



# Advisory

**To: Owners/Operators of  
Portable Engines Rated at  
50 HP and Greater**

Number 347

December 2015

## **PORTABLE DIESEL ENGINE AIRBORNE TOXIC CONTROL MEASURE**

### **ARB is Planning Amendments to the 2017 and 2020 Fleet Average Emission Standards**

This advisory is to inform owners/operators of engines subject to the Airborne Toxic Control Measure for Diesel Particulate Matter (ATCM) from Portable Engines Rated at 50 Horsepower and Greater that the Air Resources Board (ARB) plans to revise the fleet average emission standards for diesel particulate matter (DPM) that become effective in 2017 and 2020. The Statewide Portable Equipment Registration Program Regulation (PERP regulation) will also be revised to complement any changes made to the ATCM. ARB will not enforce, and is advising the local air districts not to enforce, the 2017 ATCM fleet average emissions standards until the regulatory amendments are effective.

All other PERP regulation and ATCM provisions remain in effect, including current engine eligibility requirements, and provisions requiring all uncertified (Tier 0) equipment to be removed from service no later than January 1, 2017. All local air district permitting requirements for these engines also remain in effect. Please contact the ARB if you have questions regarding these upcoming amendments, and your local air district if you have questions regarding the use of PERP registered engines or equipment units within their jurisdiction.

### **Background**

In 2004, ARB adopted the ATCM to protect public health by controlling emissions from nearly all diesel fueled portable engines rated at 50 horsepower and greater operating in California. The current ATCM requires subject fleets of engines to meet a series of fleet average emission standards for DPM. The ATCM fleet standards became effective in January 2013, and will become progressively more stringent in January 2017 and in January 2020. This regulation is part of the State's Diesel Risk Reduction Plan to reduce DPM.

In 1997, ARB adopted PERP, to offer portable equipment owners a permit/registration option recognized in all 35 local air districts. A permit or registration may otherwise be required from each local air district in which the engine/equipment unit was to operate. Under PERP, only the most current tier engines, and engines manufactured under the flexibility provisions (flex engines), are eligible for initial engine registration. This requirement does not apply to auxiliary engines on water well drilling rigs, dedicated snow removal equipment, cranes, and privately owned sweepers.

### **Regulatory Advisory**

ARB has determined that widespread compliance with the 2017 and 2020 fleet average standards for DPM may not be feasible. As a result, ARB has started the process of evaluating alternative approaches to reduce DPM from portable diesel fueled engines. A series of public workshops are

anticipated to be held starting in early 2016 to discuss proposed amendments. At these workshops, ARB invites any comments, suggestions, and recommendations which encourage development of revised standards that will better promote and protect public health while considering economic impacts to regulated fleets. Members of the public and regulated community interested in being involved in this public rulemaking process are encouraged to sign-up at the list serve link below. ARB anticipates initiating rulemaking in early 2017 to amend these standards.

Engine eligibility for initial registration in the PERP will not be affected by these amendments. Only the most current tier engines and engines manufactured under the flexibility provision (flex engines) are accepted for initial registration. Please note flex engines have higher DPM emissions which decrease their likelihood of meeting future regulatory requirements. To help ensure compliance with the regulatory requirements, please consult PERP staff or your local air district prior to purchasing any new or used engine.

PERP renewal applications will continue to be accepted while the amendments are being developed. However, consistent with the current regulation, Tier 0 engines, including emergency and low use engines, must be removed from service no later than January 1, 2017.

### **Enforcement Advisory**

Given the pending rule making, ARB has advised local air districts in California to suspend future enforcement activities regarding the 2017 fleet standards and related reporting requirements as promulgated by California Code of Regulations (CCR) Sections 93116.3(c)(1) and 93116.4(e)(2), until the regulatory amendments have become effective.

### **More Information**

To receive updates on the amendment process and for dates and locations for public workshops, please join our listserve at the link below. ARB will be using this mechanism to communicate dates on upcoming rule making activities related to the amendments.

[http://www.arb.ca.gov/listserv/listserv\\_ind.php?listname=portable](http://www.arb.ca.gov/listserv/listserv_ind.php?listname=portable).

For additional information about regulations affecting portable engines, or for a copy of the PERP Regulation or the Portable Diesel Engine ATCM, please visit <http://www.arb.ca.gov/portable/portable.htm>

If you have any questions please email [portable@arb.ca.gov](mailto:portable@arb.ca.gov).

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