

PART 207

CONTROL MEASURES FOR AN AIR POLLUTION EPISODE

(Statutory authority: Environmental Conservation Law, §§ 14, 15, 17;
Public Health Law, §§ 1371, 1376, 1377)

Sec.

207.1 Definitions

207.2 Episode action plan

Sec.

207.3 Air pollution episode

Historical Note

Part (§§ 207.1-207.3) added. Sided May 17,
1973 eff. 90 days after filing.

Section 207.1 Definitions. (a) *Significant air contamination source.* Any air contamination source the emissions of which alone or in combination with others can be expected to have an adverse effect on ambient air quality during an air pollution episode. This category includes, but is not limited to: fossil fuel burning equipment with a maximum operating heat input exceeding 300 million BTU per hour; processes and exhaust or ventilating systems with particulate emissions in excess of 100 lb/hr; incinerators with a refuse charging capacity of 2,000 lb/hr or more.

Historical Note

Sec. Sided May 17, 1973; amd. Sided Feb.
22, 1979 eff. Feb. 22, 1979.

207.2 Episode action plan. (a) Any person who owns a significant air contamination source shall submit a proposed episode action plan to the commissioner within 90 days of his request therefor. The plan shall contain detailed steps which will be taken by the air contamination source owner to reduce air contaminant emissions during each stage of an air pollution episode. The commissioner shall make available and furnish with his request therefor, guidelines for preparation of episode action plans.

(b) Any person may submit a proposed episode action plan to the commissioner whether or not the air contamination source to be covered by the plan is a significant air contamination source. Such plan, if approved by the commissioner, would prescribe the steps to be taken by the source owner during an air pollution episode any summary order of the commissioner to the contrary not withstanding.

(c) Any person who owns a significant air contamination source or voluntarily submits an episode action plan in accordance with subdivision 207.2(b) shall submit to the commissioner within 90 days of his request therefor, a proposed modification of his episode action plan to accommodate advances in technology or knowledge of contaminant effects.

(d) The commissioner may issue an episode action plan to any person who fails to submit an acceptable plan or plan modification within the required time when so requested.

(e) Upon petition, within 90 days of approval or issue of an episode action plan, the commissioner shall grant a hearing to the significant air contamination source owner at a time and place as determined by the commissioner.

(f) An owner of a significant air contamination source shall make his episode action plan available at a convenient location on his premises for review by the commissioner or his representative, at any time.

Historical Note

Sec. Sided May 17, 1973 eff. 90 days after
 filing.

207.3 Air pollution episode. (a) When weather conditions and/or concentration of an air contaminant or contaminants are such that immediate action is necessary to prevent further increases in air contamination or damage to life, property or environmental quality, the commissioner shall designate by order that a "Forecast", "Alert I", "Alert II" or "Emergency" stage of an air pollution episode exists. The commissioner shall have on file and make available the criteria used in determining the need to designate episodes.

(b) The commissioner may also designate by order that an episode exists when a single accident, occurrence or condition has resulted or is likely to result in damage to life, property or environmental quality.

(c) Once designated by the commissioner, an episode or any stage of an episode shall remain in effect until terminated by the commissioner.

(d) Any person who owns an air contamination source for which an episode action plan has been issued or approved shall take whatever actions are prescribed by his episode action plan when an air pollution episode is in effect.

Historical Note

Sec. 212 May 21, 1972 eff. 30 days after filing.