



City of Philadelphia

City Council
Chief Clerk's Office
402 City Hall
Philadelphia, PA 19107

BILL NO. 140313

Introduced April 10, 2014

Councilmember Reynolds Brown

**Referred to the
Committee on the Environment**

AN ORDINANCE

Amending Section 3-207 of The Philadelphia Code, entitled "Sale of Fuel Oil," by deleting current Code requirements and providing for future criteria for the sale and combustion of fuel oil to be established by the Air Pollution Control Board by regulation, under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Section 3-207 of The Philadelphia Code is hereby amended to read as follows:

§ 3-207. Sale of Fuel Oil.

[(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:

PERCENT SULFUR BY WEIGHT

Grades of Commercial Fuel Oil	SSU Viscosity at 100°F	Effective 5-1-70	Effective 10-1-72	Effective 4-1-78
No. 2 and lighter	Less than or equal to 45	0.3%	0.3%	0.2%
No. 4	Greater than 45 but Less than 145	0.7%	0.4%	0.3%
No. 5, No. 6 and heavier	Equal to or greater than 145	1.0%	0.5%	0.5%

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(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:

PERMISSIBLE SO₂ EMISSIONS (Pounds SO₂ per Million BTU Gross Heat Input)

Grades of Commercial Fuel Oil	SSU Viscosity at 100°F	Effective 5-1-70	Effective 10-1-72	Effective 4-1-78
No. 4	Greater than 45 but less than 145	0.74 lbs.	0.42 lbs.	0.30 lbs
No. 5, No. 6 and heavier	Equal to or greater than 145	1.1 lbs	0.52 lbs	0.52 lbs

(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

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(.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.]

(1) The Air Pollution Control Board, pursuant to Section 5-302 of the Home Rule Charter and Section 3-302 of this Code, shall promulgate regulations establishing criteria for the sale and combustion of Commercial Fuel Oil and for the combustion of

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Non-Commercial Fuel, requiring standards that are at least as stringent as those provided by State law and promote the goal of maximizing the air quality of the City.

Explanation:

[Brackets] indicate matter deleted.
Italics indicate new matter added.