**§ 19-0903. Definitions.**

As used in this title:

1. "Acid deposition" means the wet or dry deposition from the atmosphere of chemical compounds, usually in the form of rain or snow, having the potential to form an aqueous compound with a pH level lower than the level considered normal under natural conditions, or lower than 5.6, whichever is less.

2. "Acid deposition precursor" means sulfur dioxide or oxides of nitrogen.

3. "Best available control technology" means an emission limitation or equipment standard based on the maximum degree of reduction which the department determines is achievable on a case-by-case basis taking into account energy, economic, environmental and health impacts and other costs related to the source.

4. "Coal" means bituminous coal, anthracite coal or lignite.

5. "Conversion or modification" means any construction, reconstruction, addition to or alteration of any facility or stationary source or other physical changes to allow burning of coal as a boiler fuel.

6. "Emission" means the release of acid deposition precursors into the atmosphere from any facility or stationary source.

7. "Environmental threshold value" means a deposition rate, expressed in kilograms of sulfate per hectare per year, at which no significant damaging chemical or biological effects of acid deposition have been reported, and above which there is high probability that such effects would occur.

8. "Final control target" means a limitation, expressed in terms of fuel sulfur content or equivalent emissions reductions, that will reduce

the New York state share of total measured or estimated wet sulfate deposition in sensitive receptor areas by the percentage derived according to the following formula:

$$\text{New York's contribution to total measured or estimated wet sulfate deposition, expressed as a percentage} = \frac{\text{(Total measured or estimated wet sulfate deposition) minus (Environmental threshold value)}}{\text{Total measured or estimated wet sulfate deposition}} \times$$

9. "Fossil fuel" means coal, petroleum products and fuel gases.

10. "Interim control target" means a limitation, expressed in terms of fuel sulfur content, that achieves a level of sulfur deposition reduction that is approximately forty per centum of the final control target.

11. "Least emissions dispatch" means the utilization of the cleanest facility or other stationary source on a priority basis so that less clean facilities or stationary sources are operated at full capacity only when need arises.

12. "Major steam electric generating facility" or "facility" means a steam electric generating facility with a generating capacity of fifty thousand kilowatts or more which burns fossil fuel.

13. "New emission source" means any new facility or stationary source that will emit acid deposition precursors in excess of one hundred tons per year, and is granted a permit to construct pursuant to section 19-0305 of this article after January first, nineteen hundred eighty-seven.

14. "New source performance standard" means a standard developed by the department which sets limitations for emissions of acid deposition precursors from new facilities and new stationary sources.

15. "Sensitive receptor areas" means regions of the state, encompassing geographically significant land areas not wholly contained within any county, that the department determines to be susceptible to the impacts of acid deposition based upon:

a. geological information identifying areas incapable of adequately neutralizing acid deposition;

b. the presence of plant or animal species that are particularly sensitive to acid deposition;

c. existing acid deposition reports and data prepared by agencies of the state or of the federal government; or

d. such other information that the department determines to be indicative of acid sensitivity.

16. "Special limitation" means a special fuel use limitation for a specific facility, stationary source, or specified area of the state promulgated by the department in rules and regulations that permits the sale, offering for sale, purchase and use of oil or coal with a sulfur content in excess of established sulfur limits, when acceptable diffusion analyses have demonstrated to the department's satisfaction that such use would not contribute to the contravention of any applicable federal ambient air quality standard nor significantly increase acid deposition at sensitive receptor areas.

17. "Stationary source" means any source other than major steam electric generating facilities that emits acid deposition precursors in excess of one hundred tons per year.