

# 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, Cal. Code Regs., of the California Code of Regulations~~ commencing with section 2449;
- (9) Engines used exclusively on street sweepers that are not subject to ¶title 13, Cal. Code Regs., section 2022, shall meet all applicable requirements in ~~¶title 13, Cal. Code Regs., 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, Cal. Code Regs., of the California Code of Regulations~~ commencing with section 2449; and
- (11) Engines used exclusively on dedicated snow removal vehicles as defined in title 13, Cal. Code Regs., section 2449(c).

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

**§ 93116.2 Definitions.**

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

\* \* \* \* \*

- (4) “*CARB Diesel Fuel*” means any diesel fuel that is commonly or commercially known, sold, or represented by the supplier as diesel fuel No. 1-D or No. 2-D, pursuant to the specification for Diesel Fuel Oils D975-81, and that meets the specifications defined in ~~¶~~title 13 CCR Cal. Code Regs., sections 2281, 2282, and 2284.
- (5) “*Certified ~~Nonroad~~ Engine*” refers to an engine meeting an applicable ~~nonroad~~ engine emission standard as set forth in ~~Title 13 of the California Code of Regulations or 40 CFR 40 Part 89, Part 86, Part 1039,~~ or set forth in the equivalent categories in title 13, Cal. Code Regs.
- (6) “*Crane*” means the same as “Two-Engine Crane” defined in ~~¶~~title 13, CCR Cal. Code Regs., section 2449(c)~~(56)~~.

\* \* \* \* \*

- (13) “*Emergency Event*” refers to a situation arising from a sudden and reasonably unforeseen natural disaster such as an earthquake, flood, fire, ~~or other acts of God,~~ or other unforeseen event that requires the use of portable engines to help alleviate the threat to public health and safety.

\* \* \* \* \*

- (20) “*Level-3 Verified Technology*” means a technology that has satisfied the requirements of the “Verification Procedure for In-Use Strategies to Control Emissions from Diesel Engines” in ~~¶~~title 13, Cal. Code Regs., ~~of the California Code of Regulations,~~ commencing with section 2700, and has demonstrated an reduction in diesel particulate matter of 85% percent or greater.

\* \* \* \* \*

- (37) “*Street Sweeper*” means the same as “Dual-engine Street Sweeper” defined in ~~¶~~title 13, CCR Cal. Code Regs., section 2022(b)(2).

\* \* \* \* \*

(41) “*Verified Emission Control Strategy*” refers to an emission control strategy, designed primarily for the reduction of diesel PM emissions which has been verified pursuant to the “Verification Procedure for In-Use Strategies to Control Emissions from Diesel Engines” in ~~¶~~title 13, Cal. Code Regs., ~~of the California Code of Regulations~~, commencing with section 2700, and incorporated by reference.

\* \* \* \* \*

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

### § 93116.3 Requirements.

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#### (b) Diesel PM Standards

(1) Requirements for in-use portable diesel-fueled engines operating under valid permits or registrations as of December 31, 2009:

\* \* \* \* \*

(B) In lieu of complying with section 93116.3(b)(1)(A), owners of portable diesel-fueled engines that are not certified and are used exclusively in emergency applications or portable diesel-fueled engines that qualify as low-use engines may shall commit by December 31, 2011 to removing these engines from service or replacing these engines no later than January 1, 2017. with Tier 4 engines, subject to the requirements below: The replacement engines shall be certified to the most stringent of either the federal or California emission standards for the appropriate class and category of nonroad engine in effect at the time of replacement.

- ~~1. the Responsible Official shall submit written notification identifying the specific portable diesel-fueled engines to be replaced with portable diesel-fueled engines certified to the Tier 4 emission standards; and~~
- ~~2. for each class and category of nonroad engine, replace each portable diesel-fueled engine so identified within two years of the first engine being offered for sale that satisfies the Tier 4 emission standards.~~

\* \* \* \* \*

- (2) Portable diesel-fueled engines that have not been permitted or registered prior to January 1, 2006~~10~~, are subject to the following requirements: shall not be permitted or registered unless they are certified to the most stringent standard contained in the federal or California emission standards for nonroad engines, with the following exceptions:
- ~~(A) except as specified in 93116.3(b)(4), 93116.3(b)(5), and 93116.3(b)(6), and except as allowed under flexibility provisions for equipment and vehicle manufacturers and post-manufacture marinizers pursuant to 40 CFR Part 89 or Title 13 of the California Code of Regulations, the portable diesel-fueled engine shall meet the most stringent of the federal or California emission standard for nonroad engines; or~~
- ~~(B) upon approval by the air pollution control officer, a diesel-fueled portable engine not certified to an emission standard pursuant to 40 CFR Part 89 or Title 13 of the California Code of Regulations used exclusively in emergency applications or qualifying as a low-use engine designation may only be permitted or registered by a district. Any engine used exclusively in emergency applications or qualifying as a low-use engine designation is subject to the requirements of section 93116.3(b)(3).~~
- (A) Engines meeting the definition of portable that have never been permitted or registered may be permitted or registered by a district or registered in the Statewide Portable Equipment Registration Program if they are certified to the on-road emission standards pursuant to 40 CFR Part 86, or the equivalent category in title 13, Cal. Code Regs.;
- (B) An engine owner, operator, dealer, or distributor may permit or register an engine not meeting the most stringent emission standard providing the following are met:
1. The engine met the most stringent emission standard in effect prior to the change for that horsepower range; and
  2. The application for permit or registration of the engine is submitted within six months of the effective date of the change in emission standards.
- (C) Engines built under flexibility provisions for equipment and vehicle manufacturers and post-manufacture marinizers pursuant to 40 CFR Part 89 or title 13 , Cal. Code Regs;
- (D) Certified engines that lost permit exemption due to a change in district rules; or

(E) Until January 1, 2017, a district may issue a permit or registration for an engine not meeting the most stringent of the federal or California emission standard for nonroad engines if:

1. The engine is certified to meet an emission standard set pursuant to 40 CFR Part 89, Part 1039 or set forth in the equivalent categories of title 13, Cal. Code Regs.; and
2. For Tier 1 and Tier 2 engines only, the engine shall have operated in California at any time during the period from January 1, 2008 to December 31, 2010. The responsible official shall provide documentation to prove the engine's operation to the satisfaction of the Air Pollution Control Officer. Engines certified to a more stringent emission standard than Tier 2 are not subject to subsection (E)2.

~~(3) Except as provided in section 93116.3(b)(1)(B), portable Certified diesel-fueled engines used exclusively in emergency applications or qualifying as low-use engines shall satisfy one of the following requirements by January 1, 2020:~~

- ~~(A) the portable diesel-fueled engine is certified to Tier 4 emission standards for newly manufactured nonroad engines; or~~
- ~~(B) the portable diesel-fueled engine is equipped with a properly functioning level-3 verified technology; or~~
- ~~(C) the portable diesel-fueled engine is equipped with a combination of verified emission control strategies that have been verified together to achieve at least 85% percent reduction in diesel PM emissions.~~

~~(4) Engines operated in California between March 1, 2004 and October 1, 2006 may be permitted or registered by a district or registered in the Statewide Portable Equipment Registration Program until 12/31/09 if they meet an emission standard pursuant to 40 CFR Part 89 or Title 13 of the California Code of Regulations.~~

~~(5) Upon approval by the air pollution control officer, a district may permit or register engines operated in California between March 1, 2004 and October 1, 2006 that are not certified to an emission standard pursuant to 40 CFR Part 89 or Title 13 of the California Code of Regulations.~~

~~(6) An engine owner, operator, dealer, or distributor may permit or register an engine not meeting the most stringent emission standard providing the following are met:~~

- ~~(A) The engine met the most stringent emission standard in effect prior to the change for that horsepower range, and;~~
- ~~(B) The application for permit or registration of the engine is submitted within six months of the effective date of the change in emission standards.~~

(c) Fleet Requirements

- (1) Each fleet is subject to and shall comply with the following weighted PM emission fleet averages expressed as grams per brake horsepower-hour (g/bhp-hr) by the listed compliance dates:

| <i>Fleet Standard Compliance Date</i> | <i>Engines &lt;175 hp (g/bhp-hr)</i> | <i>Engines ≥175 to 74950 hp (g/bhp-hr)</i> | <i>Engines ≥ ≥ 750 hp (g/bhp-hr)</i> |
|---------------------------------------|--------------------------------------|--|--------------------------------------|
| 1/1/13                                | 0.3                                  | 0.15                                       | 0.25                                 |
| 1/1/17                                | 0.18                                 | 0.08                                       | 0.08                                 |
| 1/1/20                                | 0.04                                 | 0.02                                       | 0.02                                 |

\* \* \* \* \*

(d) Fleet Average Calculations

(1) General Provisions

\* \* \* \* \*

- (B) The following diesel PM emission rates shall be used with the above formula to determine the weighted average fleet emission rate:

1. for portable diesel-fueled engines certified to a nonroad engine standard, the results of emission measurements submitted to either the U.S. EPA or CARB for the purposes of satisfying the appropriate emission standard; or
2. for Tier 1 engines less than 175 bhp for which no particulate matter emission standard exists, an emission rate of 0.87 g/bhp-hr shall be used for engines less than 120 bhp and 0.46 shall be used for engines 120 to 174 bhp; or
3. for engines built under the flexibility provisions for equipment and vehicle manufacturers and post-manufacture marinizers pursuant to 40 CFR Part 89 or title 13, Cal. Code Regs., that do not have a family name indicated on the engine, the emission standard of the tier level to which the engine was built shall be used; or
24. results from emission measurements from a verified emission control strategy may be used in conjunction with engine emission information; or
35. for portable diesel-fueled engine(s) equipped with SCR system(s), results from valid emission tests.

- (2) The following incentives may be used to revise the fleet average, as outlined below:

\* \* \* \* \*

(B) Alternative-fueled portable engines

\* \* \* \* \*

2. Alternative-fueled portable engines operating 100 or more hours per calendar year and added to a fleet prior to January 1, 2009, may be counted twice in the company's fleet average determination toward compliance with the 2013 and 2017 fleet emission standards. The alternative-fueled engine shall be certified to meet a federal or California standard for newly manufactured nonroad engines pursuant to 40 CFR Part 89 or ~~Title 13, Cal. Code Regs. of the California Code of Regulations.~~

\* \* \* \* \*

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