



**Vermont Department of Environmental Conservation**

*Agency of Natural Resources*

**To:** LCAR and Secretary of State

**From:** Elaine O'Grady, Attorney, Air Pollution Control Division

**Date:** August 8, 2011

**Re:** List of Changes to APCR § 5-221(1) Since the Filing of the Proposed Rule

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Please find set forth below a brief description of and reason for each change made since the filing of the proposed rule, entitled "Sulfur Limitations in Fuel", which seeks to amend section 5-221(1) of the Air Pollution Control Regulations.

- (1) In section 5-221(1)(a), all of the January 1 dates were changed to July 1 to comply with and provide consistency with the dates in Act No. 47, sec. 19 (to be codified at 10 V.S.A. § 585(b)).
- (2) In section 5-221(1)(c), the following language was added: "coupled with the filing of quarterly emission reports with the Air Pollution Control Officer." This language was added, along with the recordkeeping and reporting requirements in section 5-221(1)(f), to address a comment received from the U.S. Environmental Protection Agency that section 5-221(1) should include appropriate record keeping and reporting requirements to ensure the enforceability of the sulfur in fuel oil limits.
- (3) In section 5-221(1)(d), the authority and manner for temporarily suspending implementation and enforcement of the required sulfur limits was changed from by order of the Secretary of the Agency of Natural Resources (after consulting with the Commissioner of Public Service) to by executive order of the Governor (after consulting with the Secretary of the Agency of Natural Resources and the Commissioner of Public Service). These changes were made to comply with and provide consistency with the temporary suspension provision in Act No. 47, sec. 19 (to be codified at 10 V.S.A. § 585(c)), which provides: "The governor, by executive order, may temporarily suspend the implementation and enforcement of subsection (b) or (c) of this section if the governor determines, after consulting with the secretary and the commissioner of public service, that meeting the requirements is not feasible due to an inadequate supply of the required fuel."
- (4) A new subdivision (f) was added to 5-221(1), as described in paragraph (2) above.