

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

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CHAPTER Env-A 1600 FUEL SPECIFICATIONS

PART Env-A 1601 PURPOSE; APPLICABILITY; PROHIBITION ON NON-CONFORMING FUELS

Env-A 1601.01 Purpose. The purpose of this chapter is to prevent, abate, and control pollutants emitted into the ambient air by controlling the use of fuels containing specific pollutant elements and compounds, pursuant to RSA 125-C:6, II.

Source. #6519-B, eff 5-29-97 (from Env-A 401); ss by #8330, eff 4-23-05; ss by #10415, eff 9-24-13

Env-A 1601.02 Applicability. This chapter shall apply to any person who uses or allows the use of the fuels identified in Env-A 1602 at a stationary source or device in the state and to any person who supplies such fuels.

Source. #10415, eff 9-24-13 (from Env-A 1602.01)

Env-A 1601.03 Prohibition on Use of Non-Conforming Fuels. No person shall cause or allow the use of a non-conforming fuel in this state without first obtaining approval for such use in accordance with Env-A 1606.

Source. #10415, eff 9-24-13 (formerly Env-A 1608.01)

PART Env-A 1602 APPLICABLE FUELS

Env-A 1602.01 Applicable Liquid Fuels. The following liquid fuels, whether blended or not, shall be subject to this chapter:

- (a) No. 2 oil;
- (b) No. 4 oil;
- (c) No. 5 oil;
- (d) No. 6 oil;
- (e) Kerosene-1 oil;
- (f) Kerosene-2 oil;
- (g) Jet A aviation fuel;
- (h) Jet A-1 aviation fuel;
- (i) Jet B aviation fuel;
- (j) JP-4 aviation fuel;
- (k) JP-8 aviation fuel;
- (l) Aviation gasoline;
- (m) Used oil; and
- (n) Crude oil.

Source. #6519-B, eff 5-29-97; ss by #8330, eff 4-23-05; ss by #10415, eff 9-24-13 (from Env-A 1603.01)

Env-A 1602.02 Applicable Solid Fuels. All coal to be used as fuel, including blended coal, shall be subject to the requirements of this chapter.

Source. #10415, eff 9-24-13 (formerly Env-A 1603.03)

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PART Env-A 1603 SULFUR CONTENT LIMITATIONS FOR LIQUID FUELS

Env-A 1603.01 Maximum Sulfur Content of Liquid Fuels.

- (a) JP-4 aviation fuel shall not exceed 0.40 percent sulfur by weight.
- (b) Aviation gasoline shall not exceed 0.05 percent sulfur by weight.
- (c) Kerosene-1 oil shall not exceed 0.04 percent sulfur by weight.
- (d) Kerosene-2 oil and Jet A, A-1, B, and JP-8 aviation fuels shall not exceed 0.30 percent sulfur by weight.
- (e) Used oil shall not exceed 2.00 percent sulfur by weight.

Source. #6519-B, eff 5-29-97; ss by #8330, eff 4-23-05; ss by #10415, eff 9-24-13 (from Env-A 1604.01); ss by #12694, eff 12-22-18

Env-A 1603.02 Maximum Sulfur Content of Imported Liquid Fuels Effective July 1, 2018. On and after July 1, 2018, no person shall import into the state any of the following liquid fuels with a sulfur content greater than that specified in RSA 125-C:10-d, I, reprinted in Appendix B:

- (a) No. 2 oil, also referred to as distillate oil;
- (b) No. 4 oil; and
- (c) No. 5 oil or No. 6 oil, also referred to as residual oil.

Source. #12694, eff 12-22-18

Env-A 1603.03 Maximum Sulfur Content of Distributed Liquid Fuels Effective February 1, 2019. On and after February 1, 2019, no person shall sell, offer for sale, supply, distribute for sale or use, except for fuel remaining in storage for a device not requiring a permit pursuant to RSA 125-C:11, any of the following liquid fuels with sulfur content greater than that specified in RSA 125-C:10-d, II, reprinted in Appendix B:

- (a) No. 2 oil, also referred to as distillate oil;
- (b) No. 4 oil; or
- (c) No. 5 oil or No. 6 oil, also referred to as residual.

Source. #12694, eff 12-22-18

PART Env-A 1604 SULFUR CONTENT LIMITATIONS FOR SOLID FUELS

Env-A 1604.01 Maximum Sulfur Content Allowable in Coal.

- (a) For a coal-burning device placed in operation before April 15, 1970 the sulfur content of coal burned in the device shall not exceed 2.8 pounds per million BTU gross heat content.
- (b) For a coal-burning device placed in operation on or after April 15, 1970:
  - (1) The sulfur content of coal burned in the device shall not exceed 1.5 pounds per million BTU gross heat content; and
  - (2) The sulfur content of coal burned in the device shall not exceed 1.0 pound per million BTU gross heat content, averaged over any consecutive 3-month period.

Source. #6519-B, eff 5-29-97 (from Env-A 402.02); ss by #8330, eff 4-23-05; ss by #10415, eff 9-24-13 (from Env-A 1606.01); ss by #12694, eff 12-22-18

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PART Env-A 1605 FUEL ANALYSIS REQUIREMENT FOR SUPPLIERS OF LIQUID OR SOLID FUEL

Env-A 1605.01 Fuel Analysis Requirement for Suppliers of Liquid or Solid Fuel. Each fuel company that supplies coal or liquid fuel for use within the state or for sale for use within the state shall provide each distributor or purchaser of coal or liquid fuel, except homeowners purchasing No. 2 oil, with the following:

- (a) For coal or No. 5 oil, No. 6 oil, used oil, or crude oil, a written statement of the maximum weight percentage sulfur of the fuel; or
- (b) For any liquid fuel listed in Env-A 1602.01 other than those listed in (a), above, one of the following:
  - (1) A written statement of the maximum weight percentage sulfur of the fuel; or
  - (2) A written statement that the sulfur content of the fuel as delivered does not exceed state or federal standards for that fuel.

Source. #6519-B, eff 5-29-97 (from Env-A 402.03); ss by #7788, eff 10-31-02; ss by #8330, eff 4-23-05; ss by #10415, eff 9-24-13 (from Env-A 1607.01)

PART Env-A 1606 USE OF NON-CONFORMING FUELS DURING FUEL SHORTAGES

Env-A 1606.01 Request for Determination of Acute Fuel Shortage.

- (a) In the event of a shortage in the supply of conforming fuel that causes an urgent need to use non-conforming fuel, a supplier may request the department to make a determination that non-conforming fuel may be used in the state.
- (b) A request for the department to make such a determination shall include the following:
  - (1) A detailed statement describing the efforts the supplier has undertaken to obtain conforming fuel;
  - (2) An estimate of the volume of conforming fuels remaining in stock and an explanation of the methodology used to produce the estimate; and
  - (3) The anticipated duration of the shortage and an explanation of the methodology used to determine the anticipated duration.
- (c) The request shall be signed by a responsible official.

Source. #6519-B, eff 5-29-97 (from Env-A 402.04); ss by #8330, eff 4-23-05; ss by #10415, eff 9-24-13 (formerly Env-A 1609.01)

Env-A 1606.02 Determination of Need to Use Non-Conforming Fuel.

- (a) Upon receipt of a request that contains the information required by Env-A 1606.01(b) and is signed as required by Env-A 1606.01(c), the department shall review the request and provide a copy of the request to EPA.
- (b) The department shall make a determination in consultation with EPA that a need to use non-conforming fuel exists if the request demonstrates that:
  - (1) The supply of conforming fuel is insufficient; and
  - (2) The shortage is likely to last longer than existing supplies of conforming fuel will last, based on relevant factors including, but not limited to, the volume in stock and weather conditions.

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- (c) The department shall notify the requestor of its decision in writing.
- (d) If the request is denied, the notification shall specify the reason(s) for the denial.
- (e) If the request is granted, the department also shall notify other suppliers of the determination.

Source. #10415, eff 9-24-13 (formerly Env-A 1609.02)

Env-A 1606.03 Limitations on Use of Non-Conforming Fuels.

(a) A determination to allow the use of non-conforming fuel issued pursuant to this part shall be valid for the period specified in the determination, not to exceed 90 days from the date of issuance.

(b) If the supply of conforming fuel remains insufficient at the expiration of the determination, a supplier may submit a new request.

Source. #10415, eff 9-24-13 (formerly Env-A 1609.03)

Env-A 1606.04 EPA Notification. Within 5 working days of granting a request to use non-conforming fuel, the department shall notify the EPA of such approval.

Source. #10415, eff 9-24-13 (formerly Env-A 1609.04)

PART Env-A 1607 DEMONSTRATION OF COMPLIANCE

Env-A 1607.01 Fuel Analysis to Demonstrate Compliance.

(a) In order to determine compliance, the department shall sample or require sampling or re-sampling of any fuel.

(b) Such sampling, which shall include compositing, testing, and analyzing fuel samples, shall be conducted in accordance with the methodology specified in Env-A 800 or 40 CFR 60.

Source. #6519-B, eff 5-29-97 (from Env-A 404.01); ss by #8330, eff 4-23-05; ss by #8878, eff 4-27-07; ss by #10415, eff 9-24-13 (formerly Env-A 1610.01)

**APPENDIX A: STATUTES IMPLEMENTED**

<b>Rule Section(s)</b>	<b>State Statute(s) Implemented</b>
Env-A 1603	RSA 125-C:6, II; RSA 125-C:10-d
Env-A 1604	RSA 125-C:6, II

**APPENDIX B: STATUTORY REFERENCES**

**125-C:10-d Sulfur Limits of Certain Liquid Fuels.**

I. No person shall import into the state any of the following liquid fuels:

- (a) No. 2 oil, also referred to as distillate oil, with a sulfur content greater than 0.0015 percent by weight;
- (b) No. 4 oil with a sulfur content greater than 0.25 percent by weight; or
- (c) Nos. 5 or 6 oil, also referred to as residual oil, with a sulfur content greater than 0.5 percent by weight.

II. Beginning on February 1, 2019 and continuing thereafter, no person shall sell, offer for sale, supply, distribute for sale or use, except for fuel remaining in storage for a device not requiring a permit pursuant to RSA 125-C:11, any of the following liquid fuels:

- (a) No. 2 oil, also referred to as distillate oil, with a sulfur content greater than 0.0015 percent by weight;
- (b) No. 4 oil with a sulfur content greater than 0.25 percent by weight; or
- (c) Nos. 5 or 6 oil, also referred to as residual oil, with a sulfur content greater than 0.5 percent by weight.