

Final Regulation Order

Statewide Portable Equipment Registration Program

Amend sections 2451, 2452, 2453, 2456, 2457, 2458, and 2459, title 13, 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.)

§ 2451. Applicability.

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(c) The following are not eligible for registration under this program:

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(4) any engine or equipment unit subject to an applicable federal Maximum Achievable Control Technology standard, or National Emissions Standard for Hazardous Air Pollutants, or federal New Source Performance Standard, except for equipment units subject to the requirements of 40 CFR Part 60 Subpart OOO (Standards of Performance for Nonmetallic Mineral Processing Plants) as they relate to portable plants as defined in 40 CFR section 60.671 (2009);

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(9) generators used to provide primary or supplemental power to a building, facility, stationary source, or stationary equipment, except during unforeseen interruptions of electrical power from the serving utility, maintenance and repair operations, and electrical upgrade operations including startup, shutdown, and testing that do not exceed 60 calendar days, ~~operations where the voltage, frequency, or electrical current requirements can only be supplied by a portable generator, or remote operations where grid power is unavailable.~~

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NOTE: Authority cited: Sections 39600, 39601, 41752, 41753, 41754, 41755, 43013(b) and 43018, Health and Safety Code. Reference: Sections 41750, 41751, 41752, 41753, 41754 and 41755, Health and Safety Code.

§ 2452. Definitions.

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- (d) **“Certified Spark-Ignition Engine”** means an engine meeting the ~~nonroad~~ engine emission standards for spark-ignition engines, as set forth in ~~title 13, of the California Code of Regulations~~ Cal. Code Regs., or 40 CFR Part 1048 in effect at the time of application.

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- (g) **“Crane”** means the same as “Two-Engine Crane” defined in title 13, ~~CGR~~ Cal. Code Regs., section 2449(c)(~~56~~).

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- (j) **“Emergency Event”** means any situation arising from sudden and reasonably unforeseen natural disaster such as earthquake, flood, fire, ~~or other acts of God,~~ or other unforeseen events beyond the control of the portable engine or equipment unit operator, its officers, employees, and contractors that threatens public health and safety and that requires the immediate temporary operation of portable engines or equipment units to help alleviate the threat to public health and safety.

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- (ii) **“Provider of Essential Public Service (PEPS)”** means any privately-owned corporation or public agency ~~that whose primary purpose is to~~ owns, operates, controls, or manages an essential public service as determined by the Executive Officer. An essential public service may be a line, plant, or system for the transportation of people or property, the transmission of telephone or telegraph messages, or the production, generation, transmission or furnishing of heat, light, water, power, or sanitation directly or indirectly to the public.

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- (mm) **“Resident Engine”** means either of the following:

- (1) a ~~portable~~ certified compression-ignition engine or certified spark-ignition engine that at the time of applying for registration, has a current, valid district permit or district registration that was issued prior to January 1, 2006, except those certified compression-ignition engines that were permitted or registered by a district per title 17, Cal. Code Regs., section 93116.3(b)(2)(E); or
- (2) a certified compression-ignition engine or certified spark-ignition engine that lost a permit to operate exemption through a formal district action. Moving an engine from a district that provides a permit to operate exemption to a district that requires a permit to operate or registration does not qualify for consideration as a resident engine. ~~or~~

~~(2) a certified compression-ignition engine that operated in California at any time between March 1, 2004 and October 1, 2006. The responsible official shall provide sufficient documentation to prove the engine's residency to the satisfaction of the Executive Officer. Examples of adequate documentation include but are not limited to: tax records, purchase records, maintenance records, or usage records.~~

~~An engine permitted or registered by a district pursuant to Title 17 of the California Code of Regulations Section 93116.3(b)(6) is not a resident engine.~~

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

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NOTE: Authority cited: Sections 39600, 39601, 41752, 41753, 41754, 41755, 43013(b) and 43018, Health and Safety Code. Reference: Sections 41750, 41751, 41752, 41753, 41754 and 41755, Health and Safety Code.

§ 2453. Application Process.

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(f) Upon finding that an engine or equipment unit meets the requirements of this article, the Executive Officer shall issue a registration for the engine or equipment unit. The Executive Officer shall notify the applicant in writing or electronic notification that the engine or equipment unit has been registered. The written or electronic notification shall include a registration certificate, and any conditions to ensure compliance with State and federal requirements. For electronic notification, the applicant shall submit an agreement with the application to accept electronic notification in lieu of written notification. In addition, and a registration identification device shall be mailed by the Executive Officer for each engine or equipment unit registered pursuant to this regulation. Except for TSE, the registration identification device shall be affixed on the engine or equipment unit at all times, and the registration certificate including operating conditions shall be kept on the immediate premises with the engine or equipment at all times and made accessible to the Executive Officer or districts upon request. Failure to properly maintain the registration identification device shall be deemed a violation of this article.

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(h) For TSE, application for registration and the appropriate fee(s) as specified in section 2461, shall be submitted in a format approved by the Executive Officer and include, at a minimum, the following information:

- (1) the name of applicant, including mailing address, email address, and telephone number;
 - (2) a brief description of typical engine or equipment unit use;
 - (3) engine or equipment-unit description, including type and rated brake horsepower; and
 - (4) the printed name and written or electronic signature of the responsible official and date of the signature.
- (i) All registered engines and equipment units shall have a designated home district as defined in section 2452(o) according to the following:
- ~~(1)~~ Owners holding valid registration(s) prior to the effective date shall ~~designate in writing to the Executive Officer a home district within 90 days of the effective date of this regulation. The Executive Officer shall designate the home district for any and all registered engines and equipment units for existing registration program participants that fail to designate a home district;~~
 - (21) a home district shall be designated on each application for initial registration of an engine or equipment unit; and
 - (32) except for registered engines or equipment units owned by a PEPS, rental business or involved in a third party rental, if the engine or equipment unit, based on averaging of annual operation in each district from the three annual reports submitted during the 3 year registration cycle, operational and/or location records as required by 2458(a), operated the largest percentage of the time in a district other than the designated home district, the owner shall change the home district designation at the time of renewal. The change is not required if the difference between the home district operation percentage and the district with the largest operating percentage is 5 percent or less.

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- (l) Once registration is issued by the Executive Officer, district permits or district registrations for engines or equipment units registered in the Statewide Registration Program are preempted by the statewide registration and are, therefore, considered null and void, except for the following circumstances where a district permit shall be required:
- (1) engines or equipment units used in a project(s) operating in the OCS. The requirements of the district permit or registration apply to the registered engine or equipment unit while operating at the project(s) in the OCS; or
 - (2) engines or equipment units used in a project(s) operating in both the OCS and STW. The requirements of the district permit or registration apply to the registered engine or equipment unit while operating at the project(s) in the OCS and STW; or
 - (3) at STW project(s) that trigger district emission offset thresholds; or
 - (4) at any specific location where statewide registration is not valid. The owner of the engine or equipment unit shall obtain a district permit or

- registration for the location(s) where the statewide registration is not valid;
or
- (5) at any location where an engine or equipment unit that has been determined to cause a public nuisance as defined in Health and Safety Code Section 41700.

Under no circumstances shall a portable engine or equipment unit be operated under both statewide registration and a district permit at any specific location. Where both a district permit for operation at a specific location and statewide registration have been issued for an engine or equipment unit, the terms of the district permit shall take precedence at that location.

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NOTE: Authority cited: Sections 39600, 39601, 41752, 41753, 41754, 41755, 43013(b) and 43018, Health and Safety Code. Reference: Sections 41750, 41751, 41752, 41753, 41754 and 41755, Health and Safety Code.

§ 2456. Engine Requirements.

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- (c) Registered diesel engines used on a crane shall comply with the applicable requirements in title 13, CCR Cal. Code Regs., section 2449 and are otherwise exempt from further requirements of this section, except for subsection (f)(5).
- (d) Registered diesel engines used on a street sweeper that are not subject to the requirements of title 13, CCR Cal. Code Regs., section 2022 shall comply with the applicable requirements in title 13, CCR Cal. Code Regs., section 2025 and are otherwise exempt from further requirements of this section, except for subsection (f)(5).

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- (f) Engines rated equal to, or greater than 50 bhp registered under this article shall:
- (1) be certified compression-ignition engines or certified spark-ignition engines that meet the most stringent emissions standard in effect for the applicable horsepower range at the time the application for initial registration is submitted by the responsible official. Spark-ignition engines that are not certified spark-ignition engines may be registered if they meet the emission standards in Table 1. Subsection (f)(1) does not apply to certified compression-ignition engines built under the flexibility provisions listed in 40 CFR Part 89.102, engines that are resident engines, engines on dedicated snow removal vehicles as defined in title 13, Cal. Code Regs., section 2449(c), changes of ownership, or engines that meet the requirements of ~~title 17, of the California Code of Regulations~~ Cal. Code Regs., sections 93116.3(b)(~~7~~)(B) or 93116.3.1.

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- (3) use only fuels meeting the standards for California motor vehicle fuels as set forth in chapter 5, division 3, ~~¶title 13, of the California Code of Regulations~~ Cal. Code Regs., commencing with section 2250, or other fuels and/or additives that have been verified through the Verification Procedure for In-Use Strategies to Control Emissions from Diesel Engines;

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- (7) In lieu of (6)(E) and (6)(F) above, operation of a registered new nonroad engine rated at 750 brake horsepower or greater for which a federal or California standard pursuant to 40 CFR Part 89 or ~~¶title 13, of the California Code of Regulations~~ Cal. Code Regs., has not yet become effective, shall not exceed 12 hours per day.

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- (g) All registered engines shall be equipped with a functioning non-resettable hour meter, fuel meter or other operation tracking device approved by the Executive Officer. ~~Engines registered prior to the effective date of this regulation, that are not equipped with a functional non-resettable hour meter, fuel meter or other operation tracking device shall install one and notify ARB in writing within 6 months of the effective date of this regulation.~~

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NOTE: Authority cited: Sections 39600, 39601, 41752, 41753, 41754, 41755, 43013(b) and 43018, Health and Safety Code. Reference: Sections 41750, 41751, 41752, 41753, 41754 and 41755, Health and Safety Code.

Table 1. Spark-ignition Engine Requirements*

<i>Pollutant Emission Limits</i>		
<i>NO_x**</i>	<i>VOC**</i>	<i>CO**</i>
80 ppm _{dv} NO _x (1.5 g/bhp-hr) **	240 ppm _{dv} VOC (1.5 g/bhp-hr)	176 ppm _{dv} CO (2.0 g/bhp-hr)

* These requirements are in addition to requirements of section 2455 and 2456.

** For the purpose of compliance with this article, ppm_{dv} is parts per million @ 15 percent oxygen averaged over 15 consecutive minutes. Limits of ppm_{dv} are the approximate equivalent to the stated grams per brake horsepower hour limit based on assuming the engine is 24.2 percent efficient.

§ 2457. Requirements for Registered Equipment Units.

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- (b) Registered equipment units shall also meet the following applicable requirements:

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- (4) 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 Ringelmann 2 or equivalent 40 percent opacity;
 - (B) only California Air Resources Board-certified abrasive blasting material shall be used [Note: see ~~¶title 17, California Code of Regulations~~ Cal. Code Regs., section 92530 for certified abrasives.];
 - (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, of California Code of Regulations~~ Cal. Code Regs. shall also apply; and
 - (F) there shall be no visible emissions beyond the property line on which the equipment is being operated.

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NOTE: Authority cited: Sections 39600, 39601, 41752, 41753, 41754, 41755, 43013(b) and 43018, Health and Safety Code. Reference: Sections 41750, 41751, 41752, 41753, 41754 and 41755, Health and Safety Code.

§ 2458. Recordkeeping and Reporting.

- (a) The recordkeeping requirements for registered engines and equipment units are as follows:
~~Except for registered engines owned by a rental business, used in a third-party rental, operated by a PEPS, used on a crane, used on a street sweeper, or TSE, the owner of registered engines, including engines otherwise preempted under section 209 (e) of the federal Clean Air Act, or registered equipment units shall maintain records of operation of each registered engine and equipment unit. Recordkeeping for engines not previously required to maintain records shall begin upon the effective date of the regulation or January 1, 2007, which ever is later. For engines not previously required to have an hour meter, fuel meter or other device approved by the Executive Officer, the owner or operator shall record hours of operation until the hour meter, fuel meter or other device~~

approved by the Executive Officer has been installed. The records shall be maintained at a central place of business for five years, and made accessible to the Executive Officer or districts upon request. Records shall be maintained in a format approved by the Executive Officer and include, at a minimum, all of the following:

(1) The requirements in subsection (a)(2) are not applicable to the following:

- (A) Engines and equipment units owned by a rental business;
- (B) Engines and equipment units used in a third-party rental;
- (C) Certified compression-ignition engines and certified spark-ignition engines owned by a PEPS;
- (D) Engines used on a crane;
- (E) Engines used on a street sweeper;
- (F) Engines used on a water well drilling rig; and
- (G) Tactical Support Equipment.

(2) The operator of registered engines or equipment units, including engines otherwise preempted under section 209 (e) of the federal Clean Air Act, shall maintain records of operation of each registered engine and equipment unit. The records shall be maintained at a central place of business for five years, and made accessible to the Executive Officer or districts upon request. Records shall include, at a minimum, all of the following:

- (4A) eEngine or equipment unit registration number;
- ~~(2) recordings from an hour meter, fuel meter, or other device approved by the Executive Officer, and the corresponding dates of the recordings for each registered engine or equipment unit based on the following:~~
 - ~~(A) for each project as defined in 2452 (gg) or (hh), readings shall be recorded prior to the commencement of operation and at the completion of the project; or~~
 - ~~(B) for ongoing operation of a registered engine or equipment unit at multiple locations within a stationary source, readings shall be recorded at the beginning and end of each calendar week; or~~
 - ~~(C) for each location, readings shall be recorded prior to commencement of operation and upon completion of operation at that location.~~
- (3B) For registered engines and equipment units subject to a daily and/or annual operational limitation, daily and/or annual records as appropriate of either hours of operation, fuel usage, or process throughput as applicable.
- (4C) For equipment units subject to the requirements of section 2457(b)(3), daily throughput shall be the sum of measurements of material introduced into the equipment unit by weight. These measurements shall be taken at the initial loading point(s) of the equipment unit.

- ~~(5) recordings from an hour meter, fuel meter, or other device approved by the Executive Officer and the corresponding dates of the recordings any time an engine or equipment unit is undergoing service, repair, or maintenance; and~~
- ~~(6) for each start and stop reading specified in (2) and (3) above, the location identified by district, county, or other indicator (i.e., street address, UTM coordinates, etc.)~~
- (D) For equipment units, the specific location where the registered equipment unit is located (i.e. street address and city; or county and UTM coordinates; or other location indicator) shall be recorded each time the equipment unit is brought to a new location including relocation for the purposes of storage. The date the equipment unit was placed at the new location shall also be recorded.
- (E) For engines, the specific location where the registered engine is located (i.e. street address and city; or county and UTM coordinates; or other location indicator) shall be recorded no less than once a month.

(b) The recordkeeping requirements for registered engines and equipment units owned by a rental business or involved in a third-party rental are as follows: ~~A rental business or the owner of a registered engine or equipment unit involved in a third party rental, shall maintain records for each rental or lease transaction. The written rental or lease agreement shall be kept onsite with the registered engine or equipment unit at all times. Recordkeeping for registered engines not previously required to maintain records shall begin upon the effective date of the regulations or January 1, 2007, which ever is later. For registered engines not previously required to have an hour meter, fuel meter or other device approved by the Executive Officer, the owner or operator shall record hours of operation until the hour meter, fuel meter or other device approved by the Executive Officer has been installed. The owner shall provide each person who rents a registered engine or equipment unit with a written copy of applicable requirements of this article, including recordkeeping and notification requirements, as a part of the agreement. The records, including written acknowledgment by each renter of the registered engine or equipment unit of having received the above information, shall be maintained by the rental business or the owner of the registered engine or equipment unit involved in a third-party rental at a central location for five years, and made accessible to the Executive Officer or districts upon request. Records shall be maintained in a format approved by the Executive Officer and include, at a minimum, for each rental engine all of the following:~~

- (1) A rental business or the owner of a registered engine or equipment unit involved in a third party rental shall:
 - (A) provide each person who rents a registered engine or equipment unit with a written copy of the registration for each engine or equipment unit as a part of the rental agreement; and
 - (B) maintain written evidence of receipt of the registration(s) by the person who rents the registered engine or equipment unit.

- (2) A rental business or the owner of a registered engine or equipment unit involved in a third party rental shall provide a written log to be kept with the registered engine or equipment unit for the purpose of documenting compliance with the requirements specified in section 2458(b)(5). This log shall be maintained on a calendar year basis. Previous annual logs shall be kept at a central place of business for five years, and made accessible to the Executive Officer or districts upon request.
- (3) The written rental or lease agreement or other equivalent document as approved by the Executive Officer shall be kept onsite by the renter with the registered engine or equipment unit;
- (4) A rental business or the owner of a registered engine or equipment unit involved in a third party rental shall maintain records for each rental or lease transaction. The records shall be maintained at a central place of business for five years, and made accessible to the Executive Officer or districts upon request. Records shall include, at a minimum, all of the following:
- (4A) registered engine or equipment unit registration number; and
 - (2B) dates for the start and end of the rental transaction;. For transactions that exceed 9 months, the owner of the rental engine or equipment unit shall comply with section 2459(h).
 - (3) hours of operation for each rental period including the hour meter reading at the start of the rental transaction and the hour meter reading at the end of the rental transaction; and
 - (4) location of use (by district, county or other indicator (i.e., street address, UTM coordinates, etc.)).
- (5) The renter of a registered engine or equipment unit shall maintain records in the written log specified in section 2458(b)(2) for each rental or lease transaction that include the following:
- (A) For equipment units subject to a daily and/or annual operational limitation, daily and/or annual records as appropriate of process throughput. If the equipment unit is subject to the requirements of section 2457(b)(3), daily throughput shall be the sum of measurements of material introduced into the equipment unit by weight. These measurements shall be taken at the initial loading point;
 - (B) For equipment units, the specific location (i.e. street address and city; or county and UTM coordinates; or other location indicator) where the registered equipment unit is located while out on rent and the date shall be recorded each time the equipment unit is brought to a different location; and
 - (C) For engines, the specific location (i.e. street address and city; or county and UTM coordinates; or other location indicator) and date where the registered engine is located while out on rent shall be recorded no less than once a month;

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- (d) For each registered engine subject to the requirements of ~~¶~~title 17, California Code of Regulations Cal. Code Regs., section 93116, the owner shall keep records and submit reports in accordance with ~~¶~~title 17, California Code of Regulations Cal. Code Regs., section 93116.4.
- (e) ~~Except for registered engines or equipment units owned by a rental business, used in a third-party rental, operated by a PEPS, used on a crane, used on a street sweeper, or TSE, t~~The owner of a registered engine or equipment unit shall provide the Executive Officer an annual report signed by the responsible official, in a format approved by the Executive Officer, by March 1 of each calendar year containing all of the following information:
- (1) the reporting year;
 - (2) the registration number of each registered engine and/or equipment unit; and
 - (3) ~~for registered engines, quarterly summaries for each district or county the total fuel usage in gallons per quarter, or total hours of operation per quarter, for each registered engine; and~~
 - (4) 3 for registered equipment units, quarterly~~quarterly~~ annual summaries of the total process weight or throughput for each district or county in which the registered equipment unit was operated ~~and the total process weight or throughput.~~
- (f) ~~The owner of a registered engine or equipment unit owned by a rental business or used in a third-party rental transaction shall provide the Executive Officer an annual report signed by the responsible official, in a format approved by the Executive Officer, by March 1 of each calendar year containing all of the following information:~~
- (1) ~~the reporting year;~~
 - (2) ~~the registration number of each registered engine and/or equipment unit;~~
 - (3) ~~total hours of operation for the reporting year for each registered engine based on, and including, beginning and ending annual hour meter readings and dates upon which the total hours of annual operation calculation is based;~~
 - (4) ~~list of all counties in which the registered engine operated in during the reporting year as reported by the entity(ies) that operated the registered engine;~~
 - (5) ~~estimate of the percentage of total hours for each engine operated in each of the counties identified in (4) above; and~~
 - (6) ~~for registered equipment units, quarterly and annual summaries for each district or county in which the registered equipment unit was operated and the total process weight or throughput.~~

- ~~(g) the owner or operator of a registered engine or equipment unit used by a PEPS shall provide the Executive Officer an annual report, in a format approved by the Executive Officer, by March 1st of each calendar year containing all of the following information:~~
- ~~(1) the reporting year;~~
 - ~~(2) the registration number of each registered engine and/or equipment unit;~~
 - ~~(3) total hours of operation; and~~
 - ~~(4) estimate of the percentage of hours or fuel usage for the three counties in which the registered engine or equipment unit operated the most.~~
- (hf) Records requests made by a district or Executive Officer shall be made to the responsible official. The responsible official shall provide the requested records within 30 days from receipt of the request. Failure to provide the records by the specified date shall be deemed a violation of this article.
- (ig) Each district shall provide the Executive Officer with an annual report, ~~in a format approved by the Executive Officer,~~ by March 31 following the year in which the information was collected containing all of the following information:
- (1) the number of portable engines and equipment units inspected;
 - (2) the number of portable engines and/or equipment units found operating without valid district permits or statewide registrations;
 - (3) the number of registered engines and equipment units inspected; and
 - (4) summary of results of inspections.
- (jh) Registered diesel engines used on a crane shall comply with the applicable requirements in title 13, Cal. Code Regs., section 2449 and are otherwise exempt from the requirements of this section.
- (ki) Registered diesel engines used on a street sweeper that are not subject to the requirements of title 13, Cal. Code Regs., section 2022 shall comply with the applicable requirements in title 13, Cal. Code Regs., section 2025 and are otherwise exempt from the requirements of this section.
- (lj) Registered diesel engines used on a water well drilling rig shall comply with the applicable requirements in title 13, Cal. Code Regs., section 2449 and are otherwise exempt from the requirements of this section.

NOTE: Authority cited: Sections 39600, 39601, 41752, 41753, 41754, 41755, 43013(b) and 43018, Health and Safety Code. Reference: Sections 41750, 41751, 41752, 41753, 41754 and 41755, Health and Safety Code.

§ 2459. Notification.

- (a) Except as listed in subsection (d) of this section, if a registered equipment unit will be at a location for more than five days, the ~~owner or~~ operator of that registered equipment unit, shall notify the district in writing in a format approved by the Executive Officer, within two working days of commencing operations in that district. If the registered equipment unit is to be moved to different locations within the same district, the ~~owner or~~ operator shall be subject to the notification requirements above, unless the ~~owner or~~ operator and the district, by mutual agreement, arrange alternative notification requirements on a case-by-case basis. The notification shall include all of the following:
- (1) the registration number of the registered equipment unit;
 - (2) the name and phone number of the responsible official or renter with information concerning the locations where the registered equipment unit will be operated within the district; and
 - (3) estimated time the registered equipment unit will be located in the district.

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- (h) Within 5 days of a rental transaction exceeding 9 months in duration, a rental business or the owner of a registered engine or equipment unit involved in a third party rental shall submit written notification of the rental transaction to the district in which the rental business is located that includes the following:
- (1) the engine or equipment unit registration number;
 - (2) rental customer telephone number and mailing address; and
 - (3) estimated location of the registered engine or equipment unit.

NOTE: Authority cited: Sections 39600, 39601, 41752, 41753, 41754, 41755, 43013(b) and 43018, Health and Safety Code. Reference: Sections 41750, 41751, 41752, 41753, 41754 and 41755, Health and Safety Code.