



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

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Enforcement Discretion Directive for Massachusetts Heating Oil Sulfur Reduction

5/9/18

Effective July 1, 2018, Massachusetts Department of Environmental Protection (MassDEP) regulations at 310 CMR 7.05 limit sulfur to 15 parts per million (ppm) in distillate oil that may be accepted for combustion by stationary sources [see 310 CMR 7.05(1)(a)1. and 310 CMR 7.05(1)(b)2.], and that may be supplied in intrastate commerce to stationary sources for combustion in Massachusetts [see 310 CMR 7.05(5)]. MassDEP recognizes that, while bulk oil terminals are on track to receive only compliant oil by July 1, some noncompliant oil will remain at some terminals and in the retail supply chain as of July 1.

To ensure a smooth transition to 15 ppm sulfur content distillate oil throughout the heating oil supply chain, MassDEP is exercising enforcement discretion until December 31, 2018, to allow oil suppliers to ship and deliver existing inventories of noncompliant distillate oil and to allow stationary sources to receive noncompliant distillate oil for combustion. As of December 31, 2018, only distillate oil that meets the 15 ppm sulfur limit may be supplied to a stationary source. Stationary sources may combust stocks of higher sulfur distillate oil received prior to December 31, 2018, but no shipments of noncompliant distillate oil may be received by stationary sources after December 31, 2018.

Legal Disclaimer: This enforcement discretion directive does not constitute “final agency action” and is not a “regulation” as that term is used in M.G.L. c.30A. It may not be relied upon to create rights, duties, obligations or defenses, implied or otherwise, enforceable by any party in any administrative proceeding with the Commonwealth. In addition, this enforcement discretion directive does not exempt any person from complying with the other requirements in 310 CMR 7.05 or any other applicable local, state or federal law.

Questions? Contact Kevin Tyson of MassDEP at 617- 292-5705.

This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-5751.

TTY# MassRelay Service 1-800-439-2370

MassDEP Website: www.mass.gov/dep

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