3 August 2010

H. Curtis Spalding, Regional Administrator
EPA New England, Region 1
5 Post Office Square-Suite 100
Boston, MA 02109-3912

Dear Mr. Spalding:

This letter is to inform you that the Rhode Island Department of Environmental Management, Office of Air Resources (OAR) intends to apply the meaning of the term “subject to regulation” consistent with EPA’s definition of the term in implementing both the PSD and Title V permitting programs for greenhouse gases in Rhode Island.

No statutory changes will be necessary to implement this approach. The definition of “air contaminant” in state law (Rhode Island General Laws §23-23-3(1)) reads:

"Air contaminant" means soot, cinders, ashes, any dust, fumes, gas, mist, smoke, vapor, odor, toxic or radioactive material, particulate matter, or any combination of these.

This definition is sufficiently broad to allow OAR to regulate greenhouse gases.

In order to undertake this approach, OAR will need to amend the two state regulations implementing the PSD and Title V programs; Air Pollution Control Regulation No. 9 and Air Pollution Control Regulation No. 29. It is our intention that the regulatory changes we adopt will be consistent with the applicability thresholds in the Tailoring rule in both programs. We anticipate that the necessary regulatory changes will be adopted before January 2, 2011.

If you or your staff have any questions concerning approach, feel free to contact me at (401)-222-2808, x-7011.

Sincerely,

[Signature]

Douglas L. McVay
Acting Chief
Office of Air Resources