

SMALL BUSINESS IMPACT STATEMENT

Agency submitting regulation:

Department of Environmental Management, Office of Air Resources

Subject matter of regulation:

Air Pollution Control Regulation No. 20 – “Burning of Alternative Fuels”

Regulation No. 20 is applicable to any source burning alternative fuels in fuel burning equipment with a heat input capacity of one million Btu per hour or greater.

ERLID No:

7712, (Supersedes ERLID# 4514)

Statutory authority:

Rhode Island General Laws § 42–17.1–2(s) and 23–23, as amended

Other agencies affected:

None.

Other regulations that may duplicate or conflict with the regulation:

None.

Describe the scope and objectives of the regulation:

The objective of the regulation is to reduce the quantity hazardous and toxic air contaminants related to the burning of alternative fuels. Alternative fuels are any material, other than fuel oil, natural gas, coal, or wood residue that is burned for the purpose of creating useful heat.

What was the rationale for establishing this regulation?

The rationale for establishing this regulation is to regulate the quantity and type of air contaminants emitted from the burning of alternative fuels for the protection of human health and environmental degradation.

Does the rationale still exist?

Yes, it is still necessary to regulate emissions from the burning of alternative fuels, as alternative fuels when combusted still emit hazardous and toxic air contaminants to the atmosphere.

Is the rationale still relevant?

Yes, air pollutants generated from the burning of alternative fuels can still cause degradation to human health and the environment if not properly regulated. The regulation sets minimum standards for alternative fuels, and it is essential to protect the environment from the effects of burning alternative fuels that exceed the minimum standards.

Business industry (s) affected by the regulation:

The types of industry issued permits under this regulation are historically asphalt plants, but any industry that burns fuel oil could apply for a permit to burn alternative fuels.

Types of businesses included in the industry (s):

Any type of business would be subject to this regulation if they would like to burn alternative fuels in fuel burning equipment with a heat capacity of one million Btu per hour or greater.

Total number of small businesses included in the regulated industry(s)

The number of small businesses that could be included in the regulated industry is not quantifiable. Any small business that burns fuel oil, has a fuel burning device greater than 1 MMBTU/hr size and would like to burn an alternative fuel could be subject to the regulation.

Number of small businesses potentially subject to the proposed regulation:

See above.

How often do small businesses contact your agency for assistance with clarification of the regulation and/or receive assistance with compliance issues?

Rarely. Contact with this agency for clarification of this regulation is on the order of less than once contact per year. Small businesses are subject to the regulation only if they choose to burn alternative fuels.

What is the cost to your agency of establishing and enforcing this regulation?

The cost to our agency to establish and enforce is minimal. The rare applications are reviewed by the existing permit staff.

What would the consequences be if the regulation did not exist?

If this regulation did not exist, waste materials, possibly including hazardous wastes, could be burned in fuel burning equipment without regulation. Hazardous and toxic emissions from the burning of alternative fuels would be emitted in the atmosphere in greater quantities, which could be detrimental to the environment and human health.

Effective date used in cost estimate:

Not applicable.

| | | | |
|-----|----------|---------|---|
| 1. | Yes ✓ | No | Do small businesses have to create, file, or issue additional reports? <i>The regulation requires submission of laboratory analysis of the alternative fuel under an approved schedule.</i> |
| 2. | Yes ✓ | No | Do small businesses have to implement additional recordkeeping procedures? <i>Recordkeeping is required under this regulation.</i> |
| 3. | Yes | No ✓ | Do small businesses have to provide additional administrative oversight? <i>No additional administrative oversight is required.</i> |
| 4. | Yes | No ✓ | Do small businesses have to hire additional employees in order to comply with the proposed regulation? <i>The regulation requires an operator of the fuel burning device to be in attendance whenever the device is operating.</i> |
| 5. | Yes | No ✓ | Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)? <i>No.</i> |
| 6. | Yes | No ✓ | Does the regulation require small businesses to purchase a product or make any other capital investments in order to comply with the regulation? <i>No.</i> |
| 7. | Yes ✓ | No | Are performance standards more appropriate than design standards? <i>Performance standards in the form of emissions limitations are used in this regulation.</i> |
| 8. | Yes ✓ | No | Does the regulation require small businesses to cooperate with audits, inspections, or other regulatory enforcement activities? <i>If a small business is subject to this regulation, the Office of Air Resources does have the authority to conduct inspections and/or other regulatory enforcement activities regardless of the size of the business.</i> |
| 9. | Yes | No ✓ | Does the regulation have the effect of creating additional taxes and/or fees for small businesses? <i>No additional taxes and/or fees are created as a result of being subject to this regulation.</i> |
| 10. | Yes | No ✓ | Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements? <i>The regulation does not require a small business to provide educational services to keep up to date with the regulatory requirements.</i> |
| 11. | Yes | No ✓ | Is the regulation likely to <i>deter</i> the formation of small businesses in RI? <i>It is unlikely this regulation would deter the formation of small businesses.</i> |
| 12. | Yes ✓ | No ✓ | Is the regulation likely to <i>encourage</i> the formation of small businesses in RI? <i>It is unlikely that this regulation would encourage the formation of a small business.</i> |
| 13. | Yes ✓ | No | Can the regulation provide for less stringent compliance or reporting requirements for small businesses? <i>Compliance and reporting requirements under this regulation are minimal. The regulation does include an exemption for businesses that do not burn alternative fuels in quantities greater than one percent by volume of their primary fuel.</i> |

| | | | |
|-----|--------------|-------------|--|
| 14. | Yes ✓ | No | <p>Can the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses?</p> <p><i>The schedules under this regulation are minimal and may be adjusted if necessary. The regulation does include an exemption for businesses that do not burn alternative fuels in quantities greater than one percent by volume of their primary fuel.</i></p> |
| 15. | Yes ✓ | No | <p>Can the compliance or reporting requirements be consolidated or simplified for small businesses?</p> <p><i>Compliance and reporting requirements under this regulation are already minimal. The regulation does include an exemption for businesses that do not burn alternative fuels in quantities greater than one percent by volume of their primary fuel.</i></p> |
| 16. | Yes | No ✓ | <p>Can performance standards for small businesses replace design or operational standards?</p> <p><i>Performance standards are already imposed by this regulation.</i></p> |
| 17. | Yes ✓ | No | <p>Are there alternative regulatory methods that would minimize the adverse impact on small businesses?</p> <p><i>The regulation does include an exemption for businesses that do not burn alternative fuels in quantities greater than one percent by volume of their primary fuel.</i></p> |
| 18. | Yes | No ✓ | <p>Have any small businesses or small business organizations been contacted during the preparation of this document? If so, please describe.</p> |