



# Nebraska Department of Environmental Quality

**To:** Reciprocating Internal Combustion Engine Owners & Operators  
**From:** Clark Smith *WES*  
**Date:** September 1, 2010  
**Re:** NESHAP Emergency Engine Limitations

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This memo is intended to provide clarification related to whether or not an emergency engine is allowed to operate under the emergency provisions of 40 CFR Part 63 Subpart ZZZZ - National Emission Standards for Hazardous Air Pollutants (NESHAP) for Reciprocating Internal Combustion Engines (RICE) without first taking an enforceable limitation to operate only during emergency situations and required testing and maintenance. NDEQ has reconsidered its previous position and will not require limitations in an enforceable permit to be considered an emergency RICE under NESHAP Subpart ZZZZ. This reconsideration is due to amended language promulgated August 20, 2010.

The August 2010, revisions to NESHAP Subpart ZZZZ amended the definition of emergency engine. It now reads as follows:

*Emergency stationary RICE means any stationary internal combustion engine whose operation is limited to emergency situations and required testing and maintenance. 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 (or the normal power source, if the facility runs on its own power production) is interrupted, or stationary RICE used to pump water in the case of fire or flood, etc. Stationary RICE used for peak shaving are not considered emergency stationary RICE. Stationary RICE used to supply power to an electric grid or that supply nonemergency power as part of a financial arrangement with another entity are not considered to be emergency engines, except as permitted under § 63.6640(f). **All emergency stationary RICE must comply with the requirements specified in § 63.6640(f) in order to be considered emergency stationary RICE. If the engine does not comply with the requirements specified in § 63.6640(f), then it is not considered to be an emergency stationary RICE under this subpart (emphasis added).***

NDEQ considers the new language (in bold) an enforceable requirement that assures an emergency engine is limited to operating in emergency service, i.e., it must be operated under the provisions found in § 63.6640(f). Further clarification is provided in § 63.6640(f) to reiterate the implications of not operating in accordance

with the emergency RICE provisions. This language states *“If you do not operate the engine according to the requirements in paragraphs (f)(1)(i) through (iii) of this section, the engine will not be considered an emergency engine under this subpart and will need to meet all requirements for non-emergency engines.”*

NDEQ may include language while processing future permits to assure the enforceability of the emergency RICE provisions. If you have submitted a NESHAP Initial Notification for Subpart ZZZZ and would not have needed to because you operate an emergency engine, you are not required to amend or resubmit new information. If you have any questions related to this decision or permitting RICE, contact Clark Smith at (402) 471-4204. If you have questions related to the NESHAP Subpart ZZZZ requirements, contact Melissa Ellis at (402) 471-6624.