

FACT SHEET



Office of
Environmental
Justice

DEC Proposes Changes on Air Regulation

6 NYCRR Subpart 225-2, Fuel Composition and Use – Waste Oils as a Fuel

The New York State Department of Environmental Conservation's (DEC) Division of Air Resources is responsible for maintaining the air quality throughout the state. We do so, partly, by issuing permits to facilities and taking enforcement actions against those that violate the conditions of their permit. Likewise, we have various New York codes, rules and regulations that outline standards facilities must abide by.

One of the regulations pertaining to air resources and burning fuel is called 6 NYCRR Part 225-2, Fuel Composition and Use – Waste Fuels. DEC is proposing an overhaul of this regulation by simplifying the language and making it easier to implement. Proposed 6 NYCRR Subpart 225-2 will continue to affect facilities all across the state including those in environmental justice communities. Some of the major changes to this regulation are highlighted below:



Proposed Changes

- Changing the regulation title from Waste Fuels to Waste Oil as a Fuel
- Eliminating outdated regulatory references
- Correcting typographical errors
- Updating the regulation's waste oil constituent limits
- Removing outdated work practices
- Updating the permitting process to include monitoring, record keeping and reporting requirements, which would align it with Part 201 and Title V air permitting criteria found in the Clean Air Act
- Moving the definition of "residual oil" from the existing Subpart 225-2 to 6 NYCRR Part 200
- Removing references to liquid waste transportation regulations that have changed over the past 30 years and are no longer valid
- Removing the 99 percent combustion efficiency requirement
- Removing chemical waste and "off-spec" waste oil burning (waste fuel B) from the existing regulation and adding it to 6 NYCRR Part 212 (Process Operations) or 6 NYCRR Parts 370-376 as appropriate
- Expanding the number of emission sources eligible to burn waste oils by lowering the minimum permissible heat input requirement of 20 million British thermal units per hour (mmBtu/hr) to 10 mmBtu/hr
- Clarifying the regulation's process for burning waste oil while removing the term waste fuel
- Extending the permitting exemption for facilities generating their own waste oils to fire waste oil in space heaters of less than one mmBtu/hr heat input
- Lowering the content limits of hazardous substances such as PCB's, lead and sulfur in waste oil

IF YOU HAVE ANY QUESTIONS OR COMMENTS REGARDING THIS RULEMAKING, PLEASE CONTACT MIKE JENNINGS BY MARCH 25, 2016.

CONTACT INFORMATION

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QUESTIONS AND ANSWERS

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What does removing the 99 percent combustion efficiency requirement mean?

DEC has found that maximizing combustion efficiency to 99 percent results in increased nitrogen oxide (NO_x) emissions. NO_x represents a family of seven compounds that are not only air pollutants by themselves, but also react with other pollutants to form ozone, particulate matter and acid rain. Through these reactions, NO_x can cause illness and premature death in humans, animals and plants. Therefore, reducing NO_x emissions is both important for health and welfare, and it is federally required. Adjusting fuel burning equipment to minimize NO_x emissions only causes a one to two percent decrease in combustion efficiency and does not significantly increase emissions. DEC has found no difference in the emissions (specifically emissions of particulate matter) by fuel burning equipment operating at 97 or 98 percent efficiency (based upon staff review of years of combustion efficiency tests).

Why is DEC proposing to expand the number of emission sources eligible to burn waste oils by lowering the minimum permissible heat input requirement of 20 million British thermal units per hour (mmBtu/hr) to 10 mmBtu/hr?

Heat input is the amount of heat energy produced when burning a fuel. Existing Subpart 225-2 uses the size threshold of 20 mmBtu/hr heat input because, in 1983, emission sources with less than 20 mmBtu/hr heat input were already exempt from permitting. In 1989, however, the United States Environmental Protection Agency (EPA) promulgated the federal New Source Performance Standard (NSPS) for small boilers. This NSPS regulates emission sources down to 10 mmBtu/hr heat input in size. Based on the federal NSPS applicability threshold, DEC is lowering its exempt emission source threshold from 20 mmBtu/hr heat input to 10 mmBtu/hr heat input under Part 201, Permits and Registrations. DEC has determined that there is no difference environmentally in burning waste oil in a source that has a 10 mmBtu/hr heat input compared to a source that has a 20 mmBtu/hr heat input. This determination is based on a review of EPA emission factors and engineering calculations which shows that there is no difference in the emission factors used by fuel burning equipment between 10 mmBtu/hr and 20 mmBtu/hr heat input.

Will extending the permitting exemption for facilities generating their own waste oils to fire waste oil in space heaters of less than one mmBtu/hr heat input impact the air?

Existing Subpart 225-2 provides this permitting exemption exclusively to automotive service facilities. Throughout the past 30 years, however, several other types of facilities that produce or collect waste oils have asked DEC to extend this exemption to their facilities. While these facilities generate waste oils, the volume generated is insufficient for recycling unless the facilities are willing to store it on-site until enough waste oil is accumulated. Storage of sufficient quantities of waste oil, however, subjects these facilities to an additional regulatory requirement under waste storage regulations. As a result, these facilities simply dispose of their waste oils. DEC analyzed potential air impacts of extending the permitting exemption to other facilities that meet the eligibility criteria of firing waste oil in space heaters of less than one mmBtu/hr heat input and has determined that it will not cause a degradation of the air quality in the state. Automotive maintenance/service facilities are now defined as “any facility that performs automotive fluid changes, collects automotive fluids or drains automotive fluids”. Eligible facilities now include, but are not limited to, fleet maintenance facilities like municipal garages, rental car maintenance facilities, auto crushing facilities and junk yards.