



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



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Date: November 24, 2015
To: Bureau of Air Quality, Licensing, Compliance & Enforcement Staff
From: Marc A. R. Cone, Director, Bureau of Air Quality
Subject: Guidance Regarding Changes to 38 MRSA §603-A

The Maine Legislature has revised 38 MRSA §603-A to make the sulfur content levels and applicability dates more consistent with the levels and dates being proposed in other New England states.

Previously, the statutory language of 38 MRSA §603-A limited facilities which fire distillate fuel oil (kerosene or #2 fuel oil) to a sulfur content of 0.005% beginning July 1, 2016 and 0.0015% beginning January 1, 2018. Facilities which fire residual fuel oil (#4, #5, or #6 fuel oil) were limited to a sulfur content of 0.5% beginning January 1, 2018.

Below is a summary of the new requirements which took effect as of October 15, 2015.

For boilers which fire distillate fuel oil (kerosene or #2 fuel oil):

Beginning July 1, 2018, a person may not import, distribute, or offer for sale a distillate fuel oil with a sulfur content greater than 0.0015% by weight.

For boilers which fire residual fuel oil (#4, #5 or #6 fuel oil):

Beginning July 1, 2018, a person may not import, distribute, or offer for sale any residual fuel oil with a sulfur content greater than 0.5% by weight.

The statute change removes the interim sulfur content of 0.005% for distillate fuel oil and moves the deadline for compliance with the lower sulfur content fuel to July 1, 2018 for all fuel types. In addition, since the requirement to comply with the sulfur limit is shifted from the consumer to the fuel oil distributor, facilities who take delivery of higher sulfur fuel prior to July 1, 2018 may continue to fire that fuel until depleted.

If a facility's air emission license contains fuel oil sulfur content levels and applicable dates that were set by earlier statute, the Department will not enforce on these outdated sulfur content levels and applicable dates. The current statutory language takes precedence moving forward. However, if a facility would prefer to amend its air emission license to include the revised sulfur content levels and applicable dates, they may submit an application requesting a minor revision to the air emission license to incorporate the most current statutory requirements.

Any questions may be directed to Air Licensing at (207) 287-2437.

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