



FACT SHEET

In re: Proposed revisions to Air Pollution Control Regulation No. 29 “Operating Permits”

Introduction

The Department of Environmental Management (DEM), Office of Air Resources, is proposing to amend one air pollution control regulation, 250-RICR-120-05-29 “Operating Permits” (Part 29). The purpose of this regulation is to specify operating permit requirements for stationary sources.

Description of Proposed Amendments

The Department is proposing to amend Part 29. The definition of “Subject to Regulation” is proposed to be amended to be fully consistent with the current EPA definition. The requirement that an emissions cap be renewed every five years is proposed to be removed.

Major sources whose actual emissions are less than the applicability thresholds in Part 29 and who are subject to air pollution control regulations 250-RICR-120-05-15 (Control of Organic Solvent Emissions), 250-RICR-120-05-19 (Control of Organic Solvent Emissions from Surface Coating Operations), 250-RICR-120-05-21 (Control of VOC Emissions from Printing Operations), 250-RICR-120-05-26 (Control of Organic Solvent Emissions from Manufacture of Synthesized Pharmaceutical Products), or 250-RICR-120-05-27 (Control of Nitrogen Oxide Emissions) are not currently allowed to apply for an emissions cap. The Department is proposing to amend Part 29 to allow major sources whose actual emissions are less than the applicability thresholds in Part 29, subject to these regulations, to apply for emissions caps to relieve the stationary source from the requirement to obtain an operating permit under Part 29.

Portions of the regulation which no longer apply have been removed and 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 § 42352.8, 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.

Demonstration of Need

The definition in of “Subject to Regulation” is proposed to be amended to be fully consistent with the current federal definition and definition used in air pollution control regulation 250-RICR-120-05-09 (Air Pollution Control Permits). The Department is proposing to amend Part

29 to allow major sources subject to air pollution control regulations 250-RICR-120-05-15 (Control of Organic Solvent Emissions), 250-RICR-120-05-19 (Control of Organic Solvent Emissions from Surface Coating Operations), 250-RICR-120-05-21 (Control of VOC Emissions from Printing Operations), 250-RICR-120-05-26 (Control of Organic Solvent Emissions from Manufacture of Synthesized Pharmaceutical Products), or 250-RICR-120-05-27 (Control of Nitrogen Oxide Emissions) to apply for an emissions cap to relieve the stationary source from the requirement to obtain an operating permit under Part 29. This will streamline the emissions cap process for the affected facilities.

The Department is proposing to remove the requirement that an emissions cap be renewed every five years as a renewal process is not necessary if the facility has not made any changes to their process which affects emissions at the facility. This will be less burdensome for the company.

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 29 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.

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/>