

**PERMIT PROFILE: AIR POLLUTION CONTROL**

**TECHNICAL PROGRAM:** Division of Air Resources

**STATUTORY AUTHORITY:** Article 19 of the Environmental Conservation Law

**APPLICABLE REGULATIONS:** 6 NYCRR Parts 200 through 317

**LEGISLATIVE INTENT:**

To maintain a reasonable degree of purity of the air resources of the state consistent with: public health, welfare, and enjoyment; industrial development; propagation and protection of flora and fauna; and protection of physical property and other resources; and to require the use of all available practical and reasonable methods to prevent and control air pollution.

**REGULATED ACTIVITIES:**

- Owners and/or operators of air contamination sources are required to obtain a Title V Facility Permit, State Facility Permit, or Registration certificate for source construction and operation. Authorizations are for all sources at a facility, not for individual emission points. Registrations are ministerial actions, not subject to UPA.

**EXEMPT AND TRIVIAL ACTIVITIES:**

- Exempt and trivial activities are listed in Subpart 201-3. These activities are exempt from the Registration provisions of 201-4, and the State Facility permitting provisions of 201-5, but not from other Parts. Exempt activities must be listed in Title V Facility permit applications subject to 201-6, and are exempt unless they are subject to an applicable requirement. The owner and/or operator of an exempt or trivial source may be required to certify that it is properly operated, and must maintain on-site records.

**MAJOR PROJECTS:**

- In accordance with Uniform Procedures Regulations, Paragraph 621.4(g)(2), the following types of Air Pollution Control projects are major:
  - i. projects subject to the Title V facility permit requirements under Part 201 (see Requirements for a Title V Facility Permit, below) including: initial permitting of subject facilities, permit renewals and significant permit modifications;

Requirements for a Title V Facility Permit, in accordance with Subpart 201-6:		
○ Any <b>major stationary source</b> (as defined under Subpart 201-2).		
MAJOR STATIONARY SOURCES		
Classification of Area and Affected Areas (by Region)	Contaminant	Quantity (TPY)
All of New York State	Hazardous Air Pollutants (HAP)	10 of any HAP; or 25 of any combination of HAPs
Marginal Ozone Nonattainment Areas Region 4: Albany, Greene, Montgomery, Rensselaer, Schenectady Region 5: Saratoga, Essex County-Whiteface Mtn. area above 4500' Region 6: Jefferson Region 9: Erie, Niagara	NO <sub>x</sub>  VOC	100  50
Moderate Ozone Nonattainment Areas Region 3: Dutchess, Orange County Area except for LOCMA <sup>1</sup> , Putnam	NO <sub>x</sub>  VOC	100  50
Severe Ozone Nonattainment Areas Region 1: Nassau, Suffolk Region 2: New York City Region 3: LOCMA <sup>1</sup> , Rockland, Westchester	NO <sub>x</sub>  VOC	25  25

Attainment Areas Within Ozone Transport Region All of New York State	NO <sub>x</sub>	100	
	VOC	50	
	Moderate PM-10 Nonattainment Areas Region 2: New York County	PM-10	100
	Fine Particulate (PM-2.5) Nonattainment Areas Region 1: Nassau, Suffolk Region 2: New York City Region 3: Orange, Rockland, Westchester	PM-2.5	100
Areas not specifically listed in any of the areas classified as nonattainment.	Any Regulated Air Pollutant	100	
<p><u>NOTES</u>    <sup>1</sup> LOCMA = Lower Orange County Metropolitan Area: Towns of Blooming Grove, Chester, Highlands, Monroe, Tuxedo, Warwick and Woodbury</p>			

- 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.*
- 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.  
Definition: *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 Part 201, the term *area source* shall not include motor vehicles or non-road vehicles.
- Any affected source.  
Definition: *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.)
- Any stationary source in a category designated by the administrator and added by the department pursuant to rule making.

- ii. projects involving any preconstruction permit for construction and initial operation of new emission sources at Title V permitted facilities that are defined as significant permit modifications pursuant to Section 201-6.7(d);  
Definition: *Significant Permit Modification*. Significant permit modifications are those that are not minor permit modifications or administrative permit amendments (see Section 201-6.7(b) and (c)). 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 Subpart 201-6 shall be considered significant.
- iii. projects subject to major new source review permitting under Part 231 (new Source Review for New and Modified Facilities);
- iv. projects seeking emission reduction credits;
- v. projects requiring the use of a federally enforceable emission cap:
  - (1) to avoid major stationary source classification as defined in Part 201; or
  - (2) to avoid more stringent emission controls that would otherwise be required for projects described under subparagraph (ii) above.
- vi. projects involving emission sources subject to National Emission Standards for Hazardous Air Pollutants under 40 CFR 61, except for emission sources subject to 40 CFR Part 61 Subpart M -National Emission Standards for Hazardous Air Pollutants for Asbestos, Section 61.145, Standards for Demolition and Renovation (see Table 3 in Part 200);
- vii. projects involving the construction of new facilities with emission sources subject to National Emission Standards for Hazardous Air Pollutants under 40 CFR Part 63 (See Table 4 in Part 200);
- viii. projects subject to title IV (Acid Rain) requirements under the Clean Air Act amendments;

- ix. projects involving the construction of new highways or roads, or modification of any existing section of highway or road, which require an indirect source permit under Part 203.

**PROGRAM SPECIFIC COMPLETENESS REQUIREMENTS:**

- For application content, refer to Section 201-5.2 for State Facility permits, and Subdivision 201-6.3(d) for Title V Facility permits, as well as the New York State Air Permit Application Instructions.

**PUBLIC NOTICE REQUIREMENTS:**

- Environmental Notice Bulletin and newspaper notice required for all UPA major projects (both delegated and non-delegated), and UPA minor projects which are required to have federally enforceable permit conditions (i.e., "caps"). Draft permits are required for delegated permits. Minimum comment period is 30 days.

**STANDARDS OF ISSUANCE:**

- The operation of the source will not prevent the attainment or maintenance of any applicable ambient air quality standard.
- Consistency with applicable regulations.
- Consistency with the provisions of the State Implementation Plan (SIP).

**REFERENCE MATERIALS/SOURCES OF INFORMATION:**

- Air Guide Series and Division of Air Resources Program Policies
- Air Permitting Manual by Division of Environmental Permits

**SPECIAL PROCEDURES AND EXCEPTIONS:**

- Prevention of Significant Deterioration (PSD) - This federal regulation applies to new major facilities and significant emission increases at existing major facilities located in areas that are in attainment with National Ambient Air Quality Standards; requires use of best available control technology (BACT) and sophisticated air quality modeling to control increases of certain air contaminants.
- New Source Review in Nonattainment Areas (Part 231) - Requires Lowest Achievable Emission Rate (LEAR) control technology and offsetting of emissions from new major facilities or significant emission increases at existing major facilities located in areas that exceed National Ambient Air Quality Standards (nonattainment areas).
- Title V Facility Permits - Federally delegated program requires coordination with EPA, which may object to issuance or revoke a permit, and notice to affected states, tribal lands, and the public. Five day letter provision of UPA does not apply to Title V permits unless DEC has satisfied all requirements regarding notice and review of draft permits.
- Applicants may choose to avoid certain state or federal requirements or regulations by proposing limits or a "cap" on a source's potential to emit.

**REGULATORY FEES:**

- Environmental program regulatory fees (air pollution program fees and operating permit program fees) are billed annually by the Department, based on the nature of the facility, the type of authorization, and the amount of contaminants emitted. See 6NYCRR Part 482.

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