

**Amend 310 CMR 7.00: DEFINITIONS as follows:**

SULFUR IN FUEL - for the purpose of 310 CMR 7.05, sulfur in fuel is as follows:

(a) Oil

~~2.2% sulfur content = 1.21 pounds of sulfur per million Btu heat release potential~~  
~~2% sulfur = 1.10 pounds of sulfur per million Btu heat release potential~~  
 1% sulfur content = 0.55 pounds of sulfur per million Btu heat release potential  
 0.5% sulfur content = 0.28 pounds of sulfur per million Btu heat release potential

(b) Coal

~~1.57% sulfur content = 1.21 pounds of sulfur per million Btu heat release potential (assuming 13,000 Btu per pound)~~  
~~1.43% sulfur content = 1.10 pounds of sulfur per million Btu heat release potential (assuming 13,000 Btu per pound)~~  
 0.72% sulfur content = 0.55 pounds of sulfur per million Btu heat release potential (assuming 13,000 Btu per pound)  
 0.36% sulfur content = 0.28 pounds of sulfur per million Btu heat release potential (assuming 13,000 Btu per pound)

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**Amend 310 CMR 7.05: U Fuels All Districts as follows:**

7.05: U Fuels All Districts

(1) Sulfur Content of Fuels, (except natural gas)

(a) Maximum Sulfur Content of Fuel.

1. No person owning, leasing or controlling the operation of a fossil fuel utilization facility shall cause, suffer, allow or permit the burning therein of any liquid fossil fuel having a sulfur content in excess of that listed in 310 CMR 7.05(1)(a)1.: Table 1 and in accordance with the timelines listed in 310 CMR 7.05(1)(a)1.: Table 1, and/or of any solid fossil fuel having a sulfur content in excess of that listed in 310 CMR 7.05(1)(a)1.: Table 2, except as provided in 310 CMR 7.05(1)(b).
2. On and after July 1, 2014, no person owning, leasing or controlling the operation of an indirect heat exchanger with an energy input capacity equal to or greater than 250 MMBtu per hour providing steam to a steam-electric generator that produces electrical energy for sale shall cause, suffer, allow or permit the burning therein of any residual fuel oil having a sulfur content in excess of 0.28 pounds per million Btu heat release potential (i.e., 0.5% sulfur content by weight), except as provided in 310 CMR 7.05(1)(b).

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**TABLE 1**  
**310 CMR 7.05(1)**

<u>District/Area</u>	<u>Maximum Sulfur Content of Fuel</u> <u>Maximum Heat Release Potential (lb./MMBtu)</u>	<u>Approximate Sulfur Content Equivalent by Weight</u>
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Final Amendments to 310 CMR 7.00 and 310 CMR 7.05 (filed July 20, 2012)

<del>Berkshire APCD</del>	<del>1.21</del>	<del>2.2 %</del>
<del>City of Worcester</del>	<del>0.55</del>	<del>1.0 %</del>
<del>Remainder of Central MAPCD**</del>	<del>0.55</del>	<del>1.0 %</del>
<del>City of Lawrence Towns of Andover, North Andover, and Methuen</del>	<del>0.55</del>	<del>1.0 %</del>
<del>Remainder of Merrimack Valley APCD**</del>	<del>1.21</del>	<del>2.2 %</del>
<del>Cities and Towns of Arlington, Belmont, Boston, Brookline, Cambridge, Chelsea, Everett, Malden, Medford, Newton, Somerville, Waltham, and Watertown**</del>	<del>0.28</del>	<del>0.5 %</del>
<del>Remainder of Metropolitan Boston APCD**</del>	<del>0.55</del>	<del>1.0 %</del>
<del>Pioneer Valley APCD**</del>	<del>0.55</del>	<del>1.0 %</del>
<del>Southeastern MAPCD**</del>	<del>0.55</del>	<del>1.0 %</del>

\* See exception at 310 CMR 7.05(1)(b)1.

\*\* See exception at 310 CMR 7.05(1)(b)2.

~~2. No person owning, leasing or controlling the operation of a fossil fuel utilization facility shall cause, suffer, allow or permit the burning therein of any No. 2 (distillate) fuel oil having a sulfur content in excess of 0.17 pounds of sulfur per million Btu heat release potential (approximately equal to 0.3% sulfur content fuel).~~

3. Stationary Engines and Turbines. On and after July 1, 2007, no person owning, leasing or controlling a stationary engine or turbine subject to the requirements of 310 CMR 7.02(8)(i), 310 CMR 7.03(10), or 310 CMR 7.26(40) through (44) shall accept for delivery for burning any diesel or other fuel unless said fuel complies with the applicable U.S. Environmental Protection Agency sulfur limits for fuel pursuant to 40 CFR 80.29, 40 CFR 80.500, and 40 CFR 80.520(a) and (b) as in effect January 18, 2001.

<u>310 CMR 7.05(1)(a)1.: Table 1: Sulfur Content Limit of Liquid Fossil Fuel</u>				
<u>District/Area</u>	<u>Fuel</u>	<u>Heat Release Potential, lb/MMBtu</u>	<u>Percent by Weight (parts per million, ppm)</u>	<u>Applicability Date</u>
<u>Statewide</u>	<u>Distillate Oil</u>	<u>0.17</u>	<u>0.3% (3,000)</u>	<u>Prior to July 1, 2014</u>
<u>Statewide</u>	<u>Distillate Oil</u>	<u>Not applicable</u>	<u>0.05% (500)</u>	<u>July 1, 2014 through June 30, 2018</u>
<u>Statewide</u>	<u>Distillate Oil</u>	<u>Not applicable</u>	<u>0.0015% (15)</u>	<u>On and after July 1, 2018</u>
<u>Berkshire APCD</u>	<u>Residual Oil</u>	<u>1.21</u>	<u>2.2%</u>	<u>June 23, 1975</u>
<u>Cities and Towns of Arlington, Belmont, Boston, Brookline, Cambridge, Chelsea, Everett, Malden, Medford, Newton, Somerville, Waltham, and Watertown</u>	<u>Residual Oil</u>	<u>0.28</u>	<u>0.5%</u>	<u>October 1, 1970</u>
<u>Merrimack Valley APCD (Except City of Lawrence and Towns of Andover, North Andover, and Methuen)</u>	<u>Residual Oil</u>	<u>1.21</u>	<u>2.2% (1.0%)</u>	<u>Prior to July 1, 2014</u>
<u>Merrimack Valley APCD</u>	<u>Residual Oil</u>	<u>0.55</u>	<u>1.0%</u>	<u>July 1, 2014 through June 30, 2018</u>
<u>Remainder of State</u>	<u>Residual Oil</u>	<u>0.55</u>	<u>1.0%</u>	<u>Prior to July 1, 2018</u>
<u>Statewide except Berkshire APCD</u>	<u>Residual Oil</u>	<u>0.28</u>	<u>0.5%</u>	<u>On and after July 1, 2018</u>

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<u>310 CMR 7.05(1)(a)1.: Table 2: Sulfur Content Limit of Solid Fossil Fuel</u>			
<u>District/Area</u>	<u>Fuel</u>	<u>Heat Release Potential, lb/MMBtu</u>	<u>Percent by Weight</u>
<u>Berkshire APCD and Merrimack Valley APCD, except City of Lawrence and Towns of Andover, North Andover, and Methuen</u>	<u>Coal</u>	<u>1.21</u>	<u>1.57%</u>
<u>Cities and Towns of Arlington, Belmont, Boston, Brookline, Cambridge, Chelsea, Everett, Malden, Medford, Newton, Somerville, Waltham, and Watertown</u>	<u>Coal</u>	<u>0.28</u>	<u>0.36%</u>
<u>Remainder of State, including City of Lawrence and Towns of Andover, North Andover, and Methuen</u>	<u>Coal</u>	<u>0.55</u>	<u>0.72%</u>

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(b) Exceptions.

1. Any person owning, leasing or controlling the operation of a fossil fuel utilization facility located in districts or portion of a district specified in 310 CMR 7.05(1)(a) and having an energy input capacity rated by the Department of 100,000,000 Btu per hour or greater, may cause, suffer, allow or permit the burning therein of any fossil fuel having a sulfur content up to 1.21 pounds per million Btu heat release potential (approximately equivalent to 2.2% sulfur content fuel oil) provided that:
  - a. An application has been made to the Department, in writing, to use such fuel including any information the Department may require;
  - b. The use of such fuel would not cause other applicable air pollution regulations to be violated;
  - c. The facility has available for conversion within six hours of notice from the Department, a three day supply of fuel with a lower sulfur content, as specified by the Department, which shall be utilized during periods of adverse meteorological conditions when directed by the Department;
  - d. The use of such fuel has been approved in writing by the Department; and
  - e. The conditions of approval have been agreed to by the applicant in writing.
2. Any person owning, leasing or controlling the operation of an electric generating facility having an energy input capacity rated by the Department of 2.5 billion or greater

~~Btu per hour and located in the cities and towns of Arlington, Belmont, Boston, Brookline, Cambridge, Chelsea, Everett, Malden, Medford, Newton, Somerville, Waltham, and Watertown, may cause, suffer, allow or permit the burning therein of any fossil fuel with a sulfur content up to 0.55 pounds per million Btu per hour heat release potential (approximately equivalent to 1% sulfur content fuel oil) provided that:~~  
~~a. An application has been made to the Department in writing to use such fuel including any information as the Department may require;~~  
~~b. The Department determines that the use of such fuel would not cause other applicable air pollution control regulations or ambient air quality standards to be violated;~~  
~~c. The facility has available for conversion within three hours of any notice from the Department, a three day supply of fuel with a lower sulfur content, as specified by the Department, which shall be utilized during periods of adverse meteorological conditions when directed by the Department;~~  
~~d. The use of such fuel has been approved in writing by the Department; and~~  
~~e. The conditions of approval have been agreed to by the applicant in writing. Such conditions of approval may include the installation, operation and maintenance of ambient air monitoring equipment by the applicant in a manner specified by the Department.~~

1. Any person with an existing approval issued by the Department that allows the burning of fossil fuel oil with a sulfur content in excess of the limits in 310 CMR 7.05(1)(a)1.: *Table 1* may burn such fuel in compliance with the Department’s approval until July 1, 2014. Beginning on July 1, 2014, such person shall comply with the fuel oil sulfur content limits in 310 CMR 7.05(1)(a)1.: *Table 1*, except as provided in 310 CMR 7.05(1)(b)2. or 310 CMR 7.05(1)(b)3.

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2. Any person owning, leasing or controlling the operation of a fossil fuel utilization facility may burn any existing stock of fossil fuel oil at the facility, but shall not accept delivery of fuel with a sulfur content in excess of the limits in 310 CMR 7.05(1)(a)1.: *Table 1* on or after the applicable date(s) in 310 CMR 7.05(1)(a)1.: *Table 1*, except as provided in 310 CMR 7.05(1)(b)3.

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3. The sulfur content limits in 310 CMR 7.05(1)(a)1.: *Table 1* and *Table 2* shall not apply to ~~facilities that have presented~~ a facility whose owner or operator has applied for and received approval from the Department and EPA of a plan whereby use of a higher sulfur fuel with a sulfur content in excess of the limits in 310 CMR 7.05(1)(a)1.: *Table 1* and *Table 2* would cause no greater emissions of sulfur compounds into the ambient air than if lower the applicable sulfur content fuel in 310 CMR 7.05(1)(a)1.: *Table 1* and *Table 2* were used. The plan must be approved by the Department, in writing, and any conditions attached to the Department’s approval must be agreed to by the applicant, in writing.

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4. Approval granted under the provisions of 310 CMR 7.05(1)(b)-1., ~~2.~~ or 3. may be revoked by the Department for cause or when in its opinion revocation is necessary to prevent or abate a condition of air pollution.

(2) U Use of Residual Fuel Oil or Hazardous Waste Fuel. No person owning, leasing or controlling an individual fuel utilization emission unit rated by the Department as having an energy input capacity of less than 3,000,000 Btu per hour shall cause, suffer, allow or permit the burning of any residual fuel oil or hazardous waste fuel therein.

(3) Ash Content of Fuels (except natural gas).

(a) No person shall cause, suffer, allow or permit the burning in the Commonwealth of any solid or solid/liquid mixture fossil fuel containing an ash content in excess of 4% by dry weight, except as provided in 310 CMR 7.05(3)(b) and (c).

(b) In CM, MV, and SM, fossil fuel utilization facilities having an energy input capacity rated by the Department of 250,000,000 or greater Btu per hour, may burn solid or solid/liquid mixture fossil fuel with an ash content in excess of 9% by dry weight, provided that:

1. An application is made to the Department in writing to use such fuel and any information as the Department may require is submitted;
2. The Department determines that the use of such fuel would not cause other applicable air pollution control regulations or ambient air quality standards to be violated; and
3. The use of such fuel has been approved, in writing, by the Department and the conditions of approval have been agreed to by the applicant, in writing. Such conditions of approval may include the installation, operation and maintenance of ambient air monitoring equipment by the applicant, in a manner specified by the Department.

(c) In MB, B and PV, all fossil fuel utilization facilities may burn solid or solid/liquid mixture fossil fuel with an ash content in excess of 9% by dry weight, provided that:

1. An application is made to the Department in writing to use such fuel and any information as the Department may require is submitted;
2. The Department determines that the use of such fuel would not cause other applicable air pollution control regulations or ambient air quality standards to be violated; and
3. The use of such fuel has been approved, in writing, by the Department and the conditions of approval have been agreed to by the applicant, in writing. Such conditions of approval may include the installation, operation and maintenance of ambient air monitoring equipment by the applicant, in a manner specified by the Department.

(4) Fuel Additives. No person owning, leasing or controlling a fuel utilization facility shall cause, suffer, allow or permit the use therein of any fuel additive except in accordance with the manufacturer's recommended specifications.

(5) Fuel Suppliers.

(a) No person shall ship or deliver in intrastate commerce to any person for burning or reshipment for burning, any fuels with a sulfur content in excess of those specified in 310 CMR 7.05(1)(a)1. ~~or 7.05(1)(a)2.~~ except that such shipment may be provided when:

1. ~~U~~Use of such fuel has been approved by the Department in writing;
2. ~~S~~Such approval has been verified by the shipper; and
3. ~~R~~Record of such shipment ~~will~~shall be retained for two years and the record shall be made available to the Department for its review and inspection during customary business hours.

~~(b) Any person responsible for sale or distribution of residual fuel oils or wholesale distribution or wholesale marketing of distillate fuel oils or coal for burning or reshipment for burning, shall register with the Department on a form to be supplied by the Department.~~

~~(e)~~(b) Any person supplying in intrastate commerce for burning or for reshipment for burning, fuel oil of a grade No. 2 or greater or coal shall keep and maintain records showing the

quantities of the fuels handled and analyses showing the Btu value, sulfur content, nitrogen content (required only for residual fuel oils), viscosity, and ash content of said fuels and make such records available to the Department for its review and inspection during customary business hours.

~~(d) Any person supplying in intrastate commerce for burning, fuel oil of a grade No. 2 or greater or coal or gas shall submit a list of its customers using more than 30,000 gallons per year of fuel oil or more than 150 tons of coal or more than 4,000,000 cubic feet of gas by May 1 of each year covering the period of January 1 to December 31 of the previous year, and showing each customer's address, fuel type, sulfur content and monthly fuel amount.~~

(e) Any person supplying residual fuel oil in intrastate commerce shall provide certification of the nitrogen content of the oil to ~~his~~ customers. ~~Acceptable test methods for determining nitrogen content of the oil are as determined by the applicable~~ ASTM methods ~~D3228 and D4629~~ or any other method approved by the Department and EPA.

(f) Shippers and distributors of fossil fuels shall provide evidence, to the satisfaction of customer-users, of the ash content of fuels supplied.

(6) All fuel analyses to be performed by or for distributors, suppliers or users of fuels, for purposes of 310 CMR 7.00, shall be performed in ~~such manner and reported in such units as are~~ accordance with the applicable ASTM method or any other method approved by the Department and EPA.

(7) No person owning, leasing, or controlling the operation of a fossil fuel utilization facility shall cause, suffer, allow, or permit the burning therein of any quantity, batch, or lot of used oil fuel unless:

(a) that quantity, batch, or lot of used oil fuel was generated and mixed at the site of said fossil fuel utilization facility by the person owning, leasing, or controlling the operation of said fossil fuel utilization facility in compliance with 310 CMR 30.201, or

(b) both of the following requirements are met:

1. said quantity, batch, or lot of used oil fuel was mixed in compliance with 310 CMR 30.201; and

2. the person owning, leasing, or controlling the operation of the fossil fuel utilization facility complied with 310 CMR 30.250.

(8) Except as provided in 310 CMR 7.05(9), no person owning, leasing, or controlling the operation of a fossil fuel utilization facility shall cause, suffer, allow, or permit the burning therein of any used oil fuel that does not meet the specifications set forth in ~~Table~~ 310 CMR 7.05(8): Table 3.

~~TABLE~~ 310 CMR 7.05(8): Table 3  
STANDARDS FOR USED OIL FUEL

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Constituent/Property

Allowable

Sulfur

As allowed pursuant to 310 CMR 7.05(1) for residual fuel oil

Total Halogens

4000 ppm or less

Final Amendments to 310 CMR 7.00 and 310 CMR 7.05 (filed July 20, 2012)

PCBs	Less than 50 ppm*
Higher Heating Value	120,000 or more Btu per gallon
Flash Point	100°F or more
Lead **	Less than 100 ppm
Arsenic **	5 ppm or less
Cadmium **	2 ppm or less
Chromium **	10 ppm or less

\* The burning of PCBs in concentrations of 50 or more parts per million is prohibited unless done in compliance with 310 CMR 30.000.

\*\* Does not apply to any facility equipped with air pollution control equipment that the Department determines, in writing: (1) is Best Available Control Technology (BACT) and (2) reduces emissions to a level equal to or less than would be emitted if a used oil fuel meeting the standard set forth in 310 CMR 7.05(8): *Table 3* were to be burned in compliance with 310 CMR 7.00 in a facility without BACT.

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(9) 310 CMR 7.05(8) shall not apply to the burning of used oil fuel in a used oil fuel fired space heater provided that the requirements set forth in 310 CMR 7.04(9), [310 CMR 7.05\(7\)\(a\)](#), and [310 CMR 30.250](#) are complied with.