

**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**

On motion of Member Gaspar seconded by Member Desmond, the following resolution is adopted:

WHEREAS, the San Diego County Air Pollution Control Board (Board), pursuant to Section 40702 of the Health and Safety Code, adopted Rules and Regulations of the Air Pollution Control District of San Diego County; and

WHEREAS, said Board now desires to amend said Rules and Regulations; and

WHEREAS, notice has been given and a public hearing has been held relating to the amendment of said Rules and Regulations pursuant to Section 40725 of the Health and Safety Code and Section 51.102 of the Code of Federal Regulations; and

WHEREAS, pursuant to Section 40727 of the Health and Safety Code, the San Diego County Air Pollution Control Board makes the following findings:

- (1) (Necessity) The adoption of proposed amendments to Rule 12.1 and related amendments to Rule 12 are necessary because changes in state law and adoption of new state Air Toxic Control Measures have affected permit requirements;
- (2) (Authority) The adoption of proposed amendments to Rule 12.1 and related amendments to Rule 12 are authorized by Section 40702 of the Health and Safety Code;
- (3) (Clarity) Proposed amendments to Rule 12.1 and Rule 12 can be easily understood by persons directly affected by them;
- (4) (Consistency) The adoption of proposed amendments to Rule 12.1 and Rule 12 are in harmony with, and not in conflict with or contrary to, existing statutes, court decisions, and state and federal regulations;
- (5) (Non-duplication) The adoption of proposed amendments to Rule 12.1 and Rule 12 will not duplicate existing District, state, or federal requirements;
- (6) (Reference) The adoption of proposed amendments to Rule 12.1 and Rule 12 are necessary to comply with state law;

WHEREAS, the Board further finds pursuant to Section 40001 of the Health and Safety Code that the adoption of proposed amendments to Rule 12.1 and Rule 12 will facilitate the attainment of ambient air quality standards; and

WHEREAS, the Board further finds that an analysis comparing proposed amendments to Rule 12.1 and Rule 12 with applicable requirements of federal and local regulations is not required pursuant to Section 40727.2 of the Health and Safety Code because the proposed amendments do not impose a new emission limit or standard, make an existing emission limit or standard more stringent, or impose new or more stringent monitoring, reporting, or recordkeeping requirements; and

WHEREAS, the Board further finds that an incremental cost-effectiveness analysis pursuant to Section 40920.6(a) of the Health and Safety Code is not required for proposed amendments to Rule 12.1 and Rule 12; and

WHEREAS, the Board further finds that an assessment of the socioeconomic impacts of the proposed amendments to Rule 12.1 and Rule 12 is not required pursuant to Section 40728.5 of the Health and Safety Code as the proposed amended rules will not significantly affect air quality or emissions limitations.

NOW THEREFORE IT IS RESOLVED AND ORDERED by the San Diego County Air Pollution Control Board that the Rules and Regulations of the Air Pollution Control District of San Diego County be, and hereby are amended as follows:

1. Proposed amended Rule 12.1 is to read as follows:

RULE 12.1. PORTABLE EQUIPMENT REGISTRATION

(Adopted & Effective May 21, 1997; Rev. Adopted & Effective *(date of adoption)*)

(a) APPLICABILITY

(1) Nothing in this rule shall be construed as requiring registration for a portable emission unit which otherwise is exempt from permit requirements pursuant to Rule 11 (Exemptions from Rule 10 Permit Requirements).

(2) The following portable emission unit source categories shall be eligible for registration under the provisions of this rule and shall be exempt from the requirements of Rules 20.1 through 20.8 (New Source Review rules):

(i) Engines –

Spark ignition or diesel-fired piston-type internal combustion engines, except for those engines associated with marine dredges, used in conjunction with the following types of operations:

- (A) Well drilling, service, or workover rigs,
- (B) Power generation (excluding cogeneration),

- (C) Pumps (including hydroblasters),
 - (D) Compressors,
 - (E) Pile drivers,
 - (F) Welding,
 - (G) Cranes, or
 - (H) Woodchippers.
- (ii) Equipment Units –
- (A) Confined and unconfined abrasive blasting;
 - (B) Concrete batch plants;
 - (C) Sand and gravel screening, rock crushing, asphalt cold planers, and unheated pavement crushing and recycling operations; or
 - (D) Rock drills.
 - (E) Cementitious Mortar Silos

(b) INELIGIBLE EQUIPMENT OR INVALID CERTIFICATES

(1) Any engine or equipment unit not meeting the definition of “Portable Emission Unit” as defined in Subsection (c)(13) is ineligible for registration under the provisions of this rule.

(2) Generators used to provide primary or supplemental power to a building, facility, stationary source, or stationary equipment are ineligible for registration, except during the following:

- (i) unforeseen interruptions of electrical power from the serving utility;
- (ii) maintenance and repair operations, including maintenance of stationary backup generators that have not experienced an engine failure;
- (iii) electrical upgrade operations including startup, shutdown, and testing that do not exceed 90 calendar days, or a longer period as authorized in writing by the District; or
- (iv) upon approval from the District, engine failure of a stationary backup generator permitted by the District under the following conditions:

(A) the holder of the permit for the stationary engine notifies the District of the engine failure within 72 hours from the time the engine failure is discovered;

(B) the temporary replacement engine has the same or lower mass per unit time emission rate;

(C) the temporary replacement engine complies with all applicable requirements on the permit for the existing stationary engine; and

(D) the temporary replacement engine operates for no more than 180 days, or a longer period as authorized in writing by the District.

(3) An engine's and/or equipment unit's Certificate shall be invalid when such equipment is used as an integral part of the operation of a stationary source or to supplement or expand the stationary source's operation.

(c) **DEFINITIONS**

For the purpose of this rule, the following definitions shall apply:

(1) **"Area Fugitive Emissions"** means fugitive emissions of particulate matter (PM₁₀) which occur as a result of drilling, blasting, quarrying, stockpiling, front end loader operations and vehicular travel of haul roads used to move materials to, from or within any operation.

(2) **"CCR"** means California Code of Regulations.

(3) **"Certificate of Compliance"** means a statement in a specified format which is completed by an applicant, and which contains statements of compliance with prohibitory rules and conditions of operation applicable to the operation of a registered emission unit.

(4) **"Certificate of Registration" or "Certificate"** means a written document issued by the Air Pollution Control Officer, granting authority to operate an emission unit in lieu of a Permit to Operate.

(5) **"CFR"** means Code of Federal Regulations.

(6) **"District"** means the San Diego County Air Pollution Control District.

(7) **"Electrical Upgrade"** means replacement or addition of electrical equipment and systems resulting in increased generation, transmission and/or distribution capacity.

(8) **"Emission Unit"** means an identifiable process, operation, or piece of process equipment such as an article, machine or other contrivance, which emits or may emit or

results in the emissions of any air contaminant directly or as fugitive emissions. For the purposes of this rule, each internal combustion engine constitutes a separate emission unit.

(9) “**Engine**” means any piston-driven internal combustion engine.

(10) “**Engine Failure**” means any failure of an engine’s electrical system, emission control module, fuel delivery system, or mechanical parts that necessitates the removal of the engine from service.

(11) “**Equipment Unit**” means equipment that emits PM₁₀ over and above that emitted from an associated engine.

(12) “**Location**” means one or more contiguous or adjacent properties which are under the same ownership or operation, or which are owned or operated by entities which are under common control. Contiguous or adjacent properties are properties with two or more parcels of land in actual physical contact, or separated solely by a public roadway or other public right-of-way.

(13) “**Portable Emission Unit**” means an emission unit that is designed to be and capable of being carried or moved from one location to another. Indicia of portability include, but are not limited to, wheels, skids, carrying handles, dolly, trailer or platform. An emission unit is not portable if any of the following apply:

(i) The unit, or its replacement, is attached to a foundation or, if not so attached, will reside at the same location for more than 12 consecutive months. Any portable emission unit such as a backup or standby unit that replaces a portable emission unit at a location and is intended to perform the same function as the unit being replaced will be included in calculating the consecutive time period. In that case, the cumulative time of all units, including the time between the removal of the original unit(s) and installation of the replacement unit(s), will be counted toward the consecutive time period; or

(ii) The emission unit remains or will reside at a location for less than 12 consecutive months if the unit is located at a seasonal source and operates during the full annual operating period of the seasonal source. A seasonal source is a stationary source that remains in a single location on a permanent basis (i.e., at least two years) and operates at that single location at least three months each year; or

(iii) The emission unit is moved from one location to another in an attempt to circumvent the portable emission unit residence time requirements.

Days when a portable emission unit is in storage shall not be counted towards the above time limits, provided the emission unit was not operated on that calendar day except for maintenance and was in storage the entire calendar day.

(14) “**Project**” means the use of one or more registered equipment units operated under the same or common ownership or control to perform a single activity.

(15) "**Registration**" means the process of obtaining a Certificate of Registration for an emission unit. Registration is the same as "permit" as used in Division 26 of the California Health and Safety Code, Part 3, Chapter 8 and Part 4, Chapter 4, Articles 2 and 4, respectively entitled Hearing Boards, Variances, and Orders of Abatement. The Air Pollution Control Officer and the Hearing Board shall have the same authority concerning registration as with permits, and the owner or operator of registered equipment shall be entitled to the same privileges and rights granted to a permittee.

(16) "**Rental Emission Unit**" means an emission unit temporarily rented or leased to operators other than the owner(s) of the unit.

(17) "**Resident Engine**" means an engine that is operating in the San Diego County prior to January 1, 2018, without a Certificate of Registration.

(18) "**Stationary Source**" means any facility or installation which emits any air contaminant directly or as a fugitive emission. "Facility" and "installation" includes all pollutant emitting activities which:

(i) are located on the same or contiguous property, and are under the same ownership or operation, or are owned or operated by entities which are under common control; and

(ii) belong to the same industrial grouping either by virtue of falling within the same two-digit Standard Industrial Classification (SIC) code or by virtue of being part of a common industrial process, manufacturing process, or connected process involving a common raw material.

(19) "**Storage**" means a warehouse, enclosed yard, or other area established for the primary purpose of maintaining registered engines or equipment units when not in operation.

(20) "**Volatile Organic Compound (VOC)**" means the same as defined in Rule 2 (Definitions).

(d) **STANDARDS**

(1) **General Prohibitory Requirements**

(i) Emissions from a registered equipment unit, excluding emissions emitted directly from the associated portable engine and area fugitive emissions, shall not exceed 82 pounds per project per day of PM₁₀, and 10 tons per year of PM₁₀ for all projects combined.

(ii) Emissions from a registered emission unit shall not exceed 100 pounds of oxides of nitrogen (NO_x) during any one day.

(iii) No air contaminant shall be released into the atmosphere which causes a public nuisance.

(2) Source Category Requirements

(i) Spark Ignition Piston-type Internal Combustion Engines

(A) The NO_x emissions shall not exceed 1.5 grams per brake horsepower-hour.

(B) The VOC emissions shall not exceed 1.5 grams per brake horsepower-hour.

(C) The carbon monoxide (CO) emissions shall not exceed 2.0 grams per brake horsepower-hour.

(D) No air contaminant shall be discharged into the atmosphere for a period or periods aggregating more than three minutes in any one hour which has an opacity as to obscure an observer's view to a degree equal to or greater than does smoke of a shade designated Ringelmann 1 or equivalent 20 percent opacity.

(E) The engine shall be equipped with a functioning non-resettable hour meter, fuel meter, or other operation tracking device approved by the Air Pollution Control Officer.

(ii) Diesel-fired Piston-type Internal Combustion Engines

(A) Except as provided in Subsection (d)(2)(ii)(B) below, the compression-ignition engine shall comply with all applicable requirements in the Airborne Toxic Control Measure (ATCM) that governs that specific engine use including, but not limited to, 17 CCR § 93116, Airborne Toxic Control Measure for Diesel Particulate Matter from Portable Engines Rated at 50 Horsepower and Greater, or 17 CCR § 93118.5 Regulations to Reduce Emissions From Diesel Engines on Commercial Harbor Craft Operated within California Waters and 24 Nautical Miles of the California Baseline.

(B) Compression ignition engines that are not subject to any ATCM and are not diesel pile driving hammers shall comply with the following:

(1) The engine shall use CARB diesel fuel; and

(2) The engine shall be equipped with a functioning non-resettable hour meter, fuel meter, or other operation tracking device approved by the Air Pollution Control Officer; and

(3) The engine shall be certified according to the requirements of 40 CFR Sections 89 or 1039, as applicable, for the model year, rated engine power, and engine use.

(C) Except for visible emissions from pile drivers, no air contaminant shall be discharged into the atmosphere for a period or periods aggregating more than three minutes in any one hour which has an opacity as to obscure an observer's view to a degree equal to or greater than does smoke of a shade designated Ringelmann 1 or equivalent 20 percent opacity.

(D) Resident engines not meeting the most stringent federal or State emission standards may apply for a Certificate of Registration as long as the resident engine complies with the applicable ATCM requirements. The Air Pollution Control Officer shall have discretionary approval authority to grant the Certificate of Registration.

(iii) Confined 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 has an opacity as to obscure an observer's view to a degree equal to or greater than does smoke of a shade designated Ringelmann 1 or equivalent 20 percent opacity.

(B) Particulate matter emissions, except area fugitive emissions, shall be controlled using a fabric or cartridge filter dust collector.

(C) As a part of an application for registration, the applicant shall provide manufacturer's specifications or engineering data to demonstrate a minimum particulate matter arrestance of 99 percent for the dust collection equipment.

(D) Except for vent filters, each fabric dust collector shall be equipped with an operational pressure differential gauge to measure the pressure drop across the filters.

(iv) 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 has an opacity as to obscure an observer's view to a degree equal to or greater than does smoke of a shade designated Ringelmann 2 or equivalent 40 percent opacity.

(B) Only California Air Resources Board (CARB) certified abrasive blasting material shall be used.

(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 Sections 92000 – 92530 of the CCR shall be met.

(v) Concrete Batch Plants and Silos

(A) All dry material transfer points shall be ducted through a fabric or cartridge type filter dust collector, except where there are no visible emissions from a transfer point.

(B) All cementitious material storage silos shall be equipped with fabric or cartridge type vent filters.

(C) The silo vent filters shall be maintained in proper operating condition.

(D) No air contaminant shall be discharged into the atmosphere for a period or periods aggregating more than three minutes in any one hour which has an opacity as to obscure an observer's view to a degree equal to or greater than does smoke of a shade designated Ringelmann 1 or equivalent 20 percent opacity.

(E) Open areas shall be maintained adequately wet to prevent fugitive emissions in excess of 20 percent opacity or Ringelmann 1.

(F) Silo service hatches shall be dust-tight.

(G) As a part of an application for registration, the applicant shall provide manufacturer's specifications or engineering data to demonstrate a minimum particulate matter arrestance of 99 percent for the dust collection equipment.

(H) Except for vent filters, each fabric dust collector shall be equipped with an operational pressure differential gauge to measure the pressure drop across the filters.

(vi) Sand and Gravel Screening, Rock Crushing, Asphalt Cold Planers, and Unheated Pavement Crushing and Recycling 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 has an opacity as to obscure an observer's view to a degree equal to or greater than does smoke of a shade designated Ringelmann 1 or equivalent 20 percent opacity.

(B) There shall be no visible emissions beyond the property line of the property on which the equipment is being operated.

(C) Emissions from all screens, crushers, and transfer points shall be ducted through a fabric or cartridge type filter dust collector or the screens, crushers, or transfer points shall be equipped with an integrated wet suppression system which shall be in operation at all times the equipment is in operation and sufficient to ensure that the visible emissions comply with this rule.

(D) All conveyors shall be covered, or the equipment shall utilize an integrated wet suppression system such that the material being conveyed does not result in any visible particulate matter emissions.

(E) All stockpiled material shall be maintained in a state such that the material does not result in any visible particulate matter emissions.

(F) Any source which processes in excess of 150 tons per hour shall comply with all the applicable provisions of 40 CFR Part 60, Subpart OOO – Standards of Performance for Nonmetallic Mineral Processing Plants.

(G) As a part of application for registration, the applicant shall provide manufacturer's specifications or engineering data to demonstrate a minimum particulate matter arrestance of 99 percent for all dust collection equipment.

(H) Except for vent filters, each fabric dust collector shall be equipped with an operational pressure differential gauge to measure the pressure drop across the filters.

(vii) Rock Drills

(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 has an opacity as to obscure an observer's view to a degree equal to or greater than does smoke of a shade designated Ringelmann 1 or equivalent 20 percent opacity.

(B) There shall be no visible emissions beyond the property line of the property on which the equipment is being operated.

(C) Water injection shall be used at all times when the rock drill is being operated.

(D) Air exhausted from fans and air motors shall be directed so that ground dust does not become airborne.

(e) REGISTRATION OF EMISSION UNITS

(1) Application for Certificate of Registration

To apply for a Certificate of Registration, an owner or operator shall submit to the District, a completed Permit/Registration application form, a Certificate of Compliance, and any additional information determined by the Air Pollution Control Officer as necessary to demonstrate eligibility for registration. The applicable fees specified in Rule 40 (Permit and Other Fees) shall also be paid. No application for registration shall be considered received unless accompanied by a Certificate of Compliance and the appropriate fees. A separate application is required for each emission unit.

(2) Action on Applications

(i) The Air Pollution Control Officer shall inform the applicant in writing, within 30 days of receipt of an application for registration, if the application is complete or incomplete. If incomplete, the written notice shall specify the additional information necessary to complete the application. When the additional information is received and the application is determined complete, the applicant shall be so notified.

(ii) An application for registration shall be canceled if additional information necessary to complete the application is not furnished within 60 days of such request, or if the Air Pollution Control Officer determines that the emission unit is not eligible to be registered under this rule.

(iii) An application for registration shall be withdrawn if the applicant requests such action in writing to the Air Pollution Control Officer. An application that is withdrawn by the applicant shall subsequently be canceled.

(iv) An application for registration shall be denied if the Air Pollution Control Officer finds that the emission unit will not comply with the applicable requirements of Section (d) of this rule, or any other applicable rule of the District Rules and Regulations.

(v) The Air Pollution Control Officer shall issue a Certificate of Registration within a maximum of 90 days after an application for registration is deemed complete if the emission unit meets all applicable requirements of Section (d) of this rule.

(vi) Notice of any action taken shall be deemed to have been given when written notification has been sent to the applicant or the applicant's representative.

(3) Conditions on Certificate of Registration

The Air Pollution Control Officer may issue a Certificate subject to temporary or permanent conditions to ensure compliance with District Rules and Regulations and applicable State laws and regulations. Operating a registered emission unit constitutes acceptance of all conditions specified on the Certificate.

(4) Maintenance of Certificate of Registration

An owner or operator whose emission unit has been issued a Certificate shall:

- (i) Comply with all conditions listed on the Certificate;
- (ii) Renew the Certificate annually pursuant to Subsection (f)(1) of this rule;
- (iii) Maintain records, as applicable, in accordance with the requirements of Section (g) of this rule;
- (iv) Display the current Certificate or a copy of the current Certificate in a clearly visible and accessible place within 25 feet of the emission unit. If the unit is so constructed or operated that the Certificate cannot be so placed, it shall be kept at the operating location and be made readily available to the District at all times;
- (v) Not willfully deface, alter, forge, counterfeit or falsify any Certificate issued under this rule; and
- (vi) Not change the equipment, or increase the number of conveyors from that set out in the Certificate for the equipment unit unless a complete application for modification has been filed and approved by the Air Pollution Control Officer prior to operation.

(f) ADMINISTRATION OF CERTIFICATE OF REGISTRATION

(1) Renewal of Certificate of Registration

(i) Current Certificate of Registration

Any person who holds a valid Certificate and who desires to maintain the Certificate after the expiration date shall, prior to the expiration date, pay the applicable renewal and processing fees specified in Rule 40.

(ii) Expired Certificate of Registration

An expired Certificate may be reinstated within the first six months following the expiration date by paying the applicable renewal, processing fees and the appropriate late fees specified in Rule 40. Any Certificate not reinstated within six months of the expiration date will be retired.

(2) Change of Status for Certificate of Registration

(i) Conversion to Inactive Status

Any person who holds a valid Certificate and chooses not to operate the emission unit, may apply to the Air Pollution Control Officer for a revised Certificate indicating the unit is to be registered in an inactive status. The application shall be accompanied by the applicable application and renewal fees specified in Rule 40. Operation of an emission unit registered in an inactive status shall constitute a violation of Subsection (e)(4)(i) of this rule. Any portable emission unit registered in an inactive status shall be stored at a fixed address provided to the Air Pollution Control Officer. All Certificates for emission units in inactive status shall be renewed annually.

(ii) Removal of Inactive Status

Any person who holds a valid Certificate for an emission unit in an inactive status and chooses to operate the unit shall first apply for and obtain a revised Certificate indicating the emission unit is now in an active status. The application shall be accompanied by the applicable application and renewal fees specified in Rule 40.

(3) Transfer of Ownership

The ownership of a valid Certificate may be transferred by applying for and obtaining a revised Certificate from the Air Pollution Control Officer. The application shall include a completed Permit/Registration application form and a Certificate of Compliance. Such application shall be deemed a temporary Certificate if accompanied by the applicable application fees specified in Rule 40. The temporary Certificate shall be subject to all the terms and conditions of the current Certificate and shall expire upon receipt of a revised Certificate. An application for transfer of ownership shall not be deemed a temporary Certificate if the emission unit is in an inactive status. A new application shall be required if the emission unit has been modified.

(4) Eligibility of Certificates at Stationary Sources

An owner or operator of an emission unit with a valid Certificate that is part of a stationary source as determined by the Air Pollution Control Officer shall obtain a Permit to Operate for that emission unit. The Permit to Operate shall supersede the valid Certificate only at that stationary source.

(g) RECORD KEEPING REQUIREMENTS

The owner or operator of a registered emission unit shall maintain the applicable records listed below. The records shall be maintained at a central place of business for a minimum of three years and made readily available to the District upon request.

(1) The location(s) at which the emission unit was operated, including the dates operated at each location.

(2) The type and quantity of materials processed daily by each equipment unit, or the daily hours of operation and the hourly throughput rate for each equipment unit.

(3) The quantity of fuel consumed by each engine, or the daily hours of operation for each engine.

(4) For engines, the specific location where the engine is located shall be recorded no less than once a month.

(5) Rental Emission Unit

(i) The operator of a registered rental emission unit shall be responsible for complying with the record keeping requirements of this rule. The operator must furnish the necessary record keeping as required pursuant to Subsections (g)(1), (g)(2), and (g)(3) of this rule to the owner of the emission unit.

(ii) The owner of a registered rental emission unit shall provide the operator with a written copy of applicable requirements of this rule, including record keeping requirements, as a part of the emission unit rental agreement. The owner must maintain written acknowledgment by the operator of receiving the above information for a period of at least three years.

(h) **TESTING REQUIREMENTS**

Testing to verify compliance with applicable requirements shall be conducted at the expense of the registered owner or operator at the request of the District and in accordance with the methodology prescribed by the District.

The District shall accept prior test results from a test conducted within the last two years provided that operator proves to the satisfaction of the Air Pollution Control Officer that the prior testing was conducted in accordance with appropriate methods and the conditions under which the unit was tested represent the operating conditions of the emission unit as proposed.

2. Proposed amended Rule 12 is to read as follows:

RULE 12. REGISTRATION OF SPECIFIED EQUIPMENT

(Adopted 5/21/97; Rev. Effective 11/15/00; Rev. Effective *(date of adoption)*)

(a) **APPLICABILITY**

(1) This rule applies to the following emission units:

(i) Existing internal combustion emergency standby engines.

- (ii) Existing stationary internal combustion engines rated at 200 brake horsepower or less which operate less than 200 hours per calendar year.
 - (iii) Asphalt roofing kettles and asphalt roofing day tankers.
- (2) This rule does not mandate the registration of any emission unit listed in Subsection (a)(1).
- (3) Any emission unit registered under this rule shall be exempt from the requirements of Rule 10 – Permits Required and from the requirements of New Source Review Rules 20.1 through 20.8, inclusive.
- (4) Registration under this rule or under District Rule 12.1 (Portable Equipment Registration), or by the California Air Resources Board pursuant to Health and Safety Code Section 41752, may be used in lieu of permitting. Any emission unit registered under this rule shall be precluded from simultaneously obtaining a Permit to Operate.
- (5) Except as provided in Subsection (a)(3), compliance with this rule shall not exempt any emission unit specified in Subsection (a)(1) from meeting all other applicable requirements of these Rules and Regulations.

(b) **RESERVED**

(c) **DEFINITIONS**

For the purposes of this rule, the following definitions shall apply:

- (1) **"California Diesel Fuel"** means any fuel that is commonly or commercially known, sold or represented as diesel fuel No. 1-D or No. 2-D, and which meets the requirements specified in Sections 2281 and 2282 of Title 13 of the California Code of Regulations.
- (2) **"Certificate of Compliance"** means a statement in a specified format which is completed by an applicant, and which contains prohibitory rules and conditions of operation applicable to the operation of a registered emission unit.
- (3) **"Certificate of Registration" or "Certificate"** means a written document issued by the Air Pollution Control Officer, granting authority to operate an emission unit in lieu of a Permit to Operate.
- (4) **"Emergency Situation"** means any one of the following:
- (i) An unforeseen electrical power failure from the serving utility or on-site electrical transmission equipment.
 - (ii) An unforeseen flood or fire or a life-threatening situation.

(iii) Operation of emergency generators for Federal Aviation Administration licensed airports for the purpose of providing power in anticipation of a power failure due to severe storm activity.

An emergency situation shall not include operation for purposes of supplying power for distribution to an electrical grid, operation for training purposes, or other foreseeable events.

(5) **"Emergency Standby Engine"** means an engine used exclusively in emergency situations to drive an electrical generator, an air compressor or a water pump, except for operations up to 52 hours per calendar year for non-emergency purposes.

(6) **"Emission Unit"** means the same as defined in Rule 2.

(7) **"Existing Engine"** means an engine which commenced operation in San Diego County on or before November 15, 2000. Engines used to replace an existing engine pursuant to Rule 11 Subsection (d)(5) do not qualify as existing engines.

(8) **"Portable Emission Unit"** means an emission unit that is designed to be and capable of being carried or moved from one location to another. Indicia of portability include, but are not limited to, wheels, skids, carrying handles, dolly, trailer or platform. For the purposes of this rule, dredge engines on a boat or barge are considered portable. An emission unit is not portable if any of the following apply:

(i) The unit, or its replacement, is attached to a foundation or, if not so attached, will reside at the same location for more than 12-consecutive months. Any portable emission unit such as a backup or standby unit that replaces a portable emission unit at a location and is intended to perform the same function as the unit being replaced will be included in calculating the consecutive time period. In that case, the cumulative time of all units, including the time between the removal of the original unit(s) and installation of the replacement unit(s), will be counted toward the consecutive time period; or

(ii) The emission unit remains or will reside at a location for less than 12-consecutive months if the unit is located at a seasonal source and operates during the full annual operating period of the seasonal source. A seasonal source is a stationary source that remains in a single location on a permanent basis (i.e., at least two years) and operates at that single location at least three months each year, or

(iii) The emission unit is moved from one location to another in an attempt to circumvent the portable emission unit residence time requirements.

Days when a portable emission unit is stored in a designated holding or storage area shall not be counted towards the above time limits, provided the emission unit was not operated on that calendar day except for maintenance and was in the designated holding or storage area the entire calendar day.

(9) **"Registered Emission Unit"** means an emission unit that has a valid Certificate of Registration.

(10) **"Registration"** means the process of obtaining a Certificate of Registration for an emission unit. Registration is the same as "permit" as used in Division 26 of the California Health and Safety Code, Part 3, Chapter 8 and Part 4, Chapter 4, Articles 2 and 4, respectively entitled Hearing Boards, Variances, and Orders of Abatement. The Air Pollution Control Officer and the Hearing Board shall have the same authority concerning registration as with permits, and the owner or operator of registered equipment shall be entitled to the same privileges and rights granted to a permittee.

(11) **"Rental Emission Unit"** means an emission unit temporarily rented or leased to operators other than the owner(s) of the unit.

(12) **"Stationary Source" or "Source"** means the same as defined in Rule 2.

(13) **"Stationary Internal Combustion Engine"** means a spark or compression ignited, reciprocating internal combustion engine which is not a portable emission unit.

(d) **REQUIREMENTS**

Emission units registered under this rule shall comply with these rules and regulations and the following requirements, as applicable:

(1) An internal combustion emergency standby engine shall be operated only during emergency situations and for not more than 52 hours per calendar year for non-emergency purposes. Operation for testing or maintenance purposes may be allowed for not more than 100 hours per calendar year with written authorization from the Air Pollution Control Officer, provided that an owner or operator demonstrates to the satisfaction of the Air Pollution Control Officer that such additional operation is necessary.

(2) An engine operating on diesel fuel shall use only California Diesel Fuel.

(3) An engine shall have a non-resettable hour or fuel meter installed that measures elapsed operating time or fuel usage, respectively.

(4) An owner or operator of an engine shall conduct periodic maintenance of the engine as recommended by the engine manufacturer or as specified by any other maintenance procedures approved in writing by the Air Pollution Control Officer. The periodic maintenance shall be conducted at least once each calendar year.

(5) An asphalt roofing kettle or asphalt day tanker shall have an identification tag or serial number stamped, welded or engraved in a visible, accessible location on the kettle or tanker; shall not be operated above 525°F (274°C) and shall be equipped with a functional temperature gauge, temperature control thermostat, and a lid which shall be closed at all times when the unit is operating except for loading asphalt.

(e) REGISTRATION OF EMISSION UNITS

(1) Application for Certificate of Registration

To apply for a Certificate of Registration, an owner or operator shall submit to the District, a completed Permit/Registration application form, a Certificate of Compliance, and any additional information determined by the Air Pollution Control Officer as necessary to demonstrate eligibility for registration. The applicable fees specified in Rule 40 shall also be paid. No application for registration shall be considered received unless accompanied by a Certificate of Compliance and the appropriate fees. A separate application is required for each emission unit.

(2) Action on Applications

(i) The Air Pollution Control Officer shall inform the applicant in writing, within 30 days of receipt of an application for registration, if the application is complete or incomplete. If incomplete, the written notice shall specify the additional information necessary to complete the application. When the additional information is received and the application is determined complete, the applicant shall be so notified.

(ii) An application for registration shall be canceled if additional information necessary to complete the application is not furnished within 90 days of such request, or if the Air Pollution Control Officer determines that the emission unit is not eligible to be registered under this rule.

(iii) An application for registration shall be withdrawn if the applicant requests such action in writing to the Air Pollution Control Officer. An application that is withdrawn by the applicant shall subsequently be canceled.

(iv) An application for registration shall be denied if the Air Pollution Control Officer finds that the emission unit will not comply with the applicable requirements of Section (d) of this rule, or other applicable District Rules and Regulations.

(v) The Air Pollution Control Officer shall issue a Certificate of Registration within a maximum of 90 days after an application for registration is deemed complete if the emission unit meets all applicable requirements of Section (d) of this rule.

(vi) Notice of any action taken shall be deemed to have been given when written notification has been delivered to the applicant or the applicant's representative.

(3) Conditions on Certificate of Registration

The Air Pollution Control Officer may issue a Certificate subject to temporary or permanent conditions which ensure compliance with these Rules and Regulations and

applicable state laws and regulations. Operating a registered emission unit constitutes acceptance of all conditions specified on the Certificate.

(4) Maintenance of Certificate of Registration

An owner or operator whose emission unit has been issued a Certificate shall:

- (i) Comply with all conditions listed on the Certificate;
- (ii) Renew the Certificate annually pursuant to Subsection (f)(1) of this rule;
- (iii) Maintain records, as applicable, in accordance with the requirements of Section (g) of this rule;
- (iv) Display the current Certificate or a copy of the current Certificate in a clearly visible and accessible place within 25 feet of the emission unit. If the unit is so constructed or operated that the Certificate cannot be so placed, it shall be kept on the premises and be made readily available to the District at all times; and
- (v) Not willfully deface, alter, forge, counterfeit or falsify any Certificate issued under this rule.

(f) ADMINISTRATION OF CERTIFICATE OF REGISTRATION

(1) Renewal of Certificate of Registration

(i) Current Certificate of Registration

Any person who holds a valid Certificate and who desires to maintain the Certificate after the expiration date shall, prior to the expiration date, pay the applicable renewal and processing fees specified in Rule 40. Any Certificate not reinstated within six months of the expiration date will be retired.

(ii) Expired Certificate of Registration

An expired Certificate may be reinstated within the first six months following the expiration date by paying the applicable renewal and processing fees and the appropriate late fees specified in Rule 40.

(2) Change of Status for Certificate of Registration

(i) Conversion to Inactive Status

Any person who holds a valid Certificate and chooses not to operate the emission unit, may apply to the Air Pollution Control Officer for a revised Certificate indicating the unit is to be registered in an inactive status. The application shall be accompanied by the applicable application and renewal fees specified in Rule 40.

Operation of an emission unit registered in an inactive status shall constitute a violation of Subsection (e)(4)(i) of this rule. Any portable emission unit registered in an inactive status shall be stored at a fixed address provided to the Air Pollution Control Officer. All Certificates for emission units in inactive status shall be renewed annually.

(ii) **Removal of Inactive Status**

Any person who holds a valid Certificate for an emission unit in an inactive status and chooses to operate the unit shall first apply for and obtain a revised Certificate indicating the unit is now in an active status. The application shall be accompanied by the applicable application and renewal fees specified in Rule 40.

(3) **Change of Location**

Any person who holds a valid Certificate and who desires to change the location of the registered emission unit shall first apply for and obtain a revised Certificate from the Air Pollution Control Officer. The application shall be accompanied by the applicable application and processing fees specified in Rule 40. This provision shall not apply to any change of location within a stationary source or any change of location for a portable emission unit.

(4) **Transfer of Ownership**

The ownership of a valid Certificate may be transferred by applying for and obtaining a revised Certificate from the Air Pollution Control Officer. The application shall include a completed Permit/Registration application form and a Certificate of Compliance. Such application shall be deemed a temporary Certificate if accompanied by the applicable application fees specified in Rule 40. The temporary Certificate shall be subject to all the terms and conditions of the current Certificate and shall expire upon receipt of a revised Certificate. An application for transfer of ownership shall not be deemed a temporary Certificate if the emission unit is in an inactive status. A new application shall be required if the emission unit has been modified.

(g) **RECORD KEEPING**

The owner or operator of a registered emission unit shall maintain the applicable records listed below. The records shall be retained on-site for at least three years and be made available to the District upon request.

(1) An owner or operator of an engine shall maintain the following records:

(i) An operating log, which at a minimum, includes the following:

(A) records of periodic engine maintenance including dates maintenance was performed; and

(B) total cumulative hours of operation per calendar year, based on actual readings of the engine hour or fuel meter; and

(C) dates and times of emergency standby engine operation, if applicable. Each entry shall indicate whether the operation was for non-emergency purposes or during an emergency situation and the nature of the emergency, if available. Individual date and time of engine operation records are not required if total operations for any purpose, including emergency situations, do not exceed 52 hours in a calendar year; and

(ii) California Diesel Fuel certifications, if fueled with diesel fuel; and

(iii) A manual of recommended maintenance procedures as provided by the engine manufacturer, or other maintenance procedures as approved in writing by the Air Pollution Control Officer.

(2) An owner or operator of any emission unit specified in Subsection (a)(1) which is operated as a rental emission unit shall maintain the following records, as applicable:

(i) The owner of a rental emission unit shall provide the operator with a copy of the Certificate and the recordkeeping requirements specified in Subsection (g)(1) as part of the emission unit rental agreement. The owner shall maintain written acknowledgment by the operator of receiving the above information.

(ii) During the duration of a rental agreement or contract, the operator of a rental emission unit shall be responsible for compliance with the recordkeeping requirements of this rule and the terms and conditions on the Certificate applicable to operation of the unit. The operator shall furnish the records specified in Subsection (g)(1), to the owner of the rental emission unit upon return of the unit.

IT IS FURTHER RESOLVED AND ORDERED that proposed amendments to Rule 12.1 and Rule 12 of Regulation II shall take effect on *(date of adoption)*.

PASSED AND ADOPTED by the Air Pollution Control Board of the San Diego County Air Pollution Control District, State of California, this 30th day of October, 2019, by the following votes:

APPROVED AS TO FORM AND LEGALITY
COUNTY COUNSEL

BY: Paula Forbis, Senior Deputy

The foregoing Resolution was passed and adopted by the Air Pollution Control District, County of San Diego, State of California, on this 30th day of October, 2019, by the following vote:

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond
- - -

STATE OF CALIFORNIA)
County of San Diego)^{SS}

I hereby certify that the foregoing is a full, true and correct copy of the Original Resolution entered in the Minutes of the San Diego County Air Pollution Control Board.

ANDREW POTTER
Clerk of the Air Pollution Control Board

By: 
Joana Santiago, Deputy



Resolution No. 19-170
Meeting Date: 10/30/19 (AP1)