

### §603-A. Low sulfur fuel

**1. Scope.** This section applies to those fuel-burning sources in the State that are not required to achieve the lower emission rates of new source performance standards or as required to satisfy the case-by-case requirements of best available control technology or best available retrofit technology. [PL 2007, c. 95, §4 (AMD).]

**2. Prohibitions.** Except as provided in subsections 4 and 9, a person may not import, distribute or offer for sale any liquid fossil fuel with a sulfur content exceeding the limits in paragraph A or any solid fossil fuel with a sulfur content to heat content ratio exceeding the limits of paragraph B.

A. The sulfur content for liquid fossil fuels is as follows.

(1) In the Central Maine, Downeast, Aroostook County and Northwest Maine Air Quality Control Regions and the Metropolitan Portland Air Quality Control Region outside the Portland Peninsula Air Quality Control Region, a person may not distribute or offer for sale any residual fuel oil with a sulfur content greater than 2.0% by weight; beginning July 1, 2018, the limit for those regions is 0.5% by weight.

(2) In the Portland Peninsula Air Quality Control Region, a person may not distribute or offer for sale any residual fuel oil with a sulfur content greater than 1.5% by weight; beginning July 1, 2018, the limit for that region is 0.5% by weight.

(3) Statewide, a person may not import, distribute or offer for sale a distillate fuel:

(b) Beginning July 1, 2018, with a sulfur content greater than 0.0015% by weight.

The sulfur content requirements in this subparagraph do not apply to the use of distillate fuel for manufacturing purposes. [PL 2015, c. 66, §1 (AMD).]

B. The sulfur content for solid fossil fuels is as follows:

(1) One and two-tenths pounds sulfur per million British Thermal Units until November 1, 1991, and .96 pounds sulfur per million British Thermal Units thereafter, calculated as a calendar quarter average for sources in the Central Maine, Downeast, Aroostook County, Northwest Maine Air Quality Control Regions and that portion of the Metropolitan Portland Air Quality Region outside the Portland Peninsula Air Quality Region. A calendar quarter is composed of the months as follows: (1) January, February, March; (2) April, May, June; (3) July, August, September; and (4) October, November, December; and

(2) Seventy-two hundredths pounds sulfur per million British Thermal Units calculated as a calendar quarter average for sources in the Portland Peninsula Air Quality Region. A calendar quarter is composed of the months as follows: (1) January, February, March; (2) April, May, June; (3) July, August, September; and (4) October, November, December. [PL 2007, c. 95, §5 (AMD).]

[PL 2015, c. 66, §1 (AMD).]

### 3. Records.

[PL 1991, c. 663, §1 (RP).]

**4. Flue gas desulfurization.** Any source that installs any approved flue gas desulfurization system or other prescribed sulfur removal device must be permitted to use fuel with a sulfur content in excess of the limitations of subsection 2 such that, after control, total sulfur dioxide emissions do not exceed 1.92 pounds of sulfur dioxide per million British Thermal Units in any 24-hour period or emission rates corresponding to the fuel sulfur limitations required for sources on the Portland peninsula.

Except for lime kilns at pulp and paper mills, the department may require any person achieving compliance by means of an approved flue gas desulfurization system or other prescribed sulfur removal device to operate a continuous emission monitoring device for sulfur dioxide.

[PL 1993, c. 464, §2 (AMD).]

**4-A. Electrical generating facilities.**

[PL 1999, c. 657, §25 (RP).]

**5. Fuel blending.**

[PL 1991, c. 663, §2 (RP).]

**6. Test methods and procedures.**

[PL 1991, c. 663, §2 (RP).]

**7. Emergency variance.**

[PL 1991, c. 663, §2 (RP).]

**7-A. Emergency variance.** The commissioner, without hearing, may suspend any of the sulfur content requirements of subsection 2 if the commissioner finds that the expected availability of fuel that complies with those requirements is inadequate to meet the needs of residential, commercial or industrial users in this State and that such expected unavailability constitutes an immediate threat to public health, safety or the general welfare. The commissioner shall specify in writing the period during which the suspension is in effect.

[PL 2023, c. 1, Pt. E, §1 (NEW).]

**8. Best available retrofit technology or BART requirements.** For those BART eligible units determined by the department to need additional sulfur air pollution controls to improve visibility, the controls must:

A. Be installed and operational no later than January 1, 2013; and [PL 2007, c. 95, §6 (NEW).]

B. Either:

(1) Require the use of sulfur oil having 1% or less of sulfur by weight; or

(2) Be equivalent to a 50% reduction in sulfur emissions from a BART eligible unit based on a BART eligible unit source emission baseline determined by the department under 40 Code of Federal Regulations, Section 51.308 (d)(3)(iii)(2006) and 40 Code of Federal Regulations, Section 51 Appendix Y (2006). [PL 2007, c. 95, §6 (NEW).]

[PL 2007, c. 95, §6 (NEW).]

**9. Equivalent alternative sulfur reduction application.** The department shall adopt major substantive rules as defined in Title 5, chapter 375, subchapter 2-A that provide an opportunity for a licensed air contamination source that holds a license on the effective date of this subsection to apply for an equivalent alternative sulfur reduction strategy to the residual fuel oil and distillate fuel requirements in subsection 2. The rules must provide for the achievement of equivalent sulfur emission reductions through other means, including, but not limited to, reductions in consumption of residual fuel oil and distillate fuel, early sulfur emission reductions from a baseline emissions inventory year of 2002 and conversions to alternative fuels. The department shall submit the major substantive rules to the Legislature by January 31, 2014. Approved alternate sulfur reduction strategies must be in effect by July 1, 2018.

[PL 2015, c. 66, §2 (AMD).]

**SECTION HISTORY**

PL 1983, c. 504, §10 (NEW). PL 1985, c. 162, §9 (AMD). PL 1989, c. 501, §§CC1-3 (AMD). PL 1989, c. 890, §§A40,B173 (AMD). PL 1991, c. 663, §§1,2 (AMD). PL 1993, c. 464, §2 (AMD). PL 1999, c. 657, §§24,25 (AMD). PL 2007, c. 95, §§4-6 (AMD). PL 2009, c. 604, §§1, 2 (AMD). PL 2013, c. 300, §15 (AMD). PL 2015, c. 66, §§1, 2 (AMD). PL 2023, c. 1, Pt. E, §1 (AMD).

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