ENERGY AND ENVIRONMENTAL MANAGEMENT BULLETIN #FY16-001

Subject: Clean Air Act Emission Standards

Reference: (a) 40 C.F.R. Ch. I, Subch. C., Pt. 60, Subpt. IIII & JJJJ (New Source Performance Standards for Internal Combustion Engines).

(b) 40 C.F.R. Ch. I, Subch. C., Pt. 63, Subpt. ZZZZ (National Emissions Standards for Hazardous Air Pollutant for Stationary Reciprocating Internal Combustion Engines).

Effective: Immediately

Cancellation: Effective until cancelled, suspended, or incorporated in a new publication of the Energy and Environmental Management Manual.

1. Purpose. To notify all Departmental personnel of changed or newly enacted environmental compliance requirements. This bulletin cancels and replaces bulletin #FY14-002.

2. Background. The bulletin #FY14-002, issued July 2, 2014, addressed updated regulations pertaining to implementation of the Clean Air Act for stationary reciprocating internal combustion engines. On May 1, 2015, the U.S. Court of Appeals for the District of Columbia Circuit (D.C. Circuit) issued a decision granting in part and denying in part petitions for review of the U.S. Environmental Protection Agency's (EPA) 2013 rule on emissions standards for stationary reciprocating internal combustion engines. Delaware Dep't of Nat. Res. & Envtl. Control v. E. P. A., 785 F.3d 1 (D.C. Cir. 2015).

In its mandate, the D.C. Circuit vacated the portions of EPA's 2013 rule that contained a 100–hour exemption for operation of emergency engines for purposes of emergency demand response under the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Stationary Reciprocating Internal Combustion Engines (RICE) and the New Source Performance Standards (NPS) for Internal Combustion Engines. Delaware Dep't of Nat. Res. & Envtl. Control v. E.P.A., 785 F.3d 1, 18 (D.C. Cir. 2015).

On April 15, 2016, the EPA issued guidance explaining to its Regional Air Enforcement Managers and Regional Air Directors how it intends to implement the D.C. Circuit's decision. EPA's guidance noted that "[a]fter the issuance of the

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By:	Date Signed:
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mandate, operation of emergency engines will be limited to emergency situations as specified in 40 CFR 60.421(f)(1), 60.4243(d)(1), and 63.6640(f)(1); maintenance checks and readiness testing for a limited number of hours per year as specified in 40 CFR 60.4211(f)(2)(i), 60.4243(d)(2)(i), and 63.6640(f)(2)(i); and certain non-emergency situations for a limited number of hours per year as specified in 40 CFR 60.4211(f)(3, 60.4243(d)(3), and 63.6640(f)(3)-(4)." EPA, Office of Air Quality Planning and Standards, Guidance on Vacatur of RICE NESHAP and NPS Provisions for Emergency Engines is *available at* https://www3.epa.gov/airtoxics/icengines/docs/RICEVacaturGuidance041516.pdf.

3. Applicability. Facilities that use: (1) stationary compression ignition internal combustion engines; (2) stationary spark ignition internal combustion engines; or (3) stationary reciprocating internal combustion engines. Refer to references in this bulletin and EPA's guidance for details on applicability dependent on specific parameters associated with engine type and use.

4. Requirements. Refer to the references in this bulletin and EPA's guidance for details on requirements dependent on specific parameters associated with engine type and use.

5. Responsibilities.

   a. Office of the Secretary:

      (1) The Office of Sustainable Energy and Environmental Programs shall provide technical advice upon request.

      (2) The Office of Space and Building Management shall manage compliance with this requirement at the Herbert C. Hoover Building.

   b. Operating Units:

      Operating Units shall manage compliance with this requirement at their applicable facilities.