

Limited Suspension of Enforcement of the Commercial Fuel Oil 15PPM Sulfur Content Limit Requirements for Combustion Units for Certain Distributors and Retail Outlets

The Allegheny County Health Department (Department) announces that beginning on September 1, 2020, and ending February 28, 2021, the Department will suspend enforcement of the 15 parts per million (ppm) maximum allowable sulfur fuel content requirement for No. 2 and lighter commercial fuel oil for certain "distributors" and "retail outlets" as defined in Article XX §2101.20 (relating to definitions).

The maximum allowable sulfur fuel content requirement for No. 2 and lighter commercial fuel oil is established at 15 ppm in Article XXI, §2104.10, recently revised and effective July 26, 2020 with a compliance date of September 1, 2020.

This suspension applies to the transfer and use of No. 2 and lighter commercial fuel oil stored by the distributor or retail outlet in Allegheny County as of July 26, 2020, that exceeds 15 ppm sulfur fuel content but that does not exceed the current regulatory limit of 0.05% sulfur by weight (500 ppm). This suspension of enforcement does not cover No. 2 and lighter commercial fuel oil received by the distributor or retail outlet after July 26, 2020. This suspension does not cover distributors of commercial fuel oil by pipeline or supersede conditions in any air quality installation permit or operating permit.

Under Article XXI §2104.10, a person may not offer for sale, deliver for use, exchange in trade or permit the use of commercial fuel oil if it exceeds the specified sulfur content. For No. 2 and lighter commercial fuel oil, the regulation promulgated at Article XXI §2104.10 and by County Ordinance 18-20-OR imposes a maximum allowable sulfur content of 15 ppm beginning September 1, 2020.

However, due to the unusually warm winter of 2019-2020, remaining inventories of No. 2 and lighter commercial fuel oil exceeding 15 ppm sulfur content are larger than anticipated. For that reason, the Department is announcing this transitional period during which it will exercise enforcement discretion on a limited basis for these existing inventories. Enforcement is not being suspended for any other requirements of Article XXI §2104.10, including recordkeeping requirements.

A distributor or retail outlet covered by this limited suspension of enforcement must maintain adequate records onsite to document the quantity of No. 2 and lighter commercial fuel oil stored by the distributor or retail outlet in this County on July 26, 2020, that exceeds 15 ppm sulfur content. The records shall be made available to the Department upon request.

This suspension also applies to No. 2 and lighter commercial fuel oil received by the "ultimate consumer" as defined in Article XXI, §2101.20, on or before February 28, 2021.

The Department's exercise of enforcement discretion does not protect an owner or operator of a subject distributor or retail outlet from the possibility of legal challenge by third persons.

For more information or questions concerning combustion unit commercial fuel oil sulfur limit requirements, contact Jayme Graham, Air Quality Program Manager, at jayme.graham@alleghenycounty.us or 412-578-8103.