

# 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 all portable equipment, including portable engines, portable generators, and portable air conditioning units, that are used for commercial purposes, including construction, agriculture, and other commercial activities, and that are subject to the registration requirements of this regulation.

(c) The registration requirements of this regulation apply to all portable equipment, including portable engines, portable generators, and portable air conditioning units, that are used for commercial purposes, including construction, agriculture, and other commercial activities, and that are subject to the registration requirements of this regulation.

(d) The registration requirements of this regulation apply to all portable equipment, including portable engines, portable generators, and portable air conditioning units, that are used for commercial purposes, including construction, agriculture, and other commercial activities, and that are subject to the registration requirements of this regulation.

(e) The registration requirements of this regulation apply to all portable equipment, including portable engines, portable generators, and portable air conditioning units, that are used for commercial purposes, including construction, agriculture, and other commercial activities, and that are subject to the registration requirements of this regulation.

(f) The registration requirements of this regulation apply to all portable equipment, including portable engines, portable generators, and portable air conditioning units, that are used for commercial purposes, including construction, agriculture, and other commercial activities, and that are subject to the registration requirements of this regulation.

(g) The registration requirements of this regulation apply to all portable equipment, including portable engines, portable generators, and portable air conditioning units, that are used for commercial purposes, including construction, agriculture, and other commercial activities, and that are subject to the registration requirements of this regulation.

#### **§ 2453. Application Process.**

- (a) In order for an engine or equipment unit to be considered for registration by the Executive Officer, the engine or equipment unit must be portable as defined in section 2452 (dd) and meet all applicable requirements established in this article.
- (b) For purposes of registration under this article, an engine and the equipment unit it serves are considered to be separate emissions units and require separate applications.
- (c) For an identical replacement, an owner or operator of a registered portable engine or equipment unit is not required to complete a new application and may immediately operate the identical replacement. Except for TSE, the owner or operator shall notify the Executive Officer in writing within five calendar days of replacing the registered engine or equipment unit with an identical replacement. Notification shall include company name, responsible official, phone number, registration certificate number of the engine or equipment unit to be replaced; and make, model, rated brake horsepower, serial number of the identical replacement, description of the mechanical breakdown; and applicable fees as required in section 2461. Misrepresentation of engine or equipment unit information or the failure to meet the requirements of this regulation shall be deemed a violation of this article.
- (d) The Executive Officer shall inform the applicant, in writing, if the application is complete or deficient, within 30 days of receipt of an application. If deemed deficient, the Executive Officer shall identify the specific information required to make the application complete.
- (e) The Executive Officer shall issue or deny registration within 90 days of receipt of a complete application.
- (f) Upon finding that an engine or equipment unit meets the requirements of this article, the Executive Officer shall issue a registration for the engine or equipment unit. The Executive Officer shall notify the applicant in writing that the engine or equipment unit has been registered. The notification shall include a registration

certificate, any conditions to ensure compliance with State and federal requirements, and a registration identification device for each engine or equipment unit registered pursuant to this regulation. Except for TSE, the registration identification device shall be affixed on the engine or equipment unit at all times, and the registration certificate including operating conditions shall be kept on the immediate premises with the engine or equipment at all times and made accessible to the Executive Officer or district upon request. Failure to properly maintain the registration identification device shall be deemed a violation of this article.

- (g) Except for TSE, each application for registration and the appropriate fee(s) as specified in section 2461, shall be submitted in a format approved by the Executive Officer and include, at a minimum, the following information:
  - (1) indication of general nature of business (e.g., rental business, etc.);
  - (2) the name of applicant, including mailing address and telephone number;
  - (3) a brief description of typical engine or equipment-unit use;
  - (4) detailed description, including engine or equipment-unit make, model, manufacture year (for portable engines only), rated brake horsepower, throughput, capacity, emission control equipment, and serial number;
  - (5) necessary engineering data, emissions test data, or manufacturer's emissions data to demonstrate compliance with the requirements as specified in sections 2455, 2456, and 2457;
  - (6) for resident engines, a copy of either a current permit to operate that was granted by a district, or documentation as described in section 2452 ~~(mm)~~ (38); and
  - (7) the printed name and signature of the responsible official and date of the signature.
- (h) For TSE, application for registration and the appropriate fee(s) as specified in section 2461, shall be submitted in a format approved by the Executive Officer and include, at a minimum, the following information:
  - (1) the name of applicant, including mailing address and telephone number;
  - (2) a brief description of typical engine or equipment-unit use;
  - (3) engine or equipment-unit description, including type and rated brake horsepower; and
  - (4) the printed name and signature of the responsible official and date of the signature.
- (i) All registered engines and equipment units shall have a designated home district as defined in section 2452 (n) according to the following:
  - (1) Owners holding valid registration(s) prior to the effective date shall designate in writing to the Executive Officer a home district within 90 days of the effective date of this regulation. The Executive Officer shall

- designate the home district for any and all registered engines and equipment units for existing registration program participants that fail to designate a home district;
- (2) a home district shall be designated on each application for initial registration of an engine or equipment unit; and
  - (3) except for registered engines or equipment units owned by a rental business or involved in a third part rental, if the engine or equipment unit, based on averaging of annual operation in each district from the three annual reports submitted during the 3 year registration cycle, operated the largest percentage of the time in a district other than the designated home district, the owner shall change the home district designation at the time of renewal. The change is not required if the difference between the home district operation percentage and the district with the largest operating percentage is 5 percent or less.
- (j) Engines or equipment units owned and operated for the primary purpose of rental by a rental business shall be identified as rental at the time of application for registration and shall be issued a registration specific to the rental business requirements of this article. Misrepresentation of portable engine or equipment unit use in an attempt to qualify under the rental business definition shall be deemed a violation of this article.
  - (k) New applications for non-operational engines or equipment units will not be accepted by the Executive Officer.
  - (l) Once registration is issued by the Executive Officer, district permits or registrations for engines or equipment units registered in the Statewide Registration Program are preempted by the statewide registration and are, therefore, considered null and void, except for the following circumstances where a district permit shall be required:
    - (1) engines or equipment units used in a project(s) operating in the OCS. The requirements of the district permit or registration apply to the registered engine or equipment unit while operating at the project(s) in the OCS; or
    - (2) engines or equipment units used in a project(s) operating in both the OCS and STW. The requirements of the district permit or registration apply to the registered engine or equipment unit while operating at the project(s) in the OCS and STW; or
    - (3) at STW project(s) that trigger district emission offset thresholds; or
    - (4) at any specific location where statewide registration is not valid. The owner of the engine or equipment unit shall obtain a district permit or registration for the location(s) where the statewide registration is not valid; or
    - (5) at any location where an engine or equipment unit that has been determined to cause a public nuisance as defined in Health and Safety Code Section 41700.

Under no circumstances shall a portable engine or equipment unit be operated under both statewide registration and a district permit at any specific location. Where both a district permit for operation at a specific location and statewide registration have been issued for an engine or equipment unit, the terms of the district permit shall take precedence at that location.

- (m) When ownership of a registered engine or equipment unit changes, the new owner shall submit a change of ownership application. This application shall be filed within 30 days of the change of ownership. During the 30 day period the new owner is authorized to operate the registered engine or equipment unit. If an application is not received within 30 days, the engine or equipment unit may not operate and the existing registration is not valid for the new owner until the application has been filed and all applicable fees have been paid. Registration will be reissued to the new owner after a complete application has been approved by the Executive Officer.
- (n) Except for TSE, a placard shall be required for every engine or equipment unit registered in the Statewide Registration Program. The placard shall be affixed on the registered engine or equipment unit at all times so that it may be easily viewed from a distance. Placards shall be purchased at the time of the first renewal or at the time of initial registration, whichever occurs first. Failure to properly maintain the placard shall be deemed a violation of this article.

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.

#### **§ 2455. General Requirements.**

- ~~(a) The emissions from engines or equipment units registered under this article shall not, in the aggregate, interfere with the attainment or maintenance of any California or federal ambient air quality standards. The emissions from one or more registered engines or equipment units, exclusive of background concentration, shall not cause an exceedance of any ambient air quality standard. This paragraph shall not be construed as requiring operators of registered engines or equipment units to provide emission offsets for engines or equipment units registered under this article.~~
- (b) Engines or equipment units registered under this article shall comply with article 1, chapter 3, part 4, division 26 of the California Health and Safety Code, commencing with section 41700.
- (c) Except for engines or equipment units permitted or registered by a district in which an emergency event occurs, an engine or equipment unit operated during an emergency event as defined in section 2452 (i) of this article, is considered