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TITLE 250 – DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

CHAPTER 120 – AIR RESOURCES

SUBCHAPTER 05 - AIR POLLUTION CONTROL-

PART 13 - Particulate Emissions from Fossil Fuel Fired Steam or Hot Water Generating Units

13.1 Purpose and Authority

13.1.1 Purpose

The purpose of this regulation is to limit emissions of particulate matter from fossil fuel fired steam or hot water generating units.

13.1.2 Authority

These regulations are authorized pursuant to R.I. Gen. Laws § 42-17.1-2(19) and R.I. Gen. Laws Chapter -23-23, and have been promulgated pursuant to the procedures set forth in the R.I. Administrative Procedures Act, Chapter 42-35.

13.23 Application

The terms and provisions of this regulation shall be liberally construed to permit the Department to effectuate the purposes of state laws, goals and policies.

13.34 Severability

If any provision of this regulation or the application thereof to any person or circumstance, is held invalid by a court of competent jurisdiction, the validity of the remainder of the regulation shall not be affected thereby.

13.4 Incorporated Materials

These regulations hereby adopt and incorporate 40 C.F.R. § 60 Appendix A-3 Method 5 (2018) by reference, not including any further editions or amendments thereof and only to the extent that the provisions therein are not inconsistent with these regulations.-

13.5 Definitions

- A. Unless otherwise expressly defined in this section, the terms used in this regulation shall be defined by reference to (General Definitions) Part 0 of this Subchapter. As used in this regulation, the following terms shall, where the context permits, be construed as follows:
1. "Emergency" or "standby basis" means the unit is available for use for limited periods of time only in the case of sudden and unavoidable failure of other generating units.
 42. "Rotary cup burner" means any unit which provides atomization by centrifugally dispersing the fuel from a rotating cup and utilizes natural draft as a secondary air supply.
 3. "Secondary air" means air which is introduced to the furnace as compared to primary air which is introduced with the fuel at the burner.
 24. "Wood residue" means a waste by-product of the pulp and paper industry which consists of bark, sawdust, slabs, chips, shavings, and mill trims.

13.6 Limitations

- A. No person shall cause or permit the emissions from a fossil fuel or wood residue fired steam or hot water generating unit having a maximum rated heat input capacity of one million Btu per hour or more of particulate matter in excess of 0.10 pounds per million Btu actual heat input.
- B. New Generating Units
1. No person shall construct, install or modify a fossil fuel or wood residue fired steam or hot water generating unit designed to burn residual oil or wood residue and having a heat input capacity of one million Btu per hour or more which utilizes a burner or burners of a design not approved by the Director. Design approval shall be based upon criteria set forth in § 13.7(B) of this Part. Approval of burner design shall be obtained in conjunction with the required application for prior approval of the Director to install the fossil fuel fired steam or hot water generating unit (§§ 9.7 and 9.8 of this Subchapter [\(Air Pollution Control Permits\)](#)).
- C. Existing Generating Units

1. Prohibition of Rotary Cup Burners - No person shall operate or permit the operation of a fossil fuel fired steam or hot water generating unit burning residual oil and having a heat input capacity of one million Btu per hour or more which utilizes a rotary cup burner or burners of a design not approved by the Director.

13.7 Determination of Compliance

- A. Compliance with § 13.6 of this Part shall be determined by emission testing conducted by the owner or operator of the equipment according to 40 C.F.R. Appendix A-3 to § 60, Method 5, incorporated above at § 13.4 of this Part, or by such other methods which may be approved by the Department for stack testing for particulate emissions.
- B. In the absence of data from emission testing, as required in § 13.7-(A) of this Part above, the Director and EPA may determine that a generating unit is or is not in compliance with § 13.6 of this Part based on information available to them including, but not limited to, type of fuel burned, design of unit, efficiency of air pollution control systems, operating and maintenance procedures, and emission test results on similar units.
- C. The requirement of emission testing in accordance with § 13.7(A) of this Part may be waived for a specific source if the Director and EPA:
 1. Specifies or approves, in a specific case, the use of a reference method with minor changes in methodology; or
 2. Approves the use of an equivalent or alternative method the results of which they have determined to be adequate for indicating whether a specific source is in compliance; or
 3. Finds that the owner or operator of a source has demonstrated by other means to the Director's satisfaction that the source is in compliance with the relevant emission standards.

13.8 Exemptions

- A. § 13.6(C) of this Part shall not apply to those generating units for which a demonstration is made to the satisfaction of the Director that they:
 1. Are used only in an emergency or a standby basis; or
 2. Are able to maintain compliance with applicable regulations.

~~B. The emissions limitation in § 13.6(A) of this Part shall not apply to those generating units that have received an approval under the provisions of § 8.7(B) and § 8.7(C) of Part 8 (Sulfur Content of Fuels) of this Subchapter. The following provisions shall apply for the duration of such an approval:~~

~~1. If a source is approved under § 8.7(B) of Part 8 (Sulfur Content of Fuels) of this Subchapter, then the average particulate emission rate in any 24-hour period for all fuel burning devices included in the approved emissions bubble shall not exceed 0.1 pounds per million Btu actual heat input; or~~

~~2. If a source is approved to burn high sulfur fuel oil under § 8.7(C) of Part 8 (Sulfur Content of Fuels) of this Subchapter, then the particulate emissions shall not exceed 0.15 pounds per million Btu actual heat input while high sulfur fuel oil is being burned.~~

~~13.9 Compliance Schedule~~

~~A. No person may utilize an unapproved burner unless they comply with the requirements of § 13.9(B) of this Part. In the event that they choose to install a new burner or burners, it shall be done in accordance with a schedule of dates submitted to the Director by January 1, 1980, including, but not limited to, the following:~~

~~1. Final plans for the installation of an approved burner or burners;~~

~~2. Purchase orders or contracts for installation;~~

~~3. A progress report on the status of the installation;~~

~~4. Commencement of installation;~~

~~5. Completion of installation and final compliance demonstrated as expeditiously as practicable but not later than 31 December 1982; and~~

~~6. Verifications of subsections §§ 13.9(A)(2) through 13.9(A)(5) of this Part within five (5) days through written confirmation to the Chief of the Division.~~

~~B. If an owner or operator of a fossil fuel fired steam or hot water generating unit utilizing an unapproved burner does not install an approvable burner replacement, they must demonstrate compliance with § 13.6 of this Part in accordance with the procedures mandated in § 13.7 of this Part as expeditiously as practicable but not later than December 31, 1982. An owner or operator must also maintain and have available a record of actual maintenance and operating procedures for each boiler.~~