

## NEW YORK CITY DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Notice of Public Hearing and Opportunity to Comment on Proposed Rules

**What are we proposing?** The Department of Environmental Protection is proposing a rule that sets standards for renewal of the certificate of operation of any stationary reciprocating compression ignition internal combustion engine on or after January 1, 2025.

**When and where is the hearing?** DEP will hold a public hearing on the proposed rule online. The public hearing will take place at 1130 am on October 21, 2024. To participate in the public hearing, please follow these instructions:

#### **Microsoft Teams Need help?**

#### **Join the meeting now**

Meeting ID: 230 885 292 980

Passcode: wv9vuy

---

#### **Dial in by phone**

+1 347-921-5612,,251476366#

#### **Find a local number**

Phone conference ID: 251 476 366#

**How do I comment on the proposed rules?** Anyone can comment on the proposed rules by:

- **Website.** You can submit comments to the DEP through the NYC rules web site at <http://rules.cityofnewyork.us>.
- **Email.** You can email written comments to [nycrules@dep.nyc.gov](mailto:nycrules@dep.nyc.gov).
- **Mail.** You can mail written comments to the DEP Bureau of Legal Affairs, 59-17 Junction Boulevard, 19th Floor, Flushing, NY 11373.
- **Fax.** You can fax written comments to the DEP Bureau of Legal Affairs, at 718-595-6543.
- **By speaking at the hearing.** Anyone who wants to comment on the proposed rules at the public hearing must sign up to speak. You can sign up before the hearing by calling 718-

595-6531. You can speak for up to three minutes. Please note that the hearing is for accepting oral testimony only and is not held in a “Question and Answer” format.

**Is there a deadline to submit written comments?** Yes, you must submit written comments by October 21, 2024.

**What if I need assistance to participate in the hearing?** You must tell DEP’s Bureau of Legal Affairs if you need a reasonable accommodation because of a disability at the hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the address given above. You may also tell us by telephone at 718-595-6531, or by email at [nycrules@dep.nyc.gov](mailto:nycrules@dep.nyc.gov). Advance notice is requested to allow sufficient time to arrange the accommodation. Please tell us by October 14, 2024.

**Can I review the comments made on the proposed rules?** You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us/>. A few days after the hearing, a transcript of the hearing and copies of the written comments will be available to the public at the Department’s Bureau of Legal Affairs at the physical address given above or upon request by email [nycrules@dep.nyc.gov](mailto:nycrules@dep.nyc.gov).

**What authorizes the DEP to make this rule?** Section 1043 of the City Charter and sections 24-105, 24-149.6 of the Administrative Code authorize DEP to make this proposed rule. This proposed rule was included in DEP’s regulatory agenda for this fiscal year.

**Where can I find DEP’s rules?** DEP’s rules are in Title 15 of the Rules of the City of New York.

**What rules govern the rulemaking process?** DEP must meet the requirements of Section 1043(c) of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043(b) of the City Charter.

### **Statement of Basis and Purpose of Proposed Rules**

Local Law 38 of 2015 revised the Air Pollution Control Code to add section 24-149.6 governing stationary engines. Subsection (b) provides that a certificate of operation for a stationary reciprocating compression ignition internal combustion engine may be renewed on or after January 1, 2025, only if the owner or operator of such engine can demonstrate in accordance with department rules that the engine meets the tier four emissions standards established by the United States environmental protection agency as set forth in 40 CFR § 60.4201 or any subsequent United States environmental protection agency emissions standard for such engine that is at least as stringent. These stationary engines are used in a variety of applications from generating electricity to powering pumps and compressors in power and manufacturing plants. The Law contains an exception that applies to stationary engines used as emergency generators.

Local Law 38 of 2015 establishes a more stringent standard than is set forth in the federal regulations, in section 60.4201 of Title 40 of the code of federal regulations. While the federal regulations apply only to newly registered engines, the Local Law requires that all engines, not just newly registered engines, must be Tier IV compliant by January 1, 2025, in order to receive a renewed certificate of operation.

Requiring all engines to meet Tier IV emission standards will significantly reduce emissions of nitrogen oxides and particulate matter. The Tier IV standards result in a total emission reduction of 90% NOx, compared to the previous Tier III standard. This substantial decrease in harmful exhaust pollutants contributes to cleaner air quality and improved environmental impact.

The proposed rule would implement the Local Law.

New material is underlined.

Section 1. Title 15 of the Rules of the City of New York is amended by adding a new Chapter 63, to read as follows:

### **Chapter 63**

#### **Stationary Engines**

##### **§63-01 Definitions.**

Emergency Stationary Reciprocating Compression Ignition Combustion Engine means the same as set forth in section 63.6640(f) of title 40 of the code of federal regulations.

Selective Catalytic Reduction (SCR) Technology means a control device that creates a chemical reduction via a reducing agent and a catalyst.

Stationary reciprocating compression ignition internal combustion engine (RICE) means the same as set forth in section 60.4219 of title 40 of the code of federal regulations.

##### **§63-02 Requirements for Renewal of Certificate of Operation**

A certificate of operation for a stationary reciprocating compression ignition combustion engine (RICE) that is required to obtain a certificate of operation pursuant to section 24-122 of the Air Pollution Control Code may be renewed on or after January 1, 2025, only if the RICE meets the Tier IV requirements set forth in 40 CFR 60.4201, or any subsequent United States Environmental Protection Agency emissions standard for such engines that is at least as stringent. The certification standards are set forth in Table 1 of 40 CFR 1039.101. Compliance with the Tier IV requirement may be demonstrated by submitting proof in a form satisfactory to the Department that SCR Technology has been installed.

