



Department of
Environmental
Conservation

NYS DEC Air Regulation Updates

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Regulations currently being acted on by DAR

Part 201	Permits and Registrations
Subpart 202-2	Emission Statements
Part 203	Oil and Gas Activities
Part 205	Architectural and Industrial Maintenance Coatings
Part 212	Process Sources
Part 218	Motor Vehicle Emissions Standards
Part 219	Incinerators
Subpart 220-3	Hot Mix Asphalt Plants
Part 222	Distributed Generation Sources
Part 225	Fuel Composition
Subpart 227-1	Stationary Combustion Installations
Subpart 227-3	Ozone Season NO _x Emission Limits for Simple Cycle and Regenerative Combustion Turbines
Subpart 228-3	Surface Coating Processes
Part 230	Gasoline Dispensing Sites and Transportation Vehicles
Part 231	New Source Review
Part 235	Consumer and Commercial Products
Part 242	CO ₂ Budget Trading Program
Part 247	Outdoor Wood Boilers
DAR-10	Impact Analysis Modeling (policy document)



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Part 201 – Permits and Registrations: Potential Air Permit Program Updates

Currently awaiting approval to propose



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Part 201: Introduction

- New York State's air permitting program is found in 6 NYCRR Parts 200, 201, 212, and 621 (Part 201)
- Last revised in February 2013 to update and clarify requirements
- This rulemaking is a continuation of the Department's efforts to improve the clarity and consistency of Part 201



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Part 201: Part 200 Changes

- Revising the definition of “emergency power generating stationary internal combustion engine” to allow engine operation for more than 500 hours during declared states of emergency.
- Relocating definitions of “fossil fuel” and “furnace” to Section 200.1 from Subpart 201-2.1
- Updating definition of “combustion installation” to include other fuels



Part 201: Part 621 Changes

- Minor language corrections at 621.4(g) to make the language consistent with Part 201
- Correcting an inconsistency in 621.11(a)(1) relating to state facility permit renewals
 - State facility permit renewal applications will be due at least 180 days prior to permit expiration (consistent with 201-5.2(c))



Part 201: General Changes

- Minor language revisions throughout to improve clarity
- ‘Persistent, Bioaccumulative, and Toxic’ changed to ‘High Toxicity Air Contaminant’ throughout to be consistent with Part 212



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Part 201: Research and Development Activities

- Removing exemption for R&D activities
- Developing a new section specifying requirements for R&D activities
- May still be exempt from permitting if certain criteria are met:
 1. Commercial quantities of materials are not produced;
 2. The R&D activity is appropriately controlled;
 3. The owner or operator maintains certain records; and
 4. The total emissions from R&D activities do not exceed certain threshold levels (i.e. major source, PSD/NSR)
- A permit or registration may be required if criteria cannot be met



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Part 201: Exempt and Trivial Activity Changes

- Exemption threshold for liquid asphalt storage tanks reduced from 300,000 barrels to 10,000 gallons
- New exempt activity for process emission sources at lumber drying kilns with annual throughput of untreated lumber less than 275,000 board feet
- New exempt activity for coffee roasting operations with maximum operating capacity less than 25 tons of green coffee beans per year



Part 201: Exempt and Trivial Activity Changes

- New exempt activities for the beverage alcohol production industry:
 - Process emission sources at breweries with total beer and malt liquor production less than 60,000 barrels per year
 - Process emission sources at wineries with total wine and brandy production less than 70,000 gallons per year
 - Process emission sources at distilleries with less than 10,000 distiller's bushels of grain input per year
 - Would not apply to combustion sources (e.g. boilers) that are not otherwise exempt (e.g. per 201-3.2(c)(1))



Part 201: Exempt and Trivial Activity Changes

- New exempt activity for covered manure storage exhausted to a flare
 - Does not include digesters or combustion sources (e.g. stationary engines), however engines may be exempt per other existing exempt activities



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Part 201: Exempt and Trivial Activity Changes

- Construction and demolition waste crushers and tub grinders being removed as trivial activities
 - May still qualify as temporary emission sources in certain situations
- Revising existing trivial activity for laser cutters to allow additional types of lasers and plasma cutting when appropriately controlled
- Several minor language adjustments to improve clarity



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Part 201: State Facility Permit Modifications

- Rewrite of the modification provisions for State Facility permits
- Will include ‘minor’ and ‘significant’ modifications
 - Similar language to Title V modification provisions
 - Significant modifications will trigger public noticing if the permit was subject to public notice (e.g. it contains an emissions cap)



Part 201: Title V Operational Flexibility

- Rewrite of operational flexibility provisions for Title V permits
- Allows for certain operational changes to be incorporated into the permit, providing flexibility in operations without first obtaining a permit modification
- Two options available:
 - Alternate operating scenarios; and
 - Operational flexibility protocol



Part 201: Alternate Operating Scenarios

- Allow the facility owner or operator to address a wide range of operating conditions in the application.
- For example, a dual fuel boiler has two potential operating scenarios – firing oil or firing natural gas
 - Both scenarios and their applicable requirements included in the Title V permit
 - Facility owner or operator may switch between them as needed, provided certain records are kept
 - Permit modification not required for changes in operating scenarios included in the permit



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Part 201: Operational Flexibility Protocol

- Title V permit applicants may propose a protocol for the evaluation of future operational changes at the facility
- The protocol should specify how potential changes will be evaluated for compliance with applicable requirements
- Approved protocols will be included in the Title V permit
- Once approved, the protocol may be used to evaluate potential changes. If a change satisfies the protocol, it may be made without a permit modification



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Part 201: Operational Flexibility Protocol

- Facility must supply written notification to the Department at least 15 days in advance of making a change pursuant to a protocol
 - Notifications must include specified information
- Protocol cannot be used for changes that are modifications per 200.1(aq) or subject to Part 231
- The Department may require permit modifications for changes that otherwise satisfy the protocol



Part 201: Operational Flexibility

- Changes made must be included in the next Title V modification or renewal application, whichever is first
- Permit shield does not apply to changes made pursuant to operational flexibility until those changes are included in the permit
- DEC may require a permit modification for changes proposed under operational flexibility



Part 201: High Toxicity Air Contaminants

- References to “Persistent, Bioaccumulative, and Toxic Compounds” changed to “High Toxicity Air Contaminants” throughout Part 201
- Table 1 in Subpart 201-9 and Table 2 in Part 212 will be revised to be consistent with each other
- Clarifying that combustion sources and exempt/trivial activities do not need to evaluate HTACs



Subpart 202-2 Emission Statements

- Lean initiative
- Electronic reporting for Title V emissions
- Evaluating staggered submission dates
- Not yet formally proposed



Part 203 - Oil & Natural Gas Regulation

- New regulation has not been formally proposed
- A few stakeholder meetings have been held
- Reductions of criteria pollutants and methane
- Expand upon the control technique guideline proposed by EPA
 - Leak detection & repair (LDAR) is a big component
 - Reporting of blowdowns
 - Equipment requirements
- See the DEC stakeholder website for more details:
 - <https://www.dec.ny.gov/chemical/113887.html>



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Oil & Natural Gas Regulation – Applicability

Production

- Drilling and Well Completion
- Producing Wells
- Gathering Lines
- Gathering and Boosting Compressors

Processing

- Gas Processing Plant

Natural Gas Transmission & Storage

- Transmission Compressor Stations
- Transmission Pipeline
- Underground Storage

Distribution

- Distribution Mains
- City Gate
- Customer

(Adapted from American Gas Association and EPA Natural Gas STAR Program)

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Part 205 Architectural and Industrial Maintenance (AIM) Coatings

- Adopted in December 2019; effective January 11, 2020
- Limiting VOC emissions from Coatings
- Elimination of the quart exemption for floor coatings



Part 212 – Process Operations

- Part 212 is moving along with the Part 201 package
- Changes being proposed in this revision
 - Marrying the listed pollutants in the High Toxicity Air Contaminant (HTAC) Table of 212 with the PBT High Table in 201-9. Also, the PBT table will be renamed HTAC table.
 - Including a second compliance option for NESHAP affected processes (under 212-1.5(e)(2) Toxic Impact Assessment requirements) that removes the need for dispersion modeling while still being protective of public health through a demonstration that HTAC emissions meet the Table 2 thresholds.
 - Revisions to 212-1.4(k) for Iron & Steel industry (sources subject to Part 216)
 - Change will allow DEC to evaluate toxics (e.g. mercury) from these sources
- DAR-1 Triennial Update coming soon



Part 218, “Deemed to Comply” GHG Standards

- NY adopted (on 4/5/19) based on California’s “Deemed to Comply” revisions (CA=Federal)
- If NHTSA & EPA reduce federal GHG stringency as proposed, vehicle manufacturers can not utilize existing “deemed to comply” provisions. All 2021 & subsequent model year vehicles delivered to NY would need to be certified to CA GHG standards



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Part 218 – Aftermarket Parts

- Proposed DEC regulation
http://www.dec.ny.gov/enb/20190904_hearings.html
- Prohibits use of federal AMCCs; clarifies installation requirements; clarifies installer recordkeeping requirements; and clarifies retailer, distributor, and manufacturer recordkeeping and reporting requirements
- Hearing held 11/08/19
- Developing final rule



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Part 219 – Incinerators

- Subpart 219-4, Human and Animal Crematories
- Subpart 219-10, NO_x RACT at Municipal and Private Solid Waste Incineration Units
- 3 hearings held in early December
- Comment period closed December 11, 2019
- Final rule awaiting formal adoption



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Subpart 219-4, Human and Animal Crematories

- Adjusting operating and design requirements to better align with the current cremation industry
- No change in PM limit for existing cremation units
- New PM limit (0.05 gr/dscf @ 7% O₂) for units installed after effective date
- Allow representative stack tests conducted outside NY on similar units
- Changes to recordkeeping requirements
- Operator training required for all operators
- Sunset of 219-5 and 219-6
 - Currently subject units required to comply with new 219-4



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Subpart 219-10, NO_x RACT at Municipal and Private Solid Waste Incineration Units

- Add NO_x RACT limits for solid waste incinerators
 - 150 ppmv annual average limit
 - 24-hour average limit based on combustion technology
- Compliance demonstrated via stack testing and CEMs



Subpart 220-1 Portland Cement Plants

- Has not been formally proposed
- Minor revisions to better align with federal regulations and reduce monitoring costs
- Lower particulate emission limit to match that of 40 CFR 63 Subpart LLL
- Include the use of particulate matter continuous monitoring systems, as required by Subpart LLL
- Incorporate 40 CFR Part 60 monitoring and reporting in place of federal Part 75 to fulfill continuous NO_x emissions monitoring from Portland cement kilns.



Subpart 220-3 Hot Mix Asphalt Plants

- Under development – stakeholder process soon
- Replace Subpart 212-4 with a new dedicated source category regulation specific to HMA plants
- More stringent controls for both new and existing HMA plants
- Require new HMA plants to apply BACT for criteria and non-criteria air contaminants
- Require existing HMA plants to address excess emissions, odors, and visible smoke by using asphalt storage tank vent condensers, silo and load-out controls, and low sulfur diesel fuel in aggregate drum mixers



Part 222 Distributed Generation Sources

- Proposed on September 4, 2019
- Establish NOx emission limits for sources not subject to Subpart 227-2
- Revised rule will apply only to downstate ozone non-attainment area
- Comment period closed November 25, 2019
- Routing internally for adoption



Subpart 225-1, Fuel Composition and Use – Sulfur Limitations

- Has been proposed
 - Hearing on 4/10/20 (Albany)
 - Comment period closes 4/15/20
- Updating to include process sources & incinerators
- Lower current waste oil sulfur content limitation from 0.75% to 0.25%



Subpart 225-2, Fuel Composition and Use – Waste Oil as a Fuel

- Regulates burning of waste oils in combustion, incineration, and process sources
- Establish applicability criteria, composition limits & permitting requirements for waste oils
 - Lower PCB and lead limits in waste oil
 - Includes arsenic, cadmium & chromium limits
- Proposing to add marine service facilities as part of exception allowing burning of waste oils in space heaters at automotive maintenance/service facilities.
- Monitoring, recordkeeping, and reporting requirements for facilities that burn waste oil
- Hearing held November 8, 2019. Comment period closed.
- Routing internally for adoption



Part 226 Solvent Metal Cleaning Processes

- Adopted; effective 11/1/19
- Old Part 226 renamed Subpart 226-1 “Solvent Cleaning Processes” to include any material (not just metal) cleaned by solvent cleaning processes.
 - Changed ‘cold cleaning’ requirement of using solvent with max. vapor pressure of 1.0 mm Hg, or less, at 20°C to using a cleaner with max. VOC content of 25 g/l of cleaning solution at 20° C
- Add Subpart 226-2 “Industrial Cleaning Solvents”
- Establish requirements that meet the federal (CTG) for industrial cleaning solvents
 - Facility applicability: 3 tons/yr or more VOC from cleaning solvents
 - Applies to cleaning of foreign materials from surfaces of unit operations, including large and small manufactured components, parts, equipment, floors, tanks, and vessels
 - Cleaning by any method is included, whether by hand or mechanical means.
 - Use of cleaning solvents already subject to (or exempt from) other regulatory provisions are not subject



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Part 227 – Stationary Combustion Installations

Subpart 227-1 Stationary Combustion Installation

- Redefine applicability
- Lower existing particulate matter limits
- Maintains an opacity limit for all stationary combustion installations
- Includes compliance testing and monitoring
- Hearing held November 7, 2019
- Responding to comments and preparing final rule

Subpart 227-2 NOx RACT

- Adopted November 7, 2019
- Consensus Rulemaking
- Removes obsolete provisions



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

- Revised Proposal to address applicability issue
 - Review of NO_x emission limits for peaking turbines
 - New NO_x limits for Simple Cycle Combustion turbines
- Adopted 12/11/19; effective 1/16/20



Subpart 228-3 Motor Vehicle and Mobile Equipment Refinishing and Recoating Operations

- Conducting stakeholder outreach – 2 webinars in January
- Change VOC limits to meet CARB regulations/OTC Model Rule
- Update record keeping requirements



Part 230 Gasoline Dispensing Sites and Transportation Vehicles

- Filed with DOS for proposal (ENB on 2/12/20)
 - 3 hearings in mid April 2020
 - Comment period closes 4/21/20
- Update and clarify testing requirements for gas stations
- Conform more closely with new federal requirements
- Eliminate requirement for Stage II equipment



Part 231 New Source Review for New and Modified Facilities

- Filed for proposal (ENB on 2/12/20)
 - 3 hearings in mid April 2020
 - Comment period closes 4/21/20
- Modify Greenhouse Gas criteria applicability to conform with federal regulations/U.S. Supreme Court ruling
- Changes will also be made in accordance with EPA's comments (2016) on the Part 231 SIP submission (2011)
 - Global Warming Potentials
 - Inter-Pollutant Trading Ratios
 - Significant Impact Levels (SILs) and Significant Monitoring Concentration (SMC) for PM-2.5



Part 235 Consumer Products

- Filed for proposal (ENB on 2/12/20)
 - 3 hearings in mid April
 - Comment period closes 4/21/20
- Update to implement additional Volatile Organic Compound (VOC) product content limits
- Effort to be regionally consistent throughout the Ozone Transport Region



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Part 242 Regional Greenhouse Gas Initiative (RGGI)

- Incorporate program changes from 2017 RGGI program model rule
- Expand applicability to units 15 MW and larger
- At RRU
- Program changes to be effective by end of 2020



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Part 247 Outdoor Wood Boilers

- NYS backstop for EPA New Source Performance Standards
 - Subpart AAA – Residential Wood Heaters
 - Subpart QQQQ – Hydronic Heaters & Forced-Air Furnaces
- Moving older units will require meeting new installation requirements
- Stakeholder process expected later this year



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Part 257 – NY State Air Quality Standards (Adopted)

Part 257 Subparts 2 through 10 list the New York State Air Quality Standards (SAQS) promulgated by the Department several decades ago.

- *The following subparts, which have been superseded by stricter Federal regulations, will be repealed:*
 - 257-3 - Air Quality Standards - Particulates
 - 257-3.3 Standards for Suspended Particulates. The 24-hour PM10 standard is outdated and will be repealed.
 - The Federal annual PM10 standard was repealed in 2006 and will be repealed.
 - 257-4 - Air Quality Standards - Carbon Monoxide
 - 257-5 - Air Quality Standards - Photochemical Oxidants
 - 257-6 - Air Quality Standards - Hydrocarbons (non-methane)
 - 257-7 - Air Quality Standards - Nitrogen Dioxide (NO₂)
 - 257-9 - Air Quality Standards – Beryllium
- 257- 8 (Fluorides) and 257-10 (Hydrogen Sulfide) were revised allowing improved monitoring methods



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DAR-10 Impact Analysis Modeling Revision

- Reorganized format and updated recommendations to align with current EPA guidance.
- Provides specific NYSDEC requirements and guidelines for dispersion modeling and air quality impact analysis.
- Recommends screening and refined modeling procedures with their respective required input parameters and data.
- Identifies required information to include in protocols and reports.



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DAR-10

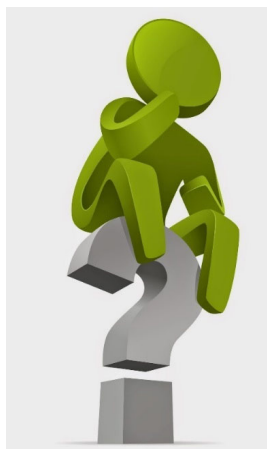
Will contain sections discussing **special issues** such as:

- One-hour NO₂ modeling
- One-hour SO₂ modeling
- Modeling for PM_{2.5}
- Impact Analyses required for permit applications subject to Part 231 New Source Review for New and Modified Facilities.



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Questions and Comments



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Thank You

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