

## SUBPART 202-2

### EMISSION STATEMENTS

Sec.	
202-2.1	Applicability
202-2.2	Definitions
202-2.3	Required contents of an emission statement
202-2.4	Procedures
202-2.5	Recordkeeping requirements

#### Historical Note

Subpart (§§ 202-2.1—202-2.7) filed July 15, 1994; repealed, new (§§ 202-2.1—202-2.5) filed April 29, 2005 eff. 30 days after filing.

#### § 202-2.1 Applicability.

(a) This Subpart applies to:

(1) any owner or operator of a facility located in New York State which is determined to be a major source as defined in Subpart 201-2 of this Title for all or any part of such calendar year; and

(2) any owner or operator of a facility located in an ozone non-attainment area which emits  $\text{NO}_x$  or VOCs equal to or greater than 25 tons during any such calendar year.

(b) If a facility is subject to this Subpart, the owner or operator of such facility must report its actual annual emissions of regulated air contaminants as set forth in this rule.

#### Historical Note

Sec. filed July 15, 1994; repealed, new filed April 29, 2005 eff. 30 days after filing.

#### § 202-2.2 Definitions.

(a) For the purpose of this Subpart, the general definitions of Parts 200 and 201 of this Title apply, except as otherwise defined herein:

(b) The following definitions govern the provisions of this Subpart:

(1) *Actual annual emissions.* The actual (or estimated) emissions of a regulated air contaminant after control equipment has been applied, including fugitive emissions and emissions during startups, shutdowns, and malfunction conditions which occurred during the calendar year being reported. Actual annual emissions are based on actual operating conditions for the calendar year (*i.e.*, actual fuel usage, actual material usage, actual operating rate) and are determined using one of the methods listed in section 202-2.4(d) of this Subpart.

(2) *Annual process rate.* An actual (or estimated) measurable parameter or quantity per calendar year that directly or indirectly relates to the emissions of an air contaminant source. Depending on the type of emission source, measurable quantity or parameter may refer to the amount of fuel combusted, raw material processed, product manufactured, or material handled or processed. The measurable quantity or parameter is typically the value that is multiplied by an emission factor to generate an emission estimate.

(3) *Annual reportable emissions.* The actual annual emissions of a facility subject to this Subpart. In addition, every three years annual reportable emissions shall include the actual annual emissions of exempt emission sources as defined in section 201-3.2 of this Title. Emissions from exempt sources are required to be reported every three years as part of the periodic emission inventory as set forth in section 202-2.3(e) of this Subpart.

(4) *Chemical abstracts service registry number.* A CAS (chemical abstracts service) registry number is a unique numeric identifier which designates only one substance and has no chemical significance other than to link information about a specific chemical substance.

(5) *Chemical family code.* A chemical family code is defined as the numerical code associated with a specific chemical family as determined in the following table:

*Chemical Family Code*

- 1 Particulates (PART)
- 2 Sulfur Dioxide (SO<sub>2</sub>)
- 3 Nitrogen Oxides (NO<sub>x</sub>)
- 4 Volatile Organic Compounds (VOC)
- 5 Carbon Monoxide (CO)
- 6 Other
- 7 PM-10
- 8 Particulates and Hazardous Air Pollutant (HAP)
- 9 VOC and HAP
- 10 HAP Only

(6) *Control equipment type.* The type of control equipment used by a facility to regulate air emissions. The control equipment description reported on the emissions statement shall be consistent with the appropriate description contained in a list provided by the department for emission statement reporting purposes.

(7) *Control efficiency.* The effectiveness of air pollution control equipment expressed as the percentage of the actual total emissions of an air contaminant prevented by the air pollution control equipment from being emitted into the outdoor atmosphere. Control efficiency is calculated by dividing the weight of such air contaminant collected, removed, or rendered less noxious (during a specific unit of time) by the control equipment, including equipment downtime and maintenance degradation, by the uncontrolled emission rate (based on an equal unit of time) of the contaminant, and multiplying by 100 percent.

(8) *Design capacity.* A measure of the size of a point source, based on the reported maximum continuous capacity of the emission generating equipment.

(9) *Emission factor.* An average value which relates the quantity of an air contaminant released to the atmosphere as a result of an associated activity or material throughput level, usually expressed as the weight of an air contaminant divided by a unit weight, volume, distance or duration of the activity that emits the air contaminant (e.g., pounds of particulate matter emitted per ton of coal combusted).

(10) *Emissions method code.* The code which identifies how emissions were determined for emission statement reporting purposes. Emissions must be calculated using the methods described by these codes.

(11) *Exit gas flow rate.* Numerical value of stack gas flow rate (mass/time).

(12) *Exit gas temperature.* Numerical value of stack gas temperature (°C or °F).

(13) *Exit gas velocity.* Numerical value of stack gas velocity (distance/time).

(14) *Material balance.* The process of determining emissions by comparing the material inputs of a process with the amount of material outputs of the process. For example, a certain chemical of a known quantity used in a process may be emitted to the atmosphere, retained in the product, destroyed in the process, or physically removed for reprocessing or disposal.

(15) *Maximum nameplate capacity.* A measure of a unit's size which the manufacturer includes on the unit's nameplate.

(16) *NAICS.* North American Industry Classification System. NAICS is a classification of business establishments by economic activity. It was adopted by Canada, Mexico, and the United States on January 1, 1997, to replace the Standard Industrial Classification (SIC) code.

(17) *Peak carbon monoxide season.* The months of January, February and December in a given calendar year.

(18) *Peak ozone season.* June 1st through August 31st, inclusive.

(19) *Percent annual throughput.* The percent of the total yearly operation of a process which occurs during each of the following periods: January, February, and December; March through May; June through August; and September through November.

(20) *SCC.* Source Classification Code. A process-level code that describes the equipment and/or operation which is emitting pollutants.

(21) *Stack diameter.* The inside diameter or cross section at the exit of a stack or vent, expressed to the nearest inch.

(22) *Stack height.* The height of the stack measured from ground level to the top of the stack or vent, expressed to the nearest foot.

(23) *Start time (hour).* The hour of the day that the process equipment begins operation. This is the starting time used to calculate emission estimates for that equipment.

(24) *Work weekday.* Any day of the week excluding Saturday or Sunday.

**Historical Note**

Sec. filed July 15, 1994; repealed, new filed April 29, 2005 eff. 30 days after filing.

**§ 202-2.3 Required contents of an emission statement.**

(a) Emission statements shall include the following:

(1) Certification by a responsible official. A responsible official must sign a form provided by the department to certify the emission statement information. This certification shall state that after reasonable inquiry, the responsible official has concluded that the statements and information in the document are accurate and complete in accordance with this Subpart, based on the best available information. The certification shall include the full name, title, original signature, date of signature and telephone number of the responsible official.

(2) Facility level information, consisting of:

- (i) full name of facility;
- (ii) owner's name;
- (iii) street address (physical location) of the facility;
- (iv) four-digit primary SIC code or NAICS for the facility;
- (v) calendar year for which emissions are being reported; and
- (vi) total facility fuel use, average sulfur content, average ash content and heat value (for combustion installations).

(3) Process level information, consisting of:

- (i) process identification;
- (ii) eight-digit SCC for the process;
- (iii) annual throughput or quantity of fuel consumed (combustion sources);
- (iv) description of the process;
- (v) description of installed air pollution control equipment;
- (vi) the average number of hours of operation per day (including annual, peak ozone season and peak carbon monoxide season in carbon monoxide nonattainment or maintenance areas);
- (vii) the average number of days of operation per week (including annual, peak ozone season and peak carbon monoxide season in carbon monoxide nonattainment or maintenance areas);
- (viii) the average number of weeks per year of operation (including annual, peak ozone season and peak carbon monoxide season in carbon monoxide nonattainment or maintenance areas);
- (ix) percent operation by season (percent fuel use by season for combustion sources). The sum of the four seasons should equal 100 percent;

(x) total days of operation (during the peak ozone season and peak carbon monoxide season in carbon monoxide nonattainment or maintenance areas);

(xi) control efficiencies achieved by the air pollution control equipment. The control efficiency should reflect the total control efficiency from all control equipment for a specific air contaminant (e.g., VOCs,  $\text{NO}_x$ ). If the actual control efficiency is unavailable, the design efficiency or the control efficiency limit imposed by a permit shall be used;

(xii) annual reportable process emissions, for each regulated air contaminant emitted, (in units of pounds per year). Emissions of individual contaminants (identified by CAS code) less than 10 pounds per year may be reported on a process basis as less than 10 pounds. For purposes of calculating emission fees, contaminants reported as less than 10 pounds will be treated as though 10 pounds of the contaminant were emitted;

(xiii) annual reportable fugitive emissions. A facility must estimate fugitive emissions which are generated from its operation. A facility may aggregate fugitive emissions under a single process to account for total facility fugitive emissions where the origin of such emissions cannot be identified. The facility must indicate such aggregation has occurred on its emission statement;

(xiv) emissions estimate method (see section 202-2.4[d] of this Subpart);

(xv) emission factors and source from where the emission factor was obtained (if used to determine actual emissions);

(xvi) start time (hour); and

(xvii) work weekday emissions.

(b) The department shall provide instructions for completing the emission statements each year. These instructions shall include emissions method codes, chemical family codes, and control equipment types.

(c) A facility is required to report actual emissions for each contaminant listed on its title V operating permit. A facility must also report its actual emissions of each of the following contaminants:

- (1) sulfur oxides ( $\text{SO}_2$ );
- (2) volatile organic compounds (VOCs);
- (3) nitrogen oxides ( $\text{NO}_x$ );
- (4) carbon monoxide (CO);
- (5) lead and lead compounds (Pb);
- (6) primary  $\text{PM}_{2.5}$  (includes filterable and condensable);
- (7) primary  $\text{PM}_{10}$  (includes filterable and condensable);
- (8) ammonia ( $\text{NH}_3$ );
- (9) hazardous air pollutants (HAPs) reported at the CAS registry number level, as defined in Part 200 of this Title; and
- (10) any regulated air contaminant.

(d) Facilities with title V operating permits will receive pre-printed emission statement survey forms provided by the department that reflect the information contained in the facility's operating permit. A responsible official must certify to the accuracy of this information and correct or supplement the pre-printed emission statement if it contains incorrect or missing information. The submission of an emission statement by a facility does not constitute an application for a permit modification or relieves the facility of the requirement to submit a permit modification application in accordance with Part 201 of this Title as required. Facilities that submit electronic emission statements in accordance with section 202-2.4(h) of this Subpart or otherwise generate and submit complete emission statements are not required to correct these pre-printed emission statement forms.

(e) Facilities are required to report estimates of VOC, NO<sub>x</sub> and CO emissions from exempt activities as defined in section 201-3.2(c) of this Title, every three years as part of the periodic inventory (beginning in 1990, *i.e.*, 1990, 1993, 1996, 1999, 2002, etc.).

(f) As part of the periodic inventory, the department shall provide additional forms and instructions to facilities in order to verify or collect the following information for permitted activities in the Title V permit:

- (1) X stack coordinate (longitude);
- (2) Y stack coordinate (latitude);
- (3) stack height;
- (4) stack diameter;
- (5) exit gas temperature;
- (6) exit gas velocity;
- (7) exit gas flow rate;
- (8) design capacity; and
- (9) maximum nameplate capacity.

**Historical Note**

Sec. filed July 15, 1994; repealed, new filed April 29, 2005 eff. 30 days after filing.

**§ 202-2.4 Procedures.**

(a) Emission statements shall be postmarked on or before April 15th and submitted to the department each year. Emission statements shall report actual annual emissions generated from the facility during the previous calendar year.

(b) If April 15th occurs on a Saturday, Sunday, or Federal holiday, the annual emission statement must be postmarked no later than the next business day immediately following April 15th and submitted to the department.

(c) The department reserves the right to extend the April 15th deadline provided a facility can demonstrate by clear and convincing evidence, that due to unavoidable circumstances, it is unable to have the completed emission statement postmarked on or before April 15th. All extension requests are subject to the approval of the department and will be granted on a case-by-case basis. Extension requests must be submitted to the department in writing by the facility on or before April 1st and must include, at a minimum, the following information:

- (1) the reason(s) for the extension request; and
- (2) the date the statement will be submitted.

(d) Emission estimates shall be based on the owner's or operator's use of the methods listed below and should be consistent with the compliance determination and monitoring methods specified in the title V operating permit. The methods are generally listed in order of most preferred to least preferred. Facility owners or operators shall utilize the method which results in the best possible emission estimate:

- (1) continuous emissions monitoring systems (CEMS);
- (2) material balance calculations or fuel analysis;
- (3) stack test of emissions, including date of test;
- (4) stack test of emissions from identical or similar emission sources;
- (5) published emission factors;
- (6) modeling, emission estimation software;
- (7) best engineering judgement; and
- (8) manufacturer's guarantee.

(e) The use of CEMS data is required for all processes where such equipment is installed. Owners or operators who utilize CEMS must account for emissions occurring during all hours of

operation, including those hours for which valid CEMS data was not obtained. Emissions from hours when CEMS data was not collected must be estimated by using the procedures given in subdivision (f) of this section.

(f) Data substitution procedures used to satisfy subdivision (e) of this section above shall comply with the following:

(1) for units and contaminants that are subject to 40 CFR part 75, applicable data substitution procedures from that regulation shall be used; or

(2) for units and/or contaminants not subject to 40 CFR part 75:

(i) the 90th percentile value of all hourly values measured during the previous 90 days while burning the same fuel shall be used; or

(ii) methods specified in the hierarchy listed under subdivision (d) of this section may be used, subject to the approval of the department.

(g) If a source owner or operator is required to use a specific monitoring method to demonstrate compliance with other applicable requirements, the department may require that the emission estimates for the corresponding processes in the emission statement be based on information obtained from that specific monitoring method. The department may reject the use of a proposed method for a particular process if it can be demonstrated that the method does not provide a reliable representation of emissions.

(h) Any owner or operator of a reportable facility shall transmit the emission statement to the department in a format acceptable to the department. With the prior approval of the department, an emission statement which meets the requirements of this section may be submitted on electronic storage media or transmitted electronically in lieu of a written submission. Any electronic submissions must be properly formatted for printing and accompanied by an acceptably signed certification page, or the original signed certification page must be submitted under separate cover.

(i) The owner or operator of a facility may request that certain information submitted in an emission statement be designated as a trade secret, in accordance with Part 616 of this Title. The determination whether to grant such a request shall be made by the department in accordance with the procedures contained in Part 616 of this Title, taking into account applicable State and Federal laws on public disclosure. All information required on the annual emission statement must be reported to the department. The department may withhold certain process level information from public disclosure, where the department or a court of competent jurisdiction determines that such information constitutes confidential trade secret or business information within the meaning of Part 616 of this Title, the Public Officers Law or other applicable State or Federal law.

(j) *Department review and approval.* The department shall notify the facility if any part of the submitted emission statement is incomplete or incorrect. The department will allow the facility up to 15 business days following the facility's receipt of the department's notice to provide the required contents of the emission statement. If a complete and accurate emission statement is not submitted to the department by April 15th or within 15 days after receipt of the department's notification of an incomplete or incorrect emission statement, the facility may be subject to enforcement action including but not limited to monetary fines.

**Historical Note**

Sec. filed July 15, 1994; repealed, new filed April 29, 2005 eff. 30 days after filing.

**§ 202-2.5 Recordkeeping requirements.**

(a) Each facility subject to this Subpart shall maintain the following records for at least five years:

(1) a copy of each emission statement submitted to the department; and

(2) records supporting how the information submitted in the emission statement was determined, including any calculations, data, measurements, and estimates used.

(b) These records shall be made available at the facility to representatives of the department upon request, during normal business hours.

**Historical Note**

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**§ 202-2.6**

**Historical Note**

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**§ 202-2.7**

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