

PART 200

GENERAL PROVISIONS

(Statutory authority: Environmental Conservation Law, §§ 1-0101, 3-0301, 3-0303, 19-0103, 19-0105, 19-0107, 19-0301, 19-0302, 19-0303, 19-0305, 19-0306, 19-0311, 19-0319, 70-0109)

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Historical Note

Part (§§ 200.1-200.16) renum. Part 370, Title 9, filed Sept. 1971, new (§§ 200.1-200.10) filed April 28, 1972, repealed, new (§§ 200.1-200.4) filed May 17, 1972, and filed Dec. 13, 1974 eff. 30 days after filing. New statutory authority cited.

~~§ 200.1 Definitions.~~

(a) *Act*. The Federal Clean Air Act, 42 U.S.C. section 7401, *et seq.*, as amended by Public Law 101-549, November 15, 1990.

(b) *Administrator*. The Administrator of the United States Environmental Protection Agency or designee.

(c) *Air cleaning installation, air cleaning device or control equipment*. Any method, process or equipment which removes, reduces or renders less noxious air contaminants discharged into the outdoor atmosphere.

(d) *Air contaminant or air pollutant*. A chemical, dust, compound, fume, gas, mist, odor, smoke, vapor, pollen or any combination thereof.

(e) *Air contamination*. The presence in the outdoor atmosphere of one or more air contaminants which contribute or which are likely to contribute to a condition of air pollution.

(f) *Air contamination source or emission source*. Any apparatus, contrivance or machine capable of causing emission of any air contaminant to the outdoor atmosphere, including any appurtenant exhaust system, air cleaning device, but excepting an indirect source of air contamination as defined in Part 203 of this Title. Where a process at an emission unit uses more than one apparatus, contrivance or machine in combination, the combination may be considered a single emission source.

(g) *Air pollution*. The presence in the outdoor atmosphere of one or more contaminants in quantities, of characteristics and of a duration which are or may be injurious to human, plant or animal life or to property or which unreasonably interfere with the comfortable enjoyment of life and property.

(h) *Annual*. Refers to a period of time based upon a calendar year commencing January 1st and terminating midnight December 31st.

(i) *Attainment area*. Any area of the State meeting all National Ambient Air Quality Standards (NAAQS) for a specific air contaminant as designated pursuant to section 107(d) of the Federal Clean Air Act. (Note: A list of such areas may be obtained from any office of the Department of Environmental Conservation.)

(j) *Best available control technology (BACT)*. An emission limitation or equipment standard based on the maximum degree of reduction of each contaminant emitted from stationary air

Historical Note

~~Sec. amds. filed: June 20, 1962; April 15, 1966; Aug. 8, 1969; Sept. 18, 1970; renum. 370.3, Title 9, filed Sept. 1971; new filed April 28, 1972; repealed, new filed May 17, 1972 eff. 30 days after filing.~~

§ 200.4 Severability.

If any provisions of this Subchapter are held invalid, such invalidity shall not affect other provisions which can be given effect without the invalid provisions.

Historical Note

Sec. amds. filed: Nov. 2, 1964; July 19, 1966; renum. 370.4, Title 9, filed Sept. 1971; new filed April 28, 1972; repealed, new filed May 17, 1972; amds. filed July 10, 1984 eff. 30 days after filing.

§ 200.5 Sealing.

(a) The commissioner may seal an air contamination source to prevent its operation if compliance with this Chapter is not met within the time provided by an order of the commissioner issued in the case of the violation. *Sealing* means labelling or tagging a source to notify any person that operation of the source is prohibited, and also includes physical means of preventing the operation of an air contamination source without resulting in destruction of any equipment associated with such source, and includes, but is not limited to, bolting, chaining or wiring shut control panels, apertures or conduits associated with such source.

(b) No person shall operate any air contamination source sealed by the commissioner in accordance with this section unless a modification has been made which enables such source to comply with all requirements applicable to such modification.

(c) Unless authorized by the commissioner, no person shall remove or alter any seal affixed to any air contamination source in accordance with this section.

Historical Note

Sec. renum. 370.5, Title 9, filed Sept. 1971; new filed April 28, 1972; repealed, filed May 17, 1972; new filed Feb. 22, 1979; eff. Feb. 22, 1979.

§ 200.6 Acceptable ambient air quality.

Notwithstanding the provisions of this Subchapter, no person shall allow or permit any air contamination source to emit air contaminants in quantities which alone or in combination with emissions from other air contamination sources would contravene any applicable ambient air quality standard and/or cause air pollution. In such cases where contravention occurs or may occur, the commissioner shall specify the degree and/or method of emission control required.

Historical Note

Sec. renum. 370.6, Title 9, filed Sept. 1971; new filed April 28, 1972; repealed, filed May 17, 1972; new filed Feb. 22, 1979; amds. filed March 7, 1983 eff. 30 days after filing.

§ 200.7 Maintenance of equipment.

Any person who owns or operates an air contamination source which is equipped with an emission control device shall operate such device and keep it in a satisfactory state of maintenance and repair in accordance with ordinary and necessary practices, standards and procedures, inclusive of manufacturer's specifications, required to operate such device effectively.

Historical Note

Sec. renum. 370.7, Title 9, filed Sept. 1971; new filed April 28, 1972; repealed, filed May 17, 1972; new filed Feb. 22, 1979 eff. Feb. 22, 1979.

§ 200.8 Conflict of interest.

~~(a) The commissioner or his designees who have the designated authority to approve either permits and certificates issued pursuant to 6 NYCRR Part 201, or the issuance of an order~~