

25 Pa. Code § 123.22

Section 123.22 - Combustion units

(a) Nonair basin areas. Combustion units in nonair basin areas must conform with the following:

(1) General provision. A person may not permit the emission into the outdoor atmosphere of sulfur oxides, expressed as SO₂, from a combustion unit in excess of the rate of 4 pounds per million Btu of heat input over a 1-hour period, except as provided in paragraph (4).

(2) Commercial fuel oil.

(i) Except as specified in subparagraphs (ii) and (iii), a person may not offer for sale, deliver for use, exchange in trade or permit the use of commercial fuel oil in nonair basin areas if the commercial fuel oil contains sulfur in excess of the applicable maximum allowable sulfur content set forth in the following table:

Maximum Allowable Sulfur Content Expressed as Parts per Million (ppm) by Weight or Percentage by Weight

<i>Grades Commercial Fuel Oil (Consistent with ASTM D396)</i>	<i>Through August 31, 2020</i>	<i>Beginning September 1, 2020</i>
No. 2 and lighter oil	500 ppm (0.05%)	15 ppm (0.0015%)
No. 4 oil	2,500 ppm (0.25%)	2,500 ppm (0.25%)
No. 5, No. 6 and heavier oil	5,000 ppm (0.5%)	5,000 ppm (0.5%)

(ii) Commercial fuel oil that was stored in this Commonwealth by the ultimate consumer prior to September 1, 2020, which met the applicable maximum allowable sulfur content for commercial fuel oil through August 31, 2020, in subparagraph (i) at the time it was stored, may be used by the ultimate consumer in this Commonwealth on and after September 1, 2020.

(iii) The Department may temporarily suspend or increase the applicable maximum allowable sulfur content for a commercial fuel oil set forth in subparagraph (i) if the following occur:

(A) The Department receives a written request at the address specified in subsection (h) for a suspension or increase on the basis that compliant commercial fuel oil is not reasonably available in a nonair basin area. The request must include the following:

(I) The nonair basin county or counties for which the suspension or increase is requested.

(II) The reason compliant commercial fuel oil is not reasonably available.

(III) The duration of time for which the suspension or increase is requested and the justification for the request.

(B) The Department determines that an insufficient quantity of compliant commercial fuel oil is reasonably available in the nonair basin area and that the circumstances leading to the insufficiency are due to events that could not have been reasonably foreseen or prevented and are not due to lack of prudent planning on the part of the transferor of the commercial fuel oil into or within the specified nonair basin area.

(C) The Department approves the request, in writing, prior to the transferor distributing the noncompliant commercial fuel oil into or within the specified nonair basin area.

(iv) The Department will limit a suspension or increase in the applicable maximum allowable sulfur content granted under subparagraph (iii) to the shortest duration in which adequate supplies of compliant commercial fuel oil can be made reasonably available, but in no case longer than 60 days from the date the Department grants the suspension or increase.

(3)Equivalency provision. Paragraph (2) does not apply to a person who uses equipment or a process, or to the owner or operator of an installation where equipment or a process is used, to reduce the sulfur emissions from the burning of a fuel with a higher sulfur content than that specified in paragraph (2). The emissions may not exceed those which would result from the use of commercial fuel oil that meets the applicable maximum allowable sulfur content specified in paragraph (2).

(4)Solid fossil fuel fired combustion units. Solid fossil fuel fired combustion units shall conform with the following:

(i) This paragraph applies to solid fossil fuel fired combustion units with a rated capacity greater than or equal to 250 million Btus of heat input per hour.

(ii) The owner of a solid fossil fuel fired combustion unit with a rated capacity of less than 250 million Btu heat input per hour may petition the Department for application of the limitations in this paragraph in lieu of the limitations in paragraph (1). Upon demonstration of installation of continuous monitoring equipment which complies with Chapter 139 (relating to sampling and testing) the Department will grant the petition.

(iii) No person subject to this paragraph may permit the emission into the outdoor atmosphere of sulfur oxides, expressed as SO₂ from a combustion unit in excess of the rates set forth in the following table:

	<i>Allowable Pounds SO₂ per 10⁶ Btu Heat Input</i>
Thirty-day running average not to be exceeded at any time	3.7
Daily average not to be exceeded more than 2 days in any running 30-day period	4.0
Daily average maximum not to be exceeded at any time	4.8

(iv) A combustion unit which does not meet the requirements of 123.25 (relating to monitoring requirements) for installation and operation of continuous SO₂ emission monitoring equipment shall be subject to the provisions of paragraph (1).

(b) *Erie; Harrisburg; York; Lancaster; and Scranton, Wilkes-Barre air basins.* Combustion units in these subject air basins must conform with the following:

(1) *General provision.* A person may not permit the emission into the outdoor atmosphere of sulfur oxides, expressed as SO₂, from a combustion unit in excess of the rate of 4 pounds per million Btu of heat input over a 1-hour period, except as provided in paragraph (4).

(2) *Commercial fuel oil.*

(i) Except as specified in subparagraphs (ii) and (iii), a person may not offer for sale, deliver for use, exchange in trade or permit the use of commercial fuel oil in the subject air basins if the commercial fuel oil contains sulfur in excess of the applicable maximum allowable sulfur content set forth in the following table:

Maximum Allowable Sulfur Content Expressed as Parts per Million (ppm) by Weight or Percentage by Weight

<i>Grades Commercial Fuel Oil (Consistent with ASTM D396)</i>	<i>Through August 31, 2020</i>	<i>Beginning September 1, 2020</i>
No. 2 and lighter oil	500 ppm (0.05%)	15 ppm (0.0015%)
No. 4 oil	2,500 ppm (0.25%)	2,500 ppm (0.25%)
No. 5, No. 6 and heavier oil	5,000 ppm (0.5%)	5,000 ppm (0.5%)

(ii) Commercial fuel oil that was stored in this Commonwealth by the ultimate consumer prior to September 1, 2020, which met the applicable maximum allowable sulfur content for commercial fuel oil through August 31, 2020, in subparagraph (i) at the time it was stored, may be used by the ultimate consumer in this Commonwealth on and after September 1, 2020.

(iii) The Department may temporarily suspend or increase the applicable maximum allowable sulfur content for a commercial fuel oil set forth in subparagraph (i) if the following occur:

(A) The Department receives a written request at the address specified in subsection (h) for a suspension or increase on the basis that compliant commercial fuel oil is not reasonably available in a subject air basin. The request must include the following:

(I) The subject air basin for which the suspension or increase is requested.

(II) The reason compliant commercial fuel oil is not reasonably available.

(III) The duration of time for which the suspension or increase is requested and the justification for the requested duration.

(B) The Department determines that an insufficient quantity of compliant commercial fuel oil is reasonably available in the air basin and that the circumstances leading to

the insufficiency are due to events that could not have been reasonably foreseen or prevented and are not due to lack of prudent planning on the part of the transferor of the commercial fuel oil into or within the air basin.

(C) The Department approves the request, in writing, prior to the transferor distributing the noncompliant commercial fuel oil into or within the air basin.

(iv) The Department will limit a suspension or increase in the applicable maximum allowable sulfur content granted under subparagraph (iii) to the shortest duration in which adequate supplies of compliant commercial fuel oil can be made reasonably available, but in no case longer than 60 days from the date the Department grants the suspension or increase.

(3)*Equivalency provision.* Paragraph (2) does not apply to a person who uses equipment or a process, or to the owner or operator of an installation where equipment or a process is used, to reduce the sulfur emissions from the burning of a fuel with a higher sulfur content than that specified in paragraph (2). The emissions may not exceed those which would result from the use of commercial fuel oil that meets the applicable maximum allowable sulfur content specified in paragraph (2).

(4)*Solid fossil fuel fired combustion units.* Solid fossil fuel fired combustion units shall conform with the following:

(i) This paragraph applies to solid fossil fuel fired combustion units with a rated capacity greater than or equal to 250 million Btus of heat input per hour and to a solid fossil fuel fired combustion unit upon petition to and acceptance by the Department.

(ii) The owner of any solid fossil fuel fired combustion unit with a rated capacity of less than 250 million Btu heat input per hour may petition the Department for application of the limitations in this paragraph in lieu of the limitations in paragraph (1). Upon demonstration of installation of continuous monitoring equipment which complies with Chapter 139, the Department will grant the petition.

(iii) No person may permit the emission into the outdoor atmosphere of sulfur oxides, expressed as SO₂, from a combustion unit, at any time, in excess of the rates set forth in the following table:

	<i>Allowable Pounds SO₂ per 10⁶ Btu Heat Input</i>
Thirty-day running average not to be exceeded at any time	3.7
Daily average not to be exceeded more than 2 days in any running 30-day period	4.0
Daily average maximum not to be exceeded at any time	4.8

(iv) A combustion unit which does not meet the requirements of 123.25 for installation and operation of continuous SO₂ emission monitoring equipment is subject to the provisions of paragraph (1).

(c) *Allentown, Bethlehem, Easton; Reading; Upper Beaver Valley; and Johnstown air basins.* Combustion units in these subject air basins must conform with the following:

(1) *General provision.* A person may not permit the emission into the outdoor atmosphere of sulfur oxides, expressed as SO₂, from a combustion unit in excess of the rate of 3 pounds per million Btu of heat input over a 1-hour period, except as provided in paragraph (4).

(2) *Commercial fuel oil.*

(i) Except as specified in subparagraphs (ii) and (iii), a person may not offer for sale, deliver for use, exchange in trade or permit the use of commercial fuel oil in the subject air basins if the commercial fuel oil contains sulfur in excess of the applicable maximum allowable sulfur content set forth in the following table:

Maximum Allowable Sulfur Content Expressed as Parts per Million (ppm) by Weight or Percentage by Weight

<i>Grades Commercial Fuel Oil (Consistent with ASTM D396)</i>	<i>Through August 31, 2020</i>	<i>Beginning September 1, 2020</i>
No. 2 and lighter oil	500 ppm (0.05%)	15 ppm (0.0015%)
No. 4 oil	2,500 ppm (0.25%)	2,500 ppm (0.25%)
No. 5, No. 6 and heavier oil	5,000 ppm (0.5%)	5,000 ppm (0.5%)

(ii) Commercial fuel oil that was stored in this Commonwealth by the ultimate consumer prior to September 1, 2020, which met the applicable maximum allowable sulfur content through August 31, 2020, at the time it was stored, may be used by the ultimate consumer in this Commonwealth on and after September 1, 2020.

(iii) The Department may temporarily suspend or increase the applicable maximum allowable sulfur content for a commercial fuel oil set forth in subparagraph (i) if the following occur:

(A) The Department receives a written request at the address specified in subsection (h) for a suspension or increase on the basis that compliant commercial fuel oil is not reasonably available in a subject air basin. The request must include the following:

(I) The subject air basin for which the suspension or increase is requested.

(II) The reason compliant commercial fuel oil is not reasonably available.

(III) The duration of time for which the suspension or increase is requested and the justification for the requested duration.

(B) The Department determines that an insufficient quantity of compliant commercial fuel oil is reasonably available in the air basin and that the circumstances leading to the insufficiency are due to events that could not have been reasonably foreseen or prevented and are not due to lack of prudent planning on the part of the transferor of the commercial fuel oil into or within the air basin.

(C) The Department approves the request, in writing, prior to the transferor distributing the noncompliant commercial fuel oil into or within the air basin.

(iv) The Department will limit a suspension or increase in the applicable maximum allowable sulfur content granted under subparagraph (iii) to the shortest duration in which adequate supplies of compliant commercial fuel oil can be made reasonably available, but in no case longer than 60 days from the date the Department grants the suspension or increase.

(3)*Equivalency provision.* Paragraph (2) does not apply to a person who uses equipment or a process, or to the owner or operator of an installation where equipment or a process is used, to reduce the sulfur emissions from the burning of a fuel with a higher sulfur content than that specified in paragraph (2). The emissions may not exceed those which would result from the use of commercial fuel oil that meets the applicable maximum allowable sulfur content specified in paragraph (2).

(4)*Solid fossil fuel fired combustion units.* Solid fuel fired combustion units shall conform with the following:

(i) This paragraph applies to all solid fossil fuel fired combustion units with a rated capacity greater than or equal to 250 million Btus of heat input per hour and to any solid fossil fuel fired combustion unit upon petition to and acceptance by the Department.

(ii) The owner of a solid fossil fuel fired combustion unit with a rated capacity of less than 250 million Btu heat input per hour may petition the Department for application of the limitations in this paragraph in lieu of the limitations in paragraph (1). Upon demonstration of installation of continuous monitoring equipment which complies with Chapter 139 the Department will grant such petition.

(iii) No person may permit the emission into the outdoor atmosphere of sulfur oxides, expressed as SO₂, from any combustion unit in excess of the rates set forth in the following table:

	<i>Allowable Pounds SO₂ per 10⁶ Btu Heat Input</i>
Thirty-day running average not to be exceeded at any time	2.8
Daily average not to be exceeded more than 2 days in any running 30-day period	3.0
Daily average maximum not to be exceeded at any time	3.6

(iv) A combustion unit not meeting the requirements of 123.25 for installation and operation of continuous SO₂ emission monitoring equipment is subject to the provisions of paragraph (1).

(d)*Allegheny County; Lower Beaver Valley; and Monongahela Valley air basins.* Combustion units in these subject air basins must conform with the following:

(1)General provision. A person may not permit the emission into the outdoor atmosphere of sulfur oxides, expressed as SO₂, from a combustion unit in excess of one or more of the following:

- (i)** The rate of 1 pound per million Btu of heat input, when the heat input to the combustion unit in millions of Btus per hour is greater than 2.5 but less than 50.
- (ii)** The rate determined by the following formula: $A = 1.7E^{-0.14}$, where: A = Allowable emissions in pounds per million Btu of heat input, and E = Heat input to the combustion unit in millions of Btus per hours when E is equal to or greater than 50 but less than 2,000.
- (iii)** The rate of 0.6 pounds per million Btu of heat input when the heat input to the combustion unit in millions of Btus per hour is equal to or greater than 2,000.

(2)Commercial fuel oil.

- (i)** Except as specified in subparagraphs (ii) and (iii), a person may not offer for sale, deliver for use, exchange in trade or permit the use of commercial fuel oil in the subject air basins, if the commercial fuel oil contains sulfur in excess of the applicable maximum allowable sulfur content set forth in the following table:

Maximum Allowable Sulfur Content Expressed as Parts per Million (ppm) by Weight or Percentage by Weight

<i>Grades Commercial Fuel Oil (Consistent with ASTM D396)</i>	<i>Through August 31, 2020</i>	<i>Beginning September 1, 2020</i>
No. 2 and lighter oil	500 ppm (0.05%)	15 ppm (0.0015%)
No. 4 oil	2,500 ppm (0.25%)	2,500 ppm (0.25%)
No. 5, No. 6 and heavier oil	5,000 ppm (0.5%)	5,000 ppm (0.5%)

- (ii)** Commercial fuel oil that was stored in this Commonwealth by the ultimate consumer prior to September 1, 2020, which met the applicable maximum allowable sulfur content through August 31, 2020, at the time it was stored, may be used by the ultimate consumer in this Commonwealth on and after September 1, 2020.

(iii) The Department may temporarily suspend or increase the applicable maximum allowable sulfur content for a commercial fuel oil set forth in subparagraph (i) if the following occur:

- (A)** The Department receives a written request at the address specified in subsection (h) for a suspension or increase on the basis that compliant commercial fuel oil is not reasonably available in a subject air basin. The request must include the following:

(I) The subject air basin for which the suspension or increase is requested.

(II) The reason compliant commercial fuel oil is not reasonably available.

(III) The duration of time for which the suspension or increase is requested and the justification for the requested duration.

(B) The Department determines that an insufficient quantity of compliant commercial fuel oil is reasonably available in the air basin and that the circumstances leading to the insufficiency are due to events that could not have been reasonably foreseen or prevented and are not due to lack of prudent planning on the part of the transferor of the commercial fuel oil into or within the air basin.

(C) The Department approves the request, in writing, prior to the transferor distributing the noncompliant commercial fuel oil into or within the air basin.

(iv) The Department will limit a suspension or increase in the applicable maximum allowable sulfur content granted under subparagraph (iii) to the shortest duration in which adequate supplies of compliant commercial fuel oil can be made reasonably available, but in no case longer than 60 days from the date the Department grants the suspension or increase.

(3)*Equivalency provision.* Paragraph (2) does not apply to a person who uses equipment or a process, or to the owner or operator of an installation where equipment or a process is used, to reduce the sulfur emissions from the burning of a fuel with a higher sulfur content than that specified in paragraph (2). The emissions may not exceed those which would result from the use of commercial fuel oil that meets the applicable maximum allowable sulfur content specified in paragraph (2).

(e)*Southeast Pennsylvania air basin.* Combustion units in the Southeast Pennsylvania air basin must conform with the following:

(1)*General provision.* A person may not permit the emission into the outdoor atmosphere of sulfur oxides, expressed as SO₂, from a combustion unit except as provided in paragraph (3) or (5), in excess of the applicable rate in pounds per million Btu of heat input specified in the following table:

Rated Capacity of Units in 10⁶ Btus per hour

	<i>Inner Zone</i>	<i>Outer Zone</i>
Less than 250	1.0	1.2
Greater than or equal to 250	0.6	1.2

(2) *Commercial fuel oil.*

(2) Commercial fuel oil.

(i) Except as specified in subparagraphs (ii) and (iii), a person may not offer for sale, deliver for use, exchange in trade or permit the use of commercial fuel oil in a combustion unit in the Southeast Pennsylvania air basin if the commercial fuel oil contains sulfur in excess of the applicable maximum allowable sulfur content set forth in the following table:

Maximum Allowable Sulfur Content Expressed as Parts per Million (ppm) by Weight or Percentage by Weight

<i>Grades Commercial Fuel Oil (Consistent with ASTM D396)</i>	<i>Through August 31, 2020</i>	<i>Beginning September 1, 2020</i>
NNo. 2 and lighter oil	500 ppm (0.05%)	15 ppm (0.0015%)

No. 4 oil	2,500 ppm (0.25%)	2,500 ppm (0.25%)
No. 5, No. 6 and heavier oil	5,000 ppm (0.5%)	5,000 ppm (0.5%)

(ii) Commercial fuel oil that was stored in this Commonwealth by the ultimate consumer prior to September 1, 2020, which met the applicable maximum allowable sulfur content for commercial fuel oil through August 31, 2020, in subparagraph (i) at the time it was stored, may be used by the ultimate consumer in this Commonwealth on and after September 1, 2020.

(iii) The Department may temporarily suspend or increase the applicable maximum allowable sulfur content for a commercial fuel oil set forth in subparagraph (i) if the following occur:

(A) The Department receives a written request at the address specified in subsection (h) for a suspension or increase on the basis that compliant commercial fuel oil is not reasonably available in the subject air basin. The request must include both of the following:

(I) The reason compliant commercial fuel oil is not reasonably available.

(II) The duration of time for which the suspension or increase is requested and the justification for the requested duration.

(B) The Department determines that an insufficient quantity of compliant commercial fuel oil is reasonably available in the air basin and that the circumstances leading to the insufficiency are due to events that could not have been reasonably foreseen or prevented and are not due to lack of prudent planning on the part of the transferor of the commercial fuel oil into or within the air basin.

(C) The Department approves the request, in writing, prior to the transferor distributing the noncompliant commercial fuel oil into or within the air basin.

(iv) The Department will limit a suspension or increase in the applicable maximum allowable sulfur content granted under subparagraph (iii) to the shortest duration in which adequate supplies of compliant commercial fuel oil can be made reasonably available, but in no case longer than 60 days from the date the Department grants the suspension or increase.

(3)Noncommercial fuels. A person may not permit the emission into the outdoor atmosphere of sulfur oxides, expressed as SO₂, from a combustion unit using a noncommercial fuel, in excess of the rate of 0.6 pound per million Btu of heat input in the inner zone or 1.2 pounds per million Btu of heat input in the outer zone.

(4)Equivalency provision. Paragraph (2) does not apply to a person who uses equipment or a process, or to the owner or operator of an installation where equipment or a process is used, to reduce the sulfur emissions from the burning of a fuel with a higher sulfur content than that specified in paragraph (2). The emissions may not exceed those which would

result from the use of commercial fuel oil that meets the applicable maximum allowable sulfur content specified in paragraph (2).

(5) Solid fossil fuel fired combustion units. Solid fossil fuel fired combustion units shall conform with the following:

(i) This paragraph applies to all solid fossil fuel fired combustion units with a rated capacity greater than or equal to 250 million Btus of heat input per hour and to any solid fossil fuel fired combustion unit upon petition to and acceptance by the Department.

(ii) The owner of any solid fossil fuel fired combustion unit with a rated capacity of less than 250 million Btu heat input per hour may petition the Department for application of the limitations in this paragraph in lieu of the limitations in paragraph (1). Upon demonstration of installation of continuous monitoring equipment which complies with Chapter 139, the Department will grant the petition.

(iii) No person may permit the emission into the outdoor atmosphere of sulfur oxides, expressed as SO₂, from any combustion unit in excess of the applicable rate in pounds per million Btu of heat input specified in the following table:

	<i>Rated Capacity of Unit in 10⁶ Btus per Hour</i>	
	Less than 250	Greater than or equal to 250
Thirty-day running average not to be exceeded at any time		
Inner Zone	0.75	0.45
Outer Zone	0.90	0.90
Daily average not to be exceeded more than 2 days in any running 30-day period		
Inner Zone	1.00	0.60
Outer Zone	1.20	1.20
Daily average maximum not to be exceeded at any time		
Inner Zone	1.20	0.72
Outer Zone	1.44	1.44

(iv) A combustion unit not meeting the requirements of 123.25 for installation and operation of continuous SO₂ emission monitoring equipment is subject to the provisions of paragraph (1).

(f) Sampling and testing.

(1) For the purpose of determining compliance with the requirements of this section, the actual sulfur content of commercial fuel oil shall be determined by one of the following:

(i) In accordance with the sample collection, test methods and procedures specified under § 139.16 (relating to sulfur in fuel oil).

(ii) Other methods developed or approved by the Department or the Administrator of the EPA, or both.

(2) A refinery owner or operator who produces commercial fuel oil intended for use or used in this Commonwealth is required to sample, test and calculate the actual sulfur content of each batch of the commercial fuel oil as specified in paragraph (1).

(3) Prior to offering for sale, delivering for use, exchanging in trade or permitting the use of commercial fuel oil in this Commonwealth, a person other than the ultimate consumer that accepts a shipment of commercial fuel oil from a refinery or other transferor, shall sample, test and calculate the actual sulfur content of the commercial fuel oil in accordance with paragraph (1) if the shipment lacks the record required under subsection (g)(1) that enables the transferee to determine if the sulfur content of the shipment of commercial fuel oil meets the applicable maximum allowable sulfur content.

(g) *Recordkeeping and reporting.*

(1) Beginning with the refinery owner or operator who sells or transfers commercial fuel oil into or within this Commonwealth for use in this Commonwealth and ending with the ultimate consumer, each time the physical custody of, or title to, a shipment of commercial fuel oil changes hands, the transferor shall provide to the transferee an electronic or paper record described in this paragraph. This record must legibly and conspicuously contain the following information:

(i) The date of the sale or transfer.

(ii) The name and address of the transferor.

(iii) The name and address of the transferee.

(iv) The volume of commercial fuel oil being sold or transferred.

(v) The identification of the sulfur content of the shipment of commercial fuel oil, determined using the sampling and testing methods specified in subsection (f)(1), expressed as one of the following statements:

(A) For a shipment of No. 2 and lighter commercial fuel oil:

(I) Prior to September 1, 2020-"The sulfur content of this shipment is 500 ppm or below."

(II) On and after September 1, 2020-"The sulfur content of this shipment is 15 ppm or below."

(B) For a shipment of No. 4 commercial fuel oil, "The sulfur content of this shipment is 2,500 ppm or below."

(C) For a shipment of No. 5, No. 6 and heavier commercial fuel oil, "The sulfur content of this shipment is 5,000 ppm or below."

(vi) The location of the commercial fuel oil at the time of transfer.

(vii) Except for a transfer to a truck carrier, an owner or operator of a retail outlet or an ultimate consumer, the transferor may substitute the information required under subparagraphs (i)-(vi) with the use of a product code if the following are met:

- (A) The product code includes the information required under subparagraphs (i)-(vi).
 - (B) The product code is standardized throughout the distribution system in which it is used.
 - (C) Each downstream party is given sufficient information to know the full meaning of the product code.
- (2) The refinery owner or operator shall do both of the following:
- (i) Maintain, in electronic or paper format, the records developed under subsection (f)(2) to determine the actual sulfur content of each batch of the commercial fuel oil.
 - (ii) Provide electronic or written copies of the records developed under subsection (f)(2) of the actual sulfur content of each batch of the commercial fuel oil to the Department upon request.
- (3) The terminal owner or operator shall do both of the following:
- (i) Maintain, in electronic or paper format, the applicable records developed under subsection (f)(3) or (g)(1), or both, to establish the maximum sulfur content of the shipment of commercial fuel oil.
 - (ii) Provide electronic or written copies of the records establishing the maximum sulfur content of the shipment of commercial fuel oil to the Department upon request.
- (4) A person subject to this section shall do both of the following:
- (i) Maintain the applicable records required under paragraphs (1)-(3) in electronic or paper format for 2 years unless a longer period is required under 127.511(b)(2) (relating to monitoring and related recordkeeping and reporting requirements).
 - (ii) Provide an electronic or written copy of the applicable record to the Department upon request.
- (5) The ultimate consumer shall maintain in electronic or paper format the record containing the information listed in paragraph (1), except in either of the following situations:
- (i) The transfer or use of the commercial fuel oil occurs at a private residence.
 - (ii) The ultimate consumer is an owner of an apartment or condominium building housing private residents and the transfer or use of the commercial fuel oil occurs for use at the building.
- (h) *Written request.* The written request for suspension of or increase in the sulfur content limit on the basis that compliant commercial fuel oil is not reasonably available shall be addressed to the Department of Environmental Protection, Bureau of Air Quality, Chief of the Division of Compliance and Enforcement, P. O. Box 8468, Harrisburg, Pennsylvania 17105-8468.

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