

# Final Regulation Order

## AIRBORNE TOXIC CONTROL MEASURE FOR DIESEL PARTICULATE MATTER FROM PORTABLE ENGINES RATED AT 50 HORSEPOWER AND GREATER

Amend sections 93116.1, 93116.2, 93116.3, title 17, California Code of Regulations to read as follows.

(Note: The amendments are shown in underline to indicate additions and ~~strikeout~~ to indicate deletions. The symbol “\* \* \* \* \*” means that intervening text not being amended is not shown.

### § 93116.1 Applicability.

\* \* \* \* \*

(b) The following portable engines are not subject to this regulation:

\* \* \* \* \*

- (8) Engines used exclusively on cranes shall meet all applicable requirements in Title 13 of the California Code of Regulations commencing with section 2449;
- (9) Engines used exclusively on street sweepers that are not subject to Title 13 ~~CCR~~ Cal. Code Regs., section 2022 shall meet all applicable requirements in Title 13 of the California Code of Regulations commencing with section 2025; and
- (10) Engines used exclusively on two-engine water well drilling rigs as defined in Title 13, Cal. Code Regs., section 2449(c) shall meet all applicable requirements in Title 13 of the California Code of Regulations commencing with section 2449.

NOTE: Authority cited: Sections 39600, 39601, 39650, 39658, 39659, 39666, 41752, 43013 and 43018, Health and Safety Code. Reference: Sections 39650, 39666, 41752, Health and Safety Code.

### § 93116.2 Definitions.

(a) For the purposes of these regulations, the following definitions apply:

\* \* \* \* \*

(4) (reserved for further amendments)

(5) (reserved for further amendments)

(6) (reserved for further amendments)

\* \* \* \* \*

(13) (reserved for further amendments)

\* \* \* \* \*

(19) "*In-Use Engines*" refers to portable diesel-fueled engines operating under valid permits or registrations as of December 31, 200509.

\* \* \* \* \*

(37) (reserved for further amendments)

\* \* \* \* \*

NOTE: Authority cited: Sections 39600, 39601, 39650, 39658, 39659, 39666, 41752, 43013 and 43018, Health and Safety Code. Reference: Sections 39650, 39666, 41752, Health and Safety Code.

### § 93116.3 Requirements.

\* \* \* \* \*

(b) Diesel PM Standards

(1) (reserved for further amendments)

(A) Except as provided in sections 93116.3(b)(1)(B) and 93116.3(b)(1)(C), starting January 1, 2010, all portable diesel-fueled engines shall be certified to meet a federal or California standard for newly manufactured ~~nonroad~~ engines pursuant to 40 CFR Part 89, Part 86, or the equivalent categories in Title 13 of the California Code of Regulations. ~~(that is, certified to Tier 1, 2 or 3 nonroad engine standards).~~<sup>4</sup>

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<sup>4</sup> Tier 1, 2, 3, and 4 refer to nonroad engine emission standards promulgated by ARB and U.S. EPA for newly manufactured engines pursuant to 40 CFR Part 89 or Title 13 of the California Code of Regulation. Each successive Tier represents more stringent emission standards and the requirements are phased in over time with the Tier 1 engine standards becoming effective for some engines manufactured in 1996 and becoming effective for all engines by 2000. Tier 2 engine standards are phased in for engines manufactured beginning in 2001 and becomes effective for all engines by 2006. Similarly, Tier 3 engines are phased in for engines manufactured beginning in 2006, and Tier 4 engines are phased in for engines manufactured beginning in 2011.

**(B) (reserved for further amendments)**

(C) Notwithstanding the requirements of section 93116.3(b)(1)(A), any company, public agency, or military base may select specific engines to continue to operate until December 31, 2010. The selections shall be submitted to the appropriate regulatory agency no later than 30 days after the effective date of these amendments, and are subject to the requirements below:

1. The engine(s) selected shall have current, valid permits or registrations as of December 31, 2009; and
2. one engine with no restriction for maximum rated horsepower; or
3. no more than five engines not to exceed 500 cumulative brake horsepower for the selected engines.
4. If an owner has selected one spark ignition engine per title 13 Cal. Code Regs. subsection 2456(f)(11)(A), then section 93116.3(b)(1)(C)(2) shall not be used.
5. If an owner has selected less than five spark ignition engines per title 13 Cal. Code Regs. subsection 2456(f)(11)(B) then the combined total of selected spark-ignition engines and compression-ignition engines shall not exceed five engines with a cumulative size of 500 brake horsepower.

**(2) (reserved for further amendments)**

**(3) (reserved for further amendments)**

**(4) (reserved for further amendments)**

**(5) (reserved for further amendments)**

**(6) (reserved for further amendments)**

**(c) (reserved for further amendments)**

**(d) (reserved for further amendments)**

\* \* \* \* \*

NOTE: Authority cited: Sections 39600, 39601, 39650, 39658, 39659, 39666, 41752, 43013 and 43018, Health and Safety Code. Reference: Sections 39650, 39666, 41752, Health and Safety Code.