

§ 3-207. Sale of Fuel Oil.ⁱ

(1) Commercial Fuel Oil.

- (a) On and after the effective dates listed therein no fuel merchant shall store, offer for sale, sell, deliver for use or exchange in trade, for use in Philadelphia, and no person shall use commercial fuel oils which contain sulfur in excess of the percentages by weight set forth in the following table:

Grades of Commercial Fuel Oil	SSU Viscosity at 100°F	Percent Sulfur by Weight			
		[Effective 5-1-70]	[Effective 10-1-72]	Effective 4-1-78	<i>Effective 7-1-15</i>
No. 2 and lighter	Less than or equal to 45	[0.3%]	[0.3%]	0.2%	<i>0.0015% (15 ppm)</i>
No. 4	Greater than 45 but less than 145	[0.7%]	[0.4%]	0.3%	<i>0.2500% (2500 ppm)</i>
No. 5, No. 6, and heavier	Equal to or greater than 145	[1.0%]	[0.5%]	0.5%	<i>0.5000% (5000 ppm)</i>

- (b) The provisions of (a) above shall not apply in any case in which it is demonstrated to the Department that sulfur dioxide emissions, caused by the combustion of commercial fuel oils, from any stack or chimney into the outdoor atmosphere, can be controlled to levels that, on and after the effective dates listed herein, do not exceed at any time those quantities of sulfur dioxide, expressed in pounds per one (1) million BTU gross heat input, set forth in the following table:

Grades of Commercial Fuel Oil	SSU Viscosity at 100°F	Permissible SO ₂ Emissions (Pounds of SO ₂ per Million BTU Fuel Gross Heat Input)			
		[Effective 5-1-70]	[Effective 10-1-72]	Effective 4-1-78	<i>Effective 7-1-15</i>
No. 4	Greater than 45 but less than 145	[0.74 lbs.]	[0.42 lbs.]	0.30 lbs.	<i>0.26 lbs.</i>
No. 5, No. 6, and heavier	Equal to or greater than 145	[1.1 lbs.]	[0.52 lbs.]	0.52 lbs.	<i>0.52 lbs.</i>

- (c) ***Notwithstanding the requirements of subsections (a) and (b) above, No. 2 grade commercial fuel oil that was stored by the ultimate consumer at its Facility prior to July 1, 2015, and that met the applicable maximum allowable sulfur content for commercial fuel oil through June 30, 2015 at the time it was stored, may be used by the ultimate consumer at its Facility on and after July 1, 2015, provided that all of the following shall apply:***

- (.1) Any such ultimate consumer demonstrates to the Department, by means of written records (including but not limited to documentation from fuel suppliers), that any fuel oil delivered to the Facility after April 1, 2015 met the sulfur content standard effective July 1, 2015 under this Section 3-207, which records shall be maintained until July 1, 2016, or until such time as the consumer no longer relies on the exemption in subsection 3-207(c) or (d), whichever is later;*
- (.2) Any such fuel oil may only be used at the Facility where such fuel oil was delivered and stored on or before June 30, 2015; and*
- (.3) Any fuel oil that is not compliant with the standards for sulfur content imposed by this Section effective July 1, 2015 shall be consumed, brought into compliance, or otherwise eliminated from use no later than July 1, 2020.*

(d)

- (.1) Notwithstanding subsection (c)(.3), the Department shall have the authority to extend the exemption in subsection 3-207(c) on a case-by-case basis through December 31, 2025, or such later time as the Department deems appropriate. The Department shall grant or deny an extension request within sixty (60) days and shall base any decision on such a request on the following factors:*
 - (a) The quantity and sulfur content of such fuel oil at the time of the request for the extension;*
 - (b) The quantity and sulfur content of such stored fuel as of July 1, 2015, unless the user demonstrates to the satisfaction of the department that the user could not reasonably obtain such information;*
 - (c) Confirmation that the user of such fuel oil has acquired for storage at its Facility only fuels meeting the standards set forth in this Section 3-207 since July 1, 2015;*
 - (d) The expected impact to the public health and the environment of granting or denying the extension;*

- (e) *The economic impact to the user of granting or denying the extension (excluding the incremental cost of new fuel meeting the standard set forth in this Section 3-207); and*
- (f) *Such other information as may be relevant.*

(.2) *The Department's decision to deny an extension shall be reviewed in the same manner as any order, requirement, decision or determination rendered pursuant to the air pollution control program established pursuant to Section 3-401, including the denial or revocation of any license or permit.*

(.3) *In addition to its authority under subsection 3-207(1)(d)(.1), the Department may establish by regulation standards for continued use of fuel oil subject to the exemption in subsection 3-207(c) after June 30, 2015.*

(e) *The exemption in subsection 3-207(c) shall not apply to fuel oil merchants or distributors.*

(f) *The reselling of fuel oil subject to the exemption in subsection 3-207(c) in the City shall be prohibited.*

(2) Non-Commercial Fuel.

- (a) No person shall cause, suffer, allow or permit sulfur dioxide, caused by the combustion of non-commercial fuel or the combustion of non-commercial and commercial fuel mixtures, to be discharged from any stack or chimney into the outdoor atmosphere in excess of the following limits, expressed as ppm by volume adjusted to twelve (12) percent carbon dioxide by volume, or equivalent method approved by the Department:

Annual average 250 ppm

Maximum monthly average 310 ppm

- (b) Where a single manufacturing facility contains multiple stacks or chimneys for discharge of flue gases from burning non-commercial fuels or non-commercial and commercial fuel mixtures, the emissions from any single stack may exceed the SO₂ concentration limits given in (2)(a) provided that it can be satisfactorily demonstrated to the Department that:

- (.1) The emission rate of sulfur dioxide from non-commercial fuel combustion on a total weight basis for the facility will not exceed that allowed by (2)(a); and
 - (.2) The ground level concentrations of sulfur dioxide at any point in the neighborhood, area, or region caused by the combustion of all non-commercial fuel at the facility shall not exceed those concentrations that would result from compliance with (2)(a); and
 - (.3) The concentration of SO₂ emitted from any such stack does not exceed any limit imposed by regulations of the State of Pennsylvania or the U.S. Environmental Protection Agency; and
 - (.4) Compliance with (2)(b) shall not prevent the achievement or maintenance of any national air quality standard for SO₂ established by the Environmental Protection Agency.
 - (c) Any person responsible for the discharge of SO₂ caused by the combustion of non-commercial fuel or the combustion of non-commercial and commercial fuel mixtures from any stack or chimney as provided for in (2)(a) and (2)(b) shall submit a detailed report to the Department at least once every month, providing fuel usage and emissions information sufficiently adequate to determine compliance with this Section.
- (3) Exemptions. The provisions of this Section shall not apply to commercial fuel used by ocean-going vessels.
- (4) Emergency Conditions.
 - (a) When it appears that the delivery of low sulfur fuel oil, as set forth in Par. 3-207(1)(a), (b) and (2)(a), is, or is about to be, interrupted because of unavailability, accident, or other emergency conditions, the Department may authorize the use of an alternative fuel supply, containing the least amount of sulfur available, for a period not to exceed 30 days. Longer periods of time of 120 days each may be authorized by the Department only after a review and recommendation made by the Air Pollution Control Board for each extended period of time.
 - (b) Factors to be considered shall include the availability of alternate complying fuels, the availability of sulfur dioxide stack gas removal equipment, and the anticipated effect on air quality in the neighborhood, area, and region.

- (c) The Air Pollution Control Board, after a hearing, shall have the right to adjust, revoke, rescind, and make any changes or modifications of any authorizations issued under (4)(a) above if there shall occur such change in the condition of availability of low sulfur fuel or the factors set forth in subsection (4)(b) above.

ⁱ [Brackets] indicate matter deleted.

Bolded italics indicate new matter added.