

5-221 PROHIBITION OF POTENTIALLY POLLUTING MATERIALS IN FUEL

(1) Sulfur Limitations in *Fuel*

- (a) No *person* shall cause or permit the use, purchase, or sale for use in stationary combustion installations within the State of Vermont for heat or power generation of:
 - (i) *Fuels* containing more than 2.0% sulfur by weight, except as otherwise provided below;
 - (ii) No. 2 and lighter distillate oils and animal and vegetable oil fuel oils with a sulfur content greater than 0.05% by weight, beginning on July 1, 2014 and ending on June 30, 2018;
 - (iii) No. 2 and lighter distillate oils and animal and vegetable oil fuel oils with a sulfur content greater than 0.0015% by weight, beginning on July 1, 2018;
 - (iv) No. 4 residual oil with a sulfur content greater than 0.25% by weight, beginning on July 1, 2018; and
 - (v) No. 5 and No. 6 residual oils and heavier residual oils with a sulfur content greater than 0.5% by weight, beginning on July 1, 2018.
- (b) Notwithstanding the provisions of subsection (1)(a) of this section, fuel stored in Vermont that met the applicable maximum sulfur content limit at the time the fuel was stored in Vermont may continue to be stored, used, delivered or exchanged in trade after the effective date of the applicable limit in subsection (1)(a) of this section, but may not be offered for sale or sold.
- (c) Subsection (1)(a) of this section shall not apply where compounds of sulfur are removed from the *flue gas* to the extent that the *emissions* of compounds of sulfur to the *ambient air* space are no greater than that which would be emitted under subsection (1)(a) hereof. *Emissions* testing and/or continuous emissions monitoring, coupled with the filing of quarterly emission reports with the Air Pollution Control Officer, shall be required to demonstrate that the sulfur compounds emitted have been adequately reduced.
- (d) The Governor, by executive order, may temporarily suspend the implementation and enforcement of subsection (1)(a) of this section if the Governor determines, after consulting with the *Secretary* and commissioner of public service, that meeting the requirements is not feasible due to an inadequate supply of the required *fuel*.
- (e) Contravention of National Primary or Secondary *Ambient Air Quality Standards*. If there is a contravention of national primary or secondary *ambient air quality standards* promulgated pursuant to the Federal Clean Air Act, as amended (42 U.S.C. 7401, et seq.), the *Secretary* may impose more stringent sulfur limitations in *fuel* than contained in subsection (1)(a) of this

section on a regional, or individual basis and for such time periods as is necessary to assure continued compliance with the national *ambient air quality standards*.

(f) Recordkeeping and Reporting

- (i) Any person who imports or receives for wholesale distribution residual oil in the State of Vermont shall submit to the *Air Pollution Control Officer* quarterly reports for each calendar quarter within 30 days after the close of each quarter itemizing the quantity, sulfur content, ash content and heat content for each shipment of such fuel. It is the responsibility of the person importing or receiving such residual oil to maintain a record of the certified fuel analyses upon which the quarterly reports are based and provide the user a copy of the certification.
- (ii) Any person who uses residual oil shall maintain records of the certified fuel analyses provided by the supplier.
- (iii) Copies of all records and reports required by this regulation shall be available during normal business hours and shall be provided to the *Air Pollution Control Officer* upon request.