

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

CONCISE EXPLANATORY STATEMENT

AGENCY: Department of Environmental Management

DIVISION: Office of Air Resources

RULE IDENTIFIER: 250-RICR-120-05-269

RULE TITLE: Part 29 "Operating Permits"

REASON FOR RULEMAKING: The purpose of this regulation is to specify operating permit requirements for stationary sources. The Department of Environmental Management, Office of Air Resources is proposing to amend the regulation to allow more sources the opportunity to apply for an emissions cap in lieu of an operating permit. Portions of the regulation that no longer apply are proposed to be eliminated. Additionally, the regulation has been updated to current RI Code of Regulations (RICR) format which required the addition of an incorporated materials section.

ANY FINDING REQUIRED BY LAW AS A PREREQUISITE TO THE

EFFECTIVENESS OF THE RULE: not applicable

TESTIMONY AND COMMENTS: Comments were received from the US Environmental Protection Agency. The comments and responses are summarized in the Decision.

CHANGE TO TEXT OF THE RULE: In the Definition of Major Source the year 1987 was not stricken as proposed and the greenhouse gas emission limitation was not changed from 100,000 tons per year CO₂ equivalent emissions to 75,000 tons per year CO₂ equivalent emissions as proposed. The comments and responses are summarized in the Decision.

REGULATORY ANALYSIS: The proposed revisions are intended relieve regulatory requirements for affected facilities by allowing them the opportunity to apply for an emissions cap in lieu a complex operating permit, if applicable. 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.

DATE THE FINAL RULE WAS SIGNED BY THE AGENCY HEAD: