

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF ENVIRONMENTAL PROTECTION

310 CMR 7.00 AIR POLLUTION CONTROL REGULATIONS

310 CMR 7.05 U FUELS ALL DISTRICTS

7.05: U Fuels All Districts

(1) Sulfur Content of Fuels. (Except natural gas)

(a) Maximum Sulfur Content of Fuel.

1. No person owning, leasing or controlling the operation of a fossil fuel utilization facility shall cause, suffer, allow or permit the burning therein of any liquid fossil fuel having a sulfur content in excess of that listed in 310 CMR 7.05(1)(a)l.: *Table 1* and in accordance with the timelines listed in 310 CMR 7.05(1)(a)l.: *Table 1*, and/or of any solid fossil fuel having a sulfur content in excess of that listed in 310 CMR 7.05(1)(a)l.: *Table 2*, except as provided in 310 CMR 7.05(1)(b).

2. On and after July 1, 2014, no person owning, leasing or controlling the operation of an indirect heat exchanger with an energy input capacity equal to or greater than 250 MMBtu per hour providing steam to a steam-electric generator that produces electrical energy for sale shall cause, suffer, allow or permit the burning therein of any residual fuel oil having a sulfur content in excess of 0.28 pounds per million Btu heat release potential (*i.e.*, 0.5% sulfur content by weight), except as provided in 310 CMR 7.05(1)(b).

3. *.*.*.

..*. Note: EPA did not approve 310 CMR 7.05 (1)(a)3 into the Massachusetts State Implementation Plan (SIP).

310 CMR 7.05(1)(a)1.: *Table 1: Sulfur Content Limit of Liquid Fossil Fuel*

District/ Area	Fuel	Heat Release Potential lb/MMBtu	Percent by Weight (parts per million, ppm)	Applicability Date
Statewide	Distillate Oil	0.17	0.3 % (3,000)	Prior to July 1, 2014
Statewide	Distillate Oil	Not applicable	0.05 % (500)	July 1, 2014 through June 30, 2018
Statewide	Distillate Oil	Not applicable	0.0015 % (15)	On and after July 1, 2018
Berkshire APCD	Residual Oil	1.21	2.2 %	June 23, 1975
Cities and Towns of Arlington, Belmont, Boston, Brookline, Cambridge, Chelsea, Everett, Malden, Medford, Newton Somerville, Waltham, and Watertown	Residual Oil	0.28	0.5 %	October 1, 1970
Merrimack Valley APCD, (Except City of Lawrence and Towns of Andover, North Andover, and Methuen)	Residual Oil	1.21	2.2 % (1.0%)	Prior to July 1, 2014
Merrimack Valley APCD	Residual Oil	0.55	1.0 %	July 1, 2014 through June 30, 2018
Remainder of State	Residual Oil	0.55	1.0 %	Prior to July 1, 2018
Statewide except Berkshire APCD	Residual Oil	0.28	0.5 %	On and after July 1, 2018

310 CMR 7.05(1)(a)1.: <i>Table 2: Sulfur Content Limit of Solid Fossil Fuel</i>			
District/Area	Fuel	Heat Release Potential, lb/MMBtu	Percent by Weight
Berkshire APCD and Merrimack Valley APCD, except City of Lawrence and Towns of Andover, North Andover, and Methuen	Coal	1.21	1.57 %
Cities and Towns of Arlington, Belmont, Boston, Brookline, Cambridge, Chelsea, Everett, Malden, Medford, Newton Somerville, Waltham, and Watertown	Coal	0.28	0.36 %
Remainder of State, including City of Lawrence and Towns of Andover, North Andover, and Methuen	Coal	0.55	0.72 %

(b) Exceptions.

1. Any person with an existing approval issued by the Department that allows the burning of fossil fuel oil with a sulfur content in excess of the limits in 310 CMR 7.05(1)(a)1.: *Table 1* may burn such fuel in compliance with the Department's approval until July 1, 2014. Beginning on July 1, 2014, such person shall comply with the fuel oil sulfur content limits in 310 CMR 7.05(1)(a)1.: *Table 1*, except as provided in 310 CMR 7.05(1)(b)2. or 3.

2. Any person owning, leasing or controlling the operation of a fossil fuel utilization facility may burn any existing stock of fossil fuel oil at the facility, but shall not accept delivery of fuel with a sulfur content in excess of the limits in 310 CMR 7.05(1)(a)1.: *Table 1* on or after the applicable date(s) in 310 CMR 7.05(1)(a)1.: *Table 1*, except as provided in 310 CMR 7.05(1)(b)3.

3. The sulfur content limits in 310 CMR 7.05(1)(a)1.: *Table 1* and *Table 2* shall not apply to a facility whose owner or operator has applied for and received approval from the Department and EPA of a plan whereby use of a fuel with a sulfur content in excess of

the limits in 310 CMR 7.05(1)(a)1.: *Table 1* and *Table 2* would cause no greater emissions of sulfur compounds into the ambient air than if the applicable sulfur content fuel in 310 CMR 7.05(1)(a)1.: *Table 1* and *Table 2* were used. The plan must be approved by the Department, in writing, and any conditions attached to the Department's approval must be agreed to by the applicant, in writing.

4. Approval granted under the provisions of 310 CMR 7.05(1)(b)1. or 3. may be revoked by the Department for cause or when in its opinion revocation is necessary to prevent or abate a condition of air pollution.

(2) U Use of Residual Fuel Oil or Hazardous Waste Fuel. No person owning, leasing or controlling an individual fuel utilization emission unit rated by the Department as having an energy input capacity of less than 3,000,000 Btu per hour shall cause, suffer, allow or permit the burning of any residual fuel oil or hazardous waste fuel therein.

(3) *.*.*.

(4) *.*.*.

(5) Fuel Suppliers.

(a) No person shall ship or deliver in intrastate commerce to any person for burning or reshipment for burning, any fuels with a sulfur content in excess of those specified in 310 CMR 7.05(1)(a)1., except that such shipment may be provided when:

1. Use of such fuel has been approved by the Department in writing;
2. Such approval has been verified by the shipper; and
3. Record of such shipment shall be retained for two years and the record shall be made available to the Department for its review and inspection during customary business hours.

(b) Any person supplying in intrastate commerce for burning or for reshipment for burning, fuel oil of a grade No. 2 or greater or coal shall keep and maintain records showing the quantities of the fuels handled and analyses showing the Btu value, sulfur content, nitrogen content (required only for residual fuel oils), viscosity, and ash content of said fuels and make such records available to the Department for its review and inspection during customary business hours.

(c) Any person supplying residual fuel oil in intrastate commerce shall provide certification of the nitrogen content of the oil to its customers as determined by the applicable ASTM method or any other method approved by the Department and EPA.

..*. Note: EPA did not approve 310 CMR 7.05 (3) or (4) into the Massachusetts State Implementation Plan (SIP).

(d) Shippers and distributors of fossil fuels shall provide evidence, to the satisfaction of customer-users, of the ash content of fuels supplied.

(6) All fuel analyses to be performed by or for distributors, suppliers or users of fuels, for purposes of 310 CMR 7.00, shall be performed in accordance with the applicable ASTM method or any other method approved by the Department and EPA.

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(9) *.*.*.

..*. Note: EPA did not approve 310 CMR 7.05 (7), (8), or (9) into the Massachusetts State Implementation Plan (SIP).