



# Air Pollution Control Board

## San Diego County Air Pollution Control District

### GOVERNING BODY

GREG COX  
First District

DIANNE JACOB  
Second District

KRISTIN GASPAR  
Third District

NATHAN FLETCHER  
Fourth District

JIM DESMOND  
Fifth District

### AGENDA ITEM

**DATE:** October 30, 2019

**AP01**

**TO:** Air Pollution Control Board

### SUBJECT

**NOTICED PUBLIC HEARING – ADOPTION OF AMENDMENTS TO RULE 12.1 – PORTABLE EQUIPMENT REGISTRATION, AND RELATED AMENDMENTS TO RULE 12 – REGISTRATION OF SPECIFIED EQUIPMENT (DISTRICTS: ALL)**

### OVERVIEW

This is a request for the Air Pollution Control Board (Board) to adopt proposed amendments to Rule 12.1 - Portable Equipment Registration and related proposed amendments to Rule 12 - Registration of Specified Equipment to be consistent with recently updated State regulations. These rules provide owners of portable engines and other specified equipment a voluntary mechanism to register their units with the Air Pollution Control District (District) in order to legally operate them throughout the San Diego region without having to obtain a Permit to Operate for each location, as would otherwise be required under District Rule 10 - Permits Required.

The District's portable equipment registration program has been in place since May 21, 1997 (AP02, AP03), and provides owners and operators of eligible equipment with a streamlined alternative to the process of obtaining a District Permit to Operate. Registered units are exempt from certain procedural requirements that are typically imposed as a result of permitting, but they remain subject to air pollution control standards and operational requirements to ensure the protection of air quality and public health. Registration provides businesses with operational flexibility and monetary savings for their eligible equipment because they can operate throughout the county without having to obtain a separate Permit to Operate for each location where they do work.

The proposed amendments to Rule 12.1 include new and revised definitions, remove outdated provisions, clarify equipment eligibility requirements, reduce the allowable particulate matter emissions from registered equipment, and further clarify and update other rule provisions as necessary to align with current State regulations and other District rules. Additionally, the proposed amendments would transfer the existing provisions for the registration of rock drills from Rule 12 - Registration of Specified Equipment to Rule 12.1 - Portable Equipment Registration. This change is being proposed because rock drills, which are used in the aggregate and construction industries, are portable and therefore are better suited for registration under Rule 12.1.

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The proposed rule amendments were developed in collaboration with the California Air Resources Board and with input from local facilities, equipment owners and operators, and the public. District staff conducted a public workshop to solicit input from affected parties. Workshop participants requested clarifications and were not opposed to the proposed rule amendments.

**Recommendation(s)**

**AIR POLLUTION CONTROL OFFICER**

1. Find that the adoption of the proposed amendments to Rule 12.1 - Portable Equipment Registration and Rule 12 - Registration of Specified Equipment is categorically exempt from the provisions of the California Environmental Quality Act pursuant to California Code of Regulations, Title 14, Section 15308, as an action taken to assure the protection of the environment, where the regulatory process involves procedures for the protection of the environment, and pursuant to Section 15061(b)(3), since it can be seen with certainty that there is no possibility that the activity in question may have a significant adverse effect on the environment.
2. Adopt the Resolution entitled: RESOLUTION ADOPTING AMENDMENTS TO RULE 12.1 – PORTABLE EQUIPMENT REGISTRATION, AND RELATED AMENDMENTS TO RULE 12 – REGISTRATION OF SPECIFIED EQUIPMENT, OF REGULATION II OF THE RULES AND REGULATIONS OF THE SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT.

**FISCAL IMPACT**

There is no fiscal impact associated with the recommended actions. There will be no change in net General Fund cost and no additional staff years.

**BUSINESS IMPACT STATEMENT**

Adopting the proposed amendments to Rules 12.1 and 12 will not adversely impact the business community. These rules provide voluntary mechanisms to register certain equipment in lieu of obtaining a permit to operate. The proposed rule amendments improve clarity and consistency with corresponding State regulations, increasing regulatory certainty for local businesses.

**ADVISORY BOARD STATEMENT**

The proposed amendments to Rules 12.1 and 12 were included on the agenda for the Air Pollution Control District Advisory Committee meeting on June 12, 2019. One member of the Advisory Committee was present at the meeting. Staff went over the proposed amendments and no concerns with the proposal were raised.

**BACKGROUND**

Rule 12.1 - Portable Equipment Registration and Rule 12 - Registration of Specified Equipment were adopted by the Air Pollution Control Board (Board) on May 21, 1997 (AP03, AP02). These rules provide owners of portable engines and other specified equipment a voluntary mechanism to register their units with the Air Pollution Control District (District) in order to legally operate them

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SPECIFIED EQUIPMENT (DISTRICTS: ALL)**

throughout the San Diego region without having to obtain a Permit to Operate for each location, as would otherwise be required under District Rule 10 - Permits Required. The registered equipment is subject to air pollution control standards and other requirements that protect air quality and public health.

Amendments to District Rule 12.1 are proposed to be consistent with two California Air Resources Board (CARB) regulations: the Statewide Portable Equipment Registration Program (PERP) and the Portable Diesel Engine Airborne Toxic Control Measure (ATCM), which were updated by CARB in November 2018. The proposed rule amendments include new and revised definitions, remove outdated provisions, clarify equipment eligibility requirements, reduce the allowable particulate matter emissions from registered equipment, and further clarify and update other rule provisions as necessary to align with current State regulations and other District rules.

Additionally, the proposed amendments will transfer the regulatory provisions for the registration of rock drills from Rule 12 - Registration of Specified Equipment to Rule 12.1 - Portable Equipment Registration. Rock drills, which are used in the aggregate and construction industries, are portable and therefore are better suited for registration under Rule 12.1.

**Customer/Stakeholder Notification**

District staff conducted a public workshop to present and receive questions and comments on the proposed amendments to Rules 12.1 and 12. A workshop notice was posted on the District's website and sent to approximately 5,000 recipients including each air quality permit and registration holder, the Chamber of Commerce in the region, members of the Air Pollution Control District Advisory Committee, subscribers to the County's email notification service, and CARB.

Approximately 36 people attended the workshop, including industry representatives. The participants requested clarifying information but did not raise any concerns with the proposed rule amendments. District staff prepared responses to all comments and questions received, which were provided to the workshop participants in a workshop report (Attachment D). If the rule amendments are adopted, staff will conduct additional outreach including the distribution of an advisory notice to further inform potentially affected parties.

**SOCIOECONOMIC IMPACT ASSESSMENT**

State law requires the Air Pollution Control District (District) to perform an assessment of the socioeconomic impacts when adopting, amending or repealing a rule that will significantly affect air quality or emissions limitations. A review conducted by District staff found that the proposed amendments to Rules 12.1 and 12 will not significantly affect air quality or emissions limitations. These rules provide voluntary mechanisms to register certain equipment in lieu of obtaining a permit to operate. The proposed rule amendments do not impose requirements beyond State regulations that are already in effect. Accordingly, a socioeconomic impact assessment is not required and has not been prepared.

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### **ENVIRONMENTAL STATEMENT**

The California Environmental Quality Act (CEQA) requires environmental review of certain actions. District staff conducted a review of whether CEQA applies to the adoption of the proposed amendments to Rules 12.1 and 12. These rules provide voluntary mechanisms to register certain equipment in lieu of obtaining a permit to operate; the registered equipment must comply with air pollution control standards and other requirements to protect air quality and public health. The proposed rule amendments provide consistency with corresponding statewide regulations that are already in effect and include a more health-protective limit on particulate matter emissions. District staff therefore determined the adoption of amendments to Rules 12 and 12.1 is categorically exempt from the provisions of CEQA pursuant to California Code of Regulations, Title 14, Section 15308, as an action taken to assure the protection of the environment, and pursuant to Section 15061(b)(3) since it can be seen with certainty that there is no possibility that the activity in question may have a significant adverse effect on the environment.


### **LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN**

Today's proposed actions support the Sustainable Environments/Thriving Initiative in the County of San Diego's 2019–2024 Strategic Plan with an objective to provide and promote services that increase and maintain the well-being of residents and increase consumer and business confidence. The proposed amendments to Rules 12.1 and 12 will help ensure that the registration and air pollution control requirements for certain equipment units are consistent with corresponding State requirements, and thus will increase business confidence while preserving the environment.

Respectfully submitted,



SARAH E. AGHASSI  
Deputy Chief Administrative Officer



ROBERT J. KARD  
Air Pollution Control Officer

### **ATTACHMENT(S)**

*Note: Due to the size of the attachments, the documents are available online through the Clerk of the Board's website at [www.sandiegocounty.gov/content/sdc/cob/bosa.html](http://www.sandiegocounty.gov/content/sdc/cob/bosa.html).*

- Attachment A – Resolution Adopting Amendments to Rule 12.1 – Portable Equipment Registration, and Related Amendments to Rule 12 – Registration of Specified Equipment, of Regulation II of the Rules and Regulations of the San Diego County Air Pollution Control District
- Attachment B – Rule 12.1 – Portable Equipment Registration Change Copy
- Attachment C – Rule 12 – Registration of Specified Equipment Change Copy
- Attachment D – Workshop Report

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**AGENDA ITEM INFORMATION SHEET**

**REQUIRES FOUR VOTES:** ☐ Yes ☐ No

**WRITTEN DISCLOSURE PER COUNTY CHARTER SECTION 1000.1 REQUIRED**  
☐ Yes ☐ No

**PREVIOUS RELEVANT BOARD ACTIONS:**

May 21, 1997 (AP03), Adoption of New Rule 12.1 (Portable Equipment Registration)  
May 21, 1997 (AP02), Adoption of New Rule 12 (Registration of Specified Equipment)

**BOARD POLICIES APPLICABLE:**

N/A

**BOARD POLICY STATEMENTS:**

N/A

**MANDATORY COMPLIANCE:**

N/A

**ORACLE AWARD NUMBER(S) AND CONTRACT AND/OR REQUISITION  
NUMBER(S):**

N/A

**ORIGINATING DEPARTMENT:** AIR POLLUTION CONTROL DISTRICT

**OTHER CONCURRENCE(S):** None

**CONTACT PERSON(S):**

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**RESOLUTION ADOPTING AMENDMENTS TO RULE 12.1 – PORTABLE  
EQUIPMENT REGISTRATION, AND RELATED AMENDMENTS TO  
RULE 12 – REGISTRATION OF SPECIFIED EQUIPMENT,  
OF REGULATION II OF THE RULES AND REGULATIONS OF THE  
SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT**

On motion of Member Gaspar seconded by Member Desmond, the following resolution is adopted:

**WHEREAS**, the San Diego County Air Pollution Control Board (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 held relating to the amendment of said Rules and Regulations pursuant to Section 40725 of the Health and Safety Code and Section 51.102 of the Code of Federal Regulations; and

**WHEREAS**, pursuant to Section 40727 of the Health and Safety Code, the San Diego County Air Pollution Control Board makes the following findings:

- (1) (Necessity) The adoption of proposed amendments to Rule 12.1 and related amendments to Rule 12 are necessary because changes in state law and adoption of new state Air Toxic Control Measures have affected permit requirements;
- (2) (Authority) The adoption of proposed amendments to Rule 12.1 and related amendments to Rule 12 are authorized by Section 40702 of the Health and Safety Code;
- (3) (Clarity) Proposed amendments to Rule 12.1 and Rule 12 can be easily understood by persons directly affected by them;
- (4) (Consistency) The adoption of proposed amendments to Rule 12.1 and Rule 12 are in harmony with, and not in conflict with or contrary to, existing statutes, court decisions, and state and federal regulations;
- (5) (Non-duplication) The adoption of proposed amendments to Rule 12.1 and Rule 12 will not duplicate existing District, state, or federal requirements;
- (6) (Reference) The adoption of proposed amendments to Rule 12.1 and Rule 12 are necessary to comply with state law;

**WHEREAS**, the Board further finds pursuant to Section 40001 of the Health and Safety Code that the adoption of proposed amendments to Rule 12.1 and Rule 12 will facilitate the attainment of ambient air quality standards; and

**WHEREAS**, the Board further finds that an analysis comparing proposed amendments to Rule 12.1 and Rule 12 with applicable requirements of federal and local regulations is not required pursuant to Section 40727.2 of the Health and Safety Code because the proposed amendments do not impose a new emission limit or standard, make an existing emission limit or standard more stringent, or impose new or more stringent monitoring, reporting, or recordkeeping requirements; and

**WHEREAS**, the Board further finds that an incremental cost-effectiveness analysis pursuant to Section 40920.6(a) of the Health and Safety Code is not required for proposed amendments to Rule 12.1 and Rule 12; and

**WHEREAS**, the Board further finds that an assessment of the socioeconomic impacts of the proposed amendments to Rule 12.1 and Rule 12 is not required pursuant to Section 40728.5 of the Health and Safety Code as the proposed amended rules will not significantly affect air quality or emissions limitations.

**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:

1. Proposed amended Rule 12.1 is to read as follows:

**RULE 12.1. PORTABLE EQUIPMENT REGISTRATION**

(Adopted & Effective May 21, 1997; Rev. Adopted & Effective *(date of adoption)*)

**(a) APPLICABILITY**

(1) Nothing in this rule shall be construed as requiring registration for a portable emission unit which otherwise is exempt from permit requirements pursuant to Rule 11 (Exemptions from Rule 10 Permit Requirements).

(2) The following portable emission unit source categories shall be eligible for registration under the provisions of this rule and shall be exempt from the requirements of Rules 20.1 through 20.8 (New Source Review rules):

**(i) Engines –**

Spark ignition or diesel-fired piston-type internal combustion engines, except for those engines associated with marine dredges, used in conjunction with the following types of operations:

**(A) Well drilling, service, or workover rigs,**

**(B) Power generation (excluding cogeneration),**

- (C) Pumps (including hydroblasters),
  - (D) Compressors,
  - (E) Pile drivers,
  - (F) Welding,
  - (G) Cranes, or
  - (H) Woodchippers.
- (ii) Equipment Units –
- (A) Confined and unconfined abrasive blasting;
  - (B) Concrete batch plants;
  - (C) Sand and gravel screening, rock crushing, asphalt cold planers, and unheated pavement crushing and recycling operations; or
  - (D) Rock drills.
  - (E) Cementitious Mortar Silos

**(b) INELIGIBLE EQUIPMENT OR INVALID CERTIFICATES**

(1) Any engine or equipment unit not meeting the definition of “Portable Emission Unit” as defined in Subsection (c)(13) is ineligible for registration under the provisions of this rule.

(2) Generators used to provide primary or supplemental power to a building, facility, stationary source, or stationary equipment are ineligible for registration, except during the following:

- (i) unforeseen interruptions of electrical power from the serving utility;
- (ii) maintenance and repair operations, including maintenance of stationary backup generators that have not experienced an engine failure;
- (iii) electrical upgrade operations including startup, shutdown, and testing that do not exceed 90 calendar days, or a longer period as authorized in writing by the District; or
- (iv) upon approval from the District, engine failure of a stationary backup generator permitted by the District under the following conditions:



(A) the holder of the permit for the stationary engine notifies the District of the engine failure within 72 hours from the time the engine failure is discovered;

(B) the temporary replacement engine has the same or lower mass per unit time emission rate;

(C) the temporary replacement engine complies with all applicable requirements on the permit for the existing stationary engine; and

(D) the temporary replacement engine operates for no more than 180 days, or a longer period as authorized in writing by the District.

(3) An engine's and/or equipment unit's Certificate shall be invalid when such equipment is used as an integral part of the operation of a stationary source or to supplement or expand the stationary source's operation.

(c) **DEFINITIONS**

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

(1) **"Area Fugitive Emissions"** means fugitive emissions of particulate matter (PM<sub>10</sub>) which occur as a result of drilling, blasting, quarrying, stockpiling, front end loader operations and vehicular travel of haul roads used to move materials to, from or within any operation.

(2) **"CCR"** means California Code of Regulations.

(3) **"Certificate of Compliance"** means a statement in a specified format which is completed by an applicant, and which contains statements of compliance with 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) **"CFR"** means Code of Federal Regulations.

(6) **"District"** means the San Diego County Air Pollution Control District.

(7) **"Electrical Upgrade"** means replacement or addition of electrical equipment and systems resulting in increased generation, transmission and/or distribution capacity.

(8) **"Emission Unit"** means an identifiable process, operation, or piece of process equipment such as an article, machine or other contrivance, which emits or may emit or

results in the emissions of any air contaminant directly or as fugitive emissions. For the purposes of this rule, each internal combustion engine constitutes a separate emission unit.

(9) **“Engine”** means any piston-driven internal combustion engine.

(10) **“Engine Failure”** means any failure of an engine’s electrical system, emission control module, fuel delivery system, or mechanical parts that necessitates the removal of the engine from service.

(11) **“Equipment Unit”** means equipment that emits PM<sub>10</sub> over and above that emitted from an associated engine.

(12) **“Location”** means one or more contiguous or adjacent properties which are under the same ownership or operation, or which are owned or operated by entities which are under common control. Contiguous or adjacent properties are properties with two or more parcels of land in actual physical contact, or separated solely by a public roadway or other public right-of-way.

(13) **“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. 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 in storage 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 storage the entire calendar day.

(14) **“Project”** means the use of one or more registered equipment units operated under the same or common ownership or control to perform a single activity.

(15) **"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.

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

(17) **"Resident Engine"** means an engine that is operating in the San Diego County prior to January 1, 2018, without a Certificate of Registration.

(18) **"Stationary Source"** means any facility or installation which emits any air contaminant directly or as a fugitive emission. "Facility" and "installation" includes all pollutant emitting activities which:

(i) are located on the same or contiguous property, and are under the same ownership or operation, or are owned or operated by entities which are under common control; and

(ii) belong to the same industrial grouping either by virtue of falling within the same two-digit Standard Industrial Classification (SIC) code or by virtue of being part of a common industrial process, manufacturing process, or connected process involving a common raw material.

(19) **"Storage"** means a warehouse, enclosed yard, or other area established for the primary purpose of maintaining registered engines or equipment units when not in operation.

(20) **"Volatile Organic Compound (VOC)"** means the same as defined in Rule 2 (Definitions).

(d) **STANDARDS**

(1) **General Prohibitory Requirements**

(i) Emissions from a registered equipment unit, excluding emissions emitted directly from the associated portable engine and area fugitive emissions, shall not exceed 82 pounds per project per day of PM<sub>10</sub>, and 10 tons per year of PM<sub>10</sub> for all projects combined.

(ii) Emissions from a registered emission unit shall not exceed 100 pounds of oxides of nitrogen (NO<sub>x</sub>) during any one day.

(iii) No air contaminant shall be released into the atmosphere which causes a public nuisance.

**(2) Source Category Requirements**

**(i) Spark Ignition Piston-type Internal Combustion Engines**

(A) The NO<sub>x</sub> emissions shall not exceed 1.5 grams per brake horsepower-hour.

(B) The VOC emissions shall not exceed 1.5 grams per brake horsepower-hour.

(C) The carbon monoxide (CO) emissions shall not exceed 2.0 grams per brake horsepower-hour.

(D) No air contaminant shall be discharged into the atmosphere for a period or periods aggregating more than three minutes in any one hour which has an opacity as to obscure an observer's view to a degree equal to or greater than does smoke of a shade designated Ringelmann 1 or equivalent 20 percent opacity.

(E) The engine shall be equipped with a functioning non-resettable hour meter, fuel meter, or other operation tracking device approved by the Air Pollution Control Officer.

**(ii) Diesel-fired Piston-type Internal Combustion Engines**

(A) Except as provided in Subsection (d)(2)(ii)(B) below, the compression-ignition engine shall comply with all applicable requirements in the Airborne Toxic Control Measure (ATCM) that governs that specific engine use including, but not limited to, 17 CCR § 93116, Airborne Toxic Control Measure for Diesel Particulate Matter from Portable Engines Rated at 50 Horsepower and Greater, or 17 CCR § 93118.5 Regulations to Reduce Emissions From Diesel Engines on Commercial Harbor Craft Operated within California Waters and 24 Nautical Miles of the California Baseline.

(B) Compression ignition engines that are not subject to any ATCM and are not diesel pile driving hammers shall comply with the following:

(1) The engine shall use CARB diesel fuel; and

(2) The engine shall be equipped with a functioning non-resettable hour meter, fuel meter, or other operation tracking device approved by the Air Pollution Control Officer; and

(3) The engine shall be certified according to the requirements of 40 CFR Sections 89 or 1039, as applicable, for the model year, rated engine power, and engine use.

(C) Except for visible emissions from pile drivers, no air contaminant shall be discharged into the atmosphere for a period or periods aggregating more than three minutes in any one hour which has an opacity as to obscure an observer's view to a degree equal to or greater than does smoke of a shade designated Ringelmann 1 or equivalent 20 percent opacity.

(D) Resident engines not meeting the most stringent federal or State emission standards may apply for a Certificate of Registration as long as the resident engine complies with the applicable ATCM requirements. The Air Pollution Control Officer shall have discretionary approval authority to grant the Certificate of Registration.

**(iii) Confined Abrasive Blasting Operations**

(A) No air contaminant shall be discharged into the atmosphere for a period or periods aggregating more than three minutes in any one hour which has an opacity as to obscure an observer's view to a degree equal to or greater than does smoke of a shade designated Ringelmann 1 or equivalent 20 percent opacity.

(B) Particulate matter emissions, except area fugitive emissions, shall be controlled using a fabric or cartridge filter dust collector.

(C) As a part of an application for registration, the applicant shall provide manufacturer's specifications or engineering data to demonstrate a minimum particulate matter arrestance of 99 percent for the dust collection equipment.

(D) Except for vent filters, each fabric dust collector shall be equipped with an operational pressure differential gauge to measure the pressure drop across the filters.

**(iv) Unconfined Abrasive Blasting Operations**

(A) No air contaminant shall be discharged into the atmosphere for a period or periods aggregating more than three minutes in any one hour which has an opacity as to obscure an observer's view to a degree equal to or greater than does smoke of a shade designated Ringelmann 2 or equivalent 40 percent opacity.

(B) Only California Air Resources Board (CARB) certified abrasive blasting material shall be used.

- (C) The abrasive material shall not be reused.
- (D) No air contaminant shall be released into the atmosphere which causes a public nuisance.

(E) All applicable requirements of Title 17 Sections 92000 – 92530 of the CCR shall be met.

**(v) Concrete Batch Plants and Silos**

(A) All dry material transfer points shall be ducted through a fabric or cartridge type filter dust collector, except where there are no visible emissions from a transfer point.

(B) All cementitious material storage silos shall be equipped with fabric or cartridge type vent filters.

(C) The silo vent filters shall be maintained in proper operating condition.

(D) No air contaminant shall be discharged into the atmosphere for a period or periods aggregating more than three minutes in any one hour which has an opacity as to obscure an observer's view to a degree equal to or greater than does smoke of a shade designated Ringelmann 1 or equivalent 20 percent opacity.

(E) Open areas shall be maintained adequately wet to prevent fugitive emissions in excess of 20 percent opacity or Ringelmann 1.

(F) Silo service hatches shall be dust-tight.

(G) As a part of an application for registration, the applicant shall provide manufacturer's specifications or engineering data to demonstrate a minimum particulate matter arrestance of 99 percent for the dust collection equipment.

(H) Except for vent filters, each fabric dust collector shall be equipped with an operational pressure differential gauge to measure the pressure drop across the filters.

**(vi) Sand and Gravel Screening, Rock Crushing, Asphalt Cold Planers, and Unheated Pavement Crushing and Recycling Operations**

(A) No air contaminant shall be discharged into the atmosphere for a period or periods aggregating more than three minutes in any one hour which has an opacity as to obscure an observer's view to a degree equal to or greater than does smoke of a shade designated Ringelmann 1 or equivalent 20 percent opacity.

(B) There shall be no visible emissions beyond the property line of the property on which the equipment is being operated.

(C) Emissions from all screens, crushers, and transfer points shall be ducted through a fabric or cartridge type filter dust collector or the screens, crushers, or transfer points shall be equipped with an integrated wet suppression system which shall be in operation at all times the equipment is in operation and sufficient to ensure that the visible emissions comply with this rule.

(D) All conveyors shall be covered, or the equipment shall utilize an integrated wet suppression system such that the material being conveyed does not result in any visible particulate matter emissions.

(E) All stockpiled material shall be maintained in a state such that the material does not result in any visible particulate matter emissions.

(F) Any source which processes in excess of 150 tons per hour shall comply with all the applicable provisions of 40 CFR Part 60, Subpart OOO – Standards of Performance for Nonmetallic Mineral Processing Plants.

(G) As a part of application for registration, the applicant shall provide manufacturer's specifications or engineering data to demonstrate a minimum particulate matter arrestance of 99 percent for all dust collection equipment.

(H) Except for vent filters, each fabric dust collector shall be equipped with an operational pressure differential gauge to measure the pressure drop across the filters.

**(vii) Rock Drills**

(A) No air contaminant shall be discharged into the atmosphere for a period or periods aggregating more than three minutes in any one hour which has an opacity as to obscure an observer's view to a degree equal to or greater than does smoke of a shade designated Ringelmann 1 or equivalent 20 percent opacity.

(B) There shall be no visible emissions beyond the property line of the property on which the equipment is being operated.

(C) Water injection shall be used at all times when the rock drill is being operated.

(D) Air exhausted from fans and air motors shall be directed so that ground dust does not become airborne.

**(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 specified in Rule 40 (Permit and Other Fees) shall also be paid. No application for registration shall be considered received unless accompanied by a Certificate of Compliance and the appropriate fees. 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 60 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 any other applicable rule of the 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 sent 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 to ensure compliance with District 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 at the operating location and be made readily available to the District at all times;
- (v) Not willfully deface, alter, forge, counterfeit or falsify any Certificate issued under this rule; and
- (vi) Not change the equipment, or increase the number of conveyors from that set out in the Certificate for the equipment unit unless a complete application for modification has been filed and approved by the Air Pollution Control Officer prior to operation.

**(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 specified in Rule 40.

**(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, processing fees and the appropriate late fees specified in Rule 40. Any Certificate not reinstated within six months of the expiration date will be retired.

**(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 applicable application and renewal fees specified in Rule 40. 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 emission unit is now in an active status. The application shall be accompanied by the applicable application and renewal fees specified in Rule 40.

**(3) 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 specified in Rule 40. 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.

**(4) Eligibility of Certificates at Stationary Sources**

An owner or operator of an emission unit with a valid Certificate that is part of a stationary source as determined by the Air Pollution Control Officer shall obtain a Permit to Operate for that emission unit. The Permit to Operate shall supersede the valid Certificate only at that stationary source.

**(g) RECORD KEEPING REQUIREMENTS**

The owner or operator of a registered emission unit shall maintain the applicable records listed below. The records shall be maintained at a central place of business for a minimum of three years and made readily available to the District upon request.

(1) The location(s) at which the emission unit was operated, including the dates operated at each location.

(2) The type and quantity of materials processed daily by each equipment unit, or the daily hours of operation and the hourly throughput rate for each equipment unit.

(3) The quantity of fuel consumed by each engine, or the daily hours of operation for each engine.

(4) For engines, the specific location where the engine is located shall be recorded no less than once a month.

(5) Rental Emission Unit

(i) The operator of a registered rental emission unit shall be responsible for complying with the record keeping requirements of this rule. The operator must furnish the necessary record keeping as required pursuant to Subsections (g)(1), (g)(2), and (g)(3) of this rule to the owner of the emission unit.

(ii) The owner of a registered rental emission unit shall provide the operator with a written copy of applicable requirements of this rule, including record keeping requirements, as a part of the emission unit rental agreement. The owner must maintain written acknowledgment by the operator of receiving the above information for a period of at least three years.

(h) **TESTING REQUIREMENTS**

Testing to verify compliance with applicable requirements shall be conducted at the expense of the registered owner or operator at the request of the District and in accordance with the methodology prescribed by the District.

The District shall accept prior test results from a test conducted within the last two years provided that operator proves to the satisfaction of the Air Pollution Control Officer that the prior testing was conducted in accordance with appropriate methods and the conditions under which the unit was tested represent the operating conditions of the emission unit as proposed.

2. Proposed amended Rule 12 is to read as follows:

**RULE 12. REGISTRATION OF SPECIFIED EQUIPMENT**

(Adopted 5/21/97; Rev. Effective 11/15/00; Rev. Effective *(date of adoption)*)

(a) **APPLICABILITY**

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

(i) Existing 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.
- (iii) Asphalt roofing kettles and asphalt roofing day tankers.
- (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, 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) **"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 Sections 2281 and 2282 of Title 13 of the California Code of Regulations.
- (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.
- (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.
- (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.

(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 non-emergency purposes.

(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 November 15, 2000. Engines used to replace an existing engine pursuant to Rule 11 Subsection (d)(5) do not qualify as existing engines.

(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.

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

(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.

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

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

(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 non-emergency purposes. Operation for testing or maintenance purposes may be allowed for not more than 100 hours per calendar year with written authorization from the Air Pollution Control Officer, provided that an owner or operator demonstrates to the satisfaction of the Air Pollution Control Officer that such additional operation is necessary.

(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.

(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.

**(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 specified in Rule 40 shall also be paid. No application for registration shall be considered received unless accompanied by a Certificate of Compliance and the appropriate fees. 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 specified in Rule 40. Any Certificate not reinstated within six months of the expiration date 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 and the appropriate late fees specified in Rule 40.

**(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 applicable application and renewal fees specified in Rule 40.



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 specified in Rule 40.

(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 specified in Rule 40. 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 specified in Rule 40. 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.

(g) **RECORD KEEPING**

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 years and be made available to the District upon request.

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

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

(A) records of periodic engine maintenance including dates maintenance was performed; and

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

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

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

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

(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.

**IT IS FURTHER RESOLVED AND ORDERED** that proposed amendments to Rule 12.1 and Rule 12 of Regulation II shall take effect on *(date of adoption)*.

**PASSED AND ADOPTED** by the Air Pollution Control Board of the San Diego County Air Pollution Control District, State of California, this 30th day of October, 2019, by the following votes:

APPROVED AS TO FORM AND LEGALITY  
COUNTY COUNSEL

BY: Paula Forbis, Senior Deputy

The foregoing Resolution was passed and adopted by the Air Pollution Control District, County of San Diego, State of California, on this 30<sup>th</sup> day of October, 2019, by the following vote:

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

- - -

STATE OF CALIFORNIA)  
County of San Diego)<sup>SS</sup>

I hereby certify that the foregoing is a full, true and correct copy of the Original Resolution entered in the Minutes of the San Diego County Air Pollution Control Board.

ANDREW POTTER  
Clerk of the Air Pollution Control Board

By:   
Joana Santiago, Deputy



Resolution No. 19-170  
Meeting Date: 10/30/19 (AP1)

**RULE 12.1. PORTABLE EQUIPMENT REGISTRATION**

(Adopted & ~~and~~ Effective May 21, 1997; Rev. Adopted & Effective (date of adoption))

**(a) APPLICABILITY**

~~An emission unit used in conjunction with the following portable emission unit source categories shall be eligible for registration under the provisions of this rule and shall be exempt from the requirements of New Source Review rules 20.1 through 20.10. Nothing in this rule shall be construed as requiring registration for a portable emission unit which otherwise is exempt from permit requirements pursuant to Rule 11. Any emission unit registered under this rule shall be precluded from simultaneously obtaining a Permit to Operate.~~

(1) ~~Confined and unconfined abrasive blasting~~ Nothing in this rule shall be construed as requiring registration for a portable emission unit which otherwise is exempt from permit requirements pursuant to Rule 11 – Exemptions from Rule 10 Permit Requirements.

(2) ~~Portable concrete batch plants~~ The following portable emission unit source categories shall be eligible for registration under the provisions of this rule and shall be exempt from the requirements of Rules 20.1 through 20.8 (New Source Review rules):

(i) Engines –

Spark ignition or diesel-fired piston-type internal combustion engines, except for those engines associated with marine dredges, used in conjunction with the following types of operations:

- (A) Well drilling, service, or workover rigs,
- (B) Power generation (excluding cogeneration),
- (C) Pumps (including hydroblasters),
- (D) Compressors,
- (E) Pile drivers,
- (F) Welding,
- (G) Cranes, or
- (H) Woodchippers.

(ii) Equipment Units –

- (A) Confined and unconfined abrasive blasting;

(B) Concrete batch plants;

(C) Sand and gravel screening, rock crushing, asphalt cold planers, and unheated pavement crushing and recycling operations; or

(D) Rock drills.

(E) Cementitious Mortar Silos

~~(3) Spark ignition or diesel-fired piston-type internal combustion engines, except for those engines associated with marine dredges, used in conjunction with the following types of operations:~~

~~(i) Well drilling, service, or workover rigs~~

~~(ii) Power generation (excluding cogeneration)~~

~~(iii) Pumps (including hydroblasters)~~

~~(iv) Compressors~~

~~(v) Pile drivers~~

~~(vi) Welding~~

~~(vii) Cranes~~

~~(viii) Woodchippers~~

~~(4) Sand and gravel screening, rock crushing, and unheated pavement crushing and recycling operations~~

(b) **RESERVED- INELIGIBLE EQUIPMENT OR INVALID CERTIFICATES**

(1) Any engine or equipment unit not meeting the definition of “Portable Emission Unit” as defined in Subsection (c)(13) is ineligible for registration under the provisions of this rule.

(2) Generators used to provide primary or supplemental power to a building, facility, stationary source, or stationary equipment are ineligible for registration, except during the following:

(i) unforeseen interruptions of electrical power from the serving utility;

(ii) maintenance and repair operations, including maintenance of stationary backup generators that have not experienced an engine failure;

(iii) electrical upgrade operations including startup, shutdown, and testing that do not exceed 90 calendar days, or a longer period as authorized in writing by the District; or

(iv) upon approval from the District, engine failure of a stationary backup generator permitted by the District under the following conditions:

(A) the holder of the permit for the stationary engine notifies the District of the engine failure within 72 hours from the time the engine failure is discovered;

(B) the temporary replacement engine has the same or lower mass per unit time emission rate;

(C) the temporary replacement engine complies with all applicable requirements on the permit for the existing stationary engine; and

(D) the temporary replacement engine operates for no more than 180 days, or a longer period as authorized in writing by the District.

(3) An engine's and/or equipment unit's Certificate shall be invalid when such equipment is used as an integral part of the operation of a stationary source or to supplement or expand the stationary source's operation.

(c) **DEFINITIONS**

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

~~(1) “Administering District” means a district that adopts the provisions contained in Sections (c), (d), (e), and (f) of this rule for one or more of the equipment categories listed in Section (a) of this rule, and in which the owner or operator of a portable emission unit files an application for registration. A district can be an administering district only for the equipment categories for which it has adopted the requirements contained in this rule.~~

(21) **“Area Fugitive Emissions”** means fugitive emissions of particulate matter (PM<sub>10</sub>) which occur as a result of drilling, blasting, quarrying, stockpiling, front end loader operations and vehicular travel of haul roads used to move materials to, from or within any operation.

(2) **“CCR” means California Code of Regulations.**

(3) **“District Certificate of Compliance” means an air pollution control district or air quality management district duly organized under the applicable provisions of the California Health and Safety Code statement in a specified format which is completed by an applicant, and which contains statements of compliance with prohibitory rules and conditions of operation applicable to the operation of a registered emission unit.**

(4) **"Emergency Operation Certificate of Registration" or "Certificate"** means any operation which is necessitated as a result of an emergency declared by an authorized government official 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) **"Emission Unit-CFR"** means an identifiable process, operation, or piece of process equipment such as an article, machine or other contrivance, which emits or may emit or results in the emissions of any air contaminant directly or as fugitive emissions. For the purposes of this rule, each internal combustion engine constitutes a separate emission unit Code of Federal Regulations.

(6) **"Equivalent Replacement District"** means either of the following: the San Diego County Air Pollution Control District.

(i) —The replacement of or modification of an emission unit where the maximum rating of the replacement unit does not exceed that of the unit being replaced, and the replacement unit is equipped with equal or better air pollution control technology.

(ii) —The replacement of or modification of an emission unit where the maximum controlled emission rate of the replacement unit is one half the potential to emit of the existing unit. Limitations on capacity or hours of operation shall not be taken into account in qualifying as an equivalent replacement.

(7) **"Exempt Compound Electrical Upgrade"** means the same as defined in Rule 2-replacement or addition of electrical equipment and systems resulting in increased generation, transmission and/or distribution capacity.

(8) **"Existing Emission Unit"** means an emission unit that is located in the State of California at any time during calendar year 1993, and for which the owner or operator has applied for registration in accordance with the provisions of this rule no later than six months from the date of adoption of this rule in the participating district in which the emission unit is located or is to first be operated. The owner or operator shall provide sufficient documentation to prove the residency requirement to the satisfaction of the Air Pollution Control Officer. Examples of adequate documentation are existing permits issued by an air pollution control district, district emission inventory records, tax records, and usage or maintenance records. An equivalent replacement unit, replacing an existing emission unit shall be treated as an existing emission unit identifiable process, operation, or piece of process equipment such as an article, machine or other contrivance, which emits or may emit or results in the emissions of any air contaminant directly or as fugitive emissions. For the purposes of this rule, each internal combustion engine constitutes a separate emission unit.

(9) **"Engine"** means any piston-driven internal combustion engine.

(10) **"New Emission Unit Engine Failure"** means any emission unit that does not meet the definition of an existing emission unit failure of an engine's electrical system,

emission control module, fuel delivery system, or mechanical parts that necessitates the removal of the engine from service.

(11) **“Participating District Equipment Unit”** means ~~any district that, through rule making, agrees to honor and enforce registrations issued by an administering district. Districts may choose to honor registrations for one or more of the emission unit categories listed in Section (a)~~ equipment that emits PM<sub>10</sub> over and above that emitted from an associated engine.

(912) **“Location”** means, ~~except for oil well drilling, service, or workover rigs, one or more contiguous or adjacent properties which are under the same ownership or operation, or which are owned or operated by entities which are under common control. Contiguous or adjacent properties are properties with two or more parcels of land in actual physical contact, or separated solely by a public roadway or other public right-of-way. For oil well drilling, service, or workover rigs, each well site shall be considered as a separate location.~~

(1213) **“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 in storage~~ 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~~ storage the entire calendar day.

(14) **“Project”** means the use of one or more registered equipment units operated under the same or common ownership or control to perform a single activity.



~~(14-15)~~ **"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.

~~(15-16)~~ **"Rental Emission Unit"** means an emission unit temporarily rented or leased to operators other than the owner(s) of the unit.

~~(16-17)~~ **"Resident Engine"** means an engine that is operating in the San Diego County prior to January 1, 2018, without a Certificate of Registration.

~~(17-18)~~ **"Stationary Source"** means any facility or installation which emits any air contaminant directly or as a fugitive emission. "Facility" and "installation" includes all pollutant emitting activities which:

(i) are located on the same or contiguous property, and are under the same ownership or operation, or are owned or operated by entities which are under common control; and

(ii) belong to the same industrial grouping either by virtue of falling within the same two-digit Standard Industrial Classification (SIC) code or by virtue of being part of a common industrial process, manufacturing process, or connected process involving a common raw material.

~~(18-19)~~ **"Storage"** means a warehouse, enclosed yard, or other area established for the primary purpose of maintaining registered engines or equipment units when not in operation.

~~(19-20)~~ **"Volatile Organic Compound (VOC)"** means the same as defined in Rule 2 – Definitions.

(d) **STANDARDS**

(1) **General Prohibitory Requirements**

(i) ~~Except for emissions from existing emission units, the total NO<sub>x</sub>, or VOC emissions from a portable emission unit shall not exceed 100 pounds during any one day for each pollutant. Emissions from a registered equipment unit, excluding emissions emitted directly from the associated portable engine and area fugitive emissions, shall not exceed 82 pounds per project per day of PM<sub>10</sub>, and 10 tons per year of PM<sub>10</sub> for all projects combined.~~

(ii) ~~The total PM<sub>10</sub> emissions, except area fugitive emissions, from a portable emission unit, including both existing and new emission units, shall not~~

~~exceed 150 pounds during any one day. Emissions from a registered emission unit shall not exceed 100 pounds of oxides of nitrogen (NO<sub>x</sub>) during any one day.~~

(iii) No air contaminant shall be released into the atmosphere which causes a public nuisance.

~~(iv) Except for emergency operations, an emission unit shall not be operated within 1,000 feet of any K-12 school unless the applicable public and student notification requirements of California Health and Safety Code Section 42301.6 have been satisfied.~~

~~(v) When operated as a registered portable emission unit, the actual emissions, except area fugitive emissions, from an emission unit, as verified by the recordkeeping prescribed by this rule, shall not exceed 10 tons per year of any air contaminant in any participating district in which such unit is operated.~~

## ~~(2) Registration Process~~

~~(i) If the owner or operator of a portable emission unit operated in conjunction with one of the source categories listed in Section (a) of this rule elects to apply for registration of said emission unit, the owner or operator shall apply for registration at the participating district in which the portable emission unit is located at the time the application for registration is filed. If the emission unit is located outside the state of California, or in a non-participating district, the owner or operator must register the emission unit at the district where the emission unit will first be operated after registration.~~

~~(ii) The applicant shall provide the administering district with the necessary engineering data, emissions test data, or manufacturer's guarantee to demonstrate compliance with the requirements as specified in Section (d) of this rule.~~

~~(iii) The administering district shall issue registration, deny registration, or deem the application incomplete according to the following schedule:~~

~~(A) within 90 days of the receipt of an application for any applications received on or before November 21, 1997; and~~

~~(B) within 30 days of the receipt of an application for any applications received after November 21, 1997.~~

~~(iv) The administering district may conduct an on-site inspection of the emission unit prior to issuing registration for the unit.~~

~~(v) No later than 10 days after issuance of a registration, the administering district shall forward to all participating districts a copy of the registration and upon request by a participating district, a copy of the application for registration.~~

~~(vi) The owner or operator of a registered emission unit may operate the unit within the boundaries of any participating district provided such unit is operated in compliance with all applicable requirements.~~

~~(vii) The owner or operator shall renew the registration with the administering district on an annual basis including the payment of all applicable fees and a demonstration or certification determining compliance with all applicable requirements.~~

~~(viii) The participating districts shall provide written reports to the administering district describing the nature and outcome of any violation of any applicable requirements by the owner or operator of the registered emission unit. The administering district shall distribute such information to all other participating districts.~~

~~(ix) The participating districts shall provide written reports to the administering district describing any hearing board action concerning the registered emission unit. The administering district shall distribute such information to all other participating districts.~~

~~(x) Equivalent replacement units must go through the entire registration process in order to obtain registration. The owner or operator of any replacement unit shall surrender the registration for the emission unit being replaced.~~

~~(xi) For the purpose of this rule, "permitting" in Division 26 of Health and Safety Code of the State of California, Part 3, Chapter 8 and Part 4, Chapter 4, Articles 2 and 4, respectively, entitled Hearing Board, Variances, and Orders of Abatement, shall be considered to have the same meaning as "registration" as provided in this rule. The Air Pollution Control Officer and the District Hearing Board shall have the same authority concerning registration as with permits, and the owner or operator of a registered emission unit shall be entitled to the same privileges and rights granted to a permittee.~~

~~(xii) The administering district shall notify all participating districts of any changes in the status of registration for an emission unit.~~

### **(32) Source Category Requirements**

#### **(i) Spark Ignition Piston-type Internal Combustion Engines**

(A) The NO<sub>x</sub> emissions shall not exceed 1.5 grams per brake horsepower-hour.

(B) The VOC emissions shall not exceed 1.5 grams per brake horsepower-hour.

(C) The carbon dioxide-monoxide (CO) emissions shall not exceed 2.0 grams per brake horsepower-hour.

(D) No air contaminant shall be discharged into the atmosphere for a period or periods aggregating more than three minutes in any one hour which has an opacity as to obscure an observer's view to a degree equal to or greater than does smoke of a shade designated Ringelmann 1 or equivalent 20 percent opacity.

(E) The engine shall be equipped with a functioning non-resettable hour meter, fuel meter, or other operation tracking device approved by the Air Pollution Control Officer.

**(ii) Diesel-fired Piston-type Internal Combustion Engines**

(A) Except as provided in Subsection (d)(2)(ii)(B) below, the compression-ignition engine shall comply with all applicable requirements in the Airborne Toxic Control Measure (ATCM) that governs that specific engine use including, but not limited to, 17 CCR § 93116, Airborne Toxic Control Measure for Diesel Particulate Matter from Portable Engines Rated at 50 Horsepower and Greater, or 17 CCR § 93118.5 Regulations to Reduce Emissions From Diesel Engines on Commercial Harbor Craft Operated within California Waters and 24 Nautical Miles of the California Baseline.

(B) Compression ignition engines that are not subject to any ATCM and are not diesel pile driving hammers shall comply with the following:

(1) The engine shall use CARB diesel fuel; and

(2) The engine shall be equipped with a functioning non-resettable hour meter, fuel meter, or other operation tracking device approved by the Air Pollution Control Officer; and

(3) The engine shall be certified according to the requirements of 40 CFR Sections 89 or 1039, as applicable, for the model year, rated engine power, and engine use.

(C) Except for visible emissions from pile drivers, no air contaminant shall be discharged into the atmosphere for a period or periods aggregating more than three minutes in any one hour which has an opacity as to obscure an observer's view to a degree equal to or greater than does smoke of a shade designated Ringelmann 1 or equivalent 20 percent opacity.

(D) Resident engines not meeting the most stringent federal or State emission standards may apply for a Certificate of Registration as long as the resident engine complies with the applicable ATCM requirements. The Air Pollution Control Officer shall have discretionary approval authority to grant the Certificate of Registration.

**(iii) Confined Abrasive Blasting Operations**

(A) No air contaminant shall be discharged into the atmosphere for a period or periods aggregating more than three minutes in any one hour which ~~is as dark as or darker than~~ has an opacity as to obscure an observer's view to a degree equal to or greater than does smoke of a shade designated Ringelmann 1 or equivalent 20 percent opacity.

(B) Particulate matter emissions, except area fugitive emissions, shall be controlled using a fabric or cartridge filter dust collector.

(C) As a part of an application for registration, the applicant shall provide manufacturer's specifications or engineering data to demonstrate a minimum particulate matter arrestance of 99 percent for the dust collection equipment.

(D) Except for vent filters, each fabric dust collector shall be equipped with an operational pressure differential gauge to measure the pressure drop across the filters.

**(~~iii~~iv) Unconfined Abrasive Blasting Operations**

(A) No air contaminant shall be discharged into the atmosphere for a period or periods aggregating more than three minutes in any one hour which ~~is as dark as or darker than~~ has an opacity as to obscure an observer's view to a degree equal to or greater than does smoke of a shade designated Ringelmann 2 or equivalent 40 percent opacity.

(B) Only California Air Resources Board (CARB) certified abrasive blasting material shall be used.

(C) The abrasive material shall not be reused.

(D) No air contaminant shall be released into the atmosphere which causes a public nuisance.

(E) All applicable requirements of Title 17 Sections 92000 – 92350 ~~92530~~ of the ~~California Code of Regulations~~ CCR shall be met.

**(~~iii~~iv) Concrete Batch Plants and Silos**

(A) All dry material transfer points shall be ducted through a fabric or cartridge type filter dust collector, except where there are no visible emissions from a transfer point.

(B) All ~~cement-~~cementitious material storage silos shall be equipped with fabric or cartridge type vent filters.

(C) The silo vent filters shall be maintained in proper operating condition.

(D) No air contaminant shall be discharged into the atmosphere for a period or periods aggregating more than three minutes in any one hour which ~~is as dark as or darker than~~ has an opacity as to obscure an observer's view to a degree equal to or greater than does smoke of a shade designated Ringelmann 1 or equivalent 20 percent opacity.

(E) Open areas shall be maintained adequately wet to prevent fugitive emissions in excess of 20 percent opacity or Ringelmann 1.

(F) Silo service hatches shall be dust-tight.

(G) As a part of an application for registration, the applicant shall provide manufacturer's specifications or engineering data to demonstrate a minimum particulate matter arrestance of 99 percent for the dust collection equipment.

(H) Except for vent filters, each fabric dust collector shall be equipped with an operational pressure differential gauge to measure the pressure drop across the filters.

~~(iv) Diesel-fired Piston-type Internal Combustion Engines~~

~~(A) For naturally aspirated engines, the engine injector timing shall be retarded by a minimum of four degrees from the manufacturer's standard timing, or the NO<sub>x</sub> emissions shall not exceed 10 grams per brake horsepower-hour.~~

~~(B) For turbocharged engines, the engine injector timing shall be retarded by a minimum of four degrees from the manufacturer's standard timing, or the NO<sub>x</sub> emissions shall not exceed 7.2 grams per brake horsepower-hour.~~

~~(C) The sulfur content of any diesel fuel used shall not exceed 0.05 percent by weight.~~

~~(D) Particulate matter emissions concentration, excluding area fugitive emissions, shall not exceed 0.10 grain per standard dry cubic feet.~~

~~(E) Except for visible emissions from pile drivers, no air contaminant shall be discharged into the atmosphere for a period or periods aggregating more than three minutes in any one hour which is as dark as or darker than Ringelmann 1 or equivalent 20 percent opacity. Pile drivers shall comply with the applicable provisions of §41701.5 of the California Health and Safety Code.~~

~~(F) If the NO<sub>x</sub> emission limits, as specified in Subsection (d)(3)(iv)(A) or (d)(3)(iv)(B) are not met, in addition to injector retard, all engines with ratings greater than 50 brake horsepower but equal to or less than 117 brake horsepower that do not qualify as existing emission units shall be equipped with turbochargers.~~

~~(G) If the NO<sub>x</sub> emission limits, as specified in Subsections ((d)(3)(iv)(A) or (d)(3)(iv)(B) are not met, in addition to injector retard, all engines with ratings greater than 117 brake horsepower that do not qualify as existing emission units shall be equipped with turbochargers and aftercoolers.~~

~~(v) **Spark Ignition Piston-type Internal Combustion Engines**~~

~~(A) The NO<sub>x</sub> emissions shall not exceed 1.5 grams per brake horsepower-hour.~~

~~(B) The VOC emissions shall not exceed 1.5 grams per brake horsepower-hour.~~

~~(C) The (CO) emissions shall not exceed 2.0 grams per brake horsepower-hour.~~

~~(D) Except for pile drivers, no air contaminant shall be discharged into the atmosphere for a period or periods aggregating more than three minutes in any one hour which is as dark as or darker than Ringelmann 1 or equivalent 20 percent opacity.~~

**(vi) Sand and Gravel Screening, Rock Crushing, Asphalt Cold Planers, and Unheated Pavement Crushing and Recycling Operations**

(A) No air contaminant shall be discharged into the atmosphere for a period or periods aggregating more than three minutes in any one hour which is as dark as or darker than has an opacity as to obscure an observer's view to a degree equal to or greater than does smoke of a shade designated Ringelmann 1 or equivalent 20 percent opacity.

(B) There shall be no visible emissions beyond the property line of the property on which the equipment is being operated.

(C) Emissions from A~~all~~ screens, crushers, and transfer points shall be ducted through a fabric or cartridge type filter dust collector or the screens, crushers, or transfer points shall be equipped with an integrated wet suppression system which shall be in operation at all times the equipment is in operation and sufficient to ensure that the visible emissions comply with this

~~rule maintaining a minimum moisture content in the material being processed of four percent by weight for material smaller than 1/4 inch.~~

~~(D) Particulate matter emissions from each crusher shall be ducted through a fabric dust collector, or a wet suppression system shall be used which maintains a minimum moisture content in the material being processed of four percent by weight.~~

(ED) All conveyors shall be covered, ~~unless or the equipment shall~~ utilize an integrated wet suppression system such that the material being ~~transferred~~ conveyed does not result in any visible particulate matter emissions.

(FE) All stockpiled material shall be maintained ~~at a minimum moisture content of four percent by weight unless the stockpiled material in a state such that the material~~ does not result in any visible particulate matter emissions.

(GE) Any source which processes in excess of 150 tons per hour shall comply with all the applicable provisions of ~~the Code of Federal Regulations (CFR) under 40 CFR Part 60, Subpart OOO~~ – Standards of Performance for Nonmetallic Mineral Processing Plants.

(HG) As a part of application for registration, the applicant shall provide manufacturer's specifications or engineering data to demonstrate a minimum particulate matter arrestance of 99 percent for all dust collection equipment.

(HI) Except for vent filters, each fabric dust collector shall be equipped with an operational pressure differential gauge to measure the pressure drop across the filters.

(vii) **Rock Drills**

(A) No air contaminant shall be discharged into the atmosphere for a period or periods aggregating more than three minutes in any one hour which has an opacity as to obscure an observer's view to a degree equal to or greater than does smoke of a shade designated Ringelmann 1 or equivalent 20 percent opacity.

(B) There shall be no visible emissions beyond the property line of the property on which the equipment is being operated.

(C) Water injection shall be used at all times when the rock drill is being operated.



(D) Air exhausted from fans and air motors shall be directed so that ground dust does not become airborne.

(e) **GENERAL REPORTING AND RECORDKEEPING REQUIREMENTS**  
**REGISTRATION OF EMISSION UNITS**

**(1) Notification**

~~If an emission unit is being relocated into the District and will remain operational within the district for more than 24 hours, the operator shall notify the District within two calendar days from when the unit is first relocated into the District. The notification shall include the following information:~~

- ~~(i) The general nature of the operations.~~
- ~~(ii) The estimated duration of operations within the district.~~
- ~~(iii) The name and phone number of a contact person with information concerning the locations where the emission unit will be operated within the district.~~
- ~~(iv) The locations, if known, where the emission unit will be operated within the District during the remainder of the current calendar quarter.~~

~~A list of new notifications received by the District will be posted in the District office on a weekly basis. This list will contain any identified equipment locations and will be available for public review during normal business hours. A copy of the list will be provided to any person or interested group who has requested a copy in writing.~~

**(2) Reporting**

~~Within 30 days after the end of every calendar quarter, the operator of a registered portable emission unit, except for rental emission unit, shall notify the district in which the unit was operated of the level of activities within the district during the preceding calendar quarter. The notification shall include the following information:~~

- ~~(i) The location(s) at which the emission unit was operated, including the dates operated at each location.~~
- ~~(ii) The type and quantity of materials processed by each emission unit, or the daily hours of operation and the hourly throughput rate for each emission unit.~~
- ~~(iii) The type and quantity of fuels consumed by each emission unit, or the daily hours of operation and the horsepower or hourly Btu rating for each emission unit.~~
- ~~(iv) The locations, if known, where the emission unit will be operated within the District during the current calendar quarter.~~

~~A list of quarterly reports received by the District will be posted in the District office on a weekly basis. This list will contain any identified equipment locations and will be available for public review during normal business hours. A copy of the list will be provided to any person or interested group who has requested a copy in writing.~~

~~(3) **Requirements for a Rental Emission Unit**~~

~~(i) The operator of a rental registered emission unit shall be responsible for compliance with the notification and recordkeeping requirements of this rule. The operator must furnish the necessary recordkeeping as required pursuant to Subsections (e)(2)(i), (e)(2)(ii), and (e)(2)(iii) of this rule to the owner of the emission unit.~~

~~(ii) The owner of a rental registered emission unit shall provide the operator with a written copy of applicable requirements of this rule, including the notification and recordkeeping requirements, as a part of the emission unit rental agreement. The owner must maintain written acknowledgment by the operator of receiving the above information for a period of at least two years.~~

~~(iii) The owner of a rental registered emission unit shall compile the records provided by the emission unit operators and shall submit the compiled information to the participating districts in which the rental registered portable emission unit was operated within 30 days after the end of every calendar quarter.~~

**(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 specified in Rule 40 – Permit and Other Fees shall also be paid. No application for registration shall be considered received unless accompanied by a Certificate of Compliance and the appropriate fees. 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 60 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 any other applicable rule of the 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 sent 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 to ensure compliance with District 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 at the operating location and be made readily available to the District at all times;

(v) Not willfully deface, alter, forge, counterfeit or falsify any Certificate issued under this rule; and

(vi) Not change the equipment, or increase the number of conveyors from that set out in the Certificate for the equipment unit unless a complete application for modification has been filed and approved by the Air Pollution Control Officer prior to operation.

(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 specified in Rule 40.

(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, processing fees and the appropriate late fees specified in Rule 40. Any Certificate not reinstated within six months of the expiration date will be retired.

(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 applicable application and renewal fees specified in Rule 40. 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 emission unit is now in an active status. The application shall be accompanied by the applicable application and renewal fees specified in Rule 40.

(3) **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 specified in Rule 40. 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.

**(4) Eligibility of Certificates at Stationary Sources**

An owner or operator of an emission unit with a valid Certificate that is part of a stationary source as determined by the Air Pollution Control Officer shall obtain a Permit to Operate for that emission unit. The Permit to Operate shall supersede the valid Certificate only at that stationary source.

**(g) RECORD KEEPING REQUIREMENTS**

The owner or operator of a registered emission unit shall maintain the applicable records listed below. The records shall be maintained at a central place of business for a minimum of three years and made readily available to the District upon request.

(1) The location(s) at which the emission unit was operated, including the dates operated at each location.

(2) The type and quantity of materials processed daily by each equipment unit, or the daily hours of operation and the hourly throughput rate for each equipment unit.

(3) The quantity of fuel consumed by each engine, or the daily hours of operation for each engine.

(4) For engines, the specific location where the engine is located shall be recorded no less than once a month.

**(4) Rental Emission Unit**

(i) The operator of a registered rental emission unit shall be responsible for complying with the record keeping requirements of this rule. The operator must furnish the necessary record keeping as required pursuant to Subsections (g)(1), (g)(2), and (g)(3) of this rule to the owner of the emission unit.

(ii) The owner of a registered rental emission unit shall provide the operator with a written copy of applicable requirements of this rule, including record keeping requirements, as a part of the emission unit rental agreement. The owner must maintain written acknowledgment by the operator of receiving the above information for a period of at least three years.

**(h) TESTING REQUIREMENTS**

Testing to verify compliance with applicable requirements shall be conducted at the expense of the registered owner or operator at the request of the District and in accordance with the methodology prescribed by the District.

The ~~d~~District shall accept prior test results from a test conducted within the last two years provided that operator proves to the satisfaction of the Air Pollution Control Officer that the prior testing was conducted in accordance with appropriate methods and the conditions under which the unit was tested represent the operating conditions of the emission unit as proposed.

~~(g)~~—**FEES**

~~(1)~~—**Initial Registration Fee**

~~Every applicant for a portable emission unit registration shall pay to the administering district a non-refundable filing fee of \$200 per emission unit.~~

~~(2)~~—**Annual Registration Renewal Fee**

~~On the anniversary of the issuance of a registration, the owner or operator shall pay a renewal fee of \$150 per portable emission unit to the administering district, unless the owner or operator declares non-operational status for the emission unit, in which case the annual registration fee would be as specified in Subsection (g)(5). The administering district may prorate the renewal payments to a single anniversary date for the holder of registrations with more than one anniversary date. If the renewal fee is not paid within 60 days of the due date, the fee shall be increased by 50 percent. Nonpayment of the annual registration renewal fee, including the 50 percent increase within 90 days of the due date will result in cancellation of the registration.~~

~~(3)~~—**Administrative Fees**

~~No administrative fees shall be required to be paid to the administering district for emission units operated in the administering district. If a unit is operated within a participating district, the owner or operator of a registered portable emission unit shall pay to that participating district an administrative fee of \$75 per year for each emission unit. If the administrative fee is not paid within 60 days of the date due, the fee shall be increased by 50 percent. Nonpayment of the increased fee within 90 days of the date due will result in cancellation of the registration.~~

~~(4)~~—**Inspection Fees**

~~No inspection fees shall be required to be paid to the administering district for emission units operated in the administering district. If a unit is inspected by a participating district, the owner or operator of a registered portable emission unit shall pay to the district in which the emission unit is operated an inspection fee of \$75 per year for each emission unit. If the inspection fee is not paid within 60 days of the date due, the fee shall be increased by 50 percent. Nonpayment of the increased fee within 90 days of the date due will result in cancellation of the registration.~~

~~(5)~~—**Non-Operational Emission Unit Fees**

~~Upon receipt of the invoice for annual registration renewal, the registered owner or operator may choose to declare the portable emission unit as non-operational for a non-refundable fee of \$35, in lieu of paying the annual registration fee. To declare an emission unit as non-operational, the registered owner or operator shall state in writing the intention to not operate the said emission unit until registration is renewed. Prior to operating the emission unit, the registered owner or operator shall pay the annual registration fee in full to the district.~~

~~(h) —~~ **IMPLEMENTATION SCHEDULE**

~~The owner or operator of an emission unit subject to the provisions of this rule shall apply for registration according to the following schedule:~~

- ~~(1) — No later than November 21, 1997 for locations.~~
- ~~(2) — Prior to commencing operation for all other emission units.~~

**RULE 12. REGISTRATION OF SPECIFIED EQUIPMENT**

(Adopted 5/21/97; Rev. Effective 11/15/00; Rev. Effective (date of adoption))

**(a) APPLICABILITY**

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

- (i) Existing 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.
- (iii) Asphalt roofing kettles and asphalt roofing day tankers.
- ~~(iv) Rock drills. This does not include any associated power units.~~

(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, 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) **"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 Sections 2281 and 2282 of Title 13 of the California Code of Regulations.



(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.

(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.

(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.

(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 non-emergency purposes.

(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 November 15, 2000. Engines used to replace an existing engine pursuant to Rule 11 Subsection (d)(5) do not qualify as existing engines.

(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.

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

(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.

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

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

(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 non-emergency purposes. Operation for testing or maintenance purposes may be allowed for not more than 100 hours per calendar year with written authorization from the Air Pollution Control Officer, provided that an owner or operator demonstrates to the satisfaction of the Air Pollution Control Officer that such additional operation is necessary.

(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.

(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.

~~(6) A rock drill shall use water injection at all times when operating.~~

**(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 specified in Rule 40 shall also be paid. No application for registration shall be considered received unless accompanied by a Certificate of Compliance and the appropriate fees. 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 specified in Rule 40. Any Certificate not reinstated within six months of the expiration date 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 and the appropriate late fees specified in Rule 40.

**(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 applicable application and renewal fees specified in Rule 40. 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 specified in Rule 40.

**(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 specified in Rule 40. 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 specified in Rule 40. 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.

**(g) RECORD KEEPING**

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 years and be made available to the District upon request.

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

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

(A) records of periodic engine maintenance including dates maintenance was performed; and

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

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

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

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

(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 November 15, 2000, but which no longer qualifies for registration as a result of the amendments to Rule 12 adopted November 15, 2000, 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 May 15, 2001. The applicable requirements of Rule 12 as it existed prior to November 15, 2000, 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 November 15, 2000, shall comply with all applicable requirements of this rule upon startup.~~

~~(3) — Any engine registered pursuant to Rule 12 prior to November 15, 2000, 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 May 15, 2001, and shall comply with the requirements of Subsections (d)(3) and (d)(4) by November 15, 2002.~~

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

**DRAFT PROPOSED AMENDMENTS TO  
RULE 12.1 – PORTABLE EQUIPMENT REGISTRATION,  
AND RELATED CHANGES TO  
RULE 12 – REGISTRATION OF SPECIFIED EQUIPMENT**

**WORKSHOP REPORT**

A workshop notice on the draft proposed amendments to Rule 12.1 – Portable Equipment Registration, and related changes to Rule 12 – Registration of Specified Equipment, was mailed to all Permit 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 (CARB), and other interested parties.

The workshop was held on September 25, 2018, and was attended by 36 people. Oral and written comments were received during and after the workshop. A summary of the comments and the Air Pollution Control District's (District) responses to these comments are as follows:

**1. WORKSHOP COMMENT**

Existing Section (a) – Applicability precluded an emission unit from having a Certificate of Registration and a Permit to Operate simultaneously. However, the proposed amendments would allow it. Why would an owner/operator obtain both a Registration and a Permit to Operate for their emission unit?

**DISTRICT RESPONSE**

As proposed, an owner/operator may obtain both a Registration and a Permit to Operate (Permit) if the emission unit will be used at a stationary source for longer than 12 months or as an integral part of the stationary source operation (thus requiring a Permit) and also used as portable equipment off site (thus requiring a Registration). Also, registered emission units that will be used at a stationary source for longer than 12 months or used to support the primary function of the stationary source, even if less than 12 months, invalidate the Registration at that location and therefore the owner/operator must obtain a Permit to Operate.

**2. WORKSHOP COMMENT**

Will emission units that have a valid Registration and also require a Permit to Operate be issued a separate Permit, or would the Registration be modified to incorporate the Permit? Will there be additional fees associated with obtaining both a Permit and a Registration?



**DISTRICT RESPONSE**

The District will issue a separate Permit to Operate for the registered emission unit. There will be separate fees associated with the Permit and the Registration, including separate annual renewal fees.

**3. WORKSHOP COMMENT**

Subsection (b)(2) – Ineligible Equipment or Invalid Certificates details specific situations of when registered generators can be used at a stationary source. Would a permitted stationary emergency backup generator be allowed to be registered and used for short term electrical upgrades, such as replacing a transformer or upgrading an automatic transfer switch?

**DISTRICT RESPONSE**

No. A permitted emission unit may not be used for any other purpose than as specified in the Permit to Operate. The permitted emission unit may be registered only if the registered emission unit will also be used off site. The owner/operator may apply to amend the Permit to allow for uses other than what is currently specified. The District will review the application and will modify the Permit provided the requested amendments comply with all regulatory requirements.

**4. WORKSHOP COMMENT**

The District should consider amending the exemption under Subsection (b)(2) – Ineligible Equipment or Invalid Certificates to specifically allow compressors or mechanical drives.

**DISTRICT RESPONSE**

The District disagrees. The proposed amendments to Rule 12.1 incorporate the most recent version of the State Portable Equipment Registration Program (PERP) requirements. Proposed Subsection (b)(2) incorporates the requirements and exemptions from the PERP Subsection §2453(m)(4)(E), which has specific requirements for when registered generators may be used at stationary sources. This subsection does not have allowances for other emission units.

The District does not allow a registered emission unit to supplement the primary function of the stationary source and thereby circumvent New Source Review rules. Also, the PERP has specific language in Subsection §2453(m)(4)(B) that invalidates State Registrations when the District determines that an equipment unit is being used as part of a stationary source.

**5. WORKSHOP COMMENT**

The PERP requires a green plaque to be displayed on the State-registered equipment. Will the District require this green plaque for Rule 12.1-registered equipment? Will the District enforce this green plaque requirement?

**DISTRICT RESPONSE**

The District does not issue green placards as part of the District's registration program under Rule 12.1. However, the District is the agency conducting the inspections of State-registered equipment in San Diego County and is authorized to issue citations on behalf of the State when the placard is not affixed on State PERP-registered equipment.

**6. WORKSHOP COMMENT**

The rule has a definition for "Location" under Subsection (c)(12) which states "...under the same ownership or operation..." What does the District mean by operation in this definition and how would this affect engines or equipment units?

**DISTRICT RESPONSE**

The District's proposed definition of "Location" will incorporate operations that may have multiple owners of emission units or properties involved. An operation would include all of the emission units that are being used in the process.

**7. WORKSHOP COMMENT**

The District should consider adding a definition for "project" to clarify which equipment units are included when calculating the particulate matter (PM) emissions for determining compliance with the emission limits.

**DISTRICT RESPONSE**

The District agrees and has added a proposed definition for "project." All PM emissions from all equipment units at a project will be counted towards the 82 pounds per day limit. The individual equipment unit's total PM emissions for all projects over the year will be counted toward the 10 tons per year PM emission limit.

For example, an owner/operator of a project with one or more registered equipment units would need to ensure that all the PM emissions combined from all the equipment units do not exceed 82 pounds per day.

In addition, an owner/operator of an individual equipment unit that is operated at 5 different projects over the course of a year would have to record the PM emissions from that equipment unit for each of the 5 projects individually. The summation of those emissions will be used to ensure compliance with the 10 tons per year limit.

**8. WORKSHOP COMMENT**

Why is the District proposing the inclusion of opacity in Subsections (d)(2)(iii)(A) and (d)(2)(iv)(A) – Confined and Unconfined Abrasive Blasting Operations?

**DISTRICT RESPONSE**

The District is proposing to modify this language to be consistent with existing District Rule 50 – Visible Emissions. Abrasive blasting operations have always been required to comply with opacity requirements.

**9. WORKSHOP COMMENT**

The District should consider adding cementitious mortar silos to the list of equipment units eligible to obtain a registration under Rule 12.1.

**DISTRICT RESPONSE**

The District agrees and has modified the proposal to include cementitious silos in the list of equipment units eligible for registration. Proposed amendments to Subsection (d)(2)(v) outline the standards for this equipment.

**10. WORKSHOP COMMENT**

The proposed amendments to Subsections (d)(2)(vi)(C) and (D) state visible emissions from screens, crushers, and transfer points and conveyors shall comply with the visible emission requirements of the rule by being ducted through filters or utilize wet suppression. Will the wet suppression system need to be an integrated part of the equipment to meet this requirement?

**DISTRICT RESPONSE**

Yes. The District has modified the proposal to clarify that the wet suppression system needs to be an integrated part of the equipment. This will ensure that the wet suppression system will be in operation when the equipment unit is operating.

**11. WORKSHOP COMMENT**

The District added new Section (g) – Record Keeping Requirements. Is it similar to the State PERP requirements which specify documentation of the operating locations and limitations?

**DISTRICT RESPONSE**

Yes. The District is proposing similar requirements to the State PERP regulation in new Section (g), including documenting the location and dates of operation, type and quantity of materials processed or daily hours of operation, and hourly throughput rate for the equipment unit. In addition, owners/operators of engines will be required to record the hours of operation or fuel consumed.

**12. WORKSHOP COMMENT**

The current Rule 11 – Exemptions from Permit Requirements exempts engines with a brake horsepower rating of less than 50. Will the District require these engines to be registered under Rule 12.1?

**DISTRICT RESPONSE**

No, the District will not require engines rated at less than 50 brake horsepower to be registered. Those engines will remain exempt from permit and registration requirements under existing Rule 11, Subsection (d)(2)(i).

JH:AMO:jl  
2/13/19