

250-RICR-120-05-13

## **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, R.I. Gen. Laws Chapter 42-35.

### **13.2 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.

### **13.3 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.

### **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.
  2. "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.
  4. "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 in § 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, 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.

250-RICR-120-05-13

**TITLE 250 - DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

**CHAPTER 120 - AIR RESOURCES**

**SUBCHAPTER 05 - AIR POLLUTION CONTROL**

PART 13 - AIR POLLUTION CONTROL REGULATION NO. 13- PARTICULATE EMISSIONS FROM FOSSIL FUEL FIRED STEAM OR HOT WATER GENERATING UNITS

Type of Filing: Amendment

**Agency Signature**

---

Agency Head Signature

---

Agency Signing Date

**Department of State**

---

Regulation Effective Date

---

Department of State Initials

---

Department of State Date