



Requirements to Enter into a Compliance Agreement

In order to request additional time to comply with the requirement effective July 1st 2012, that all boilers using #6 fuel oil upon their expiration date, switch to the new low sulfur No. 4 heating oil, or to an equivalent cleaner fuel, an applicant may make a written request to the Commissioner of the DEP to enter into a compliance agreement.

An application requesting a compliance agreement because fuel switching, conversion, or replacement of the boiler and/or burner or demonstration of the required equivalency would not be feasible or would constitute an undue hardship shall at a minimum provide the following information:

- If Financial Hardship-Explain in detail why a fuel switch is not possible.
- If underground storage tanks must be remediated - Explain in detail what is involved, the timing to complete the remediation and the anticipated cost.
- Other-please specify in detail the reason why you are requesting a compliance agreement and provide documentation where applicable.

In addition, provide a compliance proposal that includes

- A schedule for the conversion and/or replacement of boilers and/or burners.
- If appropriate, discuss the scale and timing of commitments to convert to the cleanest fuels. Explain in detail when the switch to natural gas or #2 fuel for all boilers and/or burners located at the building will occur by. If switching to natural gas, provide a letter from the utility that provides an anticipated completion date. Compare the emissions produced if you complied with the law as written and if you implemented your proposal.

An application to enter into an agreement must be filed by January 1, 2013 or three months prior to the expiration date of the Certificate of Operation, whichever is sooner.

The Commissioner will review the factors provided and make a decision whether to grant the compliance agreement based on these reasons and the impacts on local air quality, the number of buildings affected and associated public health consequences of non-compliance, prior good faith efforts to comply and whether the owner is an equity owner of the buildings.

Please send the application and supporting documentation to:

Director of the Division of Air and Noise Programs, Enforcement & Policy
Bureau of Environmental Compliance
New York City Department of Environmental Protection
59-17 Junction Boulevard, 8th Floor
Flushing, NY 11373