



August 23, 2011

COMPLIANCE ADVISORY

“Commencement of Construction” for Equipment Regulated by the San Diego APCD (District)

The purpose of this advisory is to communicate the District’s position on what constitutes commencement of construction for equipment subject to District Rule 10. Before building, erecting, altering or replacing a piece of equipment which may cause or control air pollution, an authority to construct from the District is required.

Below are factors the District considers when making a determination if construction has commenced. By providing this information, the District expects to prevent unintentional and unapproved installations.

Placement of New Equipment

The placement of the equipment on the property shall be taken into consideration. If the equipment, such as an emergency engine, was placed in a storage area (temporary location) which is not its intended place of operation, the District would not consider this commencement of construction. However, if the emergency engine, either fully or partially constructed, is placed at its designed (permanent) operating location, the District considers this commencement of construction. It would not matter whether or not fuel or electrical connections are in place. The District will take enforcement action for what it considers non-compliance with District Rule 10(a).

Permanent Pre-Construction Activities

Any activities conducted specifically in preparation for the installation of an emission unit are prohibited. Examples of such activities are excavating, blasting, removing rock and soil, backfilling or installing footings, foundations, permanent storage structures, pipe and retaining walls. So, if a concrete slab is built for the placement of an engine, the District will consider this as commencement of construction. Any of the listed activities which are not specifically being conducted for the purposes of the installation of an emission unit would not constitute commencement of construction. An example would be if a building is purchased or rented and includes a pre-designated area for an engine to be placed. Another example would be if electric wiring is being laid for the entire building including the area where an engine will be placed.

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Equipment Connections

If connections are made to regulated equipment including electrical, water, or other necessary utilities, the District considers this additional evidence that construction has commenced. Using the emergency engine example, if it is connected to a generator, water pump, or any other designed use, the District considers this an additional factor in determining that construction has started.

Fuels or Liquids Available

If a piece of equipment (e.g., engine) requires the use of fuel (e.g., diesel), the presence of that fuel in the equipment further indicates construction. Fuels or liquids storage and/or supply lines shall not be in place for the equipment or process line prior to receiving authority from the District.

The factors discussed in this advisory are some of those the District will consider in making a determination if construction or an installation has commenced and requires authority from the District. If you have any questions regarding this advisory, please call the District's Small Business Assistant, Eric Luther, at (858) 586-2656.

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