Title of Rule: Operation of Air Pollution Control Systems (250-RICR-120-05-16)

Rule Identifier: 250-RICR-120-05-16

Rulemaking Action: Proposed Amendment

Important Dates:
Date of Public Notice: November 1, 2023
End of Public Comment: December 4, 2023

Rulemaking Authority:

as amended

Summary of Rulemaking Action:
The RI Department of Environmental Management Office of Air Resources (RIDEMOAR) is proposing to amend 250-RICR-120-05-16 to remove language allowing variances for excess emissions during malfunctions. Specifically RIDEM OAR is proposing to remove § 16.3 which currently allows sources to petition for a variance from air pollution control requirements in the event of a malfunction of its air pollution control that is expected to last more than 24 hours.

Additional Information and Public Comments:
All interested parties are invited to request additional information or submit written or oral comments concerning the proposed amendment until December 4, 2023 by contacting the appropriate party at the address listed below:

Karen Slattery
Department of Environmental Management
Office of Air Resources
235 Promenade St, Suite 330
Providence, RI 02908
karen.slattery@dem.ri.gov

In accordance with R.I. Gen. Laws § 42-35-2.8, an oral hearing will be granted if requested by twenty-five (25) persons, by a governmental agency or by an association having at least twenty-five (25) members. A request for an oral hearing must be made within ten (10) days of the publication of this notice.

Regulatory Analysis Summary and Supporting Documentation:
RIDEM OAR is proposing to amend 250-RICR-120-05-16, in response to the EPA’s final action, Findings of Failure to Submit (FFS) State Implementation Plan (SIP) Revisions in Response to the 2015 Findings of Substantial Inadequacy and SIP Calls to Amend Provisions Applying to Excess Emissions During Periods of Startup, Shutdown, and Malfunction, 87 Fed. Reg. 1680 (January 12, 2022). The final FFS action went into effect on February 11, 2022, and gave RIDEM OAR 18 months from that date to submit an amendment to RIDEM OAR’s SIP or face sanctions under Clean Air Act § 109. Pursuant to CAA § 179(a) and (b) and 40 CFR 52.31, the offset sanction identified in CAA section 179(b)(2) will apply in RI until the deficiency in Part 16 is corrected. Effective Aug 11, 2023, the 2-to-1 emission offset requirement for all new and modified major sources subject to the new source review program is in place until the Part 16 is revised and incorporated into the RI SIP.

A fact sheet that more fully describes the proposed revision to the regulation as well as copies of the proposed, revised regulation is available under Proposed Regulations on the Department’s website.

For full regulatory analysis or supporting documentation contact the agency staffperson listed above.