

CBS Corporate Safety and Environmental Affairs

CBS Corporation, 20 Stanwix Street,
Pittsburgh, PA 15222

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Court Mandated Change to the EPA Reciprocating Internal Combustion Engine Rule (RICE)

Diesel backup generators used in demand response have to meet stringent emission standards. Prior to May of 2016, operators of stationary reciprocating internal combustion engine (RICE) backup generators were permitted to participate in demand response programs for up to 100 hours per year without meeting stringent emissions requirements. Changes to this rule went into effect in May of 2016, following a May 2015 D.C. Circuit Court of Appeal's decision striking down these provisions. Prior to this decision, the EPA's National Emission Standards for Hazardous Air Pollutants (NESHAP) and New Source Performance Standards (NSPS) for stationary reciprocating internal combustion engines allowed facilities to transfer to backup generator power up to 100 hours per year under demand response agreements with their electrical utility for periods declared an Energy Emergency Alert Level 2; or periods experiencing voltage or frequency deviation of 5 percent above or below standard voltage or frequency.

The new ruling states that "an engine may not operate in circumstances described in the vacated provisions for any number of hours unless it is in compliance with the emission standards and other applicable requirements for a non-emergency engine." The court granted the EPA a Stay until May 1, 2016. Now that the Stay has expired, only backup generators that meet the stricter, non-emergency requirements of EPA's RICE NESHAP or NSPS are permitted to be used in demand response.

The RICE NESHAP regulations are part of the Clean Air Act, violations of which are subject to potentially large fines, shut downs, and/or criminal enforcement actions. It's important to ensure any generators you plan to use in demand response must comply with the new regulations. Further, if your RICE does not meet the definition of an "existing emergency engine" as defined in the RICE rule, New Source Performance Standards found at 40 CFR Part 60 may be applicable. The requirements vary based on the engine manufacture date, fuel type, and size, so it may be a challenge to determine which apply to you. If you would like assistance in determining whether your backup generators meet the new standard, please contact David Templeman.

OSHA'S TIPS FOR AVOIDING THE FLU

- Get vaccinated
- Stay at home if you are sick.
- Wash your hands frequently with soap and water, especially after coughing, sneezing, or blowing your nose.
- Avoid touching your nose, mouth, and eyes.
- Cover your coughs and sneezes with a tissue, or cough and sneeze into your upper sleeve.
- Keep frequently touched common surfaces clean.
- Try not to use a coworker's phone, desk, office, computer, or other work tools and equipment.
- Avoid shaking hands or coming in close contact with coworkers and others who may be ill.
- Stay in shape. Eat a healthy diet. Get plenty of rest, exercise, and relaxation.