



Department of Energy
Washington, DC 20585
October 11, 2006

Mr. Peter Tsirigotis
Director, Sector Policies and Programs Division
Mail Code: D205-01
U.S. Environmental Protection Agency
Research Triangle Park, NC 27711

Dear Mr. Tsirigotis:

The Department of Energy (DOE) has reviewed the Environmental Protection Agency's (EPA) proposed rule, "Standards of Performance for Stationary Spark Ignition Internal Combustion Engines and National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines," published in the June 12, 2006, *Federal Register* (71 FR 33804). Enclosed please find a copy of the Department's comments and recommendations on the proposed regulations based on our review of their potential impacts on DOE operations and sites. All of the DOE comments address EPA's proposed National Emission Standards for Hazardous Air Pollutants affecting emergency stationary internal combustion engines.

We appreciate the opportunity to comment on the proposed rule. If you have any questions concerning these comments, please contact Mr. Ted Koss of my staff: (theodore.koss@eh.doe.gov; 202-586-1306).

Sincerely,

A handwritten signature in cursive script that reads "Andy Lawrence".

Andrew C. Lawrence
Director
Office of Nuclear Safety
and Environment
Office of Health, Safety and Security

Enclosure

cc (with enclosure): Jaime Pagán

Enclosure

**United States Department of Energy (DOE)
Comments on
“Standards of Performance for Stationary Spark Ignition Internal Combustion Engines and
National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal
Combustion Engines”**

**Proposed Rule
(71 FR 33804; June 12, 2006)**

- 1. At 71 FR 33813 (Section III.F.2 of the preamble), the Environmental Protection Agency (EPA) discusses reporting and recordkeeping requirements under the National Emission Standards for Hazardous Air Pollutants (NESHAP). EPA is proposing to revise the maintenance and testing limitation for emergency stationary reciprocating internal combustion engines (RICE) greater than 500 horsepower (HP) to 100 hours. EPA also states that the proposed limitation for engines equal to or less than 500 HP is 100 hours per year, but that owner/operators can petition EPA for additional hours if needed for maintenance and testing reasons.**

The discussion in Section III.F.2 of the preamble represents a change from the current definition of *Emergency Stationary RICE* at 40 CFR 63.6675. The current definition provides that:

Emergency stationary RICE means any stationary RICE that operates in an emergency situation. Examples include stationary RICE used to produce power for critical networks or equipment (including power supplied to portions of a facility) when electric power from the local utility is interrupted, or stationary RICE used to pump water in the case of fire or flood, etc. Emergency stationary RICE may be operated for the purpose of maintenance checks and readiness testing, provided that the tests are recommended by the manufacturer, the vendor, or the insurance company associated with the engine. Required testing of such units should be minimized, but there is no time limit on the use of emergency stationary RICE in emergency situations and for routine testing and maintenance. Emergency stationary RICE may also operate an additional 50 hours per year in non-emergency situations.

If the rule is adopted as proposed, the 100-hour maintenance and testing limitation should not become effective immediately. DOE suggests a one-year phase-in period. A phase-in period would allow owner/operators of emergency stationary RICE operating under the “no time limit” provision for routine testing and maintenance in 40 CFR 63.6675 time to adjust to the new requirement (such as allowing time to execute and complete the petition process). DOE also suggests that (1) the 100-hour limitation be added to the appropriate portions of the tables at the end of the proposed rule, and (2) the final rule clarify whether “per year” means per calendar year or rolling 365-day year.

In addition, we noted that, although the preamble discussion at 71 FR 33813 indicated that EPA believed that it was appropriate to propose to amend the requirements for stationary engines

greater than 500 HP located at major sources to allow emergency engines to operate 100 hours per year for maintenance and testing purposes, the proposed regulatory text at 40 CFR 6640(f) that incorporates this amendment does not apply to stationary engines greater than 500 HP. We agree with EPA's rationale at 71 FR 33813 that there should be consistency on this issue between the various EPA air quality regulations affecting the same or similar sources. Thus, DOE recommends that EPA adjust proposed 40 CFR 63.6640(f) so that it is also applicable to emergency stationary RICE greater than 500 HP.

- 2. In proposed 40 CFR 63.6655(e) (71 FR 33842) of Subpart ZZZZ, EPA states that owner/operators of emergency stationary RICE with a site rating of equal to or less than 500 brake HP located at a major source of HAP emissions, or a stationary emergency RICE located at an area source of HAP emissions, must keep records of the operation of the engine that is recorded through the non-resettable hour meter. In proposed 40 CFR 63.6590(b)(3) (71 FR 33838), EPA states that an existing emergency stationary RICE does not have to meet the requirements of Subpart ZZZZ.**

The proposed requirements in 40 CFR 63.6655(e) and 40 CFR 63.6590(b)(3) do not appear to be consistent with each other. DOE recommends that the proposed regulatory text be modified to ensure consistency. Since emergency stationary RICE are widely used in industry, DOE suggests that EPA consider adding a separate subsection and a separate table to Subpart ZZZZ where requirements and operating limitations applicable to emergency stationary RICE are set out.

- 3. Proposed 40 CFR 63.6655(e, f) (71 FR 33842) require the owner/operator of an emergency stationary RICE with a rating of equal to or less than 500 HP to keep records of the operation of the RICE that is recorded through the non-resettable hour meter, emergency and non-emergency use, time of operation, the reason the engine was operated, and documentation of proper engine maintenance. Owner/operators of emergency stationary RICE over 500 HP do not have to record this information.**

DOE suggests that the recordkeeping requirements be the same for the two different classes of RICE. DOE also suggests that the recordkeeping requirements should not become effective unless the emergency stationary RICE exceeds the 100 hour/year limit.