



Air Pollution Control Board

San Diego County Air Pollution Control District

GOVERNING BODY

GREG COX
First District

DIANNE JACOB
Second District

KRISTIN GASPAR
Third District

NATHAN FLETCHER
Fourth District

JIM DESMOND
Fifth District

AGENDA ITEM

DATE: October 30, 2019

AP01

TO: Air Pollution Control Board

SUBJECT

NOTICED PUBLIC HEARING – ADOPTION OF AMENDMENTS TO RULE 12.1 – PORTABLE EQUIPMENT REGISTRATION, AND RELATED AMENDMENTS TO RULE 12 – REGISTRATION OF SPECIFIED EQUIPMENT (DISTRICTS: ALL)

OVERVIEW

This is a request for the Air Pollution Control Board (Board) to adopt proposed amendments to Rule 12.1 - Portable Equipment Registration and related proposed amendments to Rule 12 - Registration of Specified Equipment to be consistent with recently updated State regulations. These rules provide owners of portable engines and other specified equipment a voluntary mechanism to register their units with the Air Pollution Control District (District) in order to legally operate them throughout the San Diego region without having to obtain a Permit to Operate for each location, as would otherwise be required under District Rule 10 - Permits Required.

The District's portable equipment registration program has been in place since May 21, 1997 (AP02, AP03), and provides owners and operators of eligible equipment with a streamlined alternative to the process of obtaining a District Permit to Operate. Registered units are exempt from certain procedural requirements that are typically imposed as a result of permitting, but they remain subject to air pollution control standards and operational requirements to ensure the protection of air quality and public health. Registration provides businesses with operational flexibility and monetary savings for their eligible equipment because they can operate throughout the county without having to obtain a separate Permit to Operate for each location where they do work.

The proposed amendments to Rule 12.1 include new and revised definitions, remove outdated provisions, clarify equipment eligibility requirements, reduce the allowable particulate matter emissions from registered equipment, and further clarify and update other rule provisions as necessary to align with current State regulations and other District rules. Additionally, the proposed amendments would transfer the existing provisions for the registration of rock drills from Rule 12 - Registration of Specified Equipment to Rule 12.1 - Portable Equipment Registration. This change is being proposed because rock drills, which are used in the aggregate and construction industries, are portable and therefore are better suited for registration under Rule 12.1.

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The proposed rule amendments were developed in collaboration with the California Air Resources Board and with input from local facilities, equipment owners and operators, and the public. District staff conducted a public workshop to solicit input from affected parties. Workshop participants requested clarifications and were not opposed to the proposed rule amendments.

Recommendation(s)

AIR POLLUTION CONTROL OFFICER

1. Find that the adoption of the proposed amendments to Rule 12.1 - Portable Equipment Registration and Rule 12 - Registration of Specified Equipment is categorically exempt from the provisions of the California Environmental Quality Act pursuant to California Code of Regulations, Title 14, Section 15308, as an action taken to assure the protection of the environment, where the regulatory process involves procedures for the protection of the environment, and pursuant to Section 15061(b)(3), since it can be seen with certainty that there is no possibility that the activity in question may have a significant adverse effect on the environment.
2. Adopt the Resolution entitled: RESOLUTION ADOPTING AMENDMENTS TO RULE 12.1 – PORTABLE EQUIPMENT REGISTRATION, AND RELATED AMENDMENTS TO RULE 12 – REGISTRATION OF SPECIFIED EQUIPMENT, OF REGULATION II OF THE RULES AND REGULATIONS OF THE SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT.

FISCAL IMPACT

There is no fiscal impact associated with the recommended actions. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

Adopting the proposed amendments to Rules 12.1 and 12 will not adversely impact the business community. These rules provide voluntary mechanisms to register certain equipment in lieu of obtaining a permit to operate. The proposed rule amendments improve clarity and consistency with corresponding State regulations, increasing regulatory certainty for local businesses.

ADVISORY BOARD STATEMENT

The proposed amendments to Rules 12.1 and 12 were included on the agenda for the Air Pollution Control District Advisory Committee meeting on June 12, 2019. One member of the Advisory Committee was present at the meeting. Staff went over the proposed amendments and no concerns with the proposal were raised.

BACKGROUND

Rule 12.1 - Portable Equipment Registration and Rule 12 - Registration of Specified Equipment were adopted by the Air Pollution Control Board (Board) on May 21, 1997 (AP03, AP02). These rules provide owners of portable engines and other specified equipment a voluntary mechanism to register their units with the Air Pollution Control District (District) in order to legally operate them

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throughout the San Diego region without having to obtain a Permit to Operate for each location, as would otherwise be required under District Rule 10 - Permits Required. The registered equipment is subject to air pollution control standards and other requirements that protect air quality and public health.

Amendments to District Rule 12.1 are proposed to be consistent with two California Air Resources Board (CARB) regulations: the Statewide Portable Equipment Registration Program (PERP) and the Portable Diesel Engine Airborne Toxic Control Measure (ATCM), which were updated by CARB in November 2018. The proposed rule amendments include new and revised definitions, remove outdated provisions, clarify equipment eligibility requirements, reduce the allowable particulate matter emissions from registered equipment, and further clarify and update other rule provisions as necessary to align with current State regulations and other District rules.

Additionally, the proposed amendments will transfer the regulatory provisions for the registration of rock drills from Rule 12 - Registration of Specified Equipment to Rule 12.1 - Portable Equipment Registration. Rock drills, which are used in the aggregate and construction industries, are portable and therefore are better suited for registration under Rule 12.1.

Customer/Stakeholder Notification

District staff conducted a public workshop to present and receive questions and comments on the proposed amendments to Rules 12.1 and 12. A workshop notice was posted on the District's website and sent to approximately 5,000 recipients including each air quality permit and registration holder, the Chamber of Commerce in the region, members of the Air Pollution Control District Advisory Committee, subscribers to the County's email notification service, and CARB.

Approximately 36 people attended the workshop, including industry representatives. The participants requested clarifying information but did not raise any concerns with the proposed rule amendments. District staff prepared responses to all comments and questions received, which were provided to the workshop participants in a workshop report (Attachment D). If the rule amendments are adopted, staff will conduct additional outreach including the distribution of an advisory notice to further inform potentially affected parties.

SOCIOECONOMIC IMPACT ASSESSMENT

State law requires the Air Pollution Control District (District) to perform an assessment of the socioeconomic impacts when adopting, amending or repealing a rule that will significantly affect air quality or emissions limitations. A review conducted by District staff found that the proposed amendments to Rules 12.1 and 12 will not significantly affect air quality or emissions limitations. These rules provide voluntary mechanisms to register certain equipment in lieu of obtaining a permit to operate. The proposed rule amendments do not impose requirements beyond State regulations that are already in effect. Accordingly, a socioeconomic impact assessment is not required and has not been prepared.

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ENVIRONMENTAL STATEMENT

The California Environmental Quality Act (CEQA) requires environmental review of certain actions. District staff conducted a review of whether CEQA applies to the adoption of the proposed amendments to Rules 12.1 and 12. These rules provide voluntary mechanisms to register certain equipment in lieu of obtaining a permit to operate; the registered equipment must comply with air pollution control standards and other requirements to protect air quality and public health. The proposed rule amendments provide consistency with corresponding statewide regulations that are already in effect and include a more health-protective limit on particulate matter emissions. District staff therefore determined the adoption of amendments to Rules 12 and 12.1 is categorically exempt from the provisions of CEQA pursuant to California Code of Regulations, Title 14, Section 15308, as an action taken to assure the protection of the environment, and pursuant to Section 15061(b)(3) since it can be seen with certainty that there is no possibility that the activity in question may have a significant adverse effect on the environment.

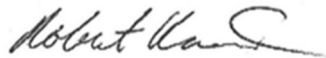
LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN

Today’s proposed actions support the Sustainable Environments/Thriving Initiative in the County of San Diego’s 2019–2024 Strategic Plan with an objective to provide and promote services that increase and maintain the well-being of residents and increase consumer and business confidence. The proposed amendments to Rules 12.1 and 12 will help ensure that the registration and air pollution control requirements for certain equipment units are consistent with corresponding State requirements, and thus will increase business confidence while preserving the environment.

Respectfully submitted,



SARAH E. AGHASSI
Deputy Chief Administrative Officer



ROBERT J. KARD
Air Pollution Control Officer

ATTACHMENT(S)

Note: Due to the size of the attachments, the documents are available online through the Clerk of the Board's website at www.sandiegocounty.gov/content/sdc/cob/bosa.html.

- Attachment A – Resolution Adopting Amendments to Rule 12.1 – Portable Equipment Registration, and Related Amendments to Rule 12 – Registration of Specified Equipment, of Regulation II of the Rules and Regulations of the San Diego County Air Pollution Control District
- Attachment B – Rule 12.1 – Portable Equipment Registration Change Copy
- Attachment C – Rule 12 – Registration of Specified Equipment Change Copy
- Attachment D – Workshop Report

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AGENDA ITEM INFORMATION SHEET

REQUIRES FOUR VOTES: Yes No

WRITTEN DISCLOSURE PER COUNTY CHARTER SECTION 1000.1 REQUIRED
 Yes No

PREVIOUS RELEVANT BOARD ACTIONS:

May 21, 1997 (AP03), Adoption of New Rule 12.1 (Portable Equipment Registration)
May 21, 1997 (AP02), Adoption of New Rule 12 (Registration of Specified Equipment)

BOARD POLICIES APPLICABLE:

N/A

BOARD POLICY STATEMENTS:

N/A

MANDATORY COMPLIANCE:

N/A

ORACLE AWARD NUMBER(S) AND CONTRACT AND/OR REQUISITION NUMBER(S):

N/A

ORIGINATING DEPARTMENT: AIR POLLUTION CONTROL DISTRICT

OTHER CONCURRENCE(S): None

CONTACT PERSON(S):

ROBERT KARD
Name
(858) 586 - 2700
Phone
Robert.Kard@sdcounty.ca.gov
E-mail

ROBERT REIDER
Name
(858) 586 - 2640
Phone
Robert.Reider@sdcounty.ca.gov
E-mail