

250-RICR-120-05-8

TITLE 250 - DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

CHAPTER 120 - AIR RESOURCES

SUBCHAPTER 05 - AIR POLLUTION CONTROL

PART 8 - Sulfur Content of Fuels

8.1 Purpose

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

8.2 Authority

These regulations are authorized pursuant to R.I. Gen. Laws § 42-17.1-2(19) and R.I. Gen. Laws Chapter 23-23, and have been promulgated pursuant to the procedures set forth in the R.I. Administrative Procedures Act, R.I. Gen. Laws Chapter 42-35.

8.3 Application

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

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.

8.5 Definitions

A. Unless otherwise expressly defined in this section, the terms used in this regulation shall be defined by reference to Part 0 of this Subchapter (General Definitions). As used in this regulation, the following terms shall, where the context permits, be construed as follows:

1. "Alternative fuel" means any materials, other than fuel oil, natural gas, coal or wood residue that is burned for the purpose of creating useful heat. Types of alternative fuels include, but are not limited to waste oil and hazardous waste. This definition does not include refuse derived fuel (RDF).

2. "Approved stack gas cleaning process" means a process, approved by the Director, which removes sulfur dioxide from the products of combustion of fossil fuel.
3. "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.

8.6 General Limitations

- A. Unless the Director determines, pursuant to § 8.11 of this Part, 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 (§ 8.6(A)(1) of this Part) except as provided in § 8.10 of this Part.

1. Table 1

| Fuel Type | Percent by weight | Effective date(s) |
|----------------------------------|-------------------|------------------------------------|
| Distillate Oil or Biodiesel | 0.5% (5000 ppm) | Current requirement |
| Distillate Oil or Biodiesel | 0.05% (500 ppm) | July 1, 2014 through June 30, 2018 |
| Distillate Oil or Biodiesel | 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 |

- B. 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.

8.7 Exemptions

- A. Limitations with Stack Gas Cleaning Process

The Director may approve the use of fuels that do not meet the requirements of § 8.6 of this Part 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.

- B. Fuel oil stored in Rhode Island that met the applicable requirements of § 8.6(A) of this Part 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 § 8.6(A) of this Part.
- C. The limitations of this regulation shall not apply to marine vessels or motor vehicles.

8.8 Determination of Compliance

- A. 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:
 - 1. Emission testing conducted by the owner or operator of the source according to the Reference Methods of Appendix A to 40 C.F.R. § 60; or,
 - 2. The owner or operator of a stationary source using fuel oil shall obtain a certification from the fuel supplier which contains:
 - a. the name of the supplier and the date the fuel oil was received from the supplier; and,
 - b. the sulfur content of the fuel oil and the ASTM method used to determine the sulfur content of the fuel oil; and,
 - c. 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,
 - 3. 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,
 - 4. A continuous monitoring system for the measurement of sulfur dioxide that meets the performance specifications in Appendix B of 40 C.F.R. § 60. The monitoring equipment shall also be installed, calibrated, operated, and maintained in accordance with the procedures in Appendix B of 40

C.F.R. § 60 and the minimum specifications in Appendix P of 40 C.F.R. § 51.

B. 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 (§ 8.6(A)(1) of this Part) and provide certification of the sulfur content of the fuel oil to each purchaser of the fuel. Certifications shall meet the requirements of §§ 8.8(A)(2)(a) through (c) of this Part. 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.

C. 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.

8.9 Recordkeeping

- A. 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.
- B. All records required by this regulation shall be maintained for a minimum of five (5) years after the date of each record and shall be made available to representatives of the Office of Air Resources upon request.

8.10 Blending of Fuel Oils

- A. 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 (§ 8.6(A)(1) of this Part), if it meets the following conditions:
 - 1. The higher sulfur fuel will be blended with lower sulfur fuel to meet the sulfur content limitations in Table 1 (§ 8.6(A)(1) of this Part); and,
 - 2. 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 (§ 8.6(A)(1) of this Part) prior to the initial receipt and storage thereof.
- B. Nothing herein shall relieve a fuel oil terminal from compliance with the requirements of § 8.8(B) of this Part.
- C. 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.

8.11 Fuel Supply Shortages

- A. The Director may, upon application, defer compliance with § 8.6(A) of this Part 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.

- B. The Director shall notify the Administrator within five (5) business days after issuing an order deferring compliance with § 8.6(A) of this Part.