



Air Pollution Control Board

San Diego County Air Pollution Control District

GOVERNING BODY

NORA VARGAS
First District

JOEL ANDERSON
Second District

TERRA LAWSON-REMER
Third District

NATHAN FLETCHER
Fourth District

JIM DESMOND
Fifth District

AGENDA ITEM

DATE: February 10, 2021

AP01

TO: Air Pollution Control Board

SUBJECT

**NOTICED PUBLIC HEARING – ADOPTION OF AMENDMENTS TO RULE 12 –
REGISTRATION OF SPECIFIED EQUIPMENT (DISTRICTS: ALL)**

OVERVIEW

The San Diego County Air Pollution Control District (District) is responsible, under federal and state law, for controlling and reducing air pollution from stationary (fixed) sources including power plants, industrial facilities, and certain activities such as paint application or the use of industrial solvents. Accordingly, the District prepares, adopts, and enforces rules that set limits on the amount of air pollutants emitted from these types of sources and/or by requiring specific emission control technologies. These rules are implemented through a District Permit to Operate or a Certificate of Registration issued to sources emitting air pollutants.

Today's request is for the Air Pollution Control Board (Board) to adopt proposed amendments to Rule 12 (Registration of Specified Equipment) to provide consistency with current federal and state requirements and recently amended Rule 69.4.1 (Stationary Reciprocating Internal Combustion Engines) (July 8, 2020, AP03). Rule 12 provides owners of specified equipment, including existing emergency standby engines used by facilities to provide backup power during an emergency situation and low-use engines, a voluntary mechanism to register their equipment with the District in order to legally operate them throughout the 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 units are subject to federal, state, and local air pollution control requirements that protect air quality and public health.

The proposed rule amendments will require engine owners to conduct annual engine maintenance to ensure the units are functioning properly and emissions are minimized. Additionally, to confirm compliance with existing requirements, the owners will be required to document any power outages that necessitate standby engine use, maintain a record of the dates and elapsed times of engine operation, and notify the District when replacing an engine's hour meter that measures engine run time. On July 8, 2020 (AP03), the Board adopted similar amendments to Rule 69.4.1 (Stationary Reciprocating Internal Combustion Engines), which applies to engines operating under a permit. Today's proposed amendments apply to engines operating under a registration in lieu of a permit.

**SUBJECT: NOTICED PUBLIC HEARING - ADOPTION OF AMENDMENTS TO
RULE 12 – REGISTRATION OF SPECIFIED EQUIPMENT
(DISTRICTS: ALL)**

The proposed rule amendments do not impose requirements beyond federal and state regulations that are already in effect; sources already comply, and the proposal will result in no additional costs to businesses. The proposed rule amendments improve clarity and consistency with federal, state, and District regulations, increasing regulatory certainty for local businesses and provide a single, local regulation identifying all applicable requirements.

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 for the proposed Rule 12 amendments on November 18, 2020, to gather 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 - 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 – 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

The proposed rule amendments improve clarity and consistency with federal, state, and District regulations, increasing regulatory certainty for local businesses. The proposed rule amendments do not impose requirements beyond federal and state regulations that are already in effect, therefore the proposal will result in no additional costs to businesses.

ADVISORY BOARD STATEMENT

At its meeting on January 13, 2021, with a quorum present, the Air Pollution Control District Advisory Committee voted in support of staff’s recommendations. No concerns with the proposal were raised to the District by Advisory Committee members.

BACKGROUND

**SUBJECT: NOTICED PUBLIC HEARING - ADOPTION OF AMENDMENTS TO
RULE 12 – REGISTRATION OF SPECIFIED EQUIPMENT
(DISTRICTS: ALL)**

Rule 12 (Registration of Specified Equipment) was last adopted by the Air Pollution Control Board (Board) on July 8, 2020 (AP02). The rule provides owners of existing emergency standby and low use engines, and other specified equipment a voluntary mechanism to register their units with the San Diego County 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 registered equipment is subject to air pollution control standards and other requirements that protect air quality and public health.

During the implementation of the latest rule amendments, the District identified that certain requirements from District Rule 69.4.1 (Stationary Reciprocating Internal Combustion Engines) and related federal and state regulations were not reflected in those amendments, prompting the current proposed revisions. The proposed rule amendments include new and revised definitions, annual engine maintenance, maintenance of an operating log containing dates and elapsed times of every instance of engine operation, maintenance of documentation for external and internal power outages, and notification upon the replacement of an engine hour meter.

Customer/Stakeholder Notification

District staff conducted a public workshop to gather input on the proposed amended rule from affected parties. A workshop notice was posted on the District's website and sent to each engine registration holder, and chamber of commerce in the region, members of the Advisory Committee, subscribers to the County's email notification service, the U.S. Environmental Protection Agency, and the California Air Resources Board.

The workshop was attended by 45 people, including industry representatives. District staff prepared responses to all comments and questions received, which were provided to the workshop participants in a Workshop Report (Attachment B). 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 San Diego County Air Pollution Control 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 Rule 12 will not significantly affect air quality or emissions limitations. The rule provides voluntary mechanisms to register certain equipment in lieu of obtaining a permit to operate. The proposed rule amendments do not impose requirements beyond federal and state requirements that are already in effect. Accordingly, a socioeconomic impact assessment is not required and has not been prepared.

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 Rule 12. The rule provides a voluntary mechanism to register certain equipment in lieu of obtaining a permit to operate; the registered equipment must comply with air pollution

**SUBJECT: NOTICED PUBLIC HEARING - ADOPTION OF AMENDMENTS TO
RULE 12 – REGISTRATION OF SPECIFIED EQUIPMENT
(DISTRICTS: ALL)**

control standards and other requirements to protect air quality and public health. The proposed rule amendments provide consistency with corresponding federal, state and District regulations that are already in effect. District staff therefore determined the adoption of amendments to Rule 12 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 2021–2026 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 Rule 12 will help ensure that the registration and air pollution control requirements for certain equipment units are consistent with corresponding federal, state and District regulations and will increase business confidence while preserving the environment.

Respectfully submitted,



SARAH E. AGHASSI
Deputy Chief Administrative Officer



ROBERT REIDER
Interim Air Pollution Control Officer

ATTACHMENT(S)

Attachment A – 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

Attachment B – Workshop Report

Attachment C – Rule 12 – Registration of Specified Equipment Change Copy

SUBJECT: NOTICED PUBLIC HEARING - ADOPTION OF AMENDMENTS TO
RULE 12 – REGISTRATION OF SPECIFIED EQUIPMENT
(DISTRICTS: ALL)

AGENDA ITEM INFORMATION SHEET

REQUIRES FOUR VOTES: Yes No

WRITTEN DISCLOSURE PER COUNTY CHARTER SECTION 1000.1 REQUIRED

 Yes No

PREVIOUS RELEVANT BOARD ACTIONS:

July 8, 2020 (AP02), Adoption of Amended 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):

ROBERT REIDER

Name

(858) 586 - 2700

Phone

Robert.Reider@sdcounty.ca.gov

E-mail

Angela M. Fisch

Name

(858) 586 - 2753

Phone

Angela.Fisch@sdcounty.ca.gov

E-mail