

COMMONWEALTH OF MASSACHUSETTS

**DEPARTMENT OF PUBLIC HEALTH
DIVISION OF ENVIRONMENTAL HEALTH
BUREAU OF AIR QUALITY CONTROL**

REGULATIONS FOR THE CONTROL OF AIR POLLUTION

REGULATION 5. FUELS

REGULATION 5. Fuels

5.1 Sulfur Content of Fuels and Control Thereof

(a) Berkshire Air Pollution Control District

5.1.1 No Regulation.

5.1.2 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 fossil fuel having a sulfur content in excess of 1.21 pounds per million Btu heat release potential (approximately equivalent to 2.2% sulfur content residual fuel oil) except as provided in Regulation 5.1.2(a) and 5.2.1.

5.1.2(a) The provisions of Regulation 5.1.2 shall not apply to facilities that have presented a plan whereby use of a higher sulfur fuel would cause no greater emissions of sulfur compounds into the ambient air than if lower sulfur content fuel were used and said plan has been approved by the Department in writing and the conditions for approval have been agreed to by the applicant in writing.

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(c) Merrimack Valley Air Pollution Control District.

5.1.1. Any person owning, leasing, or controlling the operation of a fossil fuel utilization facility located in the City of Lawrence or the Towns of Andover, Methuen and North Andover may cause, suffer, allow or permit the burning therein of any residual fuel oil or coal having a sulfur content not in excess of .55 lbs. per million B.t.u. heat release potential (approximately equivalent to 1% sulfur content fuel oil) except as provided in regulations 5.1.3 and 5.2.1.

- 5.1.2(a) Between May 1, 1976 and May 1, 1978, any person owning, leasing, or controlling the operation of a fossil fuel utilization facility located in cities and towns other than those specified in Regulation 5.1.1 may cause, suffer, allow or permit the burning therein of any fossil fuel having a sulfur content not in excess of 1.21 pounds per million B.t.u. heat release potential (approximately equivalent to 2.2% sulfur content fuel oil) except as provided in Regulation 5.1.2(b), and 5.1.3 and 5.2.1 provided that use of such fuel would not cause other applicable air pollution regulations to be violated.
- 5.1.2(b) Between May 1, 1978 and May 1, 1978, any person owning, leasing, or controlling the operation of a fossil fuel utilization facility located in cities and towns other than those specified in Regulation 5.1.1 having an energy input capacity rated by the Department of one hundred million (100,000,000) or greater B.t.u. per hour may cause, suffer, allow or permit the burning therein of any fossil fuel with a sulfur content not in excess of 1.21 pounds per million B.t.u. heat release potential (approximately equivalent to 2.2% sulfur content fuel oil) provided:
- (1) he has applied to the Department in writing to use such fuel and submitted any information as the Department may require, and
 - (2) the use of such fuel would not cause other applicable air pollution regulations to be violated, and
 - (3) the facility has available, ready for conversion within six (6) hours of notice from the Department a three (3) day supply of fuel with a lower sulfur content as specified by the Department which shall be utilized during periods of adverse meteorological conditions when directed by the Department, and
 - (4) the use of such fuel has been approved in writing by the Department and the conditions of approval have been agreed to by the applicant in writing.
- 5.1.3 The provisions of Regulation 5.1.2 shall not apply to facilities that have presented a plan whereby use of a higher sulfur fuel would cause no greater emissions of sulfur compounds into the ambient air than if the lower sulfur content fuel were used and said plan has been approved by the Department in writing and the conditions for approval have been agreed to by the applicant in writing.

- 5.1.4 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 No. 2 (distillate) fuel oil having a sulfur content in excess of 0.17 pounds of sulfur per million B.t.u. heat release potential (approximately equal to 0.3% sulfur content fuel), unless
- (a) he has applied to the Department for permission to use a higher sulfur fuel and presented a plan whereby use of said fuel would cause no greater emissions of sulfur compounds into the ambient air than if the lower sulfur content were used, and
 - (b) the use of such fuels has been approved in writing by the Department, and the conditions of approval have been agreed to by the applicant in writing.
- 5.1.5 No person shall ship or deliver in intrastate commerce to any person for burning, or reshipment for burning, within the District, any fuels with a sulfur content in excess of those specified in Regulation 5.1.2, 5.1.3, or 5.1.4 except that such shipment may be made provided:
- (a) use of such fuel has been approved by the Department in writing;
 - (b) such approval has been verified by the shipper; and
 - (c) record of such shipment will be retained for two years and said record shall be made available to the Department for its review and inspection during customary business hours.
- 5.1.6 Any person responsible for sale or distribution of residual fuel oils, or wholesale distribution or wholesale marketing of distillate fuel oils or coal, for burning or reshipment for burning within the District, shall register with the Department on a form to be supplied by the Department.
- 5.1.7 Approval granted under provisions of Regulation 5.1.2, 5.1.3, or 5.1.4, may be revoked by the Department for cause, or when in its opinion such is necessary to prevent or abate a condition of air pollution.

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(d) Metropolitan Boston Air Pollution Control District.

- 5.1.1(a). No person owning, leasing, or controlling the operation of a fossil fuel utilization facility located in the Cities and Towns of Arlington, Belmont, Boston, Brookline, Cambridge, Chelsea, Everett, Malden,

Medford, Newton, Somerville, Waltham, and Watertown shall cause, suffer, allow, or permit the burning therein of any fossil fuel having a sulfur content in excess of 0.28 pounds per million B.t.u. heat release potential (approximately equivalent to 0.5% sulfur content fuel oil), except as provided in Regulations 5.1.1(b), 5.1.3, 5.1.4, and 5.2.1.

5.1.1(b) * * * *See 310 CMR 7.05(1)(d)2*

5.1.2(a) No person owning, leasing or controlling the operation of a fossil fuel utilization facility located in cities and towns other than those specified in Regulation 5.1.1 shall cause, suffer, allow, or permit the burning therein of any fossil fuel having a sulfur content in excess of 0.55 pounds per million B.t.u. heat release potential (approximately equivalent to 1% sulfur content fuel oil) except as provided in Regulations 5.1.2(b), 5.1.3, 5.1.4, and 5.2.1.

5.1.2(b) * * * *See 310 CMR 7.05(1)(d)4*

5.1.3 The provisions of Regulation 5.1.1 and 5.1.2 shall not apply to facilities that have presented a plan whereby use of a higher sulfur fuel would cause no greater emissions of sulfur compounds into the ambient air than if the lower sulfur content fuel were used and said plan has been approved by the Department in writing and the conditions for approval have been agreed to by the applicant in writing.

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(f) Southeastern Massachusetts Air Pollution Control District.

5.1.1 No Regulation

5.1.2(a) 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 fossil fuel having a sulfur content in excess of .55 pounds per million B.t.u. heat release potential (approximately equivalent to 1% sulfur content fuel oil) except as provided in Regulation 5.1.2(b), 5.1.3, and 5.2.1.

5.1.2(b) * * * *See 310 CMR 7.05(1)(f)*

5.1.3 The provisions of Regulation 5.1.2 shall not apply to facilities that have presented a plan whereby use of a higher sulfur fuel would cause no greater emissions of sulfur compounds into the ambient air than if the

lower sulfur content fuel were used and said plan has been approved by the Department in writing and the conditions for approval have been agreed to by the applicant in writing.

- 5.1.4 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 No. 2 (distillate) fuel oil having a sulfur content in excess of 0.17 pounds of sulfur per million B.t.u. heat release potential (approximately equal to 0.3% sulfur content fuel), unless:
- a. he has applied to the Department for permission to use a higher sulfur fuel and presented a plan whereby use of said fuel would cause no greater emissions of sulfur compounds into the ambient air than if the lower sulfur content fuel were used, and
 - b. the use of such fuels has been approved in writing by the Department, and the conditions of approval have been agreed to by the applicant in writing.
- 5.1.5 No person shall ship or deliver in intrastate commerce to any person for burning, or reshipment for burning, within the District, any fuels with a sulfur content in excess of those specified in Regulation 5.1.2, 5.1.3, or 5.1.4 except that such shipment may be made provided:
- a. use of such fuel has been approved by the Department in writing,
 - b. such approval has been verified by the shipper, and
 - c. record of such shipment will be retained for two years and said record shall be made available to the Department for its review and inspection during customary business hours.
- 5.1.6 Any person responsible for sale or distribution of residual fuel oils, or wholesale distribution or wholesale marketing of distillate fuel oils or coal, for burning or reshipment for burning within the District, shall register with the Department on a form to be supplied by the Department.
- 5.1.7 Approval granted under provisions of Regulation 5.1.2, 5.1.3, or 5.1.4, may be revoked by the Department for cause, or when in its opinion such is necessary to prevent or abate a condition of air pollution.

* * * *See 310 CMR 7.05(1)(f)*