

**APPENDIX E**

**Rule Consistency Analysis  
For Proposed Amendments to Rule 4702**

**July 20, 2021**

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**RULE CONSISTENCY ANALYSIS FOR PROPOSED AMENDMENTS TO RULE 4702**

**I. REQUIREMENTS FOR RULE CONSISTENCY ANALYSIS**

Pursuant to Section 40727.2 of the California Health and Safety Code, prior to adopting, amending, or repealing a rule or regulation, the District performs a written analysis that identifies and compares the air pollution control elements of the rule or regulation with corresponding elements of existing or proposed District and United States Environmental Protection Agency (EPA) rules, regulations, and guidelines that apply to the same source category. The rule elements analyzed are emission limits; monitoring and testing requirements; recordkeeping and reporting requirements; and operating parameters and work practice requirements.

**II. ANALYSIS**

**A. District Rules**

Facilities could be subject to other District rules including:

- Rule 1070 Inspections
- Rule 1081 Source sampling
- Rule 1100 Equipment Breakdown
- Rule 2010 Permits Required
- Rule 2201 New and Modified Stationary Source Review Rule
- Rule 2250 Permit-Exempt Equipment Registration
- Rule 2520 Federally Mandated Operating Permits
- Rule 4001 New Source Performance Standards
- Rule 4101 Visible Emissions
- Rule 4102 Nuisance
- Rule 4201 Particulate Matter Concentration
- Rule 4701 Internal Combustion Engines – Phase 1
- Rule 4801 Sulfur Compounds

The above-listed rules are not in conflict with, nor are they inconsistent with the requirements of Proposed Rule 4702.

**B. Federal Rules, Regulations, and Policies**

1. *EPA Control Techniques Guideline (CTG) Document*

Based on the EPA “Control Techniques Guidelines and Alternative Control Techniques Documents for Reducing Ozone-Causing Emissions” document<sup>1</sup>, there are no EPA CTGs applicable to this source category and, therefore, no conflicts or inconsistencies with the proposed requirements of Rule 4702.

2. *EPA Alternative Control Techniques (ACT) Document*

NOx Emissions from Stationary Reciprocating Internal Combustion Engines (EPA – 453/R-93-032, July 1993)

The EPA Alternative Control Techniques (ACT) document – NOx Emissions from Stationary Reciprocating Internal Combustion Engines (EPA – 453/R-93-032, July 1993) applies to stationary combustion engines. The ACT document provides technical information for use by State and local agencies to develop and implement regulatory programs to control NOx emissions from stationary reciprocating engines; however, the ACT does not recommend specific emission limits. There are no conflicts or inconsistencies with the proposed requirements of Rule 4702.

3. *EPA New Source Performance Standard (NSPS)*

40 CFR 60 Subpart IIII – Standards of Performance for Stationary Compression Ignition Internal Combustion Engines

The New Source Performance Standards (NSPS) of 40 CFR 60 Subpart IIII apply to stationary compression-ignition IC engines. 40 CFR 60 Subpart IIII establishes emission certification requirements for manufacturers of stationary compression-ignition IC engines. 40 CFR 60, Subpart IIII also establishes emission requirements for owners and operators of compression-ignition IC engines for which construction commenced after July 11, 2005 and the engine was manufactured after April 1, 2006 for engines that are not fire pump engines and for owners and operators of compression-ignition IC engines for which construction commenced after July 11, 2005 and the engine was manufactured after July 1, 2006 for engines that were manufactured as certified National Fire Protection Association (NFPA) fire pump engines after July 1, 2006.

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<sup>1</sup> Control Techniques Guidelines and Alternative Control Techniques Documents for Reducing Ozone-Causing Emissions. (2016). Retrieved December 8, 2020 from <https://www.epa.gov/ground-level-ozone-pollution/control-techniques-guidelines-and-alternative-control-techniques>

The District evaluated the requirements of 40 CFR 60 Subpart IIII and determined that there are no conflicts or inconsistencies with the proposed requirements of Rule 4702.

40 CFR 60 Subpart JJJJ – Standards of Performance for Stationary Spark Ignition Internal Combustion Engines

The NSPS of 40 CFR 60 Subpart JJJJ apply to stationary spark-ignition IC engines. 40 CFR 60 Subpart JJJJ establishes emission requirements for manufacturers of stationary spark-ignition IC engines. 40 CFR 60 Subpart JJJJ also establishes emission requirements for owners and operators of stationary spark ignition IC engines that commence construction after June 12, 2006 where the IC engines are manufactured: on or after July 1, 2007 for engines with a maximum rated power greater than or equal to 500 bhp, except lean-burn engines with a maximum engine power greater than or equal to 500 bhp and less than 1,350 bhp; on or after January 1, 2008, for lean-burn engines with a maximum rated power greater than or equal to 500 bhp and less than 1,350 bhp; on or after July 1, 2008, for engines with a maximum rated power less than 500 bhp; or on or after January 1, 2009, for emergency engines with a maximum rated power greater than 19 kW (25 bhp).

The District evaluated the requirements of 40 CFR 60 Subpart JJJJ and determined that there are no conflicts or inconsistencies with the proposed requirements of Rule 4702.

4. *National Emission Standard for Hazardous Air Pollutants (NESHAP)*

40 CFR 61 (NESHAP) does not include a NESHAP standard for IC engines.

5. *National Emission Standard for Hazardous Air Pollutants (NESHAP) for Source Categories (Maximum Achievable Control Technology)*

40 CFR 63 Subpart ZZZZ – National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines

40 CFR 63 Subpart ZZZZ establishes national emission limitations and operating limitations for hazardous air pollutants (HAPs) emitted from stationary reciprocating internal combustion engines (RICE) located at major and area sources of HAP emissions. As defined in 40 CFR 63 Subpart ZZZZ, a major source of HAP emissions is a facility that has the potential to emit any single HAP at a rate of 10 tons per year or greater or any combinations of HAPs at a rate of 25 tons per year or greater and an area source of HAPs is a facility is not a major source of HAPs. 40 CFR 63 Subpart ZZZZ applies to owners and operators of stationary reciprocating internal combustion engines, except if the

reciprocating internal combustion engine is being tested at a stationary IC engine test cell/stand. Existing IC engines must comply with the emission requirements, operation limits, and management practices of this regulation. In general, new or reconstructed stationary reciprocating internal combustion engines comply with 40 CFR 63 Subpart ZZZZ by complying with the applicable requirements of 40 CFR 60 Subpart IIII or 40 CFR 60 Subpart JJJJ.

The District evaluated the requirements of 40 CFR 63 Subpart ZZZZ and determined that there are no conflicts or inconsistencies with the proposed requirements of Rule 4702.

6. *EPA Best Available Control Technology (BACT) Requirements*

EPA maintains a database that contains Best Available Control Technology (BACT) and Lowest Achievable Emission Rate (LAER) technologies that have been provided to EPA by state and local permitting agencies.<sup>2</sup> Based on review of recent determinations for stationary IC engines in the EPA RACT/BACT/LAER Clearinghouse (RBLC) the proposed requirements of Rule 4702 will not conflict with units subject to EPA BACT or LAER requirements.

7. EPA Policy on Recordkeeping

The recordkeeping requirement in Rule 4702 is consistent with EPA's policy to keep and maintain records for at least five years.

### **III. CONCLUSION**

Based on the above analysis, District staff found that the proposed amendments to Rule 4702 would not conflict with any District or federal rules, regulations, or policies covering similar stationary sources.

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<sup>2</sup> Environmental Protection Agency [EPA]: Clean Air Technology Center - RACT/BACT/LAER Clearinghouse. <https://cfpub.epa.gov/rblc/index.cfm?action=Home.Home>