

November 4, 2013

BOARD OF DIRECTORS

Co-Presidents

George S. Aburn, Jr.
Maryland

Merlyn Hough
Springfield, OR

Co-Vice Presidents

Stuart A. Clark
Washington

Thomas Huynh
Philadelphia, PA

Co-Treasurers

Barry R. Stephens
Tennessee

Ursula Kramer
Tucson, AZ

Past Co-Presidents

David J. Shaw
New York

Barry R. Wallerstein
Los Angeles, CA

Directors

Mark Asmundson
Mount Vernon, WA

Rick Brunetti
Kansas

Robert H. Colby
Chattanooga, TN

Richard Corey
California

Sandra Ely
New Mexico

Anne Gobin
Connecticut

David Klemp
Montana

Bart A. Sponseller
Wisconsin

Richard A. Stedman
Monterey, CA

Executive Director

S. William Becker

Docket ID No. EPA-HQ-OAR-2008-0708
Air and Radiation Docket and Information Center
U.S. Environmental Protection Agency
Mailcode: 2822T
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Sir/Madam:

On behalf of the National Association of Clean Air Agencies (NACAA), thank you for this opportunity to comment on the Notice of Reconsideration of Final Rule; Request for Public Comment on the National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines (RICE); New Source Performance Standards for Stationary Internal Combustion Engines, which were published in the *Federal Register* on September 5, 2013 (78 *Federal Register* 54606). NACAA is a national, non-partisan, non-profit association of air pollution control agencies in 43 states, the District of Columbia, four territories and 115 metropolitan areas. The air quality professionals in our member agencies have vast experience dedicated to improving air quality in the U.S. The comments we offer are based upon that experience. The views expressed in these comments do not necessarily represent the positions of every state and local air pollution control agency in the country

According to EPA, diesel-fired stationary RICE emit a substantial number of air pollutants that are harmful to human health, including diesel exhaust, carbon monoxide, particulate matter, nitrogen oxides (NO_x), volatile organic compounds and hazardous air pollutants (HAPs), including formaldehyde, acrolein, acetaldehyde, 1,3-butadiene, benzene, ethylbenzene, n-hexane, naphthalene, polycyclic aromatic hydrocarbons, polycyclic organic matter, styrene, toluene and xylene, among others.¹ NO_x and other pollutants emitted by diesel-fired RICE also contribute to the formation of ozone. These emissions and the resulting air pollution (e.g., ozone) are linked to a variety of adverse health impacts, including such serious problems as respiratory and cardiovascular ailments, cancer and premature mortality.

Given these significant public health impacts, NACAA recognizes the need to address emissions of air pollutants from RICE. We commend EPA for seeking additional input from the public on the important issues related to the RICE regulations that the petitioners have raised.

¹ 75 *Federal Register* 9650 (March 3, 2010).

EPA has requested comment on three specific issues, which we address below:

Timing for Compliance with Ultra Low Sulfur Diesel Fuel

EPA is seeking input on “[t]iming for compliance with the ultra low sulfur diesel (ULSD) fuel requirement for emergency compression ignition (CI) engines that operate or are contractually obligated to be available for more than 15 hours per calendar year for the purposes specified in [40 CFR 63.6640\(f\)\(2\)\(ii\)](#) and (iii) (emergency demand response and deviations of voltage or frequency of 5 percent or more), or that operate for the purpose specified in [40 CFR 63.6640\(f\)\(4\)\(ii\)](#) (local system reliability).”²

NACAA believes ULSD should be required for RICE units earlier than the January 1, 2015 deadline currently contained in the RICE regulations. ULSD is currently widely available and has been so for several years. Since 2006, ULSD has been nationally available for transportation purposes and, in fact, since 2010 it has been the *only* diesel fuel available for transportation. Several states already require ULSD for emergency back-up engines.

With respect to the use of ULSD in existing engines, we understand there are synthetic additives that ensure proper lubricity in ULSD (to meet the requirements of the ASTM-D975 standard) and address concerns about potential increases in wear for older engines that will be required to switch from higher sulfur diesel to ULSD.

Timing and Required Information for Reporting Requirements

EPA has requested input on the “[t]iming and required information for the reporting requirement for emergency engines that operate or are contractually obligated to be available for more than 15 hours per calendar year for the purposes specified in [40 CFR 63.6640\(f\)\(2\)\(ii\)](#) and (iii), or that operate for the purpose specified in [40 CFR 63.6640\(f\)\(4\)\(ii\)](#), and the timing and required information for the analogous reporting requirement in the ICE NSPS.”³

One concern NACAA raised in its August 9, 2013 comments on the proposed RICE rules was the fact that EPA did not possess adequate data, including information about the location of the affected sources.⁴ Since RICE are small and widely distributed, and many of them have not been required to obtain permits, governmental agencies likely do not have robust information about their locations, emissions or their proximity to the public. One of the benefits of the final rule was that it would result in the collection of additional necessary data. NACAA recommends that EPA call for data reporting as early as possible, to assist in planning, analyses and assessment of the impact of RICE and their usage on air quality, as well as to calculate the benefits of the regulation itself. The reporting requirements should call for information about the amount and type of fuel used. Ideally, the deadline for reporting should be as soon as practicable and earlier than the current deadline of March 31, 2016, so that federal, state and local agencies will have information about the emissions that existed before the reductions resulting from the new requirements.

² 78 *Federal Register* 54607

³ 78 *Federal Register* 54607

⁴ <http://www.4cleanair.org/Documents/RICEcommentsJuly2012final.pdf>

Fifty Hours of Operation in Non-Emergency Situations

EPA has asked for input on “[c]onditions in [40 CFR 60.4211\(f\)\(3\)\(i\)](#), [60.4243\(d\)\(3\)\(i\)](#) and [63.6640\(f\)\(4\)\(ii\)](#) for operation for up to 50 hours per calendar year in non-emergency situations as part of a financial arrangement with another entity.”⁵

As we expressed in our August 9, 2012 comments, we are concerned about significant increases in diesel and other emissions from RICE, often in highly populated areas where many RICE are located, and the resulting adverse effects on public health. One issue is that these distributed generation resources will most likely operate during high electricity demand days (HEDD), which are often on hot summer days when conditions are conducive to the formation of ozone. Additionally, if the use of inadequately controlled diesel generators is increased (which could happen if they are offered at a cheaper rate), there could be more emissions of HAPs, particulates and possibly NO_x (which contributes to the formation of ozone).

Given the adverse public health effects associated with uncontrolled RICE emissions, NACAA does not believe uncontrolled RICE should be used as demand response engines unless there is a bona fide emergency. We believe EPA should include specific guidance about the situations that constitute an emergency. If a RICE is to enter into a financial arrangement to be used in non-emergency situations, then it should be required to install appropriate air pollution controls. Additionally, we ask that EPA recognize that some agencies may have existing requirements that forbid the use of emergency generators in non-emergency situations (other than routine testing for operational capability) and ensure that the RICE regulations not preclude these more stringent programs.

Thank you for this opportunity to comment on the reconsideration. Please do not hesitate to contact us if you need additional information.

Sincerely,



G. Vinson Hellwig
Michigan
Co-Chair
NACAA Air Toxics Committee



Robert H. Colby
Chattanooga, Tennessee
Co-Chair
NACAA Air Toxics Committee

⁵ 78 Federal Register 54608