§ 72-0301. Definitions.

When used in this title:

1. The "Act" shall mean the Clean Air Act, 42 U.S.C. §7401 et seq., as amended by P.L. 101-549, November 15, 1990.

2. "Actual emissions" means the emissions which were emitted to the ambient air, and shall include fugitive emissions if such emissions are considered in determining whether a source is a major air contamination source.

3. "Air contamination source" means all sources required to obtain a permit, certificate or approval pursuant to article nineteen of this chapter.

4. "Combustion installation" means one or more furnace, device, engine or turbine in which fossil fuel or wood is burned with air or oxygen and the air contaminant emissions include only those products resulting from:

a. combustion of the fuel;

b. additives or impurities in the fuel; and

c. material introduced for the purpose of altering air contaminant emissions.

A combustion installation may consist of:
(1) a single furnace exclusively connected to an air cleaning device or stack; or
(2) two or more furnaces connected to a common air cleaning device or stack.

5. "Emission point" means any conduit, chimney, duct, vent, flue, stack or other functionally equivalent opening through which regulated air contaminants are emitted to the ambient air.

6. "Fugitive emissions" means those emissions of a regulated air contaminant that could not reasonably pass through an emission point.

7. "Gasoline dispensing site" means any site where gasoline is dispensed into portable containers used to fuel any motor from any stationary storage container or containers and that is required to obtain a permit pursuant to article nineteen of this chapter.

8. "Incinerator" means any structure or furnace in which combustion takes place and type 0, 1, 2, 3 or 4 refuse, as classified in Table 1 of 6 NYCRR Appendix 2, is used as a fuel, alone or in conjunction with fossil fuel.

9. "Major air contamination source" shall have the meaning set forth in subdivision 19 of section 19-0107 of this chapter.

10. "Permitted emission" means those emissions of a regulated air contaminant which are authorized by permit to be emitted.

11. "Person" means an individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, state, federal government and any agency thereof, municipality, commission, political subdivision of a state or any interstate body.

12. "Potential to emit" means the maximum capacity of a stationary source to emit any regulated air contaminant under its physical and operational design. Any physical or operational limitation on the capacity of such source to emit a regulated air contaminant, including air pollution control equipment and restrictions on the hours of operation or on the type or amount of material combusted, stored or processed, shall be treated as part of its design if the limitation is enforceable by the commissioner and the administrator of the United States environmental protection agency provided, however, that physical or operational limitations enforceable by the commissioner shall be treated as part of a source's design, if the commissioner is given such

authorization by the administrator.

13. "Process air contamination source" means:

a. any industrial, commercial, agricultural or other activity, operation, manufacture or treatment (except incineration of type 0, 1, 2, 3 and 4 refuse, as classified in Table 1 of 6 NYCRR Appendix 2, open burning and operation of combustion installations) in which chemical, biological or physical properties of the material or materials are changed, and which emits air contaminants to the outdoor atmosphere; or

b. any system which removes air contamination from any industrial, commercial, agricultural or other activity, operation, manufacture or treatment (except incineration of type 0, 1, 2, 3 and 4 refuse, as classified in Table 1 of 6 NYCRR Appendix 2, open burning and operation of combustion installations) and transports them from their point of generation to the outdoor atmosphere.

14. "Regulated air contaminant" shall have the meaning set forth in subdivision twenty-two of section 19-0107 of this chapter.

15. "Severe ozone nonattainment area" means that part of the state designated pursuant to section 7407 of the Act as not meeting the national ambient air quality standard for ozone, as classified under section 7511 of the Act.

16. "State air quality control program" means those activities of the department as specified in titles three and five of article nineteen of this chapter relating to air pollution and air contamination and any related enforcement activities.