AIR POLLUTION CONTROL DISTRICT
COUNTY OF SAN DIEGO

WORKSHOP REPORT

RULE 11 – EXEMPTION FROM RULE 10 PERMIT REQUIREMENTS and RULE 12 – REGISTRATION OF SPECIFIED EQUIPMENT

A notice for a workshop for proposed amendments to Rule 11 and Rule 12 were mailed to all District Permit to Operate and Registration Certificate holders in San Diego County. Notices were also mailed to all Economic Development Corporations and Chambers of Commerce 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 August 24, 2000. Oral and written comments were received during and after the workshop from affected businesses. The comments and District responses are as follows:

1. WORKSHOP COMMENT

For registered engines that must now obtain a Permit to Operate, is the permitting process different than the registration certificate process?

DISTRICT RESPONSE

The process to obtain a Permit to Operate is somewhat similar to the registration certificate process. In both, an application form, supplemental information form, and application fees are required. However, registered engines now subject to permit requirements are also subject to the requirements of Rule 69.4.1. Any currently registered engine which will be required to obtain a Permit to Operate will not be subject to New Source Review (NSR) and Toxic New Source Review requirements, unless additional operating hours are requested or the engine is modified in such a manner as to increase emissions. Permit applications will generally take longer to process than registration.

2. WORKSHOP COMMENT

Will a new engine that serves as an identical replacement of a currently registered emergency standby engine remain eligible for registration?

DISTRICT RESPONSE

No. All replacement engines installed after revisions to Rule 12 are adopted must obtain a Permit to Operate and comply with applicable Rule 69.4.1 requirements. Such engines must also comply with New Source Review and Toxics New Source Review requirements if the replacement results in increased emissions.

3. **WORKSHOP COMMENT**

For engines no longer eligible for registration, is there a timeline for obtaining a Permit to Operate?

DISTRICT RESPONSE

Yes. For new engines, an application must be submitted and an Authority to Construct granted before installation. For existing engines, an application for an Authority to Construct (for modifications, add-on controls, replacement, etc.) and Permit to Operate must be submitted six months after adoption of Rule 69.4.1.

4. **WORKSHOP COMMENT**

Is Rule 12 being revised for consistency with state or federal requirements?

DISTRICT RESPONSE

Yes. Revisions to Rules 11 and 12 are needed to be consistent with the requirements of proposed Rule 69.4.1, which was developed pursuant to state requirements to apply Best Available Retrofit Control Technology (BARCT) to internal combustion engines. Rule 69.4 addresses federal requirements.

5. **WORKSHOP COMMENT**

Would an existing registered engine, rated at less than 200 brake horsepower (bhp), be required to obtain a Permit to Operate? For engines rated above 200 bhp, it is not clear if the engines must be permitted or not.

DISTRICT RESPONSE

According to Subsection (a)(1)(ii) of amended Rule 12, existing engines rated at 200 bhp or less and operated less than 200 hours per year may continue to be registered. A Permit to Operate must be obtained for engines rated above 200 bhp (except existing emergency standby engines) and those operated more than 200 hours per year.

6. **WORKSHOP COMMENT**

For emergency standby engines, does the 200-hour limit of Subsection (a)(1)(ii) include testing, maintenance, and emergency operating hours?

DISTRICT RESPONSE

Subsection (a)(1)(ii) of Rule 12 allows any existing engine rated at 200 bhp or less and operated less than 200 hours per year to be registered. Subsection (a)(1)(i) allows existing emergency

standby engines to be registered. The definition of emergency standby engine limits operation for non-emergency purposes to 52 hours per year. An emergency standby engine is not allowed to routinely operate up to 200 hours per year.

7. WORKSHOP COMMENT

Does a power interruption, or expected power interruption, announced by SDG&E constitute an emergency situation?

DISTRICT RESPONSE

A power interruption may be considered an emergency situation if it meets the definition of emergency situation in District Rules 12, 20.1 and/or 69.4.1. The District is considering allowing certain operations to prevent Stage 3 power interruptions to be classified as an "emergency situation" when specific criteria are met. The District will provide such criteria upon request.

8. WORKSHOP COMMENT

Registration was established as a streamlining measure for permitting equipment like emergency standby engines. As the District returns to a policy of permitting new emergency standby engines, will the registration process be eliminated in the future?

DISTRICT RESPONSE

The current registration program provided in amended Rule 12 will not be eliminated. The removal of new emergency standby engines from the registration program is to allow sufficient time to evaluate new engines for compliance with Rule 69.4.1 and air toxics control requirements. These new engines will likely become subject to additional particulate matter (PM_{10}) emission standards. The District expects ARB to promulgate new guidelines for permitting new stationary diesel fueled engines, including emergency standby engines in the very near future. An Air Toxic Control Measure (ATCM) applicable to existing and new stationary diesel fueled engines is expected to be promulgated by ARB within the next few years.

9. WORKSHOP COMMENT

Some emergency standby engines have permit conditions limiting testing and maintenance operations to one hour per day, which is not enough for some tests. This may put an engine operator in violation of permit conditions and require him to obtain a variance.

DISTRICT RESPONSE

The Rule 12 definition of emergency standby engine limits operation of such engines to 52 hours per year for non-emergency purposes (or 100 hours per year with written approval from the

District). Operators with permit conditions limiting this type of operation to one hour per day can submit an application to modify the conditions consistent with this definition.

10. WORKSHOP COMMENT

How will engines rated at less than 500 bhp, which were installed before 1983, be impacted by the changes to Rule 12?

DISTRICT RESPONSE

Engines rated at less than 500 bhp, which were installed before 1983, will no longer be eligible for registration. These engines must comply with the Rule 69.4.1 Section (j) compliance schedule. The compliance schedule requires engine operators to submit an application for an Authority to Construct (if needed for modification, controls, or replacement) and Permit to Operate within six months and to comply with all Rule 69.4.1 requirements within two years after the rule is adopted.

11. WORKSHOP COMMENT

Will amendments to Rules 11 and 12 be presented to the Air Pollution Control Board (APCB) at the same time as Rules 69.4 and 69.4.1?

DISTRICT RESPONSE

Yes. Rules 69.4 and 69.4.1 and Rules 11 and 12, will be presented to the APCB for adoption at the same meeting.

12. WORKSHOP COMMENT

How much time will be required for a new emergency standby engine to obtain a Permit to Operate?

DISTRICT RESPONSE

The entire permit evaluation process could take from three to six months, depending on the completeness of the application, time required to evaluate the equipment and its compliance status, and time to perform a health risk assessment. An applicant can expedite the process by ensuring the engine(s) proposed comply with the emission limits of Rule 69.4.1 and are certified by ARB and EPA at the lowest possible particulate emission rate, generally not more than 0.1 grams of diesel particulate per bhp-hour.

13. WORKSHOP COMMENT

How do the requirements for emergency standby engines affect the ability to use such engines for peak shaving operations?

DISTRICT RESPONSE

The current requirements for emergency standby engines were not designed to allow these engines to be used for peak shaving. All non-emergency operation for any purpose is limited to 52 hours per year. To be used for peak shaving operations, an engine must be converted to a non-emergency standby engine status. An application requesting a modification to allow additional hours of operation, and the data necessary to evaluate the proposed modification must be submitted to convert engines to non-emergency engine status. Converting an engine to non-emergency status will subject the engine to more stringent requirements such as Best Available Control Technology (BACT), public health risk analysis, air quality impact analysis (large engines or multiple engines at a single site), etc.

14. WORKSHOP COMMENT

Subsection (g)(1)(iii) of Rule 12 requires maintaining the "most recent" recommended maintenance procedures on-site. It is not practical for engine owners to constantly verify with engine manufacturers that they have the most recent, updated maintenance procedure. The District should delete the term "most recent."

DISTRICT RESPONSE

The District agrees. The term "most recent" has been deleted. However, for retrofitted engines, the maintenance procedures must include any new or additional steps recommended for retrofitted components.

15. WORKSHOP COMMENT

Must fuel records be kept at every engine location, or can the records be kept at a central location?

DISTRICT RESPONSE

If it is not practical to keep fuel certification records at the engine location, they may be kept at a central on-site location.

16. WORKSHOP COMMENT

Can emergency standby engines use some of the 52 hours allowed for non-emergency operations to peak shave?

DISTRICT RESPONSE

The 52 hours of non-emergency operation is intended to allow testing and maintenance of the engine to ensure readiness in case of actual emergency. While Rule 12 does not specifically prohibit the use of an emergency standby engine for peak shaving, the District discourages use for this purpose. The annual 52-hour usage rate for testing and maintenance was deemed acceptable assuming there would be no load on the engine. If the District determines there are emergency standby engines being used for peak shaving, the District may further limit the annual hours of non-emergency operation.

17. WORKSHOP COMMENT

How will compliance with the 52-hour operating limit be verified?

DISTRICT RESPONSE

All emergency standby engines must install an operating hour or fuel meter and keep records of cumulative annual operating hours. If annual operation of an emergency standby engine exceeds 52 hours, the operator must provide records that document the specific purpose of the engine operation for all hours operated during the calendar year. The specified records must be presented to District inspectors upon request.

18. WORKSHOP COMMENT

For emergency standby engines being converted to non-emergency standby status, will emissions testing be required periodically to demonstrate compliance with the emission standards?

DISTRICT RESPONSE

Rule 69.4.1 requires that a source test be performed every 24 months to verify compliance. However, such testing may not apply to an existing engine operated less than 200 hours per year or if the District determines in writing that full emissions source testing is not required because compliance can be reasonably assured through other techniques (e.g. past testing, screening tests with a portable analyzers, certification, random testing).

19. WORKSHOP COMMENT

For emergency standby engines being converted to non-emergency standby status, how long would it take to obtain the Permit to Operate and what types of permit conditions can be expected?

DISTRICT RESPONSE

Please see the District response to Comment No. 12. Typical permit conditions may include emission limits for Oxides of Nitrogen (NOx) and PM_{10}, maintenance, monitoring and recordkeeping requirements, and limits on the hours of operation.

20. WORKSHOP COMMENT

Once a specific model configuration has been reviewed, evaluated, and approved by the District, can the District streamline or expedite applications for identical engines?

DISTRICT RESPONSE

If the model configuration is identical, the District will likely be able to streamline the portion of the evaluation necessary to determine compliance with Rule 69.4.1 emission standards. However, the District expects some level of site-specific evaluations for public health impacts will be required. The District will develop streamlined procedures utilizing generic default health risk assumptions to facilitate permitting.

21. WRITTEN COMMENT

Removing the Rule 12 registration eligibility for new emergency standby engines may cause a conflict with Rule 11(d)(5)(ii), which exempts replacement equipment of identical function, similar design, equal emissions, similar capacity or production rates from the Rule10 Permit Requirements.

DISTRICT RESPONSE

The District agrees. Rule 11 (d)(5)(ii) is being revised to clarify that any replacement equipment, including emergency standby engines, that is subject to emission control standards applicable to replacement equipment is not exempt from permit requirements.

22. WRITTEN COMMENT

The application fee specified in Rule 11 Subsection (d)(5) should be revised to be consistent with the fee specified in Rule 40 for identical replacement units.

DISTRICT RESPONSE

The District agrees. Rule 11 Subsection (d)(5) has been revised to reference the applicable application fees pursuant to Rule 40 Subsection (a)(6).

23. WRITTEN COMMENT

The proposed definition of "existing engine" specifies commencement of operation prior to the adoption date of Rules 12 and 69.4.1. This definition creates extreme uncertainty regarding engines that have already been specified, proposed, or purchased to comply with existing Rule 12 requirements, but may not be in operation prior to the revised Rule 12 adoption date.

Historically, the procurement cycle for emergency engines can extend well over 18 months for several reasons. Equipment is often specified and purchased for projects well in advance of building construction, but is not installed until the building is near completion. Additionally, many purchasers have complex procurement practices that necessitate firm specifications and equipment proposals well in advance of actual installation.

Accordingly, the definition of "existing engines" should be revised to include engines that are registered pursuant to Rule 12 prior to the adoption of Rule 12 amendments or a later, agreed upon date. This request complements the general premise of NSR, which often bases regulatory applicability upon permit application or issuance date, rather than equipment installation date.

DISTRICT RESPONSE

The District disagrees. The definition of "existing engine" is important, since it is used as the basis for determining which Rule 69.4.1 standards apply to new emergency, low-use, and cyclic engines. The proposed emission standards for such engines incorporate the EPA Tier 1 New Emission Standards for Nonroad Diesel Engines adopted in April 1994 as a compliance option. These standards were effective on January 1, 1998, for engines rated at 750 bhp or less, and on January 1, 2000, for all other engines. Therefore, any newly procured engines should be certified and should be able to comply with the proposed emission standards.

24. WRITTEN COMMENT

The proposed changes to Rule 12 and the application of Best Available Control Technology (BACT) to emergency engines are significant. An engine vendor who proposes equipment to comply with the District's intended emission standards over the next several months will be at a competitive disadvantage to vendors who are unaware of, or who ignore, the standards when selling engines in San Diego County. Significant outreach by the District is needed to ensure that all affected people are aware of changes in permitting requirements and the application of BACT/TBACT to emergency engines. The outreach should include immediate updates to the District's BACT guidelines, as well as the mailing of advisories to the regulated community, local trade/business associations, and vendors.

DISTRICT RESPONSE

The proposed amendments to Rule 12 will require new emergency engines to comply with Rule 69.4.1, New Source Review and Toxic New Source Review requirements. The proposed Rule 69.4.1 emission standards for new emergency engines were first proposed by the District in April 1999. Additional public workshops were held in February and August of this year to discuss proposed regulations affecting emergency engines. In addition, ARB has held various public

meetings as they developed Risk Management Permitting Guidelines for diesel engines. ARB is expected to adopt these guidelines in late September. These guidelines contain proposed particulate matter standards for various types of engines and will likely be used to determine Toxic New Source Review requirements. Diesel-fired emergency standby engines which meet Rule 69.4.1 requirements (e.g. NOx ≤ 6.9 gms/bhp-hr) and which are capable of emitting diesel particulates at or below 0.1 gms/bhp-hr should be approvable.

In addition, the District mailed notices of the proposed Rule 11 and 12 amendments to all facilities in the District's database and other interested parties, and posted the workshop notice and a copy of the rule on the District's web site. A Compliance Advisory will also be sent to all facilities and posted on the District's web site when the rule is adopted. The District's BACT guidelines will also be reviewed and updated as necessary.

AIR POLLUTION CONTROL DISTRICT
COUNTY OF SAN DIEGO

PROPOSED AMENDED RULE 11

Proposed amendments to Rule 11 (d)(2), (d)(5), and (h) are to read as follows:

RULE 11. EXEMPTIONS FROM RULE 10 PERMIT REQUIREMENTS

(a) APPLICABILITY . . .

(b) RESERVED

(c) DEFINITIONS . . .

(d) EQUIPMENT, OPERATIONS OR PROCESSES NOT REQUIRING A PERMIT TO OPERATE

Any equipment, operation or process that is listed below in Subsections (1) through (20), and that meets the stated exemption provision, parameter, requirement or limitation, is exempt from the requirements of Rule 10. Any person claiming such an exemption shall provide documentation sufficient to substantiate the applicability of the stated exemption provision, parameter, requirement or limitation at the request of the Air Pollution Control Officer.

(1) **MOBILE SOURCES . . .**

(2) **COMBUSTION AND HEAT TRANSFER EQUIPMENT**

(i) Any piston-type internal combustion engine with a manufacturer's output rating of less than 50 brake horsepower.

(ii) RESERVED ~~Piston-type stationary internal combustion engines, each with a manufacturer's output rating of 50 brake horsepower or greater, whose total combined manufacturer's rating is 200 brake horsepower or less, and which are all located at a single stationary source. This exemption does not apply to engines located at a major stationary source of NO_x emissions, as defined in Rule 2.~~

(iii) Any engine mounted on, within or incorporated into any motor vehicle, train, ship, boat or barge, that is used exclusively to load or unload cargo. For the purposes of this exemption, cargo shall not include the removal or relocation of sand, rock, silt, soil or other materials from dredging operations.

(iv) Any gas turbine engine which has:

(A) an output power rating of less than 0.3 megawatt (MW), or

(B) a maximum gross heat input rating at ISO Standard Day Conditions of less than 1 million BTU per hour.

(v) Any boiler, process heater or steam generator with a manufacturer's maximum gross heat input rating of less than:

(A) 1 million BTU per hour, and which is fired with any fuel, or

(B) 5 million BTU per hour and which is fired exclusively with natural gas and/or liquefied petroleum gas.

This exemption does not apply to piston-type internal combustion or gas turbine engines.

(vi) Combustion equipment with a manufacturer's maximum gross heat input rating of less than 20 million BTU per hour and which is fired exclusively with natural gas and/or liquefied petroleum gas. This exemption does not apply to any boiler, process heater, steam generator, piston-type internal combustion engine or gas turbine engine.

(vii) Portable pile drivers and construction cranes that are routinely dismantled and transported to non-contiguous locations for temporary use. This exemption does not apply to diesel pile driving hammers.

(viii) Portable aircraft engine test stands which were constructed before November 4, 1976.

(ix) Back-pack power blowers.

(x) Orchard or citrus grove heaters.

(xi) Any oven having an internal volume of 27 cubic feet (0.765 cubic meter) or less.

(xii) Curing or baking ovens in which no volatile organic solvents or materials containing volatile organic solvents are introduced.

(xiii) Any oven used exclusively for the curing, softening or annealing of plastics.

(xiv) Any oven which is an integral part of a process for which a Permit to Operate is not required pursuant to this rule.

(xv) Any portable internal combustion engine or gas turbine engine used exclusively in conjunction with military tactical support equipment. Such engines shall not be subject to the limitations of Subsections (a)(3) or (a)(4) of this rule. For the purposes of this subsection, portable means carried or moved from one location within a stationary source to another location within the same stationary source, or from one stationary source to another stationary source, in the normal course of operations. Indicia of portability shall include, but are not limited to, wheels, skids, carrying handles, or a dolly, trailer or vessel. This exemption shall not apply to engines used to propel nonroad equipment or a motor vehicle of any kind, including but not limited to, a heavy duty vehicle.

(xvi) Internal combustion engines used exclusively for purposes of educating students in the operation, maintenance, repair and rebuilding of such engines.

(3) **STRUCTURES AND STRUCTURAL MODIFICATIONS . . .**

. . .

(5) **REPLACEMENT OF EQUIPMENT**

The provisions of Subsection (d)(5) shall not apply to replacement of equipment pursuant to other requirements of these Rules and Regulations; or replacement of equipment subject to air contaminant control standards specified for replacement equipment; or replacement of equipment in whole or part, that in sum would constitute reconstruction or modification under District Regulation X - Standards of Performance for New Stationary Sources, or would constitute a major source, as defined in District Rule 2; or replacement of any emergency standby, low-use, or cyclic engine, as defined in Rule 69.4.1; or rim seal replacements for bulk gasoline floating roof tanks subject to the Best Available Control Technology (BACT) requirements of Rule 61.1.

(i) Identical replacement in whole or part of any article, machine, equipment or other contrivance for which a Permit to Operate has previously been granted for such equipment. Identical means the same manufacturer, model number, and type.

(ii) Replacement in whole or part of any article, machine, equipment or other contrivance where a Permit to Operate has previously been granted for such equipment, and the Air Pollution Control Officer determines that the replacement equipment meets the following requirements:

(A) is identical in function, and

(B) is similar in design, and

(C) the actual air contaminant emissions are the same in nature, and

(D) has a capacity, production rate, and actual air contaminant emissions which are equal to or less than the currently permitted equipment.

In order to claim the applicability of Subsection (5)(ii), written notification of the proposed equipment replacement, the information required to make the determinations listed above, and ~~a fee of $75~~ as the fees specified in Rule 40(a)(6) must be submitted to the District. Written authorization must be granted by the District for each piece of replacement equipment prior to replacing any equipment under Subsection (5)(ii).

(6) **PLANT SUPPORT EQUIPMENT . . .**

. . .

(e) RESERVED . . .

(f) RESERVED . . .

(g) TEST METHODS . . .

(h) COMPLIANCE SCHEDULE

Any person operating an existing engine ~~equipment~~ previously exempt from Rule 10 permit requirements pursuant to Subsection (d)(2)(ii) of the version of Rule 11 existing prior to ~~May 21, 1997~~ *(date of adoption)*, and which is no longer exempt from Rule 10 permit requirements pursuant to this rule, shall submit an application for a permit to operate such equipment by ~~May 21, 1998~~ *(six months from date of adoption)*.

AIR POLLUTION CONTROL DISTRICT
COUNTY OF SAN DIEGO

PROPOSED AMENDED RULE 12

Proposed amendments to Rule 12 are to read as follows:

RULE 12. REGISTRATION OF SPECIFIED EQUIPMENT

(a) **APPLICABILITY**

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

(i) Existing internal ~~Internal~~ combustion emergency standby engines.

(ii) Existing stationary internal combustion engines rated at 200 brake horsepower or less which operate less than 200 hours per calendar year.

~~(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 20.8 ~~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.~~

(1) **"California Diesel Fuel"** means any fuel that is commonly or commercially known, sold, or represented as diesel fuel No. 1-D or No. 2-D, and which meets the requirements specified in Title 13, California Code of Regulations Sections 2281 and 2282.

~~(3)~~ (2) **"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)~~ (3) **"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)~~ (4) **"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)~~ (5) **"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 ~~testing and maintenance~~ non-emergency purposes. ~~non-emergency purposes.~~

~~(7)~~ (6) **"Emission Unit"** means the same as defined in Rule 2.

(7) **"Existing Engine"** means an engine which commenced operation in San Diego County on or before *(date of Rule 69.4.1 adoption)*. Engines used to replace an existing engine pursuant to Rule 11 Subsection (d)(5) do not qualify as existing engines.

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

~~(9)~~ (8) **"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)~~ (9) **"Registered Emission Unit"** means an emission unit that has a valid Certificate of Registration.

~~(11)~~ (10) **"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)~~ (11) **"Rental Emission Unit"** means an emission unit temporarily rented or leased to operators other than the owner(s) of the unit.

~~(13)~~ (12) **"Stationary Source" or "Source"** means the same as defined in Rule 2.

~~(14)~~ (13) **"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 ~~testing and maintenance~~ non-emergency purposes. ~~non-emergency purposes. Testing operations of more than 52 hours, but~~ Operation for testing or maintenance purposes may be allowed for not more than 100 hours per calendar year~~, may be allowed,~~ with written authorization from the Air Pollution Control Officer~~.~~, provided that an owner or operator ~~where the~~ ~~The applicant must~~ demonstrate~~s~~ ~~s~~ to the satisfaction of the Air Pollution Control Officer that such additional operation is necessary. ~~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_{10}), volatile organic compounds, sulfur oxides or carbon monoxide.~~

(2) An engine operating on diesel fuel shall use only California Diesel Fuel.

(3) An engine shall have a non-resettable hour or fuel meter installed that measures elapsed operating time or fuel usage, respectively.

(4) An owner or operator of an engine shall conduct periodic maintenance of the engine as recommended by the engine manufacturer or as specified by any other maintenance procedures approved in writing by the Air Pollution Control Officer. The periodic maintenance shall be conducted at least once each calendar year.

~~(3)~~ (5) 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)~~ (6) 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 fees ~~fee~~ specified in Rule 40 ~~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 fees ~~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 and processing fees ~~fee~~ specified in Rule 40.~~Subsection (h)(1) of this rule.~~ Any Certificate not reinstated ~~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 and processing fees ~~fee specified in Subsection (h)(1)~~ and the appropriate late fees specified in Rule 40. ~~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~~ applicable application and renewal fees~~fee~~ specified in Rule 40. ~~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 applicable application and renewal fees ~~administrative fee~~ specified in Rule 40. ~~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 applicable application and processing fees ~~administrative fee~~ specified in Rule 40. ~~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 applicable application fees ~~administrative fee~~ specified in Rule 40. ~~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 three ~~two~~ years and be made available to the District upon request. ~~The records shall include the following information:~~

(1) An owner or operator of an engine shall maintain the following records:

(i) An ~~an~~ operating log, which at a minimum, includes the following:

~~(C)~~(A) ~~R~~ records of periodic engine maintenance including ~~each~~ dates maintenance was performed~~.~~; and

(B) ~~The~~ total cumulative hours of operation per calendar year, based on actual readings of the engine hour or fuel meter~~.~~; and

~~(A)~~(C) ~~The~~ dates and times of emergency standby engine operation, if applicable. ~~If applicable,~~ Each entry shall indicate whether the operation was for non-emergency purposes or during an emergency situation~~s~~ and the nature of the ~~any~~ emergency, if available. Individual date and time of ~~E~~ engine operation records are not required if total ~~engine~~ operations for any purpose, including emergency situations, do~~es~~ not exceed 52 hours in a calendar year~~.~~; and

(ii) California Diesel Fuel certifications, if fueled with diesel fuel~~.~~; and

(iii) A manual of ~~the most recent~~ recommended maintenance procedures as provided by the engine manufacturer, or other maintenance procedures as approved in writing by the Air Pollution Control Officer.

~~(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) **COMPLIANCE SCHEDULE**

(1) Any engine registered pursuant to the provisions of Rule 12 as it existed prior to (*date of adoption*), but which no longer qualifies for registration as a result of the amendments to Rule 12 adopted (*date of adoption*) and not as a result of a change in the method of operation or physical change to the engine, shall submit an application for a Permit to Operate by (*six months after date of adoption*). ~~in accordance with the requirements of Rule 69.4.1.~~ The applicable requirements of Rule 12 as it existed prior to (*date of adoption*), including the renewal and fee requirements, shall remain in effect until a Permit to Operate is issued for the registered engine or a replacement engine.

(2) All engines registered after (*date of adoption*) shall comply with all applicable requirements of this rule upon startup.

(3) Any engine registered pursuant to Rule 12 prior to (*date of adoption*) and which remains eligible for registration pursuant to Subsections (a)(1)(i) or (a)(1)(ii), shall comply with the requirements of Subsection (d)(2) by (*six months after date of adoption*), and shall comply with the requirements of Subsections (d)(3) and (d)(4) by (~~*one*~~ *two years after date of adoption*).

~~(h) **FEES**~~

(Note: all requirements pertaining to fees have been moved to Rule 40)

~~(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 New emission unit with no previous permit	$274 $322	$142 $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.~~