

**Emergency Generators
Reciprocating Internal Combustion Engine (RICE)
Regulatory Update**

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Diesel fuel powered emergency generators are a common source of electrical power at commercial and institutional facilities. These facilities are generally categorized as “area sources” with respect to Hazardous Air Pollutant (HAP) emissions,¹ and emergency generator units are typically exempt from state air permitting requirements.

However, a recently implemented federal rule, EPA’s Reciprocating Internal Combustion Engine (RICE) regulation imposes operating limitations and record keeping in addition to any applicable state requirements. These operating limitations and record keeping requirements are summarized below:

Existing units, constructed prior to June 12, 2006, are exempt from EPA’s Reciprocating Internal Combustion Engine (RICE) regulations if they do not operate or are not contractually obligated to be available for more than 15 hours per year for the two purposes listed below:

1. Emergency energy demand response for a declared Energy Emergency Alert Level 2 as defined by RICE 63.6640(f)(2)(ii); and
2. Operation during periods when there is a deviation in electrical system voltage or frequency of greater than 5% (63.6640(f)(2)(iii)).

To maintain the exempt status the emergency generator must be operated within the following limitations:

Unlimited operation for emergencies (such as power outages);

For non-emergency operation the regulations have a limit of 100 hours per year as listed below:

1. Maintenance and Testing;
2. 50 hours per year of the 100 hours per year can be used for providing nonemergency power to the facility or electrical grid as listed below:
 - a. Non-emergency situations where not required by a financial arrangement;
 - b. For local electrical reliability as part of a financial arrangement with the local electrical authority for less than 15 hours per year; and
 - c. Peak shaving (until May 3, 2014).

¹ An "Area Source" is a stationary source that has the potential to emit less than 10 tons per year of a single HAP or less than 25 tons per year of any combination of HAPs.

The facility is required to keep records of annual operation and maintenance. These records are to be maintained on-site.

New diesel fueled emergency generators (constructed on or after June 12, 2006) must comply with 40 CFR part 60 subpart IIII (Standards of Performance for Stationary Compression Ignition Internal Combustion Engine) and have no additional requirements under the RICE regulations. A copy of subpart IIII can be found at <http://www.ecfr.gov/cgi-bin/>.

On September 5, 2013, EPA issued a Notice of Reconsideration and Public Comment Period for three provisions of the RICE rule that apply to generators subject to RICE requirements (nonexempt units) and units that can be dispatched by the local electrical system operator to prevent interruption of the main power supply system. Comments will be accepted by EPA until November 4, 2013. The three issues under reconsideration are:

1. The timing of compliance with the Ultra-Low Sulfur Diesel (USLD) fuel requirements;
2. Timing and required reporting requirements;
3. Criteria for use of the 50 hours per year non-emergency/non-testing and maintenance operation limit.

Additional information regarding the Notice of Reconsideration can be found by going to www.regulations.gov and entering the docket number "EPA-HQ-OAR-2008-0708" in the search box.

Because this set of regulations is complex, a specific detailed analysis may be required for each emergency generator or generators at a location. Please contact Donald P. Gallo, PMA legal counsel, at (262) 951-4555 with any questions that you may have regarding this or other aspects of the RICE regulations.