

**ENVIRONMENTAL PROTECTION
OFFICE OF AIR QUALITY MANAGEMENT**

Sulfur in Fuels

Adopted Emergency Amendment: N.J.A.C. 7:27-9.3

Adopted: February 16, 2000, by Robert C. Shinn Jr.,
Commissioner, Department of Environmental
Protection.

Emergency Amendment Filed: February 16, 2000, as R.1995 d.102.

Authority: N.J.S.A. 13:1B-3 and 26:2C-1 et seq., in particular
26:2C-8.

Gubernatorial Approval (see N.J.S.A. 52:14B-4(c)): February 16, 2000

Emergency Adoption Effective Date: February 16, 2000

Emergency Adoption Expiration Date: April 16, 2000

Federal Standards Statement

Executive Order No. 27 (1994) and P.L. 1995, c.65 require State agencies which adopt, readopt or amend State regulations that exceed any Federal standards or requirements to include in the rulemaking document a comparison with Federal law. No Federal law establishes standards or requirements regarding the level of sulfur in number 2 grade fuel oil. While the Department's sulfur content standards for number 2 grade fuel oil are Federally enforceable as part of New Jersey's State Implementation Plan, the temporary waiver of these standards does not impose standards or requirements that exceed those contained in Federal law; rather, it eliminates them. Accordingly, neither Executive Order 27 (1994) nor N.J.S.A. 52:14B-23 requires a cost-benefit analysis.

Full text of the emergency adoption follows (additions indicated in boldface **thus**):

7:27-9.3 Exemptions

- (a) The provisions of this subchapter shall not apply to fuel used by ocean-going vessels or in motor vehicles.
- (b) The Department will set such standards for the sulfur contents of fuel as may be necessary to prevent violation of air quality standards where it is determined that an aerodynamic downwash problem exists as the result of emissions from a source or sources of air pollution.
- (c) **The provisions of N.J.A.C. 7:27-9.2(a) and (b) shall not apply to number 2 grade fuel oil should the Commissioner at any time between February 16, 2000 and April 16, 2000 make the determination that it is necessary, in order to protect the health and welfare of the residents of New Jersey, to waive those requirements.**