

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

**In re: Proposed revisions to Air Pollution Control Regulation  
No. 11 “Petroleum Liquids Marketing and Storage”**

DECISION

**Introduction**

On October 23, 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. 11, Petroleum Liquids Marketing and Storage (250-RICR-120-05-11). 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. No requests for a public hearing were received. The public comment period ended at 4:00 PM on November 22, 2018.

The proposed revisions to the rule eliminate portions of the regulation that no longer apply. Additionally, the regulation has been updated to current RI Code of Regulations format which required the addition of an incorporated materials section. There are no new requirements being proposed.

Written comments were received from the United States Environmental Protection Agency (USEPA) and New England Convenience Store & Energy Marketing Association (NECSEMA). The following are the Office of Air Resources' responses to the comments received:

**Response to Comments**

**Comment:** EPA Region 1 reviewed and provided comments on a previous draft of this regulation on August 22, 2018 and acknowledge that our prior comments have been addressed in this proposed regulation. (USEPA)

**Response:** No response required.

**Comment:** Rhode Island should submit the revised regulations to EPA as a State Implementation Plan (SIP) revision once they have been adopted by the State. (USEPA)

**Response:** A SIP revision will be submitted to EPA after the revised rule is adopted by the State.

**Comment:** NECSEMA recommends Part 11.9.2 Prohibitions, F.5 be deleted. California Air Resources Board (CARB)-certified Stage 1 enhanced Vapor recovery (EVR)


methods employed for integrity testing. A review of compliance testing results submitted by gasoline dispensing operators to the RI DEM will document current compliance. Therefore, the proposed compliance deadline of December 25, 2020 is unnecessary. If a Stage I vapor control system component does not pass a compliance test, the failed component or components need to be replaced CARB-certified EVR Stage I component and re-tested to demonstrate compliance.

**Response:** While DEM appreciates NECSEMA's comment, at this time the regulation is only being amended to remove portions of the regulation that no longer apply and to update the regulation to the required RI Code of Regulations format. In future revisions, your comments will be considered. No change to the regulation will be made in response to this comment.

**Decision**

It is the decision of the Department to adopt the proposed revisions to Air Pollution Control Regulation, 250-RICR-120-05-11, "Petroleum Liquids Marketing and Storage" as proposed. The final amended regulations are appended to this Decision.

11/29/18  
Date

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