

Frequently asked Questions

Implementation of 2010 HAPS Rule

The answers to these questions are based on the experience and understanding of the staff of the Missouri Public Utility Alliance and the Missouri Joint Municipal Electric Utility Commission. This information is for general guidance and cannot be relied on as legal advice. We encourage you to seek competent legal counsel for all such assistance.

1. For engines dedicated to emergency power, the rule requires a non-settable hour meter. I have an hour meter on my control board that begins operating once voltage begins to flow to the grid. Does that meter have to be attached to the engine?

Answer: The rule does not specify where the meter has to be attached, but it does have to record all the time that the engine runs. Because the meter you describe would allow the engine to run without recording that fact, it does not appear to meet the requirements of the rule.

2. During times of emergencies, some of the additional costs of providing power from my diesel plant are offset by funds from federal and state agencies. I understand under this rule that I am not allowed to sell emergency power on the grid. Does this rule prohibit me from accepting cost offsets from emergency agencies?

Answer: The rule prohibits sale of power. This transaction appears to be separate from the sale of electricity. It is related to additional, unusual, and unforeseen costs that a municipality would incur during a disaster which can be reimbursed. We see nothing in the EPA rule that prohibit receipt of these funds.

3. I run turbines. Will this affect my units? *Answer: No – This rule is limited to reciprocating internal combustion engines **only**. Turbines don't meet this definition, although some turbines do use diesel engines to help start the turbine. Those diesel engines do not have to meet emission requirements.*

4. Any chance that implementation of these rules will be modified or blocked?

Answer: Anything is possible in the world of Washington and we are closely monitoring developments. Using the next 36 months to hope that the rule is eliminated or changed, may not be the most effective strategy in the long run.

5. I am filling out the Initial Notification of Applicability Form. What is the NAICS and where do I find it?

Answer: The North American Industry Classification System (NAICS) is the standard used by Federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy. The NAICS code for electric power generation is 221112

The answers from EPA Region VII regarding issues we raised earlier about implementation of this new rule provide us with operational certainty in some specific areas, greater challenges in at least one area, and raise additional questions. In summary the EPA says:

1. You can take any power that is generated during the engine's authorized maintenance and testing activities and feed it back into your own system and receive the revenues from your customers without jeopardizing the engine's status as an Emergency Generator
2. When operating for a bona fide emergency, the city can receive income from rate payers for electricity generated during the outage and is able to accept any payment from FEMA or SEMA to cover costs of utility operations should they otherwise be eligible to receive.
3. It is still not entirely clear what it means for a power source to be "interrupted" so that emergency engines can be operated without penalty. At this juncture EPA Region VII says the power line does not have to be 'black', but then goes on to require the RTO to authorize operation under a demand response program. I believe the answer is not responsive to the question and we will be asking for further clarification
4. The 35 hour non-emergency allowance for an Emergency engine can NOT be used to provide power in the instance where a transmission line into the town is taken down for maintenance purposes because that outage does not meet the definition of an emergency since it is planned.
5. There has been no official guidance issued either by the EPA or to the states by EPA on dealing with the issue of pre-testing of units that document violations of limits in existing air permits. However the guidance document that is referenced does not include generators among their three priority classes. That does not say that this issue can be ignored; only that it is not on their radar screen.
6. There is a sub-classification of non-emergency engines over 500 HP that are defined as limited use. They must still have all the emission control equipment of a general engine, they just don't have to have recertification or submit compliance reports as often.

