

**RHODE ISLAND GOVERNMENT REGISTER  
PUBLIC NOTICE OF PROPOSED RULEMAKING**

**DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

**Title of Rule:** Air Pollution Control Regulation No. 43- General Permits for Smaller-Scale Electric Generation Facilities

**Rule Identifier:** 250-RICR-120-05-43

**Rulemaking Action:** Proposed Amendment

**Important Dates:**

Date of Public Notice: 10/15/2018

End of Public Comment: 11/14/2018

**Authority for this Rulemaking:**

R.I. Gen. Laws § 42-17.1-2(19)

R.I. Gen. Laws Chapter 23-23

R.I. Gen. Laws Chapter 42-35

**Summary of Rulemaking Action:**

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 current RI Code of Regulations (RICR) format which required the addition of an incorporated materials section.

Although R.I. Gen. Laws § 42-35-2.8, require that an oral hearing be granted if requested by twenty-five (25) persons, by an agency or by an association having at least twenty-five (25) members, an oral hearing will be granted if requested by one (1) or more persons during the public comment period.

**Additional Information and Comments:**

All interested parties are invited to request additional information or submit written or oral comments concerning the proposed amendment until November 14, 2018 by contacting the appropriate party at the address listed below:

Karen Slattery  
Department of Environmental Management  
235 Promenade Street  
Providence, RI 02908  
karen.slattery@dem.ri.gov

In accordance with R.I. Gen. Laws § 42-35-2.8, an oral hearing will be granted if requested by twenty-five (25) persons, by an agency or by an association having at

least twenty-five (25) members. A request for an oral hearing must be made within thirty (30) days of this notice.

**Regulatory Analysis Summary and Supporting Documentation:**

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.

The proposed revisions are necessary to update the regulation to current RI Code of Regulations format and do not impose any new requirements on regulated entities including any small businesses or any city or town, therefore there is no adverse economic impact.

A fact sheet that more fully describes the proposed revision to the regulation as well as copies of the proposed, revised regulation is available under Proposed Regulations on the Department's website (<http://www.dem.ri.gov/documents/regulations/>).

For full regulatory analysis or supporting documentation see agency contact person above.