

**250-RICR-120-05-20**

## **TITLE 250 – DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

### **CHAPTER 120 – AIR RESOURCES**

#### **SUBCHAPTER 05 – AIR POLLUTION CONTROL**

##### **PART 20 – Burning of Alternative Fuels**

### **20.1 Purpose and Authority**

#### **20.1.1 Purpose**

The purpose of this regulation is to specify the requirements for burning alternative fuels.

#### **20.1.2 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 Rhode Island Administrative Procedures Act, R.I. Gen. Laws Chapter 42-35.

### **20.2 Application**

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

### **20.3 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.

### **20.4 Incorporated Materials**

- A. These regulations hereby adopt and incorporate 40 C.F.R § 761 (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.
- B. These regulations hereby adopt and incorporate the "American Society for Testing and Materials" "D93-16" (2016), "D95-13e1" (2013), "D240-17" (2017), "D323-15a" (2015), "D445-17a" (2017), "D473-07e1" (2017), "D808-16" (2016), "D874-13a" (2018), "D1552-16e1" (2016), "D6160-98" (2017) and "E258-07" (2015) 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.

- C. These regulations hereby adopt and incorporate EPA test method SW-846, "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," (1986) 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.

## **20.5 Definitions**

- A. Unless otherwise expressly defined in this section, the terms used in this regulation shall be defined by reference to Part 0 of this Subchapter (General Definitions). As used in this regulation, the following terms shall, where the context permits, be construed as follows:
1. "Alternative fuel" means any materials, other than fuel oil, natural gas, coal or wood residue that is burned for the purpose of creating useful heat. Types of alternative fuels include, but are not limited to waste oil and hazardous waste. This definition does not include refuse derived fuel (RDF).
  2. "Fuel burning equipment" means any furnace, boiler, apparatus, stack and all appurtenances thereto used in the process of burning fuel for the primary purpose of producing heat or power.
  3. "Hazardous waste" means any waste or combination of wastes of a solid, liquid, gaseous or semi-solid form which is defined as a hazardous waste in the Rules and Regulations for Hazardous Waste Management, Part 140-10-1 of this Title.
  4. "Waste oil" means used or spent oil of any kind, including but not limited to those oils from automotive, industrial, aviation and other source categories.
  5. "Wood residue" means a waste by-product of the pulp and paper industry which consists of bark, sawdust, slabs, chips, shavings and mill trim.

## **20.6 Applicability**

The provisions of this regulation shall apply to any person burning alternative fuels in fuel burning equipment with a heat input capacity of one million (1,000,000) Btu per hour or greater.

## **20.7 Prohibitions**

No person shall burn alternative fuels without first obtaining written approval from the Director.

## **20.8 Approval to Burn Alternative Fuels**

### **20.8.1 Alternative Fuels Containing PCB's**

Approval to burn alternative fuels containing PCB's shall be granted consistent with the requirements of 40 C.F.R § 761 entitled "Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions," incorporated in § 20.4(A) of this Part, and the Rules and Regulations for Hazardous Waste Management, Part 140-10-1 of this Title.

### **20.8.2 Alternative Fuels Containing Less than 50 ppmv PCBs**

- A. For consideration as an alternative fuel, a material must meet the following standards:

Heating Value	8,000 Btu/lb or greater
Halogens	0.1% by weight or less
Lead	100 ppm by weight or less
Sulfur	Meet the requirements of Part 8 of this Subchapter (Sulfur Content of Fuels)
PCB	50 ppm by volume or less
Flashpoint	100°F minimum
Arsenic	5 ppm by volume or less
Cadmium	2 ppm by volume or less
Chromium	10 ppm by volume or less

- B. Any person seeking permission to burn alternative fuels must provide the Director with:
1. A laboratory analysis of the material for the properties or constituents listed in § 20.8.2(A) of this Part, heavy metals, flash point, viscosity, bottom solids and water, and ash, and any other hazardous components suspected of being in the material; and

2. Identification of the process that generates the alternative fuel, the maximum feed rate of the alternative fuel and the maximum percent of the total fuel feed rate that is alternative fuel.
- C. Any facility permitted to burn alternative fuels must have a full-time operator in attendance who is knowledgeable in the operation of the fuel burning equipment used for burning the alternative fuels.

## **20.9 Limitation on Air Contaminants**

- A. Any person burning alternative fuels must be in compliance with all applicable rules and regulations of the Division or subject to the requirements of an enforceable compliance schedule.
- B. No person shall at any time cause or permit the emission of air contaminants from the burning of alternative fuels that will:
1. Cause or contribute to a violation of any state or national ambient air quality standard; or
  2. By reason of their concentration or duration may be injurious to human, plant or animal life; or
  3. Unreasonably interfere with enjoyment of life or property or cause damage to property.
  4. Cause an increase in ground level concentrations of a listed toxic air contaminant, at or beyond the property line of that facility, in excess of the Acceptable Ambient Levels, delineated in Part 22 of this Subchapter (Air Toxics).
- C. The Department may set standards for the properties of alternative fuels more stringent than those listed in § 20.8.2(A) of this Part as may be necessary to prevent air pollution where it is determined that an aerodynamic downwash problem exists at a source.

## **20.10 Sampling and Analysis of Alternative Fuels**

- A. To ensure that the alternative fuel meets the specifications of § 20.8 of this Part, the source approved to burn alternative fuels shall sample and analyze alternative fuels for the applicable standards, along with the flash point, viscosity, bottom solids and water, and ash content, according to a schedule approved by the Department. § 20.18 of this Part may be used as a guideline for developing an approvable schedule.
- B. All analyses performed for the fulfillment of any requirements of this regulation shall be according to those methods specified in § 20.17 of this Part where applicable. Alternative methods may be used providing they have the prior

approval of the Director. Where test methods are not specified, the analyst should consult with the Director on the methods proposed to be used.

## **20.11 Trial Burns and Emission Testing**

- A. The Director may require a trial burn for each alternative fuel that is significantly different in physical or chemical characteristics from any alternative fuel previously demonstrated to have been burned successfully under equivalent conditions. Such testing shall be conducted to determine the level of emission of air contaminants from the burning of alternative fuels.
- B. The above required emission testing shall be conducted at the expense of the owner or operator of the source according to methods that have the prior approval of the Director.
- C. The above required emission testing shall include the following minimum determinations:
  - 1. An analysis of the exhaust gases for concentrations of carbon monoxide, carbon dioxide, oxygen, particulates, hydrogen halides (if applicable) and any principal hazardous components identified by the Director;
  - 2. A measurement of combustion temperature;
  - 3. A computation of destruction efficiency for each principal hazardous component identified by the Director, where;

$$\text{Destruction efficiency} = \frac{(W_{in} - W_{out})}{W_{in}} \times 100$$

$W_{in}$  = mass feed rate of principal hazardous components of alternative fuel going into fuel burning equipment

$W_{out}$  = mass emissions rate of principal hazardous components in alternative fuel

## **20.12 Alternative Standards and Schedules**

The Director may approve alternative standards to those listed in § 20.8.2(A) of this Part provided that the applicant can demonstrate to the Director's satisfaction that the emissions resulting from the burning of alternative fuels not meeting the requirements of § 20.8.2(A) of this Part either alone or in combination with other emissions, by reason of their concentration and duration in the outdoor atmosphere, will not be injurious to human, plant or animal life or cause damage to property, or cause to contribute to a violation of the standards in § 20.9(B) of this Part.

## **20.13Record Keeping**

- A. The owner or operator of a source burning alternative fuels shall maintain records for a period of three (3) years that include:
  - 1. The feed rate of alternative fuels;
  - 2. The total fuel feed rate;
  - 3. The date and hour deliveries or additions to the fuel storage tanks are made and the quantity;
  - 4. The date and hour samples required by § 20.10 of this Part are taken;
  - 5. The time that burning of the alternative fuel commenced and ceased, or was interrupted, including the date and hour;
  - 6. The name and address of the supplier of the alternative fuel.
- B. Sources or suppliers required to have analyses performed pursuant to § 20.10 of this Part shall forward results of these analyses to the Office of Air Resources within ten (10) working days of required sampling.
- C. Sources receiving exemptions under § 20.14 of this Part may be required to maintain records of the alternative fuel burned at their facility. The nature of this record keeping shall be determined when approval is granted to burn the alternative fuel.

## **20.14Exemptions**

The provisions of this regulation, except for § 20.13(C) of this Part, insofar as they relate to air pollution, shall not apply to any person who blends alternative fuels with their primary fossil fuel where the maximum amount of alternative fuel as a percent by volume of the primary fossil fuel is less than or equal to one. This exemption shall not apply to alternative fuels containing greater than fifty (50) ppm PCBs nor does it exempt any person from compliance with the Department's Rules and Regulations for Hazardous Waste Management, Part 140-10-1 of this Title. Exemptions under this section will be considered after a written request to the Department from the applicant that explains the nature of the alternative fuel that is requested to be burned.

## **20.15Alternative Fuels Sellers**

Any person selling alternative fuels must retain for a period of three (3) years records of each sale, including gallons sold, the date of delivery and the person who receives the alternative fuel for burning, and shall make these records available to the Department for inspection upon request.

## **20.16 Compliance with Hazardous Waste Regulations**

Compliance with this regulation does not relieve any person from compliance with the Department's Rules and Regulations for Hazardous Waste Management, Part 140-10-1 of this Title.

## **20.17 Waste Oil/Solvent Burning Regulation Recommended Test Procedures**

- A. Heavy Metals
  - 1. EPA test method SW-846 "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," incorporated in § 20.4(C) of this Part.
- B. Flash Point
  - 1. ASTM Test Method D93-16 "Flash Point by Pensky Martens Closed Tester," incorporated in § 20.4(B) of this Part.
- C. Viscosity
  - 1. ASTM Test Method D445-17a "Kinematic Viscosity of Transparent and Opaque Liquids (and the Calculation of Dynamic Viscosity)," incorporated § 20.4(B) of this Part, with the modification that for oils which give evidence (increased viscosity with time outside repeatability limits, low flash point) of contamination by volatiles; a notation should be in the test report that repeatability was not obtained and list the viscosity values in sequence.
- D. Heating Value
  - 1. ASTM Test Method D240-17 "Heat of Combustion of Hydrocarbon Fuels by Bomb Calorimeter," incorporated in § 20.4(B) of this Part with the modification that the alternative fuel sample be vigorously agitated immediately prior to taking the test sample so that all particulate material be in complete suspension.
- E. BS & W
  - 1. ASTM Test Method D95-13e1 "Water in Petroleum Products and Bituminous Materials by Distillation," incorporated in § 20.4(B) of this Part, with the modification that the sample volume taken for analysis be reported.
  - 2. ASTM Test Method D473-07e1 "Sediment in Crude and Fuel Oils by Extraction," incorporated in § 20.4(B) of this Part with the modification that a new refractory thimble be used for each determination. The value should

be reported either as a combined value for water and sediment on a weight basis or reported separately.

F. Ash

1. ASTM Test Method D874-13a "Sulfated Ash from Lubricating Oils and Additives," incorporated in § 20.4(B) of this Part, with the modification that platinum crucibles should not be used.

G. Total Sulfur

1. ASTM Test Method D1552-16e1 "Sulfur in Petroleum Products (High Temperature Method)," incorporated in § 20.4(B) of this Part.

H. Lead

1. EPA test method SW-846 "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," incorporated in § 20.4(C) of this Part.

I. Halogens

1. ASTM Test Method D808-16 "Standard Test Method for Chlorine in New and Used Petroleum Products (High Pressure Decomposition Device Method)," incorporated in § 20.4(B) of this Part.

J. Nitrogen

1. ASTM Test Method E258-07 "Standard Test Method for Total Nitrogen Inorganic Material by Modified Kjeldahl Method," incorporated in § 20.4(B) of this Part.

K. PCBs

1. ASTM D6160-98 "Standard Test Method for Determination of Polychlorinated Biphenyls (PCBs) in Waste Materials by Gas Chromatography," incorporated in § 20.4(B) of this Part.

## **20.18 Guidelines for Approvable Sampling and Analysis Schedules**

A. Sampling

1. A source approved to burn alternative fuels may take a sample for analysis after each addition of alternative fuel to the fuel storage tank. Said sample should be taken from the fuel line between the feed pump and the burner at least six (6) hours after the addition but no later than eighteen (18) hours, or



2. The source can sample the material prior to its addition to the storage tank.

B. Analysis

1. Samples taken may be blended into a composite sample and analyzed for the following parameters according to the schedule listed below:

Burning Rate (gallons/weeks)				
	0-2,000	2-6,000	6-15,000	15,000+
Heating Value	Semiannually	Quarterly	Monthly	Biweekly
Flash Point	Semiannually	Quarterly	Monthly	Biweekly
Viscosity	Quarterly	Monthly	Biweekly	Weekly
Halogen	Quarterly	Monthly	Biweekly	Weekly
BS & Ws	Quarterly	Monthly	Biweekly	Weekly
Lead	Quarterly	Monthly	Biweekly	Weekly
PCB's	Quarterly	Monthly	Biweekly	Weekly
Sulfur	Semiannually	Quarterly	Monthly	Biweekly
Ash	Quarterly	Monthly	Biweekly	Weekly
Arsenic	Quarterly	Monthly	Biweekly	Weekly
Cadmium	Quarterly	Monthly	Biweekly	Weekly
Chromium	Quarterly	Monthly	Biweekly	Weekly

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**TITLE 250 - DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

**CHAPTER 120 - AIR RESOURCES**

**SUBCHAPTER 05 - AIR POLLUTION CONTROL**

**PART 20 - AIR POLLUTION CONTROL REGULATION NO. 20- BURNING OF  
ALTERNATIVE FUELS**

Type of Filing: Refile Capabilities

**Department of State**

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Regulation Effective Date

Original Signing Date

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Department of State Initials

Department of State Date