



February 14, 2011

Air and Radiation Docket and Information Center  
Environmental Protection Agency  
Mailcode: 6102T  
1200 Pennsylvania Ave., NW.  
Washington, DC 20460

**RE: Docket ID No. EPA-HQ-OAR-2008-0708**  
**Comments on *National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines*; Notice of reconsideration of final rule; request for public comment**

To Whom It May Concern:

With this submittal, the National Telecommunications Safety Panel (NTSP) is providing the United States Environmental Protection Agency (EPA) with comments in response to EPA's notice of reconsideration of the final National Emission Standards for Hazardous Air Pollutants (NESHAP) for Reciprocating Internal Combustion Engines (RICE) and request for public comment, as published in the *Federal Register* on December 7, 2010 (Volume 75, Number 234). As amended in the *Federal Register* on December 23, 2010 (Volume 75, Number 246), comments must be received by the EPA on or before February 14, 2011.

The NTSP is a consortium of telecommunications environmental, health and safety professionals dedicated to promoting employee safety and health, preventing accidents, and promoting environmental responsibility throughout the telecommunications industry. The NTSP strives to provide constructive input in the development and promulgation of environmental, health and safety standards and guidelines that affect the varied businesses within the telecommunications industry. As such, the panel maintains an active advocacy role, providing comments and recommendations to federal and state agencies where issues concern the telecommunications industry. More information regarding the NTSP may be found at [www.telsafe.org](http://www.telsafe.org).

### **Background**

Following the March 3, 2010 promulgation of the final amendments to the ***National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines***, EPA received two petitions to reconsider its decision to allow emergency stationary engines to operate for up to 15 hours per year as part of an emergency demand response (DR)<sup>1</sup> program without losing their emergency engine status. EPA has announced its reconsideration of and requested public comment on several issues, including:

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<sup>1</sup> Emergency demand response programs (also known as capacity programs) are used by utilities and Independent System Operators (ISO)/Regional Transmission Organizations (RTO) throughout North America to mitigate and help prevent involuntary load shedding (blackouts) that would otherwise be caused by unexpected conditions on the grid, such as the sudden loss of a generating facility or damage to a transmission or distribution line.

- Whether or not engines should be allowed to participate in emergency demand response programs, while keeping their status as emergency engines under the regulations.
- If they are allowed to participate, what, if any, limitations should be placed on the operation of emergency engines in emergency demand response programs.
- The typical frequency and duration of the operation of these engines in emergency demand response programs and whether their operation tends to occur on high ozone days.

The NTSP comments as follows:

**Emergency engines should be allowed to participate in emergency DR programs and retain their emergency engine status under the RICE NESHAP.**

Emergency DR programs are initiated by the transmission system operators when the threat of power outages is imminent and are critical to maintaining available power during periods of extreme load on the electric power infrastructure. Operating emergency engines as part of these programs reduces demand at times of emergency peak load on the grid. As indicated in the NTSP's original comments on this issue, restricting or limiting the use of DR would be counterproductive to the very goals the EPA seeks. Eliminating the last line of defense for utilities and ISOs would result in greater frequency of rolling blackouts, during which all emergency use engines would be engaged due to a loss of power. Consequently constraints on the utilization of emergency DR could result in greater, not fewer emissions. The NTSP thus requests that the provision in 40 CFR 63.6640(f) allowing participation of emergency engines in DR programs be retained.

In addition, the NTSP believes that the hourly limit established in the original rule should be removed. To the extent that DR programs are intended to prevent widespread failure of the grid, which in turn would lead to the widespread use of emergency engines and resulting emissions, there is no reason to set an hour limit on participation. Demand Response programs are invoked pursuant to North American Electric Reliability Council (NERC) Standards by regional transmission authorities or their equivalent in order to prevent rolling blackouts and maintain system voltage, failure of which would trigger many other system outages. Hour limits on participation are arbitrary and not truly reflective of the nature of the unit. DR episodes are effectively emergency events and should be regulated as such.

The NTSP recommends EPA amend 40 CFR 63.6640(f)(1)(iii) in the following manner:

“... owners and operators may operate the emergency engine ~~for a maximum of 15–60 hours per year or the minimum hours required by Independent System Operator tariff, whichever is less~~ as part of a demand response program if the regional transmission organization or equivalent balancing authority and transmission operator has determined there are emergency conditions that could lead to a potential electrical blackout, such as unusually low frequency, equipment overload, capacity or energy deficiency, or unacceptable voltage level. The engine may not be operated for more than 30 minutes prior to the time when the emergency condition is expected to occur, and the engine operation must be terminated immediately after the facility is notified that the emergency condition is no longer imminent. The ~~15~~ hours per year of demand response operation are not counted as part of the 50 hours of operation per year provided for nonemergency situations. The supply of emergency power to another entity or entities pursuant to financial arrangement is not limited by this paragraph (f)(1)(iii), as long as the power provided by the financial arrangement is limited to emergency power.”

Alternatively, if the EPA should feel a need to continue to impose an hour limit, the limit should be increased from 15 hours to 60 hours. The 15 hours per year currently allowed by the RICE NESHAP may prevent emergency engines from participating in emergency DR programs due to tariff requirements and thereby deny the very benefits of a program to limit blackouts and minimize the need for pervasive operation of emergency engines. For example,

- PJM(“Pennsylvania Jersey Maryland”) Interconnection, LLC (PJM) Federal Energy Regulatory Commission (FERC) tariff for the Emergency Load Response Program (ELRP) requires a minimum availability of 60 hours
- Electric Reliability Council of Texas (ERCOT) FERC tariff for the EILS requires a minimum availability of 24 hours
- Midwest ISO FERC tariff requires a minimum availability of 20 hours
- ISO New England FERC tariff requires no minimum availability but 15 hours will not be sufficient; ISO studies show emergency DR is expected to be called between 6 and 55 hours in the 2013-2014 Planning Year
- New York ISO tariff requires no minimum availability but provides that a NERC Energy Emergency Action (EEA) Level 2 state will be in effect before generators are activated in emergency DR

EPA could increase the hour limitation by amending 40 CFR 63.6640(f)(1)(iii) as follows:

“. . . owners and operators may operate the emergency engine for a maximum of ~~15~~ 60 hours per year or the minimum hours required by Independent System Operator tariff, whichever is less as part of a demand response program if the regional transmission organization or equivalent balancing authority and transmission operator has determined there are emergency conditions that could lead to a potential electrical blackout, such as unusually low frequency, equipment overload, capacity or energy deficiency, or unacceptable voltage level. The engine may not be operated for more than 30 minutes prior to the time when the emergency condition is expected to occur, and the engine operation must be terminated immediately after the facility is notified that the emergency condition is no longer imminent. The ~~15~~-hours per year of demand response operation are not counted as part of the 50 hours of operation per year provided for nonemergency situations. The supply of emergency power to another entity or entities pursuant to financial arrangement is not limited by this paragraph (f)(1)(iii), as long as the power provided by the financial arrangement is limited to emergency power.”

#### **Clarification of emergency engine operation in an emergency demand response program**

It is appropriate to clarify when emergency engines may participate in emergency DR programs. This would serve to clearly differentiate between emergency demand response and peak shaving or other non-emergency demand response practices. Specifically, ISOs must follow NERC Standards when dispatching DR for capacity and energy emergencies.

EPA should limit emergency DR use to periods when the regional transmission authority or equivalent balancing authority follows Energy Emergency Alert Level 2 (EEA Level 2) procedures as defined in the NERC Reliability Standard EOP-002-3, Capacity and Energy Emergency or other relevant industry standards followed by smaller utilities to maintain voltage within acceptable levels. The NTSP does NOT believe that it is appropriate to limit emergency DR use to only periods when the regional transmission organization implements voltage reductions. Voltage reduction is just one of several procedures that may be included under EEA Level 2, when time permits. Some emergency DR programs (such as PJM’s

Emergency Load Response Program (ELRP) and ERCOT's Emergency Interruptible Load Service (EILS)) are implemented just prior to voltage reductions.

**Typical frequency and duration of emergency engine operation due to emergency demand response**

Emergency DR programs are rarely called, so the risk that they will be dispatched to their maximum hours is minimal. For example;

- The ISO New England emergency DR program has only been called 3 times since 2002, the longest of those events was 16.5 hours
- PJM emergency DR program was called a total of 20 hours from 2003 to 2009, and only in the eastern region. The PJM program was called 4 times in 2010, 3 of which events limited to the Washington D.C. area, the fourth was limited to a subset of the mid Atlantic region. The individual events ranged from 4 to 6 hours in duration.

Some programs do specify the maximum number of times per year emergency DR can be called and the maximum duration of those runs. Since the conditions that lead to high ozone days can also be those that lead to emergency peak load on the electric grid, emergency engines operating under demand response could be called to operate on high ozone days. However, as noted above, their operation could serve to help prevent widespread power outages. If those outages were to occur, these same number of emergency engines and potentially numerous other emergency engines would be put into service regardless of the ambient ozone concentration level.

In summary, emergency engines should be allowed to participate in emergency DR programs and retain their emergency engine status under NESHAP. EPA should either remove the hour limitation altogether or increase it to be consistent with the requirements of existing emergency DR programs and the associated tariffs. In addition, identical definition revisions and use restrictions should be made for emergency stationary internal combustion engines in 40 CFR part 60, subparts IIII and JJJJ.

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The NTSP thanks EPA for the opportunity to comment on the reconsideration of whether to amend the limitations on operation of emergency stationary engines to allow emergency engines to operate as part of an emergency DR program. Should you have any questions about the information included in these comments please contact Barbara Patton at 205-663-8951 or if the NTSP may be of further assistance in this matter, please contact me.

*Sincerely,*



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National Telecommunications Safety Panel  
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