



Air Pollution Control Board  
Brian P. Bilbray District 1  
Dianne Jacob District 2  
Pamela Slater District 3  
Leon L. Williams District 4  
John MacDonald District 5

Air Pollution Control Officer  
R. J. Sommerville

**DATE:** May 21, 1997  
**TO:** Air Pollution Control Board  
**SUBJECT:** Adoption of New Rule 12 (Registration of Specified Equipment)

**SUMMARY:**

New Rule 12 and related new Rule 12.1 (Portable Equipment Registration) will establish criteria, procedures and fees implementing a new District registration program for specified equipment categories. Registration is a streamlined permitting procedure that reduces District costs and permit fees, and can be used in lieu of formal permitting at the option of the equipment owner. Rule 12 provides local businesses operating specified equipment within the District, the option of either registering such equipment or applying for and maintaining a District permit. Rule 12.1 provides local businesses operating portable equipment throughout California the option of registering it in San Diego, with another air district or the Air Resources Board, or obtaining a District Permit to Operate. Rule 12.1 is being proposed for adoption separately.

Equipment eligible for registration under Rule 12 are: standby internal combustion engines; aircraft auxiliary power and air start units with specified ratings; asphalt roofing kettles and day tankers; rock drills and specified stationary internal combustion engines. Eligible equipment will not be required to obtain an Authority to Construct or Permit to Operate and also will not be subject to the District's New Source Review rules. However, the District believes there will be no associated emissions or air quality impacts. Registered equipment will be required to comply with operational requirements applicable for each equipment category and all other applicable District rules and regulations. This equipment is not currently subject to any specific emission standards in District Rules and Regulations.

The rule also outlines the application procedure for obtaining a Certificate of Registration, the administrative requirements for issuing Certificates of Registration, and applicable fees.

The District estimates approximately 1,000 currently permitted pieces of equipment would be eligible for registration under this rule. In addition, there are about 240 pending permit applications for equipment that will also become eligible.

An Initial Study was performed and a draft Negative Declaration has been prepared pursuant to the California Environmental Quality Act. There is no substantial evidence the new proposed Rule 12 may have a significant adverse effect upon the environment.

A workshop was held on January 23, 1997. The workshop report is attached.

**Issue**

Should the Board amend Rule 12 to implement permit streamlining and provide local businesses the option of registering eligible equipment in lieu of obtaining a Permit to Operate?

## **Recommendation**

### **AIR POLLUTION CONTROL OFFICER:**

- (1) Adopt the resolution adding Rule 12 to the District Rules and Regulations and make appropriate findings:
  - (i) of necessity, authority, clarity, consistency, non-duplication and reference as required by Section 40727 of the State Health and Safety Code;
  - (ii) that adopting Rule 12 will alleviate a problem and will not interfere with attainment of ambient air quality standards (Section 40001 of the State Health and Safety Code);
  - (iii) that the adoption of Rule 12 will not significantly affect air quality or emissions limitations, and that an assessment of socioeconomic impacts is not required (Section 40728.5 of the State Health and Safety Code); and
  - (iv) that an Initial Study was prepared by the District pursuant to the California Environmental Quality Act, and the Initial Study revealed no substantial evidence that the proposed new Rule 12 may have a significant adverse effect on the environment;
  - (v) that a proposed Negative Declaration was prepared pursuant to the California Environmental Quality Act and that public notice and a public review period were provided for the proposed Negative Declaration; and that considering the initial study and proposed Negative Declaration and the entire record before the Board, a finding be made by the Board in the exercise of its independent judgment that the proposed new Rule 12 will not have a significant adverse effect on the environment, and that an Environmental Impact Report need not be prepared; and
  - (vi) that there is no evidence in the record as a whole that the proposed new Rule 12 will have an adverse effect on wildlife resources, and on the basis of substantial evidence, the presumption of adverse effect set forth in 14 California Code of Regulations, Section 753.5(d) has been rebutted.
- (2) Approve the Certificate of Fee Exemption for De Minimis Impact Finding exempting the District from payment of fees to the California Department of Fish and Game.

## **Alternative**

Not adopt Rule 12. Local businesses would continue to follow more time-consuming and costly permit application procedures for equipment.

## **Advisory Statement**

The Air Pollution Control District Advisory Committee recommended adopting proposed Rule 12 at its April 23, 1997, meeting.

SUBJECT: Adoption of New Rule 12

### **Fiscal Impact**

Adopting the proposed rule will require less District resources, compared to a permit program, hence, lower fees than current permit application fees. These revenue changes have been accounted for in the District's budget for Fiscal Year 1997/1998.

### **Additional Information**

Attachment I contains additional background information, information on compliance with Board policy on adopting new rules, additional information on Socioeconomic Impact Assessment requirements and information on compliance with the California Environmental Quality Act.

Attachment II contains the Resolution adopting Rule 12.

Attachment III contains the report for the workshop held on January 23, 1997.

Attachment IV contains the Negative Declaration and Initial Study.

Concurrence:

Respectfully submitted,

LAWRENCE B. PRIOR III  
Chief Administrative Officer

BY: ROBERT R. COPPER  
Deputy Chief Administrative Officer



R. J. SOMMERVILLE  
Air Pollution Control Officer

SUBJECT: Adoption of New Rule 12

TD 5/6/97  
COUNTY COUNSEL APPROVAL: Form and Legality ☒ Yes ☐ N/A  
☐ Standard Form ☐ Ordinance ☒ Resolution

CHIEF FINANCIAL OFFICER/AUDITOR REVIEW: ☐ Yes ☒ N/A  
4 VOTES: ☐ Yes ☒ No

CONTRACT REVIEW PANEL: ☐ Approved \_\_\_\_\_ ☒ N/A

PREVIOUS RELEVANT BOARD ACTION: N/A

BOARD POLICIES APPLICABLE: N/A

CONCURRENCES: N/A

ORIGINATING DEPARTMENT: San Diego County Air Pollution Control District

CONTACT PERSON: Richard Smith, Deputy Director (S50)694-3303 MS: 0-176



R. J. SOMMERVILLE, APCO  
DEPARTMENT AUTHORIZED REPRESENTATIVE

MAY 21, 1997  
MEETING DATE

## **ATTACHMENT I**

### **ADOPTION OF NEW RULE 12 (REGISTRATION OF SPECIFIED EQUIPMENT)**

#### **Additional Background Information**

In the past two years, the District has worked closely with affected businesses to make a number of changes to reduce permit application processing time and costs.

The District has identified several categories of equipment subject to general air pollution control requirements but which have no applicable source-specific emission limits. For this equipment, the District has determined that a permit program is not the most cost-effective means to ensure compliance with air pollution control requirements. Accordingly, new Rule 12 provides businesses the option of registering specified equipment in lieu of obtaining an Authority to Construct and Permit to Operate. It also establishes the application procedure to obtain a Certificate of Registration, the administrative process for issuing Certificates of Registration, and applicable fees.

Rule 12 specifies six categories of equipment eligible for the registration program: stationary standby internal combustion engines; stationary internal combustion engines less than 500 brake horsepower (bhp) not located at a major stationary source of nitrogen oxides emissions, and for which installation commenced before April 5, 1983; asphalt roofing kettles and roofing day tankers, rock drills, aircraft auxiliary power units with a rating of 200 bhp or less, and aircraft air start units of 500 bhp or less. Since registered equipment will be exempt from Authority to Construct and Permit to Operate requirements, it will also be exempt from the requirements of the District's New Source Review Rules. Analysis indicates there will be no resulting emissions or air quality impacts. Registered equipment must comply with all other applicable District Rules and Regulations.

The rule also outlines operational and recordkeeping requirements applicable for each equipment category eligible for registration and specifies documentation to be provided in support of issuing a Certificate of Registration. It describes procedures for renewal, change of status, change of location, transfer of ownership for a Certificate of Registration, and the actions the District will take when a Certificate of Registration application is submitted. It also specifies applicable fees.

There are currently 957 permitted emission units eligible for registration under Rule 12 (728 stationary standby internal combustion engines, 184 asphalt roof tankers and kettles and 45 rock drills). In addition, there are 237 pending applications for a Permit to Operate for equipment which would also be eligible for registration.

#### **Compliance with Board Policy on Adopting New Rules**

On February 2, 1993, the Board directed that, with the exception of a regulation requested by business or a regulation for which a socioeconomic impact assessment is not required, no new or revised regulation shall be implemented unless specifically required by federal or state law. Proposed new Rule 12 is consistent with this Board directive because it has been requested by local businesses.

### **Socioeconomic Impact Assessment**

Section 40728.5 of the State Health and Safety Code requires the District to perform a socioeconomic impact assessment for new and revised rules and regulations significantly affecting air quality or emission limitations. New Rule 12 will not affect air quality or emissions limitations. Therefore, a socioeconomic impact assessment is not required.

### **California Environmental Quality Act**

The California Environmental Quality Act (CEQA) requires an environmental review for certain actions. Rule 12 outlines a new administrative procedure and by its nature is not expected to have any effect on the environment because it does not establish any new emission standards. The only potential environmental impact may result from one provision of the proposed rule exempting registered equipment from the District's New Source Review rules.

An environmental review consistent with the CEQA requirements was performed to determine whether this provision would have a significant adverse impact on the environment. This impact was examined separately for each type of equipment eligible for registration. It was shown that there would be no emissions or air quality impact resulting from exempting this equipment from New Source Review requirements. Because this equipment would be subject to all other District requirements, there will be no increase in emissions from the specified equipment if its owners or operators choose registration in lieu of obtaining a Permit to Operate.

An Initial Study conducted by the District considered a possible effect on emissions from adopting proposed new Rule 12 and concluded there will not be a significant adverse effect on the environment. A draft Negative Declaration was prepared pursuant to the California Environmental Quality Act. There is no substantial evidence that any aspect of the proposed changes may result in a significant adverse effect upon the environment.

Public notice and public review period were provided for the proposed Negative Declaration. The public review period had not yet closed at the time this letter was written. The Air Pollution Control Officer will report any comments received during the review period for consideration by the Board.

Based on the entire record and including the information contained in the Initial Study, there is also no evidence the proposed new Rule 12 may have any potential adverse effect on wildlife resources or the habitat upon which wildlife depends. On the basis of substantial evidence, the District has rebutted the presumption of adverse effect set forth in 14 California Code of Regulations, Section 753.5(d).

Re Rules and Regulations of the )  
Air Pollution Control District )  
of San Diego County .....)

**RESOLUTION ADDING RULE 12  
TO REGULATION II  
OF THE RULES AND REGULATIONS OF THE  
SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT**

On motion of Member Slater, seconded by Member Cox  
the following resolution is adopted:

**WHEREAS**, the San Diego County Air Pollution Control Board, pursuant to Section 40702 of the Health and Safety Code, adopted Rules and Regulations of the Air Pollution Control District of San Diego County; and

**WHEREAS**, said Board now desires to amend said Rules and Regulations; and

**WHEREAS**, notice has been given and a public hearing has been had relating to the amendment of said Rules and Regulations pursuant to Section 40725 of the Health and Safety Code.

**NOW THEREFORE IT IS RESOLVED AND ORDERED** by the San Diego County Air Pollution Control Board that the Rules and Regulations of the Air Pollution Control District of San Diego County be and hereby are amended as follows:

Proposed new Rule 12 is to read as follows:

**RULE 12. REGISTRATION OF SPECIFIED EQUIPMENT**

**(a) APPLICABILITY**

(1) This rule applies to the following emission units:

(i) Internal combustion emergency standby engines.

(ii) Stationary internal combustion engines not located at a major stationary source of nitrogen oxides (NOx) emissions, with a manufacturer's rating of less than 500 brake horsepower and for which installation commenced at its current location before April 5, 1983.

(iii) Asphalt roofing kettles and asphalt roofing day tankers.

(iv) Rock drills. This does not include any associated power units.

(v) Aircraft auxiliary power units with a manufacturer's rating of 200 brake horsepower or less.

(vi) Aircraft air start units with a manufacturer's rating of 500 brake horsepower or less.

(2) This rule does not mandate the registration of any emission unit listed in Subsection (a)(1).

(3) Any emission unit registered under this rule shall be exempt from the requirements of Rule 10 - Permits Required and from the requirements of New Source Review Rules 20.1 through 20.10, inclusive.

(4) Registration under this rule or under District Rule 12.1 (Portable Equipment Registration), or by the California Air Resources Board pursuant to Health and Safety Code Section 41752, may be used in lieu of permitting. Any emission unit registered under this rule shall be precluded from simultaneously obtaining a Permit to Operate.

(5) Except as provided in Subsection (a)(3), compliance with this rule shall not exempt any emission unit specified in Subsection (a)(1) from meeting all other applicable requirements of these Rules and Regulations.

(b) **RESERVED**

(c) **DEFINITIONS**

For the purposes of this rule, the following definitions shall apply:

(1) **"Aircraft Auxiliary Power Unit"** means an electric generator with a piston-type internal combustion engine and used to supply electrical power to an aircraft during embarking and disembarking of crew and passengers and during loading and unloading of cargo. This unit is also referred to as a Ground Power Unit (GPU).

(2) **"Aircraft Air Start Unit"** means a compressor with a piston-type internal combustion engine used to supply pneumatic power to an aircraft during startup of the aircraft.

(3) **"Certificate of Compliance"** means a statement in a specified format which is completed by an applicant, and which contains prohibitory rules and conditions of operation applicable to the operation of a registered emission unit.

(4) **"Certificate of Registration" or "Certificate"** means a written document issued by the Air Pollution Control Officer, granting authority to operate an emission unit in lieu of a Permit to Operate.

(5) **"Emergency Situation"** means any one of the following:

(i) An unforeseen electrical power failure from the serving utility or on site electrical transmission equipment.

(ii) An unforeseen flood or fire or a life-threatening situation.

(iii) Operation of emergency generators for Federal Aviation Administration licensed airports for the purpose of providing power in anticipation of a power failure due to severe storm activity.



An emergency situation shall not include operation for purposes of supplying power for distribution to an electrical grid, operation for training purposes, or other foreseeable events.

(6) **"Emergency Standby Engine"** means an engine used exclusively in emergency situations to drive an electrical generator, an air compressor or a water pump, except for operations up to 52 hours per calendar year for non-emergency purposes.

(7) **"Emission Unit"** means the same as defined in Rule 2.

(8) **"Major Stationary Source"** means the same as defined in Rule 2.

(9) **"Portable Emission Unit"** means an emission unit that is designed to be and capable of being carried or moved from one location to another. Indicia of portability include, but are not limited to, wheels, skids, carrying handles, dolly, trailer or platform. For the purposes of this rule, dredge engines on a boat or barge are considered portable. An emission unit is not portable if any of the following apply:

(i) The unit, or its replacement, is attached to a foundation or, if not so attached, will reside at the same location for more than 12-consecutive months. Any portable emission unit such as a backup or standby unit that replaces a portable emission unit at a location and is intended to perform the same function as the unit being replaced will be included in calculating the consecutive time period. In that case, the cumulative time of all units, including the time between the removal of the original unit(s) and installation of the replacement unit(s), will be counted toward the consecutive time period; or

(ii) The emission unit remains or will reside at a location for less than 12-consecutive months if the unit is located at a seasonal source and operates during the full annual operating period of the seasonal source. A seasonal source is a stationary source that remains in a single location on a permanent basis (i.e., at least two years) and operates at that single location at least three months each year, or

(iii) The emission unit is moved from one location to another in an attempt to circumvent the portable emission unit residence time requirements.

Days when a portable emission unit is stored in a designated holding or storage area shall not be counted towards the above time limits, provided the emission unit was not operated on that calendar day except for maintenance and was in the designated holding or storage area the entire calendar day.

(10) **"Registered Emission Unit"** means an emission unit that has a valid Certificate of Registration.

(11) **"Registration"** means the process of obtaining a Certificate of Registration for an emission unit. Registration is the same as "permit" as used in Division 26 of the California Health and Safety Code, Part 3, Chapter 8 and Part 4, Chapter 4, Articles 2 and 4, respectively entitled Hearing Boards, Variances, and Orders of Abatement. The Air Pollution Control Officer and the Hearing Board shall have the same authority concerning registration as with permits, and the owner or operator of registered equipment shall be entitled to the same privileges and rights granted to a permittee.

(12) **"Rental Emission Unit"** means an emission unit temporarily rented or leased to operators other than the owner(s) of the unit.

(13) **"Stationary Source" or "Source"** means the same as defined in Rule 2.

(14) **"Stationary Internal Combustion Engine"** means a spark or compression ignited, reciprocating internal combustion engine which is not a portable emission unit.

**(d) REQUIREMENTS**

Emission units registered under this rule shall comply with these rules and regulations and the following requirements, as applicable:

(1) An internal combustion emergency standby engine shall be operated only during emergency situations and for not more than 52 hours per calendar year for non-emergency purposes. Testing operations of more than 52 hours but not more than 100 hours per calendar year may be allowed, where the applicant demonstrates to the satisfaction of the Air Pollution Control Officer that such additional operation is needed for maintenance or for demonstration of operational readiness.

(2) An internal combustion engine of the type specified in Subsection (a)(1)(ii) of this rule shall not emit more than three pounds in any day of lead nor more than 100 pounds in any day of any of the following criteria air pollutants: nitrogen oxides, particulate matter (PM<sub>10</sub>), volatile organic compounds, sulfur oxides or carbon monoxide.

(3) An asphalt roofing kettle or asphalt day tanker shall have an identification tag or serial number stamped, welded or engraved in a visible, accessible location on the kettle or tanker; shall not be operated above 525°F (274°C) and shall be equipped with a functional temperature gauge, temperature control thermostat, and a lid which shall be closed at all times when the unit is operating except for loading asphalt.

(4) A rock drill shall use water injection at all times when operating.

(5) An aircraft auxiliary power unit engine shall not be operated for more than 750 hours in any calendar year.

(6) An aircraft air start unit engine shall not be operated for more than 100 hours in any calendar year.

**(e) REGISTRATION OF EMISSION UNITS**

**(1) Application for Certificate of Registration**

To apply for a Certificate of Registration, an owner or operator shall submit to the District, a completed Permit/Registration application form, a Certificate of Compliance, and any additional information determined by the Air Pollution Control Officer as necessary to demonstrate eligibility for registration. The applicable fee specified in Subsection (h)(1) of this rule shall also be paid. No application for registration shall be considered received unless accompanied by a Certificate of Compliance and the appropriate fee. A separate application is required for each emission unit.

**(2) Action on Applications**

(i) The Air Pollution Control Officer shall inform the applicant in writing, within 30 days of receipt of an application for registration, if the application is complete or incomplete. If incomplete, the written notice shall specify the additional information necessary to complete the application. When the additional

information is received and the application is determined complete, the applicant shall be so notified.

(ii) An application for registration shall be canceled if additional information necessary to complete the application is not furnished within 90 days of such request, or if the Air Pollution Control Officer determines that the emission unit is not eligible to be registered under this rule.

(iii) An application for registration shall be withdrawn if the applicant requests such action in writing to the Air Pollution Control Officer. An application that is withdrawn by the applicant shall subsequently be canceled.

(iv) An application for registration shall be denied if the Air Pollution Control Officer finds that the emission unit will not comply with the applicable requirements of Section (d) of this rule, or other applicable District Rules and Regulations.

(v) The Air Pollution Control Officer shall issue a Certificate of Registration within a maximum of 90 days after an application for registration is deemed complete if the emission unit meets all applicable requirements of Section (d) of this rule.

(vi) Notice of any action taken shall be deemed to have been given when written notification has been delivered to the applicant or the applicant's representative.

### **(3) Conditions on Certificate of Registration**

The Air Pollution Control Officer may issue a Certificate subject to temporary or permanent conditions which ensure compliance with these Rules and Regulations and applicable state laws and regulations. Operating a registered emission unit constitutes acceptance of all conditions specified on the Certificate.

### **(4) Maintenance of Certificate of Registration**

An owner or operator whose emission unit has been issued a Certificate shall:

- (i) Comply with all conditions listed on the Certificate;
- (ii) Renew the Certificate annually pursuant to Subsection (f)(1) of this rule;
- (iii) Maintain records, as applicable, in accordance with the requirements of Section (g) of this rule;
- (iv) Display the current Certificate or a copy of the current Certificate in a clearly visible and accessible place within 25 feet of the emission unit. If the unit is so constructed or operated that the Certificate cannot be so placed, it shall be kept on the premises and be made readily available to the District at all times; and
- (v) Not willfully deface, alter, forge, counterfeit or falsify any Certificate issued under this rule.

**(f) ADMINISTRATION OF CERTIFICATE OF REGISTRATION**

**(1) Renewal of Certificate of Registration**

**(i) Current Certificate of Registration.**

Any person who holds a valid Certificate and who desires to maintain the Certificate after the expiration date shall, prior to the expiration date, pay the applicable renewal fee specified in Subsection (h)(1) of this rule. Any Certificate not renewed within six months of the expiration date cannot be renewed and will be retired.

**(ii) Expired Certificate of Registration**

An expired Certificate may be reinstated within the first six months following the expiration date by paying the applicable renewal fee specified in Subsection (h)(1) and appropriate late fees pursuant to Subsection (h)(2) of this rule.

**(2) Change of Status for Certificate of Registration**

**(i) Conversion to Inactive Status**

Any person who holds a valid Certificate and chooses not to operate the emission unit, may apply to the Air Pollution Control Officer for a revised Certificate indicating the unit is to be registered in an inactive status. The application shall be accompanied by the administrative fee and the appropriate renewal fee specified in Subsection (h)(1) of this rule. Operation of an emission unit registered in an inactive status shall constitute a violation of Subsection (e)(4)(i) of this rule. Any portable emission unit registered in an inactive status shall be stored at a fixed address provided to the Air Pollution Control Officer. All Certificates for emission units in inactive status shall be renewed annually.

**(ii) Removal of Inactive Status**

Any person who holds a valid Certificate for an emission unit in an inactive status and chooses to operate the unit shall first apply for and obtain a revised Certificate indicating the unit is now in an active status. The application shall be accompanied by the administrative fee specified in Subsection (h)(1) of this rule and the appropriate renewal fee.

**(3) Change of Location**

Any person who holds a valid Certificate and who desires to change the location of the registered emission unit shall first apply for and obtain a revised Certificate from the Air Pollution Control Officer. The application shall be accompanied by the administrative fee specified in Subsection (h)(1) of this rule. This provision shall not apply to any change of location within a stationary source or any change of location for a portable emission unit.

**(4) Transfer of Ownership**

The ownership of a valid Certificate may be transferred by applying for and obtaining a revised Certificate from the Air Pollution Control Officer. The application shall include a completed Permit/Registration application form and a Certificate of Compliance. Such application shall be deemed a temporary Certificate if accompanied by the adminis-

trative fee specified in Subsection (h)(1) of this rule. The temporary Certificate shall be subject to all the terms and conditions of the current Certificate and shall expire upon receipt of a revised Certificate. An application for transfer of ownership shall not be deemed a temporary Certificate if the emission unit is in an inactive status. A new application shall be required if the emission unit has been modified.

**(5) Transfer of Ownership with Change of Location**

The ownership of a valid Certificate may be transferred along with a change of location by applying for and obtaining a revised Certificate from the Air Pollution Control Officer. The application shall include a completed application form and a Certificate of Compliance. Such application shall be deemed a temporary Certificate if accompanied by the administrative fee specified in Subsection (h)(1) of this rule. The temporary Certificate shall be subject to all the terms and conditions of the current Certificate and shall expire upon receipt of a revised Certificate. The application shall not be deemed a temporary Certificate if the emission unit is in an inactive status unless the application also includes a request for removal of inactive status pursuant to Subsection (f)(2)(ii). A new application for Certificate of Registration shall be required if the emission unit has been modified.

**(g) RECORDKEEPING**

(1) The owner or operator of a registered emission unit shall maintain the applicable records listed below. The records shall be retained on site for at least two years and made available to the District upon request. The records shall include the following information:

**(i) For Internal Combustion Emergency Standby Engines:**

(A) an operating log containing the dates of engine operation, hours operated per day, and total hours operated during each calendar month. Each entry must specify if operation was for non-emergency or emergency purposes and the nature of the emergency if applicable; and

(B) the type and source of fuel consumed by each engine.

**(ii) For Internal Combustion Engines specified in Subsection (a)(1)(ii):**

(A) the hours of engine operation during each calendar month; and

(B) the type and source of fuel consumed by each engine.

**(iii) For Aircraft Auxiliary Power Units and Aircraft Air Start Units:**

(A) the hours of unit operation during each calendar month; and

(B) the type and source of fuel consumed by each unit.

(2) An owner or operator of any emission unit specified in Subsection (a)(1) which is operated as a rental emission unit shall maintain the following records, as applicable:

(i) The owner of a rental emission unit shall provide the operator with a copy of the Certificate and the recordkeeping requirements specified in Subsection

(g)(1) as part of the emission unit rental agreement. The owner shall maintain written acknowledgment by the operator of receiving the above information.

(ii) During the duration of a rental agreement or contract, the operator of a rental emission unit shall be responsible for compliance with the recordkeeping requirements of this rule and the terms and conditions on the Certificate applicable to operation of the unit. The operator shall furnish the records specified in Subsection (g)(1), to the owner of the rental emission unit upon return of the unit.

**(h) FEES**

(1) Every person who applies for a Certificate of Registration, renews a Certificate of Registration, or is subject to an administrative fee pursuant to Section (f) of this rule shall pay the applicable fee, for each emission unit, specified in the following table :

	Internal combustion engines, GPU, or aircraft air start units	Rock drills, asphalt roofing kettles or asphalt roofing tankers
Application for registration (including first year renewal)		
Emission unit with valid Permit to Operate	\$274	\$142
New emission unit with no previous permit	\$322	\$166
Annual renewal of active Certificate of Registration	\$104	\$44
Annual renewal of inactive Certificate of Registration	\$31	\$ 31
Administrative fee for each Section (f) activity	\$31	\$ 31

**(2) Renewal of Expired Certificate of Registration**

(i) A Certificate may be renewed within the first calendar month after the expiration date by paying the applicable annual renewal fee specified in Subsection (h)(1) of this rule.

(ii) A Certificate may be renewed after the first calendar month beyond the expiration date by paying the applicable annual renewal fee specified in Subsection (h)(1) of this rule, plus the following late fees:

(A) 30 percent of the annual renewal fee, and

(B) 10 percent of the annual renewal fee for each additional calendar month, or portion thereof, beginning with the calendar month following the Certificate expiration date, until the date the renewal fee is received by the District.

**(3) Fee for Duplicate Certificate of Registration**

A fee of \$11 shall be charged for a duplicate Certificate.

**(4) Refunds**

(i) If an applicant withdraws an application for registration before an evaluation has been started or within seven calendar days from the date of receipt,

whichever comes first, a full refund less a \$37 processing and handling fee, shall be made available to the applicant.

(ii) If an application for registration is denied or canceled, or if the applicant withdraws the application after an evaluation has been started or after seven calendar days from the date of receipt, only the annual renewal fee portion shall be refunded.

(iii) If an applicant has not applied for a refund within six months after notification has been made of eligibility for a refund, all rights to such refund shall be forfeited.

**IT IS FURTHER RESOLVED AND ORDERED** that the addition of Rule 12 to Regulation II shall take effect upon adoption.

**PASSED AND ADOPTED** by the Air Pollution Control Board of the San Diego County Air Pollution Control District, State of California, this 21st day of May, 1997 by the following votes:

**AYES:** COX, JACOB, SLATER, HORN  
**NOES:** NONE  
**ABSENT:** ROBERTS

APPROVED AS TO FORM AND LEGALITY  
COUNTY COUNSEL

BY Dutton

DEPUTY

I hereby certify that the foregoing is a full, true and correct copy of the Original Resolution which is now on file in my office.

THOMAS J. PASTUSZKA  
Clerk of the Air Pollution Control Board

(Seal)

By Barbara Noyce

Barbara Noyce, Deputy



**AIR POLLUTION CONTROL DISTRICT  
COUNTY OF SAN DIEGO**

**RULE 12 - REGISTRATION OF SPECIFIED EQUIPMENT  
WORKSHOP REPORT**

A workshop notice was mailed to all District permit holders which may be affected by the proposed new Rule 12. Notices were also mailed to all Chambers of Commerce and all Economic Development Corporations in San Diego county, the U. S. Environmental Protection Agency (EPA), the California Air Resources Board (ARB), and other interested parties.

The workshop was held on January 22, 1997, and was attended by 44 people. Written comments were also received. The workshop comments and the District responses are as follows:

**1. WORKSHOP COMMENT**

The term "major stationary source of nitrogen oxide (NOx) emissions" was not used in the previous draft of this rule. Why was it added to this draft?

**DISTRICT RESPONSE**

The previous draft referred to in this comment was proposed District Rule 12.1 (Portable Equipment Registration) which was presented at a workshop on January 16, 1996. It will implement a state-wide portable equipment registration program developed by the California Air Pollution Control Officers Association (CAPCOA). Proposed new Rule 12 applies to the registration of equipment specified in Subsection (a)(1) and applies only within San Diego County.

**2. WORKSHOP COMMENT**

Will currently permitted equipment be eligible for registration?

**DISTRICT RESPONSE**

Yes, if the equipment is eligible under Subsection (a)(1) of proposed new Rule 12 and meets the applicable requirements of Section (d) of the rule.

**3. WORKSHOP COMMENT**

Is the application for registration fee specified in Subsection (h)(1) of this rule a one-time fee or an annual fee?

**DISTRICT RESPONSE**

The application for registration fee is a one-time fee for each emission unit. It includes the renewal fee for the first year of the unit's operation. Only a renewal fee will be required annually.



4. WORKSHOP COMMENT

What is the definition of major stationary source of NOx emissions?

DISTRICT RESPONSE

Major stationary source of NOx emissions is defined as a stationary source which has or will have, after issuance of a permit, an aggregate potential to emit 50 tons per year or more of oxides of nitrogen (NOx).

5. WORKSHOP COMMENT

Does the proposed application registration fee specified in Subsection (h)(1) apply to an entire site or to each emission unit?

DISTRICT RESPONSE

The application registration fee applies to each emission unit.

6. WORKSHOP COMMENT

Does the administrative fee specified in Subsection (h)(1) apply to annual renewal of Certificates of Registration?

DISTRICT RESPONSE

No. The administrative fee does not apply to the annual renewal fee or the application registration fee. The administrative fee applies only to specific administrative activities listed in Subsections (f)(2) through (f)(5) of the proposed rule. These include change of location, transfer of ownership or change of status from active to inactive.

7. WORKSHOP COMMENT

What is the difference between a Permit to Operate and a Certificate of Registration?

DISTRICT RESPONSE

The customary authorization issued by the District for equipment emitting air contaminants is an Authority to Construct followed by Permit to Operate. Proposed new Rule 12 provides an option of registering specified equipment in the District in lieu of an Authority to Construct or Permit to Operate. A Certificate of Registration may be issued for specific types of equipment which require District authorization to operate but do not represent significant sources of emissions and are subject only to general emission standards.

Under the permit program, the District conducts an evaluation of a permit application to determine compliance with applicable District Rules, including the District's New Source Review (NSR) rules. Under the registration program, the equipment owner or operator certifies compliance and the NSR rules do not apply. It is a streamlined form of permitting.

**8. WORKSHOP COMMENT**

What is the current status of pre-registered equipment and how would Rule 12 apply to pre-registered equipment?

**DISTRICT RESPONSE**

The pre-registration program was established for certain equipment pending the development of the District's registration program. Proposed Rule 12 is part of this program. Once this rule is adopted, the District will notify all owners of pre-registered equipment that they need to submit applications for registration of eligible equipment. The notice will indicate when applications for the registration of pre-registered equipment have to be submitted.

**9. WORKSHOP COMMENT**

Do Certificates of Registration need to be placed in visible locations like Permits to Operate and will the Certificates list generic conditions of operation for the registered equipment?

**DISTRICT RESPONSE**

Yes, Certificates of Registration are required to be displayed in visible locations. The Certificate of Registration will identify the specific emission unit registered and include the conditions of operation that will be generic for that type of equipment.

**10. WORKSHOP COMMENT**

Subsection (a)(1)(ii) states that stationary internal combustion engines located at non-major stationary sources of NOx emissions, with a manufacturer's rating of less than 500 brake horse power (BHP) which are installed prior to April 5, 1983, are eligible for registration. Does the manufacturer's rating of less than 500 BHP apply for a single emission unit or for all units at the facility location?

**DISTRICT RESPONSE**

The manufacturer's rating of less than 500 BHP applies for each emission unit (engine) that is eligible for registration.

**11. WORKSHOP COMMENT**

Rule 11 exempts all internal combustion engines with manufacturer's rating of less than 50 BHP from permit requirements. Does this exemption apply to proposed Rule 12?

**DISTRICT RESPONSE**

Proposed Rule 12 does not include exemptions because it is an optional rule. Engines with a manufacturer's rating of less than 50 BHP are exempt from the District's permit requirements and are not required to be registered.

## **12. WORKSHOP COMMENT**

As specified in Subsection (a)(1)(v), aircraft auxiliary power units with a manufacturer's rating of 200 BHP or less are eligible for registration. It is suggested that aircraft air start units be added to the list of equipment eligible for registration. The only difference between these two types of equipment is that aircraft auxiliary power units supply electrical power while aircraft air start units supply pneumatic power. Furthermore, aircraft air start units are operated for much shorter duration than aircraft auxiliary power units. Alternatively, can these units be considered emergency equipment?

### **DISTRICT RESPONSE**

The proposed rule has been revised to include aircraft air start units as equipment eligible for registration. Neither aircraft auxiliary power units nor aircraft air start units qualify as emergency equipment since they are not used exclusively in emergency situations.

## **13. WORKSHOP COMMENT**

If permitted equipment requiring source testing obtains a Certificate of Registration, will the equipment be exempt from source testing?

### **DISTRICT RESPONSE**

No. No changes in source testing requirements are associated with the proposed rule. The District anticipates that the enforcement mechanism for this rule will primarily be through field inspection and verifying fuel composition and operator records. However, if permitted equipment currently requires source testing, the need to maintain source testing requirements will be evaluated on a case-by-case basis.

## **14. WORKSHOP COMMENT**

Subsections (g)(1)(ii)(B) and (g)(1)(iii)(B) require that records indicating the type and source of fuel should be kept. What information is needed to comply with this requirement?

### **DISTRICT RESPONSE**

Manufacturer specification data for the fuel which identifies the type of fuel and sulfur content, if any, is sufficient.

## **15. WORKSHOP COMMENT**

Does the full application for registration fee specified in Subsection (h)(1) apply when the subject equipment currently has a Permit to Operate? If so, can the District provide some fee reduction for this equipment?

### **DISTRICT RESPONSE**

District policy is to recover all costs associated with a particular activity. However, the District agrees with the suggestion that previously permitted equipment should be registered under a

reduced fee. Accordingly, the proposed rule has been revised to reflect a reduced application for registration fee for permitted equipment.

**16. WORKSHOP COMMENT**

Does the proposed rule place any size limitation on internal combustion emergency standby engines?

**DISTRICT RESPONSE**

No. All internal combustion emergency standby engines are eligible for registration. The applicable conditions are listed in Subsection (d)(1) of the proposed rule.

**17. WORKSHOP COMMENT**

Will the conditions of operation on a Certificate of Registration be limited to those required by this rule or will these conditions also reflect other applicable District rules?

**DISTRICT RESPONSE**

The conditions of operation on a Certificate of Registration will reflect all applicable District rules along with specific conditions identified in Section (d) for that type of equipment. However, the District anticipates that conditions of operation on the Certificates will be generic.

**18. WORKSHOP COMMENT**

Who makes the final decision on this rule?

**DISTRICT RESPONSE**

The San Diego County Air Pollution Control Board (District Board) will hold a public hearing to consider adoption of this rule.

**19. WORKSHOP COMMENT**

To whom are any additional questions that may occur after this workshop to be directed?

**DISTRICT RESPONSE**

All additional questions or recommendations on the proposed rule may be directed to the District's Compliance or Engineering staff. The District will evaluate every recommendation and provide answers to all questions in the workshop report.

**20. WORKSHOP COMMENT**

Subsection (d)(5) requires that aircraft auxiliary power units be equipped with turbocharging and aftercooling, and 4 degree ignition timing retard as a condition for registration. However, some

aircraft auxiliary power units cannot meet the requirement for turbocharging and aftercooling. Can aircraft auxiliary power units that do not have these controls still be registered?

### **DISTRICT RESPONSE**

Yes. The requirement for turbocharging and aftercooling has been deleted from the rule standards for aircraft auxiliary power units because they normally operate only for a short period of time and do not represent a significant source of NOx emissions. However, the operating time for aircraft auxiliary power units has been limited to 750 hours in any one calendar year as a condition for registration in order to ensure that emissions from these units are not significant.

### **21. WORKSHOP COMMENT**

How were the fees for this program established and how many hours of engineering time was used for fee calculations?

### **DISTRICT RESPONSE**

The fees in this program are based on the average amount of time it takes to evaluate and/or inspect a specific type of equipment and the hourly rate for District personnel. The hourly rate is adjusted using indirect cost multipliers to account for travel time, administrative costs and other overhead. For example, the registration application fee for a new internal combustion emergency standby engine is based on the following:

	Time (Hours)	Rate (\$)	Multiplier	Adjusted Rate (\$)	Fee Contribution
Senior Engineer	0.2	59.0	2.10	123.90	\$24.78
Assistant Engineer	2.0	46.0	2.10	96.60	\$192.30
Annual Renewal Fee					\$91.00
Total					\$308.00

Compliance verification will alternate between actual field inspection for the first year and a compliance audit for subsequent years. The associated costs and resulting annual renewal fee are:

First Year Compliance Inspection (includes inspector time, travel time and administrative overhead.)	\$107.00
Second Year Compliance Audit (Estimated at 1 hour of inspector time.)	\$75.68
Renewal Fee (Average Cost Per Year) = $(\$107 + \$75.68) / 2$	\$91.00

Annual renewal and application fees were averaged for all eligible engine types. The average application fee was estimated to be \$322.00, and the average renewal fee was \$104.00.

### **22. WORKSHOP COMMENT**

Subsection (e)(v) states that a Certificate of Registration shall be issued within a maximum of 90 days for complying equipment. Can the time for issuing a Certificate of Registration be reduced?

**DISTRICT RESPONSE**

Yes. In general, the District expects to issue Certificates of Registration in less than 90 days since the evaluation process for equipment eligible for registration will not involve detailed engineering review. Guidance will be provided to District staff to ensure that registration certificates will be issued in typically 30 to 60 days. In only a few exceptional cases should issuance take up to 90 days.

**23. WORKSHOP COMMENT**

Will notices for annual renewal be sent to equipment owners?

**DISTRICT RESPONSE**

Yes. Renewal notices will be sent to all registered equipment owners.

**24. WORKSHOP COMMENT**

Would the use of an emergency standby engine for a foreseen disruption of electrical power that is due to scheduled maintenance comply with the requirement of Subsection (d)(1) if the total annual usage of the engine for non-emergency purposes does not exceed 52 hours ?

**DISTRICT RESPONSE**

The proposed rule allows emergency standby engines to operate in non-emergency situations up to 52 hours only for maintenance purposes (or up to 100 hours for testing purposes with the approval of the Air Pollution Control Officer). In response to this comment, the rule has been revised to provide for the operation of a registered emergency standby engine, for non-emergency purposes, for up to 52 hours in any calendar year, including the time used for maintenance purposes.

**25. WORKSHOP COMMENT**

When does the District expect proposed Rule 12 to be adopted?

**DISTRICT RESPONSE**

Most likely, the rule will be submitted for adoption to the District Board in May, 1997.

**26. WORKSHOP COMMENT**

Will Rule 12.1 (Portable Equipment Registration) be adopted at the same time?

**DISTRICT RESPONSE**

The District plans to present Rules 12 and 12.1 to the District Board at the same time in May, 1997.

**27. WORKSHOP COMMENT**

Will fees associated with the registration program be less than the fees associated with the regular permit program?

**DISTRICT RESPONSE**

Yes. Depending on the type of equipment, fees are reduced for initial registration and annual renewal compared to permit fees for similar equipment.

**28. WORKSHOP COMMENT**

The proposed amendment of Rule 40 may lead to increased fees. Will fees in Rule 12 change as a result?

**DISTRICT RESPONSE**

The District's labor rates proposed in the current draft of Rule 40 were used to determine fees in proposed Rule 12. The Rule 12 registration fees may change, depending on the outcome of Rule 40 revisions.

**29. WRITTEN COMMENT**

Subsection (a)(1)(ii) states that internal combustion engines rated less than 500 BHP, installed before April 5, 1983, are eligible for registration unless located at a major stationary source of NOx emissions. No other category of eligible equipment is exempted from registration on the basis of being located at a major stationary source of NOx emissions. It would be consistent to delete the major source limitation for this equipment category.

**DISTRICT RESPONSE**

The District disagrees. Engines that are located at non-major stationary sources of NOx emissions are eligible for registration because they are not subject to any source-specific emission standards. Internal combustion engines with manufacturer's rating of over 50 BHP located at major stationary sources of NOx emission are subject to Rule 69.4, are required to obtain Permits to Operate, and are therefore not eligible for registration. In the future, Rule 69.4 will likely be revised to require NOx emission controls for engines located at both major and non-major NOx sources. This will implement the Best Available Retrofit Control Technology (BARCT) requirements of the California Clean Air Act. Registered internal combustion engines that will become subject to these future Rule 69.4 standards will be required to obtain District Permits to Operate.

**30. WRITTEN COMMENT**

The definition of "emergency situation" in Subsection (c)(4) states that an emergency situation shall not include operation for purposes of supplying power for distribution to an electrical grid. The intent of this language may be to ensure that commercial & industrial standby emergency generators are not used as supplemental generators for purposes of supplying power for distribution to a grid during peak hours. It may also be appropriate, however, to consider operation of equipment belonging to a serving utility for purposes of supplying power for



distribution to an electrical grid during system frequency disturbances, pending brown-outs, blacks-outs, total system collapse, or similar pending disaster, to be emergency situations.

### **DISTRICT RESPONSE**

The District disagrees. Emergency generators of the size that may be used to supply electric power to an electrical grid will be subject to Rule 69.4 if they are located at a major stationary source of NOx emissions and will therefore require a Permit to Operate. These engines at either major or non-major stationary sources will also be subject to New Source Review provisions of the District's Rules and Regulations.

### **31. WRITTEN COMMENT**

Subsection (e)(4)(ii) requires annual renewal of the Certificate of Registration. It would further cut costs and streamline the process if renewal of the Certificate occurred at least once every two or more years. By way of comparison, Title V air permits are issued for a term of five years. It is recommended that the language in this section be changed to require bi-annual renewal of the Certificate of Registration.

### **DISTRICT RESPONSE**

The District disagrees. The proposed frequency of renewal of Certificates of Registration is consistent with the frequency of renewal of District permits. To go to a frequency other than annual would require a substantial change to the District's renewal programs. Even under Title V, the underlying equipment specific permits are renewed annually. The annual registration renewal fees reflect and recover the District's anticipated average annual costs.

### **32. WRITTEN COMMENT**

Subsection (f)(2)(i) requires a new Certificate or Permit to Operate for registered equipment operated in inactive status. Can this requirement be satisfied by reactivating the current inactive Certificate?

### **DISTRICT RESPONSE**

Yes. Subsection (f)(2)(i) has been revised to allow for the reactivation of the inactive Certificate of Registration.

### **33. WRITTEN COMMENT**

It is unclear why Section (h) - Fees, is included in this rule rather than in Rule 40 (Permit Fees). It may be appropriate to transfer Section (h) to Rule 40.

### **DISTRICT RESPONSE**

Rule 12 and Rule 40 were on different schedules for adoption/amendment and it was uncertain that the fees in Rule 12 could be included in Rule 40. The District's intent is that the registration program be self-contained. However, the District will consider moving the fees to Rule 40 in the future.



**34. WRITTEN COMMENT**

Can small gas turbine engines under 0.3 megawatt (MW) burning liquid fuel, not specifically JP-5 fuel, also referred to as Jet-A or NATO F-76, be exempted from the registration program? Gas turbines are usually not fueled with diesel fuel because it causes increased engine wear and earlier failure. Alternatively, can the proposed rule exempt turbines using liquid fuels with sulfur content less than 0.05 weight % of sulfur?

**DISTRICT RESPONSE**

Equipment registration is an optional program, and therefore does not contain any exemptions. However, proposed amendments to Rule 11 (Exemptions from Rule 10 Permit Requirements) will be presented shortly for public workshop and will include an additional exemption for gas turbines that have an output of less than 0.3 MW, regardless of the type of fuel used.

**35. WRITTEN COMMENT**

Can aircraft auxiliary power units with engines over 200 BHP be considered for registration?

**DISTRICT RESPONSE**

Emissions from aircraft auxiliary power unit engines over 200 BHP can be significant and NSR may apply. These engines are excluded from registration and required to obtain District permits. Emissions from aircraft auxiliary power unit engines rated at 200 BHP or less, limited to 750 hours of operation per year, and aircraft air start units with manufacturer's rating of 500 BHP or less, limited to 100 hours of operation per year, are not expected to be significant and therefore are eligible for registration.

**36. WRITTEN COMMENT**

Subsection (g)(1)(i) requires records to be kept indicating if operation of an internal combustion emergency standby engine was for maintenance, testing or emergency purposes and the nature of the emergency, if applicable. The nature of the emergency cannot always be identified, for example, a case when a power sag occurs in the transmission. The requirement to record the nature of the emergency places an unreasonable burden upon the source and should be removed from the rule.

**DISTRICT RESPONSE**

The District disagrees. Records indicating the nature of an emergency are required to verify whether a standby engine was used in a situation that meets the District's definition of an emergency situation. If the nature of the emergency cannot be determined because a standby generator is in a remote location and is activated automatically, it should be so stated in the records.

**37. WRITTEN COMMENT**

The word "Stationary" should be inserted at the beginning of Subsections (a)(1)(i) and (a)(1)(ii) to clarify that the only engines covered in the rule are stationary engines.

### **DISTRICT RESPONSE**

Subsection (a)(1)(ii) has been revised as suggested. However, Subsection (a)(1)(i) refers to internal combustion emergency standby engines which may include portable engines. The insertion of "Stationary" would not be appropriate for Subsection (a)(1)(i). It should be noted that portable internal combustion emergency standby engines may be registered under proposed Rule 12 if only operated for emergency and limited non-emergency (maintenance, testing, etc.) purposes, or under the recently proposed ARB statewide AB 531 registration program.

#### **38. WRITTEN COMMENT**

A definition of "Stationary Engine" should be added to Section (c).

### **DISTRICT RESPONSE**

The District agrees. A definition for stationary internal combustion engine, consistent with the definition in District New Source Review rules, has been added to Section (c).

#### **39. WRITTEN COMMENT**

The definition of "Portable Emission Unit" should be dropped if the rule will not apply to any portable emission units.

### **DISTRICT RESPONSE**

This definition cannot be deleted because the term "Portable Emission Unit" is used in Subsections (f) (2)(i) and (f)(3) of the proposed rule.

#### **40. WRITTEN COMMENT**

If the definition for portable emission unit is retained, the 180-day period must be changed to one year for engines so as to be consistent with the FCAA.

### **DISTRICT RESPONSE**

The District agrees. The definition for portable emission unit has been revised to include the suggested change.

#### **41. ARB COMMENT**

The definition of an emergency standby engine states that such engine must be used exclusively in emergency situations. If literally interpreted, no engine can meet this definition since all engines must be periodically operated during non-emergencies for readiness testing and maintenance operations. This discrepancy can be eliminated by incorporating the requirements found in Subsection (d)(1) into the definition.

**DISTRICT RESPONSE**

The District agrees. The definition of emergency standby engines has been revised to provide for the operation of a registered engine for 52 hours in any calendar year for non-emergency purposes such as maintenance and/or testing.

**42. ARB COMMENT**

In Subsection (d)(2), internal combustion engines are limited to emissions of no more than 100 pounds per day of criteria pollutants including lead. The 100 pounds per day limit for lead is inappropriate because it is a toxic compound with no identified threshold. For comparison, the District's New Source Review emission limit for lead is 3.2 pounds per day in case of an emission unit modification. It is likely that all sources in the registration program will have minimal lead emissions. However, the value of 100 pounds per day lead limit should be revised to avoid confusion, and to protect air quality if sources exist that could take advantage of this high limit.

**DISTRICT RESPONSE**

The District agrees. Subsection (d)(2) has revised to decrease the limit for lead emissions to 3 pounds per day.



**Air Pollution Control Board**  
Greg Cox                      District 1  
Dianne Jacob                District 2  
Pam Slater                   District 3  
Ron Roberts                 District 4  
Bill Horn                     District 5

**Air Pollution Control District**  
R. J. Sommerville      Director

April 9, 1997

## **NEGATIVE DECLARATION**

### **1. Project Name:**

Adoption of new Rule 12, Registration of Specified Equipment, into the San Diego County Air Pollution Control District Rules & Regulations.

### **2. Project Applicant:**

San Diego County Air Pollution Control District  
9150 Chesapeake Drive  
San Diego, California 92123-1096

### **3. Project Location:**

Entire area within the boundaries of San Diego County. San Diego County is the southwestern-most county in California.

### **4. Project Description:**

The District proposes to adopt new Rule 12, Registration of Specified Equipment. The proposed new rule provides businesses the option of registering specified portable equipment instead of requiring an Authority to Construct and Permit to Operate. All applicable requirements of the District's Rules and Regulations would still apply to equipment registered under proposed new Rule 12. However, equipment registered under this proposed rule would be exempt from the requirements of Rule 10, Permits Required, and from applicable requirements of the District's New Source Review (NSR) Rules.

The following equipment will be eligible for registration under the proposed new Rule 12: asphalt roofing kettles and roofing day tankers; aircraft auxiliary power units with a manufacturers rating of 200 brake horsepower output rating (bhp) or less; aircraft air start units with a manufacturers rating of 500 bhp or less; standby internal combustion engines; and stationary internal combustion engines with a manufacturers rating of bhp or less that are not located at a major stationary source of nitrogen oxides emissions, if installation commenced before April 5, 1983.

**5. Finding:**

The San Diego County Air Pollution Control District, acting as lead agency, has completed an Initial Study for the project pursuant to the California Environmental Quality Act. The Initial Study shows that the adoption of new Rule 12 will result in no or inconsequential increase in emissions from the affected equipment, and is not expected to impact either state or federal air quality standards, or result in any increased health risk to the public. Based on the information contained in the Initial Study and the entire record before the District, the project will not have a significant adverse effect on the environment and the adoption of the proposed new Rule 12, Registration of Specified Equipment, does not require preparation of an Environmental Impact Report.

**Note:** This action becomes final upon approval by the Air Pollution Control Board.

4/9/97  
RS:jo

# **INITIAL STUDY**

**San Diego Air Pollution Control District**

**Adoption of New Rule 12  
Registration of Specified Equipment**

April, 1997

Prepared by Richard J. Smith

San Diego Air Pollution Control District  
9150 Chesapeake Drive  
San Diego, CA 92123-1096

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**I. INTRODUCTION**

**1. Project Name:**

Adoption of new Rule 12, Registration of Specified Equipment, in the San Diego County Air Pollution Control District Rules & Regulations.

**2. Project Applicant:**

San Diego County Air Pollution Control District  
9150 Chesapeake Drive  
San Diego, California 92123-1095

**3. Project Location:**

Entire area within the boundaries of San Diego County. San Diego County is the southwestern most county in California.



## II. PROJECT DESCRIPTION

The District has proposed adopting new Rule 12, Registration of Specified Equipment. New Rule 12 provides businesses the option of registering specified equipment in lieu of obtaining an Authority to Construct and Permit to Operate. It also implements the California Health and Safety Code requirements to improve and simplify the air pollution permitting process.

The rule establishes the application procedure for obtaining a Certificate of Registration, specifies the documentation that must be submitted for obtaining a Certificate of Registration and outlines the administrative mechanism for the District to follow in issuing Certificates of Registration along with applicable fees. The new rule also outlines operational and recordkeeping requirements applicable for each equipment category eligible for registration and describes the District actions regarding renewal of a Certificate of Registration, change of status for registered equipment including rental equipment, change of location and transfer of ownership.

Equipment registered under this rule will be exempt from the requirements of Rule 10 - Permits Required, and from applicable requirements of the District's New Source Review (NSR) Rules. Registered equipment must still comply with all other applicable requirements of the District Rules and Regulations.

Equipment types eligible for participating in the registration program are: standby internal combustion engines; stationary internal combustion engines with a manufacturer's rating of 500 brake horsepower (bhp) or less that are not located at a major stationary source of nitrogen oxides emissions, and for which installation commenced before April 5, 1983; asphalt roofing kettles and roofing day tankers, rock drills, aircraft auxiliary power units with a manufacturer's rating of 200 bhp or less, and aircraft air start units with a manufacturer's rating of 500 bhp or less.

The potential environmental impact that may result from the proposed provision of Rule 12, which exempts registered equipment specified above from the District's New Source Review rules, is examined in the attached technical support document (Attachment A).

The proposed Rule 12 was reviewed to determine if it would have a significant adverse impact on the environment. This rule outlines a new administrative procedure and by its nature will, in general, not have any effect on the environment. The only potential environmental impact may result from the proposed provision of Rule 12 which exempts registered equipment specified above from the District's New Source Review rules. The significance, if any, of this exemption is examined in the attached technical support document (Attachment A)

A copy of the proposed new Rule 12 is also attached.

### III. ENVIRONMENTAL CHECKLIST

	YES	MAYBE	NO
<b>1. Earth.</b> Will the proposal result in:			
a. Unstable earth conditions or in changes in geologic substructure?	_____	_____	<u>  x  </u>
b. Disruptions, displacements, compaction or overcovering of the soil?	_____	_____	<u>  x  </u>
c. Change in topography or ground surface relief features?	_____	_____	<u>  x  </u>
d. The destruction, covering or modification of any unique geologic or physical features?	_____	_____	<u>  x  </u>
e. Any increase in wind or water erosion of soils, either on or off the site?	_____	_____	<u>  x  </u>
f. Changes in deposition or erosion of beach sands, or changes in siltation, deposition or erosion which may modify the channel of a river or stream or the bed of the ocean or any bay, inlet or lake?	_____	_____	<u>  x  </u>
g. Exposure of people or property to geologic hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards?	_____	_____	<u>  x  </u>
<b>2. Air.</b> Will the proposal result in:			
a. Significant air emissions for some air contaminants?	_____	_____	<u>  x  </u>
b. The creation of objectionable odors?	_____	_____	<u>  x  </u>
c. Alteration of air movement, moisture, or temperature, or any change in climate, either locally or regionally?	_____	_____	<u>  x  </u>
<b>3. Water.</b> Will the proposal result in:			
a. Changes in currents, or the course or direction of water movements, in either marine or fresh waters?	_____	_____	<u>  x  </u>
b. Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff?	_____	_____	<u>  x  </u>
c. Alterations to the course or flow of flood waters?	_____	_____	<u>  x  </u>

## Initial Study - Rule 12

	YES	MAYBE	NO
d. Change in the amount of surface water in any water body?	_____	_____	<u>  X  </u>
e. Discharge into surface waters, or any alteration of surface water quality, including but not limited to temperature, dissolved oxygen, or turbidity?	_____	_____	<u>  X  </u>
f. Alteration of the direction or rate of flow of ground water?	_____	_____	<u>  X  </u>
g. Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?	_____	_____	<u>  X  </u>
h. Substantial reduction in the amount of water otherwise available for public water supplies?	_____	_____	<u>  X  </u>
i. Exposure of people or property to water related hazards such as flooding or tidal waves?	_____	_____	<u>  X  </u>
<b>4. Plant Life.</b> Will the proposal result in:			
a. Change in the diversity of species, or number of any species of plants (including trees, shrubs, grass, crops, and aquatic plants)?	_____	_____	<u>  X  </u>
b. Reduction of the numbers of any unique, rare or endangered species of plants?	_____	_____	<u>  X  </u>
c. Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species?	_____	_____	<u>  X  </u>
d. Reduction in acreage of any agricultural crop?	_____	_____	<u>  X  </u>
<b>5. Animal Life.</b> Will the proposal result in:			
a. Change in the diversity of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms or insects)?	_____	_____	<u>  X  </u>
b. Reduction of the numbers of any unique, rare or endangered species or animals?	_____	_____	<u>  X  </u>
c. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?	_____	_____	<u>  X  </u>
d. Deterioration to existing fish or wildlife habitat?	_____	_____	<u>  X  </u>

## Initial Study - Rule 12

	YES	MAYBE	NO
6. <b>Noise.</b> Will the proposal result in:			
a. Increases in existing noise levels?	_____	_____	_____X_____
b. Exposure of people to severe noise levels?	_____	_____	_____X_____
7. <b>Light and Glare.</b> Will the proposal produce new light and glare?	_____	_____	_____X_____
8. <b>Land Use.</b> Will the proposal result in a substantial alteration of the present or planned land use of an area?	_____	_____	_____X_____
9. <b>Natural Resources.</b> Will the proposal result in increases in the rate of use of any natural resource?	_____	_____	_____X_____
10. <b>Risk of Upset.</b> Will the proposal involve:			
a. A risk of an explosion or the release of hazardous substances (including, but not limited to oil, pesticides, chemicals or radiation) in the event of an accident or upset conditions?	_____	_____	_____X_____
b. Possible interference with an emergency response plan or an emergency evacuation plan?	_____	_____	_____X_____
11. <b>Population.</b> Will the proposal alter the location, distribution, density, or growth rate of the human population of an area?	_____	_____	_____X_____
12. <b>Housing.</b> Will the proposal affect existing housing, or create a demand for addition housing?	_____	_____	_____X_____
13. <b>Transportation/Circulation.</b> Will the proposal result in:			
a. Generation of substantial additional vehicular movement?	_____	_____	_____X_____
b. Effects on existing parking facilities, or demand for new parking?	_____	_____	_____X_____
c. Substantial impact upon existing transportation systems?	_____	_____	_____X_____
d. Alterations to present patterns of circulation or movement of people and/or goods?	_____	_____	_____X_____

## Initial Study - Rule 12

	YES	MAYBE	NO
e. Alterations to waterborne, rail or air traffic?	_____	_____	<u>  X  </u>
f. Increase in traffic hazards to motor vehicles, bicyclists or pedestrians?	_____	_____	<u>  X  </u>
14. <b>Public Services.</b> Will the proposal have an effect upon, or result in a need for, new or altered governmental services in any of the following areas:			
a. Fire protection?	_____	_____	<u>  X  </u>
b. Police protection?	_____	_____	<u>  X  </u>
c. Schools?	_____	_____	<u>  X  </u>
d. Parks or other recreational facilities?	_____	_____	<u>  X  </u>
e. Maintenance of public facilities, including roads?	_____	_____	<u>  X  </u>
f. Other government services?	_____	_____	<u>  X  </u>
15. <b>Energy.</b> Will the proposal result in:			
a. Use of substantial amounts of fuel or energy?	_____	_____	<u>  X  </u>
b. Substantial increase in demand upon existing sources of energy, or require the development of new sources of energy?	_____	_____	<u>  X  </u>
16. <b>Utilities.</b> Will the proposal result in a need for new systems, or substantial alterations to existing utilities?			
	_____	_____	<u>  X  </u>
17. <b>Human Health.</b> Will the proposal result in:			
a. Creation of any health hazard or potential health hazard (excluding mental health)?	_____	_____	<u>  X  </u>
b. Exposure of people to potential health hazards?	_____	_____	<u>  X  </u>
18. <b>Aesthetics.</b> Will the proposal result in the obstruction of any scenic vista or view open to the public, or will the proposal result in the creation of an aesthetically offensive site open to public view?			
	_____	_____	<u>  X  </u>

## Initial Study - Rule 12

	YES	MAYBE	NO
19. <b>Recreation.</b> Will the proposal result in an impact upon the quality or quantity of existing recreational opportunities?	_____	_____	_____X_____
20. <b>Cultural Resources.</b> Will the proposal:			
a. Result in the alteration of or the destruction of a prehistoric or historic archaeological site?	_____	_____	_____X_____
b. Result in adverse physical or aesthetic effects to a prehistoric or historic building, structure, or object?	_____	_____	_____X_____
c. Have the potential to cause a physical change which would affect unique ethnic cultural values?	_____	_____	_____X_____
d. Restrict existing religious or sacred uses within the potential impact area?	_____	_____	_____X_____
21. <b>Mandatory Findings of Significance.</b> Does the project have:			
a. The potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	_____	_____	_____X_____
b. The potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time while long-term impacts will endure well into the future.)	_____	_____	_____X_____
c. Impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environment is significant.)	_____	_____	_____X_____
d. Environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	_____	_____	_____X_____

#### **IV. DETERMINATION OF CONSISTENCY WITH EXISTING ZONING, PLANS, AND LAND-USE CONTROLS**

Adoption of New Rule 12 will be consistent with existing zoning, plans, and other applicable land use controls.

#### **V. DETERMINATION OF DEPARTMENT OF FISH & GAME DE MINIMIS IMPACT FINDING**

Based on the information contained in the initial study and the entire record before the District, there is no evidence before the San Diego County Air Pollution Control District that adoption of new Rule 12 will have any potential for adverse effect on wildlife resources or the habitat upon which the wildlife depends; and,

The San Diego County Air Pollution Control District has, on the basis of substantial evidence, rebutted the presumption of adverse effect to the resources listed in the Title 14 California Code of Regulations, section 753.5(d).

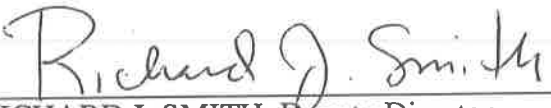
## VI. DETERMINATION OF ENVIRONMENTAL DOCUMENT

### Evaluation of Potential Impacts and Effects on the Environment of the Proposed Project

The proposed new Rule 12 will apply only to equipment that is subject to general air pollution control requirements but which has no applicable equipment-specific emission limits. It will have no impact on the emissions from such equipment.

Based upon the information provided in Attachment A regarding this proposed new rule, there is no reasonable possibility these amendments will result in a significant impact on the environment. On the basis of this initial evaluation and the entire record before the District:

- ☒ I find the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** should be prepared.
- ☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures(s) described in the Initial Study will be applied to the project. A **MITIGATED NEGATIVE DECLARATION** should be prepared.
- ☐ I find the proposed project, individually and/or cumulatively, **MAY** have a significant effect on the environment and determine that an **ENVIRONMENTAL ASSESSMENT** is required.

  
\_\_\_\_\_  
RICHARD J. SMITH, Deputy Director  
County of San Diego, Air Pollution Control District

4.9.97  
Date



# **ATTACHMENT A**

## **TECHNICAL DOCUMENTATION FOR PROPOSED PROJECT TO ADOPT NEW RULE 12**

April, 1997

Prepared by  
Richard J. Smith

San Diego Air Pollution Control District  
9150 Chesapeake Drive  
San Diego, CA 92123-1096

## SUMMARY

This report evaluates the potential environmental impacts of adopting proposed new Rule 12. The proposed new rule will allow businesses the option of registering specified equipment in lieu of obtaining Authority to Construct and/or Permit to Operate. All applicable requirements of the District's Rules and Regulations still apply to this equipment. This rule does not establish any emission standards and will have no impact on emissions from the specified equipment. There will be no increase in emissions from registered equipment.

## BACKGROUND

The California Health and Safety Code requires the District to implement measures that improve and simplify the air pollution permitting process. The District has identified several categories of equipment which are subject to general air pollution control requirements but have no applicable equipment-specific emission limits. For this equipment, the District has determined that a rigorous permit program is not the most cost-effective way to ensure compliance with air pollution control requirements.

Therefore, the District is proposing new Rule 12 to provide businesses the option of registering specified equipment in lieu of obtaining an Authority to Construct and Permit to Operate. Equipment registered under this rule is exempt from the requirements of Rule 10 - Permits Required, and from applicable requirements of the District's New Source Review (NSR) Rules.

The following equipment is proposed to be eligible for registration: asphalt roofing kettles and roofing day tankers, rock drills, aircraft auxiliary power units with a manufacturers rating of 200 brake horsepower (bhp) or less, and aircraft air start units with a manufacturers rating of 500 bhp or less, standby internal combustion engines; stationary internal combustion engines with a manufacturers rating of 500 bhp or less that are not located at a major stationary source of nitrogen oxides emissions, and for which installation commenced before April 5, 1983.

Rule 12 describes an administrative procedure for registration of specified equipment and by its nature will not have a significant effect on the environment. The only potential environmental impact may result from the proposed provision of Rule 12 which exempts registered equipment specified above from the District's NSR rules.

## DISCUSSION OF POTENTIAL IMPACTS OF NEW SOURCE REVIEW (NSR) EXEMPTION

NSR rules apply to a new or modified emission unit if it has an increase in its potential to emit and its total potential emissions of air pollutants (aggregate potential to emit) are above a specified threshold. NSR rules require the application of the Best Available Control Technology (BACT) for new or modified emission unit provided that the engineering analysis showed that BACT is cost-effective. An Air Quality Impact Analysis (AQIA) may be required for equipment whose potential emissions exceed either the hourly or daily specified emission threshold. For stationary sources with a potential to emit greater than 15 tons per year of a regulated pollutant, NSR Rule 20.2 requires the facility to provide emission offsets.

The potential environmental impact which may result from the proposed exemption from the NSR requirements is examined separately below for each type of equipment eligible for registration under Rule 12.

**1. Asphalt Roofing Kettles and Asphalt Roofing Day Tankers.**

This equipment emits negligible amounts of air contaminants. There are 230 kettles and nine tankers presently permitted in the District. An examination of the permit files revealed that BACT was found not to be cost-effective for this equipment. Asphalt roofing kettles and day tankers have never been subject to the AQIA or emission offset requirements of NSR. Since the status of this equipment is not expected to change if the option to register is chosen, this provision of new Rule 12 will not result in any effect on emissions or any adverse impact on the environment.

**2. Rock Drills.**

This equipment also emits negligible amounts of air contaminants. There are 97 rock drills presently permitted in the District. An examination of the District permit files revealed that BACT analysis was performed for this equipment. It was found that BACT is not cost-effective for rock drills. In addition, rock drills have never been subject to the AQIA or emission offset requirements of NSR. Since the status of this equipment is not expected to change if the option to register it is chosen, this provision of new Rule 12 will not result in any emission increase or any adverse impact on the environment.

**3. Auxiliary Aircraft Power Units and Aircraft Air Start Units.**

There are 26 auxiliary aircraft power units and 13 air start units in the District permit files. These units were previously exempt from the District permit requirements and are permitted now as a result of amendments to Rule 11 (Exemptions from Rule 10 Permit Requirements). However, NSR Rule 20.1 exempts emission units for which permit is required solely due to changes in Rule 11 provided that the application for a permit was submitted not later than a year after Rule 11 was changed. Therefore, the status of all presently permitted auxiliary aircraft power and aircraft air start units will continue to be exempt from the NSR requirements if they become registered pursuant to new Rule 12. An examination of the District permit files revealed that BACT analysis was performed for this equipment. It was found that BACT is not technologically feasible. In addition, it should be noted that these units operate only very limited amount of time during the year, and emissions from them are insignificant. Therefore, it is reasonable to expect that NSR applicability analysis would show that any new auxiliary aircraft power and aircraft air start unit is exempt from the NSR requirements.

No change in status regarding NSR applicability to this equipment is expected and no emission increase will occur. Therefore no adverse impact on the environment is anticipated as a result of this provision of Rule 12.

**4. Stationary Internal Combustion Engines installed before April 5, 1983.**

There are 11 engines in this category. They are presently exempt from permit requirements pursuant to Rule 11 and therefore are exempt from the NSR requirements. No change in status of this equipment regarding the NSR rules applicability is expected as a result of these engines optional registration, and no adverse impact on the environment will occur.

## **5. Emergency Internal Combustion Engines.**

There are 470 emergency internal combustion engines (emergency generators) within the District. When these engines operate in emergency situations, NSR rules do not apply. However, each engine is also allowed to operate for a maximum of 52 hours per year for maintenance purposes. An examination of the District permit files reveals that the majority of these engines have turbo charging applied, which is classified as BACT for emergency generators; BACT analysis was performed on the remaining engines and was found to be not cost-effective on the retrofit basis. Any new emergency generator which would be registered in the District as a result of Rule 12 adoption is now equipped with turbo charging at the point of manufacture. Therefore, it will not result in any emission increase.

In addition, as shown by the examination of District permit files, emissions from emergency generators operating for 52 hours per year for maintenance purposes have never triggered the AQIA applicability threshold. Furthermore, no emission offsets pursuant to NSR rules have been required because the increase in the aggregate potential to emit occurring at a stationary source due to the use of emergency generators in non-emergency situations is insignificant. No change in status regarding the NSR rules applicability is expected as a result of these engines optional registration pursuant to Rule 12, and no adverse impact on environment is anticipated.

## **ASSESSMENT OF ENVIRONMENTAL IMPACTS**

Because the overall result of this project there will be no change in emissions from affected equipment, no adverse effect on the environment will occur. The District is unaware of any other potential adverse environmental impacts that could result from implementing this project (adopting new Rule 12).

## **CONCLUSION**

Implementing this project (adopting new Rule 12) will have no adverse impacts on the environment and will result in no change in emissions from affected equipment. Based upon all the information provided within this report and all information available to the District, there is no reasonable possibility that this project will result in a significant impact upon the environment.