

FINAL REGULATION ORDER

Amend sections 2450, 2451, 2452, 2453, 2455, 2456, 2458, 2459, 2460, 2461, 2462, and 2464 title 13, California Code of Regulations to read as follows.

(Note: The amendments are shown in underline to indicate additions and ~~strikeout~~ to indicate deletions. The symbol “* * * * *” means that intervening text not being amended is not shown.)

Article 5. Portable Engine and Equipment Registration

§ 2450. Purpose.

- (a) These regulations in this Article establish a statewide program for the registration and regulation of portable engines and engine-associated equipment (portable engines and equipment units) as defined herein. Registration under this program allows P~~portable engines and equipment units registered under the Air Resources Board program may to~~ operate throughout the State of California without authorization (except as specified herein) or permits from air quality management or air pollution control districts (districts). These regulations preempt districts from permitting, registering, or regulating portable engines and equipment units, including equipment necessary for the operation of a portable engine (e.g. fuel tanks), registered with the Executive Officer of the Air Resources Board except in the circumstances specified in the regulations.
- (b) Registration under these regulations does not relieve any obligation under other applicable law.

NOTE: Authority cited: Section 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.

§ 2451. Applicability.

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- (a) The following are not eligible for registration under this program:

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- (3) engines, equipment units, and associated engines determined by the Executive Officer to qualify as part of a stationary source ~~permitted by a district~~;

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- (8) ~~generators used for power production into the grid, except to maintain grid stability during an emergency event or other unforeseen event that affects grid stability~~engines and equipment units used exclusively in agricultural operations as defined in title 17 Cal. Code Regs., section 93116.2(a), unless owned by a rental business; and
- (9) ~~generators used to provide primary or supplemental power to a building, facility, stationary source, or stationary equipment, except during unforeseen interruptions of electrical power from the serving utility, maintenance and repair operations, and electrical upgrade operations including startup, shutdown, and testing that do not exceed 60 calendar days.~~any engine that is certified for stationary use according to 40 CFR part 60 Subparts IIII or JJJJ, unless the engine is also certified to the applicable nonroad standards as indicated on the emission control label.

(d) In the event that the owner of an engine or equipment unit elects not to register under this program, the engine or equipment unit shall be subject to district permitting requirements pursuant to district regulations.

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.

§ 2452. Definitions.

Any term used in this article that is not defined in this section has the same meaning as those in title 17 section 93116.2. The following definitions shall apply for the purposes of this article:

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(l) “**Equipment Failure**” means any failure of the engine, fuel delivery system, or associated equipment that necessitates the removal of the equipment from service.

(m) “**Equipment Unit**” means equipment that emits PM₁₀ over and above that emitted from an associated engine.

(n) “**Essential public service**” means a service provided to the general public to protect the public health and safety or the environment.

(o) “**Executive Officer**” means the Executive Officer of the California Air Resources Board or his/her designee.

(p) “**Hazardous Air Pollutant (HAP)**” means any air contaminant that is listed pursuant to section 112(b) of the federal Clean Air Act.

- (e~~g~~) **“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 units is in California.
- (p~~r~~) **“Identical Replacement”** means a substitution due to ~~mechanical breakdown or engine equipment failure~~ 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 meets the emission requirements of title 17 Cal Code Regs. section 93116.3(c)(1); and meets the emission requirements of sections 2455 through 2457 of this article.~~
- (e~~s~~) **“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.
- (l~~o~~) **“Location”** means any single site at a building, structure, facility, or installation.
- (s~~u~~) **“Maximum Achievable Control Technology (MACT)”** means any federal requirement promulgated as part of 40 CFR Parts 61 and 63.
- (t~~u~~) **“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.
- (b~~u~~) **“Maximum Rated Horsepower (brake horsepower (bhp))”** is the maximum brake horsepower rating specified by the registered engine manufacturer and listed on the nameplate or emission control label of the registered engine.
- ~~(v) **“Mechanical Breakdown”** means any failure of an engine’s electrical system or mechanical parts that necessitates the removal of the registered engine from service.~~
- (w~~x~~) **“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) an increase in the production rate, unless such increase will cause the maximum design capacity of the registered equipment unit to be exceeded;
- (2) an increase in the hours of operation;
- (3) a change of ownership; and
- (4) the movement of a registered engine or equipment unit from one location to another.

~~(x) “**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.~~

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

~~(ffe) “**Process**” means any air-contaminant-emitting activity associated with the operation of a registered engine or equipment unit.~~

~~(ggf) “**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.~~

~~(hgg) “**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.~~

~~(i) “**Provider of Essential Public Service (PEPS)**” means any privately-owned corporation or public agency whose primary purpose is to own, operate, control, or manage an essential public service as determined by the Executive Officer. An essential public service may be 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.~~PEPS include:

- (1) electrical corporations as defined by Public Utilities Code, section 218;
- (2) electric service providers as defined by Public Utilities Code, section 218.3;
- (3) fire departments;
- (4) gas corporations as defined by Public Utilities Code, section 222;
- (5) hospitals that provide trauma services;
- (6) irrigation districts formed pursuant to the Irrigation District Law, Water Code division 11, commencing with section 20500;
- (7) public water systems as defined in California Health & Safety Code section 116275(h);
- (8) publicly owned treatment works as defined in 40 CFR Part 403.3(q);
- (9) joint powers authorities that include one or more of the public agencies identified in this definition;
- (10) municipal utility districts formed pursuant to The Municipal Utility District Act, Public Utilities Code, division 6, commencing with section 11501;
- (11) municipalities or municipal corporations operating as a “public utility” as provided in Public Utilities Code, section 10001;
- (12) police departments;
- (13) prisons and detention facilities;
- (14) public utility districts formed pursuant to the Public Utility District Act, Public Utilities Code, division 7, commencing with Section 15501;
- (15) public transportation and transit systems;
- (16) sewer system corporations as defined by Public Utilities Code, section 230.6;
- (17) telegraph corporations, as defined by Public Utilities Code, section 236;
- (18) telephone corporations, as defined by Public Utilities Code, section 234;
- (19) railroads and street railroads, as defined by Public Utilities Code, section 229;
- (20) municipal solid waste landfills, as defined in 40 Code of Federal Regulations section 258.2;
- (21) services for handling, as defined in Public Resources Code, section 40195, municipal solid waste, with the exception of converting solid waste and treating and reconstituting materials as part of recycling, as that term is defined in Public Resources Code Section 40180;
- (22) transfer stations, as defined in Public Resources Code, section 40200, with the exception of facilities utilized to convert solid waste; and
- (23) sewer systems as defined in Public Utilities Code, section 230.5;
- (24) commercial air operators as defined in Public Utilities Code, section 5500.

PEPS do not include their contractors.

- (jji) **“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.

(jj) “Remote Location” means any location more than one-half mile from any business, residence, school, daycare center, or hospital.

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(mm) **“Resident Engine”** means either of the following:

- (1) a certified compression-ignition engine or certified spark-ignition engine that at the time of applying for registration, has a current, valid district permit or district registration, ~~except those certified compression-ignition engines that were permitted or registered by a district per title 17, Cal. Code Regs., section 93116.3(b)(2)(E) that was issued before July 1, 2019, and the engine is owned by a large fleet that has elected to comply with the requirements of title 17 Cal. Code Regs., section 93116.3(c)(2);~~ or
- (2) a certified compression-ignition engine or certified spark-ignition 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.

(nn) **“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 in the fleet~~ comply with applicable requirements of this regulation. A ~~company or public agency~~ fleet may only have ~~more than one~~ Responsible Official.

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(vv) “Temporary Registration” means issuance of a temporary certificate by the Executive Officer acknowledging expected compliance with the applicable requirements of this article. The temporary certificate shall be issued according to the provisions of title 13 Cal. Code Regs. Section 2453(g).

~~(vww)~~ **“Third-party Rental”** means a non-rental business renting or leasing registered engines and/or equipment units to another party by written agreement.

~~(ww)~~ **“Transportable”** means the same as portable.

(xx) “Two-engine Vehicle” means the same as “Two-engine Vehicle” defined in title 13 Cal. Code Regs., section 2449(c) and the vehicle meets the criteria listed in title 13 Cal. Code Regs., section 2449(b)(2)(C)

~~(xyy)~~ **“U.S. EPA”** means the United States Environmental Protection Agency.

~~(yyzz)~~ **“Volatile Organic Compound (VOC)”** means any compound containing at least one atom of carbon except for the following exempt compounds: acetone,

methyl acetate, perchloroethylene (tetrachloroethylene), 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-22 (chlorodifluoromethane), 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), HFE-7200 (ethoxy-nonafluorobutane), cyclic, branched, or linear completely methylated siloxanes, the following classes of perfluorocarbons:

- (1) cyclic, branched, or linear, completely fluorinated alkanes;
- (2) cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;
- (3) cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and
- (4) sulfur-containing perfluorocarbons with no unsaturations and with the sulfur bonds to carbon and fluorine, acetone, ethane, and parachlorobenzotrifluoride (1-chloro-4-trifluoromethyl benzene).

(zzaaa) **“Water Well Drilling Rig”** means the same as “Two-Engine Water Well Drilling Rig” defined in title 13, Cal. Code Regs., section 2449(c).

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.

§ 2453. Application Process.

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- (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~~30 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, and description of the mechanical breakdown/engine/equipment failure; and Applicable fees shall be submitted 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 the application is deemed deficient, the Executive Officer shall identify the specific information required to make the application complete. If the applicant fails to provide the requested information or fees, the application for registration shall be denied no later than 90 days of receipt.
- (e) The Executive Officer shall ~~issue or deny~~ registration within 90 days of the date receipt of a complete an application is deemed complete.
- (f) Upon finding that an engine or equipment unit meets the requirements of this article and all applicable fees have been submitted, the Executive Officer shall issue a registration for the engine or equipment unit. The Executive Officer shall notify the applicant in writing or electronic notification that the engine or equipment unit has been registered. The written or electronic notification shall include a registration certificate and any conditions to ensure compliance with State and federal requirements. For electronic notification, the applicant shall submit an agreement with the application to accept electronic notification in lieu of written notification. In addition, a registration identification device shall be mailed by the Executive Officer 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 districts upon request. Failure to properly maintain the registration identification device shall be deemed a violation of this article.
- ~~(g)~~ Upon receiving an application for a Tier 4 final engine or a certified spark-ignition engine that meets the most stringent standards, the Executive Officer shall issue a temporary registration for the engine at the request of the applicant. The Executive Officer shall notify the applicant in writing or electronic notification that the engine has been given temporary registration. The written or electronic notification shall include a temporary registration certificate which will expire no later than 3 months from the date of issuance.
- ~~(gh)~~ 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:
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- ~~(hi)~~ 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:

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- (ij) All registered engines and equipment units shall have a designated home district as defined in section 2452 (eq) according to the following:
 - (1) a home district shall be designated on each application for initial registration of an engine or equipment unit; ~~and~~
 - (2) except for registered engines or equipment units owned by a PEPS, rental business or involved in a third party rental, if the engine or equipment unit, based on operational and/or location records as required by 2458(a), 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; and
 - (3) the Executive Officer may change the home district for a registered engine or equipment unit upon request from a local air district.

- (jk) 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.

- (kl) New applications for non-operational engines or equipment units will not be accepted by the Executive Officer.

- (lm) Once registration or temporary registration is issued by the Executive Officer, district permits or district 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 obtained where it is required:

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- (4) except for TSE, 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. Examples of where statewide registration is not valid include but are not limited to:

- ~~(5)~~ (A) 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;

- (B) engines, equipment units, and associated engines determined by the district to qualify as part of a stationary source;
- (C) any location where the permitted stationary engine has reached the operational limits on the permit, even during an emergency;
- (D) generators used for power production into the grid, except to maintain grid stability during an emergency event or other unforeseen event that affects grid stability; and
- (E) generators used to provide primary or supplemental power to a building, facility, stationary source, or stationary equipment, except during the following:
 - 1. unforeseen interruptions of electrical power from the serving utility,
 - 2. maintenance and repair operations to a building, facility, stationary source, or stationary equipment, including maintenance of stationary backup generators that have not experienced an equipment failure;
 - 3. electrical upgrade operations including-startup, shutdown, and testing-that do not exceed 90 calendar days, or a longer period as authorized in writing by the district.; or
 - 4. equipment failure of a stationary backup generator permitted by a district, only upon approval from the local district, and only under the following conditions:
 - a. the holder of the permit for the stationary engine notifies the district of the equipment failure within 72 hours from the time the equipment failure is discovered;
 - b. the temporary replacement engine has the same or lower mass per unit time emission rate;
 - c. the temporary replacement engine complies with all applicable requirements on the permit for the existing stationary engine; and
 - d. the temporary replacement engine operates for no more than 180 days, or a longer period as authorized in writing by the district.

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.

- (mn) 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.

(o) Change of ownership applications for registered engines will not be approved after the dates listed in the schedules below.

(1) For certified compression-ignition engines:

<u>Engine Certification</u>	<u>Engines rated 50 to 750 bhp</u>	<u>Engines rated >750 bhp</u>
<u>Tier 1</u>	<u>7/1/2019</u>	<u>7/1/2021</u>
<u>Tier 2 built prior to 1/1/2009</u>	<u>7/1/2022</u>	<u>7/1/2024</u>
<u>Tier 2 built on or after to 1/1/2009</u>	<u>NA</u>	<u>7/1/2026</u>
<u>Tier 3 built prior to 1/1/2009</u>	<u>7/1/2026</u>	<u>NA</u>
<u>Tier 3 built on or after 1/1/2009</u>	<u>7/1/2028</u>	<u>NA</u>

(2) For flexibility engines:

<u>Engine Certification</u>	<u>Engines rated 50 to 750 bhp</u>	<u>Engines rated >750 bhp</u>
<u>Tier 1</u>	<u>7/1/2019</u>	<u>7/1/2021</u>
<u>Tier 2</u>	<u>7/1/2022</u>	<u>July 1 of the year 17 years after the date of manufacture</u>
<u>Tier 3</u>	<u>July 1 of the year 17 years after the date of manufacture</u>	<u>NA</u>

(p) Applications for modification to designate Tier 3 engines as low-use or emergency-use must be submitted in the month of January and include hour meter readings that were taken at the beginning of that month.

(q) 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 standard. 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.

(1) For onshore projects as defined in section 2452(ff) of this article that operate in districts designated as extreme non-attainment for ozone, the person responsible for the project must notify the district in writing if the total maximum rated horsepower of registered engines located simultaneously on the project site exceeds 2,500 bhp. For projects that exceed 2,500 bhp at startup, the notification must be done at least 14 days prior to commencing operations, except for projects providing relief to an emergency as defined in title 17, Cal. Code Regs., section 93116.2(a)(12) for which the notification must be done within 72 hours of commencing operations. For projects that exceed 2,500 bhp after startup, the notification must be done within 72 hours of the exceedance. The notification shall include all of the following:

- (A) the registration number of each registered engine;
- (B) the name and phone number of the contact person with information concerning the locations where the engines will be operated;
- (C) estimated time the registered engines will be operating on the project;
- (D) the Final CEQA Document and Notice of Determination and, if requested, supporting information.

(2) Notification as specified in subdivision (a)(1) above shall not be required for the following:

- (A) projects that exclusively use Tier 4 interim engines and/or Tier 4 final engines; and
- (B) projects operating in remote locations.

(3) For projects subject to subdivision (a)(1) above, the district may perform an ambient air quality impact analysis (AQIA). The owner 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. Except for Tier 4 final engines, statewide registration shall not be valid at any location where the AQIA

demonstrates that the operation of the registered engines will cause a violation of an ambient air quality standard.

- (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~~ certified compression-ignition engine, certified spark-ignition engine, or equipment unit operated during an emergency event as defined in section 2452 (j) of this article, is considered registered under the requirements of this article for the duration of ~~the~~an emergency event that lasts no longer than 12 months, and is exempt from sections 2455, 2456, 2457, 2458, and 2459 of this article for the duration of the emergency event provided the owner or operator notifies the Executive Officer within 24 hours of commencing operation. The Executive Officer may for good cause refute that an emergency event under this provision exists. If the Executive Officer deems that an emergency event does not exist, all operation of engines and equipment units covered by this provision shall cease operation immediately upon notification by the Executive Officer. Misrepresentation of an emergency event and failure to cease operation under notice of the Executive Officer shall be deemed a violation of this article.

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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.

§ 2456. Engine Requirements.

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- (c) Registered diesel engines used on a crane shall comply with the applicable requirements in title 13, Cal. Code Regs., section 2449 and are otherwise exempt from further requirements of this section, except for ~~subsection~~division (f)(~~54~~).
- (d) Registered diesel engines used on a street sweeper that are not subject to the requirements of title 13, Cal. Code Regs., section 2022 shall comply with the applicable requirements in title 13, Cal. Code Regs., section 2025 and are otherwise exempt from further requirements of this section, except for ~~subsection~~division (f)(~~54~~).
- (e) 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 (f)(6) of this article.~~ No other requirements of this section are applicable to portable engines rated less than 50 brake horsepower.

(f) 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~~are certified to the most stringent emissions standard in effect for the applicable horsepower range at the time the application for initial registration 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~~division (f)(1) does not apply to the following:

(A) For flexibility engines rated at 50 bhp to 750 bhp, Tier 3 or Tier 4 interim certified compression-ignition engines built under the flexibility provisions listed in 40 CFR part 89.102;

(B) For flexibility engines rated over 750 bhp, Tier 2 or Tier 4 interim engines;

(C) engines that are resident engines;

(D) engines on dedicated snow removal vehicles as defined in title 13, Cal. Code Regs., section 2449(c);

(E) changes of ownership;

(F) engines that meet the requirements of title 17, Cal. Code Regs., sections 93116.3(b)(2)(B) or 93116.3.1; or

(G) Tier 3 engines approved to operate in hazardous locations per 29 CFR part 1910.307 or 1926.407.

(2) meet all applicable requirements in title 17, Cal. Code Regs., sections 93116 through 93116.5, except that engines used on vessels as defined in title 17, Cal. Code Regs., section 93118.5(d) shall meet the applicable requirements of title 17, Cal. Code Regs., section 93118.5;

(3) use only CARB diesel fuel as defined in title 17, Cal. Code Regs., section 93116.2~~fuels meeting the standards for California motor vehicle fuels as set forth in chapter 5, division 3, title 13, Cal. Code Regs., 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 foot corrected to 12 percent CO₂. This provision does not apply to certified compression-ignition engines, certified spark-ignition engines, or any spark-ignition engine meeting Table 1 requirements;~~

~~(54)~~ 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

~~(65)~~ 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 (PM₁₀);

~~(C)~~ for registered engines operating onshore, 10 tons for each pollutant per district per year per engine for NO_x, SO_x, VOC, PM₁₀, and CO in nonattainment areas; and

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

~~(4A)~~ 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

~~(2B)~~ 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 (NO_x) 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 NO_x per registered engine per day, except in SCAQMD where the limit is 100 pounds NO_x 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, Cal. Code Regs. 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.~~
- (406) Effective January 1, 2010, all registered spark-ignition engines rated at 50 brake horsepower or greater shall must be certified spark-ignition engines or shall must meet Table 1 requirements.
- ~~(11) Notwithstanding the requirements of 2456(f)(10), any company, public agency, or military base may choose to select specific registered spark-ignition engines to operate until December 31, 2010. The selections shall be submitted to the Executive Officer no later 30 days after the effective date of these amendments, and are subject to the requirements below:~~
 - ~~(A) One spark-ignition engine shall be selected with no restriction for maximum rated horsepower; or~~
 - ~~(B) No more than five spark-ignition engines shall be selected not to exceed 500 cumulative brake horsepower for the selected engines.~~
 - ~~(C) If an owner has selected one uncertified compression-ignition engines per title 17 Cal. Code Regs. section 93116.3(b)(1)(C)(2), then subsection 2456(f)(11)(A) shall not be used.~~
 - ~~(D) If an owner has selected less than five uncertified compression-ignition engines per title 17 Cal. Code Regs. section 93116.3(b)(1)(C)(3), then the combined total of selected spark-ignition engines and compression-ignition engines shall not exceed five engines with a cumulative size of 500 brake horsepower.~~
- (g) All registered engines shall must be equipped with a functioning non-resettable hour meter, fuel meter or other operation tracking device approved by the Executive Officer.
- (h) 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.

- (i) Registered diesel engines used on a water well drilling rig shall comply with the applicable requirements in title 13, Cal. Code Regs., section 2449 and are otherwise exempt from further requirements of this section, except for ~~subsection~~division (f)(54).
- ~~(j) Registered diesel engines used on two-engine vehicles shall comply with the applicable requirements of title 13 Cal. Code Regs., sections 2449 and 2449.1, and are otherwise exempt from further requirements of this section, except for subdivision (f)(4).~~
- ~~(k) Registered diesel engines approved for use in hazardous locations per 29 CFR part 1910.307 or 29 CFR part 1926.407 shall only operate under this Article until January 1, 2029.~~

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>		
<i>NO_x**</i>	<i>VOC**</i>	<i>CO**</i>
80 ppmdv NO _x (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.

§ 2458. Recordkeeping and Reporting.

- (a) The recordkeeping requirements for registered engines and equipment units are as follows:
 - (1) The requirements in ~~subsection~~division (a)(2) are not applicable to the following:
 - (A) Engines and equipment units owned by a rental business;
 - (B) Engines and equipment units used in a third-party rental;
 - (C) Certified compression-ignition engines and certified spark-ignition engines owned by a PEPS;
 - (D) Engines used on a crane;
 - (E) Engines used on a street sweeper;
 - (F) Engines on a two-engine vehicle;

- (FG) Engines used on a water well drilling rig; and
- (GH) Tactical Support Equipment.

(2) The operator of registered engines or equipment units, including engines otherwise preempted under section 209 (e) of the federal Clean Air Act, shall maintain records of operation of each registered engine and equipment unit. 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 include, at a minimum, all of the following:

- (A) Engine or equipment unit registration number;
- (B) For registered engines and equipment units subject to a daily and/or annual operational limitation, daily and/or annual records as appropriate of ~~either hours of operation, fuel usage, or process throughput as applicable.~~

* * * * *

(b) The recordkeeping requirements for registered engines and equipment units owned by a rental business or involved in a third-party rental are as follows:

* * * * *

(2) A rental business or the owner of a registered engine or equipment unit involved in a third party rental shall provide a written log to be kept with the registered engine or equipment unit for the purpose of documenting compliance with the requirements specified in section 2458(b)(5). ~~This log shall be maintained on a calendar year basis. Separate logs may be kept for each rental transaction, but the rental business must maintain the records contained in each log on a calendar year basis for each registered engine or equipment unit. All P~~previous annual logs shall be kept at a central place of business for five years, and made accessible to the Executive Officer or districts upon request.

(3) The written rental or lease agreement, or other equivalent document as approved by the Executive Officer, ~~shall~~must be kept onsite by the renter with the registered engine or equipment unit made available to the Executive Officer or districts no later than 2 business days after the request.

(4) 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 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 include, at a minimum, all of the following:

- (A) company identification number that can be cross referenced with the engine or equipment unit registration number; and
- (B) dates for the start and end of the rental transaction. For transactions that exceed 9 months, the owner of the rental engine or equipment unit shall comply with section 2459(h).

(5) The renter of a registered engine or equipment unit shall maintain records in the written log specified in section 2458(b)(2) for each rental or lease transaction that include the following:

* * * * *

- (C) For engines, the specific location (i.e. street address and city; or county and UTM coordinates; or other location indicator) and date where the registered engine is located while out on rent shall be recorded no less than once a month;

(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 shall be submitted 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.

* * * * *

(g) Except for districts that have been submitting all of their inspection reports electronically to the Executive Officer, ~~Each~~ district shall provide the Executive Officer with an annual report 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;~~
- ~~(31) the registration number of each registered engines and equipment units inspected; and~~
- ~~(42) summary of results of for each inspections.~~

* * * * *

(k) Registered diesel engines shall submit an hour meter reading with the renewal payment for each engine being renewed per section 2461 of this regulation. The fleet owner must specify the date which the reading was taken, and the reading must be taken within 12 months prior to the expiration date of the registration.

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.

§ 2459. Notification.

- (a) Except as listed in ~~subsection~~division (d) of this section, if a registered equipment unit will be at a location for more than five days, the operator of that registered equipment unit, shall notify the district in writing in a format approved by the Executive Officer, within two working days of commencing operations in that district. If the registered equipment unit is to be moved to different locations within the same district, the operator shall be subject to the notification requirements above, unless the operator and the district, by mutual agreement, arrange alternative notification requirements on a case-by-case basis. The notification shall include all of the following:
- (1) the registration number of the registered equipment unit;
 - (2) the name and phone number of the responsible official or renter with information concerning the locations where the registered equipment unit will be operated within the district; and
 - (3) estimated time the registered equipment unit will be located in the district.

* * * * *

- ~~(h) Within 5 days of a rental transaction exceeding 9 months in duration, a rental business or the owner of a registered engine or equipment unit involved in a third party rental shall submit written notification of the rental transaction to the district in which the rental business is located that includes the following:~~
- ~~(1) the engine or equipment unit registration number;~~
 - ~~(2) rental customer telephone number and mailing address; and~~
 - ~~(3) estimated location of the registered engine or equipment unit.~~

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.

§ 2460. Inspections and Testing.

- (a) In determining if a portable engine or equipment unit is eligible for registration, the Executive Officer may inspect the portable engine or equipment unit and/or require a source test, at the owner's expense.

(b) Each district shall inspect all registered engines and equipment units for which the district has been designated as the home district pursuant to section 2453(i) above, as specified below:

(1) Within 45 days after the date of initial issuance or renewal of a registration, the owner or operator shall contact the home district to arrange for inspection of the registered engine or equipment unit to be completed within one year of the initial registration or renewal date. ~~An arranged inspection shall not be required for engines selected for registration extension per 2456(f)(11) or title 17 Cal. Code Regs., section 93116.3(b)(1)(C).~~ If the registered engine or equipment unit shall be operating in a district, other than the home district, the owner or operator may request the home district to arrange for an inspection by the other district.

* * * * *

(3) For registered equipment units operating with registered engines, the owner or operator may not request that the registered engine be inspected at the hourly rate specified in ~~Table 2~~Section 2461.1 for equipment unit inspections. Inspection fees for registered engines are to be paid as listed in item 14 in ~~Table 2~~Section 2461.1.

* * * * *

(5) The time for an arranged inspection shall be agreed upon in advance with the district and company preferences regarding time of day shall be accommodated within reason. To the extent that an arranged inspection does not fall within the district's normal workday, the district may charge for the off-hour time based on a fee as specified in ~~Table 2~~Section 2461.1.

* * * * *

(7) The owner or operator may request the scheduling of one or more arranged inspections for multiple engines in order to qualify for an inspection fee discount as specified in section 2461(d). Within 45 days of date of initial issuance of registration or by January 30 of each year for renewals, the owner or operator shall submit a letter of intent including an equipment list and registration numbers to the district to arrange for inspection of multiple engines. The inspections shall be completed within one year after the registration renewal date for each engine inspected. If the fleet owner pays the discounted inspection fee and then fails to qualify for the discount during the actual arranged inspection, then the district may bill the fleet owner for the difference between the discounted inspection fee and the full inspection fee. Upon the request of the district, the fleet shall not be eligible to use the discount in 2461(d) for any

subsequent arranged inspections if the fleet failed to comply with the inspection fee discount requirements.

* * * * *

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.

§ 2461. Fees.

* * * * *

- (b) Fees shall be due and payable to the Executive Officer ~~at the time an application is filed or as part of any request requiring a fee.~~ Fees are nonrefundable except in circumstances as determined by the Executive Officer.
- (c) The owner ~~or operator of an~~ registered engine or equipment unit shall submit fees to the Executive Officer in accordance with ~~Table 2~~Section 2461.1.
- (d) The Executive Officer shall collect an inspection fee as listed in ~~Table 2~~Section 2461.1 one time per every three calendar years for each registered engine ~~to be paid upon initial application and renewal.~~ Except for TSE, when multiple registered engines are inspected at a given source or location, the owner shall receive a discount if the owner or operator intends to arrange multiple engines inspections with the district and complies with the requirements specified in section 2460(b)(7). The discounts shall be applied as follows:
 - (1) no discount for 1 to 3 engines
 - (2) 25 percent discount for 4 to 9 engines
 - (3) 35 percent discount for 10 or more engines
- (e) Failure to pay renewal fees when due ~~may~~shall result in penalties. If a fee payment is not received or postmarked by the specified due date, then fee penalties ~~may~~shall be assessed per unit in accordance with ~~Table 2~~Section 2461.1. Failure to pay renewal fees prior to expiration ~~may~~shall result in cancellation of the registration. If a registration has expired for an engine or equipment unit that is eligible for reactivation, a canceled registration may be reactivated after payment of all renewal and penalty fees. Registration ~~may~~shall be reissued under the original registration number and expiration date. A portable engine or equipment unit without valid registration is subject to the rules and regulations of the district in which it operates.

- (f) Fees shall be periodically revised by the Executive Officer to recover the reasonable costs of administering the statewide registration program, in accordance with the following benchmarks: (i) the consumer price index, as published by the United States Bureau of Labor Statistics, (ii) costs that are attributable directly to the statewide registration program, and (iii) a percentage of the indirect Board and statewide costs as agreed to by the Department of Finance and the U.S Environmental Protection Agency, under Title 2, Code of Federal Regulations, Part 200.
- (g) A district may collect a fee for the inspection of a registered equipment unit pursuant to section 2460(b)(3). The district shall bill the owner of the equipment unit at a rate as specified in ~~Table 2~~Section 2461.1 of the regulation for actual staff time taken to perform the inspection, not to exceed the amount specified in ~~Table 2~~Section 2461.1. Upon receipt of the invoice for the inspection fee, the owner shall have the right to appeal the district's fee determination to the district Air Pollution Control Officer pursuant to the provisions of the district's rules and regulations that govern appeals of fee determinations.

* * * * *

- (i) TSE fees are due ~~at the time of the report~~ pursuant to section 2458(c). Failure to submit the annual report and applicable fees within six calendar months after the end of the year will result in cancellation of the registration. For TSE, if registration is cancelled or allowed to expire, the applicant shall reapply, and ~~pay~~ initial registration fees will be applicable.
- (j) The district may collect an inspection fee as listed in ~~Table 2~~Section 2461.1 one time per calendar year for each registered TSE inspected. When multiple registered TSE units are inspected at a given source or location, the inspection fee shall be equal to the lesser of the actual cost, including staff time, for conducting the inspection or the fee as listed in ~~Table 2~~Section 2461.1 per registered portable engine or equipment unit inspected. If the district performs an inspection leading to determination of non-compliance with this article, or any applicable state or federal requirements, the district may charge a fee as listed in ~~Table 2~~Section 2461.1 per portable engine or equipment unit for each inspection necessary for the determination and ultimate resolution of the violation. In no event shall the total fees exceed the actual costs, including staff time, to the district of conducting the investigations and resolving any violations.

§ 2461.1. Fee Schedule.

**Table 2 Fees for Statewide Registration Program
(Fees are per registered unit except where noted otherwise)**

1	Initial Registration <u>with placard</u>	\$27400.00
2	TSE, initial registration	
A	Registration of first 25 units (or portion thereof)	\$751,090.00
B	Registration of every additional 50 units (or portion thereof)	\$751,090.00
3	Change of status from non-operational to operational	
A	Where initial evaluation has not been previously completed	\$180.00
B	Where initial evaluation has been previously completed	\$90.00
43	Identical replacement	\$75110.00
54	Renewal, non-TSE	
65	Penalty fee for late renewal payments, non-TSE	\$225330.00
A	Postmarked within 2 calendar months prior to registration expiration date	\$465.00
B	Postmarked within the calendar month prior to registration expiration date	\$9130.00
C	Postmarked after the registration expiration date	\$23659.00
76	Annual TSE inventory fee	
A	first 25 units (or portion thereof)	\$37545.00
B	every additional 50 units (or portion thereof)	\$37545.00
87	Modification to registered portable engine or equipment unit	\$75110.00
98	Change of ownership	\$75110.00
109	Replacement of registration identification device or placard	\$3045.00
10	Replacement of registration placard	\$50.00
11	Correction to an engine or equipment unit description	\$465.00
12	Update company information, copy of registration documents	\$465.00
13	Copy of registration documents	\$465.00
14	Total district inspection fee per registered portable engine, paid once every 3 years	\$3405.00
A	General district inspection fee	\$305.00
B	Home district inspection fee	\$34570.00
15	District off-hour service fee per hour	\$560.00
16	District inspection fees for equipment units:	
A	General district inspection fee, paid once every 3 years	\$7590.00
B	District inspection fee per equipment unit, per hour	\$98115.00 (not to exceed \$5090.00)
17	TSE inspection fees:	
A	General district inspection fee per TSE unit, paid annually	\$10.00
B	District inspection fee per TSE unit per inspection	\$7590.00
48	Placard	\$5.00

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.

§ 2462. Duration of Registration.

- (a) Except for registrations that will expire on December 31, 2009~~29~~ pursuant to sections 2456(f)(10)(k) and title 17, Cal. Code Regs., section 93116.3(b)(1)(A), and except for registrations that expire on December 31, 2010 pursuant to sections 2456(f)(11) and title 17, Cal. Code Regs., section 93116.3(b)(1)(C), registrations and renewals will be valid for three years from date of issuance. For change of ownership, the registration shall retain the original expiration date, except where the registration has expired.

* * * * *

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.

§ 2464. Appeals.

- (a) Hearing Procedures.

* * * * *

- (3) A hearing requested pursuant to this section shall be heard by a qualified and impartial hearing officer appointed by the Executive Officer. The hearing officer may be an employee of the ARB, but may not be any employee who was involved with the registration at issue. In a request for a hearing of a denial of registration, after reviewing the request for a hearing and supporting documentation provided under subsection division (1) above, the hearing officer shall grant the request for a hearing if he or she finds that the request raises a genuine and substantial question of law or fact.

* * * * *

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.