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

**In re: Proposed revisions to 250-RICR-120-05-16, "Operation of Air Pollution Control Systems"**

DECISION

## Introduction

On November 1, 2023, 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 250-RICR-120-05-16, "Operation of Air Pollution Control Systems." No requests for a public hearing were received. The public comment period ended at 4:00 PM on December 4, 2023.

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

## Response to Comments

**Comment:** EPA understands that the provisions in Rhode Island's Regulation 14 apply to sources subject to Regulation 16. As part of the state's forthcoming SIP submittal**,** RI DEM should confirm that Regulation 14 requires sources to keep records necessary to determine compliance with the requirements of Regulation 16.

**Response:** 250-RICR-120-05-14 would apply to sources subject to 250-RICR-120-05-16. Specifically, 250-RICR-120-05-14.5.1 states:

*The owner or operator of any facility that emits air contaminants shall, at the request of the Director, provide data on operational processes, fuel usage, raw materials, stack dimensions, exhaust gas flow rates and temperatures, emissions of air contaminants, steam or hot water generator capacities, types of equipment producing air contaminants and air pollution control systems or other data that may be necessary to determine if the facility is in compliance with air pollution control regulations. These records shall be maintained at the facility for a period of five (5) years.*

Additionally, §14.6.2 requires Emissions Statement sources to submit process throughput information while air pollution equipment was not in operation and control equipment downtime.

**Comment:** RI DEM also should confirm that Regulation 14 requires sources subject to Regulation 16 to make a summary of such records available to the state in the annual report required in 14.2.1.

**Response:** 250-RICR-120-05-14.5.1 and 2 state:

*14.5.1 The owner or operator of any facility that emits air contaminants shall, at the request of the Director, provide data on operational processes, fuel usage, raw materials, stack dimensions, exhaust gas flow rates and temperatures, emissions of air contaminants, steam or hot water generator capacities, types of equipment producing air contaminants and air pollution control systems or other data that may be necessary to determine if the facility is in compliance with air pollution control regulations.*

*14.5.2 The information recorded by the owner or operator of a facility pursuant to the requirements of § 14.5.1 of this Part shall be summarized and reported at least annually to the Director. It shall be submitted by April 15th unless otherwise specified.*

**Decision**

It is the decision of the Department to amend the draft 250-RICR-120-05-16, "Operation of Air Pollution Control Systems" as proposed. The final amended regulation is appended to this Decision.

January 12, 2024
Date

Karen Slattery Digitally signed by Karen Slattery Date: 2024.01.12 11:57:49 -05'00'

Karen Slattery
Deputy Administrator
Office of Air Resources