

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 purposes.

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

(d) The registration fee for portable engines, portable generators, and portable equipment shall be determined by the Department of Industrial Relations, based on the horsepower of the engine or generator, and the type of equipment.

(e) The Department of Industrial Relations shall publish the registration fee schedule.

(f) Any person who is required to register portable equipment under this regulation shall do so by the deadline set forth in the registration fee schedule.

(g) Any person who fails to register portable equipment under this regulation shall be subject to the penalties set forth in the registration fee schedule.

§ 2458. Recordkeeping and Reporting.

- (a) Except for registered engines owned by a rental business, used in a third-party rental, operated by a PEPS, or TSE, the owner of registered engines, including engines otherwise preempted under section 209 (e) of the federal Clean Air Act, or registered equipment units shall maintain records of operation of each registered engine and equipment unit. Recordkeeping for engines not previously required to maintain records shall begin upon the effective date of the regulation or January 1, 2007, which ever is later. For engines not previously required to

have an hour meter, fuel meter or other device approved by the Executive Officer, the owner or operator shall record hours of operation until the hour meter, fuel meter or other device approved by the Executive Officer has been installed. The records shall be maintained at a central place of business for five years, and made accessible to the Executive Officer or districts upon request. Records shall be maintained in a format approved by the Executive Officer and include, at a minimum, all of the following:

- (1) engine or equipment unit registration number;
 - (2) recordings from an hour meter, fuel meter, or other device approved by the Executive Officer, and the corresponding dates of the recordings for each registered engine or equipment unit based on the following:
 - (A) for each project as defined in 2452 (gg) or (hh), readings shall be recorded prior to the commencement of operation and at the completion of the project; or
 - (B) for ongoing operation of a registered engine or equipment unit at multiple locations within a stationary source, readings shall be recorded at the beginning and end of each calendar week; or
 - (C) for each location, readings shall be recorded prior to commencement of operation and upon completion of operation at that location.
 - (3) For registered engines and equipment units subject to a daily operational limitation, daily records of either hours of operation, fuel usage, or process throughput as applicable.
 - (4) For equipment units subject to the requirements of section 2457(b)(3), daily throughput shall be the sum of measurements of material introduced into the equipment unit. These measurements shall be taken at the initial loading point(s) of the equipment unit.
 - (5) recordings from an hour meter, fuel meter, or other device approved by the Executive Officer and the corresponding dates of the recordings any time an engine or equipment unit is undergoing service, repair, or maintenance; and
 - (6) for each start and stop reading specified in (2) and (3) above, the location identified by district, county, or other indicator (i.e., street address, UTM coordinates, etc.)
- (b) A rental business or the owner of a registered engine or equipment unit involved in a third party rental, shall maintain records for each rental or lease transaction. The written rental or lease agreement shall be kept onsite with the registered engine or equipment unit at all times. Recordkeeping for registered engines not previously required to maintain records shall begin upon the effective date of the regulation or January 1, 2007, whichever is later. For registered engines not previously required to have an hour meter, fuel meter or other device approved by the Executive Officer, the owner or operator shall record hours of operation

until the hour meter, fuel meter or other device approved by the Executive Officer has been installed. The owner shall provide each person who rents a registered engine or equipment unit with a written copy of applicable requirements of this article, including recordkeeping and notification requirements, as a part of the agreement. The records, including written acknowledgment by each renter of the registered engine or equipment unit of having received the above information, shall be maintained by the rental business or the owner of the registered engine or equipment unit involved in a third-party rental at a central location for five years, and made accessible to the Executive Officer or districts upon request. Records shall be maintained in a format approved by the Executive Officer and include, at a minimum, for each rental engine all of the following:

- (1) registered engine registration number;
 - (2) dates for the start and end of the rental transaction;
 - (3) hours of operation for each rental period including the hour meter reading at the start of the rental transaction and the hour meter reading at the end of the rental transaction; and
 - (4) location of use (by district, county or other indicator (i.e., street address, UTM coordinates, etc.)).
- (c) For TSE, each military installation shall provide the Executive Officer an annual report, in a format approved by the Executive Officer, within 60 days after the end of each calendar year. The report shall include the number, type, and rating of registered TSE at each installation as of December 31 of that calendar year, and be accompanied by the applicable fees pursuant to section 2461. Any variation of registered TSE to actual TSE shall be accounted for in this annual report, and the Executive Officer shall issue an updated TSE list accordingly. A renewal registration will be issued with the updated TSE list every three years according to expiration date.
- (d) For each registered engine subject to the requirements of Title 17 California Code of Regulations section 93116, the owner shall keep records and submit reports in accordance with Title 17 California Code of Regulations section 93116.4.
- (e) Except for registered engines or equipment units owned by a rental business, used in a third-party rental, operated by a PEPS or TSE, the owner of a registered engine or equipment unit shall provide the Executive Officer an annual report signed by the responsible official, in a format approved by the Executive Officer, by March 1 of each calendar year containing all of the following information:
- (1) the reporting year;
 - (2) the registration number of each registered engine and/or equipment unit;

- (3) for registered engines, quarterly summaries for each district or county the total fuel usage in gallons per quarter, or total hours of operation per quarter, for each registered engine; and
 - (4) for registered equipment units, quarterly summaries for each district or county in which the registered equipment unit was operated and the total process weight or throughput.
- (f) The owner of a registered engine or equipment unit owned by a rental business or used in a third-party rental transaction shall provide the Executive Officer an annual report signed by the responsible official, in a format approved by the Executive Officer, by March 1 of each calendar year containing all of the following information:
 - (1) the reporting year;
 - (2) the registration number of each registered engine and/or equipment unit;
 - (3) total hours of operation for the reporting year for each registered engine based on, and including, beginning and ending annual hour meter readings and dates upon which the total hours of annual operation calculation is based;
 - (4) list of all counties in which the registered engine operated in during the reporting year as reported by the entity(ies) that operated the registered engine;
 - (5) estimate of the percentage of total hours for each engine operated in each of the counties identified in (4) above; and
 - (6) for registered equipment units, quarterly and annual summaries for each district or county in which the registered equipment unit was operated and the total process weight or throughput.
- (g) the owner or operator of a registered engine or equipment unit used by a PEPS shall provide the Executive Officer an annual report, in a format approved by the Executive Officer, by March 1st of each calendar year containing all of the following information:
 - (1) the reporting year;
 - (2) the registration number of each registered engine and/or equipment unit;
 - (3) total hours of operation; and
 - (4) estimate of the percentage of hours or fuel usage for the three counties in which the registered engine or equipment unit operated the most.
- (h) Records requests made by a district or Executive Officer shall be made to the responsible official. The responsible official shall provide the requested records within 30 days from receipt of the request. Failure to provide the records by the specified date shall be deemed a violation of this article.

- (i) Each district shall provide the Executive Officer with an annual report, in a format approved by the Executive Officer, by March 31 following the year in which the information was collected containing all of the following information:
 - (1) the number of portable engines and equipment units inspected;
 - (2) the number of portable engines and/or equipment units found operating without valid district permits or statewide registrations;
 - (3) the number of registered engines and equipment units inspected; and
 - (4) summary of results of inspections.
- (j) Vendors selling new portable engines and/or equipment units in California shall:
 - (1) notify the buyer about this regulation; and
 - (2) on a monthly basis submit to the Executive Officer the number of portable engines and/or portable equipment units sold by the vendor for use in California including: the name, address, and contact information of the purchaser, and description of the engine and/or equipment unit including make, model, and engine family name.

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.