PART 225

FUEL COMPOSITION AND USE

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

Subpart 225-1 Fuel Composition and Use—Sulfur Limitations
Subpart 225-2 Fuel Composition and Use—Waste Fuel
Subpart 225-3 Fuel Composition and Use—Gasoline
Subpart 225-4 Motor Vehicle Diesel Fuel

Historical Note

Part filed April 28, 1972; repealed, new (§§ 225.1-225.7) filed Aug. 27, 1974; repealed, new filed Aug. 27, 1974; Part (*Fuel Composition and Use*, §§ 225.1-225.7) renum. Subpart 225-1, filed June 28, 1983 eff. 30 days after filing.

SUBPART 225-1

FUEL COMPOSITION AND USE—SULFUR LIMITATIONS

(Statutory authority: Environmental Conservation Law, §§ 3-0301, 19-0301, 19-0907)

Sec.

225-1.1 Definitions.
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Historical Note

Subpart (§§ 225-1.1—225-1.7) added by renum. Part 225, filed June 28, 1983; repealed, new (§§ 225-1.1—225-1.8) filed Dec. 30, 1985; repealed, new (§§ 225-1.1—225-1.7) filed March 6, 2013 eff. 30 days after filing.

§ 225-1.1 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 apply.

(b) For the purpose of this Subpart, the following definitions also apply:

(1) *Fuel distributor.* Any person who transports, stores, or causes the transportation or storage of distillate oil, residual oil, and/or coal at any point between a refinery/mine or importer's facility and a retail outlet or wholesale purchaser-consumer's facility.

Historical Note

Sec. added by renum. 225.1, filed June 28, 1983; repealed, new filed: Dec. 30, 1985; March 6, 2013 eff. 30 days after filing.

§ 225-1.2 Sulfur-in-fuel limitations.

No person will sell, offer for sale, purchase, or fire any fuel which exceeds the sulfur-in-fuel limitations of this section, except as provided in section 225-1.3 or 225-1.4 of this Subpart. For the purposes of this Subpart liquid bio-fuels, other than waste oils, will be required to meet the sulfur-in-fuel standards of either number two heating oil or distillate oil.

(a) Owners and/or operators of any stationary combustion installation(s) that fire(s) coal and has a total heat input greater than 250 million Btu per hour, where an application for a permit was received by the department after March 15, 1973, and the stationary combustion installation is not located in New York City or Nassau, Rockland or Westchester Counties, are limited to the firing of coal with 0.60 pound of sulfur per million Btu gross heat content or less. If two or more emission sources are connected to a common air cleaning device and/or emission point, the total heat input for such emission point is the sum of the total heat input of all emission sources which

are operated simultaneously and connected to the common air cleaning device and/or emission point.

(b) Owners and/or operators of any stationary combustion installation that fires either solid fuels or oil are limited to the firing of solid fuels or oil with a sulfur content listed in the table below through June 30, 2014:

	Liquid fuel (percent sulfur by weight)		
Area	*Residual*	*Distillate**	*Solid fuel (pounds of sulfur per million Btu gross heat content)*
New York City	0.30	0.20	0.2 MAX
Nassau, Rockland and Westchester Counties	0.37	0.37	0.2 MAX
Suffolk County: Towns of Babylon, Brookhaven, Huntington, Islip and Smith Town	1.00	1.00	0.6 MAX
Erie County:			
City of Lackawanna and South Buffalo**	1.10	1.10	1.7 MAX and 1.4 AVG***
Niagara County and remainder of Erie County	1.50	1.50	1.7 MAX and 1.4 AVG***
Remainder of State	1.50	1.50	2.5 MAX, 1.9 AVG***, and 1.7 AVG (ANNUAL)****

* Except for number two heating oil as stated in subdivision (f) of this section.

** *South Buffalo* is defined as the area in the City of Buffalo south of a line from the intersection of IR 190 and Route 5 and proceeding east along IR 190 to the city limit.

*** Averages are computed for each emission source by dividing the total sulfur content by the total gross heat content of all solid fuel received during any consecutive three-month period.

**** Annual averages are computed for each emission source by dividing the total sulfur content by the total gross heat content of all solid fuel received during any consecutive 12-month period.

(c) Owners and/or operators of any stationary combustion installation that fires solid fuels are limited to the firing of solid fuel with a sulfur content listed in the table below on or after July 1, 2014:

Area	*Solid fuel (pounds of sulfur per million Btu gross heat content)*
New York City	0.2 MAX
Nassau, Rockland and Westchester Counties	0.2 MAX
Suffolk County: Towns of Babylon, Brookhaven, Huntington, Islip, and Smith Town	0.6 MAX
Erie and Niagara Counties	1.7 MAX, 1.4 AVG*
Remainder of State	2.5 MAX, 1.9 AVG*, and 1.7 AVG (ANNUAL)**

* Averages are computed for each emission source by dividing the total sulfur content by the total gross heat content of all solid fuel received during any consecutive three-month period.

** Annual averages are computed for each emission source by dividing the total sulfur content by the total gross heat content of all solid fuel received during any consecutive 12-month period.

(d) Owners and/or operators of any stationary combustion installation that fires residual oil are limited to the firing of residual oil with a sulfur content listed in the table below on or after July 1, 2014:

Area	*Residual oil (percent sulfur by weight)*
New York City	0.30
Nassau, Rockland and Westchester Counties	0.37

(e) Owners and/or operators of any stationary combustion installation that fires residual oil are limited to the purchase of residual oil with a sulfur content listed in the table below on or after

July 1, 2014, and are limited to the firing of residual oil with a sulfur content listed in the table below on or after July 1, 2016:

Area	*Residual oil (percent sulfur by weight)*
Suffolk County: Towns of Babylon, Brookhaven, Huntington, Islip, and Smith Town	0.50
Erie and Niagara Counties	0.50
Remainder of State	0.50

(f) Owners and/or operators of commercial, industrial, or residential emission sources that fire number two heating oil on or after July 1, 2012 are limited to the purchase of number two heating oil with 0.0015 percent sulfur by weight or less.

(g) Owners and/or operators of a stationary combustion installation that fires distillate oil other than number two heating oil are limited to the purchase of distillate oil with 0.0015 percent sulfur by weight or less on or after July 1, 2014.

(h) Owners and/or operators of any stationary combustion installation that fires distillate oil including number two heating oil are limited to the firing of distillate oil with 0.0015 percent sulfur by weight or less on or after July 1, 2016.

(i) Owners and/or operators of any stationary combustion installation that fires waste oil on or after July 1, 2014 are limited to the firing of waste oil with 0.75 percent sulfur by weight or less.

Historical Note

Sec. added by renum. 225.2, filed June 28, 1983; repealed, new filed Dec. 30, 1985; amds. filed: May 4, 2001 as emergency measure, expired 90 days after filing; Aug. 3, 2001 as emergency measure, expired 90 days after filing; Nov. 2, 2001 as emergency measure, expired 90 days after filing; repealed, new filed March 6, 2013 eff. 30 days after filing.

§ 225-1.3 Exceptions contingent upon fuel shortage.

(a) Upon application by a facility owner or a fuel distributor the department may issue an order granting a temporary exception from the provisions of this Subpart where it can be shown, to the department's satisfaction, that there is an insufficient supply of conforming fuel, either:

(1) of the proper type required for firing in a particular emission source; or

(2) generally throughout an area of the State.

(b) The New York State Energy Research and Development Authority must certify that there exists an insufficient supply of fuel which conforms to the standards in this Subpart before a sulfur-in-fuel exception may be granted under this subdivision.

(c) The department may grant a sulfur-in-fuel exception contingent upon a fuel shortage for a period not longer than 45 days.

(d) The department may grant a sulfur-in-fuel exception contingent upon a fuel shortage for a period longer than 45 days, but not longer than one year, only after a public hearing is held to gather information relevant to such an exception. The applicant for the exception must publish notice of such hearings, in a form acceptable to the department, in a newspaper of general circulation in the area for which the exception is sought. The applicant will bear the cost of publication of the notice, of the hearing transcript, and for rental of space in which the hearing is conducted.

(e) The department recognizes that, pursuant to section 117 of article 5 of the Energy Law, provisions of this Subpart may be pre-empted when the Governor declares that an energy or fuel supply emergency exists or is impending.

Historical Note

Sec. added by renum. 225.3, filed June 28, 1983; repealed, new filed: Dec. 30, 1985; March 6, 2013 eff. 30 days after filing.

§ 225-1.4 Variances.

(a) *Fuel mixtures or equivalent emission rate variances.* Fuels with sulfur content greater than that allowed by this Subpart may be fired when the facility owner can demonstrate that

sulfur dioxide emissions do not exceed the value for S calculated using the following equation: S = (1.1AM + 2BT)/(M + T)

where:

S = Allowable sulfur dioxide emission (in pounds per million Btu)

A = Sulfur in oil allowed by section 225-1.2 of this Subpart (in percent by weight)

B = Average sulfur in solid fuel allowed by section 225-1.2 of this Subpart (in pounds of sulfur per million Btu gross heat content)

M = Percent of total heat input from liquid fuel

T = Percent of total heat input from solid fuel (including coal, coke, wood, wood waste, and refuse-derived fuel)

Fuel mixtures and equivalent emission rate variances only apply to processes or stationary combustion installations. Compliance will be based on the total heat input from all fuels fired, including gaseous fuels. Any process or stationary combustion installation owner who chooses to fire a fuel mixture pursuant to this subdivision is subject to the emission and fuel monitoring requirements of section 225-1.5 of this Subpart.

(b) *Experiments variance.* Upon application, the department may issue a variance allowing the sale, offering for sale, purchase and firing of fuel having a sulfur content in excess of the limits imposed by this Subpart, where such fuel would be fired to demonstrate the performance of experimental equipment and/or process(es) for reducing sulfur compounds from an emission source.

(c) *Coal and coke.* In New York City and Nassau, Rockland and Westchester Counties, the commissioner will permit:

(1) the sale and the continued, but not increased, purchase and use of coal and coke for installations with a maximum operating heat input equal to or less than one million Btu per hour if coal and coke has been used continuously since December 31, 1967 and the maximum sulfur content does not exceed 0.6 pound per million Btu gross heat content; or

(2) the sale, purchase and use of coal and coke for approved conversions of existing stationary combustion installations to the use of coal, and for new coal-fired stationary combustion installations, provided that the coal conversion or new stationary combustion installations meet all applicable air quality and State Environmental Quality Review requirements.

Historical Note

Sec. added by renum. 225.4, filed June 28, 1983; repealed, new filed: Dec. 30, 1985; March 6, 2013 eff. 30 days after filing.

§ 225-1.5 Emissions and fuel monitoring.

(a) The provisions of this section apply to owners of stationary combustion installations:

(1) with a total heat input greater than 250 million Btu per hour. If two or more emission sources are exhausted through a common emission point, the total heat input for such an emission point is either the sum of the maximum operating heat inputs of all emission sources which are operated simultaneously and exhausted through the common emission point, or the maximum operating heat input of any individual emission source operated independently and connected to the common emission point, whichever is greater;

(2) which are equipped with approved sulfur dioxide control equipment; or

(3) which are subject to a sulfur dioxide equivalent emissions rate for a fuel mixture pursuant to section 225-1.4(a) of this Subpart.

(b) Instruments for continuously monitoring and recording sulfur compound emissions (expressed as sulfur dioxide) must be installed and operated at all times that the stationary combustion installation is in service. Such instruments must be operated in accordance with manufacturer's instructions, must satisfy the criteria in "performance specification 2", appendix B, part 60 of title 40 of the *Code of Federal Regulations* (see Table 1, section 200.9 of this Title), and must be acceptable to the department. Exceptions to these requirements are:

(1) stationary combustion installations where gaseous fuel is the only fuel fired; or

(2) stationary combustion installations, not including any equipped with sulfur dioxide control equipment, whose fuel is subjected to representative sampling and sulfur analysis conducted in a manner approved by the department; or

(3) stationary combustion installations required to use the continuous monitoring specifications under 40 CFR part 75 (see Table 1, section 200.9 of this Title).

(c) Measurements must be made daily of the rate of each fuel fired. The gross heat content and ash content of each fuel fired must be determined at least once each week. In the case of stationary combustion installations producing electricity for sale, the average electrical output and the hourly generation rate must also be measured.

Historical Note

Sec. added by renum. 225.5, filed June 28, 1983; repealed, new filed: Dec. 30, 1985; March 6, 2013 eff. 30 days after filing.

§ 225-1.6 Reports, sampling, and analysis.

(a) The department will require fuel analyses, information on the quantity of fuel received, fired or sold, and results of stack sampling, stack monitoring, and other procedures to ensure compliance with the provisions of this Subpart.

(b) (1) Any person who sells oil and/or coal must retain, for at least five years, records containing the following information:

(i) fuel analyses and data on the quantities of all oil and coal received; and

(ii) the names of all purchasers, fuel analyses, and data on the quantities of all oil and coal sold.

(2) Such fuel analyses must contain, as a minimum:

(i) data on the sulfur content, ash content, specific gravity, and heating value of residual oil;

(ii) data on the sulfur content, specific gravity, and heating value of distillate oil; and

(iii) data on the sulfur content, ash content, and heating value of coal.

(c) Sampling, compositing, and analysis of fuel samples must be done in accordance with methods acceptable to the department.

(d) Facility owners or fuel distributors required to maintain and retain records pursuant to this Subpart must make such records available for inspection by the department.

(e) Data collected pursuant to this Subpart must be tabulated and summarized in a form acceptable to the department, and must be retained for at least five years. The owner of a title V facility must furnish to the department such records and summaries, on a semiannual calendar basis, within 30 days after the end of the semiannual period. All other facility owners or distributors must submit these records and summaries upon request of the department.

(f) Facility owners subject to this Subpart must submit a written report of the fuel sulfur content exceeding the applicable sulfur-in-fuel limitation, measured emissions exceeding the applicable sulfur-in-fuel limitation, measured emissions exceeding the applicable equivalent emission rate, and the nature and cause of such exceedances if known, for each calendar quarter, within 30 days after the end of any quarterly period in which an exceedances takes place.

Historical Note

Sec. added by renum. 225.6, filed June 28, 1983; amd. filed Nov. 5, 1984; repealed, new filed: Dec. 30, 1985; March 6, 2013 eff. 30 days after filing.

§ 225-1.7 Severability.

(a) Each provision of this Part shall be deemed severable, and in the event that any provision of this Part is held to be invalid, the remainder of this Part shall continue in full force and effect.

Historical Note

Sec. added by renum. 225.7, filed June 28, 1983; repealed, new filed: Dec. 30, 1985; March 6, 2013 eff. 30 days after filing.

§ 225-1.8

Historical Note

Sec. filed Dec. 30, 1985; repealed, filed March 6, 2013 eff. 30 days after filing.