

# SENATE BILL REPORT

## SB 5796

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As of February 21, 2013

**Title:** An act relating to emissions from certain emergency power sources.

**Brief Description:** Concerning emissions from certain emergency power sources.

**Sponsors:** Senators Schoesler and Ericksen.

**Brief History:**

**Committee Activity:** Energy, Environment & Telecommunications: 2/20/13.

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### SENATE COMMITTEE ON ENERGY, ENVIRONMENT & TELECOMMUNICATIONS

**Staff:** Jan Odano (786-7486)

**Background:** The U.S. Environmental Protection Agency (EPA) sets air pollutant standards. States with delegated authority to implement the Clean Air Act (CAA) may set requirements for air pollution and these regulations must be as strict as EPA's limits. Under the CAA, states must implement a statewide operating permit program for businesses and industries that emit air pollution.

The air operating permit sets the requirements for emission limits and standards; monitoring; reporting and recordkeeping; and compliance certification. The permit must be renewed every five years and a professional engineer must review the permit. A facility must obtain an air operating permit if it has the potential to emit more than 100 tons per year of any pollutant, more than ten tons per year of any hazardous air pollutant, or more than 25 tons per year of a combination of hazardous air pollutants. Hazardous air pollutants are defined by EPA. EPA regulates generators or stationary engines through its reciprocating internal combustion engines. The rules set air emission standards based on the size of the generator.

Generators provide backup power when regular systems fails. These generators serve a wide variety of settings such as residential homes, hospitals, laboratories, data centers, and telecommunication equipment. Generators also vary in size from ten horsepower engines producing 5000 watt generation for household use, to 500 horsepower engines for small businesses, to over 2000 horsepower engines for commercial and industrial use. Currently, there over 140 emergency backup generators permitted for use at the data centers in central Washington.

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**Summary of Bill:** A stationary generator or engine with a cumulative brakehorse power rating greater than 2000 for use in vital public services is in compliance without further state requirements if it:

- meets EPA's emission standards;
- is fueled by ultra-low sulfur diesel or ultra-low sulfur biodiesel;
- operates no more than 50 hours per year for maintenance, testing, or other non-emergency use; and
- is for emergency purposes during the loss of normal power.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: Emission testing for backup generators is very costly to businesses. We need consistency of application of the tests. This would allow the use of federally approved generators burning clean fuels without further taxing businesses. Data centers locate in the area because of low cost and consistent power. The cost of testing affects the state's competitiveness.

OTHER: There are concerns about protecting public health and meeting federal requirements. We are working with industry to develop a better approach.

**Persons Testifying:** PRO: Senator Schoesler, prime sponsor; Pat Boss, Port of Quincy.

OTHER: Stu Clark, Dept. of Ecology.