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DARM-PER-44

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FROM: Joe Kahn, Director
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SUBJECT: Guidance Regarding Permitting of Engines Subject to 40 CFR 60 IIII, 40 CFR 60 JJJJ, and 40 CFR 63 ZZZZ

DATE: September 3, 2008

There are several recent EPA regulations that apply to internal combustion engines. Specifically, the Division has received questions regarding the applicability and permitting procedures for 40 CFR 60 Subpart IIII - Standards of Performance for Stationary Compression Ignition (CI) Internal Combustion Engines (ICE), 40 CFR 60 Subpart JJJJ - Standards of Performance for Stationary Spark Ignition (SI) Internal Combustion Engines and 40 CFR 63 Subpart ZZZZ - National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. The Division will be initiating rulemaking in the near future to better address these federal rules. In the interim, this guidance provides recommendations for certain types of internal combustion engines.

It is important to note that nearly all new internal combustions engines are subject to one of the above rules. Those that are not subject at this time, likely will be one day in the future due to continued rule making by EPA for existing engines or through the act of rebuilding an existing engine. If the engine is not rebuilt by the manufacturer and/or a manufacturer's certification is not obtainable, then that engine may have to begin demonstrating compliance with the emissions limits established by the above rules. This guidance does not address that scenario. For now, those will be addressed on a case-by-case basis.

Existing Units

If an existing unit is already in place at a facility and there is no ongoing installation or construction associated with that engine, no after-the-fact construction permit is required and it is not currently subject to these federal regulations.

New Units (CI ordered after 7/11/05; SI ordered after 6/12/06)

All new units are subject to these federal regulations. Below are the Division's recommendations for handling these units.

Step 1: Is the ICE exempt from air permitting?

DARM will be updating its rules in light of the "emergency" provisions in the above federal rules. Under the federal rules, as long as an owner or operator operates and maintains a unit according to the manufacturer's written instructions or procedures over the entire life of the engine and the manufacturer keeps its certification, these units are not required by the federal rule to demonstrate compliance with the emissions limits. If a unit meets the requirements of Rule 62-210.300(3), Florida Administrative Code (F.A.C.) (i.e. (3)(a)35. - emergency generators, (3)(a)36. - general purpose internal combustion engines or (3)(b) - Generic Exemptions) but for the unit specific applicable requirements of the above federal rule(s) and the owner or operator maintains the manufacturer's certification, the Division recommends that the unit be treated as exempt for the purposes of construction and non-Title V operation permits.

Step 2: Is the engine eligible for a general permit?

If the unit is a manufacturer certified engine that meets the eligibility and fuel use criteria in Rule 62-210.310(4)(b), F.A.C. but for the unit specific applicable requirements of the above federal rule(s) and the owner or operate keeps the manufacturer's certification for compliance, the Division recommends that the unit be allowed to operate under the general permit program.

Step 3: Is the engine at a Title V facility?

If the unit is at a Title V facility, the Division recommends that a new emissions unit be created for the facility that includes all of the units subject to the above federal rule(s). This may be done at the next Title V revision or renewal (see the attached sample Appendix ICE).

Step 4: Is the engine at a facility operating under a FESOP?

Even if exempt from the requirement to obtain an air construction permit, if the unit is placed into service at a facility operating under a FESOP, the total potential emissions at the facility must be evaluated to determine whether the addition of the new unit and a corresponding increase to the facility-wide emissions limit would cause the facility to become subject to Title V. If not, the Division recommends the addition of the unit through a revision or renewal of the FESOP. Since this is a material change to the facility, a public notice is required.

Step 5: All other scenarios.

The Division recommends that a construction permit and appropriate air operation permit be required for any new units that are not covered by the above recommendations.

REQUIREMENTS FOR INTERNAL COMBUSTION ENGINES

This Title V facility contains stationary internal combustion engines that have been exempted from the requirement to obtain an air construction permit because they qualify for one of the categorical exemptions listed in Rule 62-210.300(3)(a), Florida Administrative Code (F.A.C.). However, they are included in this permit as regulated emissions units because they are subject to one or more of the following federal rules:

- 40 CFR 60, Subpart IIII—Standards of Performance for Stationary Compression Ignition Internal Combustion Engines.
- 40 CFR 60, Subpart JJJJ—Standards of Performance for Stationary Spark Ignition Internal Combustion Engines.
- 40 CFR 63, Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

The below listed engines are subject to the specified federal rules.

E.U. ID No.	Brief Description of Engine	In-service Date	Cylinder Displacement	Rated Horsepower	Rule Applicability
-xxx					IIII
-xxx					JJJJ
-xxx					ZZZZ
-xxx					IIII & ZZZZ
-xxx					JJJJ & ZZZZ
-xxx					Etc.
-xxx					

The engines listed above are currently demonstrating compliance with the emissions limitations of the applicable federal rule through the retention of a manufacturer's certification statement. So long as that certification is able to be retained, no additional compliance demonstration is required. At such time that the manufacturer's certification is no longer valid (i.e. due to operation or maintenance practices that are inconsistent with the manufacturer's recommendations), the permittee shall begin demonstrating compliance with the standards listed in the applicable federal rule (included in the appendices as an enforceable part of this permit) in a manner that is prescribed by that rule.