



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**Region 1**

**5 Post Office Square, Suite 100**

**Boston, MA 02109-3912**

October 10, 2018

Karen Slattery  
Office of Air Resources  
Department of Environmental Management  
235 Promenade Street  
Providence, RI 02908

Dear Ms. Slattery:

On September 11, 2018, the Rhode Island Department of Environmental Management (RI DEM) posted for public comment proposed revisions to Air Pollution Control Regulation (APCR) No. 13, "Particulate Emissions from Fossil Fuel Fired Steam or Hot Water Generating Units" (250-RICR-120-05-13). Comments are due by October 11, 2018.

We have reviewed Rhode Island's proposal and agree that revisions are technical corrections that do not change the regulation substantively. In particular, we agree that it is appropriate to remove §§ 13.8(B) from the regulation as this section refers to subsections in APCR No. 8 (250-RICR-120-05-8), "Sulfur Content of Fuels," that have since been removed and renumbered.

Please note, if the proposed amended APCR No. 13 is submitted to EPA as a revision to the Rhode Island SIP, then §§ 13.8 "Application" should be omitted from that submittal. EPA will not be able to approve the "Application" section because it states that the "regulation shall be liberally construed to permit the Department to effectuate the purposes of state laws, goals and policies." While this provision may be appropriate as a matter of state law, this provision provides Rhode Island with broad discretion, akin to a Director's discretion provision.

If you have any questions, please contact Alison Simcox at [simcox.alison@epa.gov](mailto:simcox.alison@epa.gov) or 617-918-1684.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ariel Garcia".

Ariel Garcia, Acting Manager  
Air Quality Planning Unit

cc: Paige St. Amand, RI DEM