



FACT SHEET

In re: Proposed revisions to Air Pollution Control Regulation No. 43 “General Permits for Smaller-Scale Electric Generation Facilities”

Introduction

The Department of Environmental Management (DEM), Office of Air Resources, is proposing to revise, Air Pollution Control Regulation No. 43 “General Permits for Smaller-Scale Electric Generation Facilities” (Part 43). Part 43 creates an alternative permitting process (general permit) for certain emergency generators, CHP projects and DG projects.

Description of Proposed Amendments

The regulation is being amended to make the definition of “emergency” consistent with the current Environmental Protection Agency (EPA) definition of “emergency” as applied to smaller-scale electric generating units. Additionally, the regulation has been updated to the current RI Code of Regulations (RICR) format which required the addition of an incorporated materials section.

Demonstration of Need

In order for Part 43 to be approvable by EPA and incorporated into Rhode Island’s State Implementation Plan, it must be consistent with EPA requirements. These changes to the rule make Part 43 fully consistent with EPA requirements. The US Court of Appeals decision vacating 40 CFR 63.6440 (f)(2)(ii)-(iii), 40 CFR 63.4211 (f)(2)(ii)-(iii), and 40 CFR 63.4242 (f)(2)(ii)-(iii) necessitated the change to this definition.

Additionally, in 2016, the state revised the Administrative Procedures Act to require that every state regulation be rewritten into the new RICR format by December 31, 2018, or it will no longer be enforceable. In order to meet this requirement, Part 43 is being revised to the required RICR format which included the addition of an incorporated materials section.

Alternative Approaches Considered

No alternative approaches were considered 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 amendments contact:

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Or, visit the Proposed Regulations section of the DEM website at:

<http://www.dem.ri.gov/documents/regulations/>