

**STATE OF NEW HAMPSHIRE DEPARTMENT OF ENVIRONMENTAL SERVICES**

**AIR RESOURCES DIVISION**

**CHAPTER Env-A 400 SULFUR CONTENT LIMITS IN FUELS.**

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Statutory Authority: RSA 125-C:4, RSA 125-C:6, II, RSA 125-C:16, RSA 125-D:3

**PART Env-A 401 PURPOSE AND APPLICABILITY.**

Env-A 401.01 Purpose.

(a) This chapter is adopted for the purpose of preventing, abating, and controlling sulfur compounds emitted into the ambient air by controlling the sulfur content, CAS 7704-34-9, of fuels.

(b) This chapter has the further purpose of providing a mechanism whereby fuel users may obtain a variance from the applicable chapter or part if they are unable to obtain the type of fuel necessary to comply with the sulfur content limitations set forth in this chapter.

Env-A 401.02 Applicability. The provisions of this chapter shall not apply to the burning of sulfur, hydrogen sulfide, acid sludge, or other sulfur compounds in the manufacture of sulfur or sulfur compounds.

**PART Env-A 402 SULFUR LIMITATIONS FOR FUELS**

Env-A 402.01 Sulfur Limitations for Fuels. No person shall cause or allow the use, purchase or sale of fuels containing more sulfur than that specified in the sections below for use in fuel burning devices within the state of New Hampshire for heat or power generation.

Env-A 402.02 Liquid Fuel, Oil.

(a) By October 1, 1972, no. 2 oil shall contain no more than 0.4 percent sulfur by weight.

(b) By October 1, 1972, no. 4 oil shall contain no more than 1.0 percent sulfur by weight.

(c) By October 1, 1973, nos. 5, 6 and crude oil shall contain no more than 2.0 percent sulfur by weight except that nos. 5, 6 and crude oil for the New Hampshire portion of the Androscoggin Valley Air Quality Control Region only, shall contain no more than 2.2 percent by weight.

(d) Env-A 402.02 shall be reviewed by the division on or before May 1 of each year.

Env-A 402.03 Gaseous Fuel, Natural and Manufactured Gas. Gaseous fuel shall contain no more than 5 grains per 100 cubic feet of sulfur, calculated as hydrogen sulfide (H<sub>2</sub>S), at standard conditions.

Env-A 402.04 Solid Fuel, Coal.

(a) Existing devices shall not use coal with a maximum sulfur content greater than 2.8 pounds sulfur per million BTU gross heat content.

(b) The weighted average of all coal received during a trimonthly period for use in any existing stationary combustion source to generate heat or power shall not exceed 2.0 pounds sulfur per million BTU gross heat content.

(c) Coal used to generate heat or power by any new stationary combustion source placed in operation on or after April 15, 1970, shall contain not more than 1.5 pounds sulfur per million BTU gross heat content.

#### **PART Env-A 403 WAIVERS**

ENV-A 403.01 Waivers. Any person may apply in writing to the director for a waiver to operate fuel burning devices using, as a fuel, coal or residual fuel oil which exceeds the sulfur content prescribed in the section above. The director shall grant the waiver if the applicant demonstrates, through the submission of information as required by the director, that the device is operated in such a manner or is equipped with such control apparatus as to continuously prevent the emission of any sulfur compound or compounds in amounts which would be permitted by the same fuel burning devices without such control apparatus using fuels whose sulfur content was in compliance with that specified above at the appropriate time.

#### **PART Env-A 404 FUEL ANALYSIS BY MAJOR COMPANIES**

Env-A 404.01 Fuel Analysis By Major Companies.

(a) For the purpose of this chapter, “major fuel companies” means all oil companies which supply 10% or more of the annual fuel offered for use or sale

within the state of New Hampshire in any calendar year.

(b) All major fuel companies, and such other independent companies which supply fuel for use or for sale for use within the state, shall provide the division with a report of a laboratory analysis for each different consignment of fuel. Such analysis shall contain information concerning viscosity, sulfur content and BTU content per pound for fuel oil, ash and sulfur content and BTU per pound for solid fuels.

(c) The division may, as part of a compliance test, in response to a complaint or as a random check for compliance, sample or require sampling of any fuel in the necessary quantity at a reasonable time and place for purposes of determining compliance with this chapter. Sampling, compositing, and analysis of fuel samples shall be carried out in accordance with the most recent ASTM methods or equivalent methods applied by the division in accordance with Env-A 804.01 and the EPA.

**PART Env-A 405 GRANTING OF EMERGENCY VARIANCES  
CONTINGENT UPON FUEL SHORTAGE.**

Env-A 405.01 Application Required. Any owner of a fuel burning device, fuel supplier or user may be granted a variance from the provisions Env-A 402 for a period not to exceed 90 days if it is shown to the director that:

- (a) There is an insufficient supply of conforming fuel; and
- (b) That the use of fuel with the sulfur content proposed shall not prevent the attainment or maintenance of New Hampshire primary ambient air quality standards.

Env-A 405.02 Certification by Governor and Council. If an emergency variance is certified by the Governor and the council and if such certification is confirmed in writing, then the director shall grant the emergency variance.

Env-A 405.03 Affidavit Required. Any applicant for a variance to a part of Env-A 402 shall submit a sworn affidavit, which shall:

- (a) State that there is an insufficient supply of fuel for such person in a given region;
- (b) Detail the reasons for such insufficiency;
- (c) Outline the attempts being made to obtain conforming fuel; and

(d) Provide evidence showing that the insufficiency is the sole reason for the request.

Env-A 405.04 EPA Notification. Within 5 days of granting a variance, the director shall notify the EPA in writing with all related documentation attached.

Env-A 405.05 Limitations on Variances.

(a) Special limitations promulgated pursuant to this part shall not apply to fossil fuel-fired steam generators which are subject to 40 CFR 60, subpart D, Code of Federal Regulations - Standards of Performance for Fossil-Fuel Fired Steam Generators.

(b) In accordance with the provisions of Env-A 405.01 and 405.03 above, the director may promulgate limitations that permit the use, purchase for use or sale for use of residual fuel oil with a sulfur content not to exceed 2.5 percent by weight or solid fuel with a sulfur content not to exceed 2.8 pounds per million BTU gross heat content. If the director determines that use of such fuel in any area would not contribute to the contravention of state ambient air quality standards or significantly degrade air quality, the director shall request the commissioner to adopt rules that specify limitations.

(c) \* \* \*

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Env-A 405.06 EPA Approval. No variance granted hereunder shall become effective until it has received approval from the EPA.

**PART Env-A 406 \* \* \***

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