

Final Regulation Order

Regulation to Establish a Statewide Portable Equipment Registration Program

Amend sections 2451, 2452, 2453, 2455, 2456, 2458, 2459, 2460, 2461, and 2462 Title 13, California Code of Regulations to read as follows:

(Note: Proposed amendments to the regulation are identified below. The originally proposed language is shown in underline is used to indicate proposed additions. ~~Strikeout~~ is used to show proposed deletions from the regulation text.)

Article 5. Portable Engine and Equipment Registration

1. Section 2451.

Section 2451. (a) The purpose of this regulation is to establish a statewide portable equipment registration program.

(b) This regulation applies to portable engines, portable generators, and portable equipment that are used for commercial purposes.

(c) This regulation applies to portable engines, portable generators, and portable equipment that are used for commercial purposes.

(d) This regulation applies to portable engines, portable generators, and portable equipment that are used for commercial purposes.

(e) The provisions of this regulation shall be applied.

(f) Any person who is subject to this regulation shall be subject to the provisions of this regulation.

(g) Any person who is subject to this regulation shall be subject to the provisions of this regulation.

§ 2452. Definitions.

(a) For the purposes of these regulations, the following definitions apply:

~~(1)~~ (1) ~~"Air Contaminant"~~ "Air Contaminant" shall have the same meaning as set out in section 39013 of the Health and Safety Code.

~~(b)(2)~~ (2) ~~"ARB ARB"~~ "ARB" means the California Air Resources Board.

~~(c)(3)~~ (3) ~~"Certified Compression-Ignition Engine"~~ "Certified Compression-Ignition Engine" means an engine meeting the nonroad engine emission standards for compression-ignition engines, as set forth in Title 13 of the California Code of Regulations or 40 CFR Part 89 in effect at the time of application.

~~(d)(4)~~ (4) ~~"Certified Spark-Ignition Engine"~~ "Certified Spark-Ignition Engine" means an engine meeting the nonroad engine emission standards for spark-ignition engines, as set forth in Title 13 of the California Code of Regulations or 40 CFR Part 1048 in effect at the time of application.

~~(e)(5)~~ (5) ~~"Compression-Ignition (CI) Engine"~~ "Compression-Ignition (CI) Engine" means an internal combustion engine with operating characteristics significantly similar to the theoretical diesel combustion cycle. Compression-ignition engines usually control fuel supply instead of using a throttle to regulate power.

~~(f)(6)~~ (6) ~~"Corresponding Onshore District"~~ "Corresponding Onshore District" means the district which has jurisdiction for the onshore area that is geographically closest to the engine or equipment unit.

~~(g)(7)~~ (7) ~~"District"~~ "District" means an air pollution control district or air quality management district created or continued in existence pursuant to provisions of Part 3 (commencing with section 40000) of the California Health and Safety Code.

~~(h)(8)~~ (8) ~~"Electrical Upgrade"~~ "Electrical Upgrade" means replacement or addition of electrical equipment and systems resulting in increased generation, transmission and/or distribution capacity.

~~(i)(9)~~ (9) ~~"Emergency Event"~~ "Emergency Event" means any situation arising from sudden and reasonably unforeseen natural disaster such as earthquake, flood, fire, or other acts of God, or other unforeseen events beyond the control of the portable engine or equipment unit operator, its officers, employees, and contractors that threatens public health and safety and that requires the immediate temporary operation of portable engines or equipment units to help alleviate the threat to public health and safety.

- (j)(10) "~~Engine~~ Engine" means any piston driven internal combustion engine.
- (k)(11) "~~Equipment Unit~~ Equipment Unit" means equipment that emits PM₁₀ over and above that emitted from an associated engine.
- (l)(12) "~~Executive Officer~~ Executive Officer" means the Executive Officer of the California Air Resources Board or his/her designee.
- (m)(13) "~~Hazardous Air Pollutant (HAP)~~ Hazardous Air Pollutant (HAP)" means any air contaminant that is listed pursuant to section 112(b) of the federal Clean Air Act.
- (n)(14) "~~Home District~~ Home District" means the district designated by the responsible official as the district in which the registered engine or equipment unit resides most of the time. For registered engines or equipment units based out of California, the responsible official shall designate the home district based on where the registered engine or equipment unit is likely to be operated a majority of the time the registered engine or equipment unit is in California.
- (o)(15) "~~Identical Replacement~~ Identical Replacement" means a substitution due to mechanical breakdown of a registered portable engine or equipment unit with another portable engine or equipment unit that has the same manufacturer, type, model number, manufacturer's maximum rated capacity, and rated brake horsepower; and is intended to perform the same or similar function as the original portable engine or equipment unit; and has equal or lower emissions expressed as mass per unit time; and meets the emission ~~control technology~~ requirements of sections 2455 through 2457 of this article.
- (p)(16) "~~In-field Inspection~~ In-field Inspection" means an inspection that is conducted at the location that the portable engine or equipment unit is operated under normal load and conditions.
- (q)(17) "~~Location~~ Location" means any single site at a building, structure, facility, or installation.
- (r)(18) "~~Maximum Achievable Control Technology (MACT)~~ Maximum Achievable Control Technology (MACT)" means any federal requirement promulgated as part of 40 CFR Parts 61 and 63.
- (s)(19) "~~Maximum Rated Capacity~~ Maximum Rated Capacity" is the maximum throughput rating or volume capacity listed on the nameplate of the registered equipment unit as specified by the manufacturer.
- (t)(20) "~~Maximum Rated Horsepower (brake horsepower (bhp))~~ Maximum Rated Horsepower (brake horsepower (bhp))" is the maximum brake horsepower rating specified by the registered engine manufacturer and listed on the nameplate of the registered engine.

~~(u)~~(21) ~~"Mechanical Breakdown"~~ "Mechanical Breakdown" means any failure of an engine's electrical system or mechanical parts that necessitates the removal of the registered engine from service.

~~(v)~~(22) ~~"Modification"~~ "Modification" means any physical change to, change in method of operation of, or an addition to a registered engine or equipment unit, which may cause or result in an increase in the amount of any air contaminant emitted or the issuance of air contaminants not previously emitted. Routine maintenance and/or repair shall not be considered a physical change. Unless previously limited by an enforceable registration condition, a change in the method of operation shall not include:

- ~~(1)~~(A) an increase in the production rate, unless such increase will cause the maximum design capacity of the registered equipment unit to be exceeded;
- ~~(2)~~(B) an increase in the hours of operation;
- ~~(3)~~(C) a change of ownership; and
- ~~(4)~~(D) the movement of a registered engine or equipment unit from one location to another.

~~(w)~~(23) ~~"New Nonroad Engine"~~ "New Nonroad Engine" means a nonroad engine, the equitable or legal title to which has never been transferred to an ultimate purchaser. If the equitable or legal title to an engine is not transferred to an ultimate purchaser until after the engine is placed into service, then the engine will no longer be new after it is placed into service. A nonroad engine is placed into service when it is used for its functional purposes. The term "ultimate purchaser" means, with respect to a new nonroad engine, the first person who purchases a new nonroad engine for purposes other than resale.

~~(x)~~(24) ~~"New Source Performance Standard (NSPS)"~~ "New Source Performance Standard (NSPS)" means any federal requirement promulgated as part of 40 CFR Part 60.

~~(y)~~(25) ~~"Non-field Inspection"~~ "Non-field Inspection" means an inspection that is either conducted at a location that is mutually acceptable to the district and the owner or operator or where the engine or equipment unit is stored and does not require operation of the engine or equipment unit for purposes of the inspection.

~~(aa)~~(26) ~~"Nonroad Engine"~~ "Nonroad Engine" means:

- ~~(1)~~(A) Except as discussed in paragraph (2) of this definition, a nonroad engine is any engine:
 - ~~(A)~~1. in or on a piece of equipment that is self-propelled or serves a dual purpose by both propelling itself and performing another function

(such as garden tractors, off-highway mobile cranes and bulldozers); or

~~(B)~~2. in or on a piece of equipment that is intended to be propelled while performing its function (such as lawnmowers and string trimmers); or

~~(A)~~3. that, by itself or in or on a piece of equipment, is portable or transportable, meaning designed to be and capable of being carried or moved from one location to another. Indicia of transportability include, but are not limited to, wheels, skids, carrying handles, dolly, trailer, or platform.

~~(2)~~ An engine is not a nonroad engine if:

~~(A)~~1. the engine is used to propel a motor vehicle or a vehicle used solely for competition, or is subject to standards promulgated under section 202 of the federal Clean Air Act; or

~~(B)~~2. the engine is regulated by a federal New Source Performance Standard promulgated under section 111 of the federal Clean Air Act; or

~~(C)~~3. the engine otherwise included in paragraph (1)(C) of this definition remains or will remain at a location for more than 12 consecutive months or a shorter period of time for an engine located at a seasonal source. Any engine (or engines) that replaces an engine at a location and that is intended to perform the same or similar function as the engine replaced will be included in calculating the consecutive time period. An engine located at a seasonal source is an engine that remains at a seasonal source during the full annual operating period of the seasonal source. A seasonal source is a stationary source that remains in a single location on a permanent basis (at least two years) and that operates at that single location approximately three (or more) months each year.

~~(bb)~~~~(27)~~ “~~Outer Continental Shelf (OCS)~~ Outer Continental Shelf (OCS)” shall have the meaning provided by section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. Section 1331 et seq.).

~~(cc)~~~~(28)~~ “~~Placard~~ Placard” means a visible indicator supplied by the Air Resources Board to indicate that an engine or equipment has been registered in the Portable Equipment Registration Program and is in addition to the registration identification device.

~~(dd)~~~~(29)~~ “~~Portable~~ Portable” means designed and capable of being carried or moved from one location to another. Indicia of portability include, but are not limited to, wheels, skids, carrying handles, dolly, trailer, or platform. For the purposes of

this regulation, dredge engines on a boat or barge are considered portable. The engine or equipment unit is not portable if any of the following are true:

- (1) the engine or equipment unit or its replacement is attached to a foundation, or if not so attached, will reside at the same location for more than 12 consecutive months. The period during which the engine or equipment unit is maintained at a storage facility shall be excluded from the residency time determination. Any engine or equipment unit such as back-up or stand-by engines or equipment units, that replace engine(s) or equipment unit(s) at a location, and is intended to perform the same or similar function as the engine(s) or equipment unit(s) being replaced, will be included in calculating the consecutive time period. In that case, the cumulative time of all engine(s) or equipment unit(s), including the time between the removal of the original engine(s) or equipment unit(s) and installation of the replacement engine(s) or equipment unit(s), will be counted toward the consecutive time period; or
- (2) the engine or equipment unit remains or will reside at a location for less than 12 consecutive months if the engine or equipment unit is located at a seasonal source and operates during the full annual operating period of the seasonal source, where a seasonal source is a stationary source that remains in a single location on a permanent basis (at least two years) and that operates at that single location at least three months each year; or
- (3) the engine or equipment unit is moved from one location to another in an attempt to circumvent the portable residence time requirements.

~~(ee)~~(30) ~~"Prevention of Significant Deterioration (PSD)~~ Prevention of Significant Deterioration (PSD)" means any federal requirements contained in or promulgated pursuant to Part C of the federal Clean Air Act.

~~(ff)~~(31) ~~"Process~~ Process" means any air-contaminant-emitting activity associated with the operation of a registered engine or equipment unit.

~~(gg)~~(32) ~~"Project, for the purposes of onshore operation,~~ Project, for the purposes of onshore operation," means the use of one or more registered engines or equipment units operated under the same or common ownership or control to perform a single activity.

~~(hh)~~(33) ~~"Project, for the purposes of State Territorial Waters (STW),~~ Project, for the purposes of State Territorial Waters (STW)," means the use of one or more registered engines and equipment units operating under the same or common ownership or control to perform any and all activities needed to fulfill specified contract work that is performed in STW. For the purposes of this definition, a contract means verbal or written commitments covering all operations necessary to complete construction, exploration, maintenance, or other work. Multiple or consecutive contracts may be considered one project if they are intended to perform activities in the same general area, the same parties are involved in the

contracts, or the time period specified in the contracts is determined by the Executive Officer to be sequential.

(ii)(34) ~~"Provider of Essential Public Service (PEPS)~~ Provider of Essential Public Service (PEPS)" means any privately-owned corporation or public agency that owns, operates, controls, or manages a line, plant, or system for the transportation of people or property, the transmission of telephone or telegraph messages, or the production, generation, transmission or furnishing of heat, light, water, power, or sanitation directly or indirectly to the public.

(jj)(35) ~~"Registration~~ Registration" means issuance of a certificate by the Executive Officer acknowledging expected compliance with the applicable requirements of this article, and the intent by the owner or operator to operate the engine or equipment unit within the requirements established by this article.

(kk)(36) ~~"Rental Business~~ Rental Business" means a business in which the principal use of its engines or equipment units is the rentings or leasings for profit of, registered engines or equipment units.

(ll)(37) ~~"Renter~~ Renter" means a person who rents and/or operates registered engines or equipment units not owned by that person.

(mm)(38) ~~"Resident Engine~~ Resident Engine " means either of the following:

- (1)(A) a portable engine that at the time of applying for registration, has a current, valid district permit or registration that was issued prior to January 1, 2006, or an engine that lost a permit to operate exemption through a formal district action. Moving an engine from a district that provides a permit to operate exemption to a district that requires a permit to operate or registration does not qualify for consideration as a resident engine; or
- (2)(B) a certified compression-ignition engine that operated in California at any time between March 1, 2004 and October 1, 2006. The responsible official shall provide sufficient documentation to prove the engine's residency to the satisfaction of the Executive Officer. Examples of adequate documentation include but are not limited to: tax records, purchase records, maintenance records, or usage records.

An engine permitted or registered by a district pursuant to Title 17 of the California Code of Regulations Section 93116.3(b)(6) is not a resident engine.

(nn)(39) ~~"Responsible Official~~ Responsible Official" refers to an individual employed by the company or public agency with the authority to certify that the registered engines or equipment units under his/her jurisdiction comply with applicable requirements of this regulation. A company or public agency may have more than one Responsible Official.

~~(oo)~~(40) "~~Spark-Ignition (SI) Engine~~ Spark-Ignition (SI) Engine" means an internal combustion engine with a spark plug (or other sparking device) with operating characteristics significantly similar to the theoretical Otto combustion cycle. Spark-ignition engines usually use a throttle instead of using fuel supply to control intake air flow to regulate power.

~~(pp)~~(41) "~~State Territorial Waters (STW)~~ State Territorial Waters (STW)" includes all of the following: an expanse of water that extends from the California coastline to 3 miles off-shore; a 3 mile wide belt around islands; and estuaries, rivers, and other inland waterways.

~~(qq)~~(42) "~~Statewide Registration Program~~ Statewide Registration Program" means the program for registration of portable engines and equipment units set out in this article.

~~(rr)~~(43) "~~Stationary Source~~ Stationary Source" means any building, structure, facility or installation which emits any air contaminant directly or as a fugitive emission. "Building," "structure," "facility," or "installation" includes all pollutant emitting activities which:

- ~~(1)~~(A) are under the same ownership or operation, or which are owned or operated by entities which are under common control;
- ~~(2)~~(B) belong to the same industrial grouping either by virtue of falling within the same two-digit standard industrial classification code or by virtue of being part of a common industrial process, manufacturing process, or connected process involving a common raw material; and
- ~~(3)~~(C) are located on one or more contiguous or adjacent properties.

[Note: For the purposes of this regulation a stationary source and nonroad engine are mutually exclusive.]

~~(ss)~~(44) "~~Storage~~ Storage" means a warehouse, enclosed yard, or other area established for the primary purpose of maintaining registered engines or equipment units when not in operation.

~~(tt)~~(45) "~~Tactical Support Equipment (TSE)~~ Tactical Support Equipment (TSE)" means equipment using a portable engine, including turbines, that meets military specifications, owned by the U.S. Department of Defense, the U.S. military services, or its allies, and used in combat, combat support, combat service support, tactical or relief operations, or training for such operations. Examples include, but are not limited to, internal combustion engines associated with portable generators, aircraft start carts, heaters and lighting carts.

~~(uu)~~(46) "~~Third-party Rental~~ Third-party Rental" means a non-rental business renting or leasing registered engines and/or equipment units to another party by written agreement.

~~(vv)~~(47) "~~Tier 1 Engine~~ Tier 1 Engine" means a certified compression-ignition engine according to the horsepower and model year as follows:

- ≥50 bhp and <100 bhp; 1998 through 2003
- ≥100 bhp and <175 bhp; 1997 through 2002
- ≥175 bhp and <300 bhp; 1996 through 2002
- ≥300 bhp and <600 bhp; 1996 through 2000
- ≥600 bhp and ≤750 bhp; 1996 through 2001
- >750 bhp; 2000 through 2005.

~~(ww)~~(48) "~~Tier 2 Engine~~ Tier 2 Engine" means a certified compression-ignition engine according to the horsepower and model year as follows:

- ≥50 bhp and <100 bhp; 2004 through 2007
- ≥100 bhp and <175 bhp; 2003 through 2006
- ≥175 bhp and <300 bhp; 2003 through 2005
- ≥300 bhp and <600 bhp; 2001 through 2005
- ≥600 bhp and ≤750 bhp; 2002 through 2005
- >750 bhp; 2006 through 2010.

~~(xx)~~ 49) "~~Transportable~~ Transportable" means the same as portable.

~~(yy)~~ 50) "~~U.S. EPA~~ U.S. EPA" means the United States Environmental Protection Agency.

~~(zz)~~ 51) "~~Vendor~~ Vendor" means a seller or supplier of portable engines or equipment units for use in California.

~~(aaa)~~52) "~~Volatile Organic Compound (VOC)~~ Volatile Organic Compound (VOC)" means any compound containing at least one atom of carbon except for the following exempt compounds: acetone, ethane, parachlorobenzotrifluoride (1-chloro-4-trifluoromethyl benzene), methane, carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, ammonium carbonates, methylene chloride (dichloromethane), methyl chloroform (1,1,1-trichloroethane), CFC-113 (trichlorotrifluoroethane), CFC-11 (trichlorofluoromethane), CFC-12 (dichlorodifluoromethane), CFC-22 (chlorodifluoromethane), CFC-23 (trifluoromethane), CFC-114 (dichlorotetrafluoroethane), CFC-115 (chloropentafluoroethane), HCFC-123 (dichlorotrifluoroethane), HFC-134a (tetrafluoroethane), HCFC-141b (dichlorofluoroethane), HCFC-142b (chlorodifluoroethane), HCFC-124 (chlorotetrafluoroethane), HFC-23 (trifluoromethane), HFC-134 (tetrafluoroethane), HFC-125 (pentafluoroethane), HFC-143a (trifluoroethane), HFC-152a (difluoroethane), cyclic, branched, or linear completely methylated siloxanes, the following classes of perfluorocarbons:

- ~~(1)~~(A) cyclic, branched, or linear, completely fluorinated alkanes;
- ~~(2)~~(B) cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;

- (4)(D) sulfur-containing perfluorocarbons with no unsaturations and with the sulfur bonds to carbon and fluorine, acetone, ethane, and parachlorobenzotrifluoride (1-chloro-4-trifluoromethyl benzene).

NOTE: Authority cited: Sections 39600, 39601, 41752, 41753, 41754, 41755, 43013(b) and 43018, Health and Safety Code. Reference: Sections 41750, 41751, 41752, 41753, 41754, and 41755, Health and Safety Code.