

NOTICE OF ADOPTION OF FINAL RULE

NEW YORK CITY DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE COMMISSIONER OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION by Section 1403(c) of the New York City Charter and Sections 24-105 and 24-149.6 of the New York City Administrative Code, that the Department of Environmental Protection (“DEP”) is adopting a rule that sets standards for renewal of the certificate of operation of any stationary reciprocating compression ignition internal combustion engine on or after January 1, 2025. These amendments were proposed and published in the City Record on September 20, 2024 and a public hearing was held on October 21, 2024. No comments were received.

Statement of Basis and Purpose

Local Law 38 of 2015 revised the Air Pollution Control Code to add section 24-149.6 governing stationary engines. Subsection (b) provides that a certificate of operation for a stationary reciprocating compression ignition internal combustion engine may be renewed on or after January 1, 2025, only if the owner or operator of such engine can demonstrate in accordance with department rules that the engine meets the tier four emissions standards established by the United States environmental protection agency as set forth in 40 CFR § 60.4201 or any subsequent United States environmental protection agency emissions standard for such engine that is at least as stringent. These stationary engines are used in a variety of applications from generating electricity to powering pumps and compressors in power and manufacturing plants. The law contains an exception that applies to stationary engines used as emergency generators.

Local Law 38 of 2015 establishes a more stringent standard than is set forth in the federal regulations, in section 60.4201 of Title 40 of the code of federal regulations. While the federal regulations apply only to newly registered engines, the Local Law requires that all engines, not just newly registered engines, must be Tier IV compliant by January 1, 2025, in order to receive a renewed certificate of operation.

Requiring all engines to meet Tier IV emission standards will significantly reduce emissions of nitrogen oxides and particulate matter. The Tier IV standards result in a total emission reduction of 90% NO_x, compared to the previous Tier III standard. This substantial decrease in harmful exhaust pollutants contributes to cleaner air quality and improved environmental impact.

The rule implements the Local Law.

New material is underlined.

Section 1. Title 15 of the Rules of the City of New York is amended by adding a new Chapter 63, to read as follows:

Chapter 63

Stationary Engines

§63-01 Definitions.

Emergency Stationary Reciprocating Compression Ignition Combustion Engine means the same as set forth in section 63.6640(f) of title 40 of the code of federal regulations.

Selective Catalytic Reduction (SCR) Technology means a control device that creates a chemical reduction via a reducing agent and a catalyst.

Stationary reciprocating compression ignition internal combustion engine (RICE) means the same as set forth in section 60.4219 of title 40 of the code of federal regulations.

§63-02 Requirements for Renewal of Certificate of Operation

A certificate of operation for a stationary reciprocating compression ignition combustion engine (RICE) that is required to obtain a certificate of operation pursuant to section 24-122 of the Air Pollution Control Code may be renewed on or after January 1, 2025, only if the RICE meets the Tier IV requirements set forth in 40 CFR 60.4201, or any subsequent United States Environmental Protection Agency emissions standard for such engines that is at least as stringent. The certification standards are set forth in Table 1 of 40 CFR 1039.101. Compliance with the Tier IV requirement may be demonstrated by submitting proof in a form satisfactory to the Department that SCR Technology has been installed.