

## **TITLE 17. CALIFORNIA AIR RESOURCES BOARD**

### **ADOPTION OF A REGULATION TO ESTABLISH A STATEWIDE PORTABLE EQUIPMENT REGISTRATION PROGRAM**

#### **UPDATED INFORMATIVE DIGEST OF ACTION**

Actions and Sections Affected: Title 13, California Code of Regulations, sections 2450-2465.

Background: Historically, the local air pollution control and management districts (districts) have regulated portable equipment through stationary source permitting programs. Under existing district regulations, owners of portable equipment have been required to pay fees, obtain permits, and adhere to different sets of regulatory requirements each time they move their portable equipment to a different district.

In 1995, the California Legislature adopted section 41750 et seq. of the Health and Safety Code. Section 41752 mandates the Air Resources Board (ARB) to develop and implement a uniform system for California-wide registration and regulation of portable equipment.

Description of the Regulatory Action: The Statewide Portable Equipment Registration Program (Statewide Registration Program) provides an alternative to the present system of district-by-district regulation of portable equipment, which includes equipment powered by portable engines and associated equipment.

Once the Statewide Registration Program is adopted and implemented, district authority to permit and adopt emission limits or control requirements for portable equipment and engines registered with the State is preempted. Districts, however, are to enforce the Statewide Registration Program, emission limitations, and control requirements in the same manner as a district rule or regulation. Registered equipment will be subject to inspection, including possible emissions testing, to verify compliance with the Statewide Registration Program. Each district may only charge a maximum inspection fee of \$75 per unit per year, regardless of the number of inspections performed during that year. However, additional inspection fees may be assessed if violations to the Regulation's requirements are observed.

Examples of portable internal combustion engines include, but are not limited to, portable engines used in conjunction with the following types of portable operations: well drilling; service or work-over rigs; power generation, excluding cogeneration; pumps; compressors; diesel pile-driving hammers; welding; cranes; woodchippers; dredges; equipment necessary for the operation of portable engines and associated equipment; and military tactical support equipment. Associated equipment includes equipment used in confined and unconfined abrasive blasting, Portland concrete batch plants, sand and gravel screening, rock crushing, and unheated pavement recycling and crushing, as well as equipment such as auxiliary fuel tanks that are necessary for the operation of portable engines.

The control requirements of the Statewide Registration Program are at least as stringent as the controls required by district regulations for portable equipment. Districts typically require that Best Available Control Technology (BACT) be applied to new and modified sources seeking operating permits. Reasonably Available Control Technology (RACT) or Best Available Retrofit Control technology (BARCT) is typically applied to existing sources. The Statewide Registration Program requires appropriate control technologies that preserve the intent of district-required BACT, RACT, and BARCT.

Most owners of registered portable equipment will be required to maintain daily operational records and submit quarterly summaries to the ARB annually. Records will be required that list the equipment registration number, month, day and year, location where the equipment was used, total fuel used, and estimated or actual hours of operation. Rental agencies additionally will be required to maintain records for each rental transaction.

Consistency with Related Federal, State, or Local Requirements: In developing the Statewide Registration Program, ARB staff took care to ensure that the requirements and provisions of the Statewide Registration Program did not conflict with federal law. The federal Clean Air Act (CAA) expressly preempts ARB and the districts from adopting and enforcing emission standards and other requirements (other than in-use operational controls) related to the control of emissions from new nonroad engines (which include portable engines) under 175 horsepower used in farm and construction equipment and vehicles. In addition, the CAA appears to implicitly preempt the districts from adopting and enforcing emission regulations, except for in-use operational controls. While so limiting the districts, Congress gave ARB the flexibility to adopt and enforce regulations for these other nonroad engines upon receiving authorization from the U.S. EPA.

Upon final adoption and approval of the Statewide Registration Program by the State of California, ARB intends to seek authorization from the U.S. EPA for those requirements establishing emission standards and other requirements related to the control of emissions that are applicable to nonroad engines (portable engines manufactured after November 15, 1990). Those parts of the Statewide Registration Program that do not require authorization, such as in-use operational controls, will become immediately effective upon the Statewide Registration Program becoming operative under California law. Examples of in-use operational control requirements include daily and annual emission limits and fuel specification standards.

Cost to Industry and Others: The ARB will collect fees for registration, renewal, and associated administrative tasks. Those fees are lower than the corresponding fees currently charged by the districts. The Statewide Registration Program fees are expected to lower the overall costs of registration to most businesses owning or operating portable equipment in multiple districts. Local, State, and federal agencies with eligible equipment for registration are also expected to benefit from participation in the Statewide Registration Program.

Effect on Air Quality and Other Resources/Environmental Impact Analysis: Overall, the Statewide Registration Program is expected to have a positive impact on California's

environment, and should not interfere in a negative way with the attainment or maintenance of California or federal ambient air quality standards. Additionally, The Statewide Registration Program is not expected to have a direct impact on any environmental resource other than air.

The ARB staff performed an emissions analysis for the engines eligible to register in the Statewide Registration Program. Emissions were based on estimates of the numbers and types of engines in the districts' internal combustion engine emission inventory. Most districts do not have reliable inventories of portable engines operating within their jurisdiction, so accurate emission estimates cannot currently be calculated. Once the Statewide Registration Program is underway, the recordkeeping and reporting requirements of the Regulation will help ARB staff develop a more accurate inventory for portable engines. Based on this anticipated information, ARB staff will recalculate the air quality benefits of the Statewide Registration Program.

The staff analysis estimated the emissions from portable engines from 1996 through 2010. The analysis projected that implementation of the Statewide Registration Program would result in long-term reductions statewide in portable engine and equipment unit emissions of carbon monoxide and particulate matter smaller than 10 microns. By 2010, an overall reduction of these pollutant emissions from portable engines and equipment units would be realized when compared to the current district regulation of portable engines and equipment units. This is because portable engines registered under the Statewide Registration Program will be subject to emission control requirements that become more stringent over time. Equipment units associated with the engines and registered in the Statewide Registration Program will be subject to emission controls which reflect the most stringent district Best Available Control Technology requirements in effect on January 1, 1995. Additionally, the short-term impacts in the South Coast Air Quality Management District (SCAQMD) that were discussed in the Initial Statement of Reasons are expected to be minimized because of the SCAQMD's announced intention to amend its Rule 1110.2 to exclude portable equipment from the Rule for reasons of technical and economic infeasibility.

Economic Impacts Assessment: The Statewide Registration Program is expected to lower the overall costs of registration to most businesses owning or operating portable equipment in multiple districts. Under the Statewide Registration Program, the State will assume regulation of a large quantity of equipment that had been previously regulated by the local districts. As a result, districts could experience a decrease in revenues because the ARB will be registering and collecting fees from engine owners that had previously registered or had been permitted by the districts. The districts will also experience a corresponding reduction in workload because they will no longer be permitting these units.