

1. Revision

The following section -- §2104.10 -- is being added to Article XXI.

§2104.10 COMMERCIAL FUEL OIL *{This section added by 11/28/2017 amendment, effective 12/08/2017.}*

Fuel-burning or combustion equipment must conform with the following:

- a. **Commercial Fuel Oil.** Except as specified in Paragraphs 1 and 2, a person may not offer for sale, deliver for use, exchange in trade or permit the use of commercial fuel oil in Allegheny County, if the commercial fuel oil contains sulfur in excess of the applicable maximum allowable sulfur content set forth in the following table:

*Maximum Allowable Sulfur Content
Expressed as Parts per Million (ppm) by Weight or Percentage by Weight*

Grades Commercial Fuel Oil (Consistent with ASTM D396)

No. 2 and lighter oil	500 ppm	(0.05%)
No. 4 oil	2,500 ppm	(0.25%)
No. 5, No. 6 and heavier oil	5,000 ppm	(0.5%)

1. Commercial fuel oil that was stored in Allegheny County by the ultimate consumer prior to July 1, 2016, which met the applicable maximum allowable sulfur content at the time it was stored, may be used by the ultimate consumer.
 2. The applicable maximum allowable sulfur content for a commercial fuel oil set forth in Subsection a may temporarily be suspended or increased if the Pennsylvania Department of Environmental Protection (DEP) has acted to do so in accordance with 25 Pa. Code §§123.22(d)(2)(iii & iv) and (h), regarding the Allegheny County air basin.
- b. **Equivalency provision.** Subsection a does not apply to a person who uses equipment or a process, or to the owner or operator of an installation where equipment or a process is used, to reduce the sulfur emissions from the burning of a fuel with a higher sulfur content than that specified in Subsection a. The emissions may not exceed those which would result from the use of commercial fuel oil that meets the applicable maximum allowable sulfur content specified in Subsection a.

c. **Sampling and testing.**

1. For the purpose of determining compliance with the requirements of this section, the actual sulfur content of commercial fuel oil shall be determined by one of the following:
 - A. In accordance with the sample collection, test methods and procedures specified under §2107.16, "Sulfur in Fuel Oil."
 - B. Other methods developed or approved by the Department, PA DEP or the Administrator of the EPA.
2. A refinery owner or operator who produces commercial fuel oil intended for use or used in Allegheny County is required to sample, test and calculate the actual sulfur content of each batch of the commercial fuel oil as specified in Paragraph 1.
3. Prior to offering for sale, delivering for use, exchanging in trade or permitting the use of commercial fuel oil in Allegheny County, a person other than the ultimate consumer that accepts a shipment of commercial fuel oil from a refinery or other transferor, shall sample, test and calculate the actual sulfur content of the commercial fuel oil in accordance with Paragraph 1 if the shipment lacks the record required under Subsection d that enables the transferee to determine if the sulfur content of the shipment of commercial fuel oil meets the applicable maximum allowable sulfur content.

d. **Recordkeeping and reporting.**

1. Beginning with the refinery owner or operator who sells or transfers commercial fuel oil into or within Allegheny County for use in Allegheny County and ending with the ultimate consumer, each time the physical custody of, or title to, a shipment of commercial fuel oil changes hands, the transferor shall provide to the transferee an electronic or paper record described in this paragraph. This record must legibly and conspicuously contain the following information:
 - A. The date of the sale or transfer.
 - B. The name and address of the transferor.
 - C. The name and address of the transferee.
 - D. The volume of commercial fuel oil being sold or transferred.
 - E. The identification of the sulfur content of the shipment of commercial fuel oil, determined using the sampling and testing methods specified in Paragraph c.1, expressed as one of the following statements:
 - i. For a shipment of No. 2 and lighter commercial fuel oil, "The sulfur content of this shipment is 500 ppm or below."
 - ii. For a shipment of No. 4 commercial fuel oil, "The sulfur content of this shipment is 2,500 ppm or below."
 - iii. For a shipment of No. 5, No. 6 and heavier commercial fuel oil, "The sulfur content of this shipment is 5,000 ppm or below."

- F. The location of the commercial fuel oil at the time of transfer.
 - G. Except for a transfer to a truck carrier, an owner or operator of a retail outlet or an ultimate consumer, the transferor may substitute the information required under Subparagraphs A - F with the use of a product code if the following are met:
 - i. The product code includes the information required under Subparagraphs A -- F.
 - ii. The product code is standardized throughout the distribution system in which it is used.
 - iii. Each downstream party is given sufficient information to know the full meaning of the product code.
2. The refinery owner or operator shall do both of the following:
- A. Maintain, in electronic or paper format, the records developed under Paragraph c.2 to determine the actual sulfur content of each batch of the commercial fuel oil.
 - B. Provide electronic or written copies of the records developed under Paragraph c.2 of the actual sulfur content of each batch of the commercial fuel oil to the Department upon request.
3. The terminal owner or operator shall do both of the following:
- A. Maintain, in electronic or paper format, the applicable records developed under Paragraph c.3 or d.1, or both, to establish the maximum sulfur content of the shipment of commercial fuel oil.
 - B. Provide electronic or written copies of the records establishing the maximum sulfur content of the shipment of commercial fuel oil to the Department upon request.
4. A person subject to this section shall do both of the following:
- A. Maintain the applicable records required under Paragraphs 1 - 3 in electronic or paper format for 2 years unless a longer period is required under 2103.12.j.2 (relating to standard recordkeeping requirements).
 - B. Provide an electronic or written copy of the applicable record to the Department upon request.
5. The ultimate consumer shall maintain in electronic or paper format the record containing the information listed in Paragraph 1. except in either of the following situations:
- A. The transfer or use of the commercial fuel oil occurs at a private residence.
 - B. The ultimate consumer is an owner of an apartment or condominium building housing private residents and the transfer or use of the commercial fuel oil occurs for use at the building.

