

State of Rhode Island
Department of Environmental Management
Office of Air Resources

**In re: Proposed revisions to Air Pollution Control Regulation
No. 28, "Operating Permit Fees"**

DECISION

Introduction

On October 30, 2018 a notice was posted on the websites of the Rhode Island Department of Environmental Management (RI DEM) and the Rhode Island Office of Secretary of State and was sent to interested parties announcing a public comment period to accept comments on the adoption of proposed revisions to Air Pollution Control Regulation No. 28, "Operating Permit Fees" (250-RICR-120-05-28). 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. The public comment period ended at 4:00 PM on November 30, 2018.

The purpose of this regulation is to establish a fee system for the operating permit program. The Department of Environmental Management, Office of Air Resources is proposing to eliminate portions of the regulation that no longer apply. Additionally, the regulation has been updated to current RI Code of Regulations (RICR) format. 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 adverse economic impact.

Written comments were received from the United States Environmental Protection Agency. The following is the Office of Air Resources' responses to the comments received:

Response to Comments

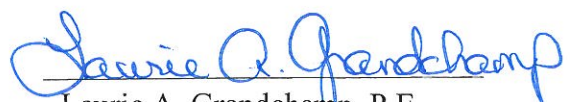
Comment: In APCR 28, please be aware that when the EPA adopted the GHG Tailoring rule, the EPA revised 40 CFR part 70 to address GHG emissions impact on the Title V fee structure. When determining the presumptive minimum fee amount according to 40 CFR § 70.8(b)(2)(i), a state is required to add a GHG adjustment factor. See 40 CFR § 70.8(b)(2)(v). Based on EPA's recent Title V program evaluation, the lack of a GHG adjustment factor in APCR 28 is not an issue at this time.

Response: This comment is noted for the record. No response required.

Decision

It is the decision of the Department to adopt the proposed revisions to Air Pollution Control Regulation, 250-RICR-120-05-28, "Operating Permit Fees" as proposed. The final amended regulations are appended to this Decision.

12/10/18
Date


Laurie A. Grandchamp, P.E.
Administrator, Environmental Protection