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Docket ID No. EPA-HQ-OAR-2008-0708
U.S. Environmental Protection Agency
Air and Radiation Docket and Information Center
Mailcode: 6102T
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Sir/Madam:

On behalf of the National Association of Clean Air Agencies, thank you for this opportunity to comment on the proposed National Emission Standards for Hazardous Air Pollutants (NESHAP) for Reciprocating Internal Combustion Engines (RICE), which were published in the *Federal Register* on March 5, 2009 (74 *Federal Register* 9698). The National Association of Clean Air Agencies (NACAA) is the national association of air pollution control agencies in 53 states and territories and over 165 metropolitan areas across the country.

We commend EPA for proposing a regulation that will reduce Hazardous Air Pollutant (HAP) and diesel emissions from the RICE source category. NACAA supports the establishment of effective regulations to reduce emissions of HAPs, including those from area sources, pursuant to the mandates of the Clean Air Act. The adverse effects of the emissions from these sources in the aggregate are significant and should be ameliorated. Additionally, the adverse health effects from exposure to diesel exhaust are well documented. We support measures that will result in significant reductions of these air contaminants.

NACAA offers the following comments and recommendations related to the specifics of the proposal.

Additional Resources – The proposed RICE amendments will not be limited to impacts at existing engines at power plants, chemical and manufacturing plants, and other industrial facilities. In fact, these regulations will apply to engines at many types of facilities that currently have few, if any, air quality requirements. Many types of facilities, such as retail operations, schools, and medical facilities, may have engines or generators affected by the proposed standard. Although smaller engines or emergency engines may have minimal requirements, facilities are still subject to maintenance, operational and recordkeeping requirements. Some engines larger than 250 horsepower (HP) may require add-on control, as well as one-time or periodic emissions testing. Therefore, the proposed rules could apply to a substantial number of facilities.

In order for these rules to be implemented properly, EPA should provide sufficient additional funds for state and local clean air agencies to carry out this important work. Currently, federal grants fall far short of what is needed to support state and local agencies in carrying out their existing responsibilities. In recent years, federal grants for state and local air programs have amounted to only a fraction of what they should be. Additional area source programs, which are not eligible for Title V fees, will require significant new resources for state and local air agencies, above and beyond what is currently provided.

Without increased federal grants, some state and local air agencies may not be able to adopt and enforce additional area source rules. Even for permitting authorities that do not adopt the rules, it is possible that implementation of the standards for area sources will increase the workload and resource needs of state and local agencies. For example, synthetic minor permits (or Federally Enforceable State Operating Permits) may need to incorporate all applicable requirements, which would include the area source standards. These requirements also must be enforced. However, Title V permit fee funds are not available for those efforts and many state and local air agencies do not have sufficient resources for these responsibilities. Accordingly, NACAA recommends that EPA provide state and local air agencies with sufficient additional grants so that they may participate in the implementation of these important area source rules.

Catalyzed Diesel Particulate Filters – EPA’s proposal calls for oxidation catalysts on non-emergency compression ignition (CI) engines. According to the agency, this technology will result in 90 percent reductions in CO and 30-percent reductions in PM. However, the use of catalyzed diesel particulate filters (CDPF) would result in greater reductions in PM (90-percent reductions or greater). Accordingly, NACAA recommends that the standard require CDPF or a combination of oxidation catalysts and CDPF for new or existing non-emergency diesel RICE.

Low Sulfur Fuel – NACAA supports meeting 15 parts per million sulfur in diesel fuel for existing non-emergency CI engines. This would minimize emissions of sulfur dioxide and PM and would also allow the use of oxidation catalyst and CDPF to reduce emissions. We also recommend that ultra low sulfur diesel fuel (ULSD) be used in existing CI emergency engines. This requirement would be consistent with New Source Performance Standard Subpart III, which requires all applicable engines (both emergency and non-emergency) to use ULSD beginning on October 1, 2010.

Inconsistent Exceptions to the Requirements – The proposed rule covers all engines at area sources, but provides exceptions in 40 CFR63.6590(b)(3) for certain engines with a site rating of more than 500 HP located at major sources of HAPs, such as an existing spark ignition 2 stroke lean burn (2SLB) engine, an existing spark ignition 4 stroke lean burn (4SLB) engine, an existing emergency stationary RICE, an existing limited-use stationary RICE, or an existing stationary RICE that combusts landfill gas or digester gas equivalent to 10 percent or more of the gross heat input. The proposed rule places more stringent requirements on an engine at an area source than it does on an identical unit at a major source. The possibility also exists that engines that fall into the exempt categories could be located at area sources of HAPs, in which case they would be subject to emission limits

under the proposed rule. We believe it is inconsistent to exempt larger engines at major sources while requiring smaller engines to comply with the rule. NACAA recommends that the standard include the same requirements for all categories of engines in excess of 500 HP at major and area sources.

Performance Tests – It is not clear from the proposed rule whether existing emergency RICE less than 500 HP at major sources are required to conduct a performance test to demonstrate compliance with the emission limit. In Table 2c, emergency spark ignition (SI) RICE between 50 and 500 HP have an emission limit for formaldehyde of 2 parts per million by volume on a dry basis (ppmvd) or less at 15 percent oxygen. The preamble to the proposed rule, Section D. 1 states that “[o]wners and operators of existing stationary non-emergency RICE located at major sources that are less than 100 HP and existing stationary emergency RICE located at major sources do not have to conduct any performance testing.” However, section 63.6612 states: “If you own or operate an existing stationary RICE with a site rating of less than or equal to 500 brake HP located at major source of HAP emissions ... you are subject to the requirements of this section.” The requirements of section 63.6612 are to conduct an initial performance test. Section 63.6612 and Tables 4 and 5 do not distinguish between emergency RICE and non-emergency RICE. The proposed rule suggests that if an engine has a numerical emission limit, a compliance test is required. The preamble language then is incorrect. However, if EPA did not intend to require emergency engines to be tested, section 63.6612 and Tables 4 and 5 need to be revised to clarify this.

Section 63.6625(b)(2) also states that an owner or operator can use an older test as a demonstration of compliance as long as the test is less than two years old. For area sources that are subject to new testing requirements, this could be modified to allow tests that are not older than three years, since the promulgated rule will allow three years for compliance. Facilities could begin to test immediately after the promulgation date, rather than having to wait another year. There are so many engines that will be required to be tested that it is reasonable to allow facilities more time to accomplish the testing before the compliance deadline.

Standards for New Engines. The proposed standard includes more stringent emission limits for some categories of existing engines than the current NESHAP requires for new and reconstructed engines (e.g., new spark ignition engines at area sources must comply with the NSPS JJJJ standards for natural gas engines, limiting CO emissions to 2.0 grams per brake horsepower hour [270 ppmvd at 15 percent oxygen], while the carbon monoxide limit for similar existing engines in this proposal is 8-9 ppmvd or 90 percent CO control – see Table 2d). The standards for all new and reconstructed engines should not be less stringent than for the same size existing RICE. NACAA recommends that EPA revisit the current NESHAP for new and reconstructed engines to ensure that they are more stringent than the existing-source standards proposed under this regulation.

Corrections to Tables 2c and 2d – The first column in Table 2c and 2d should be corrected to change the less than/greater than symbols used. For example in Table 2c: *Non-Emergency 2SLB 50 \geq HP \leq 249* should be changed to Non-Emergency 2SLB 50 \leq HP $<$ 249.

This means Non-Emergency 2SLB RICE with a HP rating greater than or equal to 50 HP and less than or equal to 249 HP. This change needs to be made throughout the tables. See Table 1 of NSPS Subpart IIII, where it is correctly represented.

Thank you for this opportunity to comment on the proposal. Please contact us if we can provide additional information.

Sincerely,



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