

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
OFFICE OF AIR RESOURCES**

**NOTICE OF PUBLIC COMMENT PERIOD**

**IN RE: Proposed revisions to Air Pollution Control Regulation No. 43**

The Director of the Rhode Island Department of Environmental Management (DEM) proposes to revise Air Pollution Control (APC) Regulation No. 43 and gives notice of intent to receive public comment on the proposed regulation revisions and to afford interested parties an opportunity to submit data, views, or arguments in writing on the proposed regulation revisions. A public hearing on the proposed revisions will be held if DEM receives requests from twenty-five (25) people, a governmental agency or subdivision, or an association having not less than twenty-five (25) members. If a public hearing is held, a notice will be published announcing the date, time and place of such hearing.

APC Regulation No. 43 creates an alternative permitting process (general permit) for certain emergency generators, combined heat and power (CHP) projects and distributed generation (DG) projects. The general permit process is an administratively simpler permitting process than the minor source permitting process in DEM's APC Regulation No. 9.

The Department is proposing to revise the standard for carbon dioxide for emergency generators in subsection 43.4.1(d) to enable more projects involving the installation of emergency generators to be eligible for the alternative, administratively simpler permitting process.

Additionally, DEM is proposing a technical revision to APC Regulation No. 43 to include a missing word in subsection 43.4.4. This technical revision does not alter or revise the meaning of this subsection.

Copies of the proposed, revised regulation can be obtained at the DEM website, <http://www.dem.ri.gov>. (Click on the Regulations link on the left hand side of the page and go to the Proposed Regulations section). Copies are also available at DEM's Office of Air Resources 235 Promenade St., Providence, RI. Any additional requests can be made by contacting the Office of Air Resources at 222-2808, weekdays, 8:30 AM- 4:00 PM.

DEM has complied with the requirements of R.I. Gen. Laws Section 42-35-3 by considering alternative approaches to the proposed regulations and has determined that there is no alternative approach that would be as effective and less burdensome. DEM has also determined that the proposed regulations do not overlap or duplicate any other state regulation. DEM has complied with the requirements of R.I. Gen. Laws Section 42-35-3.3, 42-35.1-3 and 42-35.1-4 by preparing an Economic Impact Statement and a Regulatory Flexibility Analysis and providing these to the Governor's Office, the Department of Administration and the Economic Development Corporation.

DEM encourages the submission of written comments. Written comments, to be considered part of the administrative record must be submitted during the public comment period. Written comments may be mailed or e-mailed to the Office of Air Resources and received no later than 4:00

PM, 23 December 2011, at which time the public comment period will close. The mailing address for comments is:

Douglas McVay, Acting Chief  
Department of Environmental Management  
Office of Air Resources  
235 Promenade Street  
Providence, RI 02908-5767

The e-mail address for comments is: [doug.mcvay@dem.ri.gov](mailto:doug.mcvay@dem.ri.gov)

Signed this 23rd day of November, 2011

A handwritten signature in black ink, appearing to read "Douglas L. McVay". The signature is written in a cursive style with a large, looping initial "D".

Douglas L. McVay, Acting Chief  
Office of Air Resources