



# **Compliance Advisory** **August 23, 2021** **Stationary Emergency Standby Engine Usage** **Regulation 9 Rule 8**

*This Compliance Advisory is provided to inform you about activities of the Air District which may affect your organization's operation. It will assist you in your efforts to achieve and maintain compliance with applicable air pollution rules and regulations.*

**ATTENTION: OWNERS AND OPERATORS OF EMERGENCY STANDBY STATIONARY INTERNAL COMBUSTION ENGINE GREATER THAN 50 BRAKE HORSEPOWER SUBJECT TO REGULATION 9, RULE 8 (RULE 9-8)**

**SUBJECT: AN ENGINE OPERATING PURSUANT TO THE CALIFORNIA PUBLIC UTILITIES COMMISSION (CPUC) EMERGENCY LOAD REDUCITON PROGRAM (ELRP) DOES NOT QUALIFY AS AN EMERGENCY STANDBY ENGINE WITHIN RULE 9-8.**

Air District Rule 9-8 limits emissions of Nitrogen Oxides and Carbon Monoxide from stationary source internal combustion engines. An engine otherwise subject to the rule is exempt if it qualifies as "Emergency Standby Engine" as defined in the Rule. Rule 9-8 defines "Emergency Standby Engines" narrowly so that these higher-emitting engines are used no more than necessary. The Air District has received questions regarding whether an engine that is operating pursuant to the ELRP qualifies as an Emergency Standby Engine. This Advisory states the Air District's position that participation in the **ELRP is not exempt from Rule 9-8 outside of the Exception Period (see below).**

**EXCEPTION PERIOD:** Under Governor Newsom's July 30, 2021, Proclamation of a State Emergency, participation in the ELRP is exempt from Rule 9-8, through October 31, 2021, provided all of the conditions of paragraph 4 of that proclamation are met. The Air District, in consultation with the State of California, may choose to extend or alter this period as necessary in a continued or future state of emergency, at which point this advisory will be updated.

**Outside of the Exception Period** - Rule 9-8, section 230 defines an Emergency Standby Engine as any engine that is exclusively operated for "emergency use" and reliability related activities. "Emergency use" is defined in section 231 as, among other things, use during an "unforeseeable failure of regular electric power supply." Section 237 defines "unforeseeable" as:

"Not able to be reasonably anticipated and demonstrated by the owner or operator to the satisfaction of the APCO to have been beyond the reasonable control of the owner or operator. The enforcement of a contractual obligation the owner or operator has with a third party or any other party is foreseeable."

As participation in the ELRP is voluntary, it is within the owner/operator's control as to whether to operate an engine or not. An engine operating pursuant to the ELRP is doing so as a result of a contractual obligation rather than as a result of power supply failure. The Rule 9-8 exemption for Emergency Standby Engines is intended to allow higher-emitting engines to support operation of the owner/operator's the facility, not for the more general purpose of reducing load on the power grid.

For further assistance, please contact the Air District at:

- For compliance assistance, call the Compliance Assistance Hotline, at (415) 749-4999, or [compliance@baaqmd.gov](mailto:compliance@baaqmd.gov).
- For questions about this advisory, contact Air Quality Specialist, Raymond Salalila, at (415) 749-4704, or [rsalalila@baaqmd.gov](mailto:rsalalila@baaqmd.gov).

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