

## **FACT SHEET**

### **Final Amendments to Emission Standards for Stationary Engines**

#### **ACTION**

- On August 4, 2022, the U.S. Environmental Protection Agency finalized amendments to the Code of Federal Regulations to reflect a 2015 court decision regarding the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Stationary Reciprocating Internal Combustion Engines (RICE) and the New Source Performance Standards (NSPS) for Stationary Internal Combustion Engines (ICE).
- EPA does not expect any emissions changes from covered stationary engines as a result of this final action.
- The court decision vacated provisions in the regulations specifying that emergency engines could operate for emergency demand response or during periods where there is a deviation of voltage or frequency.
- Since the court's mandate was issued in 2016, engines used for emergency demand response have needed to be in compliance with the emissions standards and other applicable requirements for non-emergency engines in the RICE NESHAP and ICE NSPS. This rule revises the RICE NESHAP and ICE NSPS text in the Code of Federal Regulations to conform to the court's decision.

#### **BACKGROUND**

- The RICE NESHAP and ICE NSPS include a subcategory for emergency engines used primarily to provide power when the normal power source is interrupted.
- The regulatory definition of an emergency engine specifies that operation of an emergency engine in non-emergency situations is limited to 100 hours for certain purposes, such as readiness testing and engine maintenance.
- In 2013, the RICE NESHAP and ICE NSPS were amended to specify that the 100 hours for operation in non-emergency situations could be used for emergency demand response, where the facility is compensated by their power utility to operate during periods where there is a grid emergency that could lead to a blackout.
- In 2015, the U.S. Court of Appeals for the D.C. Circuit issued a decision in *Delaware v. EPA* vacating the provision allowing emergency engines to operate for up to 100 hours per year for EDR. The court issued the mandate for its decision on May 4, 2016, at which point the vacatur became effective.

#### **FOR MORE INFORMATION**

- Interested parties can download a copy of the final rule from EPA's website at the following address: <https://www.epa.gov/stationary-engines>.
- Today's action and other background information are also available electronically at <https://www.regulations.gov/>, EPA's electronic public docket and comment system.
- For further technical information about the rule, contact Melanie King, EPA's Office of Air Quality Planning and Standards, at (919) 541-2469 or [king.melanie@epa.gov](mailto:king.melanie@epa.gov).