

**Chapter 169: STATIONARY GENERATORS**

**SUMMARY:** This regulation establishes emission standards and stack requirements for stationary electric generators powered by reciprocating internal combustion engines.

**1. Applicability.**

This regulation applies to all stationary generators installed after January 1, 2022, and that are powered by engines subject to licensure requirements pursuant to *Major and Minor Source Air Emission License Regulations*, 06-096 C.M.R. ch. 115, or *Part 70 Air Emission License Regulations*, 06-096 C.M.R. ch. 140.

**2. Definitions.**

As used in this Chapter, the following terms have the following meanings:

- A. Demand Response Program.** “Demand response program” means an agreement whereby under specified circumstances a facility voluntarily curtails its demand for electricity from the grid in exchange for some type of economic incentive.
- B. Emergency Generator.** “Emergency generator” means a generator that meets all of the following criteria:
- (1) The generator is only operated to provide electrical power during an emergency situation, except as provided in paragraphs 2 and 3 below. Examples include producing power for critical networks or equipment (including power supplied to portions of a facility) when electrical power from the local utility (or the normal power source if the facility runs on its own power production) is interrupted.
  - (2) The generator is operated for no more than 100 hours per calendar year for the non-emergency purposes of maintenance checks and readiness testing, provided that the tests are recommended by federal, state, or local government; the manufacturer; the vendor; the regional transmission organization or equivalent balancing authority and transmission operator; or the insurance company associated with the engine. The owner or operator may be allowed additional hours for maintenance checks and readiness testing if a petition for approval is granted by the EPA in accordance with federal requirements or the owner or operator maintains records which demonstrate that maintenance and testing beyond 100 hours per calendar year is required by federal, state, or local standards.
  - (3) Each generator may be used for non-emergency purposes other than maintenance checks and readiness testing described in paragraph 2 above for up to 50 hours per calendar year. These operating hours will be accounted as part of the 100 hours per calendar year non-emergency operating allowance in paragraph 2 above. Those uses expressly prohibited in this rule are not permitted as part of this 50-hour allowance.
- C. Generator.** “Generator” means a combination of a reciprocating internal combustion engine and a device that converts the mechanical energy produced by the engine into electricity.

- D. Installed.** “Installed” means a generator that has been placed, secured, and connected at the location where it is intended to be operated.
- E. Non-Emergency Generator.** “Non-emergency generator” means any generator that does not meet the definition of emergency generator in this Chapter.
- F. Nonroad Engine.** “Nonroad engine” has the same meaning as defined in 40 C.F.R. § 1068.30 as amended on 10/25/2016.
- G. Peak Shaving.** “Peak shaving” means the use of on-site power generation to reduce power consumption from the grid.
- H. Stationary Engine.** “Stationary engine” means an engine that is not used in a motor vehicle and is not a nonroad engine.

### 3. Exemptions.

The following types of generators are exempt from the requirements of this Chapter.

- A.** A generator powered by a nonroad engine.
- B.** A generator powered by a stationary engine that is not subject to licensure requirements pursuant to 06-096 C.M.R. ch. 115.
- C.** A generator powered by a stationary engine with a maximum heat input of less than 0.5 million British Thermal Units per hour.
- D.** A generator powered by an engine that fires landfill gas.

### 4. Emission Standards.

Stationary generators subject to regulation under this Chapter shall meet the following emissions standards:

- A. Non-Emergency Generators.** A non-emergency generator shall be powered by an engine that meets the emission standards contained in 40 C.F.R. Part 60, Subpart IIII as amended on 6/29/2021, 40 C.F.R. Part 60, Subpart JJJJ as amended on 6/29/2021, or 40 C.F.R. Part 63, Subpart ZZZZ as amended on 12/04/2020, as applicable.
- B. Emergency Generators.**
  - (1) An emergency generator with a rated output of less than 1,000 kilowatts shall be powered by an engine that meets the emission standards contained in 40 C.F.R. Part 60, Subpart IIII as amended on 6/29/2021, 40 C.F.R. Part 60, Subpart JJJJ as amended on 6/29/2021, or 40 C.F.R. Part 63, Subpart ZZZZ as amended on 12/04/2020, as applicable.
  - (2) A compression ignition engine or engines that powers an emergency generator or generators with a rated output equal to or greater than 1,000 kilowatts shall meet the Tier 4 emission standards for new nonroad compression ignition engines in 40 C.F.R. Part 1039 as amended on 6/29/2021.

- (3) A spark ignition engine or engines that powers an emergency generator or generators with a rated output equal to or greater than 1,000 kilowatts shall meet the emission standards for new nonroad spark ignition engines in 40 C.F.R. Part 1048 as amended on 6/29/2021.

#### 5. Prohibitions.

No person shall cause, allow, or permit the operation of any emergency generator for any of the following purposes:

- A. Non-emergency operation for more than 100 hours per calendar year as described in paragraph 2.B above;
- B. Participation in a demand response program;
- C. Participation in peak shaving activities; or
- D. Supplying power for non-emergency purposes as part of a financial arrangement with another entity.

#### 6. Stack Height Requirements.

Any stack used to exhaust any generator or combination of generators, whether emergency or non-emergency, with a combined power capacity equal to or greater than 1,000 kilowatts shall have a minimum height equal to the lesser of the following:

- A. 60% Good Engineering Practice (GEP) stack height, as that term is defined in *Prohibited Dispersion Techniques*, 06-096 C.M.R. ch. 116; or
- B. The height, as demonstrated by ambient air quality dispersion modeling and approved by the Department, that ensures that emissions from the modeled stack, either alone or in conjunction with existing emissions from other sources, will not violate or will be controlled so as not to violate ambient air quality standards, including, but not limited to, ambient increments as adopted by the Department pursuant to 38 M.R.S. § 584.

Individual generators with a maximum power capacity of less than 300 kilowatts shall not be included in the assessment of the combined power capacity of the generators exhausted by the stack.

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NOTE: Copies of sections of the Code of Federal Regulations (C.F.R.) referenced in this Chapter can be accessed at [ecfr.federalregister.gov](http://ecfr.federalregister.gov) and are also from the Department by calling (207) 287-7688.

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