

TITLE 13. CALIFORNIA AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER THE ADOPTION OF PROPOSED REVISIONS TO THE REGULATION FOR THE STATEWIDE PORTABLE EQUIPMENT REGISTRATION PROGRAM

The Air Resources Board (ARB or Board) will conduct a public hearing at the time and place noted below to consider the amendment of the Statewide Portable Equipment Registration Program Regulations (Regulation).

DATE: December 10, 1998

TIME: 8:30 a.m.

PLACE: Board Hearing Room, Lower Level
2020 L Street
Sacramento, California 95814

This item will be considered at a two-day meeting of the Board, which will commence at 8:30 a.m., December 10, 1998, and may continue at 8:30 a.m., December 11, 1998. This item may not be considered until December 11, 1998. Please consult the agenda for the meeting, which will be available at least ten days before December 10, 1998, to determine the day on which this item will be considered.

This facility is accessible to persons with disabilities. If accommodation is needed, please contact ARB's Clerk of the Board at (916) 322-5594, or TDD (916) 324-9531, or (800) 700-8326 for TDD calls from outside the Sacramento area by November 25, 1998.

INFORMATIVE DIGEST OF PROPOSED ACTION/ PLAIN ENGLISH POLICY OVERVIEW

Sections Affected:

Proposed amendment of title 13, California Code of Regulations, article 5, sections 2450-2463 creating the Statewide Portable Equipment Registration Program (13 CCR §§2450-2463).

Background:

The Statewide Portable Equipment Registration Program was adopted by the Board with modifications on March 27, 1997 and subsequently became effective on September 17, 1997. Upon adoption of the Regulation, the Board directed Air Resources Board staff (staff), in consultation with local air pollution control and air quality management districts (districts), affected industry, and the United States Environmental Protection Agency (U.S. EPA) to evaluate the applicability of the Statewide Registration Program to portable engines operated in California

coastal waters and to address any implementation issues. The Board instructed staff to report back within one year of implementation of the Regulation with any recommended amendments.

During the first year of implementation of the Statewide Portable Equipment Registration Program, staff worked in conjunction with industry representatives, districts, and the U.S. EPA to resolve issues that surfaced.

Proposed Regulation:

Staff is proposing to amend 13 CCR §§2450-2463, the Statewide Portable Equipment Registration Program. The proposed amendments to the Regulation can be separated into the following major categories:

- Additional Portable Equipment Eligible for Registration

Equipment, which would be eligible to register with the Statewide Portable Equipment Registration Program, would be amended to include portable engines and equipment units that operate in State Territorial Waters (STW) and portable sand and gravel screening, rock crushing, and pavement crushing and recycling operations subject to federal New Source Performance Standards (NSPS) Subpart OOO, Standards of Performance for Nonmetallic Mineral Processing Plants (Title 40, Code of Federal Regulations, Part 60, Subpart OOO).

- Changes to Emission Standards

Staff proposes to amend the 10 tons per engine per district per year limit in the Regulation to apply onshore only for nitrogen oxides (NO_x), particulate matter of 10 microns or less (PM₁₀), sulfur oxides (SO_x), volatile organic compounds (VOC), and carbon monoxide (CO) (nonattainment area). Additionally, due to the potential for significant emissions from equipment operating in STW, staff proposes that emissions from STW equipment be determined on a per project basis, and proposes that the equipment be subject to the applicable emission mitigation requirements of each district. The requirements of the Regulation, including daily emission limits and engine technology requirements, would continue to apply to equipment operating in STW.

- Changes to Engine Requirements

Staff proposes to remove the selective catalytic reduction (SCR) requirement for dredge engines. In lieu of the SCR requirement, staff proposes to include provisions for dredge engines that would result in comparable emission reductions to SCR. All dredge engines would have to meet the most stringent State or federal emission standards (certified levels) by January 1, 2005, five years earlier than in the Regulation; except for non-resident dredges which would be required to have certified engines. Dredging projects would be subject to the district emission mitigation requirements for equipment that operates in STW.

Staff proposes to add the option of meeting daily operational emission limits for NO_x, CO, and VOC in lieu of the three-way catalyst requirement of the Regulation for spark-ignition engines.

Staff proposes that engines certified to meet State or federal off-road heavy-duty-diesel engine standards or engines certified to meet on-highway standards (certified engines) not be subject to further source testing. Engines retrofitted to meet certified levels would be required to complete full certification testing. Retrofitted engines that have not undergone full certification testing would have to complete an initial source test and could be required to do further testing by district staff. Districts would be allowed to inspect engines to ensure equipment has not been tampered with.

- Changes to Portable Equipment Unit Requirements

Staff proposes to amend the Regulation to permit registration of “Subpart OOO sources” that meet the applicable requirements of NSPS Subpart OOO. The actual registration certificates would include the specific operating conditions to aid sources and district staff in maintaining and verifying compliance with NSPS Subpart OOO requirements.

Staff proposes to add additional operational limits and requirements for existing equipment unit categories and add requirements for source categories not covered in the Regulation. The requirements for sources not specifically listed in the Regulation would consist of the most stringent district Best Available Control Technology (BACT) at the time of application for registration.

- Additional Incentives for Promoting Use of Low-Emitting Technologies

Staff proposes to include incentives for the registration and use of spark-ignition engines that meet the more stringent of an applicable State or federal emission standard in effect at the time of registration or the non-resident spark ignition emission levels of the Regulation. Incentives would consist of exemption from the daily and annual emission limits and recordkeeping and reporting requirements.

- Changes to Recordkeeping and Reporting Requirements

Staff proposes to include acceptable methods of calculating daily fuel use when a fuel flow meter is not present.

Staff proposes to add a minimum 14-day notification requirement for all STW projects. The notification would be required prior to commencing operations in the district to allow district staff ample time to evaluate the STW project to mitigate excess emissions, if any.

- Administrative Changes

Staff proposes to extend the July 1, 1998, deadline for non-resident engines to July 1, 2000, to allow newly eligible portable engines and equipment units to register. This would allow sufficient time to implement the more stringent emission standards which become effective January 1, 2010.

- Changes Pertaining to Fees

Staff proposes to add a provision allowing districts to collect a fee for costs associated with implementing and enforcing NSPS Subpart OOO due to the complexity and time attributable to inspecting these sources.

AVAILABILITY OF DOCUMENTS AND CONTACT PERSON

The staff has prepared a Staff Report which includes the Initial Statement of Reasons for the proposed amendments to the Regulation. Chapter I of the Staff Report, *Executive Summary*, provides an overview of the proposed amendments to the Regulation. It contains a summary of the recommendations and a brief discussion of the environmental and economic impacts of the proposal. Chapter II, *Technical Support Document*, is a more detailed presentation of the technical aspects of the proposed amendments to the Regulation. Copies of the Staff Report and the full text of the proposed regulatory language may be obtained from the Board's Public Information Office, 2020 L Street, Sacramento, CA 95814, (916) 322-2990.

The staff has compiled a record which includes all information upon which the proposal is based. This material is available for inspection upon request from the contact person identified immediately below. The ARB has determined that it is not feasible to draft the proposed amendments to the Regulation in plain English due to the technical nature of the Regulation. The Staff Report, however, presents a summary of the proposed amendments to the Regulation in plain English.

Further inquiries regarding this matter should be directed to Mr. Mike Tollstrup, Manager of the Project Support Section in the Stationary Source Division, at (916) 323-8473.

ENVIRONMENTAL IMPACTS AND CONSISTENCY WITH STATE IMPLEMENTATION PLAN

In developing the regulatory amendments, staff conducted an analysis of the potential environmental impacts of the proposed amendments to the Regulation. The proposed amendments are not expected to have any adverse environmental impacts. The proposed amendments should have an overall positive environmental impact and should not interfere with the attainment or maintenance of State or federal ambient air quality standards, because the

proposed amendments retain emission controls and limits that minimize portable engine and equipment unit emissions and promote use of and conversion to lower emitting technologies. Impacts to State Implementation Plan commitments are not expected since the proposed amendments are consistent with district permitting and registration programs already in place.

COSTS TO PUBLIC AGENCIES AND TO BUSINESSES AND PERSONS AFFECTED

The determinations of the Board's Executive Officer concerning the costs or savings necessarily incurred in reasonable compliance with the proposed amendments to the Regulation are presented below.

The Executive Officer has determined that the proposed regulatory action will not create costs or savings, as defined in Government Code section 11346.5(a)(6), to any state agency or in federal funding to the state, costs or mandate to any local agency or school district whether or not reimbursable by the state pursuant to Part 7 (commencing with section 17500), Division 4, Title 2 of the Government Code, or other nondiscretionary savings to local agencies.

In developing the regulatory amendments, staff evaluated the potential economic impact of the amended registration program. The proposed amendments to the Regulation should have a beneficial impact on California business. For the affected businesses, the amendments are expected to improve the California business climate by eliminating the need for duplicative permits, allowing increased flexibility, and reducing the costs of operation.

The Executive Officer has determined pursuant to Government Code section 11346.5 (a)(8) that adoption of the proposed regulatory action will not have a significant adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other states.

The Executive Officer has determined, pursuant to Government Code section 11346.5 (a)(3)(b), that the proposed amendments to the Regulation will affect small businesses.

The Executive Officer has further determined that there will be no, or an insignificant, potential cost impact, as defined in Government Code section 11346.5 (a)(9), on private persons or businesses directly affected resulting from the proposed action.

Finally, in accordance with Government Code section 11346.3, the Executive Officer has determined that the proposed regulatory action will not affect the creation or elimination of jobs within the State of California, the creation of new businesses or elimination of existing businesses within California, or the expansion of businesses currently doing business within California. A more detailed assessment of the economic impacts of the proposed regulatory action can be found in the Staff Report.

Before taking final action on the proposed regulatory action, the Board must determine that no alternative considered by the agency would be more effective in carrying out the purpose for

which the amendment is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

SUBMITTAL OF COMMENTS

The public may present comments relating to this matter orally or in writing. To be considered by the Board, written submissions must be addressed to and received by the Clerk of the Board, Air Resources Board, P. O. Box 2815, Sacramento, CA 95812, no later than 12:00 noon, December 9, 1998, or received by the Clerk of the Board at the hearing.

The Board requests (but does not require) that 20 copies of any written statement be submitted and that all written statements be filed at least ten days prior to the hearing. The Board encourages members of the public to bring to the attention of staff (in advance of the hearing) any suggestions for modification of the proposed regulatory action.

STATUTORY AUTHORITY AND HEARING PROCEDURES

This regulatory action is proposed under that authority granted in Health and Safety Code sections 39600, 39601, 41752-41755, 43013(b) and 43018. This action is proposed to further interpret and make specific Health and Safety Code sections 41750-41755.

The public hearing will be conducted in accordance with the California Administrative Procedure Act, Title 2, Division 3, Part 1, Chapter 3.5 (commencing with section 11340) of the Government Code.

Following the public hearing, the Board may adopt the regulatory language as originally proposed, or with nonsubstantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice that the regulatory language as modified could result from the proposed regulatory action; in such event the full regulatory text, with the modifications clearly indicated, will be made available to the public, for written comment, at least 15 days before it is adopted. The public may request a copy of the modified regulatory text from the Board's Public Information Office, 2020 L Street, Sacramento, CA 95814, (916) 322-2990.

CALIFORNIA AIR RESOURCES BOARD

Michael P. Kenny
Executive Officer

Date: October 13, 1998