

# 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, including but not limited to, construction, agriculture, and other commercial activities.

(c) The registration fee for portable engines, portable generators, and portable equipment shall be determined by the Department of Motor Vehicles, based on the horsepower of the engine or the capacity of the generator.

(d) The registration fee for portable engines, portable generators, and portable equipment shall be determined by the Department of Motor Vehicles, based on the horsepower of the engine or the capacity of the generator, and shall be payable to the Department of Motor Vehicles.

(e) The Department of Motor Vehicles shall maintain a list of registered portable engines, portable generators, and portable equipment.

(f) Any person who violates this regulation shall be subject to a civil penalty of not more than \$100.

(g) This regulation shall be subject to the provisions of the California Administrative Procedure Act.

**§ 2456. Engine Requirements.**

- ~~(a) For TSE, no air contaminant shall be discharged into the atmosphere, other than uncombined water vapor, for a period or periods aggregating more than three minutes in any one hour which is as dark or darker in shade as that designated as No. 2 on the Ringelmann Chart, as published by the United States Bureau of Mines, or of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke designated as No. 2 on the Ringelmann Chart. No other requirements of this section are applicable to TSE.~~
- (b) Registered diesel pile-driving hammers shall comply with the applicable provisions of section 41701.5 of the California Health and Safety Code and are otherwise exempt from further requirements of this section.

(c) To be registered in the Statewide Registration Program, a registered engine rated less than 50 brake horsepower shall be a certified compression-ignition engine or a certified spark-ignition engine, unless no emission standards exist for that brake horsepower and year of manufacture. In that event, the engine shall comply with the applicable daily and annual emission limits contained in section 2456 (d)(6) of this article. No other requirements of this section are applicable to portable engines rated less than 50 brake horsepower.

(d) After January 1, 2006, engines rated equal to, or greater than 50 bhp registered under this article shall:

(1) be certified compression-ignition engines or certified spark-ignition engines that meet the most stringent emissions standard in effect for the applicable horsepower range at the time the application is submitted by the responsible official. Spark-ignition engines that are not certified spark-ignition engines may be registered if they meet the emission standards in Table 1. Subsection (d)(1) does not apply to certified compression-ignition engines built under the flexibility provisions listed in 40 CFR part 89.102, engines that are resident engines, changes of ownership, or engines that meet the requirements of Title 17 of the California Code of Regulations sections 93116.3(b)(7), ~~93116.3(b)(8)~~, or 93116.3.1.

(2) meet all applicable requirements in Title 17 of the California Code of Regulations commencing with section 93116;

~~(3) use only fuels meeting the standards for California motor vehicle fuels as set forth in chapter 5, division 3, Title 13 of the California Code of Regulations, commencing with section 2250, or other fuels and/or additives that have been verified through the Verification Procedure for In-Use Strategies to Control Emissions from Diesel Engines;~~

(4) not exceed particulate matter emissions concentration of 0.1 grain per standard dry cubic feet corrected to 12 percent CO<sub>2</sub>. This provision does not apply to certified compression-ignition engines, certified spark-ignition engines, or any spark-ignition engine meeting Table 1 requirements;

~~(5) not discharge air contaminants into the atmosphere for a period or periods aggregating more than three minutes in any one hour which is as dark as or darker than Ringelmann 1 or equivalent 20 percent opacity; and~~

(6) not exceed the following emission limits:

(A) 550 pounds per day per engine of carbon monoxide (CO);

(B) 150 pounds per day per engine of particulate matter less than 10 microns (PM<sub>10</sub>);

(C) for registered engines operating onshore, 10 tons for each pollutant per district per year per engine for NO<sub>x</sub>, SO<sub>x</sub>, VOC, PM<sub>10</sub>, and CO in nonattainment areas; and

~~(D) for registered engines operating within STW;~~

- ~~(1)1. the offset requirements of the corresponding onshore district apply. Authorization from the corresponding onshore district is required prior to operating within STW. If authorization is in the form of a current district permit, the terms and conditions of the district permit supersede the requirements of the statewide registration for the project, except that the most stringent of the technology and emission concentration limits required by the district permit or statewide registration are applicable. If the registered engine does not have a current district permit, the terms and conditions of the statewide registration apply, and the corresponding onshore district may require offsets pursuant to district rules and regulations. The requirement for district offsets shall not apply to the owner or operator of an engine(s) registered in the statewide registration program when the engine(s) is operated at a stationary source permitted by the district; and~~
- ~~(2)2. the corresponding onshore district may perform an ambient air quality impact analysis (AQIA) for the proposed project prior to granting authorization. The owner or operator of engine(s) registered in the statewide registration program shall be required, at the request of the district, to submit any information deemed by the district to be necessary for performing the AQIA. Statewide registration shall not be valid at any location where the AQIA demonstrates a potential violation of an ambient air quality standard.~~
- (E) for registered engines operating in the South Coast Air Quality Management District (SCAQMD), 100 pounds nitrogen oxides (NOx) per project per day [An owner may substitute SCAQMD permit or registration limits in effect on or before September 17, 1997 (optional)];
- (F) 100 pounds NOx per registered engine per day, except in SCAQMD where the limit is 100 pounds NOx per project per day.
- (7) In lieu of (6)(E) and (6)(F) above, operation of a registered new nonroad engine rated at 750 brake horsepower or greater for which a federal or California standard pursuant to 40 CFR Part 89 or Title 13 of the California Code of Regulations has not yet become effective, shall not exceed 12 hours per day.
- (8) For registered engines that operate in both STW and onshore, the 10 tons per district per year per engine limit in (6)(C) above shall only apply onshore.
- (9) For certified compression-ignition engines, certified spark-ignition engines, or any spark-ignition engine meeting Table 1 requirements, the daily and annual emission limitations in section 6 above shall not apply.

- (10) Effective January 1, 2010, all registered spark-ignition engines rated at 50 brake horsepower or greater shall be certified spark-ignition engines or shall meet Table 1 requirements. For those spark ignition engines that are not certified spark-ignition engines or do not meet Table 1 requirements, the registration shall expire on December 31, 2009 and the engine will not be allowed to operate under the authority of this regulation.
- (e) All registered engines shall be equipped with a functioning non-resettable hour meter, fuel meter or other operation tracking device approved by the Executive Officer. Engines registered prior to the effective date of this regulation, that are not equipped with a functional non-resettable hour meter, fuel meter or other operation tracking device shall install one and notify ARB in writing within 6 months of the effective date of this regulation.
- (f) Registered TSE is exempt from district New Source Review and Title V programs, including any offset requirements. Further, emissions from registered TSE shall not be included in Title V or New Source Review applicability determinations.

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.

Table 1 Spark-ignition Engine Requirements\*

<i>Pollutant Emission Limits</i>		
<b><i>NO<sub>x</sub></i>**</b>	<b><i>VOC</i>**</b>	<b><i>CO</i>**</b>
80 ppmdv NO <sub>x</sub> (1.5 g/bhp-hr)	240 ppmdv VOC (1.5 g/bhp-hr)	176 ppmdv CO (2.0 g/bhp-hr)

\* These requirements are in addition to requirements of section 2455 and 2456.

\*\* For the purpose of compliance with this article, ppmdv is parts per million @ 15 percent oxygen averaged over 15 consecutive minutes. Limits of ppmdv are the approximate equivalent to the stated grams per brake horsepower hour limit based on assuming the engine is 24.2 percent efficient.