

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF AIR RESOURCES**

NOTICE OF PUBLIC COMMENT PERIOD

**IN RE: Proposed revisions to Air Pollution Control Regulation
Nos. 8, 19, 27, 35, 36 and the General Definitions**

The Director of the Rhode Island Department of Environmental Management (DEM) proposes to revise several Air Pollution Control (APC) Regulations and gives notice of intent to receive public comment on the proposed regulation revisions and to afford interested parties an opportunity to submit data, views, or arguments in writing on the proposed regulation revisions. A public hearing on the proposed revisions will be held if DEM receives requests from twenty-five (25) people, a governmental agency or subdivision, or an association having not less than twenty-five (25) members. If a public hearing is held, a notice will be published announcing the date, time and place of such hearing.

The proposed revisions to these regulations are intended to either clarify or update regulation's requirements or provide some degree of regulatory relief. There are no new requirements being proposed. A fact sheet that more fully describes the proposed revision to each regulations as well as copies of the proposed, revised regulations is available on the Department's website from the Office of Air Resources homepage (<http://www.dem.ri.gov/programs/benviron/air/index.htm>).

Copies are also available at DEM's Office of Air Resources 235 Promenade St., Providence, RI. Any additional requests can be made by contacting the Office of Air Resources at 222-2808, weekdays, 8:30 AM- 4:00 PM.

DEM encourages the submission of written comments. Written comments, to be considered part of the administrative record must be submitted during the public comment period. Written comments may be mailed or e-mailed to the Office of Air Resources and received no later than 4:00 PM, June 6, 2016, at which time the public comment period will close. The mailing address for comments is:

Douglas McVay, Chief
Department of Environmental Management
Office of Air Resources
235 Promenade Street
Providence, RI 02908-5767

The e-mail address for comments is: doug.mcvay@dem.ri.gov

Signed this 5th day of May, 2016

Douglas L. McVay, Chief
Office of Air Resources



FACT SHEET

In re: Proposed revisions to Air Pollution Control Regulation Nos. 8, 19, 27, 35, 36 and the General Definitions

Introduction

The Department of Environmental Management (“The Department”), Office of Air Resources, is proposing to revise five of its air pollution control regulations, Air Pollution Control (APC) Regulation Nos. 8, 19, 27, 35, 36 and the General Definitions. In general these revisions are intended to either clarify or update the regulation’s requirements or provide some degree of regulatory relief.

Description of Proposed Amendments

- **Air Pollution Control Regulation No. 8 “Sulfur Content of Fuels”**

The purpose of this regulation is to limit the sulfur content of fuels. The proposed amendment will correct a mistake that was made when this regulation was revised in 2014. This regulation was revised in 2014 to lower the allowable sulfur content of fuels. Prior to that revision, the allowable sulfur content of alternative fuels was the same as that for residual fuel oils. In the 2014 revision, the allowable sulfur content of alternative fuels was changed to be the same as that for distillate fuel oils. This was a mistake and evidence has been provided to the Department to show that it is impossible to achieve those limits for waste oils. The change will restore the allowable sulfur content for alternative fuels to be the same as that for residual fuel oils as it was prior to 2014.

- **Air Pollution Control Regulation No. 19 “Control of Volatile Organic Compounds from Surface Coating Operations”**

The purpose of this regulation is to limit emissions of volatile organic compounds from surface coating operations. The emission limits in this regulation and Air Pollution Control Regulation No. 44 “Control of Volatile Organic Compounds from Adhesives and Sealants” can apply to the same processes. Regulatory language is being added to clarify that the emission limitations in this regulation do not apply if you are subject to the requirements in APC Regulation No. 44. Additionally, the registration requirements in this regulation are being revised to be consistent with the requirements in the Department’s Air Pollution Control Regulation No. 14 “Record Keeping and Reporting.

- **Air Pollution Control Regulation No. 27 “Control of Nitrogen Oxides Emissions”**

The purpose of this regulation is to limit nitrogen oxide emissions stationary sources. The Department is proposing to revise this regulation to:

- Reduce the frequency of compliance testing required under the regulation from annually to once every five years

- Reduce the frequency of tune-ups required for industrial-commercial-institutional boilers from annually to biennially
 - Allow the tune-up procedure for boilers specified in federal regulations (40 CFR 63, Subpart JJJJJ) as an acceptable substitute procedure for the procedure specified in Appendix A of the regulation
 - Revise the method for determining compliance with the emission limits to allow compliance be demonstrated based upon the average results of three-one hour test runs, rather than demonstrating compliance with each individual test run to be consistent with federal requirements
 - Update/eliminate some outdated provisions of the regulation
 - Add Figures 1 and 2 back into Appendix A, as they were inadvertently omitted from the regulation.
- **Air Pollution Control Regulation No. 35 “Control of Volatile Organic Compounds and Volatile Hazardous Air Pollutants from Wood Products Manufacturing Operations”**

The purpose of this regulation is to limit emissions of volatile organic compounds and hazardous air pollutants from wood products manufacturing operations. The Department is proposing to revise this regulation to revise the applicability threshold. Currently this regulation applies to any wood products facility which has the potential to emit 25 tons per year or more of volatile organic compounds (VOC) from wood products manufacturing operations or which is located at a major source of Hazardous Air Pollutants (HAP).

Under the proposed revisions, this regulation would change the applicability threshold with respect to HAPs. To be subject to the regulation a facility would have to be a major source of Hazardous Air Pollutants (HAP) *from wood products manufacturing operations* as opposed to all operations at the facility.

Currently the regulation applies to several facilities that are major sources of HAPs, however, their wood products manufacturing operations are a very small part of the business.

- **Air Pollution Control Regulation No. 36 “Control of Emissions from Organic Solvent Cleaning”**

The purpose of this regulation is to limit emissions of volatile organic compounds from cleaning operations. The Department is proposing to revise this regulation to:

- Provide an exemption from certain requirements for small cold cleaners (internal volume less than 1 liter)
- Provide an alternative means of compliance for spray gun cleaning operations
- Clarify the performance standard when an air pollution control system is used as an alternative to low vapor pressure solvents, and

- Revise recordkeeping requirements to allow users of certain machines additional time to compile monthly records to be consistent with the requirements we impose in other regulations and permits.

The proposed changes do not impose any new requirements for the entities covered by this regulation.

- **Rhode Island Air Pollution Control General Definitions Regulation**

The purpose of this regulation is to provide a consistent set of definitions and abbreviations for terms used in more than one of the Rhode Island Air Pollution Control Regulations. The Department is proposing to revise this regulation to amend the definition of “volatile organic compound” to be consistent with the current, federal definition. The proposed change does not impose any new requirements for the entities covered by the air pollution control regulations.

Demonstration of Need

There is no demonstrated need to revise these regulations. These revisions are intended to either clarify or update the regulation’s requirements or provide some degree of regulatory relief.

Alternative Approaches Considered

No alternative approaches were identified other than to maintain the status quo.

Identification of Overlapped or Duplicated State Regulations

The Office of Air Resources has identified no state regulations that overlap or duplicate the proposed amendments.

Determination of Significant Adverse Economic Impact on Small Business or Any City or Town

The proposed revisions do not impose any new requirements on regulated entities including any small businesses or any city or town, therefore there is no significant adverse economic impact.

For more information or copies of the proposed revisions contact:

Douglas L. McVay, Chief
Office of Air Resources
235 Promenade Street
Providence, RI 02908
Phone: (401) 222-2808 ext. 7011
E-Mail: doug.mcvay@dem.ri.gov
Or, visit the Office of Air Resources homepage at
<http://www.dem.ri.gov/programs/benviron/air/index.htm>

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF AIR RESOURCES**

AIR POLLUTION CONTROL REGULATION NO. 8

SULFUR CONTENT OF FUELS



Effective 21 October 1971

Proposed Amendments (2016)

AUTHORITY: These regulations are authorized pursuant to R.I. Gen. Laws § 42-17.1-2(s) and 23-23, as amended, and have been promulgated pursuant to the procedures set forth in the R.I. Administrative Procedures Act, R.I. Gen. Laws Chapter 42-35.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF AIR RESOURCES

AIR POLLUTION CONTROL REGULATION NO. 8

SULFUR CONTENT OF FUELS

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**RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF AIR RESOURCES
AIR POLLUTION CONTROL REGULATION NO. 8**

SULFUR CONTENT OF FUELS

8.1 Definitions

Unless otherwise expressly defined in this section, the terms used in this regulation shall be defined by reference to the Rhode Island Air Pollution Control General Definitions Regulation.. As used in this regulation, the following terms shall, where the context permits, be construed as follows:

- 8.1.1 **"Approved stack gas cleaning process"** means a process, approved by the Director, which removes sulfur dioxide from the products of combustion of fossil fuel.
- 8.1.2 **"Fuel oil terminal"** means a fuel oil storage and distribution facility that is supplied by pipeline or waterborne vessel, and from which fuel oil may be distributed at a loading rack into a truck, trailer, or railroad car. Fuel oil terminals may be supplied by additional means such as tank trucks or railroad cars.

8.2 General Limitations

- 8.2.1 Unless the Director determines, pursuant to subsection 8.7, that a shortage of fuel oil meeting the requirements of this regulation exists, no person shall store for sale, offer for sale, sell or deliver for use in Rhode Island and no person shall use any fuel oil having a sulfur content in excess of that in Table 1 except as provided in Section 8.6.

Table 1

Fuel Type	Percent by weight	Effective date(s)
Distillate Oil; or Biodiesel; or Alternative Fuel	0.5% (5000 ppm)	Current requirement
Distillate Oil; or Biodiesel; or Alternative Fuel	0.05% (500 ppm)	July 1, 2014 through June 30, 2018
Distillate Oil; or Biodiesel; or Alternative Fuel	0.0015% (15 ppm)	On and after July 1, 2018
Residual Oil; or Alternative Fuel	1.0%	Current requirement
Residual Oil; or Alternative Fuel	0.5%	On and after July 1, 2018

8.2.2 No person shall store for sale, offer for sale, sell or deliver for use in Rhode Island and no person shall use any solid fossil fuel containing more than 0.55 pounds of sulfur per million Btu heat release potential.

8.3 Exemptions

8.3.1 Limitations with Stack Gas Cleaning Process

The Director may approve the use of fuels that do not meet the requirements of Section 8.2 when combined with an approved stack gas cleaning process, provided the sulfur compound emissions (expressed as sulfur dioxide) from the stack are no greater than if the applicable sulfur content fuel were used.

8.3.2 Fuel oil stored in Rhode Island that met the applicable requirements of subsection 8.2.1 at the time the fuel oil was received for storage in Rhode Island may be stored for sale, offered for sale, sold or delivered for use or used after the effective date in subsection 8.2.1.

8.3.3 The limitations of this regulation shall not apply to marine vessels or motor vehicles.

8.4 Determination of Compliance

8.4.1 Compliance with the applicable limitations set forth in this regulation shall be determined by procedures referenced below or deemed equivalent by the Director. Such procedures shall include but not be limited to any of the following:

- (a) Emission testing conducted by the owner or operator of the source according to the Reference Methods of Appendix A to 40 CFR 60; or
- (b) The owner or operator of a stationary source using fuel oil shall obtain a certification from the fuel supplier which contains:
 - (1) the name of the supplier and the date the fuel oil was received from the supplier; and,
 - (2) the sulfur content of the fuel oil and the ASTM method used to determine the sulfur content of the fuel oil; and,
 - (3) the date and location of the fuel oil when the sample was drawn for analysis to determine the sulfur content of the fuel oil , specifically including where the fuel oil was sampled; or
- (c) Laboratory analysis of fuel oils by the owner or operator of the stationary source or by the supplier. Sampling and analysis shall be conducted after each new shipment of fuel oil is received by the source. Samples shall be

collected from the fuel tank immediately after the fuel tank is filled and before any fuel oil is combusted. All fuel oil must be sampled and analyzed in accordance with applicable ASTM methods or another method which has the prior approval of or are required by the Director; or

- (d) A continuous monitoring system for the measurement of sulfur dioxide that meets the performance specifications in Appendix B of 40 CFR 60. The monitoring equipment shall also be installed, calibrated, operated, and maintained in accordance with the procedures in Appendix B of 40 CFR 60 and the minimum specifications in Appendix P of 40 CFR 51.

8.4.2 Fuel Oil Terminals

The owner or operator of a fuel oil terminal shall determine the sulfur content of any fuel oil sold that is subject to the sulfur content limitations in Table 1 of this regulation and provide certification of the sulfur content of the fuel oil to each purchaser of the fuel. Certifications shall meet the requirements of subsection 8.4.1(b)(1)-(3). All fuel oil must be sampled and analyzed in accordance with applicable ASTM methods or another method which has the prior approval of or are required by the Director.

8.4.3 Taking of Fossil Fuel Samples

The Director may require, under his supervision, the collection of fossil fuel samples for the purpose of determining compliance with this regulation.

8.5 Recordkeeping

- 8.5.1 Copies of all fuel supplier certifications or fuel oil analyses shall be maintained by the owner or operator and be made accessible for review by the Office of Air Resources or its authorized representative and USEPA.
- 8.5.2 All records required by this regulation shall be maintained for a minimum of five years after the date of each record and shall be made available to representatives of the Office of Air Resources upon request.

8.6 Blending of Fuel Oils

- 8.6.1 A fuel oil terminal may receive and store, but not offer for sale, sell or deliver for use in Rhode Island, fuel oil that does not meet the sulfur content limitations in Table 1 of this regulation, if it meets the following conditions:
 - (a) The higher sulfur fuel will be blended with lower sulfur fuel to meet the sulfur content limitations in Table 1 of this regulation; and,

- (b) Notifies the Director, in writing, of its intention to store and blend fuel oil that does not meet the sulfur content limitations in Table 1 of this regulation prior to the initial receipt and storage thereof. ~~;~~ and

8.6.2 Nothing herein shall relieve a fuel oil terminal from compliance with the requirements of subsection 8.4.2 of this regulation.

8.6.3 Nothing herein shall prohibit a fuel oil terminal from receiving and storing fuel oil in the state of Rhode Island for shipment, sale and use outside of the state of Rhode Island.

8.7 Fuel Supply Shortages

8.7.1 The Director may, upon application, defer compliance with subsection 8.2.1 of this regulation where compliance is not possible because of breakdowns or malfunction of equipment, acts of God, other unavoidable casualties or for good cause shown; provided that the order shall not defer compliance for more than three (3) months.

8.7.2 The Director shall notify the Administrator within five (5) business days after issuing an order deferring compliance with subsection 8.2.1.

8.8 General Provisions

8.8.1 Purpose

The purpose of this regulation is to limit the sulfur content of fuels.

8.8.2 Authority

These regulations are authorized pursuant to R.I. Gen. Laws § 42-17.1-2(s) and 23-23, as amended, and have been promulgated pursuant to the procedures set forth in the R.I. Administrative Procedures Act, R.I. Gen. Laws Chapter 42-35

8.8.3 Application

The terms and provisions of this regulation shall be liberally construed to permit the Department to effectuate the purposes of state law, goals and policies.

8.8.4 Severability

If any provision of this regulation or the application thereof to any person or circumstance, is held invalid by a court of competent jurisdiction, the validity of the remainder of the regulation shall not be affected thereby.

8.8.5 Effective Date

The foregoing regulation, "Sulfur Content of Fuels", as amended, is hereby adopted and filed with the Secretary of State this XXth day of Month, 2016, in accordance with the provisions of Chapters 23-23, 42-35, 42-17.1, 42-17.6, of the General Laws of Rhode Island of 1956, as amended.

Janet Coit, Director
Department of Environmental Management

Notice Given on: **Month XX, 2016**

Public Hearing held: **Month XX, 2016**

Filing Date: **Month XX, 2016**

Effective Date: **Month XX, 2016**