

9/5/2013 - RICE MACT Notice of Reconsideration of final rule; request for public comment

Summary: The EPA published a notice of reconsideration for the RICE MACT rule on September 5, 2013. Three issues that have been raised in petitions for reconsideration are on the table for public comment and possible revision by the EPA. Comments are due by November 4, 2013. Two of the issues being reconsidered are the fuel and reporting requirements for certain emergency engines used for emergency demand response and system reliability, and the third issue involves conditions under which area source emergency engines may be used for up to 50 hours per year to mitigate the potential interruption of power supply in local or regional areas.

The potential impact on member owner's engines is considered minimal. Based on the language in the published reconsideration, the EPA does not seem overly inclined to make any changes to the final rule. Each of the three issues being considered is listed below with a brief summary.

Applicability for reconsideration of A. and B.

Provisions that require existing stationary emergency CI RICE with a site rating of more than 100 brake horsepower (HP) and a displacement of less than 30 liters per cylinder that operate or are contractually obligated to be available for more than 15 hours per year (up to a maximum of 100 hours per 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)

A. Timing for compliance with the ULSD fuel requirement for emergency engines

Commenters wanted to see compliance beginning in May 2013, not the January 2015 date that is in the final rule. The EPA believes the extra time to conform is merited and does not intend to change the rule pending review of reconsideration comments.

B. Timing and required information for the reporting requirement for emergency engines

The existing rule requires reporting to begin in 2016 which would cover the calendar year 2015. Commenters wanted the reporting of 2013 data to be submitted in 2014.

Alternatively, they requested 2013 and proceeding years to all be reported in 2016, the current date for initial reporting. Commenters also want fuel type and quantity added to the report. The EPA needs time to develop the electronic reporting tool and allow facilities time to comply with the new reporting tool. They do not agree that fuel type and quantity should be added. The EPA is not inclined at present to change the rule.

C. Criteria for operation for up to 50 hours per year for non-emergency situations (Area Source Engines)

This provision was added to the final rule primarily for rural distribution lines. Commenters believe the conditions are too ambiguous and difficult to enforce and could allow engines to operate when there is no discernible threat to the grid. No suggestions were given as to what the criteria should be. The EPA is requesting detailed information to support any comments to revise the current provision.