

Environmental Compliance News

Thompson Environmental Consulting, Inc.

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Thompson Environmental Consulting, Inc., located in West Des Moines, Iowa, is a full service environmental firm serving clients in the Midwest. We specialize in air quality, water quality and land quality issues.

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SECTION 1 FACILITY RESPONSE PLANS IN REGION VII

In an earlier newsletter, we outlined the criteria to determine if a facility that is required to prepare an SPCC plan is also required to prepare and implement a Facility Response Plan (FRP). An FRP, if required, must be submitted to the EPA Regional Administrator, who can ask for changes.

NOTE: EPA Region VII is currently aggressively pursuing the requirement for FRPs. We would highly recommend that if your facility has a SPCC that you re-review the FRP applicability. A re-evaluation of planning distance calculations and how to define an environmentally sensitive area could be critical to your facility.

SECTION 2 COAL ASH TO BE DEFINED AS HAZARDOUS WASTE?

The U.S. Environmental Protection Agency (EPA) is considering labeling coal ash as a listed hazardous waste. Efforts are underway to exempt any re-use of coal ash on the grounds that it is a product and not a waste, although this is being contested by environmental activists. EPA's goal is to release their decision by the end of the year.

The U.S. Environmental Protection Agency recently released a 230-page report on coal ash that comes 10 months after a spill of 1.1 billion gallons of coal ash slurry at the Kingston power plant operated by the Tennessee Valley Authority (TVA).

SECTION 3 DEFINITIONS – EMERGENCY GENERATOR

Iowa Administrative Code 567—20.2(455B)

“*Emergency generator*” means any generator of which the sole function is to provide emergency backup power during an interruption of electrical power from the electric utility. An emergency generator does not include:

1. Peaking units at electric utilities; or
2. Generators at industrial facilities that typically operate at low rates, but are not confined to emergency purposes; or
3. Any standby generators that are used during time periods when power is available from the electric utility.

An emergency is an unforeseeable condition that is beyond the control of the owner or operator.

NESHAP ZZZZ 40 CFR § 63.6675 & NSPS IIII 40 CFR § 60.4219

Emergency stationary RICE / Emergency stationary internal combustion engine means any [RICE] / 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.

In review, to qualify as an “emergency generator” the unit can only operate when:

- There is an interruption of power from the utility (or during brief maintenance and testing exercises) and:
- Testing and maintenance cannot exceed 100 hours per year. (An emergency generator’s potential to emit is assumed to be based on 500 hours per year unless an enforceable limit is in place)

In addition, for an emergency generator to be exempt (567 IAC 22.1(2)“r”) from pre-construction permitting, it must meet the following criteria:

- Less than 400 brake horsepower
- Engines exempt from permitting are still obliged to comply with applicable NSPS and NESHAP regulations.
- Engines installed after March 18, 2009 are required to submit a registration to IDNR.

FOR ADDITIONAL INFORMATION – PLEASE CONTACT TEC

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