

Please note that some provisions of this regulation are shown in strikeout for the sole purpose of showing what provisions are not incorporated into the Massachusetts Regional Haze State Implementation Plan (SIP). The provisions in strikeout remain a part of the regulation and continue to be state enforceable.

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
- 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)
- 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)

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).

~~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.~~

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

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

(b) Exceptions.

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.

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.

3. The sulfur content limits in 310 CMR 7.05(1)(a)1.: *Table 1* and *Table 2* shall not apply to a facility whose owner or operator has applied for and received approval from the Department and EPA of a plan whereby use of a 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 the applicable sulfur content

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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.

4. Approval granted under the provisions of 310 CMR 7.05(1)(b)1. 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) 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.~~

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(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., except that such shipment may be provided when:

1. Use of such fuel has been approved by the Department in writing;
2. Such approval has been verified by the shipper; and
3. Record of such shipment 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 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.

(c) Any person supplying residual fuel oil in intrastate commerce shall provide certification of the nitrogen content of the oil to its customers as determined by the applicable ASTM method or any other method approved by the Department and EPA.

(d) 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 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 310 CMR 7.05(8): Table 3.~~

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

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<u>Constituent/Property</u>	<u>Allowable</u>
Sulfur	As allowed pursuant to 310 CMR 7.05(1) for residual fuel oil
Total Halogens	4000 ppm or less
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.~~

~~(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.~~