

Alternate “Section 7,” Including Provisions for Certification by Suppliers and Owners

7.0 Emissions Certification, Compliance, and Enforcement.

7.1 Emissions Certification by a Supplier. A supplier may seek to certify that its generators meet the provisions of this regulation.

7.1.1 Certification Process. Emissions of nitrogen oxides, nonmethane hydrocarbons, particulate matter, carbon monoxide, and carbon dioxide from the generator shall be certified in pounds of emissions per megawatt hour (lb/MWh) at International Organization for Standardization (ISO) conditions or at the load conditions specified by the applicable testing methods in Section 7.3.1. If the design of a certified generator is modified, the generator will need to be re-certified. Certification means that a generator meets the required emissions standards and can be installed as supplied. With respect to nitrogen oxides, nonmethane hydrocarbons, carbon monoxide, and carbon dioxide, test results from EPA Reference Methods, California Air Resources Board methods, or equivalent testing may be used to verify this certification. When testing the output of particulate matter from liquid-fuel reciprocating engines, ISO Method 8178 shall be used. Test results shall be provided upon request to the Department. An engine that has been certified to meet the currently applicable US EPA non-road emissions standards shall be deemed to be certified for use in new emergency generators. A statement attesting to certification shall be displayed on the nameplate of the unit or on a label attached to the unit with the following text:

This engine has met the standards defined by the State of Delaware’s Regulation No. 44 and is certified as meeting applicable emission levels when it is maintained and operated in accordance with the supplier’s instructions.

7.1.2 Responsibility of Supplier. Certification will apply to a specific make and model of generator. For a make and model of a generator to be certified, the supplier shall certify that the generator is capable of meeting the requirements of this regulation for the lesser of 15,000 hours of operation or three years. During the initial 15,000-hour operating period, the Department may enforce compliance with these standards.

7.2 Emissions Certification by an Owner. An owner shall certify that a generator complies with the emission requirements of Section 3.0 by submitting the following data to the Department for review:

7.2.1 a description of the generator including the make, model number, and serial number;

- 7.2.2 the year of manufacture for the generator;
- 7.2.3 the standby power rating for the generator;
- 7.2.4 the type or description of any emission control equipment used; and
- 7.2.5 emissions test data for the generator, supporting documentation for any emission control equipment used, supporting calculations, quality control/assurance information, and all other information needed to demonstrate compliance with the requirements.

7.3 Testing.

7.3.1 Emissions. A supplier seeking to certify that one of its generators meets the provisions of this regulation, or an owner of a generator that is not certified under the terms of Section 7.1, Section 7.2, or the US EPA Nonroad standards pursuant to Section 3.1, shall demonstrate compliance with this regulation through testing using the applicable EPA Reference Methods, California Air Resources Board methods, or equivalent test methods approved by the Department

7.3.2 Sulfur Content. Sulfur limits pursuant to Section 5.1 shall be determined using the applicable sampling and testing methodologies set forth in 40 CFR 80.580 (July 1, 2003).

7.4 Monitoring. If a non-emergency generator is supplied with fuel from more than one tank or if it and multiple sources (engines and other devices that use the fuel) are supplied fuel by one fuel tank, a non-resettable fuel metering device shall be used to continuously monitor the fuel consumption by the generator.

7.5 Duty to Comply. An owner shall comply with the requirements of this regulation. Neither certification nor compliance with this regulation relieves owners from compliance with all other applicable state and federal regulations.

7.6 Enforceability. This regulation is enforceable by the Department as provided by law.