

**RESOLUTION ADOPTING 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 Anderson, seconded by Member Lawson-Remer, 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 are necessary because changes in federal and state law have affected permit requirements;
- (2) (Authority) The adoption of proposed amendments to Rule 12 are authorized by Section 40702 of the Health and Safety Code;
- (3) (Clarity) Proposed amendments to Rule 12 can be easily understood by persons directly affected by them;
- (4) (Consistency) The adoption of proposed amendments to 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 will not duplicate existing District, state, or federal requirements;
- (6) (Reference) The adoption of proposed amendments to 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 will facilitate the attainment of ambient air quality standards; and

WHEREAS, the Board further finds that an analysis comparing proposed amendments to Rule 12 with applicable requirements of federal and state 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; and

WHEREAS, the Board further finds that an assessment of the socioeconomic impacts of the proposed amendments to Rule 12 is not required pursuant to Section 40728.5 of the Health and Safety Code as the proposed amended rule 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 is to read as follows:

RULE 12. REGISTRATION OF SPECIFIED EQUIPMENT
(Rev. Adopted & Effective February 10, 2021)

(a) **APPLICABILITY**

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

- (i) Existing internal combustion emergency standby engines that commenced operation in San Diego County on or before November 15, 2000. Such engines shall not be subject to Rule 69.4.1 – Stationary Reciprocating Internal Combustion Engines.

- (ii) Existing stationary internal combustion engines rated at 200 brake horsepower or less which operate less than 200 hours per calendar year and commenced operation in San Diego County on or before November 15, 2000. Such engines shall not be subject to Rule 69.4.1 – Stationary Reciprocating Internal Combustion Engines.

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

- (iv) Any boiler, process heater or steam generator with a heat input rating greater than 2 million Btu per hour to less than 5 million Btu per hour, and fired exclusively with natural gas and/or liquefied petroleum gas. (Rev. Effective April 1, 2021)

(v) Paper shredders with a maximum throughput capacity of greater than 600 pounds per hour, either as rated by the manufacturer or as stated in writing by the manufacturer for the current configuration. This does not include hammer mills or any associated power units.

(vi) Grain silos used to brew beer at breweries that produce less than 100,000 barrels (3.1 million gallons) of beer per calendar year.

(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) **"Approach Light System with Sequenced Flasher Lights in Category 1 and Category 2 Configurations (ALSF-1 and ALSF-2)"** means high intensity approach lighting systems with sequenced flashers used at airports to illuminate specified runways during Category II or III weather conditions, where Category II means a decision height of 100 feet and runway visual range of 1,200 feet, and Category III means no decision height or decision height below 100 feet and runway visual range of 700 feet.

(2) **"Boiler"** means any combustion equipment fired with gaseous and/or liquid fuel and used to produce steam or to heat water. This does not include waste heat recovery boilers that are used to recover heat from the exhaust of gas turbines or internal combustion engines, or any waste heat recovery boiler that is used to recover sensible heat from the exhaust of any combustion equipment.

(3) **"Btu"** means British Thermal Unit.

(4) **"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 13 CCR, Sections 2281 and 2282.

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

(6) **"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.

(7) **"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.

(8) **"CFR"** means Code of Federal Regulations.

(9) **"Emergency Situation"** means providing electrical power or mechanical work during any of the following events and subject to the following conditions:

(i) The failure or loss of all or part of normal electrical power service or normal natural gas supply to the facility:

(A) which is caused by any reason other than the enforcement of a contractual obligation the owner or operator has with a third party or any other party; and

(B) which is demonstrated by the owner or operator to the Air Pollution Control Officer's satisfaction to have been beyond the reasonable control of the owner or operator.

(ii) The failure of a facility's internal power distribution system:

(A) which is caused by any reason other than the enforcement of a contractual obligation the owner or operator has with a third party or any other party; and

(B) which is demonstrated by the owner or operator to the Air Pollution Control Officer's satisfaction to have been beyond the reasonable control of the owner or operator.

(iii) The pumping of water or sewage to prevent or mitigate a flood or sewage overflow.

(iv) The pumping of water for fire suppression or protection.

(v) The powering of ALSF-1 and ALSF-2 airport runway lights under Category II or III weather conditions.

(vi) The pumping of water to maintain pressure in the water distribution system for the following reasons:

(A) a pipe break that substantially reduces water pressure; or

(B) high demand on the water supply system due to high use of water for fire suppression; or

(C) the breakdown of pumping equipment at sewage treatment facilities or water delivery facilities.

(10) **"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.

(11) **"Emission Unit"** means the same as defined in Rule 2 – Definitions.

(12) **"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 – Exemptions from Rule 10 Permit Requirements Subsection (d)(5) do not qualify as existing engines.

(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. 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.

(14) **"Process Heater"** means any combustion equipment fired with liquid and/or gaseous fuel and which transfers heat from the combustion gases to water or process streams. Heaters used for swimming pools, spas and/or therapy pools shall be considered process heaters. This does not include any combustion equipment where the material being heated is in direct contact with the products of combustion, such as furnaces or kilns, or any unfired waste heat recovery heater that is used to recover sensible heat from the exhaust of any combustion equipment.

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

(16) **"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.

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

(18) **"School Grounds"** means any public or private school used for purposes of the education of more than 12 children in kindergarten or any of grades 1 to 12, inclusive, but does not include any private school in which education is primarily conducted in a private home(s). "School Grounds" includes any building or structure, playground, athletic field, or other areas of school property but does not include unimproved school property.

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

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

(21) **"Steam Generator"** means any combustion equipment fired with gaseous and/or liquid fuel and used to produce steam or to heat water. This does not include waste heat recovery boilers that are used to recover heat from the exhaust of gas turbines or internal combustion engines, or any waste heat recovery boiler that is used to recover sensible heat from the exhaust of any combustion equipment.

(22) **"Testing or Maintenance"** means operating an emergency standby engine to:

- (i) Evaluate the ability of the engine or its supported equipment to perform during an emergency. "Supported Equipment" includes, but is not limited to, generators, pumps, transformers, switchgear, uninterruptible power supply, and breakers; or

(ii) Facilitate the training of personnel on emergency activities; or

(iii) Provide electric power for the facility when the utility distribution company takes its power distribution equipment offline to service that equipment for any reason that does not qualify as an emergency situation; or

(iv) Provide additional hours of operation to perform testing on an engine that has experienced a breakdown or failure during maintenance. Upon approval by the Air Pollution Control Officer, these additional hours of operation will not be counted in the maximum allowable annual hours of operation for the emergency standby engine that provided the electrical power. Operation for testing or maintenance purposes may be allowed for not more than 10 hours per year, with prior 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; or

(v) Provide electric power for the facility during an electrical upgrade, such as the replacement or addition of electrical equipment and systems resulting in increased generation, transmission and/or distribution capacity; or

(vi) Provide electric power for the facility during the repair of supported equipment as defined in Subsection (c)(22)(i).

(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, and maintain in good working order, a non-resettable hour or fuel meter installed that measures elapsed operating time or fuel usage, respectively. If an engine hour meter is replaced, the owner or operator shall notify the Air Pollution Control Officer in accordance with Subsection (g)(2).

(4) An owner or operator of an engine shall conduct at a minimum, annual 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. Notwithstanding the frequencies recommended by the engine manufacturers, the

annual maintenance shall be conducted at least once each calendar year. Engine maintenance shall include, but is not limited to, the following:

- (i) Changing the oil and filter, or testing the oil in accordance with the requirements of 40 CFR Part 63, Sections 63.6625(i) or 63.6625(j);
- (ii) Inspecting and cleaning air filters, and replacing as necessary;
- (iii) Inspecting all hoses and belts, and replacing as necessary; and
- (iv) Inspecting spark plugs, if equipped, and replacing as necessary.

(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) An owner or operator of a boiler, process heater or steam generator registered under this rule shall comply with all applicable requirements of Rule 69.2.2 – Medium Boilers, Process Heaters, and Steam Generators.

(7) Grain silos shall be equipped with a filter in good operating condition during pneumatic transferring and receiving of grain. Manufacturer's specifications or engineering data demonstrating a minimum particulate matter control efficiency of 90 percent by weight for PM₁₀ shall be retained on site and made readily available to the District upon request. There shall be no leakage from silos and ducting prior to treatment in the filter.

(8) Paper shredders and any associated air pollution control devices shall be operated in accordance with all manufacturer's instructions. Manufacturer's instructions shall be retained with the shredder and made readily available to the District upon request.

(9) Paper shredders shall not discharge into the atmosphere from any single source of emissions any air contaminant 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.

(10) Paper shredders shall not discharge such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public; or which endanger the comfort, repose, health or safety of any such persons or the public; or which cause or have a natural tendency to cause injury or damage to business or property.

(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 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) Requirements 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) Requirements 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) Record Keeping Requirements 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 – Permit and Other Fees. 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 – Permit and Other Fees.

(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 – Permit and Other Fees. 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 – Permit and Other Fees.

(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 – Permit and Other Fees. 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 – Permit and Other Fees. 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 REQUIREMENTS**

The owner or operator of a registered emission unit shall maintain the applicable records listed below in electronic and/or hardcopy format. 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, at a minimum, the following:

(i) An operating log containing dates and elapsed times of every instance of engine operation either based on actual readings of engine hour or fuel meter, or validated against such actual readings during owner or operator visits to unmanned sites only. In addition, an owner or operator of an emergency standby diesel engine located within 500 feet of school grounds shall also maintain the time of day of every instance of engine operation for testing or maintenance; except for an engine that

emits no more than 0.01 g/bhp-hr of diesel particulate matter, or meets the requirements specified in 17 CCR, Section 93115.13(f). If applicable, indicate whether the operation was for testing or maintenance or during an emergency situation and the nature of the emergency, and maintain the following:

(A) for a total external power outage, documentation from the serving utility of an outage in the area where the engine is located;

(B) for an internal power outage, a description of what caused the failure, and receipts and/or work orders for the necessary repairs, as applicable; and

(C) for a partial external power outage, including a low-voltage or electric transient incident, in which the external power voltage is low enough to trigger the operation of an emergency standby engine, a description of the incident.

(ii) total cumulative hours of operation per calendar year;

(iii) records of annual engine maintenance, including dates maintenance was performed and the nature of the maintenance;

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

(v) 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 an engine shall provide written notification to the Air Pollution Control Officer within 10 calendar days of replacing the engine hour meter. The notification shall include the following:

(i) Old meter's hour reading upon removal;

(ii) Replacement meter's manufacturer name, model, and serial number, if available;

(iii) Current hour reading of the replacement meter upon installation; and

(iv) Copy of receipt of new meter, or of installation work order.

(3) 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.

(4) An owner or operator of a boiler, process heater or steam generator registered under this rule shall comply with the record keeping requirements specified in Rule 69.2.2 – Medium Boilers, Process Heaters, and Steam Generators.

IT IS FURTHER RESOLVED AND ORDERED that proposed amendments to Rule 12 of Regulation II shall take effect on February 10, 2021.

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 10th day of February, 2021, by the following vote:

AYES: Vargas, Anderson, Lawson-Remer, Fletcher, Desmond

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STATE OF CALIFORNIA)
County of San Diego)^{SS}

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: C. Roels
Chrystal Rodriguez, Deputy



Resolution No. 21-018
Meeting Date: 02/10/2021 (AP1)