

# Distributed Generation Sources

## 6 NYCRR Part 222 Distributed Generation Sources

As of the DEC website on 3/22/2017: On March 1, 2017, the Department's recently adopted 6 NYCRR Part 222 regulation was challenged in the Supreme Court of the County of Albany. As part of that litigation, the Petitioners-Plaintiffs are seeking a preliminary injunction. The parties have agreed to stay the implementation and enforcement of 6 NYCRR Part 222 (see Stipulation (PDF)), pending the Court's decision on Petitioners-Plaintiffs' request for a preliminary injunction. The Department expects a decision from the Court in May. The Department will update this site when the Court issues a decision.

'Distributed generation source'. A stationary reciprocating or rotary internal combustion engine that feeds into the distribution grid or produces electricity for use at the host facility or both. This includes emergency power generating stationary internal combustion engines.

This Part applies to owners and operators of distributed generation sources:

(1) in the New York City metropolitan area with a maximum mechanical output rating of 200 horsepower or greater and the potential to emit oxides of nitrogen less than the major source threshold set forth in subdivision 201-2.1(b)(21) of this Title; and  
(2) outside the New York City metropolitan area with a maximum mechanical output rating of 400 horsepower or greater and the potential to emit oxides of nitrogen less than the major source threshold set forth in subdivision 201-2.1(b)(21) of this Title.

### Economic dispatch source:

A distributed generation source used to reduce energy costs or ensure a reliable electricity supply for a facility. A distributed generation source that is not an emergency power generating stationary internal combustion engine as defined in section 200.1 is considered to be an economic dispatch source.

This includes generators used for demand response, peak shaving, or load reduction.

**Section 222.3 General provisions.** (a) An owner or operator of a distributed generation source subject to paragraph 222.1(a)(1) or 222.1(a)(2) of this Part must obtain a registration certificate or permit issued in accordance with Part 201 of this Title, prior to operating as an economic dispatch source. Emergency power generating stationary internal combustion engines are exempted from requirements under Part 222.3(a).

(1) By January 2, 2017, an owner or operator of an economic dispatch source required to operate under a registration certificate or permit issued by the Department prior to the effective date of this Part must notify the Department in writing whether the source will operate only as an emergency power generating stationary internal combustion engine or continue to operate as an economic dispatch source. In addition, an owner or operator must notify the Department in writing by January 2, 2017 if a source will be permanently shut-down in accordance with subdivision 222.5(d) or converted from a diesel-fired economic dispatch source to a natural gas-fired source in accordance with subdivision 222.5(e) of this Part.

(2) If an owner or operator of an economic dispatch source subject to this Part fails to notify the Department as required by paragraph 222.3(a)(1) of this Part, the source will be considered an economic dispatch source.

(b) Maintenance and testing of emergency power generating stationary internal combustion engines may not be conducted between the hours of 1:00 pm and 8:00 pm from May 1 through September 30 of each year.

Section 222.4 Control requirements.  
Section 222.5 Alternative Compliance Options.  
Section 222.6 Emissions testing.  
Section 222.6 Emissions testing.  
Section 222.7 Recordkeeping.  
Section 222.8 Severability.

**Emergency power generating stationary internal combustion engine:** A stationary internal combustion engine that operates as a mechanical or electrical power source only when the usual supply of power is unavailable, and operates for no more than 500 hours per year. The 500 hours of annual operation for the engine include operation during emergency situations, routine maintenance, and routine exercising (for example, test firing the engine for one hour a week to ensure reliability). A stationary internal combustion engine used for peak shaving generation is not an emergency power generating stationary internal combustion engine.

These generators are used when the usual supply of power is not available.

222.3(b) Maintenance and testing of emergency power generating stationary internal combustion engines may not be conducted between the hours of 1:00 pm and 8:00 pm from May 1 through September 30 of each year.

222.4 (b) Tune-up. Each distributed generation source must be tuned-up at least once every 12 months. The first tune-up must be conducted within 12 months after the source commenced operation or within one year of the effective date of this Part, whichever is later.

227.7 (a) The Department may enter a facility to inspect a distributed generation source subject to the requirements of this Part, and any records, papers, log books, and operational data maintained pursuant to this Part. Upon request, all records, papers, log books and operational data maintained pursuant to this Part must be made available to the Department.

222.7(c) Records of tune-ups must be maintained in a bound log book or an electronic format and must be kept at the facility for at least five years after the date of the last entry. The following information must be contained in the log book for each tune-up:  
(1) date that each distributed generation source was tuned-up;  
(2) name, title and affiliation of the person(s) who conducted the tune-up;  
(3) description of the tasks performed during the tune-up;  
(4) results of the tune-up; and  
(5) other information that the Department may require as a condition of approval of any permit.

222.7(d) The following operational data must be recorded for each distributed generation source subject to this Part in a format acceptable to the Department. The data must be recorded monthly and maintained at the facility for five years from the date the data were recorded.  
(1) hours of operation;  
(2) type and quantity of fuel(s) used or purchased;  
(3) electricity generated by the distributed generation source in megawatt-hours; and  
(4) electricity generated by renewable generation systems subject to paragraph 222.5(c) of this Part in megawatt-hours.