



**pennsylvania**  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



Bureau of Air Quality

# **Draft Final-Form Rulemaking 25 Pa. Code Chapter 123**

Revision of Sulfur Limits in No. 2 and Lighter  
Commercial Fuel Oil

**Small Business Compliance Advisory Committee  
October 23, 2019  
Harrisburg, PA**

Tom Wolf, Governor

Patrick McDonnell, Secretary

# Background: Regional Haze

- The 1977 Clean Air Act (CAA) Amendments declared a national goal to prevent future visibility impairment and remedy existing impairment in national parks, wilderness areas and wildlife refuges (“Class I areas”)
  - The goal is to reach natural visibility conditions by 2064.
- The U.S. Environmental Protection Agency (EPA) promulgated its Regional Haze Rule in 1999, which called for states, tribes and federal agencies to work together to improve visibility in the 156 Class I areas.
- The Mid-Atlantic/Northeast Visibility Union (MANE-VU) was established in 2001 to help the Northeast states plan for meeting regional haze requirements.

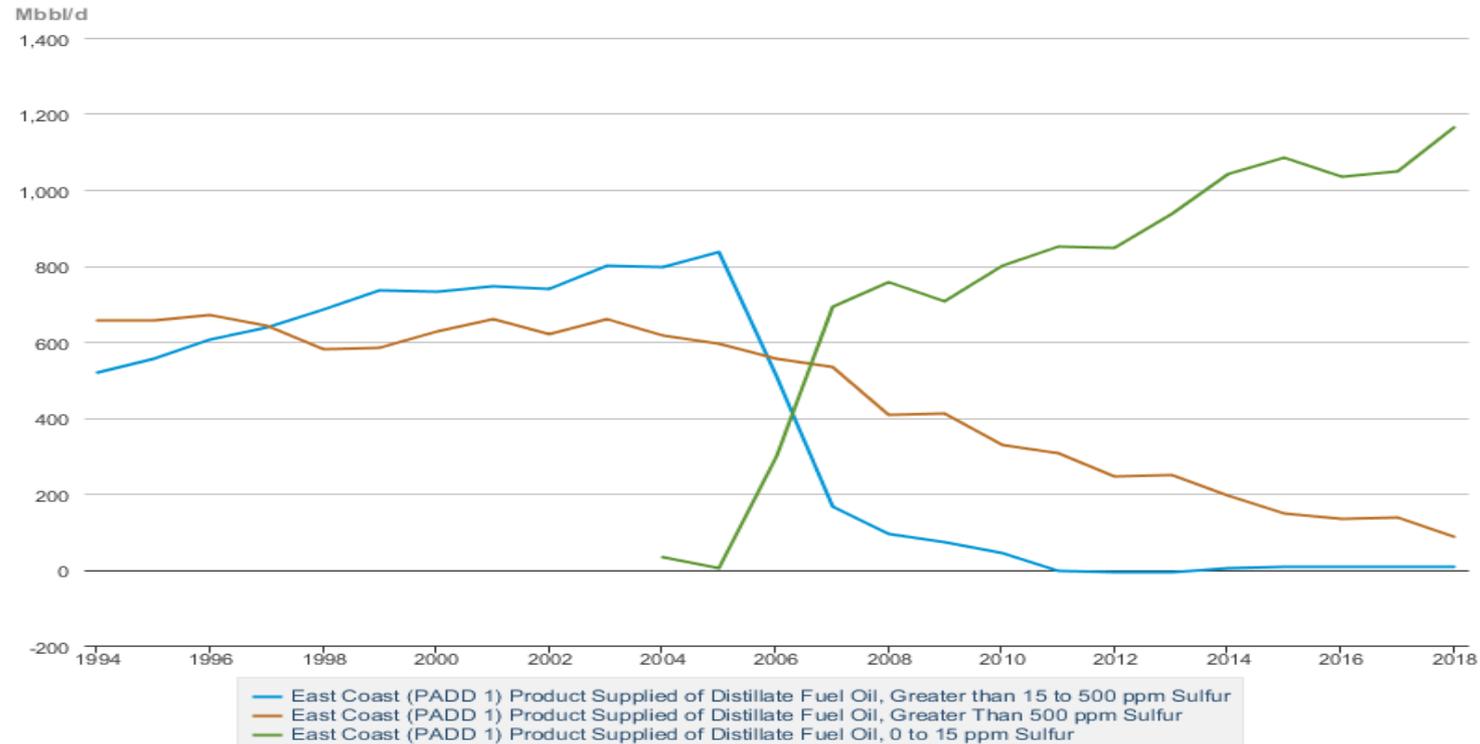
# Background: Regional Haze

- The predominant cause of haze pollution in the MANE-VU region is sulfate particles, which are formed from sulfur dioxide (SO<sub>2</sub>) emissions during fuel combustion.
- In 2007, the MANE-VU states adopted a formal statement which included an agreement to pursue a regional low-sulfur fuel oil strategy by 2018, as appropriate and necessary.
- In 2013, PA amended 25 Pa. Code § 123.22 to reduce sulfur content emissions from home heating and commercial fuel oils, beginning July 1, 2016.
  - Due to supply concerns at the time, PA only reduced the sulfur limit for No. 2 and lighter fuel oil (distillate oil) to 500 parts per million (ppm), not 15 ppm.

# Distillate Fuel Oil Supply

- The supply of distillate fuel oil on the east coast and nationwide with 15 ppm or less is no longer a concern.

Product Supplied



Source: U.S. Energy Information Administration

# Proposed Rulemaking Schedule

- **July 9, 2019** – Proposed rulemaking published in the *Pennsylvania Bulletin*.
- **August 6, 7 and 8, 2019** – Public Hearings in Pittsburgh, Norristown and Harrisburg, respectively.
- Public comment period closed on **September 9, 2019**.

# Proposed Rulemaking

The proposed rulemaking included:

- Sulfur content limit – No. 2 and lighter fuel oil limit reduced from 500 ppm (0.05%) to 15 ppm (0.0015%);
- Compliance date – 60 days after the effective date; and
- Sell-through provision – No. 2 and lighter fuel oil stored on-site by the ultimate consumer by 59 days after the effective date may be used on and after 60 days after the effective date.

# Comments

- 23 commentators provided comments.
  - 22 supported the proposed rulemaking.
  - 1 opposed the proposed rulemaking.
  - Independent Regulatory Review Commission (IRRC) comments will be discussed (if any).

# Comments

- Comments were submitted by distributors, marketers, trade groups, a pipeline company, Pennsylvania Senator Scott Hutchinson, and the State of New York.
- Supporters cited cost savings for consumers and distributors, regional consistency and emission reductions.
- Main concern related to small transmix refinery.
- Request for biodiesel/biofuel requirement.
- Fixed compliance date versus 60 days after promulgation.

# Draft Final-form Rulemaking

- The draft final-form rulemaking:
  - Sulfur content limit – As in proposed, No. 2 and lighter fuel oil limit reduced from 500 ppm to 15 ppm;
  - Compliance date – Changed to September 1, 2020; and
  - Sell-through provision – No. 2 and lighter fuel oil stored on-site by the ultimate consumer by August 31, 2020 may be used on and after September 1, 2020.

# Anticipated Rulemaking Schedule

- **October 17, 2019** - Air Quality Technical Advisory Committee
- **October 23, 2019** - Small Business Advisory Committee
- **Early November 2019** - Citizens Advisory Council Policy and Regulatory Oversight Committee
- **November 19, 2019** – Citizens Advisory Council
- **First Quarter 2020** – Environmental Quality Board
- **May 2020** – Final-Form Rulemaking Promulgated
- **September 1, 2020** - Compliance Date

# SBCAC Action

The Department is requesting SBCAC's concurrence with the Department's recommendation to move the revision of sulfur limits in No. 2 and lighter commercial fuel oil final-form rulemaking forward to the EQB for consideration.



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# Contact

Bryan T. Oshinski  
Air Quality Program Specialist  
Air Resource Management Division  
(717) 783-8949  
[boshinski@pa.gov](mailto:boshinski@pa.gov)