NOTICE OF INTENT

Department of Environmental Quality

Office of the Secretary

Legal Division

Operating Time of Emergency Engines

(LAC 33:III.311) (AQ366)

 Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air regulations, LAC 33:III.311 (AQ366).

 The Regulatory Permit for Stationary Internal Combustion Engines currently limits operating time of emergency engines to 500 hours per 12-consecutive month period at LAC 33:III.311.E.1. This rule will revise the allowable operating time of emergency engines to be consistent with federal regulations (i.e., 40 CFR 60.4211(f) of Subpart IIII, 40 CFR 60.4243(d) of Subpart JJJJ, and 40 CFR 63.6640(f) of Subpart ZZZZ). Most stationary internal combustion engines are subject to one (and sometimes two) of the following federal standards:

 Subpart IIII – Standards of Performance for Stationary Compression Ignition Internal Combustion Engines

 Subpart JJJJ – Standards of Performance for Stationary Spark Ignition Internal Combustion Engines

 Subpart ZZZZ – National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines

These provisions restrict the operating time of emergency engines as follows:

 Emergency engines may be operated for maintenance checks and readiness testing for a maximum of 100 hours per calendar year, provided that the tests are recommended by federal, state, or local government; the manufacturer; the vendor; or the insurance company associated with the engine. The owner or operator may petition the department for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the owner or operator maintains records indicating that federal, state, or local standards require maintenance and testing of emergency engine beyond 100 hours per calendar year.

 Emergency engines may be operated for up to 50 hours per calendar year in non-emergency situations. The 50 hours of operation in non-emergency situations are counted as part of the 100 hours per calendar year for maintenance and testing.

 There is no time limit on the use of emergency engines in emergency situations. The basis and rationale for this rule are to revise the Regulatory Permit for Stationary Internal Combustion Engines to limit the operating time of emergency engines consisted with 40 CFR 60 Subpart IIII, 40 CFR 60 Subpart JJJJ, and 40 CFR 63 Subpart ZZZZ. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

This Rule has no known impact on poverty as described in R.S. 49:973.

This Rule has no known impact on providers as described in HCR 170 of 2014.

 A public hearing will be held on September 28, 2016, at 1:30 p.m. in the Galvez Building, Natchez Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Deidra Johnson at the address given below or at (225) 219-3985. Two hours of free parking are allowed in the Galvez Garage with a validated parking ticket.

 All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by AQ366. Such comments must be received no later than October 5, 2016, at 4:30 p.m., and should be sent to Deidra Johnson, Attorney Supervisor, Office of the Secretary, Legal Division, P.O. Box 4302, Baton Rouge, LA 70821-4302 or to fax (225) 219-4068 or by e-mail to deidra.johnson@la.gov. Copies of these proposed regulations can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of AQ366. These proposed regulations are available on the Internet at [www.deq.louisiana.gov/portal/tabid/1669/default.aspx](http://www.deq.louisiana.gov/portal/tabid/1669/default.aspx).

 These proposed regulations are available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

 Herman Robinson

 General Counsel

Title 33

ENVIRONMENTAL QUALITY

Part III. Air

Chapter 3. Regulatory Permits

§311. Regulatory Permit for Stationary Internal Combustion Engines

 A. - D.2. …

E. Operating Time of Emergency Engines

1. ~~Operating time of each emergency engine shall be limited to 500 hours per 12-consecutive-month period. The department may suspend this limit by a declaration of emergency.~~Emergency engines may be operated for maintenance checks and readiness testing for a maximum of 100 hours per calendar year, provided that the tests are recommended by the federal, state, or local government; manufacturer; vendor; or insurance company associated with the engine. The owner or operator may petition the department for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the owner or operator maintains records indicating that federal, state, or local standards require maintenance and testing of emergency engines beyond 100 hours per calendar year.

2. Emergency engines may be operated for up to 50 hours per calendar year in non-emergency situations. The 50 hours of operation in non-emergency situations are counted as part of the 100 hours per calendar year for maintenance and testing.

3. There is no time limit on the use of emergency engines in emergency situations.

~~2~~4. Operating time of each emergency engine shall be monitored by any technically-sound means, except that a run-time meter shall be required for all permanent units.

~~3~~5. Operating time of each emergency engine shall be recorded each month, as well as its operating time for the last 12 months. These records shall be kept on-site for five years and available for inspection by the Office of Environmental Compliance.

 F. - M. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 35:459 (March 2009), amended LR 37:3221 (November 2011), amended by the Office of the Secretary, Legal Division, LR 40:780 (April 2014), LR 42:\*\*.