

LOCAL LAW INTRO. NO.9014-2016

A LOCAL LAW amending the Laws of Westchester County to prohibit the use of fuel oil grade no. 6 on and after July 31, 2018, and fuel oil grade no. 4 on and after July 31, 2020, in any stationary combustion installation in the County of Westchester.

BE IT ENACTED by the County Board of the County of Westchester as follows:

Section 1. Section 873.1306 of the Laws of Westchester County is hereby amended to read as follows:

Sec. 873.1306. Air quality; new and existing sources; modifications; certificate to operate; nontransferable; filing.

1. No person shall operate an air contamination source without first obtaining a valid certificate issued by the department to operate such source.
2. Application.
 - a. Application for a certificate to operate an air contamination source or modification to an existing air contamination source shall be made in writing to the department and shall be accompanied by a written statement from a professional engineer, licensed and registered to practice in the State of New York, certifying that the new air contamination source or modification to an existing air contamination source has been constructed in accordance with the approved permit to construct, plans and specifications.
 - b. Such application shall be made within 30 days of the date of completion of the air contamination source on forms provided by the department and in accordance with the permit to construct.
3. Issuance of certificate; renewal.

- a. A certificate to operate an air contamination source shall be issued for a period of time in accordance with the Commissioner's Rules and Regulations.
 - b. Application for a renewal certificate to operate an air contamination source shall be filed with the department within 60 days prior to the expiration of the existing certificate and shall be made on forms provided by the department.
4. A certificate to operate an air contamination source shall not be transferable from one approved location to another or from one air contamination source to another or from one person to another.
 5. A certificate to operate an air contamination source, or a copy thereof, shall be permanently retained on the certified premises.
 6. No person shall maintain, cause or allow to be operated a stationary combustion installation with a rated capacity of 1,000,000 Btu's per hour or more, using number two[, four and six] oil as fuel without a certificate to operate issued by the department.

§ 2. Section 873.1321 of the Laws of Westchester County is hereby amended to read as follows:

Sec. 873.1321. Air Quality: fuel composition and use: prohibitions.

1. No person shall construct, install or modify or cause to be constructed, installed or modified any combustion installation that is designed for use of a solid fuel containing 0.20 pound of sulfur per million Btu's gross heat content, except as may otherwise be provided for in the Environmental Conservation Law or the rules and regulations promulgated pursuant thereto.
2. No solid fuel that contains more than 0.20 pound of sulfur per million Btu's gross heat

content shall be sold, offered for sale or purchased for use in or used in any stationary combustion installation except as may otherwise be provided for in the Environmental Conservation Law or the rules and regulations promulgated pursuant thereto.

3. No person shall sell, offer for sale or purchase for use in or use in any stationary air contamination source fuel, other than distillate and residual oil, having a sulfur content greater than 0.37 percent by weight, except as may otherwise be provided for in the Environmental Conservation Law or the rules and regulations promulgated pursuant thereto.
4. No waste fuel shall be offered for sale or purchased for use in any stationary air contamination source except upon prior written approval of the commissioner.
5. On and after July 31, 2018, the use of fuel oil grade no. 6, as classified by ASTM Standard D396-15c, in any stationary combustion installation operated in the County of Westchester shall be prohibited.
6. On and after July 31, 2020, the use of fuel oil grade no. 4, as classified by ASTM Standard D396-15c, in any stationary combustion installation operated in the County of Westchester shall be prohibited.
7. The Commissioner may, on written application and after review, grant a one-time variance from a specific provision of subsections 5 and/or 6 of this section, subject to any appropriate conditions and including a time schedule for compliance, when such variance is in harmony with the general purposes and intent of this article and when there are significant practical difficulties or unnecessary hardship in complying with such

provision. Variances may only be granted under one or more of the following significant practical difficulties:

- a) Delays caused by the energy company.
- b) Delays in obtaining financial assistance that are not due to actions or inaction of the building owner.
- c) Delays caused by the permitting process of the local municipality.
- d) If, in the course of complying with subsections 5 and/or 6 of this section, an oil leak has occurred which requires significant cleanup.

§3. This Local Law shall take effect immediately.