28, 1997)	**
	NO_x Budget Program Monitoring Certification and Reporting Requirements (July 3, 1997)	**
	Electronic Data Reporting, Acid Rain Program/NO_x Budget Program (July 3, 1997)	**
227-3.13(c)	40 CFR Part 75 (November 20, 1996, as updated July 1, 1998; or May 26, 1999)	*
227-3.13(c)(1)(ii)	40 CFR Part 75 (November 20, 1996, as updated July 1, 1998; or May 26, 1999)	*
227-3.13(c)(1)(vi)(‘c’)	40 CFR Part 75 Appendix D (November 20, 1996, as updated July 1, 1998; or May 26, 1999)	*
227-3.13(c)(1)(vii)	Guidance For Implementation of Emissions Monitoring Requirements for the NO_x Budget Program (January 28, 1997)	**
	NO_x Budget Program Monitoring Certification and Reporting Requirements (July 3, 1997)	**
	Electronic Data Reporting, Acid Rain Program/NO_x Budget Program (July 3, 1997)	**
227-3.13(c)(2)(i)	40 CFR Part 75 (November 20, 1996, as updated July 1, 1998; or May 26, 1999)	*

227-3.13(c)(2)(ii)	Guidance For Implementation of Emissions Monitoring Requirements for the NO_x Budget Program (January 28, 1997)	**
	NO_x Budget Program Monitoring Certification and Reporting Requirements (July 3, 1997)	**
	Electronic Data Reporting, Acid Rain Program/NO_x Budget Program (July 3, 1997)	**
	40 CFR Part 75 Subpart D (November 20, 1996 as updated on July 1, 1998; or May 26, 1999)	*
227-3.13(c)(2)(iii)	Guidance For Implementation of Emissions Monitoring Requirements for the NO_x Budget Program (January 28, 1997)	**
	NO_x Budget Program Monitoring Certification and Reporting Requirements (July 3, 1997)	**
	Electronic Data Reporting, Acid Rain Program/NO_x Budget Program (July 3, 1997)	**
227-3.13(c)(2)(iii)(‘a’)	40 CFR Part 75 Appendix E (November 20, 1996 as updated on July 1, 1998; or May 26, 1999)	*
227-3.13(c)(2)(iv)	Guidance For Implementation of Emissions Monitoring Requirements for the NO_x Budget Program (January 28, 1997)	**
	NO_x Budget Program Monitoring Certification and Reporting Requirements (July 3, 1997)	**

	Electronic Data Reporting, Acid Rain Program/NO_x Budget Program (July 3, 1997)	**
227-3.13(c)(3)(i)(‘a’)	40 CFR Part 75 (November 20, 1996 as updated on July 1, 1998; or May 26, 1999)	*
	40 CFR Part 75 Appendix F Section 5 (November 20, 1996 as updated on July 1, 1998; or May 26, 1999)	*

227-3.13(c)(3)(i)(‘b’)	40 CFR Part 75 Appendix D (November 20, 1996 as updated on July 1, 1998; or May 26, 1999)	*
	40 CFR Part 75 Appendix F Section 5 (November 20, 1996 as updated on July 1, 1998; or May 26, 1999)	*
227-3.13(c)(3)(ii)	Guidance For Implementation of Emissions Monitoring Requirements for the NO_x Budget Program (January 28, 1997)	*
	NO_x Budget Program Monitoring Certification and Reporting Requirements (July 3, 1997)	*
	Electronic Data Reporting, Acid Rain Program/NO_x Budget Program (July 3, 1997)	*
227-3.15(a)	Guidance For Implementation of Emissions Monitoring Requirements for the NO_x Budget Program (January 28, 1997)	*
	NO_x Budget Program Monitoring Certification and Reporting Requirements (July 3, 1997)	*
	Electronic Data Reporting, Acid Rain Program/NO_x Budget Program (July 3, 1997)	*
228-1.2(b)(14)	40 CFR Part 51, Appendix M (July 2001), Reference Method 204E, pages 359-363	*
	Guidelines for Determining Capture Efficiency (January 9, 1995)	*********

228-1.2(b)(17)	40 CFR Part 63, Appendix A (July 2001), Reference Method 311, pages 807-822	*
	40 CFR Part 60, Appendix A-7, Reference Method 24 (July 2001) pages 496-499	*
228-1.2(b)(27)	Guidelines for Determining Capture Efficiency (January 9, 1995)	*********
228-1.2(b)(33)	Guidelines for Determining Capture Efficiency (January 9, 1995)	*********
228-1.2(b)(40)	40 CFR 63.805(e)(1)(i) through (iv) Performance Test Methods (July 2001), pages 289-290	*
228-1.2(b)(47)	40 CFR Part 63, Appendix A (July 2001), Reference Method 311, pages 807-822	*
	40 CFR Part 60, Appendix A-7, Reference Method 24 (July 2001) pages 496-499	*
228-1.2(b)(50)	40 CFR 63.805(e)(1)(i) through (iv), Performance Test Methods (July 2001), pages 289-290	*
228-1.5(b)	40 CFR Part 63, Appendix A (July 2001), Reference Method 311, pages 807-822	*
	40 CFR Part 60, Appendix A-7, Reference Method 24 (July 2001) pages 496-499	*

228-1.5(e)(2)	40 CFR Part 51, Appendix M (July 2001), Reference Methods 204, 204A, 204B, 204C, 204D, 204E, and 204F, pages 330-370	*
	Guidelines for Determining Capture Efficiency (January 9, 1995)	*********
228-1.5(f)	40 CFR Part 60, Appendices A-6 and A-7 (July 2001), Reference Methods 18, 25, and 25A, pages 435-459, 501-520, 520-524	*
228-2.6(a)	SCAQMD Method 304-91 Determination of Volatile Organic Compounds in Various Materials (Revised February 1996)	††††
	40 CFR Part 60 Reference Methods 24, Appendix A (July 2001)	*
228-2.6(b)	ASTM Designation: ASTM D 4457-02 Standard Test Method for Determination of Dichloromethane and 1,1,1 Trichloroethane in Paints and Coatings by Direct Injection into a Gas Chromatograph (2002)	****
228-2.6(c)	SCAQMD Method 316A-92 Determination of Volatile Organic Compounds in Materials Used for Pipes and Fittings (Revised October 1996)	††††
228-2.6(d)	SCAQMD Method 316A-92 Determination of Volatile Organic Compounds in Materials Used for Pipes and Fittings (Revised October 1996)	††††

228-2.6(e)	ASTM Designation: ASTM E 260-96 Standard Practice for Packed Column Gas Chromotography (2006)	****
	ASTM Designation: ASTM D 3792-05 Standard Test Method for Water Content of Coatings by Direct Injection Into a Gas Chromatograph (2005)	****
228-2.6(f)	ASTM Designation: ASTM D 2879-97 Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope (2007)	****
228-2.6(g)(1)	Guidelines for Determining Capture Efficiency, (January 9, 1995)	*********
228-2.6(g)(2)	CARB Method 100 Procedures for Continuous Gaseous Emission Stack Sampling (Amended July 28, 1997)	††
	40 CFR Part 60 Reference Methods 25, 25A and 25B Appendix A (July 2001)	*
228-2.6(h)	SCAQMD General Test Method for Determining Solvent Losses from Spray Gun Cleaning Systems, (October 3, 1989)	††††
229.3(d)(1)	40 CFR Part 60, Appendix A (July 1989) pages 568-964	*
229.4(a)	40 CFR Part 60, Appendix A (July 1989) pages 568-964	*
230.4(b)	40 CFR Part 60, Appendix A (July 1989) Method 27, pages 945-947	*
231-2.1(b)(24)(iii)	Further Continuing Appropriations Act of 1985, 42 U.S.C. Section 5903d (December 19, 1985)	**

231-2.1(b)(31)(i)	Clean Air Act, Title IV, 42 U.S.C. Section 7651, as amended by Pub. L. 101-549 (November 15, 1990)	**
231-2.2(j)(1)	Clean Air Act, U.S.C. Section 7511a(f), as amended by Pub. L. 101-549 (November 15, 1990)	**
231-2.11(a)(2)(iii)	Clean Air Act, 42 U.S.C. Section 7511a(b), (c), and (g), as amended by Pub. L. 101-549 (November 15, 1990)	**
231-3.1	Clean Air Act 42 U.S.C. Part C and Part D of Subchapter I as amended by Public Law 101-549 (November 15, 1990)	**
231-3.4(a)	Clean Air Act 42 U.S.C. Section 7511a(f) as amended by Public Law 101-549 (November 15, 1990)	**
231-3.4(c)(2)	Clean Air Act 42 U.S.C. Section 107 as amended by Public Law 101-549 (November 15, 1990)	**
231-3.7(b)	Clean Air Act 42 U.S.C. Section 165(c) as amended by Public Law 101-549 (November 15, 1990)	**
231-4.1(b)(3)(i)	40 CFR Part 60 (July 1, 2006)	*
	40 CFR Part 61 (July 1, 2006)	*
231-4.1(b)(4)(i)(c)	40 CFR Part 63 (July 1, 2006)	*
	40 CFR Part 51.165(a)(3)(ii)(G) (July 1, 2006)	*
231-4.1(b)(5)	Clean Air Act 42 U.S.C. Section 107 as amended by Public Law 101-549 (November 15, 1990)	**
231-4.1(b)(5)(i)	Clean Air Act 42 U.S.C. Section 107 as amended by Public Law 101-549 (November 15, 1990)	**

231-4.1(b)(9)	Clean Air Act 42 U.S.C. as amended by Public Law 101-549 (November 15, 1990)	**
	Clean Air Act 42 U.S.C. Section 7411 or 7412 as amended by Public Law 101-549 (November 15, 1990)	**
231-4.1(b)(27)(ii)(a)	Clean Air Act 42 U.S,C. Section 7407 as amended by Public Law 101-549 (November 15, 1990)	**
231-4.1(b)(28)(iii)	Clean Air Act 42 U.S.C. Section 125 as amended by Public Law 101-549 (November 15, 1990)	**
231-4.1(b)(28)(v)(a)	40 CFR Part 52.21 (July 1, 2006)	*
	40 CFR Part 51, Subpart I (July 1, 2006)	*
	40 CFR Part 51.166 (July 1, 2006)	*
231-4.1(b)(28)(v)(b)	40 CFR Part 52.21 (July 1, 2006)	*
231-4.1(b)(28)(vi)	40 CFR Part 52.21 (July 1, 2006)	*
	40 CFR Part 51, Subpart I (July 1, 2006)	*
	40 CFR Part 51.166 (July 1, 2006)	*
231-4.1(b)(43)(i)	Clean Air Act 42 U.S.C. as amended by Public Law 101-549 (November 15, 1990)	**
231-4.1(b)(43)(ii)	Clean Air Act 42 U.S.C. Section 111 as amended by Public Law 101-549 (November 15, 1990)	**
231-4.1(b)(43)(iii)	Clean Air Act 42 U.S.C. Title VI as amended by Public Law 101-549 (November 15, 1990)	**
231-4.1(b)(43)(iv)	Clean Air Act 42 U.S.C. as amended by Public Law 101-549 (November 15, 1990)	**

	Clean Air Act 42 U.S.C. Section 112 as amended by Public Law 101-549 (November 15, 1990)	**
	Clean Air Act 42 U.S.C. Section 112(b)(2) as amended by Public Law 101-549 (November 15, 1990)	**
	Clean Air Act 42 U.S.C. Section 112(b)(3) as amended by Public Law 101-549 (November 15, 1990)	**
	Clean Air Act 42 U.S.C. Section 108 as amended by Public Law 101-549 (November 15, 1990)	**
231-4.1(b)(44)	Clean Air Act 42 U.S.C. Title II as amended by Public Law 101-549 (November 15, 1990)	**
231-4.1(b)(45)(ii)	Clean Air Act 42 U.S,C. Section 7407 as amended by Public Law 101-549 (November 15, 1990)	**
231-4.1(b)(48)	Clean Air Act 42 U.S.C. as amended by Public Law 101-549 (November 15, 1990)	**
231-7.3(d)(3)	40 CFR Part 51.100(ii) (July 1, 2006)	*
231-7.4(c)(3)	40 CFR Part 51.166 (July 1, 2006)	*
231-7.4(e)(1)	40 CFR Part 51.100(ii) (July 1, 2006)	*
231-8.4(d)(3)	40 CFR Part 51.100(ii) (July 1, 2006)	*
231-8.5(c)(3)	40 CFR Part 51.166 (July 1, 2006)	*
231-8.5(e)(1)	40 CFR Part 51.100(ii) (July 1, 2006)	*
231-9.5(e)(4)(i)	40 CFR Part 60, Appendix B (July 1, 2006)	*
231-12.2(a)	40 CFR Part 51, Appendix W: Guideline on Air Quality Models of the EPA (July 1, 2006)	*

231-12.2(b)	40 CFR Part 51, Appendix W: Guideline on Air Quality Models of the EPA (July 1, 2006)	*
231-12.3(f)	40 CFR Part 58, Appendix B (July 1, 2006)	*
231-13.9	74 FR 56395-56396, Table A-1, (October 30, 2009)	+++
232.5(a)(1)	40 CFR 63, Subpart M(July 1, 1995)	*
232.5(e)	40 CFR 63, Subpart M (July 1, 1995)	*
232.5(g)	40 CFR 63, Subpart M (July 1, 1995)	*
232.6(b)(6)(iv)(b)	40 CFR 63, Subpart M (July 1, 1995)	*
232.7(c)	40 CFR 60, Appendix A, Reference Method 21 (July 1989) pages 913-916	*
232.11(g)(5)	40 CFR 63, Subpart M (July 1, 1995)	*
232.11(h)(5)	40 CFR 63, Subpart M (July 1, 1995)	*
233.4(b)	40 CFR Part 60, Appendix A (July 1989) pages 568-964	*
234.4(b)(1)	40 CFR Part 60, Appendix A-6, (July 2006) pages 455-479 and Appendix A-7 pages 520-543	*
234.4(b)(2)	40 CFR Part 60, Appendix A-7, (July 2006) pages 515-520	*
235-2.1(g)	South Coast Air Quality Management District, Rule 1174, Ignition Method Compliance Certification Protocol (Feb. 28, 1991)	††††
235-2.1(ay)	Federal Insecticide, Fungicide, and Rodenticide Act 7 U.S.C. Section 136 et. seq. (January 2, 2001)	**
235-2.1(bl)	Federal Insecticide, Fungicide, and Rodenticide Act 7 U.S.C. Section 136, et. seq. (January 2, 2001)	**

235-2.1(cx)	ASTM, D4359-90(2000)el (2000)	****
235-2.1(da)(1)	California Air Resources Board Method 310 (Amended September 3, 1999)	††
235-2.1(da)(3)	California Air Resources Board Method 310 (Amended September 3, 1999)	††
235-2.1(da)(4)	California Air Resources Board Method 310 (Amended September 3, 1999)	††
235-2.1(ez)	ASTM, D4359-90(2000)el (2000)	****
235-2.1(fa)(2)	ASTM, E 260-96 (2001)	****
235-2.1(fe)	Department of Defense Federal Specification MMM-A-181D (Type 1, Grade A)	†††
235-2.1(fe)	40 CFR Part 59, Subpart C (July 1, 2001)	*
235-2.1(fs)	South Coast Air Quality Management District, Rule 1174, Ignition Method Compliance Certification Protocol (February 28, 1991)	††††
235-3.1(b)	Title 17, California Code of Regulations, Section 93000 (Amended July 21, 1999)	***
235-3.1(e)	Federal Insecticide, Fungicide, and Rodenticide Act 7 U.S.C. Section 136 et seq. (January 2, 2001)	**
235-3.1(f)(1)(i)(‘a’)	Title 17, California Code of Regulations, Section 94509(h) (Amended May 25, 2000)	***
235-3.1(f)(2)(i)	South Coast Air Quality Management District, Rule 1174, Ignition Method Compliance Certification Protocol (February 28, 1991)	††††

235-3.1(f)(2)(iii)(‘a’)	South Coast Air Quality Management District, Rule 1174, Ignition Method Compliance Certification Protocol (February 28, 1991)	††††
235-3.1(f)(2)(iii)(‘b’)	South Coast Air Quality Management District, Rule 1174, Ignition Method Compliance Certification Protocol (February 28, 1991)	††††
235-3.1(f)(2)(iii)(‘c’)	South Coast Air Quality Management District, Rule 1174, Ignition Method Compliance Certification Protocol (February 28, 1991)	††††
235-3.1(f)(4)	South Coast Air Quality Management District, Rule 1174, Ignition Method Compliance Certification Protocol (February 28, 1991)	††††
235-3.1(g)(1)	California Health and Safety Code section 41712(h)(2)	†
235-4.1(g)	Federal Insecticide, Fungicide, and Rodenticide Act 7 U.S.C. Section 136 et seq. (January 2, 2001)	**
235-5.1(a)	Title 17, California Code of Regulations, Section 94511 (Amended May 25, 2000)	***
	Title 17, California Code of Regulations, Section 94503.5 (Amended October 26, 2000)	***
235-5.1(b)	Title 17, California Code of Regulations, Section 94511 (Amended May 25, 2000)	***
	Title 17, California Code of Regulations, Section 94503.5 (Amended October 26, 2000)	***

235-9.1(a)	California Air Resources Board Method 310 (Amended September 3, 1999)	††
235-9.1(b)(2)	California Air Resources Board Method 310 (Amended September 3, 1999)	††
235-9.1(c)	ASTM, D 4359-90(2000)el (2000)	****
235-9.1(d)	South Coast Air Quality Management District, Rule 1174, Ignition Method Compliance Certification Protocol (February 28, 1991)	††††
235-9.1(e)	ASTM D 86-90 (September 28, 1990)	****
235-11.1(a)	Title 17, California Code of Regulations, Sections 94540-94555 (March 23, 1995)	***
235-11.1(b)	Title 17, California Code of Regulations, Sections 94540-94555 (March 23, 1995)	***
236.7	40 CFR Part 60, Appendix A, Reference Method 21 (July 1989) pages 913-916	*
237-1.2(b)(42)	40 CFR Part 75 (July 1, 2003)	*
237-1.4(b)(3)(ii)	40 CFR 75.19 (July 1, 2003)	*
237-5.3(d)(2)	40 CFR 51.121 (July 1, 2003)	*
237-5.3(d)(2)	40 CFR 51.122 (July 1, 2003)	*
237-8.1	40 CFR Part 75 Subpart H (July 1, 2003)	*
237-8.1	40 CFR Part 72.2 (July 1, 2003)	*
237-8.1	40 CFR Part 75 (July 1, 2003)	*
238-1.2(b)(14)	40 CFR 73.31(c) (July 1, 2003)	*

238-1.2(b)(17)	42 U.S.C. section 7651a(3) as amended by Public Law 101-549 (November 15, 1990)	**
238-1.2(b)(48)	42 U.S.C. section 7651a(2) as amended by Public Law 101-549 (November 15, 1990)	**
238-1.2(b)(53)	42 U.S.C. section 7651a(2) as amended by Public Law 101-549 (November 15, 1990)	**
238-5.3(e)(2)	40 CFR 51.121 (July 1, 2003)	*
238-5.3(e)(2)	40 CFR 51.122 (July 1, 2003)	*
238-8	40 CFR Part 75 (July 1, 2003)	*
238-8	40 CFR 72.2 (July 1, 2003)	*
239-2.1(o)	40 CFR 59.653 (July 1, 2007)	*
239-2.1(p)	40 CFR 59.653 (July 1, 2007)	*
239-3.1(a)	40 CFR 59.653 (July 1, 2007)	*
239-4.1(b)	40 CFR 59.653 (July 1, 2007)	*
239-4.1(c)	29 CFR Part 1926.155 (July 1, 2007)	*
239-6.1(a)	40 CFR 59.615 (July 1, 2007)	*
239-8.1(a)	40 CFR 59.650-59.653 (July 1, 2007)	*
240.1	40 CFR Part 51.390 (August 15, 1997)	*
	Title 23 U.S.C. (1994. ed.)	*
	Federal Transit Laws (Title 49 U.S.C. Chapter 53) (1994, ed.)	*
	Clean Air Act 42 U.S.C. Section 110, as amended by Public Law 101-549 (November 15, 1990)	**

	Clean Air Act 42 U.S.C. Part D as amended by Public Law 101-549 (November 15, 1990)	**
240.2(b)	Clean Air Act 42 U.S.C. Section 302(q), as amended by Public Law 101-549 (November 15, 1990)	**
	Clean Air Act 42 U.S.C. Sections 110, 110(c), and 301(d) as amended by Public Law 101-549 (November 15, 1990)	**
240.2(d)	40 CFR Part 58 (July 1, 1997)	*
240.2(e)	Clean Air Act 42 U.S.C. Sections 182(b)(1), 182(c)(2)(A), 182(c)(2)(B), 187(a)(7), 189(a)(1)(B), and 189(b)(1)(A); and Sections 192(a) and 192(b), for nitrogen dioxide as amended by Public Law 101-549 (November 15, 1990)	**
240.2(n)	23 CFR Part 450 (April 1, 1997)	*
240.2(x)	Clean Air Act 42 U.S.C. Section 175A as amended by Public Law 101-549 (November 15, 1990)	**
240.2(y)	Clean Air Act 42 U.S.C. Section 175A as amended by Public Law 101-549 (November 15, 1990)	**
240.2(z)	Title 23 U.S.C. Section 134 (1994, ed.)	*
	Title 49 U.S.C. Section 5303 (July 5, 1994)	*
240.2(aa)	Clean Air Act 42 U.S.C. Sections 182(g)(1) and 198(c), as amended by Public Law 101-549 (November 15, 1990)	**

240.2(ac)	Clean Air Act 42 U.S.C. Section 109 as amended by Public Law 101-549 (November 15, 1990)	**
240.2(aj)	Title 23 U.S.C. (1994, ed.)	*
	Federal Transit Laws (Title 49 U.S.C. Chapter 53) (1994, ed.)	*
240.2(ao)	Title 23 U.S.C. (1994, ed.)	*
240.2(ar)	Clean Air Act 42 U.S.C. Section 108 as amended by Public Law 101-549 (November 15, 1990)	**
240.2(as)	23 CFR Part 450 (April 1, 1997)	*
240.2(at)	23 CFR Part 450 (April 1, 1997)	*
240.3(a)(1)(i)	23 CFR Part 450 (April 1, 1997)	*
	49 CFR Part 613 (Oct. 1, 1997)	*
240.3(a)(1)(ii)	23 CFR Part 450 (April 1, 1997)	*
	49 CFR Part 613 (Oct. 1, 1997)	*
240.3(b)(3)	Clean Air Act 42 U.S.C. Section 107(d) as amended by Public Law 101-549 (November 15, 1990)	**
240.6(f)(2)(v)	23 CFR 450.212 (April 1, 1997)	*
240.6(j)(1)	23 CFR 450 (April 1, 1997)	*
240.6(j)(3)	23 CFR 450 (April 1, 1997)	*
240.9	23 CFR 450 (April 1, 1997)	*
240.13	23 CFR 450 (April 1, 1997)	*
240.14(b)(1)	Title 23 U.S.C. (1994, ed.)	*
	Federal Transit Laws (Title 49 U.S.C. Chapter 53) (1994, ed.)	*

240.14(c)(1)	Title 23 U.S.C. (1994, ed.)	*
	Federal Transit Laws (Title 49 U.S.C. Chapter 53) (1994, ed.)	*
240.20(b)	Clean Air Act 42 U.S.C. Section 182(b)(1), as amended by Public Law 101-549 (November 15, 1990)	**
240.20(c)	Clean Air Act 42 U.S.C. Section 182(b)(1), as amended by Public Law 101-549 (November 15, 1990)	**
240.21(a)(1)	Clean Air Act 42 U.S.C. Section 179(b)(1), as amended by Public Law 101-549 (November 15, 1990)	**
240.21(b)	Clean Air Act 42 U.S.C. Section 179, 110(m), 179(b)(2) as amended by Public Law 101-549 (November 15, 1990)	**
240.22(a)	Title 23 U.S.C. (1994, ed.)	*
	Federal Transit Laws (Title 49 U.S.C. Chapter 53) (1994, ed.)	*
240.22(b)	Title 23 U.S.C. (1994, ed.)	*
	Federal Transit Laws (Title 49 U.S.C. Chapter 53) (1994, ed.)	*
240.24(a)(1)	40 CFR Part 51, Appendix W (Guideline on Air Quality Models) (July 1, 1997)	*
240.26(a)	Title 23 U.S.C. (1994, ed.)	*
	Federal Transit Laws (Title 49 U.S.C. Chapter 53) (1994, ed.)	
240.27	23 CFR Part 771 (April 1, 1997)	*

	Title 49 U.S.C. (1994, ed.)	*
	23 CFR 712.204(d) (April 1, 1997)	*
	ASTM, D977 (Re-approved 2005)	****
241.3	ASTM, D2397 (Re-approved 2005)	****
	ASTM, D6997 (Re-approved 2004)	****
241.5(b)(3)	40 CFR Part 60, Appendix A, method 24 (July 1, 2009)	*
242-1.2(b)(2)	40 CFR 72.2 (July 1, 2007 as amended January 24, 2008)	*
242-1.2(b)(3)	40 CFR Parts 72 through 78 (July 1, 2007 as amended January 24, 2008)	*
242-1.2(b)(14)	40 CFR Part 96, subparts AA through II (July 1, 2007)	*
242-1.2(b)(14)	40 CFR 51.123(o)(1) or (2) (July 1, 2007)	*
242-1.2(b)(14)	40 CFR Part 97, subparts AA through II (July 1, 2007)	*
242-1.2(b)(14)	40 CFR 51.123(p) (July 1, 2007)	*
242-1.2(b)(14)	40 CFR 52.35 (July 1, 2007)	*
242-1.2(b)(15)	40 CFR Part 96, subparts AAAA through IIII (July 1, 2007)	*
242-1.2(b)(15)	40 CFR 51.123(aa)(1) or (2) (July 1, 2007)	*
242-1.2(b)(15)	40 CFR 51.123(bb)(1) or (2) (July 1, 2007)	*
242-1.2(b)(15)	40 CFR 51.123(dd) (July 1, 2007)	*
242-1.2(b)(15)	40 CFR Part 97, subparts AAAA through IIII (July 1, 2007)	*
242-1.2(b)(15)	40 CFR 51.123(ee) (July 1, 2007)	*
242-1.2(b)(15)	40 CFR 52.35 (July 1, 2007)	*
242-1.2(b)(16)	40 CFR Part 96, subparts AAA through III (July1, 2007)	*

242-1.2(b)(16)	40 CFR 51.124(o)(1) or (2) (July 1, 2007)	*
242-1.2(b)(16)	40 CFR Part 97, subparts AAA through III (July 1, 2007)	*
242-1.2(b)(16)	40 CFR 51.124(r) (July 1, 2007)	*
242-1.2(b)(16)	40 CFR 52.36 (July 1, 2007)	*
242-1.2(b)(38)	U.S. Department of Labor, Bureau of Labor Statistics unadjusted Consumer Price Index for all Urban Consumers for the U.S. (September 2010)	**
242-1.2(b)(39)	40 CFR Part 75 (July 1, 2007 as amended January 24, 2008)	*
242-1.2(b)(39)(iii)	40 CFR 75.11(b)(2) (July 1, 2007 as amended January 24, 2008)	*
242-1.2(b)(49)	Intergovernmental Panel on Climate Change, Third Assessment Report, the Scientific Basis (Working Group I), chapter 6, section 12, pages (385-391) (2001)	**
242-1.2(b)(54)	Appendix D of 40 CFR Part 75 (July 1, 2007 as amended January 24, 2008)	*
242-1.2(b)(54)	40 CFR Part 75 (July 1, 2007 as amended January 24, 2008)	*
242-1.2(b)(81)	New York State Public Service Commission's Order on Customer-Sited Tier Implementation (June 28, 2006)	**
242-1.2(b)(81)	New York State Public Service Commission's Order Regarding Retail Renewable Portfolio Standard, Appendix B (September 24, 2004)	**

242-1.6(e)(1)(ii)	40 CFR Part 75.57 (July 1, 2007 as amended January 24, 2008)	*
242-5.3(a)(1)	21 NYCRR Part 507 (May 2007)	**
242-5.3(b)(4)	40 CFR Part 75 (July 1, 2007 as amended January 24, 2008)	*
242-8.1	40 CFR Part 75 (July 1, 2007 as amended January 24, 2008)	*
242-8.1	40 CFR 72.2 (July 1, 2007 as amended January 24, 2008)	*
242-8.1	40 CFR 75.72(b)(2)(ii) (July 1, 2007 as amended January 24, 2008)	*
242-8.1	40 CFR 75.16(b)(2)(ii)(B) (July 1, 2007 as amended January 24, 2008)	*
242-8.1	40 CFR 75.13 (July 1, 2007 as amended January 24, 2008)	*
242-8.1(a)(1)	40 CFR Part 75, except for equation G1 in appendix G (July 1, 2007 as amended January 24, 2008)	*
242-8.1(a)(2)	40 CFR Part 75 (July 1, 2007 as amended January 24, 2008)	*
242-8.1(c)(1)	40 CFR 75.31(b)(2) or (c)(3) (July 1, 2007 as amended January 24, 2008)	*
242-8.1(c)(1)	Section 2.4 of appendix D of 40 CFR Part 75 (July 1, 2007 as amended January 24, 2008)	*
242-8.1(c)(2)	Subpart D of 40 CFR Part 75 (July 1, 2007 as amended January 24, 2008)	*

242-8.1(c)(2)	40 CFR Part 75 appendix D (July 1, 2007 as amended January 24, 2008)	*
242-8.1(c)(3)(i)	40 CFR 75.19 (July 1, 2007 as amended January 24, 2008)	*
242-8.1(c)(3)(ii)	40 CFR 75.19 (July 1, 2007 as amended January 24, 2008)	*
242-8.1(c)(3)(iii)	40 CFR 75.19 (July 1, 2007 as amended January 24, 2008)	*
242-8.1(d)(2)	40 CFR Part 75 (July 1, 2007 as amended January 24, 2008)	*
242-8.1(d)(3)	40 CFR Part 75 (July 1, 2007 as amended January 24, 2008)	*
242-8.1(d)(4)(i)	40 CFR Part 75 (July 1, 2007 as amended January 24, 2008)	*
242-8.2(a)(1)	40 CFR Part 75 (July 1, 2007 as amended January 24, 2008)	*
242-8.2(a)(2)	40 CFR 75.21 (July 1, 2007 as amended January 24, 2008)	*
242-8.2(a)(2)	Appendix B and appendix D of 40 CFR Part 75 (July 1, 2007 as amended January 24, 2008)	*
242-8.2(c)	40 CFR 75.72(b)(2)(ii) (July 1, 2007 as amended January 24, 2008)	*
242-8.2(c)	40 CFR 75.16(b)(2)(ii)(B) (July 1, 2007 as amended January 24, 2008)	*

242-8.2(c)	40 CFR 75.13 (July 1, 2007 as amended January 24, 2008)	*
242-8.2(c)	40 CFR 75.66 (July 1, 2007 as amended January 24, 2008)	*
242-8.2(c)	40 CFR Part 75 (July 1, 2007 as amended January 24, 2008)	*
242-8.2(d)	Appendix D of 40 CFR Part 75 (July 1, 2007 as amended January 24, 2008)	*
242-8.2(d)	40 CFR 75.19 (July 1, 2007 as amended January 24, 2008)	*
242-8.2(d)	Subpart E of 40 CFR Part 75 (July 1, 2007 as amended January 24, 2008)	*
242-8.2(d)(1)	40 CFR 75.20 (July 1, 2007 as amended January 24, 2008)	*
242-8.2(d)(2)(i)	40 CFR 75.21 (July 1, 2007 as amended January 24, 2008)	*
242-8.2(d)(2)(i)	Appendix B to 40 CFR Part 75 (July 1, 2007 as amended January 24, 2008)	*
242-8.2(d)(2)(i)	40 CFR 75.20(b) (July 1, 2007 as amended January 24, 2008)	*
242-8.2(d)(3)	40 CFR 75.20(b)(5) and (g)(7) (July 1, 2007 as amended January 24, 2008)	*
242-8.2(d)(3)(ii)	40 CFR 75.63 (July 1, 2007 as amended January 24, 2008)	*

242-8.2(d)(3)(iii)	40 CFR 75.20(a)(3) (July 1, 2007 as amended January 24, 2008)	*
242-8.2(d)(3)(iii)	40 CFR Part 75 (July 1, 2007 as amended January 24, 2008)	*
242-8.2(d)(3)(iv)	40 CFR Part 75 (July 1, 2007 as amended January 24, 2008)	*
242-8.2(d)(3)(iv)(a)	40 CFR Part 75 (July 1, 2007 as amended January 24, 2008)	*
242-8.2(d)(3)(iv)(c)	40 CFR Part 75 (July 1, 2007 as amended January 24, 2008)	*
242-8.2(d)(3)(v)(a)	40 CFR 75.20(a)(5)(i) (July 1, 2007 as amended January 24, 2008)	*
242-8.2(d)(3)(v)(a)	40 CFR 75.20(g)(7) (July 1, 2007 as amended January 24, 2008)	*
242-8.2(d)(3)(v)(a)(1)	40 CFR 75.19 (July 1, 2007 as amended January 24, 2008)	*
242-8.2(d)(3)(v)(a)(2)	Section 2.1 of appendix A of 40 CFR Part 75 (July 1, 2007 as amended January 24, 2008)	*
242-8.2(e)	40 CFR 75.19(a)(2) (July 1, 2007 as amended January 24, 2008)	*
242-8.2(e)	40 CFR 75.20(h) (July 1, 2007 as amended January 24, 2008)	*
242-8.2(e)	40 CFR 75.20(g) (July 1, 2007 as amended January 24, 2008)	*

242-8.2(f)	Subpart E of 40 CFR Part 75 (July 1, 2007 as amended January 24, 2008)	*
242-8.2(f)	40 CFR 75.20(f) (July 1, 2007 as amended January 24, 2008)	*
242-8.3(a)	40 CFR Part 75 (July 1, 2007 as amended January 24, 2008)	*
242-8.3(a)	Subpart D of 40 CFR Part 75 (July 1, 2007 as amended January 24, 2008)	*
242-8.3(a)	Appendix D of 40 CFR Part 75 (July 1, 2007 as amended January 24, 2008)	*
242-8.3(b)	40 CFR Part 75 (July 1, 2007 as amended January 24, 2008)	*
242-8.4	40 CFR 75.61 (July 1, 2007 as amended January 24, 2008)	*
242-8.5(a)	40 CFR 75.73 (July 1, 2007 as amended January 24, 2008)	*
242-8.5(b)	40 CFR 75.62 (July 1, 2007 as amended January 24, 2008)	*
242-8.5(c)	40 CFR 75.63 (July 1, 2007 as amended January 24, 2008)	*
242-8.5(c)	40 CFR 75.73(e) and (f) (July 1, 2007 as amended January 24, 2008)	*
242-8.5(d)(2)	Subpart H of 40 CFR Part 75 (July 1, 2007 as amended January 24, 2008)	*

242-8.5(d)(2)	40 CFR 75.64 (July 1, 2007 as amended January 24, 2008)	*
242-8.5(d)(2)	Subpart G of 40 CFR Part 75 (July 1, 2007 as amended January 24, 2008)	*
242-8.5(d)(3)(i)	40 CFR Part 75 (July 1, 2007 as amended January 24, 2008)	*
242-8.5(d)(3)(ii)	40 CFR 75.34(a)(1) (July 1, 2007 as amended January 24, 2008)	*
242-8.5(d)(3)(ii)	Appendix B of 40 CFR Part 75 (July 1, 2007 as amended January 24, 2008)	*
242-8.5(d)(3)(iii)	Subpart D of 40 CFR Part 75 (July 1, 2007 as amended January 24, 2008)	*
242-8.6(a)	40 CFR 75.66 (July 1, 2007 as amended January 24, 2008)	*
242-8.6(a)	40 CFR Part 75 (July 1, 2007 as amended January 24, 2008)	*
242-8.6(b)(1)	40 CFR 75.66 (July 1, 2007 as amended January 24, 2008)	*
242-8.6(b)(1)	40 CFR Part 75 (July 1, 2007 as amended January 24, 2008)	*
242-8.6(b)(2)	40 CFR 75.66 (July 1, 2007 as amended January 24, 2008)	*
242-8.6(c)	40 CFR 75.66 (July 1, 2007 as amended January 24, 2008)	*

242-8.6(c)	40 CFR 75.72 (July 1, 2007 as amended January 24, 2008)	*
242-8.6(c)	40 CFR 75.71(a)(2) (July 1, 2007 as amended January 24, 2008)	*
242-8.7(e)	New York State Renewable Portfolio Standard Biomass Guidebook (May 2006)	**
242-10.2(k)	ANSI/ASHRAE/IESNA Standard 90.1-2004 (2004)	**
242-10.2(ag)	ANSI/ASHRAE/IESNA Standard 90.1-2004 (2004)	**
242-10.3(b)(1)	United Nations Framework Convention on Climate Change (1992)	**
242-10.5(a)(1)	40 CFR Part 60, Subpart Cc and WWW (July 1, 2006)	*
242-10.5(b)(1)(i)	High-Voltage Switchgear and Controlgear - Use and Handling of Sulfur Hexafluoride (SF_6) in High-Voltage Switchgear and Controlgear, International Electrotechnical Commission - Edition 1 (IEC TS 61634) (April 1, 1995)	**
242-10.5(c)(3)(viii)	U.S. Department of Energy, Technical Guidelines Voluntary Reporting of Greenhouse Gases (1605(b)) Program; Chapter 1, Emissions Inventories; Part 1 Appendix: Forestry; Section 3: Measurement Protocols for Forest Carbon Sequestration (March 2006)	**
242-10.5(d)(1)(ii)(a)(1)(i)	ANSI/ASHRAE/IESNA Standard 90.1-2004, Energy Standard for Buildings Except Low-Rise Residential Buildings (2004)	**

242-10.5(d)(1)(ii)(a)(1)(i)	ANSI/ASHRAE/IESNA Standard 62.1, Ventilation for Acceptable Indoor Air Quality (2004)	**
242-10.5(d)(1)(ii)(a)(1)(ii)	Air Conditioner Contractors of America (ACCA) Manual J: Residential Load Calculation (Eighth Edition) (2002)	**
242-10.5(d)(1)(ii)(a)(1)(ii)	ANSI/ACCA 5 - 2007 “HVAC Quality Installation Specification”, Air Conditioner Contractors of America (2007)	**
242-10.5(d)(1)(ii)(a)(2)(i)	ANSI/ASHREA/IESNA Standard 90.1-2004, Energy Standard for Buildings Except Low-Rise Residential Buildings (2004)	**
242-10.5(d)(1)(ii)(a)(2)(ii)	2004 International Energy Conservation Code Supplement (2004)	**
242-10.5(d)(1)(ii)(b)(1)(ii)	10 CFR 430 (January 1, 2007)	*
242-10.5(d)(1)(ii)(b)(2)	Energy Benchmark for High Performance Buildings, Version 1.1, New Buildings Institute (2005)	**
242-10.5(d)(1)(ii)(b)(2)	Federal Energy Management Program (FEMP) Product Energy Efficiency Recommendations, issued pursuant to Executive Orders 13123 (June 8, 1999)	**
242-10.5(d)(1)(ii)(b)(2)	Federal Energy Management Program (FEMP) Product Energy Efficiency Recommendations, issued pursuant to Executive Orders 13221 (August 2, 2001)	**
242-10.5(d)(1)(ii)(b)(2)	ENERGY STAR®-qualified and FEMP-designated Products (April 25, 2006)	**

242-10.5(d)(1)(ii)(b)(2)	Energy-Efficient Products - How to Buy Products with Low Standby Power (June 2004)	**
242-10.5(d)(1)(ii)(b)(2)	Fluorescent Lamps and Ballasts (December 2000)	**
242-10.5(d)(1)(ii)(b)(2)	Fluorescent Luminaries (December 2000)	**
242-10.5(d)(1)(ii)(b)(2)	Downlight Luminaires (July 2000)	**
242-10.5(d)(1)(ii)(b)(2)	Industrial Luminaires (December 2000)	**
242-10.5(d)(1)(ii)(b)(2)	Air-Cooled Electric Chillers (November 2003)	**
242-10.5(d)(1)(ii)(b)(2)	Water-Cooled Electric Chiller (January 2004)	**
242-10.5(d)(1)(ii)(b)(2)	Air-Source and Water-Source Heat Pumps (November 2001)	**
242-10.5(d)(1)(ii)(b)(2)	Ground-Source Heat Pumps (July 2001)	**
242-10.5(d)(1)(ii)(b)(2)	Commercial Boilers (October 2006)	**
242-10.5(d)(1)(ii)(b)(2)	Electric Motors (June 2007)	**
242-10.5(d)(1)(ii)(b)(2)	Gas Griddles (December 2006)	**
242-10.5(d)(1)(ii)(b)(2)	Ice Machines (November 2006)	**
242-10.5(d)(1)(ii)(b)(2)	Electric Water Heaters (March 2006)	**
242-10.5(d)(1)(ii)(b)(2)	Gas Water Heaters (March 2006)	**
242-10.5(d)(1)(ii)(b)(2)	Faucets (March 2006)	**
242-10.5(d)(1)(ii)(b)(2)	Showerheads (March 2006)	**
242-10.5(d)(1)(ii)(b)(2)	Urinals (March 2006)	**
242-10.5(d)(1)(ii)(b)(2)	Energy Star criteria issued jointly by the U.S. Environmental Protection Agency and U.S. Department of Energy (June 2007)	#
242-10.5(d)(1)(ii)(b)(2)	Battery Charging Systems (June 2007)	#

242-10.5(d)(1)(ii)(b)(2)	Clothes Washers (December 20, 2005)	#
242-10.5(d)(1)(ii)(b)(2)	Dishwashers (June 2007)	#
242-10.5(d)(1)(ii)(b)(2)	Refrigerators and Freezers (Residential) (June 2007)	#
242-10.5(d)(1)(ii)(b)(2)	Commercial Solid Door Refrigerators and Freezers (June 2007)	#
242-10.5(d)(1)(ii)(b)(2)	Room Air Conditioners (November 16, 2005)	#
242-10.5(d)(1)(ii)(b)(2)	Dehumidifiers (June 2007)	#
242-10.5(d)(1)(ii)(b)(2)	Cordless Phones (November 1, 2006)	#
242-10.5(d)(1)(ii)(b)(2)	Combination Units, TVs, and VCRs (June 2007)	#
242-10.5(d)(1)(ii)(b)(2)	Digital-to-Analog Converter Boxes (June 2007)	#
242-10.5(d)(1)(ii)(b)(2)	DVD products and Home Audio (June 2007)	#
242-10.5(d)(1)(ii)(b)(2)	External Power Adapters (June 2007)	#
242-10.5(d)(1)(ii)(b)(2)	Boilers (June 2007)	#
242-10.5(d)(1)(ii)(b)(2)	Ceiling Fans (June 2007)	#
242-10.5(d)(1)(ii)(b)(2)	Central Air Conditioners and Air-Source Heat Pumps (June 2007)	#
242-10.5(d)(1)(ii)(b)(2)	Furnaces (June 2007)	#
242-10.5(d)(1)(ii)(b)(2)	Geothermal Heat Pumps (June 2007)	#
242-10.5(d)(1)(ii)(b)(2)	Light Commercial Heating Cooling (June 2007)	#
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242-10.5(d)(5)(i)(a)	ASHRAE Guideline 14-2002, Measurement of Energy and Demand Savings (2002)	**
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242-10.5(e)(5)(iii)	American Society of Agricultural and Biological Engineers (ASABE) standard (ASAE D384.2, March 2005) (March 2005)	**

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246.2(b)(2)(iv)	40 CFR Part 60, Subpart BBBB	Part 60 Pages 704-736	*
246.2(b)(2)(v)	40 CFR Part 60, Subpart FFF	Part 62 Pages 430-441	*
246.2(b)(2)(vi)	40 CFR Part 62, Subpart JJJ	Part 62 Pages 492-531	*
246.7	40 CFR Part 75, Subpart I	Part 75 Pages 344-353	*
	40 CFR 72.2	Part 72 Pages 6-28	*
	75.82(b)(2)(i)	Part 75 Page 349	*
246.7(a)(1)	40 CFR 75.81-75.82	Part 75 Pages 346-351	*

	40 CFR 60 Appendix B – Performance Specification 12A	Part 60 Pages 682-687	*
246.7(a)(2)	40 CFR Part 75, Subpart I	Part 75 Pages 344-353	*
246.7(a)(3)	40 CFR 75.84	Part 75 Pages 351-353	*
246.7(a)(4)	40 CFR 75.80(e)	Part 75 Page 345	*
246.7(c)(1)	40 CFR 75.80(g)	Part 75 Page 346	*
246.7(c)(2)	40 CFR Part 75, Subpart D	Part 75 Pages 262-279	*
246.7(d)(2)	40 CFR Part 75, Subpart I	Part 75 Pages 344-353	*
246.7(d)(3)	40 CFR Part 75, Subpart I	Part 75 Pages 344-353	*
246.7(d)(4)(i)	40 CFR Part 75, Subpart I	Part 75 Pages 344-353	*
246.8(a)(1)	40 CFR Part 75	Part 75 Pages 204-466	*
246.8(a)(2)	40 CFR Part 75, Appendix B	Part 75 Pages 390-405	*
	40 CFR 75.21	Part 75 Pages 257-259	*
246.8(a)(3)	40 CFR Part 75, Appendix K	Part 75 Pages 458-465	*
	40 CFR 75.15	Part 75 Pages 221-222	*
	40 CFR 75.20(c)(9)	Part 75 Part 252	*
	40 CFR 75 section 6.5.7 of Appendix A	Part 75 Pages 380-381	*
	40 CFR 75 section 1.5 of Appendix B	Part 75 Page 392	*

	40 CFR 75 section 2.3 of Appendix B	Part 75 Pages 400-404	*
246.8(c)	40 CFR 75.15	Part 75 Pages 221-222	*
	40 CFR 75.81(b)	Part 75 Page 347	*
	40 CFR Part 75, Subpart E	Part 75 Pages 279-285	*
246.8(c)(1)	40 CFR 75.20	Part 75 Pages 243-257	*
246.8(c)(2)(i)	40 CFR 75.15	Part 75 Pages 221-222	*
	40 CFR 75.20	Part 75 Pages 243-257	*
	40 CFR 75.21	Part 75 Pages 257-259	*
	40 CFR Part 75, Appendix B	Part 75 Pages 390-405	*
246.8(c)(2)(ii)	40 CFR 75.15	Part 75 Pages 221-222	*
	40 CFR 75.20	Part 75 Pages 243-257	*
246.8(c)(3)	40 CFR 75.20(b)(5)	Part 75 Page 250	*
246.8(c)(3)(ii)	40 CFR 75.63	Part 75 Pages 317-318	*
246.8(c)(3)(iii)	40 CFR 75.20(a)(3)	Part 75 Pages 243-244	*
	40 CFR Part 75	Part 75 Pages 204-466	*
246.8(c)(3)(iv)	40 CFR Part 75	Part 75 Pages 204-466	*
246.8(c)(3)(iv)(‘a’)	40 CFR Part 75	Part 75 Pages 204-466	*
246.8(c)(3)(iv)(‘c’)	40 CFR Part 75	Part 75 Pages 204-466	*
	40 CFR 75.20(a)(3)	Part 75 Pages 243-244	*
246.8(c)(3)(v)(‘a’)	40 CFR 75.20(a)(4)(iii)	Part 75 Pages 244-245	*
	40 CFR 75.20(a)(5)(i)	Part 75 Page 245	*
	40 CFR 75.21(e)	Part 75 Page 259	*

246.8(c)(3)(v)(‘a’)(‘1’)	40 CFR Part 75, Appendix A, 2.1.4.1 and 2.1.7.1	Part 75 Pages 365, 367	*
246.8(c)(3)(v)(‘a’)(‘2’)	40 CFR Part 75, Appendix A, 2.1.3.1, 2.1.3.2 and 2.1.5	Part 75 Pages 364, 366	*
246.8(c)(3)(v)(‘a’)(‘3’)	40 CFR 75.15	Part 75 Pages 221-222	*
	40 CFR Part 75, Appendix A, 2.1.4.1 and 2.1.7.1	Part 75 Pages 365, 367	*
246.8(c)(3)(v)(‘d’)	40 CFR 75.81(b)	Part 75 Page 347	*
	40 CFR 75.81(c) - 75.81(f)	Part 75 Pages 347-349	*
246.8(c)(3)(v)(‘e’)	40 CFR Part 75, Subpart E	Part 75 Pages 279-285	*
	40 CFR 75.20(f)	Part 75 Pages 254-255	*
246.9(a)	40 CFR Part 75	Part 75	*
	40 CFR Part 75, Subpart D	Part 75 Pages 262-279	*
246.9(b)	40 CFR Part 75	Part 75 Pages 204-466	*
246.10	40 CFR 75.61	Part 75 Pages 314-317	*
246.11(a)	40 CFR 75.84(a) - 75.84(c)	Part 75 Page 351	*
246.11(b)	40 CFR 75.84(d) 75.84(f)	Part 75 Page 351-353	*
246.11(c)	40 CFR 75.63	Part 75 Pages 317-318	*
246.11(d)(2)	40 CFR 75.84(f)	Part 75 Pages 352-353	*
246.11(d)(3)	40 CFR 75 Subparts F-Subpart H	Part 75 Pages 285-344	*
246.11(e)(1)	40 CFR Part 75	Part 75 Pages 204-466	*
246.11(e)(2)	40 CFR 75.34(a)(1)	Part 75 Pages 273-274	*

246.11(e)(2)(i)(‘a’)	40 CFR 75 Appendix B	Part 75 Pages 390-405	*
246.11(e)(2)(i)(‘b’)	40 CFR Part 75	Part 75 Pages 204-466	*
246.12	40 CFR 75.66	Part 75 Pages 320-323	*
246.13	40 CFR Part 75	Part 75 Pages 204-466	*

Regulation	Referenced Material	Availability
248-1.1(b)(7)	California Health and Safety Code, Section 39003 (2004)	**
		†
248-1.1(b)(9)	63 FR 59330-59334 (11/3/98)	+++
248-1.1(b)(18)	40 CFR Part 85, Subpart X (July 1, 2003)	*
248-3.1(a)	40 CFR Section 86.007-11 (January 1, 2006)	*
248-3.1(a)	California Code of Regulations, Title 13, Section 1956.8(a) (11/15/06)	***
248-3.1(f)(1)(i)	40 CFR Section 86.007-11 (January 1, 2006)	*
248-3.1(f)(1)(ii)	California Code of Regulations, Title 13, Section 1956.8(a)(2)(A) (11/15/06)	***
248-6.1(b)(1)(ii)(f)	40 CFR Section 86.007-11 (January 1, 2006)	*
249.2(g)	40 CFR Part 60.15(f)(1) through (3) (July 1, 2007)	*
252.3	California Code of Regulations, Title 13, Section 1965 (6-16-08)	** ***

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* Any volume of the *Code of Federal Regulations* (CFR) can be obtained by writing to the Superintendent of Documents, Attn: New Orders, P.O. Box 371954, Pittsburgh, PA 15250-7954. Copies of CFR sections may also be obtained at the National Archives and Records Administration, http://www.access.gpo.gov/nara/cfr/

** Available from Department of Environmental Conservation, Air Resources, 625 Broadway, Albany, NY 12233-3251.

*** Available from the California Code of Regulations website, http://ccr.oal.ca.gov

***+ Available from the California Air Resources website, http://www.arb.ca.gov/homepage.htm

**** Available from ASTM, 100 Barr Harbor Drive, West Conshohocken, PA, USA 19428-2959, or at the ASTM website, http://www.astm.org/

***** Available from New York State Department of Motor Vehicles, Technical Services Bureau, Swan Street Building, Empire State Plaza, Albany, NY 12228.
****** Available from National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.

******* Available from Department of Health and Human Services, National Toxicology Program, Central Data Management, P.O. Box 12233, MxDxAO-01, Research Triangle Park, NC 27709.

******** Available from SAE, 400 Commonwealth Drive, Warrendale, PA 15096-0001.

********* Available from Source Characterization Group A (MD-19), Emission Monitoring and Analysis Division, Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, N.C. 27711.

† Available from the California Law website, http://www.leginfo.ca.gov/calaw.html

†† Available from California Air Resources Board website, http://www.arb.ca.gov

††† Available from the Document Automation and Production Service, Building 4/D, 700 Robbins Avenue, Philadelphia, PA 19111-5094 or at the DAPS website, http://astimage.daps.dla.mil/quicksearch/

†††† Available from the South Coast Air Quality Management District, 21865 East Copley Drive, Diamond Bar, CA 91765-4182 or at the SCAQMD website: http://www.aqmd.gov/

++ 5-24-02 is the Office of Administrative Law approval date and document is available at http://www.arb.ca.gov/homepage.htm

+++ Available from the U.S. Government Printing Office website, http://www.gpoaccess.gov/fr/index.html
Section 200.10 Federal standards and requirements.

Available from Department of Environmental Conservation, Air Resources, 625 Broadway, Albany, NY 12233-3251 or from the Energy Star website at http://www.energystar.gov

Section 200.10 Federal standards and requirements.

(a) As indicated by a * on the lists, the United States Environmental Protection Agency has delegated authority to the New York State Department of Environmental Conservation to issue permits in accordance with Part 201 of this Title, for many sources subject to New Source Performance Standards (NSPS) or National Emission Standards for Hazardous Air Pollutants (NESHAPS). In order to comply with title V of the act, the department has incorporated by reference the Federal regulations listed below in tables 2, 3, 4 and 5 (see section 200.9 of

this Part for a listing of all incorporated materials). By doing so, the department has the authority to include these applicable requirements in permits of emission sources subject to such requirements and to enforce such requirements. Copies of Federal regulations are available for public inspection and copying at the New York State Department of Environmental Conservation, Division of Air Resources, 625 Broadway, Albany, NY 12233. Also, any current volume of the Code of Federal Regulations (CFR) can be obtained by writing to the Superintendent of Documents, Attn.: New Orders, P.O. Box 371954, Pittsburgh, PA 15250-7954. New or revised Federal rules are published in the *Federal Register*, available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(b) *Table 2*.

Table 2
Delegated Federal New Source Performance Standards of 40 CFR 60

40 CFR 60 Subpart	*Source Category*	*Page numbers in July 1, 2003 Edition of 40 CFR 60 or Federal Register Citation*
Cb	Large Municipal Waste Combustors That Are Constructed on or Before September 20, 1994	71 FR 27324-27348 May 10, 2006
Cc	Municipal Solid Waste Landfills	92-95
Cd	Sulfuric Acid Production Units	95
Ce	Hospital/Medical/Infectious Waste Incinerators	95-101
D*	Fossil-Fuel Fired Steam Generation for which Construction Commenced after August 17, 1971 (Steam Generators and Lignite Fired Steam Generators)	101-108
Da	Electric Utility Steam Generating Units for which Construction is Commenced after September 18, 1978	108-123
Db	Industrial-Commercial-Institutional Steam Generating Units (only for units which are subject to the certification requirements of Part 201 of this Title)	123-146
Dc	Small Industrial-Commercial-Institutional Steam	146-158

	Generating Units	
E*	Incinerators	158-159
Ea	Municipal Waste Combustors	158-174
Eb	Large Municipal Waste Combustors for Which Construction is Commenced After September 20, 1994 or for Which Modification or Reconstruction is Commenced After June 19, 1996	174-201
Ec	Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996	202-216
F*	Portland Cement Plants	216-218
G*	Nitric Acid Plants	218-220
H*	Sulfuric Acid Plants	220-222
I*	Asphalt Plants	222-223
J*	Petroleum Refineries	223-235
K*	Storage Vessels for Petroleum Liquids Constructed after June 11, 1973, and prior to May 19, 1978	235-237
Ka*	Storage Vessels for Petroleum Liquids Constructed after May 18, 1978 and prior to July 24, 1984	237-242
Kb	Volatile Organic Liquid Storage Vessels (Including Petroleum Liquids) Constructed after July 23, 1984	242-252
L*	Secondary Lead Smelters	252-253
M*	Secondary Brass and Bronze Ingot Production Plants	253
N*	Iron and Steel Plants	254-256

Na	Secondary Emissions from Basic Oxygen Process Steelmaking Facilities	256-260
O*	Sewage Treatment Plants	260-264
P*	Primary Copper Smelters	265-267
Q*	Primary Zinc Smelters	267-269
R*	Primary Lead Smelters	269-271
S*	Primary Aluminum Reduction Plants	271-273
T*	Phosphate Fertilizer Industry: Wet Process Phosphoric Acid Plants	273-274
U*	Phosphate Fertilizer Industry: Superphosphoric Acid Plants	274-276
V*	Phosphate Fertilizer Industry: Diammonium Phosphate Plants	276-277
W*	Phosphate Fertilizer Industry: Triple Superphosphate Plants	277-278
X*	Phosphate Fertilizer Industry: Granular Triple Superphosphate	279-280
Y*	Coal Preparation Plants	280-282
Z*	Ferroalloy Production Facilities	282-286
AA*	Steel Plants: Electric Arc Furnaces	286-292
AAa*	Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels in Steel Plants	292-298
BB*	Kraft Pulp Mills	298-303
CC*	Glass Manufacturing Plants	303-306

DD*	Grain Elevators	307-309
EE*	Surface Coating of Metal Furniture	309-314
GG*	Stationary Gas Turbines	315-319
HH*	Lime Plants	319-321
KK*	Lead Acid Battery Manufacturing Plants	321-323
LL*	Metallic Mineral Processing Plants	323-326
MM*	Automobile and Light-Duty Truck Surface Coating Operations	326-339
NN*	Phosphate Rock Plants	339-341
PP*	Ammonium Sulfate Manufacturing Plants	341-343
QQ*	Graphic Art Industry Publication Rotogravure Printing	343-351
RR*	Pressure Sensitive Tape and Label Surface Coating Operations	351-356
SS*	Industrial Surface Coating: Large Appliances	356-362
TT*	Metal Coil Surface Coating	362-369
UU*	Asphalt Processing and Asphalt Roofing Manufacture	370-373
VV	Equipment Leaks of VOC in Synthetic Organic Chemicals Manufacturing Industry	373-391
WW*	Beverage Can Surface Coating	391-397
XX*	Bulk Gasoline Terminals	397-401
AAA	New Residential Wood Heaters	401-419
BBB	Volatile Organic Compound (VOC) Emissions from the Rubber Tire Manufacturing Industry	419-436
DDD	Volatile Organic Compound (VOC) Emissions from	416-464

	the Polymer Manufacturing Industry	
FFF*	Flexible Vinyl and Urethane Coating and Printing	464-469
GGG	Equipment Leaks of VOC in Petroleum Refineries	469-470
HHH	Synthetic Fiber Production Facilities	470-473
III	Volatile Organic Compound (VOC) Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Processes	473-486
JJJ*	Petroleum Dry Cleaning	486-488
KKK	Equipment Leaks of VOC from Onshore Natural Gas Processing Plants	489-492
LLL*	Onshore Natural Gas Processing: SO_2 Emissions	492-500
NNN	Volatile Organic Compound (VOC) Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations	500-516
OOO*	Nonmetallic Mineral Processing	516-523
PPP*	Wool Fiberglass Insulation Manufacturing	523-525
QQQ	VOC Emissions from Petroleum Refinery Wastewater Systems	525-536
RRR	VOC Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes	536-552
SSS	Magnetic Tape Coating Facilities	552-569
TTT	Surface Coating of Plastic Parts for Business Machines	569-573
UUU	Calciners and Dryers in Mineral Industries	573-574
VVV	Polymeric Coating of Supporting Substrates Facilities	574-576

WWW	Municipal Solid Waste Landfills	590-609
AAAA	Standards of Performance for Small Municipal Waste Combustion Units for Which Construction is Commenced After August 30, 1999 or for Which Modification or Reconstruction is Commenced After June 6, 2001	609-640
BBBB	Emission Guidelines and Compliance Times for Small Municipal Waste Combustion Units Constructed on or before August 30, 1999	640-672
CCCC	Standards of Performance for Commercial and Industrial Solid Waste Incineration Units for Which Construction is Commenced After November 30, 1999 or for Which Modification or Reconstruction is Commenced on or After June 1, 2001	673-691
DDDD	Emissions Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units that Commenced Construction On or Before November 30, 1999	692-713
EEEE and FFFF*	Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Other Solid Waste Incineration Units	70 FR 74870-74924 December 16, 2005
MMMM	Emission Guidelines and Compliance Times for Existing Sewage Sludge Incineration Units	60 FR 15429 -15454 March 21, 2011
Appendix A	Reference Methods I-29A	5-605 Appendices

Appendix B	Performance Specifications I-9	605-656 Appendices
Appendix C	Determination of Emission Rate Change	656-657 Appendices
Appendix D	Required Emission Inventory Information	657 Appendices
Appendix F	Quality Assurance Procedures	657-661 Appendices
Appendix G	Provisions for an Alternative Method of Demonstrating Compliance with 40 CFR 60.43 for the Newton Power Station of Central Illinois Public Service Company	661-666 Appendices
Appendix I	Removable Label and Owner's Manual	666-677 Appendices

(c) Table 3.

Table 3 National Emission Standards For Hazardous Air Pollutants

40 CFR 61 Subpart	*Source Category*	*Page Numbers in July 1, 2007 Edition of 40 CFR 61*
A	General Provisions	8-39
B	Radon Emissions from Underground Uranium Mines	39-41
C*	Beryllium	41-43
D*	Beryllium Rocket Motor Firing	43-44
E*	Mercury	44-50
F*	Vinyl Chloride	50-68
H	Emissions of Radionuclides Other Than Radon From Department of Energy Facilities	68-73
I	Radionuclide Emissions From Federal Facilities Other Than Nuclear Regulatory Commission Licensees and	73-79

	Not Covered by Subpart H	
J	Equipment Leaks (Fugitive Emission Sources) of Benzene	79
K	Radionuclide Emissions from Elemental Phosphorous Plants	79-82
L	Benzene Emissions From Coke By-Product Recovery Plants	82-94
M*	Asbestos	94-127
N	Inorganic Arsenic Emissions From Glass Manufacturing Plants	127-134
O	Inorganic Arsenic Emissions From Primary Copper Smelters	134-141
P	Inorganic Arsenic Emissions from Arsenic Trioxide and Metallic Arsenic Production Facilities	141-145
Q	Radon Emissions from Department of Energy Facilities	145
R	Radon Emissions from Phosphogypsum Stacks	145-151
T	Radon Emissions from the Disposal of Uranium Mill Tailings	151-154
V	Equipment Leaks (Fugitive Emission Sources)	154-169
W	Radon Emissions from Operating Mill Tailings	170-171
Y	Benzene Emissions From Benzene Storage Vessels	171-181
BB	Benzene Emissions from Benzene Transfer Operations	181-190
FF	Benzene Waste Operations	190-227
Appendix A	Compliance Status Information	228-234

Appendix B	Test Methods	234-318
Appendix C	Quality Assurance Procedures	319-321
Appendix D	Methods for Estimating Radionuclide Emissions	321-322
Appendix E	Compliance Procedures Methods for Determining Compliance with Subpart I	322-330

(d) Table 4.

Table 4 National Emission Standards for Hazardous Air Pollutants

40 CFR 63 Subpart	*Source Category*	*Page Number in July 1, 2009 Edition or Date of Promulgation & Federal Register Cite*
*A	General Provisions	11-74 Vol.1
*B	Requirements for Control Technology Determinations for Major Sources in Accordance with Clean Air Sections, Sections 112(g) and 112(j)	74-97 Vol. 1
*F	Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry	174-209 Vol. 1
*G	Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations and Wastewater	209-370 Vol. 1
*H	Organic Hazardous Air Pollutants for Equipment Leaks	370-411 Vol. 1
*I	Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulations for Equipment Leaks	411-421 Vol. 1

*L	Coke Oven Batteries	422-449 Vol. 1
*M	Perchloroethylene Air Emission Standards for Dry Cleaning Facilities	449-459 Vol. 1
*N	Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks	459-488 Vol. 1
*O	Ethylene Oxide Emissions Standards for Sterilization Facilities	488-503 Vol. 1
*Q	Industrial Process Cooling Towers	503-507 Vol. 1
*R	Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations)	507-520 Vol. 1
*S	Pulp and Paper Industry	521-553 Vol. 1
*T	Halogenated Solvent Cleaning	553-584 Vol. 1
*U	Group I Polymer and Resins	584-704 Vol. 1
*W	Epoxy Resins Production and Non-Nylon Polyamides Production	704-717 Vol. 1
*X	Secondary Lead Smelting	717-730 Vol. 1
*Y	Marine Tank Vessel Loading Operations	730-760 Vol. 1
*AA	Phosphoric Acid Manufacturing Plants	11-21 Vol. 2
*BB	Phosphate Fertilizers Production Plants	21-31 Vol. 2
*CC	Petroleum Refineries	31-93 Vol. 2
*DD	Off-Site Waste and Recovery Operations	93-146 Vol. 2
*EE	Magnetic Tape Manufacturing Operations	146-174 Vol. 2

*GG	Aerospace Manufacturing and Rework Facilities	174-226 Vol. 2
*HH	Oil and Natural Gas Production Facilities	226-263 Vol. 2
*II	Shipbuilding and Ship Repair (Surface Coating)	263-278 Vol. 2
*JJ	Wood Furniture Manufacturing Operations	279-307 Vol. 2
*KK	Printing and Publishing Industry	307-340 Vol. 2
*LL	Primary Aluminum Reduction Plants	340-360 Vol. 2
*MM	Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills	360-378 Vol. 2
*OO	Tanks-Level 1	378-383 Vol. 2
*PP	Containers	383-391 Vol. 2
*QQ	Surface Impoundments	391-397 Vol. 2
*RR	Individual Drain Systems	397-401 Vol. 2
*SS	Closed Vent Systems, Control Devices, Recovery Devices, and Routing to a Fuel Gas System or a Process	402-439 Vol. 2
*TT	Equipment Leaks - Control Level 1	439-461 Vol. 2
*UU	Equipment Leaks - Control Level 2 Standards	461-494 Vol. 2
*VV	Oil-Water Separators and Organic-Water Separators	494-502 Vol. 2
*WW	Storage Vessels (Tanks) - Control Level 2	503-509 Vol. 2
*XX	Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations	509-518 Vol. 2
*YY	Generic Maximum Achievable Control Technology Standards	518-579 Vol. 2

*CCC	Steel Pickling - HCl Process Facilities and Hydrochloric Acid Regeneration Plants	579-588 Vol. 2
*DDD	Mineral Wool Production	588-599 Vol. 2
*EEE	Hazardous Waste Combustors	9-115 Vol. 3
*GGG	Pharmaceuticals Production	115-226 Vol. 3
*HHH	Natural Gas Transmission and Storage Facilities	226-254 Vol. 3
*III	Flexible Polyurethane Foam Production	254-284 Vol. 3
*JJJ	Group IV Polymers and Resins	284-403 Vol. 3
*LLL	Portland Cement Manufacturing Industry	404-425 Vol. 3
*MMM	Pesticide Active Ingredient Production	425-506 Vol. 3
*NNN	Wool Fiberglass Manufacturing	507-522 Vol. 3
*OOO	Manufacture of Amino/Phenolic Resins	522-587 Vol. 3
*PPP	Polyether Polyols Production	587-665 Vol. 3
*QQQ	Primary Copper Smelting	27-51 Vol. 4
*RRR	Secondary Aluminum Production	51-94 Vol. 4
*TTT	Primary Lead Smelting	95-103 Vol. 4
*UUU	Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units	103-179 Vol. 4
*VVV	Publicly Owned Treatment Works	179-188 Vol. 4
*XXX	Ferroalloys Production: Ferromanganese and Silicomanganese	188-200 Vol. 4
*AAAA	Municipal Solid Waste Landfills	200-207 Vol. 4
*CCCC	Manufacturing of Nutritional Yeast	207-220 Vol. 4
*DDDD	Plywood and Composite Wood Products	220-262 Vol. 4

*EEEE	Organic Liquid Distribution (Non-Gasoline)	262-305 Vol. 4
*FFFF	Miscellaneous Organic Chemical Manufacturing	305-349 Vol. 4
*GGGG	Solvent Extraction For Vegetable Oil Production	349-374 Vol. 4
*HHHH	Wet-Formed Fiberglass Mat Production	374-389 Vol. 4
*IIII	Surface Coating of Automobiles and Light-Duty Trucks	389-449 Vol. 4
*JJJJ	Paper and Other Web Coating	449-481 Vol. 4
*KKKK	Surface Coating of Metal Cans	481-535 Vol. 4
*MMMM	Surface Coating of Miscellaneous Metal Parts and Products	536-590 Vol. 4
*NNNN	Surface Coating of Large Appliances	590-630 Vol. 4
*OOOO	Printing, Coating, and Dyeing of Fabrics and Other Textiles	630-694 Vol. 4
*PPPP	Surface Coating of Plastic Parts and Products	694-745 Vol. 4
*QQQQ	Surface Coating of Wood Building Products	745-789 Vol. 4
*RRRR	Surface Coating of Metal Furniture	789-831 Vol. 4
*SSSS	Surface Coating of Metal Coil	831-857 Vol. 4
*TTTT	Leather Finishing Operations	857-873 Vol. 4
*UUUU	Cellulose Products Manufacturing	873-922 Vol. 4
*VVVV	Boat Manufacturing	922-950 Vol. 4
*WWWW	Reinforced Plastic Composites Production	950-1009 Vol. 4
*XXXX	Rubber Tire Manufacturing	1009-1044 Vol. 4
*YYYY	Stationary Combustion Turbines	1044-1060 Vol. 4
*ZZZZ	Stationary Reciprocating Internal Combustion Engines	16-41 Vol. 5

*AAAAA	Lime Manufacturing Plants	42-65 Vol. 5
*BBBBB	Semiconductor Manufacturing	65-75 Vol. 5
*CCCCC	Coke Ovens: Pushing, Quenching, and Battery Stacks	75-102 Vol. 5
*EEEEE	Iron and Steel Foundries	155-186 Vol. 5
*FFFFF	Integrated Iron and Steel Manufacturing Facilities	186-210 Vol. 5
*GGGGG	Site Remediation	210-266 Vol. 5
*HHHHH	Miscellaneous Coating Manufacturing	266-290 Vol. 5
*IIIII	Mercury Emissions from Mercury Cell Chlor-Alkali Plants	290-317 Vol. 5
*LLLLL	Asphalt Processing and Asphalt Roofing Manufacturing	364-386 Vol. 5
*MMMMM	Flexible Polyurethane Foam Fabrication Operations	386-400 Vol. 5
*NNNNN	Hydrochloric Acid Production	16-33 Vol. 6
*PPPPP	Engine Test Cells/Stands	34-59 Vol. 6
*QQQQQ	Friction Materials Manufacturing Facilities	60-68 Vol. 6
*RRRRR	Taconite Iron Ore Processing	68-92 Vol. 6
*SSSSS	Refractory Products Manufacturing	92-141 Vol. 6
*TTTTT	Primary Magnesium Refining	141-153 Vol. 6
*WWWWW	Hospital Ethylene Oxide Sterilizers	153-157 Vol. 6
*YYYYY	Electric Arc Furnace Steelmaking Facilities	157-166 Vol. 6
*ZZZZZ	Iron and Steel Foundries Area Sources	166-187 Vol. 6
*BBBBBB	Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities	187-204 Vol. 6
*CCCCCC	Gasoline Dispensing Facilities	204-214 Vol. 6

*DDDDDD	Polyvinyl Chloride and Copolymers Production Area Sources	214-216 Vol. 6
*EEEEEE	Primary Copper Smelting Area Sources	216-228 Vol. 6
*FFFFFF	Secondary Copper Smelting Area Sources	229-233 Vol. 6
*GGGGGG	Primary Nonferrous Metals Area Sources – Zinc, Cadmium, and Beryllium	234-243 Vol. 6
*HHHHHH	Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources	243-257 Vol. 6
*LLLLLL	Acrylic and Modacrylic Fibers Production Area Sources	257-264 Vol. 6
*MMMMMM	Carbon Black Production Area Sources	264-265 Vol. 6
*NNNNNN	Chemical Manufacturing Area Sources: Chromium Compounds	265-275 Vol. 6
*OOOOOO	Flexible Polyurethane Foam Production and Fabrication Area Sources	275-279 Vol. 6
*PPPPPP	Lead Acid Battery Manufacturing Area Sources	279-282 Vol.6
*QQQQQQ	Wood Preserving Area Sources	282-286 Vol. 6
*RRRRRR	Clay Ceramics Manufacturing Area Sources	286-291 Vol. 6
*SSSSSS	Glass Manufacturing Area Sources	291-302 Vol. 6
*TTTTTT	Secondary Nonferrous Metals Processing Area Sources	302-307 Vol. 6
*WWWWWW	Plating and Polishing Operations	308-322 Vol. 6
*XXXXXX	Nine Metal Fabrication and Finishing Source Categories	322-340 Vol. 6
*YYYYYY	Ferroalloys Production Facilities	341-346 Vol. 6

*ZZZZZZ	Aluminum, Copper, and Other Nonferrous Foundries	346-356 Vol. 6
*Appendix A	Test Methods	357-556 Vol. 6
*Appendix B	Sources Defined for Early Reduction Provisions	557 Vol. 6
*Appendix C	Determination of the Fraction Biodegraded (F_{bio}) in a Biological Treatment Unit	557-588 Vol. 6
*Appendix D	Alternative Validation Procedure For EPA Waste and Wastewater Methods	588-589 Vol. 6
*Appendix E	Monitoring Procedure For Nonthoroughly Mixed Open Biological Treatment Systems at Kraft Pulp Mills Under Unsafe Sampling Conditions	589-601 Vol. 6

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(e) *Table 5.*

Table 5 Miscellaneous Federal Regulations that are Applicable Requirements
(*Those that are delegated)

Federal Register or CFR Cite	*Regulation*	*Page Number in July 1, 2003 Edition of CFR*
40 CFR Part 52	Prevention of Significant Deterioration of Air Quality	14-51 July 1, 2009
40 CFR Part 72	Permits Regulation	5-90
40 CFR Part 73	Sulfur Dioxide Allowance System	91-177
40 CFR Part 74	Sulfur Dioxide Opt-ins	177-204
40 CFR Part 75	Continuous Emissions Monitoring	204-466 July 1, 2006
40 CFR Part 76	Acid Rain Nitrogen Oxides Emission Reduction Program	438-463
40 CFR Part 77	Excess Emissions	463-469
40 CFR Part 78	Appeal Procedures for Acid Rain Program	469-479

40 CFR Part 82	Subpart A - Production and Consumption Controls	326-392
40 CFR Part 82	Subpart B - Servicing of Motor Vehicle Air Conditioners	392-421
40 CFR Part 82	Subpart C - Ban on Nonessential Products Containing Class I Substances and Ban on Nonessential Products Containing or Manufactured with Class II Substances	421-426
40 CFR Part 82	Subpart E - The Labelling of Products using Ozone Depleting Substances	427-438
40 CFR Part 82	Subpart F - Zone; Recycling and Emissions Reduction	438-480

PART 201

PERMITS AND REGISTRATIONS

SUBPART 201-1

GENERAL PROVISIONS

Section 201-1.1 Purpose and applicability.

(a) *Purpose*. The purpose of this Part is to require owners and/or operators of air contamination sources to obtain a permit or registration certificate from the department for the operation of such sources.

(b) *Applicability*. This Part applies throughout New York State. Unless specifically exempted pursuant to Subpart 201-3 of this Part, owners and/or operators of air contamination sources must comply with this Part. Owners and/or operators of major stationary sources subject to Subpart 201-6 of this Part must obtain a Title V facility permit. Owners and/or operators of other emission sources must either register, pursuant to Subpart 201-4 of this Part, or obtain a State facility permit pursuant to Subpart 201-5 of this Part. Owners and/or operators of emission sources subject to applicable requirements, or the requirement to obtain a Title V facility permit, may request limitations on such source's potential to emit regulated air pollutants in accordance with Subpart 201-7 of this Part, in order to avoid such requirements.

Section 201-1.2 Unpermitted emission sources.

If an existing emission source was subject to the permitting requirements of Part 201 of this Title at the time of construction or modification, and the owner and/or operator failed to apply for a permit for such emission source then the following provisions apply:

(a) The owner and/or operator must apply for a permit for such emission source or register the facility in accordance with the provisions of this Part.

(b) The emission source or facility is subject to all regulations that were applicable to it at the time of construction or modification and any subsequent requirements applicable to existing sources or facilities.

Section 201-1.3 Change in ownership.

A title V facility permit, State facility permit, general permit or registration certificate is valid only for the emission unit(s), owner and/or operator, facility, mode of operation and special conditions stated in the application, permit or registration. The owner and/or operator can transfer the permit or registration certificate to a new owner and/or operator if the mode of operation and emissions do not change. Permit transfers are subject to the procedures established under Part 621 of this Title.

Section 201-1.4 Unavoidable noncompliance and violations.

At the discretion of the commissioner, a violation of any applicable emission standard for necessary scheduled equipment maintenance, start-up/shutdown conditions and malfunctions or upsets may be excused if such violations are unavoidable. The following actions and recordkeeping and reporting requirements must be adhered to in such circumstances.

(a) The facility owner and/or operator shall compile and maintain records of all equipment maintenance or start-up/shutdown activities when they can be expected to result in an exceedance of any applicable emission standard, and shall submit a report of such activities to the commissioner's representative when requested to do so in writing or when so required by a condition of a permit or certificate issued for the corresponding air contamination source. Such reports shall describe why the violation was unavoidable and shall include the time,

frequency and duration of the maintenance and/or start- up/shutdown activities and the identification of air contaminants, and the estimated emission rates. If a facility owner and/or operator is subject to continuous stack monitoring and quarterly reporting requirements, he need not submit reports for equipment maintenance or start-up/shutdown for the facility to the commissioner's representative.

(b) In the event that emissions of air contaminants in excess of any emission standard in this Subchapter occur due to a malfunction, the facility owner and/or operator shall report such malfunction by telephone to the commissioner's representative as soon as possible during normal working hours, but in any event not later than two working days after becoming aware that the malfunction occurred. Within 30 days thereafter, when requested in writing by the commissioner's representative, the facility owner and/or operator shall submit a written report to the commissioner's representative describing the malfunction, the corrective action taken, identification of air contaminants, and an estimate of the emission rates.

(c) The department may also require the owner and/or operator to include in reports described under subdivisions (a) and (b) of this section an estimate of the maximum ground level concentration of each air contaminant emitted and the effect of such emissions depending on the deviation of the malfunction and the air contaminants emitted.

(d) In the event of maintenance, start-up/shutdown or malfunction conditions which result in emissions exceeding any applicable emission standard, the facility owner and/or operator shall take appropriate action to prevent emissions, which will result in contravention of any applicable ambient air quality standard. Reasonably available control technology, as determined by the commissioner, shall be applied during any maintenance, start-up/shutdown or malfunction condition subject to this subdivision.

Section 201-1.5 Emergency defense.

An emergency constitutes an affirmative defense to an action brought for noncompliance with emission limitations or permit conditions for all facilities in New York State.

(a) The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) an emergency occurred and that the facility owner and/or operator can identify the cause(s) of the emergency;

(2) the equipment at the permitted facility causing the emergency was at the time being properly operated;

(3) during the period of the emergency the facility owner and/or operator took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and

(4) the facility owner and/or operator notified the department within two working days after the event occurred. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

(b) In any enforcement proceeding, the facility owner and/or operator seeking to establish the occurrence of an emergency has the burden of proof.

(c) This provision is in addition to any emergency or upset provision contained in any applicable

requirement.

Section 201-1.6 Public participation.

Local and Federal government, affected State and public participation in permit proceedings will be provided for in accordance with procedures established in Part 621, Uniform Procedures, of this Title unless otherwise provided for in this Part.

Section 201-1.7 Recycling and salvage.

Where practical, any person who owns or operates an air contamination source shall recycle or salvage air contaminants collected in an air cleaning device according to the requirements of this Title.

Section 201-1.8 Prohibition of reintroduction of collected contaminants to the air.

No person shall unnecessarily remove, handle, or cause to be handled, collected air contaminants from an air cleaning device for recycling, salvage or disposal in a manner that would reintroduce them to the outdoor atmosphere.

Section 201-1.9 Delegation of program.

(a) The department may delegate permitting and/or enforcement of this Part and other Parts of this Title to a city or county. In order for the city or county to qualify for delegation, the department must:

(1) determine that the city or county has:

(i) enacted local laws, ordinances and regulations consistent with the relevant requirements of this Title;

(ii) the staff resources and expertise necessary to implement the program to be delegated; and

(2) obtain any approval necessary for such delegation from the administrator;

(3) publish notice of approval in the *Environmental Notice Bulletin*, which approval is in effect upon the date of such publication.

(b) The department shall withdraw delegation when a city or county program no longer complies with the requirements of this Title, and the city or county fails to take corrective action within 30 days of being so advised by the department.

(1) Such circumstances for the department to withdraw delegation include the following:

(i) failure of the city or county to promulgate new laws, ordinances and regulations as necessary to be consistent with the relevant requirements of this Title;

(ii) the city or county fails to exercise control over activities required to be regulated pursuant to delegation, including failure to issue permits;

(iii) repeated issuance of permits that do not comply with the relevant requirements of this Title;

(iv) failure to comply with the public participation requirements of this Title;

(v) failure to act on violations of permits or other delegated program requirements;

(vi) failure to seek adequate enforcement penalties or to collect administrative fines when imposed;

(vii) failure to inspect and monitor activities subject to delegation.

(2) Notice of the department's withdrawal of delegation shall be printed in the *Environmental Notice Bulletin* and the delegation will cease to be in effect 30 days following publication of such notice.

Section 201-1.10 Public access to recordkeeping.

(a) Where emission source owners and/or operators keep records pursuant to compliance with the operational flexibility requirements of section 201- 5.4(b)(1) of this Part, and/or the emission capping requirements of sections 201-7.2(d), 201-7.3(f), (g), (h)(5), (i) and (j) of this Part, the department will make such records available to the public upon request in accordance with Part 616 - Public Access to Records of this Title. Emission source owners and/or operators must submit the records required to comply with the request within 60 working days of written notification by the department of receipt of the request.

(b) For facilities subject to Subpart 201-6 of this Part, the department will make available to the public any permit application, compliance plan, permit, and monitoring and compliance certification report pursuant to section 503(e) of the act, except for information entitled to confidential treatment pursuant to 6 NYCRR Part 616 - Public Access to Records and section 114(c) of the act.

SUBPART 201-2

DEFINITIONS

Section 201-2.1 Definitions.

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

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

(1) *12-month period*. A period of 12 consecutive months determined on a rolling basis where a new 12-month period begins on the first day of each calendar month.

(2) *Actual emissions*. Those emissions resulting from normal daily operations, verifiable by operating records or other compliance monitoring activities, averaged over the prior two years or some other more representative time interval, justified by the applicant to the department's satisfaction.

(3) *Affected source*. A stationary source that includes one or more fossil fuel fired combustion units ("affected" units) that are subject to emission reduction requirements or limitations established in accordance with the Federal Acid Rain Program under title IV of the act.

(4) *Affected states*. All states and tribal lands:

(i) whose air quality may be affected and that are contiguous to the state where the major stationary source is located for which a title V facility permit, permit modification or permit renewal is being proposed; or

(ii) that are within 50 miles of such major stationary source.

(5) *Applicable requirement*. A standard or other requirement in State or Federal regulations required under the act as it applies to an emissions unit or emission source, including requirements that have been promulgated or approved by EPA through rule making at the time of issuance of a permit but have future effective compliance dates. Applicable requirements that are in Federal regulations are listed in Table 200.10 of Part 200 of this Title. Applicable requirements generally include the following:

(i) any standard or other requirement approved in the New York State Implementation Plan (SIP) that is effective at the time of permit issuance;

(ii) any term or condition of any preconstruction permits issued pursuant to the requirements of title I of the act, including the Federal Prevention of Significant Deterioration (PSD) Program or new source review in nonattainment areas, pursuant to Part 231 of this Title that are required under the Clean Air Act or are taken by a source to avoid an applicable requirement;

(iii) any standard or requirement promulgated to control emissions under section 111 of the act (including the New Source Performance Standards or NSPS);

(iv) any standard or other requirement promulgated under section 112 of the act, including any requirement to control the accidental release of regulated substances, pursuant to section 112(r)(7) of the act;

(v) any standard, regulation or other requirement of the Acid Rain Program under title IV of the act;

(vi) any compliance assurance requirements established pursuant to section 504(b) or section 114(a)(3) of the act;

(vii) any standard, regulation or other requirement governing municipal solid waste incineration and hospital/medical/infectious waste incineration promulgated under section 129 of the act;

(viii) any standard, regulation or other requirement promulgated to protect stratospheric ozone under title VI of the act unless the administrator has determined that such requirements need not be contained in a permit issued under this Part;

(ix) any standard or other requirement of the program to control air pollution from outer continental shelf facilities under section 328 of the act;

(x) any national ambient air quality standard, increment, or visibility requirement under title 1, part C of the act, but only as it would apply to portable operations;

(xi) a standard or other requirement for consumer and commercial products, under section 183(e) of the act; and

(xii) a standard or other requirement for tank vessels, under section 183(f) of the act.

(6) *Area source*. For the purposes of title V permitting, any stationary source of hazardous air pollutants that is not a major stationary source. For the purposes of this Part, the term area source shall not include motor vehicles or non-road vehicles.

(7) *Certificate of representation.* The completed and signed submission required by 40 CFR part72.20

for certifying the appointment of a designated representative of an affected source or a group of identified affected sources authorized to represent the owners and operator(s) of such sources and of the affected units of such source(s) with regard to matters under the Acid Rain Program.

(8) *Compliance assurance monitoring*. When required under the act, the methodology used by an owner or operator to detect deviations with sufficient accuracy, precision, reliability, frequency and timeliness in order to determine compliance during a reporting period. Compliance assurance monitoring is used for the purpose of demonstrating compliance with the federally enforceable terms and conditions of a title V facility permit and shall meet the requirements promulgated pursuant to Clean Air Act, sections 504(b) and 114(a)(3).

(9) *Construction*. The initiation of physical on-site construction activities which are of a permanent nature excluding site clearing and excavation. Such activities include, but are not limited to, installation of building supports and foundations, laying underground pipework and construction of permanent storage structures.

(10) *Draft permit*. The version of a permit offered for public and affected State review under this Part and Part 621 of this Title.

(11) *Designated representative*. A responsible natural person or official authorized by the owner and operator of an "affected source" and of all affected units at such source as evidenced by a certificate of representation submitted in accordance with subpart B of 40 CFR part 72, to represent and legally bind each owner and operator, as a matter of Federal law, in matters pertaining to the Acid Rain Program. Whenever the term *responsible official* is used in this Part or in any other regulations implementing title V of the act, it

shall be deemed to refer to the "designated representative" with regard to all matters under title IV of the act.

(12) *Emergency*. Any situation arising from sudden and reasonably unforeseeable events beyond the control of the owner and/or operator of a facility, including acts of God, which situation requires immediate corrective action to restore normal operation and which causes the emission source to exceed a technology-based requirement under the permit or State- established emission limitations, due to unavoidable increases in emissions attributable to the situation. An emergency shall not include situations caused by improperly designed equipment, lack of preventive maintenance, careless or improper operation, or operator error.

(13) *Emission cap*. A federally enforceable limit, term, or condition imposed by a permit, or through regulation, that restricts emissions for the purpose of avoiding an applicable requirement to which the stationary source would otherwise be subject, to establish enforceable emission reductions or to avoid the requirement to obtain a title V facility permit. An emission cap can be facility-wide or limited to one or more emission units.

(14) *Emissions unit*.

(i) Any part or activity of a stationary source that emits or has the potential to emit any regulated air pollutant. An emission unit is represented as a grouping of processes for any one of the following:

(a) a single emission point; or

(b) a group of emission points provided that the appropriate compliance assurance methods can be demonstrated to the satisfaction of the department; or

(c) a facility-wide process that cannot be reasonably associated with one emission point or a

group of emission points.

(ii) In defining an emission unit, the following applies:

(a) A defined emission source can only be cited in one emission unit.

(b) A defined emission point can only be cited in one emission unit.

(c) A defined emission point can only be cited in one issued permit.

(d) A defined emission unit can only be cited in one issued permit.

This term is not meant to alter or affect the definition of the term unit for the purpose of regulating stationary sources subject to title IV of the act.

(15) *Final permit*. The permit issued by the department that has been subject to all applicable review procedures required by this Title.

(16) *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.

(17) *Furnace*. Any device (excluding internal combustion engines and gas turbines) that combusts fossil fuel and/or wood for any purpose and whose emissions to the outside atmosphere only include the products of combustion from fossil fuels and/or wood.

(18) *General permit*. A permit that may be used to authorize the construction and/or operation of numerous uniform or similar emission source types or categories as an alternative to individual project-specific permitting. General permits may authorize a whole facility or one or more processes or emission units at a facility.

(19) *Generally available control technology or GACT*. Control techniques that are generally available for the reduction and minimization of emissions through the application of control equipment, work practices, efficient process design, or best management practices, considering environmental, energy and economic impact.

(20) *Laboratory operations*. A workplace where small quantities of chemicals are used for research and development, analytical testing or other support services. Equipment in laboratory operations is designed such that it is easily and safely handled by one person. Exhaust equipment such as hoods, elephant trunks and lab scale vacuum aspirator systems are used for capturing gases and/or particulate from equipment such as, but not limited to, atomic absorption, gas chromatographs, liquid pouring or mixing stations, reactors and heat sources. Laboratory operations do not include those workplaces whose primary purpose is to produce commercial quantities of materials.

(21) Major stationary source or major source or major facility. Any stationary source or any group of stationary sources, any source or any group of sources, or any facility or any group of facilities, that are located on one or more contiguous or adjacent properties and are under common control, belonging to a single major industrial grouping and that are described in subparagraph (i), (ii), (iv), or (v) of this paragraph. For the purposes of this definition, ‘a stationary source, source’, or ‘facility’ or ‘group of stationary sources, sources’, or ‘facilities’ shall be considered part of a single industrial grouping if all of the air pollutant or air

contaminant emitting activities at such stationary source, source, or facility, or any group of stationary sources, sources, or facilities on contiguous or adjacent properties belong to the same major group ('i.e.', all have the same two-digit code), as described in the 'Standard Industrial Classification Manual', 1987. Stand alone or common wall residential housing units including compatible commercial activities, which are not regulated by other applicable requirements, where the potential to emit for individual associated combustion or emission sources are below major stationary source, major source, or major facility applicability thresholds (notwithstanding that the sum of these individual combustion or emission sources could exceed major stationary source, major source, or major facility applicability thresholds) shall not be considered a major stationary source, major source, or major facility.

(i) Except as otherwise expressly provided in this paragraph, a stationary source, source, or facility that directly emits or has the potential to emit, 100 tons per year (tpy) or more of any air pollutant or air contaminant regulated under the act except for greenhouse gases (including any stationary source, source or facility which emits only fugitive emissions, of any such pollutant or contaminant, as determined through regulation by the administrator). For greenhouse gases, a stationary source, source, or facility that directly emits or has the potential to emit 100 tpy or more, and 100,000 tpy or more of CO_2 equivalents. Fugitive emissions shall not be considered in determining whether a stationary source, source, or facility is major unless it belongs to one of the source categories identified in subparagraph (iii) of this paragraph.

(ii) For hazardous air pollutants other than radionuclides, a stationary source, source, or facility that emits or has the potential to emit, in the aggregate, 10 tpy or more of any hazardous air pollutant as defined in Part 200 of this Title (including any fugitive emissions of such pollutant), 25 tpy or more of any combination of such hazardous air pollutants (including any fugitive emissions of such pollutants),

or such lesser quantity as the administrator may establish by rule. For radionuclides the meaning of major stationary source, major source, or major facility shall be specified by the administrator by rule. Notwithstanding the preceding sentence, emissions from any oil or gas exploration or oil and gas production well (with its associated equipment) and the emissions from any pipeline compressor station or pump station shall not be aggregated with emissions from other units, whether or not such units are in a contiguous area or under common control, to determine whether such units or stations are major stationary sources, major sources, or major facilities.

(iii) source category list:

(‘a’) coal cleaning plants (with thermal dryers);

(‘b’) kraft pulp mills;

(‘c’) portland cement plants;

(‘d’) primary zinc smelters;

(‘e’) iron and steel mills;

(‘f’) primary aluminum ore reduction plants;

(‘g’) primary copper smelters;

(‘h’) municipal incinerators capable of charging more than 50 tons of refuse per day;

(‘i’) hydrofluoric, sulfuric, or nitric acid plants;

(‘j’) petroleum refineries;

(‘k’) lime plants;

(‘l’) phosphate rock processing plants;

(‘m’) coke oven batteries;

(‘n’) sulfur recovery plants;

(‘o’) carbon black plants (furnace process);

(‘p’) primary lead smelters;

(‘q’) fuel conversion plants;

(‘r’) sintering plants;

(‘s’) secondary metal production plants;

(‘t’) chemical process plants (excluding ethanol production facilities that produce ethanol by natural fermentation included in NAICS codes 325193 or 312140);

(‘u’) fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input;

(‘v’) petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;

(‘w’) taconite ore processing plants;

(‘x’) glass fiber processing plants;

(‘y’) charcoal production plants;

(‘z’) fossil-fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input; or

(‘aa’) all other source categories regulated by a standard under section 111 or section 112 of the act.

(iv) A stationary source, source, or facility that is located in a nonattainment area or an attainment area of the State within the ozone transport region where the stationary source, source, or facility potential to emit equals or exceeds the emissions thresholds (in tpy) identified in clause (‘a’),

(‘b’), (‘c’), (‘d’), or (‘e’) of this subparagraph. Fugitive emissions shall not be considered in determining whether a stationary source, source, or facility is major unless it belongs to one of the source categories listed in subparagraph (iii) of this paragraph.

(a) For areas classified as marginal or moderate ozone nonattainment, any stationary source, source, or facility with the potential to emit 100 tpy or more of oxides of nitrogen (NO_x) or 50 tpy or more of volatile organic compounds (VOC).

(b) For areas classified as severe ozone nonattainment, any stationary source, source, or facility with the potential to emit 25 tpy or more of NO_x or VOC.

(c) For attainment areas of the State within the ozone transport region, any stationary source, source, or facility with the potential to emit 100 tpy or more of NO_x or 50 tpy or more of VOC.

(d) For areas classified as moderate PM-10 nonattainment, any stationary source, source, or facility with the potential to emit 100 tpy or more of PM-10.

(e) For areas classified as PM-2.5 nonattainment, any stationary source, source, or facility with the potential to emit 100 tpy or more of PM-2.5.

(v) For purposes of determining the applicability of Part 231 of this Title with respect to prevention of significant deterioration (PSD) requirements only, a stationary source, source, or facility located in an attainment area of the State where the stationary source, source, or facility potential to emit

of any attainment contaminant regulated under the act, except for greenhouse gases, equals or exceeds 250 tpy, or equals or exceeds 100 tpy if the stationary source, source, or facility belongs to one of the source categories listed in clauses (iii)('a') through ('z') of this paragraph. For greenhouse gases, a stationary source, source, or facility that directly emits or has the potential to emit 100 or 250 tpy or more, as applicable, and 100,000 tpy or more of CO_2 equivalents. Fugitive emissions shall not be considered in determining whether a stationary source, source, or facility is major unless it belongs to one of the source categories listed in subparagraph (iii) of this paragraph.

(22) *Malfunction* shall mean any sudden and unavoidable failure of an air cleaning device or air contamination source to operate in compliance with all applicable Parts of this Title, and shall not include failures that are caused entirely or partially by poor maintenance, careless operation, or other preventable condition.

(23) *Permit shield*. A provision the department includes in a Title V facility permit that compliance with conditions of the permit shall be deemed compliance with the applicable requirements of the act as of the date of permit issuance, provided that the applicable requirements are specifically identified in the permit, or the department determines, in writing, when approving the permit, that other requirements specifically identified do not apply to the facility.

(24) *Portable source*. A stationary source with operations that are portable in nature and that will be moved from one location to another without a deterioration in the effectiveness of any air pollution control equipment.

(25) *Proposed permit*. The version of a permit that the department proposes to issue and forwards to

the administrator for review.

(26) *Renewal.* The reissuance, recertification or extension of any permit for previously approved activities which will be continued on the same site without material change.

(27) *Research and development activities*. The primary purpose of such activities is to conduct research and development into processes and products, where such activities are conducted under the close supervision of technically trained personnel. Research and development activities shall not include activities whose primary purpose is to produce commercial quantities of materials.

(28) *Responsible official*. A president, vice president, secretary, treasurer, general partner, proprietor, principal executive officer, ranking elected official, or any other person who performs policy or decision making functions and is authorized to legally bind a corporation, partnership, sole proprietorship, or government entity which operates a facility that is subject to the provisions of this Part. Whenever the term responsible official is used in this Part or in any other regulations implementing title V of the act, it shall be deemed to refer to the "designated representative" with regard to all matters under title IV of the act.

(29) *Temporary operation*. An emission unit that will be built and operated for less than 30 days per calendar year.

(30) *Title V facility permit*. Permit for a facility or a defined area source, group, or category of emission units at a facility that is issued by the department pursuant to Subpart 201-6 of this Part.

(31) *Title V facility permit modification.* A revision to a title V facility permit that meets the

requirements of section 201-6.7 (c) and (d) of this Part and Part 621 of this Title.

(32) *Title V facility permit revision*. Any modification or administrative amendment to a title V facility permit as defined in Subpart 201-6 of this Part.

SUBPART 201-3

EXEMPTIONS AND TRIVIAL ACTIVITIES

Section 201-3.1 Applicability.

(a) *State regulated sources exempt from permit*. An owner and/or operator of any of the exempt or trivial activities listed in this Subpart is exempt from the registration and permitting provisions of Subparts 201-4 and 201-5 of this Part respectively, but not from other Parts of this Title, or from applicable registration and/or permitting requirements of local air pollution control agencies.

(b) *Exempt and trivial activities at title V sources*. Owners and/or operators of stationary sources subject to Subpart 201-6 of this Part may consider the activities listed under section 201-3.2 of this Subpart to be exempt activities unless such activities are subject to an applicable requirement. Exempt activities must be listed in the title V permit application but are exempt from the provisions of this Part. Trivial activities listed under section 201-3.3 of this Subpart are exempt from the provisions of this Part and do not have to be listed in the title V permit application. Exempt and trivial activities may be subject to other Parts of this Title. Trivial activities that are subject to an applicable requirement are not exempt from this Part.

(c) *Prohibition on exempting sources subject to title V and new source review*. Except as provided under

such air program requirements, no source owner and/or operator may omit emissions from exempt or trivial activities from emission calculations to determine if a stationary source is subject to:

(1) title V facility permitting; and/or

(2) new source review pursuant to Part 231 of this Title; and/or

(3) prevention of significant deterioration as incorporated by reference in Part 200 of this Title.

(d) *Currently permitted emission units*. Owners and/or operators of emission sources or units operating pursuant to valid certificates to operate that are eligible for exemption pursuant to this Subpart will be exempted as of the effective date of this Part.

(e) *Permits for previously exempted emission units*. The owner and/or operator of a source or unit that was exempt under a repealed version of this Part but that is no longer exempt must submit an application for a permit, or register within 12 months of the promulgation of this Part, or in accordance with specific deadlines which may be established in other regulations under this Title for previously exempted sources.

Section 201-3.2 Exempt activities.

(a) *Proof of eligibility*. (1) The owner and/or operator of an emission source or unit that is eligible to be exempt may be required to certify that it operates within the specific criteria described in this Subpart. The owner or operator of any such emission source must maintain all required records on-site for a period of five years and make them available to representatives of the department upon request. Department representatives must be granted access to any facility which contains emission sources or units subject to this Subpart, during normal operating hours, for the purpose of determining compliance with this and any other State and Federal air

pollution control requirements, regulations, or law.

(b) *Maintenance of control equipment*. The owner and/or operator of any emission source or unit that is eligible to be exempt on the basis of the use of appropriate emission control devices shall operate and maintain such devices in a manner consistent with good engineering practices. Failure to do so constitutes a violation of this Part.

(c) The category headings used in the following listing of exemptions are strictly for organizational purposes and are not intended to be definitive. The following activities are exempt from permitting requirements at non-title V facilities, but must be included in title V facility permit applications:

Combustion

(1) Stationary or portable combustion installations where the furnace has a maximum rated heat input capacity less than 10 million Btu/hr burning fossil fuels, other than coal, and coal and wood fired stationary combustion units with a maximum heat input less than 1 million Btu/hr. This exemption includes unit space heaters, which burn waste oil as defined in 6 NYCRR Subpart 225-2 and generated on-site, alone or in conjunction with used oil generated by a do-it-yourself oil changer as defined in 6 NYCRR Subpart 374-2.

(2) Stationary or portable combustion installations where the furnace has a maximum rated heat input capacity less than 10 million Btu/hr burning fossil fuels other than coal.

(3) Stationary or portable internal combustion engines which meet the following criteria:

(i) are diesel or natural gas powered, and located within any severe ozone nonattainment area, and

have maximum mechanical power rating of less than 200 brake horsepower; or

(ii) are diesel or natural gas powered, and located outside of any severe ozone nonattainment areas, and have maximum mechanical power rating of less than 400 brake horsepower; or

(iii) are gasoline powered and have a maximum mechanical power rating of less than 50 brake horsepower.

(4) Stationary or portable internal combustion engines which are temporarily located at a facility for a period not to exceed 30 days per calendar year, where the total combined maximum mechanical power rating for all affected units is less than 1,000 brake horsepower.

(5) Gas turbines with a heat input at peak load less than 10 million Btu per hour.

(6) Emergency power generating stationary internal combustion engines as defined in section 200.1(cq) of this Title and engine test cells at engine manufacturing facilities that are utilized for research and development, reliability performance testing, or quality assurance performance testing.

Combustion-Related

(7) Non-contact water cooling towers and water treatment systems for process cooling water and other water containers designed to cool, store or otherwise handle water that has not been in direct contact with gaseous or liquid process streams.

Agricultural

(8) Feed and grain milling, cleaning, conveying, drying and storage operations including grain storage silos, where such silos exhaust to an appropriate emission control device, excluding grain terminal elevators with permanent storage capacities over 2.5 million U.S. bushels, and grain storage elevators with capacities above one million bushels.

(9) Equipment used exclusively to slaughter animals, but not including other equipment at slaughterhouses, such as rendering cookers, boilers, heating plants, incinerators, and electrical power generating equipment.

Commercial - Food Service Industries

(10) Flour silos at bakeries, provided all such silos are exhausted through an appropriate emission control device.

(11) Emissions from flavorings added to a food product where such flavors are manually added to the product.

Commercial - Graphic Arts

(12) Screen printing inks/coatings or adhesives which are applied by a hand- held squeegee. A *hand-held squeegee* is one that is not propelled through the use of mechanical conveyance and is not an integral part of the screen printing process.

(13) Graphic arts processes at facilities located outside a severe ozone nonattainment area whose facility-wide total emissions of volatile organic compounds from inks, coatings, adhesives, fountain solutions and cleaning solutions less than three tons per year on a 12-month rolling basis.

(14) Graphic label and/or box labeling operations where the inks are applied by stamping or rolling.

(15) Graphic arts processes which are specifically exempted from regulation under Part 234 of this Title, with respect to emissions of volatile organic compounds which are not given an A rating.

Commercial - Other

(16) Gasoline dispensing sites with an annual throughput less than 120,000 gallons located outside any severe ozone nonattainment areas.

(17) Surface coating and related operations which use less than 25 gallons per month of coating materials (paints) and cleaning solvents, combined, subject to the following:

(i) the facility is located outside of any severe ozone nonattainment area; and

(ii) all abrasive cleaning and surface coating operations are performed in an enclosed building where such operations are exhausted into appropriate emission control devices.

(18) Abrasive cleaning operations which exhaust to an appropriate emission control device.

(19) Ultraviolet curing operations.

Municipal/Public Health Related

(20) Ventilating systems for landfill gases, where the systems are vented directly to the atmosphere, and the ventilating system has been required by, and is operating under, the conditions of a valid Part 360

permit, or order on consent.

Storage Vessels

(21) Distillate and residual fuel oil storage tanks with storage capacities below 300,000 barrels.

(22) Pressurized fixed roof tanks which are capable of maintaining a working pressure at all times to prevent emissions of volatile organic compound to the outdoor atmosphere.

(23) External floating roof tanks which are of welded construction and are equipped with a metallic-type shoe primary seal and a secondary seal from the top of the shoe seal to the tank wall.

(24) External floating roof tanks which are used for the storage of a petroleum or volatile organic liquid with a true vapor pressure less than 4.0 psi (27.6 kPa), are of welded construction and are equipped with one of the following:

(i) a metallic-type shoe seal;

(ii) a liquid-mounted foam seal;

(iii) a liquid-mounted liquid-filled type seal; or

(iv) equivalent control equipment or device;

(25) Storage tanks, with capacities under 10,000 gallons, except those subject to either Part 229 or Part

233 of this Title.

(26) Horizontal petroleum storage tanks.

(27) Storage silos storing solid materials, provided all such silos are exhausted through an appropriate emission control device.

Industrial

(28) Processing equipment at existing sand and gravel and stone crushing plants which were installed or constructed before August 31, 1983, where water is used other than for dust suppression, such as wet conveying, separating and washing.

(29) all processing equipment at sand and gravel mines or quarries that:

(i) are permanent or fixed installations with a maximum rated processing capacity of 25 tons of minerals per hour or less; or

(ii) are mobile (portable) installations with a maximum rated processing capacity of 150 tons of minerals per hour or less.

(30) Mobile (portable) stone crushers with maximum rated capacities below 150 tons of minerals per hour which are located at non-metallic mineral processing operations.

(31) Surface coating operations which are specifically exempted from regulation under Part 228 of this Title, with respect to emissions of volatile organic compounds which are not given an A rating.

(32) Pharmaceutical tablet branding operations.

(33) Thermal packaging operations, including but not limited to, therimage labeling, blister packing, shrink wrapping, shrink banding, and carton gluing.

(34) Powder coating operations.

(35) All tumblers used for the cleaning and/or deburring of metal products without abrasive blasting.

(36) Presses used exclusively for molding or extruding plastics except where halogenated carbon compounds or hydrocarbon solvents are used as foaming agents.

(37) Concrete batch plants where the cement weigh hopper and all bulk storage silos are exhausted through fabric filters, and the batch drop point is controlled by a shroud or other emission control device.

(38) Cement storage operations where materials are transported by screw or bucket conveyors.

(39) Solvent metal cleaning processes:

(i) Cold cleaning degreasers with an open surface area of 11 square feet or less and an internal volume of 93 gallons or less or, having an organic solvent loss of 3 gallons per day or less.

(ii) Cold cleaning degreasers that use a solvent with a VOC content of five percent or less by weight, unless subject to the rquirements in 40 CFR 63, subpart T.

(iii) Conveyorized degreasers with an air/vapor interface smaller than 22 square feet (2.0 m^2), unless subject to the requirements in 40 CFR 63, subpart T.

(iv) Open-top vapor degreasers with an open-top area smaller than 11 square feet (1.0 m^2), unless subject to the requirements in 40 CFR 63, subpart T.

Miscellaneous

(40) Ventilating and exhaust systems for laboratory operations.

(41) Exhaust or ventilating systems for the melting of gold, silver, platinum and other precious metals.

(42) Exhaust systems for paint mixing, transfer, filling or sampling and/or paint storage rooms or cabinets, provided the paints stored within these locations are stored in closed containers when not in use.

(43) Exhaust systems for solvent transfer, filling or sampling, and/or solvent storage rooms provided the solvent stored within these locations are stored in closed containers when not in use.

(44) Research and development activities, including both stand-alone and activities within a major stationary source, until such time as the administrator completes a rule making to determine how the permitting program should be structured for these activities.

(45) The application of odor counteractants and/or neutralizers.

Section 201-3.3 Trivial activities.

(a) *Proof of eligibility*. The owner and/or operator of an emission source or unit that is listed as being trivial in this Part may be required to certify that it operates within the specific criteria described in this Subpart. The owner or operator of any such emission source must maintain all required records on-site for a period of five years and make them available to representatives of the department upon request. Department representatives must be granted access to any facility which contains emission sources or units subject to this Subpart, during normal operating hours, for the purpose of determining compliance with this and any other State and Federal air pollution control requirements, regulations, or law.

(b) *Maintenance of control equipment*. The owner and/or operator of any emission source or unit that is listed as being trivial in this Part, on the basis of the use of appropriate emission control devices, shall operate and maintain such devices in a manner consistent with good engineering practices. Failure to do so constitutes a violation of this Part.

(c) The category headings used in the following listing of trivial activities are strictly for organizational purposes and are not intended to be definitive. The following activities are trivial and are exempt from permitting requirements and do not need to be included in the title V facility permit application:

Combustion

(1) Boiler water treatment operations.

Domestic / Work Station Comfort and Related

(2) Any emission source or process constructed or operated at a domestic residence for domestic use.

(3) Vacuum cleaning systems used exclusively for office type areas at industrial facilities, or

commercial or residential housekeeping.

(4) Ventilating systems used exclusively for temperature and humidity control of buildings for the comfort of people living or working within the building except those systems which have applicable requirements under title VI of the act.

(5) Exhaust systems for the storage of portable containers, drums, and bags of chemicals in rooms, buildings and warehouses, subject to the following:

(i) the rooms, buildings and warehouses subject to this exemption are solely for the purpose of chemical storage, and no mixing, transfer or filling operations with the exception of sampling for quality assurance/quality control purposes, take place within such areas; and

(ii) the chemicals stored in such areas are maintained in sealed containers.

(6) Smoking rooms and areas.

(7) Bathroom/toilet vents.

(8) Beauty salons and barber shops.

(9) Laundry dryers, extractors, or tumblers used to clean fabrics with water solutions of bleach and detergents, where the emissions of such operations are controlled by appropriate emission control devices.

Mobile Sources and Mobile Source Related

(10) Engine exhaust emissions and/or refueling emissions generated from mobile and portable powered vehicles and equipment used for the propulsion or operation of passengers and/or freight transportation vehicles, marine vehicles and equipment, construction and off-road vehicles and equipment, farm vehicles and equipment, competition and entertainment vehicles and equipment, and/or any other type of mobile or portable engine powered vehicles or equipment when these vehicles or equipment are operated anywhere outside of an enclosed facility for the purpose of their design and intended use or for compliance assessment with any safety or emission control or inspection programs sanctioned by New York State, the Federal government or any governmental entity empowered to carry out such activities.

(11) Engine exhaust emissions and/or refueling emissions generated from mobile and portable powered vehicles and equipment such as competition and entertainment vehicles and equipment, farm vehicles and equipment, construction and off-road vehicles and equipment, automobiles, motorcycles, trucks, buses, marine vehicles and equipment, small engine powered tools and equipment, or any other type of mobile or portable engine powered vehicles or equipment which are collected and/or vented in any manner through any opening in a facility when these vehicles and equipment are operated in the facility for the purposes of their design and intended use, public safety, comfort or entertainment, facility maintenance, vehicle or equipment repair, adjustment or testing, or compliance assessment with any safety or emission control or inspection programs sanctioned by New York State, the Federal government, or any governmental entity empowered to carry out such activities.

(12) The use of products such as antifreeze and fuel additives for the purpose of maintaining motor vehicles.

(13) Fugitive emissions related to movement of passenger vehicles, provided the emissions are not counted for applicability purposes and any required fugitive dust control plan or its equivalent is submitted.

Agricultural

(14) Ventilating systems used in buildings to house animals.

Commercial - Food Service Industries

(15) Emissions from process, exhaust or ventilating systems in bakeries and restaurants which derive over 50 percent of their revenues from retail sales on premises.

(16) Non-conveyorized bakery ovens (this includes batch ovens, which are defined as a non-conveyor belt oven operating a single baking cycle in which a determinate amount of product is cooked at one baking).

(17) Bakery ovens used exclusively to produce baked goods leavened chemically in the absence of yeast.

(18) Process or exhaust or ventilating systems involved in the preparation of food, food blanching or cooking in water.

(19) Process, exhaust or ventilating systems or stationary combustion installations exclusively involved in the production of maple syrup.

Commercial - Graphic Arts

(20) Lead melting pots used in printing establishments.

(21) Blueprint machines.

(22) Photocopying, photographic processing or related equipment.

(23) Proof press operations.

(24) Heat sealing operations which are used to seal and separate polyethylene and polypropylene bags.

Commercial - Other

(25) Batch process kilns used for firing ceramic ware, subject to the following:

(i) the exhaust stream does not contain emissions of fluorides, lead, and/or beryllium; and

(ii) the total heat input is less than one million Btu/hr.

Municipal/Public Health Related

(26) Equipment used exclusively to generate ozone for water treatment processes.

(27) Air stripping processes utilized on public drinking water supplies.

(28) Air strippers and soil vents used to remediate gasoline spills, where the air stripper or soil vent is located at a State-funded site, or required under the provisions of an order on consent or stipulation agreement, and the operation of the air strippers or soil vents are conducted under the supervision of the

department and are properly controlled as required by the department.

(29) Air strippers and soil vents required under the provisions of an order on consent or stipulation agreement, or in operation at a superfund site.

(30) Air strippers and soil vents operating for test purposes to qualify and quantify air emissions for remediation projects and for a time period acceptable to the regional air pollution control engineer.

(31) Emissions from the storage and application of road salt (calcium chloride or sodium chloride).

(32) All process emission sources which are located at private, public, or vocational education institutions, where the emissions are the result of teaching and training exercises, and the institution is not engaged in the manufacture of products for commercial sale in commerce, except in a *de minimis* manner.

(33) Emergency relief vents, stacks and ventilating systems except any with the potential to emit vinyl chloride located at a facility where ethylene dichloride, vinyl chloride and/or polyvinyl chloride are produced.

(34) Snow plowing, street sweeping, sanding and ashing of streets and roads to abate traffic hazards.

(35) Emergency road flares.

(36) Road and lot paving and striping operations.

(37) Public or private roadways, parking lots.

(38) Manhole covers.

(39) Sewers.

(40) Storm drains and vents.

(41) Solid waste dumpsters, including handling equipment and associated activities.

(42) Excavation for the repair of underground utility lines such as water, electric, or natural gas.

(43) Asbestos demolition and removal work subject to 40 CFR part 61, subpart M and/or 12 NYCRR Part 56.

Storage Vessels

(44) Storage vessels, tanks and containers with a capacity of less than 750 gallons.

Maintenance and Construction Related Activities

(45) The following activities are considered trivial when they occur strictly for maintenance or construction activities: plastic pipe welding, soldering, brazing, cutting torches, janitorial activities, steam cleaning, water washing, acid and caustic washing activities, miscellaneous use of solvents, adhesives and caulking, miscellaneous sandblasting, non-asbestos insulation removal, application of refractory and insulation, the periodic use of air for clean-up, and, the process of demolition and rebricking boilers, smelters, furnaces and kilns (this does not include the subsequent operation of such equipment), the surface

coating of equipment and buildings as is related to maintenance and construction, and activities which occur for maintenance of grounds such as lawn care, weed control and pest control.

(46) Excavation for new construction.

Industrial

(47) Degreasing units which exclusively use non-hazardous air pollutant acids.

(48) Degreasing units which exclusively use caustics (e.g.,potassium hydroxide and sodium hydroxide).

(49) Remote reservoir parts cleaners whose use of solvent is contained to the immediate cleaning of the part, after which time the solvent is drained through a drain opening, not to exceed 16 square inches, and is returned to a remote reservoir containing the solvent.

(50) Cold cleaning degreasers that use a solvent with a VOC content of 5 percent or less by weight.

(51) Cold cleaning degreasers with an internal volume less than or equal to 2 gallons.

(52) Hand-held or manually operated equipment used for buffing, polishing, carving, cutting, drilling, machining, routing, sanding, sawing, surface grinding or turning ceramic art work, ceramic precision parts, leather, metal parts, plastics. fiberboard, fiberglass, masonry, carbon, glass, graphite, wood or rubber.

(53) Manual surface coating/painting processes which exclusively use brushes, rollers, or aerosol cans.

(54) Hand-held or manually operated welding, brazing and soldering equipment.

(55) Acetylene, butane, and propane torches.

(56) Equipment used for hydraulic or hydrostatic testing.

(57) Equipment lubricating systems, including metal cutting coolants and oils.

(58) Pneumatic starters used to start reciprocating engines, turbines, and other equipment.

(59) Instrument air systems, excluding fuel-fired compressors.

(60) Air vents from air compressors and pneumatically operated equipment emitting ambient air.

(61) Drum washing operations, where such operations are necessary to meet Resource Conservation and Recovery Act (RCRA) standards.

(62) Vacuum producing devices where only ambient air and the oil emissions from the vacuum producing mechanism itself are exhausted.

(63) Woodworking operations where no surface coating takes place, provided such operations exhaust to a sawdust collection system controlled by an appropriate emission control device.

(64) Sawmills, provided all processes are located at least 500 feet from any recreational area, school, or private residence and all residues from debarking, planing, sawing, etc., are contained in such a manner as to minimize fugitive emissions.

(65) Equipment used to mix and package soaps, vegetable oil, grease, animal fat, and nonvolatile aqueous salt solutions, provided appropriate lids and covers are utilized.

(66) Drop hammers or hydraulic presses for forging or metalworking.

(67) Transportable chemical containers including rail cars, portable tanks, totes and trailers.

Miscellaneous

(68) Open fires.

(69) Fire training activities.

(70) Fire suppression systems.

(71) Fecal incinerators with a charging rate not exceeding 10 pounds per hour, such as those used on certain vehicles or other special cases.

(72) Paint mixing operations located at retail paint, hardware or department stores where the paint is sold in five gallon or smaller containers.

(73) Rifle and pistol ranges.

(74) Aircraft de-icing operations.

(75) Contaminant detectors, sampling devices and recorders.

(76) Emissions from natural gas odoring activities.

(77) Battery charging areas except those located at battery manufacturing plants.

(78) Incubators.

(79) The venting of compressed natural gas, butane or propane gas cylinders.

(80) Coal car thaw-pit burners.

(81) Consumer use of office equipment and products, not including printers or businesses primarily involved in photographic reproductions.

(82) Consumer use of paper trimmers/binders.

(83) Blacksmith forges.

(84) Carbon dioxide lasers, used only on metals and other materials which do not emit hazardous air pollutants in the process.

(85) Laser trimmers using appropriate emission control devices.

(86) Environmental chambers not using hazardous air pollutant gases.

(87) Shock chambers.

(88) Humidity chambers.

(89) Solar simulators.

(90) Process water filtration systems and demineralizers.

(91) Demineralized water tanks and demineralizer vents.

(92) Steam leaks.

(93) Steam vents.

(94) Emissions of the following pollutants: water vapor, oxygen, carbon dioxide, nitrogen, inert gases such as argon, helium, neon, krypton and xenon, hydrogen, simple asphyxiants including methane and propane, and trace constituents included in raw materials or byproducts, where the constituents are less than 1 percent by weight for any regulated air pollutant, or 0.1 percent by weight for any carcinogen listed by the United States Department of Health and Human Services' Seventh Annual Report on Carcinogens (1994).

SUBPART 201-4

MINOR FACILITY REGISTRATION

Sec.

201-4.1 Applicability

201-4.2 Authorization procedures

201-4.3 Transition provisions for existing permitted facilities

201-4.4 Applications

201-4.5 Notification of changes

Section 201-4.1 Applicability.

(a) Notwithstanding the requirement in other Parts of this Title for a permit to construct and/or certificate to operate, owners and/or operators of stationary sources which are not considered to be exempt or trivial pursuant to Subpart 201-3 "Exemptions and Trivial Activities" and do not otherwise require a permit under Subparts 201-5 "State Facility Permits" or 201-6 "Title V Permits," which meet the following criteria are required to register with the department, as specified in this section:

(1) gasoline dispensing sites subject to Part 230 of this Title;

(2) facilities with existing stationary sources that are in industrial categories to which a New Source Performance Standard (NSPS) applies, with potential emissions of regulated contaminants below the applicability thresholds of 201-6 or which have been deferred from the requirement for obtaining a title V permit in section 201-6.1(c) of this Part;

(3) facilities with existing stationary sources which emit any contaminant listed as a hazardous air

pollutant under section 112 of the act with a potential to emit below the applicability thresholds of Subpart 201-6 of this Part or which have been deferred from the requirement for obtaining a title V permit pursuant to section 201-6.1(c) of this Part;

(4) any stationary source which has its potential to emit capped by rule pursuant to section 201-7.3 of this Part; and

(5) any stationary source which has annual actual emissions of any regulated air contaminant that do not exceed the appropriate threshold in section 201- 7.3(e) of this Part, regardless of the facility's potential to emit for that contaminant.

(b) Stationary sources not subject to the title V requirements of Subpart 201-6 of this Part and which cannot register based on criteria in subdivision (a) of this section will be subject to the requirements of Subpart 201-5 of this Part.

Section 201-4.2 Authorization procedures.

(a) Registrations are ministerial actions for the purposes of Part 617 State Environmental Quality Review of this Title.

(b) Registrations are not subject to Part 621 Uniform Procedures of this Title.

(c) Registrations shall authorize both construction and operation of one or more emission units for a facility.

(d) Where the activity requiring registration is associated with the construction of a new facility, the owner and/or operator may not undertake the activity until a registration certificate is received from the department. The department will notify the owner/operator on the acceptability of the registration within 30 days of receipt.

(e) Owners and/or operators of facilities must notify the department of ownership transfer within 30 days following such transfer using forms provided by or acceptable to the department.

(f) Registration certificates for eligible facilities are valid for the life of the registered stationary sources.

Section 201-4.3 Transition provisions for existing permitted facilities.

(a) On the effective date of this Subpart, all valid certificates to operate for a given facility subject to the provisions of this Subpart will be extended indefinitely.

(b) Gasoline dispensing sites subject to the requirements of Part 230 of this Title which are registered with the department pursuant to Part 612 of this Title meet the registration requirement of this Subpart and do not need to obtain any additional registration certificates.

(c) Gasoline dispensing sites not subject to the requirements of Part 612 of this Title which have been issued certificates to operate prior to the effective date of this Part will have their certificates extended indefinitely. They will be considered to be registered for purposes of this Subpart.

(d) Registration applications must be submitted to the department on a form prescribed by or acceptable to the department, at least 30 days prior to undertaking the activity proposed for registration. The department will

notify the owner/operator on the acceptability of the registration within 30 days of receipt.

(e) Facilities eligible for registration by accepting emission caps pursuant to Subpart 201-7 "Federally Enforceable Emission Caps" of this Part must comply with the following application submittal requirements:

(1) The facility owner and/or operator must notify the department on a form acceptable to the department within one year of EPA administrator's approval of the program that they intend to comply with the requirements of section 201-7.3 of this part and be eligible for registration;

(2) The facility owner and/or operator must then submit an application for registration within the same timeframes established in section 201-6.2(b) of this Part for title V facility permit application submittal; and

(f) Where a permit to construct was issued prior to the effective date of this Subpart for an emission source, a certificate to operate may be issued if the application for operating approval is submitted to the department within six months of the effective date of this Subpart.

(g) Applications for operating approval submitted six months after the effective date of this Subpart shall be made using any new registration application forms, unless the source owner can demonstrate that this requirement will impose a hardship and/or would cause a delay in obtaining operating approval for the emission source.

(h) Owners and/or operators of existing facilities subject to registration shall submit a permit application for a State facility permit within one year of commencement of operation of new emission unit(s) or modified emission unit(s) at an existing facility which makes the facility subject to the requirements of Subpart 201-5

"State Facility Permits" of this Part.

Section 201-4.4 Applications.

(a) *Application content*. All registration applications submitted to the department shall be provided in a format acceptable to the department. At a minimum, the forms must require:

(1) identifying information, including owner and/or operator name and address, plant name and address;

(2) a location map with the site marked on it if the application is for a new facility;

(3) a facility description of the operations carried out at the facility;

(4) a listing of the Standard Industrial Classification Codes (SIC) which correspond to the primary operations carried out at facility;

(5) a list of hazardous air pollutants emitted at the facility;

(6) a listing of the applicable New York State requirements in this Chapter; and

(7) a listing of the applicable Federal requirements.

Section 201-4.5 Notification of changes.

Owners and/or operators of registered facilities must notify the department 30 days in advance of

undertaking modifications to the facility that will make the facility subject to additional State or Federal requirements.

SUBPART 201-5

STATE FACILITY PERMITS

Sec.

201-5.1 Applicability

201-5.2 Application content

201-5.3 Permit content and terms of issuance

201-5.4 Modifications and operational flexibility for State facility permits

Section 201-5.1 Applicability.

(a) *Applicability*. Owners and/or operators of stationary sources that are not exempt or trivial pursuant to Subpart 201-3 "Exemptions and Trivial Activities" of this Part, are not eligible to register pursuant to Subpart 201-4 "Minor Source Registration" of this Part, and are not required to obtain a title V permit pursuant to Subpart 201-6 "Title V Permits" of this Part are subject to the requirements of this Subpart. Such sources include, but are not limited to the following:

(1) stationary sources requiring an emission cap established in a permit pursuant to section 201-7.2 of this Part to avoid the requirement to obtain a title V permit or other applicable requirement;

(2) stationary sources subject to any department approved variance from the requirements of this Title;

(3) new facilities constructed after the effective date of this Part that are in industrial categories to

which a New Source Performance Standard (NSPS) applies with a potential to emit that is below major stationary source thresholds including those that have been deferred from the requirement to obtain a title V permit in section 201-6.1(c) of this Part;

(4) new facilities constructed after the effective date of this Part which emit any contaminant listed as a hazardous air pollutant under section 112 of the act (see Part 200 of this Title), excluding facilities subject to VOC RACT requirements under Parts 226, 228, 229, 230, 233 and 234 of this Title. Such facilities must have a potential to emit that is below major stationary source thresholds, including those that have been deferred from the requirement to obtain a title V facility permit pursuant to section 201- 6.1(c) of this Part.

(b) *Authorization of construction and operation.* State facility permits shall authorize both construction and operation of one or more emission units under a single permit. No person shall construct a new stationary source described under subdivision (a) of this section without a State facility permit, or construct new emission units or modify existing units without a permit modification unless the changes are allowed under the operational flexibility provisions of section 201-5.4 of this Subpart.

(c) *Transition provisions for existing permitted facilities.*

(1) On the effective date of this Subpart all valid certificates to operate issued by the department for existing emission sources shall remain in effect indefinitely.

(2) On the effective date of this Subpart a stationary source subject to this Subpart is no longer required to obtain a separate permit to construct and certificate to operate for any new or modified emission unit.

(3) On the effective date of this Subpart, the addition or modification of emission units and permit modifications will be subject to the provisions of section 201-5.4 of this Subpart.

(4) Existing facilities possessing individual certificates to operate for numerous air contamination sources may be required to submit a proposed schedule for the consolidation of these certificates into a single facility permit. Such a schedule must be submitted for department approval within 60 days of the date that the first permit modification or permit for a new emission unit is issued to a facility, after the effective date of this Subpart. The schedule shall include a workplan and reasonably anticipated timeframes for preparing and submitting a State facility permit application.

(5) All new permits, including modifications, issued on or after 90 days from the effective date of this Subpart must contain all relevant construction or operation requirements within a single permit. Where an application for a permit to construct was submitted and complete before the effective date of this regulation the department may proceed to issue the construction approval independent of operational requirements.

(6) Where a permit to construct was issued prior to the effective date of this Subpart for an emission source, a certificate to operate may be issued if the application for operating approval is submitted to the department within six months of the effective date of this Subpart. Applications for operating approval submitted beyond six months of the effective date of this Subpart shall be made using any new permit application forms unless the source owner can demonstrate that this requirement will impose a hardship and/or would cause a delay in obtaining operating approval for the emission source.

(7) Sources requiring State facility permits pursuant to subdivision (a)(3) and (4) of this section will remain subject to the requirements of this Subpart until they are required to obtain a title V permit.

Section 201-5.2 Application content.

(a) All State facility permit applications submitted to the department shall be provided in a format acceptable to the department.

(b) In order to be complete, the application must include the following information at a minimum:

(1) identifying information, including owner and/or operator name and address, plant name and address;

(2) a location map with the site marked on it if the application is for a new facility;

(3) a description of the emission units' processes and products;

(4) a list of all emission units at the facility except those that are exempt or trivial pursuant to Subpart 201-3 of this Part;

(5) a list of all regulated air pollutants emitted from the facility;

(6) the type, rate and quantity of emissions in sufficient detail for the department to determine those State and Federal requirements that are applicable to the facility.

Section 201-5.3 Permit content and terms of issuance.

(a) *Permit term*. The department may issue State facility permits for an indefinite period of time.

(b) *Permit conditions*. Permits may contain such conditions as the department shall require to insure compliance with the provisions of this Title. The department may also impose such conditions as are necessary to identify applicable Federal standards, recordkeeping and reporting requirements and to establish permit terms and conditions that will ensure that operation of the facility will not prevent attainment or maintenance of rational ambient air quality standards.

(c) *Revocation and denial of permit*. Any person who owns and/or operates stationary sources shall operate and maintain all emission units and any required emission control devices in compliance with all applicable Parts of this Title and existing laws. Failure of such person to properly operate and maintain the effectiveness of such emission units and emission control devices may be sufficient reason for the department to revoke or deny a permit.

(d) *Suspension, reopening, reissuance, modification or revocation*. The department may suspend, reopen, reissue, modify or revoke a permit in accordance with the procedures and provisions of Part 621 of this Title.

Section 201-5.4 Modifications and operational flexibility for State facility permits.

Permit modifications and physical or operational changes to an existing stationary source are subject to the following procedures.

(a) *Modifications.*

(1) Changes at a stationary source subject to this Subpart involving:

(i) new emission units; or

(ii) modifications to existing emission units as defined under Part 200 of this Title; or

(iii) modifications of permit terms or conditions must be reviewed and approved by the department except as provided in subdivision (b) of this section.

(2) Facility owners and/or operators must submit an application requesting such permit modifications and receive department authorization prior to making such modifications.

(b) *Operational flexibility*.

(1) Certain changes and modifications which meet the criteria under subparagraphs (i)-(iii) of this paragraph may be conducted without prior approval of the department and shall not require modification of the permit. The facility owner and/or operator must however maintain records of the date and description of such changes and make such records available for review by department representatives upon request.

(i) Changes that do not cause emissions to exceed any emission limitation contained in regulations or applicable requirements under this Title.

(ii) Changes which do not cause the source to become subject to any additional regulations or requirements under this Title.

(iii) Changes that do not seek to establish or modify a federally- enforceable emission cap or limit.

(2) In addition to the recordkeeping required under paragraph (1) of this subdivision, the permittee must

notify the department in writing at least 30 calendar days in advance of making changes involving:

(i) the relocation of emission points within a facility;

(ii) the emission of any air pollutant not previously authorized or remitted in accordance with a permit issued by the department;

(iii) the installation or alteration of any air cleaning installations, device or control equipment.

(3) The department may require a permit modification to impose applicable requirements or special permit conditions if it determines that changes proposed pursuant to notification under paragraph (2) of this subdivision do not meet the criteria under paragraph (1) of this subdivision or the change may have a significant air quality impact. In such cases the department may require that the permittee not undertake the proposed change until it completes a more detailed review of the change for air quality impacts and/or applicable requirements. The department shall respond to the permittee in writing with such a determination within 15 days of receipt of the 30 day advance notification from the permittee. The department's determination shall include a listing of information necessary to further review the proposed change.

SUBPART 201-6

TITLE V FACILITY PERMITS

Sec.

201-6.1 Applicability

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201-6.9 Appendix B-Transition Plan Application Schedule

Section 201-6.1 Applicability.

(a) *Requirement for a title V facility permit*. Except as otherwise set forth herein, no person shall operate any of the following stationary sources without obtaining a title V permit.

(1) Any major stationary source (as defined under Subpart 201-2 of this Part).

(2) Any stationary source subject to a standard or limitation, or other requirement under the Federal New Source Performance Standards (NSPS) in 40 CFR part 60, *et seq*.

(3) Any stationary source including an area source, subject to a standard or other requirement regulating hazardous air pollutants under section 112 of the act, except that a source is not required to obtain a title V permit solely because it is subject to regulations or requirements promulgated for the control of accidental releases of substances regulated under section 112(r) of the act.

(4) Any affected source.

(5) Any stationary source in a category designated by the administrator and added by the department pursuant to rule making.

(b) *Preconstruction permits for stationary sources*. No person shall construct any new stationary source which will be required to obtain a title V facility permit as described in subdivision (a) of this section before obtaining a permit from the department. Such permits shall authorize both construction and operation in accordance with all applicable State and Federal requirements.

(1) The department may allow operation to continue indefinitely under the terms and conditions of preconstruction permits without requiring a permit extension or renewal provided the permittee files a timely and complete application for a title V facility permit in accordance with section 201-6.3 of this Subpart.

(2) Applicants may elect to apply for issuance of a title V facility permit prior to construction of a new stationary source in combination with the preconstruction permit requirements under this paragraph.

(3) Applications for preconstruction permits for major stationary sources must include the information required under section 201-6.3 of the Subpart and any additional information required by the department to demonstrate that the emission source will comply with all applicable State and Federal regulations under this Title.

(4) Applications for preconstruction permits for non-major stationary sources will be subject to State

facility permitting requirements under Subpart 201-5 of this Title.

(c) *Stationary source categories exempted or deferred from permitting.* The following stationary sources are deferred or exempt from the requirement to obtain a title V facility permit under this section but may be subject to the requirements of Subparts 201-4 or 201-5 of this Part.

(1) Except as set forth in paragraph (2) of this subdivision, any stationary sources that are not major stationary sources, affected sources, or municipal solid waste incineration units required to obtain a permit pursuant to the New Source Performance Standards for municipal solid waste incineration units, will be exempted from the requirement to obtain a title V facility permit under this section, until such time as the administrator completes a rule making to determine how the program should be structured for non-major stationary sources and the appropriateness of any permanent exemptions. Such stationary sources shall include those subject to a Federal New Source Performance Standard or National Emission Standard for Hazardous Air Pollutants promulgated prior to July 21, 1992.

(2) (i) In the case of non-major stationary sources subject to a Federal New Source Performance Standard or National Emission Standard for Hazardous Air Pollutants promulgated after July 21, 1992, the administrator will determine whether to exempt or defer any or all such stationary sources from the requirement to obtain a title V facility permit at the time a new standard is promulgated. Stationary sources in these categories that qualify for permit deferrals shall not be required to apply for a title V facility permit until the administrator promulgates standards specifying a due date for applications and these standards are adopted by the department pursuant to rule making.

(ii) The administrator has amended certain Federal National Emission Standards for Hazardous Air

Pollutants to allow states to defer non-major sources subject to those standards from title V permitting. The department is deferring the title V permitting requirements for the non-major sources subject to those standards as listed in Appendix A (section 201-6.8 of this Subpart) of this Subpart.

(iii) Non-major sources subject to the standards listed in Appendix A (section 201-6.8 of this Subpart) are deferred from title V permitting requirements until December 9, 2004. The owner or operators of such sources must submit title V applications before December 9, 2005.

(3) The following source categories are exempt from the obligation to obtain a title V facility permit under this section:

(i) all emission sources and source categories that would be required to obtain a permit solely because they are subject to 40 CFR part 60, subpart AAA - Standards of Performance for New Residential Wood Heaters;

(ii) all emission sources and source categories that would be required to obtain a permit under this section solely because they are subject to 40 CFR part 61, subpart M - National Emission Standard for Hazardous Air Pollutants for Asbestos, section 61.145, Standards for Demolition and Renovation; and

(iii) stationary sources that have accepted federally enforceable emission caps pursuant to Subpart 201-7 of this Part that restrict a facility's emissions to a level that is below the applicability threshold for having to obtain a title V facility permit.

(d) *Option to apply for a title V facility permit*. Any stationary source not required to obtain a permit

pursuant to subdivision (a) of this section may opt to apply for a title V facility permit.

(e) *Single permit*. A single title V facility permit will be issued for a facility with multiple stationary sources, except upon the request from an owner and/or operator for more than a single permit. In no case shall the determination of whether a facility is subject to the requirement to obtain an operating permit according to this section be affected by the application for or issuance of more than one title V facility permit.

Section 201-6.2 Transition plan.

All title V facility permit applications for existing subject facilities shall be acted upon by the department within three years of approval of the department's operating permit program by the administrator. The provisions of this section shall apply to existing facilities with regard to filing such applications during this transition period.

(a) *Phase I application submittals*. Within one year of the administrator's approval of the operating permit program, the owners or operators of certain existing stationary sources subject to title V permitting requirements shall submit a phase I permit application containing information sufficient to allow the department to commence review of the permit application. This phase I application is only required from those existing facilities that are required to submit a permit application within 24 months of the date that the operating permit program is approved in accordance with subdivision (b) of this section.

(1) To be complete, the information contained in the first phase submittal shall include the following:

(i) name and phone number of the responsible official;

(ii) facility identification and location (including topographical maps with the site marked);

(iii) description of facility activities (including SIC codes);

(iv) identification of major/minor status with respect to regulated air pollutants;

(v) identification of applicable requirements;

(vi) definition of compliance status with respect to applicable requirements (to include compliance schedule as necessary); and

(vii) certification of compliance status with respect to applicable requirements.

(2) During this transition period, the protection afforded in section 201- 6.3(b) of this Subpart shall apply upon the submission of a complete phase I application. The completeness determination timeframe and notification requirements established under Part 621 of this Title for permit applications shall not apply to the phase I application. However, phase I applications will be deemed complete by default after 30 days from the date received by the department, unless the department determines that the application is incomplete and notifies the applicant before the 30 days expire.

(3) The second phase of the title V facility permit application submittal from facilities subject to the provisions of this subdivision shall comply with the form and information requirements established under

section 201- 6.3(d) of this Subpart.

(b) *Applications and permitting schedule.* (1) Title V facility permit applications must in all cases be filed with the department on or before the deadlines established in the transition plan application schedule found in Appendix B (see section 201-6.9) of this Subpart. This application schedule lists those Standards Industrial Classification (SIC) Codes which cover the existing major stationary sources in the department's emission inventory anticipated to be subject to title V facility permitting on the basis of past actual emissions data and provides a date by which applications must be submitted. However, in no case shall the department be obligated to begin review of an application submitted earlier than 180 days in advance of such deadlines.

(2) Such applications shall comply with the form and information requirements established in section 201-6.3(d) of this Subpart.

(3) The department will provide written notification to facility owners at least 180 days in advance of the application filing deadlines in Appendix B (see section 201-6.9) of this Subpart.

(4) The department shall promptly provide notice to the applicant of whether the permit application is complete. A complete application means an application for a permit which is in an approved form and is determined by the department to be complete for the purpose of commencing review of the application but which may need to be supplemented during the course of review in order to enable the department to make the findings and determinations required by law. During the transition period such notices are not required to include a tentative determination of approval or disapproval and the availability of a draft permit. Unless the permitting authority notifies the applicant of incompleteness within 60 days of receipt of an application, the application shall be deemed complete. Such notice shall include a proposed schedule with target dates

for preparation of a draft permit, and issuance of a public notice of complete application in accordance with requirements and procedures for major permit projects under Part 621 of this Title.

(5) The additional provisions established under section 201-6.3(b) of this Subpart regarding completeness determinations shall also apply to permit applications subject to the requirements of this section.

(6) During this transition period the department shall take final action on at least one third of permit applications annually over a period not to exceed three years from the date that the title V permit program is approved by the administrator.

(c) *Emission caps*. Existing stationary sources that are subject to this Subpart based on potential to emit regulated air pollutants may opt to avoid being subject to title V permitting by voluntarily accepting an emission cap established in permit conditions, pursuant to Subpart 201-7 of this Part. This option is also available to stationary sources which are subject to this Subpart based on actual emissions. The following actions shall be taken by those stationary source owners and/or operators who may choose to accept such an emission cap:

(1) The facility owner and/or operator must notify the department in writing within one year of the EPA administrator's approval of the program that they intend to accept an emissions cap to avoid being subject to title V permitting. Such notification is not required of facilities that must submit an application for a permit modification to establish an emission cap within the six months or one year timeframe in accordance with the transition plan in Appendix B (see section 201-6.9) of this Subpart. The facility owner and/or operator shall indicate in the written notification that he/she agrees to keep records sufficient to demonstrate that actual emissions are below all major stationary source thresholds during the time period before obtaining the

emission cap through permitting procedures under section 201-7.2 of this Subpart. The facility owner and/or operator shall also describe the limitations in effect that make the facility eligible to cap, such as normal operating hours, throughput limitations, or emission control equipment.

(2) The facility owner and/or operator must then submit an application for a permit modification to establish the requested emission cap in accordance with the same timeframes established in subdivision (b) of this section for title V facility permit applications.

(3) Such applications shall be reviewed and issued in accordance with the information and procedural requirements contained in section 201-7.2 of this Subpart.

(4) Facility owners and/or operators who accept the capping by rule limitations established under section 201-7.3 of this Subpart will be required to notify the department and register in accordance with section 201-4.3(e) of this Part.

(d) *Interim authorizations.* (1) The provisions of section 201-5.4 of this Subpart regarding department approval of modifications shall apply to all existing stationary sources required to obtain a permit under this Subpart until the title V facility permit is issued. The department will act on applications for modifications and new emission units in accordance with applicable preconstruction review and permitting requirements under this Chapter and applicable timeframes and procedures under Part 621 of this Title for the type of project involved.

(2) Owners and/or operators of stationary sources that propose modifications after the effective date of this regulation that, in turn, makes the source(s) subject to title V facility permitting shall submit an

application for the title V facility permit within 12 months of the commencement of operation of this modification, or within the time specified under Appendix B (see section 201-6.9) of this Subpart, whichever is later.

(3) Stationary source owners and/or operators requesting permit modifications or applying to modify or construct new emission units at an existing facility after the title V facility permit application has been submitted, but before the permit is issued, will be subject to the provisions of section 201-5.4 of this Subpart. The department will consider the effect of such changes on any title V facility permit application under review at the time and may revise any draft permit, or require the applicant to revise the facility permit application, where a new emission unit or modifications to an existing unit affects any applicable requirements. However, in no event shall the department's decision to revise the draft facility permit or application delay issuance of any permit or permit modification required under section 201-5.4 of this Subpart for the requested change except where the delay is agreed upon by mutual consent of the department and the applicant.

(4) Applications for permits to construct and/or certificates to operate submitted prior to the effective date of this regulation will be accepted and acted upon by the department in accordance with the requirements of this Part in effect at the time of submittal. The transition provisions of section 201- 5. 1(c)(5) and (6) of this Part shall also apply to such permit applications for review and permits to construct issued by the department prior to the effective date of this regulation. This shall not affect the owner's or operator's obligation to submit an application for a title V facility permit within one year of commencing operation.

(e) *Extension of existing permits*. (1) Expiration dates for all certificates to operate that are valid on the effective date of this Part are extended until such time as the title V facility permit is issued, provided a timely

and complete application for a title V permit is submitted in accordance with requirements established in this section and section 201-6.3 of this Subpart. All permits to construct valid on the effective date of this Subpart shall expire according to the terms of their issuance.

(2) Title V facility owners and/or operators have the option of maintaining certificates to operate on existing emission sources or emission units that are solely subject to State enforceable requirements in lieu of obtaining a comprehensive title V facility permit covering both State and Federally enforceable requirements. In such cases the facility owner and/or operator must submit a proposed schedule for incorporating any requirements and/or permit conditions associated with these units into the title V facility permit. This schedule must be submitted on or before the date that phase II of the title V permit application is due.

Section 201-6.3 Permit Applications.

(a) *Timely application.* Owners and/or operators of facilities subject to this Subpart shall submit a complete application, as defined in Part 621 of this Title and this Subpart, for initial issuance of a title V permit, or renewal, in accordance with the timeframes established under paragraphs (1) through (9) of this subdivision. Facility owners and/or operators may also elect to accept an emission cap in accordance with Subpart 201-7 of this Part in order to avoid the title V facility permit requirements of this Subpart. Owners and/or operators of existing facilities subject to title V facility permitting on the effective date of this regulation must submit information indicating whether they will obtain an emission cap or a title V permit in accordance with the transition provisions of section 201-6.2 of this Subpart. Owners and/or operators of facilities subject to this Subpart shall submit a complete application as follows:

(1) Within the timeframe specified in the transition application schedule in Appendix B (see section 201-6.9) of this Subpart for existing major stationary sources. This application schedule is explained in greater detail in section 201-6.2 of this Subpart.

(2) Within one year of the commencement of operation of a new stationary source subject to permitting under this Subpart that is constructed on or after the date EPA approves New York's operating permit program.

(3) Within one year of the commencement of operation of new emission unit(s) or modified emission units at an existing stationary source which makes the source subject to title V permitting.

(4) At least 180 days, but not more than eighteen months, prior to the date of permit expiration for permit renewal purposes.

(5) January 1, 1996 for initial phase II acid rain permits for sulfur dioxide control.

(6) By January 1, 1998 for initial phase II acid rain permits for nitrogen oxides control.

(7) For existing sources required to meet the requirements under section 112(g) of the act, prior to construction.

(8) For existing facilities with any emission source operation designated by EPA as requiring a title V facility permit, within 12 months after the effective date of EPA's designation, or by a later deadline specified by EPA in its designation.

(9) In the event the administrator fails to promulgate a standard for a category or a subcategory of major sources by the date established pursuant to section 112(e) of the act, the application must be submitted within 18 months after such date for any major source in such category or subcategory. The complete permit application shall be submitted in accordance with the requirements specified in the "Regulations Governing Equivalent Emission Limitations By Permit," as published in the *Federal Register* on May 20, 1994, and set forth in 40 CFR part 63, subpart B (see section 200.9 of this Title).

(b) *Completeness determinations*. (1) Except for phase I applications under section 201-6.2(a) of this Subpart, applications submitted for title V facility permits must be reviewed for completeness by the department in accordance with subdivision (d) of this section and Part 621 of this Title, and notice of the completeness determination shall be provided to the applicant within 60 days of receipt of the application. Upon determining that an application is complete the department shall promptly issue a public notice of this determination in addition to notifying the applicant in accordance with Part 621 of this Title, except where special transition provisions apply for permit applications under section 201-6.2 of this Subpart. In the event that the department does not make such determination within this time period, the application shall be deemed complete by default. If the department determines that the application is incomplete, the department must provide the applicant with a written explanation of any deficiencies found in the application.

(2) Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information. In addition, an applicant shall provide additional information as necessary to address any requirements that become applicable to the facility after the date it filed a complete application but prior to release of a draft permit.

(3) If a facility owner and/or operator submits a timely and complete application for permit issuance and/or renewal, the failure to have a title V facility permit is not a violation of this Part because the department has not taken final action on the permit application, except as noted in this section. This protection shall cease to apply if, subsequent to the completeness determination, the applicant fails to submit, by a reasonable deadline specified in writing by the department, any additional information identified as being needed to review and act on the application. The department will reinstate this protection upon receipt of the additional information in the event that an applicant is unable to provide it within the specified timeframe.

(4) During the three year transition period such protection described under paragraph (3) of this subdivision shall apply upon submittal of a complete phase I application in accordance with the requirements established in section 201-6.2 of this Subpart.

(c) *Final decisions*. The department shall act on title V facility permit applications in accordance with the timeframes and procedures established in Part 621 of this Title. Failure to act on new title V facility permit applications within 18 months of receipt of a complete application shall be grounds for judicial review in State court. This 18-month timeframe does not apply to title V facility permit applications for existing subject facilities which are afforded special expedited review and decision timeframes during the initial three year transition period provided under section 201-6.2(b) of this Subpart.

(d) *Standard application form and required information*. All title V facility permit applications submitted to the department shall be provided in a format acceptable to the department. The information described below shall be included in the title V facility permit application by the owner and/or operator of the facility.

Applications for title V facility permit modifications and revisions generally need only supply information related to the proposed change, provided such information includes a complete set of data on any emission units affected by the modification and any facility level information required in forms developed by the department to properly ascertain the nature and extent of a modification. An owner and/or operator may not omit information in an application that is needed to determine the applicability of, or to impose, any applicable requirement, or to evaluate the permit fee amount required by the department. The forms and attachments to be submitted by the owner and/or operator of the major stationary source shall include the following information at a minimum:

(1) Identifying information, including company name and address (or plant name and address if different from the company name), owner's name and agent, and telephone number and names of plant site manager/contact.

(2) A description of the stationary source's processes and products (by Standard Industrial Classification Code[s]) including any associated with each alternate operating scenario identified by the owner and/or operator.

(3) The following emissions-related information:

(i) All emissions of pollutants for which the facility is major, and all emissions of regulated air pollutants. The permit application shall describe all emissions of regulated air pollutants emitted from any emissions unit, except where such units are trivial under Subpart 201-3 of this Part. Emission units emitting insignificant emission levels, as defined in this section shall be listed in the application. The applicant shall submit additional information related to the emissions of regulated air pollutants sufficient to verify which Federal requirements are applicable to the facility.

(ii) Fugitive emissions from a major stationary source shall be included in the permit application in the same manner as stack emissions, regardless of whether the source category in question is included in the definition of "major stationary sources." Source categories that must include fugitive emissions in the applicability determination for title V facility permits are identified within the definition of "major stationary sources."

(iii) Identification and description of all emission units described in the above paragraph in sufficient detail to establish the applicability of Federal requirements.

(iv) Emissions rates of all regulated air pollutants in such terms as are necessary to establish compliance consistent with the applicable standard reference test method.

(v) The following information to the extent it is needed to determine or regulate emissions in accordance with applicable requirements: fuels, fuel use, raw materials, production rates, and operating schedules.

(vi) Identification and description of air pollution control equipment and compliance monitoring devices or activities required under the Clean Air Act.

(vii) Enforceable limitations on facility operation restricting emissions, including federally enforceable emission caps, or any work practice standards, where applicable, for all regulated air pollutants at a facility subject to this section.

(viii) Other information required by any applicable requirement.

(ix) Sample or actual calculations on which the information in subparagraphs (i) through (viii) of this paragraph is based.

(4) The following air pollution control requirements:

(i) Citation and description of all applicable requirements.

(ii) Description of or reference to any applicable test method for determining compliance with each applicable requirement.

(5) Other specific information that may be necessary to implement and enforce other requirements of the act or to determine the applicability of such requirements.

(6) An explanation of any proposed exemptions from otherwise applicable Federal requirements and a description of any proposed exempted or insignificant activities and/or emission units.

(7) Insignificant emission levels. Emissions from units at major stationary sources, meeting the criteria below, shall be considered insignificant and will be subject to State enforceable requirements only, as long as they are not subject to any applicable requirements. Emissions that are determined insignificant based on these criteria shall be included in the determination of title V facility permit applicability and in all quantification of emissions for inventory and billing purposes.

(i) Criteria contaminant emissions that do not exceed 2.5 tpy, based on actual emissions, provided

on-site records are maintained to verify these emissions, or 2.5 tpy based on potential to emit.

(ii) Emissions that do not exceed 1,000 lbs/yr for any individual hazardous air pollutant and/or 5,000 lbs/yr for any combination of hazardous air pollutant except where the administrator has established lower thresholds for a specific hazardous air pollutant or major source threshold, in which case the lower thresholds shall apply. These emissions shall be actual emissions, provided on-site records are maintained to verify these emissions, or on potential to emit if records are not kept.

(iii) The emission unit does not utilize air pollution control device(s) or is not limited by an emission cap to meet the criteria in subparagraphs (i) and (ii) of this paragraph.

(8) Information necessary to define operational flexibility proposed in accordance with section 201-6.5 of this Subpart.

(9) A compliance plan for all emission sources subject to applicable requirements that contains the following:

(i) A description of the compliance status of the emission source with respect to all applicable requirements.

(ii) A description of applicable requirements as follows:

(a) For applicable requirements with which the major stationary source is in compliance, a statement that the facility will continue to comply with such requirements.

(b) For applicable requirements that will become effective during the permit term, a statement that the major stationary source will meet such requirements on a timely basis.

(c) For applicable requirements for which the source is not in compliance at the time of permit issuance, a narrative description of how the source will achieve compliance with such requirements.

(iii) A compliance schedule as follows:

(a) For applicable requirements that will become effective during the permit term, a statement that the major stationary source will meet such requirements on a timely basis, consistent with section 201-6.5 (a)(1)(i)- (iii) of this Subpart. A statement that the major stationary source will meet in a timely manner applicable requirements that become effective during the permit term shall satisfy this provision, unless a more detailed schedule is expressly required by the applicable requirement.

(b) A schedule of compliance for major stationary sources that are not in compliance with all applicable requirements at the time of permit issuance. Such a schedule shall include a schedule of remedial measures, including an enforceable sequence of actions with milestones, leading to compliance with any applicable requirements for which the major stationary source will be in noncompliance at the time of permit issuance. This compliance schedule shall resemble and be at least as stringent as that contained in any judicial consent decree or administrative order to which the source is subject. Any such schedule of compliance shall be supplemental to, and shall not sanction noncompliance with, the applicable requirements or standards on which it is based.

(iv) A schedule for submission of certified progress reports no less frequently than every six months

for major stationary sources required to have a schedule of compliance to remedy a violation.

(v) The compliance plan content requirements specified in this paragraph shall apply and be included in the acid rain portion of a compliance plan, as defined in 40 CFR part 72, for an "affected source," except as specifically superseded by regulations promulgated under the acid rain program with regard to the schedule and method(s) the "affected source" will use to achieve compliance with the acid rain emissions limitations.

(10) Requirements for compliance certification, including the following:

(i) A certification of compliance with all applicable requirements by a responsible official consistent with this section.

(ii) An identification of methods used for determining compliance, including a description of monitoring, recordkeeping, and reporting requirements and test methods.

(iii) A schedule for submission of compliance certifications during the permit term, to be submitted no less frequently than annually, or more frequently if specified by the underlying applicable requirement or by the department in the permit.

(iv) A statement indicating the major stationary source's compliance status with applicable compliance assurance monitoring and compliance certification requirements of the act.

(11) The use of nationally standardized forms for acid rain portions of permit applications and compliance plans, as required by title IV of the act.

(12) Certification by a responsible official. Any application form, report, or compliance certification submitted pursuant to the Federal title V permitting requirements under this Subpart shall contain certification of truth, accuracy, and completeness by a responsible official. This certification and any other certification required under this Subpart shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

(e) *Confidentiality*. A responsible official can request that certain information in a title V facility permit application be kept from public disclosure if it can be demonstrated to the department that the information is a trade secret. Such requests must be made in accordance with Part 616 of this Title. Information submitted to the department pursuant to Part 616 of this Title may be submitted directly to the administrator by the facility owner to determine if it is confidential pursuant to 40 CFR part 2.

Section 201-6.4 Application and permit review by EPA and affected states.

(a) *Transmission of information to the administrator*. (1) The department shall provide the administrator a copy of each permit application, including any application for permit modification, each proposed permit, and each final title V facility permit. Such transmission shall not include information related to the State-enforceable section. Accessibility to the administrator of the application, proposed permit, or final permit on the department's computer system shall be considered equivalent to the submission of these documents to the administrator by the department. The applicant may be required by the department to provide a copy of the permit application (including the compliance plan) directly to the administrator. Upon agreement with the administrator, the department may submit to the administrator a permit application summary form and any relevant portion of the permit application and compliance plan, in place of the complete permit application and compliance plan. To the extent practicable, the preceding information shall be provided in computer-readable

format compatible with the EPA national database management system.

(2) The administrator may waive the requirements of paragraph (1) of this subdivision and paragraph (b)(1) of this section for any category of emission sources (including any class, type, or size within such category) other than major sources according to the following:

(i) by regulation for a category of emission sources nationwide; or

(ii) at the time of approval of the State program for a category of sources covered by an individual permitting program.

(3) The department shall keep for five years such records and submit to the administrator such information as the administrator may reasonably require to ascertain whether the State program complies with the requirements of the act or of 40 CFR part 70.

(b) *Review by affected states*. (1) The department shall give notice of each draft permit to any affected state on or before the time that the department provides this notice to the public under the requirements of this Part or Part 621 of this Title.

(2) The department, as part of the submittal of the proposed permit to the administrator (or as soon as possible after the submittal for minor permit modification procedures allowed under section 201-6.7 of this Subpart), shall notify the administrator and affected states in writing of any refusal by the department to accept all recommendations for the proposed permit that the affected state submitted during the public or affected state review period. The notice shall include the department's reasons for not accepting any such recommendation. The department is not required to accept recommendations that are not based on applicable requirements or the requirements of this Part.

(3) Within five working days of receipt of a complete permit modification application, the department shall meet its obligation to notify the administrator and affected states of the requested permit modification. The department promptly shall send any required notice to the administrator.

(c) *EPA objection*. (1) The administrator may object to the issuance of any proposed permit determined by the administrator not to be in compliance with applicable requirements or requirements under this Part. No permit for which an application must be transmitted to the administrator shall be issued if the administrator objects to its issuance in writing within 45 days of receipt of the proposed permit and all necessary supporting information.

(2) Any EPA objection shall include a statement of the administrator's reasons for objection and a description of the terms and conditions that the permit must include to respond to the objections. The administrator will provide the permit applicant a copy of the objection.

(3) Failure of the department to do any of the following also shall constitute grounds for an objection:

(i) comply with subdivisions (a) or (b) of this section;

(ii) submit any information necessary to review adequately the proposed permit; or

(iii) process the permit under the procedures approved to meet the public participation requirements of Part 621 of this Title except for minor permit modifications.

(4) If the department fails, within 90 days after the date of an objection to revise and submit a proposed permit in response to the objection, the administrator may issue or deny the permit in accordance with the requirements of the Federal program promulgated under title V of the act.

(d) *Public petitions to the administrator*. If the administrator does not object in writing under subdivision (c) of this section, any person may petition the administrator within 60 days after the expiration of the administrator's 45-day review period to make such objection. Any such petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period. If the administrator objects to the permit as a result of a petition filed under this paragraph, the department shall not issue the permit until EPA's objection has been resolved, except that a petition for review does not stay the effectiveness of a permit or its requirements if the permit was issued after the end of the 45-day review period and prior to an EPA objection. If the department has issued a permit prior to receipt of an EPA objection under this paragraph, the administrator will modify, terminate, or revoke such permit, and shall do so consistent with the procedures in section 201-6.7(e) of this Subpart, except in unusual circumstances, and the department may thereafter issue only a revised permit that satisfies EPA's objection. In any case, the facility owner and/or operator will not be in violation of the requirement to have submitted a timely and complete application.

Section 201-6.5 Standard permit requirements.

(a) *General conditions*. With the exception of subdivision (f) of this section the provisions contained in this Subpart are considered standard solely for the Federal portion of the title V facility permit. The operational flexibility provisions under subdivision (f) of this section shall be available under both State and Federal portions of the title V facility permit. Each title V facility permit issued under this Part shall include the

following standard provisions:

(1) All Federal emission limitations and standards, including those operational requirements and limitations that assure compliance with all applicable requirements at the time of permit issuance.

(i) The origin of and authority for each term or condition, and any difference in form as compared to the applicable requirement upon which the term or condition is based.

(ii) Any permit containing the department's determination that an alternative emission limit constitutes compliance with a regulation in the State implementation plan shall contain provisions to ensure that the resulting emission limit has been demonstrated to be quantifiable, accountable, enforceable, and based on replicable procedures. The department's determination that an emission source is eligible for an alternative emission limit can be made in the permit issuance, renewal or significant modification process. Permits may only include alternative emission limits if provided for in the State implementation plan and if the alternative emission limit is determined by the department to be equivalent to the limit in the State implementation plan.

(iii) If an existing stationary source has installed best available control technology (as defined in section 169[3] of the act), or technology required to meet a lowest achievable emission rate (as defined in section 171[3] of the act), prior to the promulgation of an applicable MACT or GACT standard to such stationary source, per section 112(d) and (j) of the act, for the same hazardous air pollutant (or stream of hazardous air pollutants) it shall not be required to comply with such standard until the date five years after the date on which installation or reduction has been achieved, as determined by the department.

(2) The permittee must comply with all conditions of the title V facility permit. Any permit non-compliance constitutes a violation of the act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

(3) The permit may be modified, revoked, suspended, reopened and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.

(4) The owner and/or operator shall furnish to the department, within a reasonable time, any information that the department may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the department copies of records required to be kept by the permit or, for information claimed to be confidential, the permittee may furnish such records directly to the administrator along with a claim of confidentiality, if the administrator initiated the request for information or otherwise has need of it.

(5) It is not a defense for an owner and/or operator in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

(6) The permit does not convey any property rights of any sort, or any exclusive privilege.

(7) The owner and/or operator of a stationary source shall pay fees to the department consistent with the fee schedule authorized by Subpart 482-2 of this Title.

(8) The department or an authorized representative shall be allowed upon presentation of credentials and other documents as may be required by law to:

(i) enter upon the permittee's premises where a facility subject to the permitting requirements of this Subpart is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;

(ii) have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;

(iii) inspect at reasonable times any emission sources, equipment (including monitoring and air pollution control equipment), practices, and operations regulated or required under the permit; and

(iv) sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(9) A severability clause to insure the continued validity of the remaining various permit requirements in the event of a challenge to any portions of the permit.

(b) *Permit conditions for monitoring*. Each title V facility permit issued under this Part shall include the following provisions pertaining to monitoring:

(1) all emissions monitoring and analysis procedures or test methods required under the applicable requirements, including any procedures and methods for compliance assurance monitoring as required by

the act shall be specified in the permit;

(2) where the applicable requirement does not require periodic testing or instrumental or non-instrumental monitoring (which may consist of recordkeeping designed to serve as monitoring), the permit shall specify the periodic monitoring sufficient to yield reliable data from the relevant time periods that are representative of the major stationary source's compliance with the permit. Such monitoring requirements shall assure use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirements; and

(3) as necessary, requirements concerning the use, maintenance, and installation of monitoring equipment or methods.

(c) *Permit conditions for recordkeeping and reporting of compliance monitoring*. (1) The following information must be included in records and reports:

(i) the date, place as defined in the permit, and time of sampling or measurements;

(ii) the date(s) analyses were performed;

(iii) the company or entity that performed the analyses;

(iv) the analytical techniques or methods used including quality assurance and quality control procedures if required;

(v) the results of such analyses including quality assurance data where required;

(vi) the operating conditions as existing at the time of sampling or measurement;

(vii) any deviation from permit requirements must be clearly identified; and

(viii) reports must be certified by a responsible official, consistent with section 201-6.3 of this Subpart.

(2) Records of all monitoring data and supporting information must be retained for a period of at least five years from the date of the monitoring, sampling, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, all quality assurance information and copies of all reports required by the permit.

(3) The permit shall incorporate all applicable Federal reporting requirements which must include the following:

(i) submittal of reports of any required monitoring at least every six months; and

(ii) notification and reporting of permit deviations and incidences of noncompliance stating the probable cause of such deviations, and any corrective actions or preventive measures taken. If the permittee seeks to have a violation excused as provided in section 201-1.4 of this Part, the permittee shall report such violations as required under section 201-1.4(b) of this Part. In order to have a violation of a Federal regulation (such as a new source performance standard or national emissions standard for hazardous air pollutants) excused, the specific Federal regulation must provide for an affirmative

defense during start- up, shutdowns, malfunctions or upsets. All other permit deviations shall only be reported as required under subparagraph (i) of this paragraph, unless the department specifies a difference reporting requirement within the permit.

(d) *Compliance schedules*. Each title V facility permit issued shall contain the following provisions for compliance:

(1) The permit shall include a provision requiring compliance with the schedule proposed pursuant to section 201-6.3 of this Subpart.

(2) Where any performance or emission standard or other requirement is established for a facility prior to the issuance of a permit, the permit may contain a compliance schedule requiring the facility to achieve compliance as soon as practicable but not later than the time required by the act or an applicable requirement.

(3) The applicant shall propose as permit conditions, compliance certification, testing, monitoring (including any enhanced monitoring requirements), reporting, and recordkeeping requirements sufficient to assure compliance with the terms and conditions of the permit.

(4) Any document (including reports) required by a title V permit shall contain a certification by a responsible official as set forth in section 201-6.3 of this Subpart that based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate and complete.

(5) Progress reports consistent with an applicable schedule of compliance and are to be submitted at

least semiannually, or at a more frequent period if specified in the applicable requirement or by the department. Such progress reports shall contain the following:

(i) dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones or compliance were achieved; and

(ii) an explanation of why any dates in the schedule of compliance were not or will not be met, and any preventive or corrective measures adopted.

(e) *Compliance certification.* Requirements for compliance certification with terms and conditions contained in the permit, including emission limitations, standards, or work practices. Permits shall include each of the following:

(1) the frequency, not less than annually or more frequent periods as specified in the applicable requirement or by the department, of submissions of compliance certifications;

(2) a means for assessing or monitoring the compliance of the stationary source with its emission limitations, standards, and work practices;

(3) a requirement that the compliance certification include the following:

(i) the identification of each term or condition of the permit that is the basis of the certification;

(ii) the compliance status;

(iii) whether compliance was continuous or intermittent;

(iv) the method(s) used for determining the compliance status of the facility, currently and over the reporting period consistent with subdivision (b) of this section;

(v) such other facts as the department shall require to determine the compliance status of the facility; and

(vi) all compliance certifications shall be submitted to the department and to the administrator and shall contain such other provisions as the department may require to ensure compliance with all applicable requirements.

(f) *Operational flexibility*. Each title V facility permit shall contain a provision that states that no permit modifications will be required, under any approved emissions trading, economic incentives, marketable permits, or other similar programs or processes for changes that are provided for in the permit.

(1) Alternate operating scenarios. The owner and/or operator of the major stationary source may propose a range of operating conditions that will allow flexibility to operate under more than one operating scenario. Upon issuance of the permit, operation under each proposed alternate operating scenario is authorized without requiring a permit revision. The owner and/or operator must track and report the scenarios that the major stationary source operates under according to the requirements of this section, and contemporaneously with making a change from one operating scenario to another, the facility owner and/or operator must record the scenarios in a log at the source. The alternate operating scenarios shall be specified by terms and conditions stated in the permit and shall not contravene any applicable requirement. Alternative operating scenarios may include but are not limited to:

(i) specifying, as maximum permissible operating conditions, alternative operational scenarios that can be expected to occur during the term of the permit;

(ii) the specification of the maximum permissible emission rate as the enforceable limit unless the operational capacity of the emission source or emission unit is limited as a result of applicable or other requirements;

(iii) the aggregation of emissions from emission units to be detailed under an approved operational flexibility plan, describing the manner in which emissions may be varied in quantity and nature among such emission units. Applications must describe the location and characteristics of emission units involved, and the corresponding emissions; and

(iv) other bases for the facilitation of operational flexibility not in violation of Federal or State law or regulation as approved by the department and the administrator.

(2) Protocol. In the operational flexibility plan the owner and/or operator may propose to incorporate a protocol component by which the permittee will evaluate proposed changes for compliance with applicable requirements. Compliance with an approved protocol shall serve as compliance with Part 212 of this Title except that it shall not undo previous section 212.10 RACT determinations or otherwise absolve the permittee from section 212.10 RACT compliance obligations. The protocol shall include provisions for notifying the department of changes. Detail must be sufficient to allow for the assessment of control requirements, to determine compliance with applicable requirements and to maintain the department's source inventory. Changes made pursuant to an approved protocol are not subject to the provisions of section 201-6.7 of this Subpart.

(3) Emissions trading under the SIP without requiring a permit revision. Owners and/or operators of title V facilities may trade increases and decreases in emissions in the permitted facility, where the applicable implementation plan provides for such emissions trades and the changes do not exceed the emissions allowable under the permit, without requiring a permit revision. Notice of such trade must be given to the department and the administrator seven days prior to making the trade. This provision is available in those cases where the permit does not specifically provide for such emissions trading. Emission trading under this provision does not require a permit revision as long as changes are not modifications under any provision of title I of the act.

(i) The seven day written notification required above shall include such information as may be required by the provision in the applicable implementation planauthorizing the emissions trade, including at a minimum, when the proposed change will occur, a description of each such change, any change in emissions, the permit requirements with which the facility will comply using the emissions trading provisions of the applicable implementation plan, and the pollutants emitted subject to the emissions trade. The notice shall also refer to the provisions with which the facility will comply in the applicable implementation plan and that provide for the emissions trade.

(ii) Compliance with the permit requirements that the facility will meet in conducting the emissions trade shall be determined according to requirements of the applicable implementation plan authorizing the emissions trade.

(iii) The permit shield described in section 201-6.6 of this Subpart shall not extend to terms and conditions that allow such increases and decreases in emissions.

(4) Emissions trading under a cap without requiring a permit revision. If a permit applicant requests it, the department shall issue permits that contain terms and conditions, including all terms required under this Subpart, to determine compliance, allowing for the trading of emissions increases and decreases in the permitted facility solely for the purpose of complying with a federally-enforceable emissions cap that is established in the permit independent of otherwise applicable requirements. Changes under this provision within a permitted facility may be allowed without requiring a permit revision, if the changes are not modifications under any provision of title I of the act and the changes do not exceed the emissions allowable under the permit (whether expressed therein as a rate of emissions or in terms of total emissions). The permit applicant shall include, in the application, proposed replicable procedures and permit terms that ensure the emissions trades are quantifiable and enforceable. The department shall not include in the emissions trading provisions any emission units for which emissions are not quantifiable or for which there are no replicable procedures to determine the compliance of the trade. Trading of emissions between contiguous facilities with more than one title V facility permit and owned and/or operated by the same facility owner and/or operator is permitted according to a procedure approved in the permits. The permit(s) shall also require compliance with all applicable requirements.

(i) For emissions trading pursuant to this paragraph, seven day written advance notification shall be provided to the administrator and to the department, and shall state when the change will occur and shall describe the changes in emissions that will result and how these increases and decreases in emissions will comply with the terms and conditions of the permit.

(ii) The permit shield described in this section shall extend to terms and conditions that allow such increases and decreases in emissions.

(5) For emissions trading under this section, the owner and/or operator of the permitted facility, the department and the administrator shall attach the seven day advance notice of each trade to their copy of the relevant permit.

(6) No permit revision will be required for operating changes that contravene an express permit term, provided that such changes would not violate applicable requirements as defined under this Part or contravene federally enforceable monitoring (including test methods), recordkeeping, reporting, or compliance certification permit terms and conditions. Such changes may be made without requiring a permit revision, if the changes are not modifications under any provision of title I of the act and the changes do not exceed the emissions allowable under the permit (whether expressed therein as a rate of emissions or in terms of total emissions) provided that the facility provides the administrator and the department with written notification as required below in advance of the proposed changes within a minimum of seven days. The facility owner or operator, and the department shall attach each such notice to their copy of the relevant permit.

(i) For each such change, the written notification required above shall include a brief description of the change within the permitted facility, the date on which the change will occur, any change in emissions, and any permit term or condition that is no longer applicable as a result of the change.

(ii) The permit shield described in section 201-6.6 of this Subpart shall not apply to any change made pursuant to this paragraph.

(g) *Permit shield*. Except as otherwise provided in this Subpart, the department shall expressly include in a facility permit a provision stating that compliance with the conditions of the permit shall be deemed compliance

with any applicable requirements as of the date of permit issuance. This permit shield applies provided all applicable requirements are included and are specifically identified in the permit or the department, in acting on the permit application or revision, determines in writing that other requirements specifically identified are not applicable to the major stationary source, and the permit includes the determination or a concise summary thereof. Nothing herein shall preclude the department from revising or revoking the permit pursuant to Part 621 of this Title or from exercising its summary abatement authority. Nothing in this paragraph or in any title V facility permit shall alter or affect the following:

(1) the ability of the department to seek to bring suit on behalf of the State of New York, or the administrator to seek to bring suit on behalf of the United States, to immediately restrain any person causing or contributing to pollution presenting an imminent and substantial endangerment to public health, welfare or the environment to stop the emission of air pollutants causing or contributing to such pollution;

(2) the liability of an owner or operator of a title V facility for any violation of applicable requirements prior to or at the time of permit issuance;

(3) the applicable requirements of title IV of the act; and

(4) the ability of the department or the administrator to obtain information from a facility owner and/or operator concerning the ability to enter, inspect and monitor the facility.

(h) *Term of permits*. The following time periods shall apply to the term of title V facility permits:

(1) Periods of up to five years for title V facility permits, temporary sources and general permits for facilities subject to this Subpart.

(2) A fixed term of five years for "affected sources." Title V permits for "affected sources" will be issued in such a manner as to eliminate inconsistencies between the expiration of the title V permit and the effective dates of applicable requirements under title IV of the act.

(i) *Reopening for cause*. (1) A title V permit shall be reopened and revised under any of the following circumstances:

(i) When additional applicable requirements under the act become applicable to a title V facility with a remaining permit term of three or more years, a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended by the department pursuant to the provisions of section 201- 6.7 of this Subpart.

(ii) The department or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

(iii) The department or the administrator determines that the title V permit must be revised or reopened to assure compliance with applicable requirements.

(iv) Additional requirements (including excess emissions requirements) become applicable to an "affected source" under the Acid Rain Program. Upon approval by the administrator, excess emissions offset plans shall be deemed to be incorporated into the permit.

(2) Proceedings to reopen and issue a title V facility permit shall be required to follow the same procedures as apply to initial permit issuance but shall affect only those parts of the permit for which cause to reopen exists.

(3) Reopenings shall not be initiated before a notice of such intent is provided to the facility by the department at least 30 days in advance of the date that the permit is to be reopened, except that the department may provide a shorter time period in the case of an emergency.

Section 201-6.6 Special provisions.

(a) *State enforceable requirements*. (1) The department shall specifically designate as not being federally enforceable, any terms and conditions included in the permit that are not required under the act or under any of its applicable requirements. Terms and conditions so designated are not subject to the requirements of section 201- 6.4 of this Subpart.

(2) When a facility is issued a title V permit, existing state requirements shall be incorporated into the state enforceable section, and the existing permits shall expire except where the facility owner and/or operator requests to delay this merging of State and Federal requirements as allowed under section 201-6.2 of this Subpart. Incorporation of existing requirements will not be subject to section 201-6.4 of this Subpart.

(b) *Additional permit conditions for facilities subject to the Acid Rain Program of title IV of the act.*

(1) Where an applicable requirement of the act is more stringent than regulations promulgated under title IV of the act, both requirements shall be incorporated into the permit, and shall be enforceable by the department and the administrator.

(2) Emissions exceeding any allowances that the facility owner/operator lawfully holds under title IV of

the act or the regulations promulgated thereunder shall be prohibited by the permit. However, the facility owner and/or operator is not required to cover its emissions at all times. Rather, the facility owner and/or operator need only have sufficient sulfur dioxide allowances to cover emissions at the end of the true-up period in each year.

(3) No permit revision shall be required for increases in emissions that are authorized by allowances acquired pursuant to title IV, provided that such increases do not require a permit revision under any other applicable requirement.

(4) No limit shall be placed on the number of allowances held by the facility. The facility owner and/or operator may not, however, use allowances as a defense to noncompliance with any other applicable requirement.

(5) Any allowance shall be accounted for according to the procedures established in regulations promulgated under the acid rain provisions of title IV.

(c) *Emergency defense provision*. Each title V facility permit shall contain a condition that requires reporting of noncompliance due to an emergency. In the event that emissions of contaminants in excess of any emission standard of this Chapter occur due to an emergency (as defined in this Part), the facility owner shall report such event to the department's representative as soon as possible during normal working hours, but in any case not later than two working days after the event occurs which describes the emergency, any steps taken to mitigate emissions, and corrective actions taken. Facilities desiring an affirmative defense for non-compliance with any applicable requirement due to an emergency shall follow the requirements established under the general provisions in this Part.

(d) *Portable sources and portable operations*. The department may issue a permit authorizing emissions from similar operations by the same stationary source owner and/or operator at multiple temporary locations. The operation must be temporary in nature and can involve more than one change of location during the term of the permit.

(1) No "affected source" shall be permitted as a portable source. Permits for portable sources may be issued pursuant to conceptual approvals by the department based on a description of the proposed operation and control equipment with site-specific review requirements incorporated into the conceptual approval. All permits issued shall contain:

(i) conditions that will assure compliance with all applicable requirements at all authorized locations unless site-specific reviews are required prior to relocation or start-up as determined by the department;

(ii) requirements that the owner or operator notify the department at least 10 days in advance of each change in location; and

(iii) conditions that assure compliance with all other provisions of this section.

(2) The department may issue written authorization to a facility owner to operate a portable source for a period of time not to exceed 30 days in any calendar year where an environmental or public health emergency situation exists due to spills or other causes, and there is an environmental benefit to such portable operation.

(e) *Temporary operations*. The department may issue authorization for temporary operations. These

operations must comply with any applicable requirements and all Parts of this Chapter. Temporary operations, for purposes of title V facility permitting, would be treated as trivial activities.

Section 201-6.7 Permit renewal and modification.

(a) *Expiration and renewal*. The following procedures shall apply when title V facility permits are renewed or expire:

(1) Permits that are being renewed are subject to the same procedural and review requirements, including those for public participation and affected State and EPA review, that apply to initial permit issuance. Renewal applications must include any revisions or modifications enacted during the previous permit term.

(2) Permit expiration terminates the major stationary source's right to operate unless a timely and complete renewal application has been submitted consistent with section 201-6.3(a) of this Subpart.

(3) If the department fails to act in a timely way in the renewal of a permit, the administrator may invoke the authority under section 505(e) of the act to terminate, modify or revoke and reissue a permit.

(4) The department shall take final action upon permit renewal within 18 months of receipt of a complete application. If the department fails to take final action on a renewal application within 18 months of the receipt of a complete application, such failure to act shall be treated as a final agency action solely for the purposes of judicial review for failure to take final action.

(5) All the terms and conditions of a permit shall be automatically continued pending final determination by the department on a request for renewal application for a permit provided a permittee has made a timely and complete application and paid the required fees.

(b) *Administrative permit amendments*. (1) Administrative amendments to title V facility permits include the following changes:

(i) correction of typographical errors;

(ii) identification of a change in the name, address, or phone number of any person identified in the permit or a similar minor administrative change at the source;

(iii) those requiring more frequent monitoring or reporting by the permittee;

(iv) those allowing for a change in ownership or operational control of a facility where the department determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to the department; or

(v) incorporation into the permit of the requirements from a preconstruction review permit issued by the department provided that public participation pursuant to Part 621 of this Title, and the EPA and affected State review process for the preconstruction permit were equivalent to the review process and compliance requirements necessary for issuance of a title V facility permit.

(2) the request for an administrative permit amendment shall be reviewed and acted upon by the department in accordance with the time frames and procedures established under section 621.13 of this Title

and subparagraph (i) of this paragraph. Administrative permit amendments for the purposes of the acid rain portion of the permit shall be governed by regulations promulgated under title IV of the act. The department may incorporate such changes into the permit without providing notice to the public or affected states provided that it designates any such permit revisions as having been made pursuant to this paragraph.

(i) Within 15 days of receipt of a request for an administrative permit amendment, the department shall take final action on such request, and may incorporate such changes without providing notice to the public or affected states provided that it designates any such permit revisions as having been made pursuant to this section.

(ii) The department shall make a copy of the revised permit available to the administrator.

(iii) The owner and/or operator of a facility may implement the changes addressed in the request for an administrative amendment after 15 days from receipt of the request by the department.

(3) The department shall, upon taking final action granting a request for an administrative permit amendment, allow coverage by the permit shield in section 201-6.5 of this Subpart. The department shall also allow such coverage for administrative permit amendments made pursuant to paragraph (1)(v) of this subdivision, provided the preconstruction permit met the relevant requirements of this Part for significant permit modifications.

(c) *Minor permit modifications*.

(1) Minor permit modification procedures may be used only for those permit modifications that do not

exceed the criteria under subparagraphs (i) - (v) of this paragraph. In no case will a facility that has been issued multiple permits be allowed to make minor permit modifications which, in the aggregate, would be a significant permit modification if the facility had been issued a single permit, unless such facility complies with all the requirements for a significant modification.

(i) Do not violate any applicable requirement.

(ii) Do not involve significant changes to existing monitoring, reporting, or recordkeeping requirements in the permit and are not otherwise a significant change in the permit.

(iii) Do not require or change a case-by-case determination of a Federal emission limitation or other Federal standard, or a specific determination for portable sources causing adverse ambient impacts, or a visibility or increment analysis.

(iv) Do not seek to establish or change a permit term or condition that the facility has assumed to avoid an applicable requirement to which the emission source would otherwise be subject. Such terms and conditions include:

(a) a federally enforceable emissions cap assumed to avoid classification as a modification under any provision of title I of the act, including Part 231 of this Title; or

(b) an alternative emissions limit approved pursuant to the early reduction program under section 112 of the act.

(v) Are not modifications under any provision of title I of the act, including modifications resulting in significant net emission increases as defined and regulated under Part 231 of this Title or the Federal Prevention of Significant Deterioration Program regulations at 40 CFR 52.21.

(2) Notwithstanding paragraphs (1) and (9) of this subdivision, minor permit modification procedures may be used for permit modifications involving the use of economic incentives, marketable permits, emission trading, and other similar approaches to the extent that such minor permit modification procedures are explicitly provided for in an applicable implementation plan or in applicable requirements promulgated by the administrator.

(3) An application for a minor permit modification shall meet the requirements of section 201-6.3(d) of this Subpart, and shall provide the following information:

(i) a description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs;

(ii) certification by a responsible official, consistent with this Subpart, that the proposed modification meets the criteria contained herein for use of minor permit modification procedures and a request that such procedures be used;

(iii) completed forms for use in notifying the administrator and affected states; and

(iv) the major stationary source's suggested draft permit in a format acceptable to the department.

(4) The department will review and act on applications for minor permit modifications in accordance

with timeframes and procedures established for minor projects under Part 621 of this Title. Upon application by an owner and/or operator for a minor permit modification, the department shall determine whether or not such application is complete within 15 days after receipt of such application and notify the applicant as required under Part 621 of this Title.

(5) The facility may proceed with the requested modification upon receipt of a notice of complete application from the department confirming that the modification is minor. If, however, the department fails to issue such notice, the application shall be deemed complete by default on the 15th day after receipt of the application and the permittee may proceed with the requested modification on the 25th day after the date that the department received the application. After the facility owner and/or operator makes the change and until the department takes final action, or notifies the permittee that the requested modification does not meet the minor modification criteria, or that EPA objects to the modification requested, the facility must comply with both the applicable requirements governing the change and any proposed permit terms and conditions. During this time period, the facility need not comply with the existing permit terms and conditions it seeks to modify. However, if the facility fails to comply with its proposed permit terms and conditions during this time period, the existing permit terms and conditions it seeks to modify may be enforced against it.

(6) The department shall provide the notice of complete application, or provide an alternate form of notification approved by the administrator, to the administrator and affected states on or before the date that the applicant is notified. Such notification is not required if the modification involves only emission units or permit terms and conditions that are not subject to any applicable requirement.

(7) The department must issue a final decision on a modification request not later than 45 days after the

date that the application was complete. However, the department may not issue a final permit modification until 45 days have elapsed from the date that the department notified the administrator under paragraph (6) of this subdivision or until the administrator has notified the department that they will not object to issuance of the permit modification, whichever occurs first.

(8) The permit shield described in section 201-6.5 of this Subpart does not extend to minor permit modifications.

(9) Group processing of minor permit modifications. The department may process groups of a stationary source's applications for certain modifications eligible for minor permit modification processing.

(i) Group processing of modifications may be used only for those permit modifications:

(a) that meet the criteria for minor permit modification procedures of this section; and

(b) whose potential emissions collectively are below 10 percent of the emissions allowed by the permit for the emissions unit for which the change is requested, 20 percent of the applicable definition of major stationary source, or five tons per year, whichever is least.

(ii) An application requesting the use of group processing procedures shall meet the requirements for a complete application in section 201-6.3 of this Subpart and shall include the following:

(a) a description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs;

(b) the stationary source's proposed draft permit;

(c) certification by a responsible official, consistent with section 201- 6.3 of this Subpart, that the proposed modification meets the criteria for use of group processing procedures and a request that such procedures be used;

(d) a list of the stationary source's other pending applications awaiting group processing, and a determination of whether the requested modification, aggregated with these other applications, equals or exceeds the threshold set under this paragraph; and

(e) certification by a responsible official, consistent with section 201- 6.3 of this Subpart, that the facility owner and/or operator has notified EPA of the proposed modification. Such notification need only contain a brief description of the requested modification; and

(f) completed forms for notifying the administrator and affected states as required under section 201-6.4 of this Subpart.

(iii) On a quarterly basis or within five business days of receipt of an application demonstrating that the aggregate of a stationary source's pending applications equals or exceeds the threshold level set under this paragraph, whichever is earlier, the department shall notify the administrator and affected states of the requested permit modifications. The department shall send any required notice to the administrator. In addition, the department may require the facility owner and/or operator to submit a notice to be used in notifying the administrator and affected states.

(iv) The provisions of paragraph (5) of this subdivision shall apply to modifications eligible for group processing, except that the department shall take the action specified in paragraph (7) of this subdivision within 180 days of receipt of the application or 15 days after the end of the administrator's 45-day review period, whichever is later.

(v) The permit shield described in section 201-6.5 of this Subpart does not extend to minor permit modifications eligible for group processing.

(vi) The provisions of this section shall apply to group processing for minor permit modifications.

(d) *Significant permit modifications*. Significant permit modifications are those that are not minor permit modifications or administrative permit amendments. Every significant change in existing monitoring permit terms or conditions, and every relaxation of reporting or recordkeeping permit terms or conditions at a stationary source subject to this Subpart shall be considered significant. An application for permit modification should be submitted by the owner and/or operator, and shall be subject to the provisions of this Subpart for new applications for a permit.

(e) *Reopenings for cause by EPA*. (1) If the administrator finds that cause exists to terminate, modify, or revoke and reissue a permit pursuant to section 201-6.5 of this Subpart, the administrator will notify the department and the permittee of such finding in writing.

(2) The department shall, within 90 days after receipt of such notification, forward to EPA a proposed determination of termination, modification, or revocation and reissuance, as appropriate. The administrator may extend this 90-day period for an additional 90 days if she/he finds that a new or revised permit

application is necessary or that the department must require the permittee to submit additional information.

(3) The administrator will review the proposed determination from the department within 90 days of receipt.

(4) The department shall have 90 days from receipt of an EPA objection to resolve any objection that EPA makes and to terminate, modify, or revoke and reissue the permit in accordance with the administrator's objection.

(5) If the department fails to submit a proposed determination pursuant to paragraph (2) of this subdivision or fails to resolve any objection pursuant to paragraph (4) of this subdivision, the administrator will terminate, modify, or revoke and reissue the permit after taking the following actions:

(i) providing at least 30 days' notice to the permittee in writing of the reasons for any such action. This notice may be given during the procedures in paragraphs (1) through (4) of this subdivision;

(ii) providing the permittee an opportunity for comment on the administrator's proposed action and an opportunity for a hearing.

(f) *Surrender of title V facility permits*. A source owner or operator may close down operations and surrender title V permit(s) to the department.

Section 201-6.8 Appendix A--Sources Deferred from Title V Permitting in Accordance with Section 201-6.2(c)(2) of this Subpart.

Sources Regulated by National Emission Standards for Hazardous Air Pollutants:

40 CFR 63.320 Subpart M: Perchloroethylene Dry Cleaning Facilities

40 CFR 63.340 Subpart N: Chromium Electroplating

40 CFR 63.360 Subpart O: Ethylene Oxide Commercial Sterilization

40 CFR 63.460 Subpart T: Halogenated Solvent Metal Cleaning

40 CFR 63.541 Subpart X: Secondary Lead Smelting

40 CFR 63.1500 Subpart RRR: Secondary Aluminum Production

Section 201-6.9 Appendix B--Transition Plan Application Schedule.

(a) (1) The following schedule establishes the deadlines by which existing major stationary sources must submit Title V facility permit applications under the transition provisions of Subpart 201-6 of this Chapter. The schedule lists those Standard Industrial Classification (SIC) Codes which cover the existing major stationary sources in the department's emission inventory based on past actual emissions data, and assigns a submittal deadline of 6, 12 or 24 months from the date that the EPA Administrator approves the Department's program.

(b) Within 24 months of EPA's approval of New York's operating permit program, owners and/or operators of major facilities in all remaining SIC categories and other categories as determined by the Department shall

submit a Phase II application for their Title V facility permit.

(c) In the event of uncertainty as to which SIC code applies to a facility, the Department will determine which SIC category a facility belongs to based on inspection of the facility and similarity of the subject facility to other facilities in specific SIC categories.

(2) The Transition Plan is as follows:

SIC Range	*SIC #*	*Major SIC Group Description*	*Minor SIC Group Description*	*Submittal Date*
0100-0199		Agricultural Production - Crops		24 months
0200-0299		Agricultural Production Livestock and Animal Specialties		24 months
0700-0799		Agricultural Services		24 months
0800-0899		Forestry		24 months
0900-0999		Fishing, Hunting and Trapping		24 months
1000-1999		Metal Mining		24 months
1200-1299		Coal Mining		24 months
1300-1399		Oil and Gas Extraction		24 months
1400-1499		Mining & Quarrying of Nonmetallic Minerals, Except Fuels		12 months
1400-1499	1420	Mining & Quarrying of Nonmetallic Minerals, Except Fuels	Crushed and Broken Stone, including riprap	12 months

1400-1499	1421	Mining & Quarrying of Nonmetallic Minerals, Except Fuels		12 months
1400-1499	1422	Mining & Quarrying of Nonmetallic Minerals, Except Fuels	Crushed and Broken Limestone	12 months
1400-1499	1427	Mining & Quarrying of Nonmetallic Minerals, Except Fuels		12 months
1400-1499	1429	Mining & Quarrying of Nonmetallic Minerals, Except Fuels	Crushed and Broken Stone, Not Elsewhere Classified	12 months
1400-1499	1442	Mining & Quarrying of Nonmetallic Minerals, Except Fuels	Construction Sand and Gravel	12 months
1400-1499	1444	Mining & Quarrying of Nonmetallic Minerals, Except Fuels		12 months
1400-1499	1446	Mining & Quarrying of Nonmetallic Minerals, Except Fuels	Industrial Sand	12 months
1400-1499	1447	Mining & Quarrying of Nonmetallic Minerals, Except Fuels		12 months
1400-1499	1479	Mining & Quarrying of Nonmetallic Minerals, Except Fuels	Chemical Fertilizer Mineral Mining Not Elsewhere Classified	12 months
1400-1499	1492	Mining & Quarrying of Nonmetallic Minerals, Except Fuels	Gypsum	12 months
1400-1499	1496	Mining & Quarrying of Nonmetallic Minerals, Except Fuels	Talc, Soapstone, and Pyrophyllite	12 months
1500-1599		Building Construction - General Contractors/Operative Builders		24 months
1600-1629		Heavy Construction, except Highway and Street Construction		24 months

1600-1629	1629	Heavy Construction, except Highway and Street Construction		24 months
1700-1799		Construction - Special Trade Contractors		24 months
2000-2099		Food and Kindred Products		24 months
2000-2099	2013	Food and Kindred Products	Sausage and Other Prepared Meat Products	24 months
2000-2099	2020	Food and Kindred Products	Dairy Products	24 months
2000-2099	2022	Food and Kindred Products	Cheese, Natural and Processed	24 months
2000-2099	2023	Food and Kindred Products	Condensed and Evaporated Milk	24 months
2000-2099	2026	Food and Kindred Products	Fluid Milk	24 months
2000-2099	2032	Food and Kindred Products	Canned Specialties	24 months
2000-2099	2033	Food and Kindred Products	Canned Fruits, Vegetables, Preserves, Jams and Jellies	24 months
2000-2099	2040	Food and Kindred Products	Grain Mill Products	24 months
2000-2099	2041	Food and Kindred Products	Flour and Other Grain Mill Products	24 months
2000-2099	2043	Food and Kindred Products	Cereal Breakfast Products	24 months
2000-2099	2046	Food and Kindred Products	Wet Corn Milling	24 months
2000-2099	2048	Food and Kindred Products	Prepared Feeds/Feed Ingredients Animal/Fowls Not Cats/Dogs	24 months
2000-2099	2051	Food and Kindred Products	Bread & Bakery Products, Except Cookies and Crackers	24 months

2000-2099	2062	Food and Kindred Products	Cane Sugar Refining	24 months
2000-2099	2076	Food and Kindred Products	Vegetable Oil Mills, Except Corn, Cottonseed and Soybean	24 months
2000-2099	2082	Food and Kindred Products	Malt Beverages	24 months
2000-2099	2094	Food and Kindred Products	Miscellaneous Food Preparations and Kindred Products	24 months
2100-2199		Tobacco Manufacturers		24 months
2100-2199	211	Tobacco Manufacturers	Cigars	24 months
2200-2299		Textile Mill Products		24 months
2200-2299	2231	Textile Mill Products	Broad Woven Fabric Mills, Wool Including Dyeing & Finishing	24 months
2200-2299	2259	Textile Mill Products	Knitting Mills, Not Elsewhere Classified	24 months
2200-2299	2262	Textile Mill Products	Finishers of Textiles, Not Elsewhere Classified	24 months
2200-2299	2281	Textile Mill Products	Yarn Spinning Mills	24 months
2200-2299	2295	Textile Mill Products	Coated Fabrics, Not Rubberized	24 months
2200-2299	2297	Textile Mill Products	Nonwoven Fabrics	24 months
2300-2399		Apparel/Finished Products From Fabric & Similar Material		24 months
2300-2399	2396	Apparel/Finished Products From Fabric & Similar Material	Automotive Trimmings, Apparel Findings & Related Products	24 months
2400-2499		Lumber & Wood Products, Except Furniture		24 months

2400-2499	2426	Lumber & Wood Products, Except Furniture	Hardwood Dimension and Flooring Mills	24 months
2400-2499	2431	Lumber & Wood Products, Except Furniture	Millwork	24 months
2400-2499	2432	Lumber & Wood Products, Except Furniture		24 months
2400-2499	2434	Lumber & Wood Products, Except Furniture	Wood Kitchen Cabinets	24 months
2400-2499	2490	Lumber & Wood Products, Except Furniture	Miscellaneous Wood Products	24 months
2400-2499	2492	Lumber & Wood Products, Except Furniture		24 months
2400-2499	2499	Lumber & Wood Products, Except Furniture	Wood Products, Not Elsewhere Classified	24 months
2500-2599		Furniture and Fixtures		12 months
2500-2599	2511	Furniture and Fixtures	Wood Household Furniture, Except Upholstered	12 months
2500-2599	2514	Furniture and Fixtures	Metal Household Furniture	12 months
2500-2599	2521	Furniture and Fixtures	Wood Household Furniture	12 months
2500-2599	2522	Furniture and Fixtures	Office Furniture, Except Wood	12 months
2500-2599	2531	Furniture and Fixtures	Public Building and Related Furniture	12 months
2500-2599	2541	Furniture and Fixtures	Wood Partitions, Shelving, Lockers & Office and Store Fixtures	12 months
2500-2599	2542	Furniture and Fixtures	Metal Partitions, Shelving, Lockers & Office and Store Fixtures	12 months
2500-2599	2591	Furniture and Fixtures	Drapery Hardware and Window Blinds and Shades	12 months

2500-2599	2599	Furniture and Fixtures	Hospital, Restaurant, Cafeteria, and Factory Furniture	12 months
2600-2629		Paper and Allied Products		6 months
2600-2629	2611	Paper and Allied Products	Pulp Mills	24 months
2600-2629	2621	Paper and Allied Products	Paper Mills, Except Building Paper Mills	24 months
2600-2629	2625	Paper and Allied Products	Paper Mills, Except Building Paper Mills	24 months
2600-2699		Paper and Allied Products		12 months
2630-2699	2631	Paper and Allied Products	Paperboard Mills	12 months
2630-2699	2643	Paper and Allied Products	Bags, Except Textile Bags	12 months
2630-2699	2649	Paper and Allied Products	Converted Bags/Paperboard Products Not Elsewhere Classified	12 months
2630-2699	2653	Paper and Allied Products	Corrugated and Solid Fiber	12 months
2630-2699	2654	Paper and Allied Products	Sanitary Food Containers	12 months
2630-2699	2657	Paper and Allied Products	Folding Paperboard Boxes, Including Sanitary	12 months
2630-2699	2661	Paper and Allied Products	Building Paper and Building Board Mills	12 months
2630-2699	2671	Paper and Allied Products	Packaging Paper and Plastics Film, Coated and Laminated	12 months
2630-2699	2672	Paper and Allied Products	Coated and Laminated Paper, Not Elsewhere Classified	12 months
2630-2699	2673	Paper and Allied Products	Plastics, Foil, and Coated Paper Bags	12 months

2630-2699	2675	Paper and Allied Products	Uncoated Paper and Multiwall Bags	12 months
2700-2749		Printing, Publishing and Allied Industries		24 months
2700-2749	2711	Printing, Publishing, and Allied Industries	Newspaper; Publishing and Printing	24 months
2700-2749	2731	Printing, Publishing and Allied Industries	Books; Publishing and Printing	24 months
2700-2749	2741	Printing, Publishing and Allied Industries	Miscellaneous Printing	24 months
2750-2769		Printing, Publishing and Allied Industries		12 months
2750-2769	2750	Printing, Publishing and Allied Industries	Commercial Printing	12 months
2750-2769	2751	Printing, Publishing and Allied Industries	Commercial Printing, Letterpress and Screen	12 months
2750-2769	2752	Printing, Publishing and Allied Industries	Commercial Printing, Lithographic	12 months
2750-2769	2754	Printing, Publishing and Allied Industries	Commercial Printing, Gravure	12 months
2750-2769	2759	Printing, Publishing and Allied Industries	Commercial Printing, Not Elsewhere Classified	12 months
2750-2769	2761	Printing, Publishing and Allied Industries	Manifold Business Forms	12 months
2770-2799		Printing, Publishing and Allied Industries		24 months
2800-2829		Chemicals and Allied Products		24 months
2800-2829	2800	Chemicals and Allied Products		24 months
2800-2829	2810	Chemicals and Allied Products	Industrial Inorganic Chemicals	24 months
2800-2829	2811	Chemicals and Allied Products	Industrial Inorganic Chemicals	24 months

2800-2829	2812	Chemicals and Allied Products	Alkalies and Chlorine	24 months
2800-2829	2815	Chemicals and Allied Products	Industrial Inorganic Chemicals	24 months
2800-2829	2816	Chemicals and Allied Products	Inorganic Pigments	24 months
2800-2829	2818	Chemicals and Allied Products	Industrial Inorganic Chemicals	24 months
2800-2829	2819	Chemicals and Allied Products	Industrial Inorganic Chemicals, Not Elsewhere Classified	24 months
2800-2829	2821	Chemicals and Allied Products	Plastics Materials, Synthetic Resins, Nonvulcanizable Elastomers	24 months
2800-2829	2822	Chemicals and Allied Products	Synthetic Rubber (Vulcanizable Elastomers)	24 months
2800-2829		Chemicals and Allied Products	Industrial Inorganic Chemicals	24 months
2800-2829	2824	Chemicals and Allied Products	Manmade Organic Fibers, Except Cellulosic	24 months
2830-2839		Chemicals and Allied Products	Drugs	24 months
2830-2839	2833	Chemicals and Allied Products	Medicinal Chemicals and Botanical Products	24 months
2830-2839	2834	Chemicals and Allied Products	Pharmaceutical Preparations	24 months
2840-2849		Chemicals and Allied Products	Soaps, Detergents, Cleaning Preparations, Perfumes, Cosmetics	24 months
2850-2899		Chemicals and Allied Services		24 months
2850-2899	2851	Chemicals and Allied Services	Paints, Varnishes, Lacquers, Enamels, & Allied Products	24 months

2850-2899	2865	Chemicals and Allied Services	Cyclic Organic Crudes & Intermediates Organs Dyes, Pigments	24 months
2850-2899	2869	Chemicals and Allied Services	Industrial Organic Chemicals, Not Elsewhere Classified	24 months
2830-2899	2879	Chemicals and Allied Services	Pesticides and Agricultural Goods, Not Elsewhere Classified	24 months
2850-2899	2890	Chemicals and Allied Services	Miscellaneous Chemical Products	24 months
2850-2899	2891	Chemicals and Allied Services	Adhesives and Sealants	24 months
2850-2899	2892	Chemicals and Allied Services	Explosives	24 months
2850-2899	2899	Chemicals and Allied Services	Chemicals and Chemical Preparations, Not Elsewhere Classified	24 months
2900-2919		Petroleum Refining and Related Industries		24 months
2900-2919	2911	Petroleum Refining and Related Industries	Petroleum Refining	24 months
2950-2989		Petroleum Refining and Related Industries		24 months
2950-2989	2951	Petroleum Refining and Related Industries	Paving Mixtures and Goods	24 months
2950-2989	2952	Petroleum Refining and Related Industries	Asphalt Felts and Coatings	24 months
2990-2999		Petroleum Refining and Related Industries		12 months
2990-2999	2999	Petroleum Refining and Related Industries	Products of Petroleum and Coal, Not Elsewhere Classified	6 months
3000-3019		Rubber & Miscellaneous Plastics Products		24 months
3000-3019	3011	Rubber & Miscellaneous Plastics Products	Tires and Innertubes	24 months

3020-3029		Rubber & Miscellaneous Plastics Products		24 months
3020-3029	3021	Rubber & Miscellaneous Plastics Products	Rubber and Plastics Footwear	24 months
3050-3059		Rubber & Miscellaneous Plastics Products		24 months
3050-3059	3053	Rubber & Miscellaneous Plastics Products	Gaskets, Packing and Sealing Devices	24 months
3060-3069		Rubber & Miscellaneous Plastics Products	Fabricated Rubber Products, Not Elsewhere Classified	24 months
3070-3079		Rubber & Miscellaneous Plastics Products		24 months
3070-3079	3070	Rubber & Miscellaneous Plastics Products	Miscellaneous Plastic Products	24 months
3070-3079	3079	Rubber & Miscellaneous Plastics Products	Miscellaneous Plastic Products	24 months
3080-3089		Rubber & Miscellaneous Plastics Products		12 months
3080-3089	3081	Rubber & Miscellaneous Plastics Products	Unsupported Plastics Film and Sheet	12 months
3080-3089	3086	Rubber & Miscellaneous Plastics Products	Plastics Foam Products	12 months
3080-3089	3089	Rubber & Miscellaneous Plastics Products	Plastics Products Not Elsewhere Classified	12 months
3100-3019		Leather and Leather Products		24 months
3100-3019	3111	Leather and Leather Products	Leather Tanning and Finishing	24 months
3130-3199		Leather and Leather Products	Footwear, Leather Gloves, Mittens, Handbags, Personal Items	24 months
3200-3299		Stone, Clay, Glass and Concrete Products		12 months
3200-3299	3200	Stone, Clay, Glass and Concrete Products		12 months

3200-3299	3221	Stone, Clay, Glass and Concrete Products	Glass Containers	12 months
3200-3299	3229	Stone, Clay, Glass and Concrete Products	Pressed & Blown Glass and Glassware, Not Elsewhere Classified	12 months
3200-3299	3231	Stone, Clay, Glass and Concrete Products	Glass Products, Made of Purchased Glass	12 months
3200-3299	3241	Stone, Clay, Glass and Concrete Products	Cement Hydraulic	12 months
3200-3299	3264	Stone, Clay, Glass and Concrete Products	Porcelain Electrical Supplies	12 months
3200-3299	3272	Stone, Clay, Glass and Concrete Products	Concrete Products, Except Block and Brick	12 months
3200-3299	3273	Stone, Clay, Glass and Concrete Products	Ready-Mix Concrete	12 months
3200-3299	3274	Stone, Clay, Glass and Concrete Products	Lime	12 months
3200-3299	3275	Stone, Clay, Glass and Concrete Products	Gypsum Products	12 months
3200-3299	3281	Stone, Clay, Glass and Concrete Products	Cut Stone and Stone Products	12 months
3200-3299	3291	Stone, Clay, Glass and Concrete Products	Abrasive Products	12 months
3200-3299	3292	Stone, Clay, Glass and Concrete Products	Asbestos Products	12 months
3200-3299	3293	Stone, Clay, Glass and Concrete Products	Gaskets, Packing and Sealing Products	12 months
3200-3299	3295	Stone, Clay, Glass and Concrete Products	Minerals and Earths, Ground or Otherwise Treated	12 months
3200-3299	3296	Stone, Clay, Glass and Concrete Products	Mineral Wool	12 months
3200-3299	3297	Stone, Clay, Glass and Concrete Products	Nonclay Refractories	12 months

3200-3299	3299	Stone, Clay, Glass and Concrete Products	Nonmetallic Mineral Products, Not Elsewhere Classified	12 months
3300-3319		Primary Metal Industries		12 months
3300-3319	3300	Primary Metal Industries		12 months
3300-3319	3312	Primary Metal Industries	Steel Works, Blast Furnaces, Including Coke Ovens, Rolling Mills	12 months
3320-3399		Primary Metal Industries		24 months
3320-3399	3321	Primary Metal Industries	Gray Iron Foundries	24 months
3320-3399	3322	Primary Metal Industries	Malleable Iron Foundries	24 months
3320-3399	3324	Primary Metal Industries	Steel Investment Foundries	24 months
3320-3399	3325	Primary Metal Industries	Steel Foundries, Not Elsewhere Classified	24 months
3320-3399	3334	Primary Metal Industries	Primary Production of Aluminum	24 months
3320-3399	3339	Primary Metal Industries	Primary Smelting/Refining Nonferrous Metals	24 months
3320-3399	3341	Primary Metal Industries	Secondary Smelting and Refining of Nonferrous Metals	24 months
3320-3399	3351	Primary Metal Industries	Rolling, Drawing, and Extruding of Copper	24 months
3320-3399	3352	Primary Metal Industries	Rolling, Drawing and Extruding of Nonferrous Metals	24 months
3320-3399	3354	Primary Metal Industries	Aluminum Extruded Products	24 months
3320-3399	3357	Primary Metal Industries	Drawing and Insulating of Nonferrous Wire	24 months

3320-3399	3361	Primary Metal Industries	Aluminum Foundries, Casting	24 months
3320-3399	3369	Primary Metal Industries	Nonferrous Foundries, Except Copper and Aluminum	24 months
3320-3399	3399	Primary Metal Industries	Primary Metal Products, Not Elsewhere Classified	24 months
3400-3499		Fabricated Metal Products Not Machinery/Transport Equipment		24 months
3400-3499	3411	Fabricated Metal Products Not Machinery/Transport Equipment	Metal Cans	24 months
3400-3499	3412	Fabricated Metal Products Not Machinery/Transport Equipment	Metal Shipping Barrels, Drums, Kegs & Pails	24 months
3400-3499	3421	Fabricated Metal Products Not Machinery/Transport Equipment	Cutlery	24 months
3400-3499	3423	Fabricated Metal Products Not Machinery/Transport Equipment	Hand & Edge Tools, Except Machine Tools and Hand Saws	24 months
3400-3499	3429	Fabricated Metal Products Not Machinery/Transport Equipment	Hardware, Not Elsewhere Classified	24 months
3400-3499	3431	Fabricated Metal Products Not Machinery/Transport Equipment	Enameled Iron and Metal Sanitary Ware	24 months
3400-3499	3442	Fabricated Metal Products Not Machinery/Transport Equipment	Metal Doors, Sash, Frames, Molding & Trim	24 months
3400-3499	3443	Fabricated Metal Products Not Machinery/Transport Equipment	Fabricated Plate Works, Boiler Works	24 months
3400-3499	3444	Fabricated Metal Products Not Machinery/Transport Equipment	Sheet Metal Work	24 months

3400-3499	3461	Fabricated Metal Products Not Machinery/Transport Equipment	Metal Forgings and Stampings	24 months
3400-3499	3465	Fabricated Metal Products Not Machinery/Transport Equipment	Automotive Stampings	24 months
3400-3499	3469	Fabricated Metal Products Not Machinery/Transport Equipment	Metal Stamping, Not Elsewhere Classified	24 months
3400-3499	3471	Fabricated Metal Products Not Machinery/Transport Equipment	Electroplating, Plating, Polishing, Anodizing and Coloring	24 months
3400-3499	3481	Fabricated Metal Products Not Machinery/Transport Equipment		24 months
3400-3499	3483	Fabricated Metal Products Not Machinery/Transport Equipment	Ammunition, Except Small Arms, Not Elsewhere Classified	24 months
3400-3499	3484	Fabricated Metal Products Not Machinery/Transport Equipment	Small Arms	24 months
3400-3499	3492	Fabricated Metal Products Not Machinery/Transport Equipment	Miscellaneous Fabricated Metal Products	24 months
3400-3499	3494	Fabricated Metal Products Not Machinery/Transport Equipment	Valves & Pipe Fittings, Except Plumber’s Brass Goods	24 months
3400-3499	3497	Fabricated Metal Products Not Machinery/Transport Equipment	Metal Foil and Leaf	24 months
3400-3499	3499	Fabricated Metal Products Not Machinery/Transport Equipment	Fabricated Metal Products, Not Elsewhere Classified	24 months
3500-3599		Industrial & Commercial Machinery/Computer Equipment		24 months
3500-3599	3511	Industrial & Commercial Machinery/Computer Equipment	Steam, Gas & Hydraulic Turbines & Turbine Generators Set Units	24 months

3500-3599	3519	Industrial & Commercial Machinery/Computer Equipment	Internal Combustion Engines, Not Elsewhere Classified	24 months
3500-3599	3531	Industrial & Commercial Machinery/Computer Equipment	Construction Machinery and Equipment	24 months
3500-3599	3534	Industrial & Commercial Machinery/Computer Equipment	Elevators and Moving Stairways	24 months
3500-3599	3537	Industrial & Commercial Machinery/Computer Equipment	Industrial Trucks, Tractors, Trailers and Stackers	24 months
3500-3599	3541	Industrial & Commercial Machinery/Computer Equipment	Machine Tools, Metal Cutting Types	24 months
3500-3599	3553	Industrial & Commercial Machinery/Computer Equipment	Woodworking Machinery	24 months
3500-3599	3554	Industrial & Commercial Machinery/Computer Equipment	Paper Industries Machinery	24 months
3500-3599	3559	Industrial & Commercial Machinery/Computer Equipment	Special Industry Machinery, Not Elsewhere Classified	24 months
3500-3599	3561	Industrial & Commercial Machinery/Computer Equipment	Pumps and Pumping Equipment	24 months
3500-3599	3564	Industrial & Commercial Machinery/Computer Equipment	Industrial/Commercial Fans, Blowers, Air Purification Equipment	24 months
3500-3599	3567	Industrial & Commercial Machinery/Computer Equipment	Industrial Process Furnaces and Ovens	24 months
3500-3599	3569	Industrial & Commercial Machinery/Computer Equipment	General Industrial Machinery/Equipment, Not Elsewhere Classified	24 months
3500-3599	3575	Industrial & Commercial Machinery/Computer Equipment	Computer Terminals	24 months

3500-3599	3585	Industrial & Commercial Machinery/Computer Equipment	Air Conditioning, Warm Air Heating, Commercial/Industrial Refrig	24 months
3500-3599	3599	Industrial & Commercial Machinery/Computer Equipment	Industrial/Commercial Machinery, Equip, Not Elsewhere Classified	24 months
3600-3699		Electronic/Electrical Equipment Components Not Computers		12 months
3600-3699	3613	Electronic/Electrical Equipment Components Not Computers	Switchgear and Switchboard Apparatus	12 months
3600-3699	3624	Electronic/Electrical Equipment Components Not Computers	Carbon and Graphite Products	12 months
3600-3699	3629	Electronic/Electrical Equipment Components Not Computers	Electrical Industrial Apparatus, Not Elsewhere Classified	12 months
3600-3699	3634	Electronic/Electrical Equipment Components Not Computers	Electric Housewares and Fans	12 months
3600-3699	3641	Electronic/Electrical Equipment Components Not Computers	Electric Lamp Bulbs and Tubes	12 months
3600-3699	3642	Electronic/Electrical Equipment Components Not Computers		12 months
3600-3699	3643	Electronic/Electrical Equipment Components Not Computers	Current-Carrying Wiring Devices	12 months
3600-3699	3644	Electronic/Electrical Equipment Components Not Computers	Noncurrent-Carrying Wiring Devices	12 months
3600-3699	3645	Electronic/Electrical Equipment Components Not Computers	Residential Electric Lighting Fixtures	12 months

3600-3699	3651	Electronic/Electrical Equipment Components Not Computers	Household Audio and Video Equipment	12 months
3600-3699	3652	Electronic/Electrical Equipment Components Not Computers	Phonograph Records and Prerecorded Audio Tapes and Disks	12 months
3600-3699	3662	Electronic/Electrical Equipment Components Not Computers	Radio & Television Transmitting, Signaling & Detection	12 months
3600-3699	3674	Electronic/Electrical Equipment Components Not Computers	Semiconductors and Related Devices	12 months
3600-3699	3675	Electronic/Electrical Equipment Components Not Computers	Electronic Capacitors	12 months
3600-3699	3678	Electronic/Electrical Equipment Components Not Computers	Connectors for Electronic Applications	12 months
3600-3699	3679	Electronic/Electrical Equipment Components Not Computers	Electronic Components, Not Elsewhere Classified	12 months
3700-3799		Transportation Equipment		24 months
3700-3799	3711	Transportation Equipment	Motor Vehicle and Passenger Car Bodies	24 months
3700-3799	3713	Transportation Equipment	Truck and Bus Bodies	24 months
3700-3799	3714	Transportation Equipment	Motor Vehicle Parts and Accessories	24 months
3700-3799	3717	Transportation Equipment		24 months
3700-3799	3721	Transportation Equipment	Aircraft	24 months
3700-3799	3722	Transportation Equipment		24 months
		Aircraft		

3700-3799	3724	Transportation Equipment	Aircraft Engines and Engine Parts	24 months
3700-3799	3743	Transportation Equipment	Railroad Equipment	24 months
3700-3799	3799	Transportation Equipment	Transportation Equipment, Not Elsewhere Classified	24 months
3800-3899		Measuring, Analyzing & Controlling Instruments		24 months
3800-3899	3811	Measuring, Analyzing & Controlling Instruments	Engineering, Laboratory, Scientific & Research Equipment	24 months
3800-3899	3821	Measuring, Analyzing & Controlling Instruments	Measuring and Controlling Instruments	24 months
3800-3899	3822	Measuring, Analyzing & Controlling Instruments	Automatic Control Regulating Residential/Commercial Environment	24 months
3800-3899	3840	Measuring, Analyzing & Controlling Instruments	Surgical and Medical Instruments & Apparatus	24 months
3800-3899	3841	Measuring, Analyzing & Controlling Instruments	Surgical and Medical Instruments and Apparatus	24 months
3800-3899	3851	Measuring, Analyzing & Controlling Instruments	Ophthalmic Goods	24 months
3800-3899	3861	Measuring, Analyzing & Controlling Instruments	Photographic Equipment and Supplies	24 months
3900-3999		Miscellaneous Manufacturing Industries		24 months
3900-3999	3914	Miscellaneous Manufacturing Industries	Silverware, Plated, Ware, and Stainless Steel Ware	24 months
3900-3999	3921	Miscellaneous Manufacturing Industries	Musical Instruments	24 months
3900-3999	3944	Miscellaneous Manufacturing Industries	Games, Toys & Children's Vehicles, Except Dolls & Bicycles	24 months
3900-3999	3999	Miscellaneous Manufacturing Industries	Manufacturing Industries, Not Elsewhere Classified	24 months

4000-4099		Railroad Transportation		24 months
4000-4099	4016	Railroad Transportation	Local Passenger Transportation	24 months
4100-4199		Local/Suburban Transit Interurban Passenger Transport		24 months
4100-4199	4111	Local/Suburban Transit Interurban Passenger Transport	Local and Suburban Transit	24 months
4200-4299		Motor Freight Transportation & Warehousing		24 months
4300-4399		Unites States Postal Service		24 months
4400-4499		Water Transportation		24 months
4500-4599		Transportation by Air		24 months
4500-4599	4582	Transportation by Air	Airports and Flying Fields	24 months
4600-4699		Pipelines, Except Natural Gas		24 months
4600-4699	4631	Pipelines, Except Natural Gas		24 months
4700-4799		Transportation Services		24 months
4800-4899		Communications		24 months
4900-4919		Electric, Gas, and Sanitary Services		24 months
4900-4919	4911	Electric, Gas and Sanitary Services	Electrical Services	6 months
4920-4929		Electric, Gas and Sanitary Services		24 months
4920-4929	4922	Electric, Gas and Sanitary Services	Natural Gas Transmission	24 months

4920-4929	4923	Electric, Gas and Sanitary Services	Natural Gas Transmission and Distribution	24 months
4920-4929	4924	Electric, Gas and Sanitary Services	Natural Gas Distribution	24 months
4920-4929	4925	Electric, Gas and Sanitary Services	Mixed, Mfg. or Liquefied Petroleum Gas Production/Distribution	24 months
4930-4939		Electric, Gas and Sanitary Services		6 months
4930-4939	4930	Electric, Gas and Sanitary Services	Combination Electric & Gas & Other Utility Services	6 months
4930-4939	4931	Electric, Gas and Sanitary Services	Electric and Other Services	6 months
4930-4939	4932	Electric, Gas and Sanitary Services	Gas and Other Services Combined	6 months
4930-4939	4939	Electric, Gas and Sanitary Services	Combined Services, Not Elsewhere Classified	6 months
4951	4951	Electric, Gas and Sanitary Services	Sanitary Services	24 months
4952	4952	Electric, Gas and Sanitary Services	Sewage Services	24 months
4953	4953	Electric, Gas and Sanitary Services	Refuse Systems - Municipal Incinerators	6 months
4961	4961	Electric, Gas and Sanitary Services	Steam and Air Conditioning Supply	24 months
4971	4971	Electric, Gas and Sanitary Services	Irrigation Systems	24 months
5000-5099		Wholesale Trade - Durable Goods		24 months
5000-5099	5043	Wholesale Trade - Durable Goods	Photographic Equipment and Supplies	24 months
5000-5099	5072	Wholesale Trade - Durable Goods	Hardware	24 months
5000-5099	5092	Wholesale Trade - Durable Goods	Miscellaneous Durable Goods	24 months

5000-5099	5093	Wholesale Trade - Durable Goods	Scrap and Waste Materials	24 months
5100-5119		Wholesale Trade - Nondurable Goods		24 months
5100-5119	5111	Wholesale Trade - Nondurable Goods	Printing and Writing Paper	24 months
5120-5159		Wholesale Trade - Nondurable Goods	Furniture Distribution, Lumber, Construction Products	24 months
5160-5169		Wholesale Trade - Nondurable Goods		24 months
5170-5179	5169	Wholesale Trade - Nondurable Goods	Chemicals and Allied Products, Not Elsewhere Classified	24 months
5170-5179	5171	Wholesale Trade - Nondurable Goods	Petroleum Bulk Stations and Terminals	6 months
5180-5189		Wholesale Trade - Nondurable Goods	Beer, Wine, Distilled Alcohol Beverages	24 months
5190-5199		Wholesale Trade - Nondurable Goods	Miscellaneous Nondurable Goods	24 months
5190-5199	5199	Wholesale Trade - Nondurable Goods	Nondurable Goods, Not Elsewhere Classified	24 months
5200-5299		Building Materials, Hardware, Garden Supply Mobile Home		24 months
5300-5399		General Merchandise Stores		24 months
5400-5499		Food Stores		24 months
5500-5599		Automotive Dealers and Gasoline Service Stations		24 months
5600-5699		Apparel and Accessory Stores		24 months
5700-5799		Home Furniture, Furnishings, Equipment Stores		24 months
5800-5899		Eating and Drinking Places		24 months

5900-5999		Miscellaneous Retail		24 months
5900-5999	5983	Miscellaneous Retail	Fuel Oil Dealers	24 months
5900-5999	5984	Miscellaneous Retail	Fuel Oil Dealers	24 months
6000-6099		Banking		6 months
6000-6099	6011	Banking	Federal Reserve Banks	6 months
6000-6099		Banking, Trading, Real Estate, Hotels, Motels		6 months
6100-6199		Nondepository Credit Institutions		24 months
6200-6299		Security & Commodity Brokers, Dealers, Exchange		6 months
6200-6299	6214	Security & Commodity Brokers, Dealers, Exchange	Security & Commodity Brokers, etc.	6 months
6300-6399		Insurance Carriers		24 months
6400-6499		Insurance Agents, Brokers, Service		24 months
6500-6599		Real Estate		6 months
6500-6599	6512	Real Estate	Operators of Nonresidential Buildings	6 months
6500-6599	6513	Real Estate	Operators of Apartment Buildings	6 months
6500-6599	6514	Real Estate	Operators of Dwellings other than Apartment Buildings	6 months
6500-6599	6515	Real Estate	Operators of Residential Mobile Home Sites	6 months
6500-6599	6521	Real Estate		6 months

6700-6799		Holding and Other Investment Offices		24 months
7000-7099		Hotels, Rooming Houses, Camps, Other Lodgings		6 months
7000-7099	7011	Hotels, Rooming Houses, Camps, Other Lodgings	Hotels, Motels and Tourist Camps	6 months
7200-7299		Personal Services		24 months
7200-7299	7211	Personal Services	Power Laundries, Family and Chemical	24 months
7200-7299	7215	Personal Services	Coin-Operated Laundries and Dry Cleaning	24 months
7200-7299	7216	Personal Services	Dry Cleaning Plants, Except Rug Cleaners	24 months
7200-7299	7218	Personal Services	Industrial Launderers	24 months
7300-7399		Business Services		24 months
7300-7399	7389	Business Services	Business Services, Not Elsewhere Classified	24 months
7300-7399	7391	Business Services	Research and Development Laboratories	24 months
7500-7599		Automotive Repair, Services and Parking		24 months
7500-7599	7531	Automotive Repair, Services, and Parking	Automobile Parking	24 months
7500-7599	7532	Automotive Repair, Services, and Parking	Top, Body, and Upholstery Repair Shops and Paint Shops	24 months
7500-7599	7535	Automotive Repair, Service, and Garages	Paint Shops	24 months
7600-7699		Miscellaneous Repair Shops		24 months
7600-7699	7641	Miscellaneous Repair Shops	Reupholstery and Furniture Repair	24 months

7800-7899		Motion Pictures	Services Allied to Motion Picture Production	24 months
7900-7999		Amusement and Recreation Services		24 months
8000-8099		Health Services		12 months
8000-8099	8050	Health Services	Nursing and Personal Care Facilities	12 months
8000-8099	8059	Health Services	Nursing and Personal Care Facilities, Not Elsewhere Classified	12 months
8000-8099	8060	Health Services	Hospitals	12 months
8000-8099	8061	Health Services	Hospitals	12 months
8000-8099	8062	Health Services	General Medical and Surgical Hospitals	12 months
8000-8099	8063	Health Services	Psychiatric Hospitals	12 months
8000-8099	8065	Health Services	Hospitals	12 months
8000-8099	8069	Health Services	Specialty Hospitals, Except Psychiatric	12 months
8000-8099	8071	Health Services	Medical Laboratories	12 months
8000-8099	8091	Health Services	Health and Allied Services, Not Elsewhere Classified	12 months
8000-8099	8092	Health Services	Kidney Dialysis Centers	12 months
8000-8099	8099	Health Services	Health and Allied Services, Not Elsewhere Classified	12 months
8100-8199		Educational Services, Membership Organizations		6 months
8200-8299		Educational Services		6 months

8200-8299	8211	Educational Services	Elementary and Secondary Schools	6 months
8200-8299	8220	Educational Services	Colleges, Universities, and Junior Colleges	6 months
8200-8299	8221	Educational Services	Colleges, Universities, and Professional Schools	24 months
8200-8299	8222	Educational Services	Junior Colleges and Technical Institutes	6 months
8200-8299	8260	Educational Services		6 months
8200-8299	8261	Educational Services		6 months
8300-8399		Social Services		6 months
8400-8499		Museums, Art Galleries, & Botanical and Zoological Gardens		6 months
8600-8699		Membership Organizations		6 months
8600-8699	8600	Membership Organizations		6 months
8600-8699	8661	Membership Organizations	Religious Organizations	6 months
8700-8799		Engineering, Accounting, Research, Mgmt Related Services		6 months
8700-8799	8731	Engineering, Accounting, Research, Mgmt Related Services	Commercial Physical and Biological Research	6 months
8800-8899		Private Households		24 months
8900-8999		Miscellaneous Services		6 months
8900-8999	8922	Miscellaneous Services	Noncommercial Educational, Scientific, & Research Organizations	6 months

8900-8999	8999	Miscellaneous Services	Services, Not Elsewhere Classified	6 months
9100-9199		Executive, Legislative, & General Government		24 months
9100-9199	9199	Executive, Legislative, & General Government	General Government, Not Elsewhere Classified	24 months
9200-9299		Justice, Public Order, & Safety		24 months
9200-9299	9200	Justice, Public Order, & Safety		24 months
9200-9299	9211	Justice, Public Order, & Safety	Courts	24 months
9200-9299	9223	Justice, Public Order, & Safety	Correctional Institutions	24 months
9200-9299	9233	Justice, Public Order, & Safety	Public Order & Safety	24 months
9300-9399		Public Finance, Taxation, and Monetary Policy		24 months
9400-9499		Administration of Human Resource Programs		24 months
9500-9599		Administration of Environmental Quality/Housing Programs		24 months
9500-9599	9511	Administration of Environmental Quality/Housing Programs	Air, Water & Solid Waste Management	24 months
9500-9599	9532	Administration of Environmental Quality/Housing Programs	Administration of Urban Planning, Community Rural Development	24 months
9600-9699		Administration of Economic Programs		24 months
9700-9799		National Security & International Affairs		24 months
9700-9799	9711	National Security & International Affairs	National Security	24 months

9900-9999		Nonclassifiable Establishments		24 months

SUBPART 201-7

FEDERALLY ENFORCEABLE EMISSION CAPS

Sec.

201-7.1 General

201-7.2 Emission capping using synthetic minor permits

201-7.3 Emission capping by rule

Section 201-7.1 General.

A source owner or operator may elect to accept federally enforceable permit terms and conditions which restrict or cap emissions from a stationary source or emission unit in order to avoid being subject to one or more applicable requirements that the source or unit would otherwise be subject to, or where needed to establish an emission reduction credit as defined under Part 231 of this Title. Source owners or operator may also be eligible to cap their emissions by accepting limitations and provisions established under section 201-7.3 of this Subpart in order to avoid the requirement to obtain a title V facility permit or other applicable requirement.

Section 201-7.2 Emission capping using synthetic minor permits.

(a) Where an emission cap is desired, the source owner or operator must make a request in writing and submit an application for a permit or permit modification for the affected emission units or the facility as a

whole. The source owner and/or operator may also accept conditions of a permit modification proposed by the department in accordance with Part 621 of this Title to establish an emission cap. The application must contain a complete description of the proposed emission cap and include all background information on the emission units and operations involved (including, but not limited to, emissions of individual regulated pollutants, duration and frequency of emissions, existing or proposed control equipment, other emission points releasing the same contaminants at the facility, etc.), along with calculations assessing the applicability status of the facility and demonstrating that the cap will obviate the requirement to obtain a title V facility permit, or comply with an applicable requirement. The owner or operator must also include a proposed monitoring, recordkeeping, and reporting strategy that will be used to demonstrate that the emissions limitations under the proposed cap are verifiable, and enforceable, along with the proposed permit terms and conditions. Capping methods may include: a reduction in the hours of operation; reformulations relating to the cap, the installation of control equipment; and/or making other process changes.

(b) Permits and permit modifications involving emission caps must be subjected to the public notice and comment procedures required for permit applications under Part 621 of this Title which must include at a minimum publication of a notice of complete application in the *Environmental Notice Bulletin* and a 30 day public comment period. Copies of permits including capping provisions shall be forwarded to the administrator, unless the administrator approves an alternate procedure for reviewing such permits or exempts certain classes of permits from such review.

(c) When approved by the department, federally-enforceable terms and conditions will be incorporated into the permit limiting emissions below those requiring a title V facility permit or compliance with a specific applicable requirement.

(d) The owner or operator of any facility subject to this section must maintain all required records on-site for a period of five years and make them available to representatives of the department upon request. Department representatives must be granted access to any facility regulated by this Subpart, during normal operating hours, for the purpose of determining compliance with this and any other State and Federal air pollution control requirements, regulations or law.

(e) On an annual basis, beginning one year after the granting of an emissions cap, the responsible official shall provide a certification to the department that the facility has operated all emission units within the limits imposed by the emission cap. This certification shall include a brief summary of the emissions subject to the cap for that time period and a comparison to those threshold levels that would require the submission of an application for a title V facility permit, or compliance with an applicable requirement.

(f) The emission of pollutants in exceedance of the applicability thresholds for obtaining a title V facility permit or other applicable requirements constitutes a violation of this Part and of the act.

Section 201-7.3 Emission capping by rule.

(a) *Purpose*. The purpose of this section is to provide an alternate method of establishing federally enforceable emission caps, for general use by stationary sources that would otherwise be required to obtain a permit or permit modification to relieve a source owner and/or operator from the requirement to obtain a title V facility permit, or to comply with other applicable requirements described under this section.

(b) *Applicability*. (1) This section applies to any stationary source which would, if it did not comply with the limitations set forth in this section, have the potential to emit air contaminants at a level equal to or in excess

of the threshold for a major source or of any applicable regulation of this Chapter of regulated air contaminants or hazardous air pollutants, but where actual emissions of the source are less than or equal to the limitations established under subdivision (e) of this section in any 12-month period.

(2) This section also applies to any stationary source having the potential to emit 10 tons per year of VOCs that would be subject to the regulations listed below if it did not comply with the limitations on actual emissions established under subdivision (e) of this section in any 12-month period:

(i) Part 228 of this Title, Surface Coating Processes;

(ii) Part 233 of this Title, Pharmaceutical and Cosmetic Manufacturing Processes.

(c) *Source category prohibitions*. Stationary sources specifically required to obtain a title V facility permit by the Administrator are prohibited from establishing federally enforceable emission caps using the provisions of this section.

(d) *Eligibility*. Owners or operators of existing stationary sources that comply with the limitations on actual emissions and other requirements under this section are not required to apply to the department for a permit modification to obtain a federally enforceable emissions cap. Compliance with such limitations and requirements under this section shall also have the effect of limiting the potential to emit of a stationary source just below major stationary source thresholds. However, if the facility owner or operator determines that the emission limitation or requirements established in this section are unacceptable, the owner or operator must apply for the necessary permit or permit modifications described under section 201-7.2 of this Subpart if they continue to seek relief from the requirement to obtain a title V facility permit or from the applicable

requirements listed in paragraphs (b)(1) and (2) of this section.

(e) *Emission limitations*. Stationary sources subject to and operating pursuant to this section must not emit more than the following quantities of emissions in every 12-month period:

(1) 50 percent of the major stationary source thresholds for regulated air pollutants;

(2) five tons of a single hazardous air pollutant;

(3) 12.5 tons of any combination of hazardous air pollutants;

(4) 50 percent of any lesser threshold for a single hazardous air pollutant that the administrator may establish by rule and upon incorporation into State regulation; or

(5) five tons of VOC for stationary sources seeking a cap to avoid the following applicable requirements:

(i) Part 228 of this Title, for surface coating processes listed under section 228.7 of this Title; and

(ii) Part 233 of this Title, for synthesized pharmaceutical manufacturing processes.

(f) *Recordkeeping requirements*. The owner or operator of any facility subject to this section must maintain all required records on-site for a period of five years and make them available to representatives of the department upon request. Department representatives must be granted access to any facility regulated by this Subpart, during normal operating hours, for the purpose of determining compliance with this and any other

State and Federal air pollution control requirements, regulations or law.

(g) *Emission control equipment*. The owner or operator of any facility which meets the criteria given in subdivisions (h), (i) and (j) of this section, and uses air pollution control equipment to comply with an emissions cap shall operate and maintain such equipment in a manner consistent with good engineering practices. If such control equipment is required under any Part of this Chapter and would limit emissions to a greater degree than what the thresholds established in this section would allow then the more stringent emission limitations applies. The owner or operator must monitor and record such process parameters as the department requires, including but not limited to the following:

(1) information on equipment type and description, make and model, and emission units served by the emission control unit;

(2) information on equipment design, including where applicable: pollutant(s) controlled; control effectiveness; maximum design or rated capacity; inlet and outlet temperatures, and concentrations for each pollutant controlled; catalyst data (type, material, life, volume, space velocity, ammonia injection rate and temperature); baghouse data (design, cleaning method, fabric material, flow rate, air/cloth ratio); electrostatic precipitator data (number of fields, cleaning method, and power output); scrubber data (type, design, sorbent type, pressure drop); other design data as appropriate; all emission unit test information; and

(3) a monthly log of hours of operation including notation of any control equipment breakdowns, upsets, repairs, maintenance and any other deviations from design parameters.

(h) *Combustion units*. All stationary combustion units subject to this Subpart must comply with the fuel usage limits tabled below.

(1) Limits for units which use exclusively residual oil:

Location	*Controlling Fuel Usage (gal/yr)*
New York City	333,000
Nassau, Rockland, Westchester Counties	333,000
Suffolk County: Towns of Babylon, Brookhaven, Huntington, Islip, Smithtown	333,000
Erie County: City of Lackawanna & South Buffalo	579,000
Rest of State	424,000

(2) Limits for units which use exclusively distillate oil:

Location	*Controlling Fuel Usage (gal/yr)*
New York City	1,250,000
Nassau, Rockland, Westchester Counties	1,250,000
Suffolk County: Towns of Babylon, Brookhaven, Huntington, Islip, Smithtown	704,000
Erie County: City of Lackawanna & South Buffalo	640,000
Rest of State	460,000

(3) Limits for units which use exclusively natural gas:

Location	*Controlling Fuel Usage (cubic feet per twelve month period)*
All severe ozone non-attainment areas	45,000,000
Remainder of State	181,000,000

(4) Dual fueled units: combustion units capable of using more than one fuel must be able to demonstrate that the average fuel usage for every 12-month period will not cause exceedances of the emission limits specified by subdivision (e) of this section.

(5) Recordkeeping requirements. Source owners or operators of any combustion unit(s) subject to this Subpart must maintain and keep the following records: information on equipment type, make and model, maximum design process rate or maximum power input/output, all source test information, fuel type, fuel usage, fuel heating value, percent sulfur for fuel oil, and a monthly log of hours of operation.

(i) *Coating/printing operations*. The owner or operator of any facility that operates coating/solvent emission units or uses a coating, solvent, ink, or adhesive and is subject to this Subpart must keep and maintain the following records:

(1) a current list of all coatings, solvents, inks and adhesives in use. This list must include: information on the manufacturer, brand, product name or code, VOC content in pounds per gallon, HAPS content in pounds per gallon, or other manufacturer's product specifications, material VOC content reports or laboratory analyses providing this information;

(2) a description of equipment used during and after coating/solvent application, including type, make and model; maximum design process rate or throughput; all emission control unit information as described in subdivision (g) of this section, as applicable, and a description of the coating/solvent application/drying method(s) employed;

(3) a monthly log of the consumption of each solvent (including solvents used in clean up and surface preparation), coating, ink and adhesive used and calculations showing compliance with the emission limits

required by subdivision (e) of this section, as applicable. For the purpose of complying with this Subpart, all volatile organic compounds and hazardous air pollutants consumed by the coating/printing processes are to be considered as being emitted to the atmosphere; and

(4) all purchase orders, invoices, and other documents to support information in the monthly log.

(j) *General process, exhaust or ventilating systems*. Source owners or operators of general process, exhaust, or ventilation systems that are subject to this Subpart, but do not fit the classifications described in subdivision (h) or (i) of this section, must keep and maintain the following records:

(1) information on the process and equipment including the following: equipment type, description, make and model; maximum design process rate or throughput, all emission control unit information as described in subdivision (g) of this section, as applicable;

(2) any additional information as requested by the department;

(3) a monthly log of operating hours, each raw material used and its amount, each product produced and its production rate; and

(4) purchase orders, invoices, and other documents to support information in the monthly log.

(k) *Modifications*. The owner or operator of any facility subject to this section must apply for and obtain all necessary permits prior to commencing any physical or operational change which will result in any increase to the actual emissions which would exceed the emission limitations under subdivision (e) of this section. Should

the proposed modification to the facility result in actual emissions exceeding the emission limits set forth in subdivision (e) of this section, the facility will become subject to all applicable requirements that the owner or operator was capable of avoiding by complying with the requirements of this section, except where a new emission cap is subsequently obtained in accordance with section 201-7.2 of this Title.

(l) *Compliance*. A responsible official will verify annually through a review of required records and totaling of emissions information, that the facility is eligible under this Subpart and has operated in accordance with all applicable requirements of this section. In any situation where the provisions of this section have or are not expected to be achieved the source owner or operator shall notify the department.

(1) Failure to comply with any of the applicable provisions of this section shall constitute a violation of this Part.

(2) Commencing on the first day following every 12-month period, any facility subject to this section is subject to all applicable requirements, when either of the following conditions occur:

(i) the facility exceeds any of the emission limits specified in subdivision (e) of this section, as applicable; or

(ii) the owner or operator of the facility cannot demonstrate, through the use of the limitations and requirements described in subdivisions (e), (g), (h), (i) and (j) of this section that the facility-wide emission totals for any 12-month period are below the emission limits as specified in subdivision (e) of this section, as applicable.

SUBPART 201-8

GENERAL PERMITS

Sec.

201-8.1 Purpose and applicability

201-8.2 Permit development and issuance criteria

201-8.3 Applications and approval procedures

Section 201-8.1 Purpose and applicability.

(a) This Subpart is intended to implement the provisions of Environmental Conservation Law, section 19-0311 that provides for the issuance of general permits covering numerous similar emission sources or source categories for purposes of complying with title V of the act or to augment other permitting requirements under this Part. The department may issue general permits for stationary sources subject to registration, State facility permitting, or title V facility permitting requirements under Subparts 201-4, 201-5 and 201-6 of this Part respectively, except that general permits cannot be authorized for affected sources under the Acid Rain Program unless otherwise provided in regulations promulgated under title IV of the act.

(b) The department shall not issue general permits for new major stationary sources subject to the Federal prevention of significant deterioration regulations or nonattainment area permitting regulations under Part 231 of this Title.

Section 201-8.2 Permit development and issuance criteria.

(a) The general permit will contain the conditions and requirements that apply to emission sources or operations authorized under it and any qualifying criteria or limitations on the use or eligibility of the permit.

(b) The department will provide public notice and an opportunity for comment on proposed general permits prior to issuance in accordance with the procedures and timeframes established for major permit projects under Part 621 of this Title. Public notice of applications from owners or operators of emission sources requesting authorization to use a general permit that has been issued by the department is not mandatory but may be required under the terms of the general permit or at the discretion of the department, where appropriate.

(c) General permits developed for the purposes of authorizing stationary sources subject to Subpart 201-6 of this Part must comply with all requirements applicable to other title V facility permits.

(d) Activities undertaken pursuant to a general permit are subject to those provisions of article 72 of the Environmental Conservation Law which would be applicable if the activity were authorized by an individual permit, unless a lower fee is established pursuant to section 72-0201(13) of the Environmental Conservation Law.

Section 201-8.3 Applications and approval procedures.

(a) Owners or operators of emission sources that qualify for a general permit must apply to the department for authorization to use the general permit.

(b) All requests for authorization to use a general permit must meet the application content requirements

established under this Part or specific alternate requirements defined by the department in the general permit. When establishing alternate application requirements for general permits developed for sources subject to Subpart 201-6 of this Part, the department must ensure that such applications:

(1) meet the requirements of title V of the act; and

(2) include sufficient information to determine qualification for and the applicants certification of compliance with the general permit.

(c) The department will act on applications requesting use of a general permit in accordance with timeframes and procedures for minor permit projects established under Part 621 of this Title. Authorization to use the general permit shall be issued by the department in the form of a letter, an approved application, a copy of the actual general permit or other comparable documentation.

(d) The department may require any applicant applying for a general permit to apply for and obtain an individual permit if it determines that unique site specific circumstances warrant additional limitations or permit conditions to control or mitigate environmental impacts that were not considered and addressed in the development and issuance of the general permit.

(e) Construction of a new or modified emission source which qualifies to use a general permit may not commence until the source has been issued the authorization required by the department under subdivision (c) of this section.

Subpart 219-9
Emission Guidelines and Compliance Schedules for Existing Sewage Sludge Incineration Units

Sec.
219-9.1 Applicability
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Section 219-9.1 Applicability.

The federal requirements of 40 CFR part 60, subpart MMMM, incorporated by reference in 6 NYCRR Part 200 (see Table 2, Section 200.10 of this Title), apply to sewage sludge incineration (SSI) units, located at wastewater treatment facilities, designed to treat domestic sewage sludge, the construction of which commenced on or before October 14, 2010.

Section 219-9.2 Definitions.

(a) To the extent that they are not inconsistent with the specific definitions in subdivision (b) of this section, the general definitions of Parts 200 and 201 of this Title, and 40 CFR part 60, subpart MMMM apply (see Table 2, Section 200.10 of this Title).

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

(1) 'Fluidized bed incinerator' means an enclosed device in which organic matter and inorganic matter in sewage sludge are combusted in a bed of particles suspended in the combustion chamber gas.

(2) 'Multiple hearth incinerator' means a circular steel furnace that contains a number of solid refractory hearths and a central rotating shaft; rabble arms that are designed to slowly rake the sludge on the hearth are attached to the rotating shaft. Dewatered sludge enters at the top and proceeds downward through the furnace from hearth to hearth, pushed along by the rabble arms.

(3) 'Sewage sludge' means solid, semisolid, or liquid residue generated during the treatment of domestic sewage in a treatment works. Sewage sludge includes, but is not limited to, domestic septage; scum or solids removed in primary, secondary, or advanced wastewater treatment processes; and a material derived from sewage sludge. Sewage sludge does not include ash generated during the firing of sewage sludge in a sewage sludge incineration unit or grit and screenings generated during preliminary treatment of domestic sewage in a treatment works.

(4) 'Sewage sludge incineration (SSI) unit' means an incineration unit combusting sewage sludge for the purpose of reducing the volume of the sewage sludge by removing combustible matter. Sewage sludge incineration unit designs include fluidized bed and multiple hearth. A SSI unit also includes, but is not limited to, the sewage sludge feed system, auxiliary fuel feed system, grate system, flue gas system, waste heat recovery equipment, bottom ash system, and all ash handling systems connected to the bottom ash handling system. The combustion unit bottom ash system ends at the truck loading station or similar equipment that transfers the ash to final disposal. The SSI unit does not include air pollution control equipment or the stack.

(5) 'State Plan approval' means the effective date of EPA's approval of New York State's SSI

State Plan.

Section 219-9.3 Compliance/Closure Schedules.

Owners or operators of applicable SSI units must achieve full compliance with the requirements of 40 CFR part 60, subpart MMMM (see Table 2, Section 200.10 of this Title), and this Subpart by either complying with one of the two schedules specified in Subdivisions (a) and (b) of this Section, or permanently closing the SSI unit as specified in Subdivision (c) of this Section.

(a) 'One year compliance schedule'. If compliance will be achieved less than one year after State Plan approval, the two increments of progress specified in Paragraphs (1) and (2) of this Subdivision must be met.

(1) Submit a final control plan to the Department's appropriate regional air pollution control engineer for review and approval by the earlier of the following two dates: three months after State Plan approval, or September 21, 2012. The final control plan must include:

(i) A description of the proposed air pollution control devices that will be installed and process changes that will be used to comply with the emission limits, standards and other requirements of this Subpart;

(ii) The type(s) of waste that is(are) proposed to be combusted, if waste other than sewage sludge is combusted in the unit;

(iii) The maximum design capacity of the SSI;

(iv) If applicable, the petition for site-specific operating limits pursuant to 40 CFR part 60.5175 (see Table 2, Section 200.10 of this Title).

(2) Achieve full compliance with approved final control plan and requirements of 40 CFR part 60, subpart MMMM (see Table 2, Section 200.10 of this Title), by the earlier of the following two dates: 12 months after State Plan approval, or June 21, 2013.

(b) 'Extended compliance schedule'. If compliance will be achieved more than one year after State Plan approval, the five increments of progress specified in Paragraphs (1) through (5) of this Section must be met.

(1) Submit a final control plan which contains an extended compliance schedule to the Department's appropriate regional air pollution control engineer for review and approval by the earlier of the following two dates: three months after State Plan approval, or September 21, 2012.

The final control plan must include:

(i) A description of the proposed air pollution control devices that will be installed and process changes that will used to comply with the emission limits, standards and other requirements of this Subpart;

(ii) The type(s) of waste that is(are) proposed to be combusted if waste other than sewage sludge is combusted in the unit;

(iii) The maximum design capacity of the SSI;

(iv) If applicable, the petition for site-specific operating limits under 40 CFR part 60.5175 (see Table 2, Section 200.10 of this Title).

(2) Contracts must be awarded and purchase orders must be issued for emission control systems, installation, and process modifications and the acquisition of required component parts by the earlier of the following two dates: nine months after State Plan approval, or March 21, 2013.

(3) Process changes and the on-site construction or installation of emission control equipment must be initiated by the earlier of the following two dates: 15 months after State Plan approval, or September 21, 2013.

(4) Process changes and on-site construction or installation of emission control equipment must be completed by the earlier of the following two dates: 32 months after State Plan approval, or by November 21, 2015.

(5) Full compliance with the approved final control plan and requirements of 40 CFR part 60, subpart MMMM (see Table 2, Section 200.10 of this Title), must be achieved by the earlier of the following two dates: 36 months after State Plan approval, or March 21, 2016.

(c) 'Final Closure Schedule'. Owners or Operators of an applicable SSI unit that plan to cease operation must submit a closure notification, including the planned date of closure, to the Department's appropriate regional air pollution control engineer for approval by the earlier of the following two dates: three months after State Plan approval, or September 21, 2012. Permanent closure of an applicable SSI unit must occur by the earlier of the following two dates: 36 months after State Plan approval, or March 21, 2016.

Section 219-9.4 Title V Permit Application Compliance Schedule.

Owners or Operators of an applicable SSI unit not subject to an earlier permit application deadline must submit a complete Title V permit application to the Department for review and approval by the earlier of the following two dates: 12 months after State Plan approval, or March 21, 2014.

Section F

Demonstration of New York State's Legal Authority to Carry Out the Plan

GENERAL STATEMENT OF LEGAL AUTHORITY

These revisions are authorized by Sections 1-0101, 3-0301, 3-0303, 19-0103, 19-0105, 19-0107, 19-0301, 19-0302, 19-0303, 19-0305, 71-2103, and 71-2105 of the New York State Environmental Conservation Law (ECL). Article 19 of the ECL was adopted to protect New York's air resources from pollution and to effectuate the policy of the State to maintain a reasonable degree of purity of the air resources, consistent with the public health and welfare and the industrial development of the State. To this end, the Legislature gave the Department specific powers and duties, including the power to promulgate regulations for the preventing, controlling, or prohibiting air pollution. Section 71-2103 provides general enforcement authority for the air regulations. Section 71-2105 provides criminal enforcement authority.