



Air Pollution Control Board  
Brian P. Bilbray District 1  
Dianne Jacob District 2  
Pamela Slater District 3  
Leon L. Williams District 4  
John MacDonald District 5

Air Pollution Control Officer  
R. J. Sommerville

**DATE:** May 21, 1997  
**TO:** Air Pollution Control Board  
**SUBJECT:** Adoption of New Rule 12.1 (Portable Equipment Registration)

**SUMMARY:**

New Rule 12.1 will establish criteria, procedures and fees for implementing a multi-air district registration program for specified equipment categories. Registration is a streamlined permitting procedure that reduces District costs and permit fees, and can be used in lieu of formal permitting at the option of the equipment owner. This rule and related new Rule 12 (Registration of Specified Equipment) represent additional efforts to streamline the permitting process. The rule provides local businesses operating eligible portable equipment throughout California the option of registering it in San Diego, with another air district or the Air Resources Board, or obtaining a District Permit to Operate. Rule 12 provides local businesses operating eligible equipment within the District the option of registering it with the District or obtaining a District Permit to Operate. Rule 12 is separately being proposed for adoption.

The following portable equipment will be eligible for registration under Rule 12.1: portable abrasive blasting operations; specified internal combustion engines; concrete batch plants; sand and gravel screening; rock crushing; and, pavement crushing and recycling operations. Registration will allow eligible emission units to move among participating air districts without obtaining a new permit in each air district. The equipment will be exempted from the District's New Source Review rules. However, registered units will be required to comply with emission standards and operating criteria applicable for each equipment category and with all other applicable District rules and regulations.

Rule 12.1 specifies procedures for applying for and issuing registration, procedures for coordinating registration among the participating air districts, and applicable registration and inspection fees. It can be used by local owners or operators to register new and existing portable units. The District estimates as many as 1,000 existing portable units would be eligible for registration under Rule 12.1.

An Initial Study was performed and a draft Negative Declaration has been prepared pursuant to the California Environmental Quality Act. It has been determined there is no substantial evidence that the proposed amendments may have a significant adverse effect upon the environment.

A workshop was held on January 16, 1996. The workshop report is attached.

**Issue**

Should the Board adopt Rule 12.1 to implement permit streamlining law and provide local businesses the option of registering eligible equipment in lieu of obtaining a Permit to Operate?

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## **Recommendation**

### **AIR POLLUTION CONTROL OFFICER:**

- (1) Adopt the resolution adding Rule 12.1 to the District Rules and Regulations and make appropriate findings:
  - (i) of necessity, authority, clarity, consistency, non-duplication and reference as required by Section 40727 of the State Health and Safety Code;
  - (ii) that adopting Rule 12.1 will alleviate a problem and will not interfere with attaining ambient air quality standards (Section 40001 of the State Health and Safety Code);
  - (iii) that adopting Rule 12.1 will not significantly affect air quality or emissions limitations, and that an assessment of socioeconomic impacts is not required (Section 40728.5 of the State Health and Safety Code);
  - (iv) that an Initial Study was prepared by the District pursuant to the California Environmental Quality Act, and the Initial Study revealed no substantial evidence that the proposed adoption of Rule 12.1 may have a significant adverse effect on the environment;
  - (v) that a proposed Negative Declaration was prepared pursuant to the California Environmental Quality Act and that public notice and a public review period were provided for the proposed Negative Declaration; and that considering the initial study and proposed Negative Declaration and the entire record before the Board, a finding be made by the Board in the exercise of its independent judgment that the proposed adoption of Rule 12.1 will not have a significant adverse effect on the environment, and that an Environmental Impact Report need not be prepared; and,
  - (vi) that there is no evidence in the record as a whole that the proposed adoption of Rule 12.1 will have an adverse effect on wildlife resources, and on the basis of substantial evidence, the presumption of adverse effect in California Code of Regulations, Title 14, Section 753.5(d) has been rebutted.
- (2) Approve the Certificate of Fee Exemption for De Minimis Impact Finding exempting the District from payment of fees to the California Department of Fish and Game.

## **Alternative**

Not adopt Rule 12.1. To operate portable equipment in San Diego county, local businesses would need to either obtain a District Permit to Operate, a less timely and more costly process than registration, or register their equipment with the state Air Resources Board. Registration would not be a locally available service.

## **Advisory Statement**

The Air Pollution Control District Advisory Committee recommended adopting proposed Rule 12.1 at its April 23, 1997, meeting.

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### **Fiscal Impact**

Adopting the proposed rule will result in registration fees lower than current permit application fees and, therefore, reduced revenue to the District. However, these reduced revenues are offset by reduced District costs of permitting and additional fees that may come from owners or operators electing to register currently permitted equipment. These revenue changes have been accounted for in the District's budget for Fiscal Year 1997/98.

### **Additional Information**

Attachment I contains additional background information, information on compliance with Board policy on adopting new rules, additional information on Socioeconomic Impact Assessment requirements, and information on compliance with the California Environmental Quality Act.

Attachment II contains the Resolution adopting Rule 12.1.

Attachment III contains the report for the workshop held on January 16, 1996.

Attachment IV contains the Negative Declaration and the Initial Study.

Concurrence:

Respectfully submitted,

LAWRENCE B. PRIOR III  
Chief Administrative Officer

BY: ROBERT R. COPPER  
Deputy Chief Administrative Officer



R. J. SOMMERVILLE  
Air Pollution Control Officer

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11 5/16/97

COUNTY COUNSEL APPROVAL: Form and Legality  Yes  N/A  
 Standard Form  Ordinance  Resolution

CHIEF FINANCIAL OFFICER/AUDITOR REVIEW:  Yes  N/A  
4 VOTES:  Yes  No

CONTRACT REVIEW PANEL:  Approved \_\_\_\_\_  N/A

PREVIOUS RELEVANT BOARD ACTION: N/A

BOARD POLICIES APPLICABLE: N/A

CONCURRENCES: N/A

ORIGINATING DEPARTMENT: San Diego County Air Pollution Control District

CONTACT PERSON: Richard Smith, Deputy Director (S50) 694-3303 MS: 0-176

  
R. J. SOMMERVILLE, APCO  
DEPARTMENT AUTHORIZED REPRESENTATIVE

MAY 21, 1997  
MEETING DATE

## ATTACHMENT I

### ADOPTION OF NEW RULE 12.1 (PORTABLE EQUIPMENT REGISTRATION)

#### Additional Background Information

In the past two years, the District has worked closely with affected businesses to make a number of changes to reduce permit application processing time and costs. In addition, the District has participated in efforts by the California Air Pollution Control Officers Association (CAPCOA) and the state Air Resources Board (ARB) to develop a streamlined means of permitting portable equipment that moves among various air districts in the state. The primary objectives were to develop consistent emission standards, and avoid the need for new permitting each time a piece of portable equipment is moved to a new air district.

Two separate registration programs evolved. In 1994, CAPCOA recommended a model rule for multi-air district registration of specified portable emission units. This year, the ARB adopted regulations implementing a statewide portable equipment registration program, as required by state law. The CAPCOA-recommended and ARB adopted registration programs addressing similar types of equipment, have similar registration procedures, administrative requirements, and fee structures. The emission standards of the ARB registration program are somewhat more stringent with regard to PM10 emissions from mineral processing and abrasive blasting equipment, but less stringent with regard to NOx, ROG and CO emissions from spark-ignited internal combustion engines. Since portable equipment registered with ARB can operate anywhere in the state without the need for local registration, there is no conflict with proposed Rule 12.1

Rule 12.1 provides additional flexibility to the business sector. As an alternative to registering equipment with ARB, the owner or operator can elect to register the equipment under Rule 12.1 or with another air district participating in the CAPCOA program. The owner or operator would then be authorized to operate in San Diego and other participating air districts without additional local permits or ARB registration. This will likely happen if local businesses find local air district registration programs are more convenient, responsive and efficient. Whether the equipment is registered under the ARB or CAPCOA program, when it operates in San Diego county (and in other districts), it will need to be inspected periodically to ensure on-going compliance with applicable emission standards. Both the ARB registration program and Rule 12.1 provide the same fixed fee for recovering some of the costs associated with such inspections.

Proposed Rule 12.1 closely follows the CAPCOA model rule, and, as noted, provides a local registration option for San Diego portable equipment owners/operators. It also provides the basis for allowing operation of portable equipment registered in any other air district participating in this cooperative program. These include the South Coast, San Luis Obispo, San Joaquin Valley, Bay Area, Yolo-Solano and Northern Sierra air districts. Equipment registered in these air districts or ARB may operate in San Diego without having to first obtain a permit or new registration and vice versa.

Rule 12.1 establishes registration application procedures, administrative requirements, air contaminant emission standards for registered equipment, and applicable fees. Eight categories of portable equipment are eligible for registration: confined abrasive blasting; unconfined abrasive blasting; concrete batch plants; spark-ignited internal combustion engines; diesel-fired, piston-type internal combustion engines; sand and gravel screening; rock crushing; and, unheated pavement crushing and recycling operations. The equipment is exempt from the requirements of Rule 10 - Permits Required, and from applicable requirements of the District's New Source Review Rules, but must comply with all other applicable District Rules and Regulations.

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The new rule specifies air contaminant emission control requirements and emission standards applicable for each eligible equipment category. The emission standards for new portable equipment are as stringent as current New Source Review (NSR) requirements for almost every case and would apply equally or more stringent emission standards for existing portable equipment. Although Rule 12.1 would exempt new portable equipment from emission offset requirements of NSR that might otherwise apply, it would also reduce emissions from existing equipment. These net emission changes will not be significant and will not affect San Diego's timely attainment or maintenance of the national or state ambient air quality standards.

In addition, the new rule specifies requirements for record keeping, reporting and notifying air districts of new equipment being brought into the District. It also describes procedures for registration renewal and change of status (e.g. active to inactive). The rule also provides sharing registration and compliance information among participating air districts and prescribes fees for registration applications, annual renewals, and air district inspections.

In response to concerns expressed at the public workshop that the public would not receive notice of portable equipment locating nearby, a provision was added requiring the operator of registered portable equipment provide information when the equipment is first brought into the District and quarterly while the equipment is operating in the District, on any known locations where the equipment will be operated during the quarter. The lists of locations will be posted at the District on a weekly basis. In addition, the rule specifies that a registered unit may not be operated within 1000 feet of any K-12 school without first meeting the public notification requirements of Health and Safety Code Section 42301.6.

As many as approximately 1000 existing, portable emission units operating in San Diego county would be eligible for registration under Rule 12.1.

### **Compliance with Board Policy on Adopting New Rules**

On February 2, 1993, the Board directed that, with the exception of a regulation requested by business or a regulation for which a socioeconomic impact assessment is not required, no new or revised regulation shall be implemented unless specifically required by federal or state law. Proposed new Rule 12.1 is consistent with this Board directive because it implements permit streamlining required by state law, a socioeconomic impact assessment is not required, the rule is an optional requirement, and the rule has been requested by local businesses.

### **Socioeconomic Impact Assessment**

Section 40728.5 of the State Health and Safety Code requires the District to perform a socioeconomic impact assessment for new and revised rules and regulations significantly affecting air quality or emission limitations. Proposed new Rule 12.1 will not affect air quality or emissions limitations. Therefore, a socioeconomic impact assessment is not required.

### **California Environmental Quality Act**

The California Environmental Quality Act (CEQA) requires an environmental review for certain actions. An environmental review consistent with CEQA has been performed because the proposed rule would exempt newly registered portable equipment from the District's New Source Review (NSR) rules and this could result in excess emissions if it is assumed that more stringent emission standards would apply under a District permitting program. However, proposed Rule 12.1 would establish emission standards for new portable equipment that are as stringent as current

## ATTACHMENT 1

NSR requirements for almost every case, and would apply equally or more stringent emission standards for some existing portable equipment, in particular spark-ignited internal combustion engines. Rule 12.1 could reduce emissions from existing portable equipment, but would exempt new equipment from emission offset requirements of NSR that might otherwise apply. Evaluation of these emission changes showed they were insignificant and will not affect San Diego's timely attainment or maintenance of the national or state ambient air quality standards.

An Initial Study was prepared by the District pursuant to CEQA and concluded that there will be no significant adverse effect on the environment. A proposed Negative Declaration was prepared pursuant to CEQA. There is no evidence that proposed Rule 12.1 may result in a significant adverse effect on the environment.

Public notice and a public review period were provided for the proposed Negative Declaration. The public review period had not yet closed at the time this letter was written. The Air Pollution Control Officer will report any comments received during the review period for consideration by the Board.

Based on the entire record and including the information contained in the Initial Study, there is also no evidence that the proposed adoption of Rule 12.1 will have an adverse effect on wildlife resources or the habitat upon which wildlife depends. On the basis of substantial evidence, the District has rebutted the presumption of adverse effect in California Code Of Regulations, Title 14, Section 753.5(d).

Re Rules and Regulations of the)  
Air Pollution Control District )  
of San Diego County . . . . . )

**RESOLUTION ADDING RULE 12.1  
TO REGULATION II  
OF THE RULES AND REGULATIONS OF THE  
SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT**

On motion of Member Slater, seconded by Member Cox the following resolution is adopted:

**WHEREAS**, the San Diego County Air Pollution Control 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 had relating to the amendment of said Rules and Regulations pursuant to Section 40725 of the Health and Safety Code.

**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:

Proposed new Rule 12.1 is to read as follows:

**RULE 12.1 PORTABLE EQUIPMENT REGISTRATION**

**(a) APPLICABILITY**

An emission unit used in conjunction with 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 New Source Review rules 20.1 through 20.10. 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. Any emission unit registered under this rule shall be precluded from simultaneously obtaining a Permit to Operate.

- (1) Confined and unconfined abrasive blasting
- (2) Portable concrete batch plants
- (3) 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:
  - (i) Well drilling, service, or workover rigs
  - (ii) Power generation (excluding cogeneration)



- (iii) Pumps (including hydroblasters)
- (iv) Compressors
- (v) Pile drivers
- (vi) Welding
- (vii) Cranes
- (viii) Woodchippers

(4) Sand and gravel screening, rock crushing, and unheated pavement crushing and recycling operations

(b) **RESERVED**

(c) **DEFINITIONS**

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

(1) **“Administering District”** means a district that adopts the provisions contained in Sections (c), (d), (e), and (f) of this rule for one or more of the equipment categories listed in Section (a) of this rule, and in which the owner or operator of a portable emission unit files an application for registration. A district can be an administering district only for the equipment categories for which it has adopted the requirements contained in this rule.

(2) **“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.

(3) **“District”** means an air pollution control district or air quality management district duly organized under the applicable provisions of the California Health and Safety Code.

(4) **“Emergency Operation”** means any operation which is necessitated as a result of an emergency declared by an authorized government official.

(5) **“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.

(6) **“Equivalent Replacement”** means either of the following:

(i) The replacement of or modification of an emission unit where the maximum rating of the replacement unit does not exceed that of the unit being replaced, and the replacement unit is equipped with equal or better air pollution control technology.

(ii) The replacement of or modification of an emission unit where the maximum controlled emission rate of the replacement unit is one half the potential to emit of the existing unit. Limitations on capacity or hours of operation shall not be taken into account in qualifying as an equivalent replacement.

(7) **"Exempt Compound"** means the same as defined in Rule 2.

(8) **"Existing Emission Unit"** means an emission unit that is located in the State of California at any time during calendar year 1993, and for which the owner or operator has applied for registration in accordance with the provisions of this rule no later than six months from the date of adoption of this rule in the participating district in which the emission unit is located or is to first be operated. The owner or operator shall provide sufficient documentation to prove the residency requirement to the satisfaction of the Air Pollution Control Officer. Examples of adequate documentation are existing permits issued by an air pollution control district, district emission inventory records, tax records, and usage or maintenance records. An equivalent replacement unit, replacing an existing emission unit shall be treated as an existing emission unit.

(9) **"Location"** means, except for oil well drilling, service, or workover rigs, one or more contiguous or adjacent properties. 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. For oil well drilling, service, or workover rigs, each well-site shall be considered as a separate location.

(10) **"New Emission Unit"** means any emission unit that does not meet the definition of an existing emission unit.

(11) **"Participating District"** means any district that, through rule making, agrees to honor and enforce registrations issued by an administering district. Districts may choose to honor registrations for one or more of the emission unit categories listed in Section (a).

(12) **"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.

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

(d) **STANDARDS**

(1) **General Prohibitory Requirements**

(i) Except for emissions from existing emission units, the total NO<sub>x</sub>, or VOC emissions from a portable emission unit shall not exceed 100 pounds during any one day for each pollutant.

(ii) The total PM<sub>10</sub> emissions, except area fugitive emissions, from a portable emission unit, including both existing and new emission units, shall not exceed 150 pounds during any one day.

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

(iv) Except for emergency operations, an emission unit shall not be operated within 1,000 feet of any K-12 school unless the applicable public and student notification requirements of California Health and Safety Code Section 42301.6 have been satisfied.

(v) When operated as a registered portable emission unit, the actual emissions, except area fugitive emissions, from an emission unit, as verified by the recordkeeping prescribed by this rule, shall not exceed 10 tons per year of any air contaminant in any participating district in which such unit is operated.

(2) **Registration Process**

(i) If the owner or operator of a portable emission unit operated in conjunction with one of the source categories listed in Section (a) of this rule elects to apply for registration of said emission unit, the owner or operator shall apply for registration at the participating district in which the portable emission unit is located at the time the application for registration is filed. If the emission unit is located outside the state of California, or in a non-participating district, the owner or operator must register the emission unit at the district where the emission unit will first be operated after registration.

(ii) The applicant shall provide the administering district with the necessary engineering data, emissions test data, or manufacturer's guarantee to demonstrate compliance with the requirements as specified in Section (d) of this rule.

(iii) The administering district shall issue registration, deny registration, or deem the application incomplete according to the following schedule:

(A) within 90 days of the receipt of an application for any applications received on or before (*six months after the date of adoption*); and

(B) within 30 days of the receipt of an application for any applications received after (*six months after the date of adoption*).

(iv) The administering district may conduct an on-site inspection of the emission unit prior to issuing registration for the unit.

(v) No later than 10 days after issuance of a registration, the administering district shall forward to all participating districts a copy of the registration and upon request by a participating district, a copy of the application for registration.

(vi) The owner or operator of a registered emission unit may operate the unit within the boundaries of any participating district provided such unit is operated in compliance with all applicable requirements.

(vii) The owner or operator shall renew the registration with the administering district on an annual basis including the payment of all applicable fees and a demonstration or certification determining compliance with all applicable requirements.

(viii) The participating districts shall provide written reports to the administering district describing the nature and outcome of any violation of any applicable requirements by the owner or operator of the registered emission unit. The administering district shall distribute such information to all other participating districts.

(ix) The participating districts shall provide written reports to the administering district describing any hearing board action concerning the registered emission unit. The administering district shall distribute such information to all other participating districts.

(x) Equivalent replacement units must go through the entire registration process in order to obtain registration. The owner or operator of any replacement unit shall surrender the registration for the emission unit being replaced.

(xi) For the purpose of this rule, "permitting" in Division 26 of Health and Safety Code of the State of California, Part 3, Chapter 8 and Part 4, Chapter 4, Articles 2 and 4, respectively, entitled Hearing Board, Variances, and Orders of Abatement, shall be considered to have the same meaning as "registration" as provided in this rule. The Air Pollution Control Officer and the District Hearing Board shall have the same authority concerning registration as with permits, and the owner or operator of a registered emission unit shall be entitled to the same privileges and rights granted to a permittee.

(xii) The administering district shall notify all participating districts of any changes in the status of registration for an emission unit.

### **(3) Source Category Requirements**

#### **(i) 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 is as dark as or darker than 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.

**(ii) 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 is as dark as or darker than Ringelmann 2 or equivalent 40 percent opacity.

(B) Only California Air Resources Board 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 of the California Code of Regulations shall be met.

**(iii) Concrete Batch Plants**

(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 cement 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 is as dark as or darker than 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.

**(iv) Diesel-fired Piston-type Internal Combustion Engines**

(A) For naturally aspirated engines, the engine injector timing shall be retarded by a minimum of four degrees from the manufacturer's standard timing, or the NOx emissions shall not exceed 10 grams per brake horsepower-hour.

(B) For turbocharged engines, the engine injector timing shall be retarded by a minimum of four degrees from the manufacturer's standard timing, or the NOx emissions shall not exceed 7.2 grams per brake horsepower-hour.

(C) The sulfur content of any diesel fuel used shall not exceed 0.05 percent by weight.

(D) Particulate matter emissions concentration, excluding area fugitive emissions, shall not exceed 0.10 grain per standard dry cubic feet.

(E) 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 is as dark as or darker than Ringelmann 1 or equivalent 20 percent opacity. Pile drivers shall comply with the applicable provisions of §41701.5 of the California Health and Safety Code.

(F) If the NOx emission limits, as specified in Subsection (d)(3)(iv)(A) or (d)(3)(iv)(B) are not met, in addition to injector retard, all engines with ratings greater than 50 brake horsepower but equal to or less than 117 brake horsepower that do not qualify as existing emission units shall be equipped with turbochargers.

(G) If the NOx emission limits, as specified in Subsections (d)(3)(iv)(A) or (d)(3)(iv)(B) are not met, in addition to injector retard, all engines with ratings greater than 117 brake horsepower that do not qualify as existing emission units shall be equipped with turbochargers and aftercoolers.

**(v) Spark ignition piston-type internal combustion engines**

(A) The NOx 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 CO emissions shall not exceed 2.0 grams per brake horsepower-hour.

(D) Except for 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 is as dark as or darker than Ringelmann 1 or equivalent 20 percent opacity.

**(vi) Sand and gravel screening, rock crushing, 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 is as dark as or darker than 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) All transfer points shall be ducted through a fabric or cartridge type filter dust collector or shall be equipped with a wet suppression system maintaining a minimum moisture content in the material being processed of four percent by weight for material smaller than 1/4 inch.

(D) Particulate matter emissions from each crusher shall be ducted through a fabric dust collector, or a wet suppression system shall be used which maintains a minimum moisture content in the material being processed of four percent by weight.

(E) All conveyors shall be covered, unless the material being transferred does not result in any visible particulate matter emissions.

(F) All stockpiled material shall be maintained at a minimum moisture content of four percent by weight unless the stockpiled material does not result in any visible particulate matter emissions.

(G) Any source which processes in excess of 150 tons per hour shall comply with all the applicable provisions of the Code of Federal Regulations (CFR) under 40 CFR Part 60, Subpart OOO.

(H) 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.

(I) 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.

(e) **GENERAL REPORTING AND RECORDKEEPING REQUIREMENTS**

(1) **Notification**

If an emission unit is being relocated into the District and will remain operational within the district for more than 24 hours, the operator shall notify the District within two calendar days from when the unit is first relocated into the District. The notification shall include the following information:

- (i) The general nature of the operations.
- (ii) The estimated duration of operations within the district.
- (iii) The name and phone number of a contact person with information concerning the locations where the emission unit will be operated within the district.
- (iv) The locations, if known, where the emission unit will be operated within the District during the remainder of the current calendar quarter.

A list of new notifications received by the District will be posted in the District office on a weekly basis. This list will contain any identified equipment locations and will be available for public review during normal business hours. A copy of the list will be provided to any person or interested group who has requested a copy in writing.

## (2) Reporting

Within 30 days after the end of every calendar quarter, the operator of a registered portable emission unit, except for rental emission unit, shall notify the district in which the unit was operated of the level of activities within the district during the preceding calendar quarter. The notification shall include the following information:

- (i) The location(s) at which the emission unit was operated, including the dates operated at each location.
- (ii) The type and quantity of materials processed by each emission unit, or the daily hours of operation and the hourly throughput rate for each emission unit.
- (iii) The type and quantity of fuels consumed by each emission unit, or the daily hours of operation and the horsepower or hourly Btu rating for each emission unit.
- (iv) The locations, if known, where the emission unit will be operated within the District during the current calendar quarter.

A list of quarterly reports received by the District will be posted in the District office on a weekly basis. This list will contain any identified equipment locations and will be available for public review during normal business hours. A copy of the list will be provided to any person or interested group who has requested a copy in writing.

## (3) Requirements for a Rental Emission Unit

(i) The operator of a rental registered emission unit shall be responsible for compliance with the notification and recordkeeping requirements of this rule. The operator must furnish the necessary recordkeeping as required pursuant to Subsections (e)(2)(i), (e)(2)(ii), and (e)(2)(iii) of this rule to the owner of the emission unit.

(ii) The owner of a rental registered emission unit shall provide the operator with a written copy of applicable requirements of this rule, including the notification and recordkeeping 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 two years.

(iii) The owner of a rental registered emission unit shall compile the records provided by the emission unit operators and shall submit the compiled information to the participating districts in which the rental registered portable emission unit was operated within 30 days after the end of every calendar quarter.

## (f) 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 a 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.



(g) **FEES**

(1) **Initial Registration Fee**

Every applicant for a portable emission unit registration shall pay to the administering district a non-refundable filing fee of \$200 per emission unit.

(2) **Annual Registration Renewal Fee**

On the anniversary of the issuance of a registration, the owner or operator shall pay a renewal fee of \$150 per portable emission unit to the administering district, unless the owner or operator declares non-operational status for the emission unit, in which case the annual registration fee would be as specified in Subsection (g)(5). The administering district may prorate the renewal payments to a single anniversary date for the holder of registrations with more than one anniversary date. If the renewal fee is not paid within 60 days of the due date, the fee shall be increased by 50 percent. Nonpayment of the annual registration renewal fee, including the 50 percent increase within 90 days of the due date will result in cancellation of the registration.

(3) **Administrative Fees**

No administrative fees shall be required to be paid to the administering district for emission units operated in the administering district. If a unit is operated within a participating district, the owner or operator of a registered portable emission unit shall pay to that participating district an administrative fee of \$75 per year for each emission unit. If the administrative fee is not paid within 60 days of the date due, the fee shall be increased by 50 percent. Nonpayment of the increased fee within 90 days of the date due will result in cancellation of the registration.

(4) **Inspection Fees**

No inspection fees shall be required to be paid to the administering district for emission units operated in the administering district. If a unit is inspected by a participating district, the owner or operator of a registered portable emission unit shall pay to the district in which the emission unit is operated an inspection fee of \$75 per year for each emission unit. If the inspection fee is not paid within 60 days of the date due, the fee shall be increased by 50 percent. Nonpayment of the increased fee within 90 days of the date due will result in cancellation of the registration.

(5) **Non-Operational Emission Unit Fees**

Upon receipt of the invoice for annual registration renewal, the registered owner or operator may choose to declare the portable emission unit as non-operational for a non-refundable fee of \$35, in lieu of paying the annual registration fee. To declare an emission unit as non-operational, the registered owner or operator shall state in writing the intention to not operate the said emission unit until registration is renewed. Prior to operating the emission unit, the registered owner or operator shall pay the annual registration fee in full to the district.

(h) **IMPLEMENTATION SCHEDULE**

The owner or operator of an emission unit subject to the provisions of this rule shall apply for registration according to the following schedule:

- (1) No later than (*six months after the date of adoption*) for existing emission units.
- (2) Prior to commencing operation for all other emission units.

**IT IS FURTHER RESOLVED AND ORDERED** that the subject addition of Rule 12.1 to Regulation II, shall take effect upon adoption.

**PASSED AND ADOPTED** by the Air Pollution Control Board of the San Diego County Air Pollution Control District, State of California, this 21st day of May, 1997 by the following votes:

**AYES:** COX, JACOB, SLATER, HORN  
**NOES:** NONE  
**ABSENT:** ROBERTS

APPROVED AS TO FORM AND LEGALITY  
COUNTY COUNSEL  
BY W. Dutton  
DEPUTY

I hereby certify that the foregoing is a full, true and correct copy of the Original Resolution which is now on file in my office.

THOMAS J. PASTUSZKA  
Clerk of the Air Pollution Control Board

(Seal)

By Barbara Noyce  
Barbara Noyce, Deputy

Resolution No. 97-164  
APCB NO. 3  
5/21/97 (bn)

**AIR POLLUTION CONTROL DISTRICT  
COUNTY OF SAN DIEGO**

**RULE 12.1 - PORTABLE EQUIPMENT REGISTRATION**

**WORKSHOP REPORT**

A workshop notice was mailed to each portable equipment permit holder in San Diego County. Notices were also mailed to all Chambers of Commerce and all Economic Development Corporations, the U.S. Environmental Protection Agency (EPA), the California Air Resources Board (ARB), and other interested parties.

Proposed Rule 12.1 will implement a statewide portable equipment permitting program developed by the California Air Pollution Control Officers Association (CAPCOA).

The workshop was held on January 16, 1996 and was attended by 45 people. Written comments were also received. The workshop comments and District responses are as follows:

**1. WORKSHOP COMMENT**

What is required to move a piece of registered equipment from one air district to another? How much advance notice is required to move equipment?

**DISTRICT RESPONSE**

It will be necessary to notify the district within two working days after the equipment is first located within the District. A form will be developed for this report. Rule 12.1 (e)(1) specifies for this reporting:

“If an emission unit will remain operational within a district for more than 24 hours, the operator shall notify the district within two calendar days from when the unit is first relocated. The notification shall include the following information:

- (i) The general nature of the operations.
- (ii) The estimated duration of operations within the district.
- (iii) The name and phone number of a contact person with information concerning the locations where the emission unit will be operated within the district.”

**2. WORKSHOP COMMENT**

How similar are each districts' rules?

**DISTRICT RESPONSE**

Air districts have attempted to follow the CAPCOA model rule with few substantive changes. Proposed Rule 12.1 does incorporate some recent changes to the portable equipment definition to be consistent with ARB's most recent AB531 statewide registration program proposal, and changes to the list of exempt compounds to be consistent with other District rules.

**3. WORKSHOP COMMENT**

What happens if a source's emissions exceed the limitations in "(d) Standards" ?

**DISTRICT RESPONSE**

If the equipment is incapable of meeting the applicable emission standards, it would not qualify for registration and would be subject to permitting. If after registration the equipment exceeds an emission standard, the owner or operator of the equipment may be subject to enforcement action. Continued violations may lead to a revocation of the registration for that equipment.

**4. WORKSHOP COMMENT**

Could offsets be used to mitigate exceedance of the limits in Section (d)?

**DISTRICT RESPONSE**

No. The emission standards in Section (d) are generally performance or emission control standards that will be applied to each portable emission unit. The emission limits of Subsections (d)(1)(i) and (ii) are also emission limits applicable to each registered unit. Offsetting emission reductions cannot be considered in the compliance determination for a registered unit. Moreover, such offsetting would significantly complicate the intent of the registration program - to improve emission controls and streamline permitting of portable emission units that move among different air districts. If offsets were allowed to be used, questions would immediately arise regarding whether offsets must be provided in each air district in which the equipment might operate.

**5. WORKSHOP COMMENT**

What happens if an operation under registration exceeds the six month operating limit at a single project?

**DISTRICT RESPONSE**

The owner or operator of the registered equipment would be in violation of the conditions of registration and Rule 12.1 and would be subject to enforcement action. Continued violations may result in revocation of the registration. It should be noted that the definition of portable emission unit has been changed to allow up to 12 consecutive months of operation in order for Rule 12.1 to be consistent with the proposed ARB statewide registration program.

**6. WORKSHOP COMMENT**

What effect would EPA or ARB certification of an engine have on registration?

**DISTRICT RESPONSE**

ARB certification would serve as evidence of the emission characteristics of the equipment for application of the emission limits of the registration rule. ARB certification and registration of a portable engine pursuant to the AB531 program under development at the state level would obviate the need for registration of that engine under Rule 12.1 or permitting under District Rule 10. However, the owner/operator of an emission unit may still elect to register an eligible portable emission unit under a local air district registration program such as prescribed in Rule 12.1.

## **7. WORKSHOP COMMENT**

In some cases it is not possible to retard an engine's injector timing. How would this be considered under Rule 12.1?

### **DISTRICT RESPONSE**

Rule 12.1 provides for emission limits as an option to injector retardation. In the absence of the required retardation, the equipment would be required to comply with the optional emission limits.

## **8. WORKSHOP COMMENT**

How does the federal Non-Road Engine rule affect applicability of Rule 12.1. The District is pre-empted from registering engines by AB 531.

### **DISTRICT RESPONSE**

District legal counsel has concluded that the current provisions of the Non-Road Engine Rule may pre-empt a district from imposing engine specific standards but does not pre-empt the requirement to obtain a permit (or register) or the ability to establish operational limits. It should also be noted that registration under proposed Rule 12.1 is voluntary, and the emission standards of Rule 12.1 apply to both existing and new portable emission units while the federal rule applies primarily to newly manufactured non-road engines.

The statewide portable engine registration program being developed pursuant to AB 531 will also be a voluntary registration program. If a source operating a non-road engine elects not to participate in the Statewide program, the District is not pre-empted from either permitting or registering such equipment. However, ARB certification and registration of a portable engine pursuant to the AB 531 program would obviate the need for registration of that engine under Rule 12.1 or permitting under District Rule 10.

## **9. WORKSHOP COMMENT**

Will registered equipment emissions be attributed to the stationary source? Would other sources have to make up for the emissions not offset under registration pursuant to the California Clean Air Act no net increase provisions? Would registered equipment be able to operate at major stationary sources without providing offsets?

### **DISTRICT RESPONSE**

Under proposed Rule 12.1, registered equipment will be specifically excluded from New Source Review (NSR) rule provisions that are typically imposed as a result of permitting. Thus, portable equipment can be registered without complying with NSR requirements such as BACT and LAER. Moreover, registered portable equipment can be located at a stationary source without the portable equipment triggering offsets. Although not currently required under the District's NSR rules, the emissions from portable equipment may need to be included in the total stationary source's emissions in the future as a result of concerns EPA has expressed regarding federal major sources.

The District would need to amend its NSR rules to explicitly require that emissions from portable equipment be included in a stationary source's aggregate emissions.. These changes would be discussed in a public workshop after notice to affected parties, and prior to formal rule changes. If

that happens, emissions from portable equipment will need to be considered when applying NSR requirements to a stationary source - not for the portable equipment itself but with regard to the status of the stationary source for federal major source requirements.

#### **10. WORKSHOP COMMENT**

How would registered equipment emissions be handled under Title V?

#### **DISTRICT RESPONSE**

In the past EPA has said that portable equipment that comes to a Title V source incidentally does not need to be included in the Title V Permit. However, if as a matter of normal practice the Title V source has portable equipment come on site, then the Title V permit should include the operation of such equipment, likely in generic terms. The emissions of registered portable equipment (with the exception of qualifying non-road engines) will likely need to be taken into consideration toward applicability of Title V.

#### **11. WORKSHOP COMMENT**

Do emission increases from portable equipment have to be offset?

#### **DISTRICT RESPONSE**

No. Equipment that qualifies for registration under Rule 12.1 is exempt from permit. An application for permit is a prerequisite for applying NSR, including offset requirements. ARB and EPA have participated in the development of the Portable Equipment Registration Rule and have raised no objections to this feature of the provisions. Registered portable equipment can therefore move to any site and not trigger offset requirements. Daily and annual emission limits have been included to reduce concern over the potential for registered portable equipment emissions to impact ambient air quality.

#### **12. WORKSHOP COMMENT**

Why isn't an annual emission limit sufficient to limit the impact of emissions? Why is there a daily limit?

#### **DISTRICT RESPONSE**

Ambient air quality standards are based on short averaging periods because air quality, and potential health effects, are a concern over short time frames such as hourly and daily. Emissions must be limited on a daily basis in order to ensure protection of public health and the ambient air quality standards. An annual emissions limit would not adequately constrain peak daily emissions and ensure that air quality would be protected. It should be noted that Rule 12.1 sets daily emission limits that apply on an emission unit basis, rather than on a project basis as previously proposed.

#### **13. WORKSHOP COMMENT**

Will registered equipment be exempted from emission inventory reporting requirements?

### **DISTRICT RESPONSE**

The rule requires reporting of emissions on a quarterly basis. This should provide the needed emission inventory information. Stationary sources that are currently required to report emissions from permitted portable equipment in their emissions inventories will have to report emissions of registered portable equipment.

### **14. WORKSHOP COMMENT**

Rule 11 provides exemption of emergency generators that are registered. Does this exclude such equipment from emission inventory reporting requirements?

### **DISTRICT RESPONSE**

No. Rule 11 only exempts equipment from permit requirements. The Rule 11 exemption being referred to is for a separate registration program proposed under new Rule 12. The Rule 12 registration program will apply to specific types of stationary and portable equipment not eligible for registration under Rule 12.1. This equipment is already included in emission inventory reporting and will likely continue to be included.

### **15. WORKSHOP COMMENT**

In cases where portable equipment will exceed the daily limits of the portable equipment rule how will offsets be available to conduct the project?

### **DISTRICT RESPONSE**

Equipment will not be eligible for registration if it will exceed the emission limits in Rule 12.1. Instead a permit will be required for the equipment. The permit review will determine if any emission offsets will be required.

Emission offsets cannot be used to mitigate an emissions exceedance by a registered emission unit. If portable equipment is already registered and subsequently exceeds the emission limits of Rule 12.1, it will be in violation of Rule 12.1 and will be subject to enforcement action. Continued violations may result in revocation of the registration. (See also the response to Workshop Comment No. 4.)

### **16. WORKSHOP COMMENT**

How is the pre-registration program working?

### **DISTRICT RESPONSE**

In anticipation of the registration program that will be established by Rule 12.1, the District established a pre-registration program. The purpose was to avoid the need to go through permitting or the variance process when a registration rule was near adoption. The program involves completion of application forms and applicant self-certification of compliance with proposed Rule 12.1. Pre-registration is granted with the understanding that a permit will not be required and the applicant will file for registration when Rule 12.1 has been adopted. So far, pre-registration appears to be working well.

### **17. WORKSHOP COMMENT**

The registration forms include fugitive particulate emission information. Other air districts are not considering fugitive emissions from sand and gravel operations. The District should consider the same approach.

### **DISTRICT RESPONSE**

To ensure consistency in implementing this registration program, the District has decided not to include area fugitive emissions in determining eligibility for registration under Rule 12.1. A definition for area fugitive emissions has been added to the rule.

### **18. WORKSHOP COMMENT**

The requirement of four percent moisture for rock operations should be modified to apply to only rock smaller than 1/4 inch in size because it is not practical to get such a high moisture from larger rocks.

### **DISTRICT RESPONSE**

The District recognizes the limitation of moisture content on large rocks and agrees. Proposed Rule 12.1 has been revised accordingly.

### **19. WORKSHOP COMMENT**

Under the statewide (AB531) registration program, if a portable engine is based in San Diego, what reporting will be required to go to other air districts?

### **DISTRICT RESPONSE**

ARB has recently proposed a rule for implementing the AB531 statewide portable equipment registration program. Section 2459 of ARB's proposal contains proposed notification requirements. This reporting generally consists of notification within two days after first starting operation in an air district, and information on the extent and location of operations in the air district.

### **20. WORKSHOP COMMENT**

The owner of the equipment is required to maintain records that someone other than themselves as a renter or operator must reasonably keep. Where is the liability if this third party fails to keep the records? Owners of rental equipment are having limited success getting renters of equipment to keep the necessary operating records on the equipment.

### **DISTRICT RESPONSE**

Under proposed Rule 12.1, the owner of a rental emission unit is required to provide the operator renting the equipment with a written copy of the applicable requirements of the rule as part of the rental agreement and to obtain a written acknowledgment from the renter that the renter has received that information. The operator (renter) is required to meet the notification and record keeping requirements of the rule, and provide required records to the owner. The owner must compile and forward those records to the appropriate air district(s). If the owner provides the necessary instructions, maintains a record that the information was provided to the renter, and



compiles and forwards the records provided by the renter to the owner, the owner will not be held responsible for the failure of an operator to provide the required notifications or maintain the required records.

## **21. WORKSHOP COMMENT**

Some districts have granted a grandfather protection to existing portable IC engines. This excluded such engines from the grams per brake horsepower-hour limits. Does the District plan to do this?

### **DISTRICT RESPONSE**

Proposed Rule 12.1 exempts specified existing diesel-fired engines from NOx emission limits if they are equipped with engine injector timing retard. In addition, under proposed Rule 12.1, emissions from existing registered emission units are not included in determining compliance with the daily NOx limits.

## **22. WORKSHOP COMMENT**

Are most other districts participating in this program?

### **DISTRICT RESPONSE**

The following air districts have adopted similar registration programs: South Coast, San Luis Obispo, San Joaquin, Yolo-Solano, and Northern Sierra. In addition, Bay Area has adopted a policy allowing use of registered units.

## **23. WORKSHOP COMMENT**

Section (c)(11)(iii) should be changed to include the following language to clarify what is considered circumvention.

“...An emission unit is not portable if ... the emission unit is removed from one location for a period and then returned to the same location ... in an attempt to circumvent the portable emission unit residency time requirement.

### **DISTRICT RESPONSE**

The suggested language is already contained in the cited section of the most recent proposed rule.

## **24. WORKSHOP COMMENT**

The definition of “Project” should be clarified to provide that each job performed under a separate contract would be considered “a discrete function” and therefore a separate project.

### **DISTRICT RESPONSE**

The term "project" and its definition have been deleted from proposed Rule 12.1. The daily NOx, VOC and PM<sub>10</sub> emission limits will apply to individual emission units rather than a project.

## **25. WORKSHOP COMMENT**

Proposed Rule 12.1 does not serve the needs of military tactical support equipment and the military is awaiting adoption of the AB531 portable equipment rule which will exempt military tactical support equipment from emission controls and limitations.

### **DISTRICT RESPONSE**

The District has amended District Rule 11 to exempt from permit requirements portable engines and turbines used exclusively in conjunction with military tactical support equipment. Therefore, these emission units would not need to be registered under proposed Rule 12.1. However, they may be required to be registered under the statewide portable engine registration program being developed by ARB and CAPCOA pursuant to AB531.

## **26. WORKSHOP COMMENT**

Why was applicability limited to the listed source categories?

### **DISTRICT RESPONSE**

The listed source categories are those which the participating air districts and industry agreed are the most likely to move within various air districts, for which general emission standards could be established, and which appeared to have the least potential to cause local air quality concerns.

## **27. WRITTEN COMMENT**

This proposal defines existing equipment as equipment in operation during the calendar year 1993. This should be changed to any time before the adoption date of the proposed rule.

### **DISTRICT RESPONSE**

This date was picked by participating air districts and industry representatives so there would be consistency throughout the state. This is the earliest date any district adopted a portable equipment registration rule. If this date were different for each district it would be impossible to conduct this program consistently from district to district since there are differences in rule emission standards for existing and new emission units.

## **28. WRITTEN COMMENT**

It is requested that the District consider including condition wording to allow for the maximum allowable usage based on the emissions for each piece of equipment.

### **DISTRICT RESPONSE**

This option is available under the proposed rule and the District intends to implement registration in this manner where appropriate.

### **29. WRITTEN COMMENT**

There is more recordkeeping under Rule 12.1 than many permit conditions currently require, and many of the requirements are the same. The financial advantage gained by registration can be quickly equaled by the increased costs of recordkeeping. Is the District staffed to handle all the required reports, and to notify other air districts of notices of violation and Hearing Board actions.

#### **DISTRICT RESPONSE**

Recordkeeping and reporting requirements represent a compromise among participating air districts and industry. It is difficult to alter the rule's provisions without jeopardizing the inter-district consistency needed for this registration program to work. The District will meet with applicants for registration to simplify recordkeeping requirements as much as possible consistent with the rule. The District will be prepared to handle submitted reports and to notify other air districts of Notices of Violation and Hearing Board actions.

### **30. WRITTEN COMMENT**

Is it necessary to re-inspect a permitted piece of equipment for which an application for registration is pending?

#### **DISTRICT RESPONSE**

It is unlikely that permitted equipment, or other equipment previously inspected, will need to be reinspected for initial registration. An exception might be when the proposed Rule 12.1 imposes a more stringent emission standard or emission control requirement than the permit and a re-inspection or possibly emissions testing is needed to verify compliance.

### **31. WRITTEN COMMENT**

The District should form a work group to look into any rule changes.

#### **DISTRICT RESPONSE**

There are existing work groups at the State level that can address the concerns that have been raised. Significant rule changes will require agreement among the participating air districts and industry to ensure the consistency needed for this multi-district registration program to work. The CAPCOA Engineering Managers Committee can address statewide consistency and any needed rule changes.

Many of the emission units that would be registered under this rule are portable engines which may soon be eligible for registration under the statewide AB531 program in development. A statewide work group was formed of interested industry representatives, air districts and other agencies. Local industry is welcome to join that group to address issues relative to a portable engine registration program.

### **32. WRITTEN COMMENT**

Please clarify the specific elements of the definition of "Project". This would include the APCD's intent or interpretation for "discrete function". How should a facility (e.g., major stationary source

and non-major stationary source who contracts out or rents, owner of the portable equipment) define its project to demonstrate compliance with the intent of this rule?

It is recommended that the APCD review those portions of the rule that contains the terminology "emissions unit" and "project" to ensure consistency and correctness of the terminology. These terms also appear in related permitting requirements (i.e. NSR, Title V).

### **DISTRICT RESPONSE**

Please see the District Response to Workshop Comment #24.

### **33. WRITTEN COMMENT**

We are concerned that adoption of this rule will preclude District site-specific review of potential health hazards coming from equipment covered by the rule. How far in advance will the District be advised of where the equipment is to be located? Will the District conduct any review to determine whether sensitive receptors at a proposed location could be impacted by the emissions, and modify operating conditions, if necessary? How can the public gain information as to where these units will be located?

### **DISTRICT RESPONSE**

The types of portable equipment for which this rule allows registration is limited. Subsection (d)(1)(iii) prohibits any registered emission unit from emitting air contaminants which cause a public nuisance. Portable engines are not likely to cause a public health concern. The quality of the fuel allowed is prescribed by a very low allowable fuel sulfur content, and emissions of NO<sub>x</sub>, VOC, CO and PM<sub>10</sub> are limited. The emission control standards for eligible portable concrete batch plants and for sand, gravel, rock and pavement crushing/recycling operations are relatively stringent. Confined abrasive blasting operations must be controlled with 99 percent effective dust control equipment. Unconfined abrasive blasting must use ARB certified abrasive, cannot reuse abrasive, and must continue to meet current visible emission standards and other requirements of state law. Overall PM<sub>10</sub> emissions from an emission unit are limited to 150 pounds per day.

The owner or operator of a portable emission unit registered under Rule 12.1 must notify the District within two days of when that equipment is first operated in the District. That notice must also identify the name and phone number of a person with information concerning likely locations for the unit within the district. Thereafter, the owner or operator must report quarterly on the level and location of operations, if any, within the District. This notification and reporting is public information and is available for review by the public upon request.

Subsection (d)(iv) prohibits the operation of a registered portable emission unit within 1000 feet of any school (kindergarten through grade 12), except for emergency operations, unless the public and student notification requirements of state Health and Safety Code Section 42301.6 have been met.

The air districts participating in this program will review applications for registration of eligible portable equipment, and impose necessary registration conditions, to ensure compliance with the above requirements. However, the air districts will not be reviewing each potential or planned location of registered portable equipment. Such a review would undermine the intent of this multi-district registration program to improve the emissions control, portability, flexibility and cost-effectiveness of the registration of these emission units.

### 34. WRITTEN COMMENT

We suggest that the District be notified well in advance of the proposed location of a portable unit. This notification of the District should include a list of nearby sensitive receptors (schools, residential areas, hospitals, etc.), unless that information is already readily available to the District. Proposed locations should also be listed in a public place, much in the same manner as permit applications are posted at District offices.

#### DISTRICT RESPONSE

The suggested notification to the District well in advance of the proposed location of a portable unit is likely impractical for many portable units, especially rentals. Moreover, the nature of the controlled emissions from the units eligible for registration under this rule is such that significant public health impacts are unlikely if the units are operated in compliance and so as to not create a public nuisance.

Nevertheless, the District agrees that opportunities for public review should be provided and that prior notification be given of scheduled operations known in advance by the equipment owner or operator. The latter requirement may only be practical for portable concrete batch plants and for sand, gravel, rock and pavement crushing/recycling operations. The District is proposing to modify Subsection (e)(1) of proposed Rule 12.1 as follows:

#### (1) Notification

If an emission unit is being relocated into the District and will remain operational within a the district for more than 24 hours, the operator shall notify the District within two calendar days from when the unit is first relocated into the District. The notification shall include the following information:

- (i) The general nature of the operations.
- (ii) The estimated duration of operations within the District.
- (iii) The name and phone number of a contact person with information concerning the locations where the emission unit will be operated within the District.
- (iv) The locations, if known, where the emission unit will be operated within the District during the remainder of the current calendar quarter.

A list of new notifications received by the District will be posted in the District office on a weekly basis. This list will contain any identified equipment locations and will be available for public review during normal business hours. A copy of the list will be provided to any person or interested group who has requested a copy in writing.

In addition, Subsection (e)(2) of the proposed rule will be modified to add the following:

- (iv) The locations, if known, where the emission unit will be operated within the District during the current calendar quarter.

A list of quarterly reports received by the District will be posted in the District office on a weekly basis. This list will contain any identified equipment locations and will be available for public review during normal business hours. A copy of the list will be provided to any person or interested group who has requested a copy in writing.

### **35. WRITTEN COMMENT**

How was the six-month cap on the length of stay at any given location arrived at? What evidence has industry provided that exposure to PM10 and silica for up to six months in a year is not a health hazard? Could this time limit be shortened if the District determines a health risk to nearby receptors could result? We question whether extremely dusty operations such as sand and gravel operations or unconfined abrasive blasting should be allowed to fall under this rule at all?

#### **DISTRICT RESPONSE**

The six-month time limit has been extended to 12 months to be consistent with the ARB's proposed AB531 registration program. The 12-month period is only used to determine whether an emission unit is portable and therefore eligible for registration in lieu of permitting. Industry was not requested to provide data on health effects from twelve-month or shorter exposures to PM10 or silica. However, the rule does require that emissions from sand and gravel operations be controlled.

Portable sand and gravel operations and unconfined abrasive blasting operations are already permitted by the District as portable operations. The proposed Rule 12.1 allows the registration of such operations for multi-district operations in lieu of permitting by each district. In some cases, the controls required by the proposed rule are more stringent than current permit requirements. In the case of abrasive blasting operations, the requirements are consistent with statewide requirements for abrasive blasting. The District is pre-empted by the Health and Safety Code from establishing more stringent emission standards for abrasive blasting.

### **36. WRITTEN COMMENT**

What is the public's recourse in the event one of these sources poses a public nuisance? Because the sources are in one location for a short time, expedited nuisance response procedures should be followed by the District so that public concerns are addressed in a timely manner. The District should not delay investigation and/or pursuance of a nuisance violation while waiting for a large number of nuisance complaints, as it does with normal sources.

#### **DISTRICT RESPONSE**

If a registered emission unit creates a nuisance the public can file a complaint with the District. The District will investigate the complaint as quickly as possible, will review the complaint with the equipment owner or operator to ensure that appropriate corrective action is taken, and will record the complaint in the registration file for the equipment. If the equipment was registered in another air district, or with the ARB, the complaint information will be forwarded to that agency. If the same equipment continues to cause complaints at the same or other locations, the District will consider pursuit of any available enforcement actions to ensure compliance, including revocation of the registration.



**Air Pollution Control Board**  
Greg Cox            District 1  
Dianne Jacob       District 2  
Pam Slater          District 3  
Ron Roberts        District 4  
Bill Horn            District 5

**Air Pollution Control District**  
R. J. Sommerville    Director

April 9, 1997

## NEGATIVE DECLARATION

### 1. Project Name:

Adoption of new Rule 12.1, Portable Equipment Registration, into the San Diego County Air Pollution Control District Rules & Regulations.

### 2. Project Applicant:

San Diego County Air Pollution Control District  
9150 Chesapeake Drive  
San Diego, California 92123-1096

### 3. Project Location:

Entire area within the boundaries of San Diego County. San Diego County is the Southwestern-most county in California.

### 4. Project Description:

The District proposes to adopt new Rule 12.1, Portable Equipment Registration. The proposed new rule will provide businesses the option of registering specified portable equipment instead of requiring an Authority to Construct and Permit to Operate for this equipment, currently subject to the provisions of Rule 10, Permits Required. Several air pollution and air quality management districts (air districts) are developing rules similar to a model rule proposed by the California Air Pollution Control Officers Association (CAPCOA) for a statewide portable equipment registration program. These proposed rules would allow an owner or operator to register portable equipment in one air district, operate the equipment in that air district, and any other air district participating in this statewide registration program, without having to obtain separate permits in each participating air district. Further, the model rule proposed by CAPCOA establishes the level of air pollution control technology for the various equipment types eligible for registration under this rule, including Best Available Control Technology (BACT) requirements. Proposed new rule 12.1 for portable equipment registration is similar to CAPCOA's model rule and incorporates BACT requirements.

The proposed new Rule 12.1 will apply to an emission unit used in conjunction with the following portable emission unit source categories: confined and unconfined abrasive blasting, portable concrete batch plants, sand and gravel screening, rock crushing, unheated pavement crushing and pavement recycling operations. In addition, the proposed new rule will apply to spark ignition or diesel-fired piston-type internal combustion engines, excluding those engines associated with marine dredges, used in conjunction with the following types of operations: well drilling rigs, service rigs, workover rigs, power generation (excluding cogeneration), pumps (excluding hydroblasters), compressors, pile drivers, welding; cranes, and wood chippers.

**5. Finding:**

The San Diego County Air Pollution Control District, acting as lead agency, has completed an Initial Study for the project pursuant to the California Environmental Quality Act. The Initial Study shows that the adoption of new Rule 12.1 will result in no or inconsequential increase in emissions from the affected equipment, and is not expected to impact either state or federal air quality standards, or result in any increased health risk to the public. Based on the Initial Study and the entire record before the District, the project will not have a significant adverse effect on the environment and the adoption of the proposed new Rule 12.1, Portable Equipment Registration, does not require preparation of an Environmental Impact Report.

**Note:** This action becomes final upon approval by the Air Pollution Control Board.

4/9/97  
RS:jo



# **INITIAL STUDY**

**San Diego Air Pollution Control District**

**Adoption of New  
Rule 12.1 -- Portable Equipment Registration**

April, 1997

Prepared by  
Richard J. Smith

San Diego Air Pollution Control District  
9150 Chesapeake Drive  
San Diego, CA 92123-1096

## I. INTRODUCTION

### 1. Project Name:

Adoption of new Rule 12.1 (Portable Equipment Registration) into the San Diego County Air Pollution Control District Rules & Regulations.

### 2. Project Applicant:

San Diego County Air Pollution Control District  
9150 Chesapeake Drive  
San Diego, California 92123-1095

### 3. Project Location:

Entire area within the boundaries of San Diego county. San Diego county is the southwestern most county in California.

## II. PROJECT DESCRIPTION

The District has proposed adopting new Rule 12.1 (Portable Equipment Registration). This rule will provide businesses the option of registering specified portable equipment in lieu of obtaining an Authority to Construct and Permit to Operate as is currently required for this equipment. Specifically, the proposed rule will apply to confined and unconfined abrasive blasting, portable concrete batch plants, sand and gravel screening, rock crushing, unheated pavement crushing and pavement recycling operations, as well as spark ignition or diesel fired piston-type internal combustion engines (except those associated with marine dredges) associated with: well drilling rigs, service rigs, workover rigs, power generation (excluding cogeneration), pumps (excluding hydroblasters), compressors, pile drivers, welding, cranes and wood chippers.

Proposed Rule 12.1 establishes the levels of air pollution control technology required for the various equipment types eligible for registration under the rule. This includes technologies similar or equal to Best Available Control Technology requirements. Proposed Rule 12.1 incorporates these control technology requirements for both new and existing emission units registered under Rule 12.1.

A copy of the proposed new Rule 12.1 is attached.

### III. ENVIRONMENTAL CHECKLIST

	YES	MAYBE	NO
<b>1. Earth. Will the proposal result in:</b>			
a. Unstable earth conditions or in changes in geologic substructure?	_____	_____	_____X_____
b. Disruptions, displacements, compaction or overcovering of the soil?	_____	_____	_____X_____
c. Change in topography or ground surface relief features?	_____	_____	_____X_____
d. The destruction, covering or modification of any unique geologic or physical features?	_____	_____	_____X_____
e. Any increase in wind or water erosion of soils, either on or off the site?	_____	_____	_____X_____
f. Changes in deposition or erosion of beach sands, or changes in siltation, deposition or erosion which may modify the channel of a river or stream or the bed of the ocean or any bay, inlet or lake?	_____	_____	_____X_____
g. Exposure of people or property to geologic hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards?	_____	_____	_____X_____
<b>2. Air. Will the proposal result in:</b>			
a. Significant air emissions for some air contaminants?	_____	_____	_____X_____
b. The creation of objectionable odors?	_____	_____	_____X_____
c. Alteration of air movement, moisture, or temperature, or any change in climate, either locally or regionally?	_____	_____	_____X_____
<b>3. Water. Will the proposal result in:</b>			
a. Changes in currents, or the course or direction of water movements, in either marine or fresh waters?	_____	_____	_____X_____
b. Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff?	_____	_____	_____X_____
c. Alterations to the course or flow of flood waters?	_____	_____	_____X_____

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	YES	MAYBE	NO
d. Change in the amount of surface water in any water body?	_____	_____	<u>  x  </u>
e. Discharge into surface waters, or any alteration of surface water quality, including but not limited to temperature, dissolved oxygen, or turbidity?	_____	_____	<u>  x  </u>
f. Alteration of the direction or rate of flow of ground water?	_____	_____	<u>  x  </u>
g. Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?	_____	_____	<u>  x  </u>
h. Substantial reduction in the amount of water otherwise available for public water supplies?	_____	_____	<u>  x  </u>
i. Exposure of people or property to water related hazards such as flooding or tidal waves?	_____	_____	<u>  x  </u>
<b>4. Plant Life. Will the proposal result in:</b>			
a. Change in the diversity of species, or number of any species of plants (including trees, shrubs, grass, crops, and aquatic plants)?	_____	_____	<u>  x  </u>
b. Reduction of the numbers of any unique, rare or endangered species of plants?	_____	_____	<u>  x  </u>
c. Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species?	_____	_____	<u>  x  </u>
d. Reduction in acreage of any agricultural crop?	_____	_____	<u>  x  </u>
<b>5. Animal Life. Will the proposal result in:</b>			
a. Change in the diversity of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms or insects)?	_____	_____	<u>  x  </u>
b. Reduction of the numbers of any unique, rare or endangered species or animals?	_____	_____	<u>  x  </u>
c. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?	_____	_____	<u>  x  </u>
d. Deterioration to existing fish or wildlife habitat?	_____	_____	<u>  x  </u>

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Adoption of New Rule 12.1

	YES	MAYBE	NO
6. <b>Noise.</b> Will the proposal result in:			
a. Increases in existing noise levels?	_____	_____	_____X_____
b. Exposure of people to severe noise levels?	_____	_____	_____X_____
7. <b>Light and Glare.</b> Will the proposal produce new light and glare?	_____	_____	_____X_____
8. <b>Land Use.</b> Will the proposal result in a substantial alteration of the present or planned land use of an area?	_____	_____	_____X_____
9. <b>Natural Resources.</b> Will the proposal result in increases in the rate of use of any natural resource?	_____	_____	_____X_____
10. <b>Risk of Upset.</b> Will the proposal involve:			
a. A risk of an explosion or the release of hazardous substances (including, but not limited to oil, pesticides, chemicals or radiation) in the event of an accident or upset conditions?	_____	_____	_____X_____
b. Possible interference with an emergency response plan or an emergency evacuation plan?	_____	_____	_____X_____
11. <b>Population.</b> Will the proposal alter the location, distribution, density, or growth rate of the human population of an area?	_____	_____	_____X_____
12. <b>Housing.</b> Will the proposal affect existing housing, or create a demand for addition housing?	_____	_____	_____X_____
13. <b>Transportation/Circulation.</b> Will the proposal result in:			
a. Generation of substantial additional vehicular movement?	_____	_____	_____X_____
b. Effects on existing parking facilities, or demand for new parking?	_____	_____	_____X_____
c. Substantial impact upon existing transportation systems?	_____	_____	_____X_____
d. Alterations to present patterns of circulation or movement of people and/or goods?	_____	_____	_____X_____

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Adoption of New Rule 12.1

	YES	MAYBE	NO
e. Alterations to waterborne, rail or air traffic?	_____	_____	<u>  X  </u>
f. Increase in traffic hazards to motor vehicles, bicyclists or pedestrians?	_____	_____	<u>  X  </u>
14. <b>Public Services.</b> Will the proposal have an effect upon, or result in a need for, new or altered governmental services in any of the following areas:			
a. Fire protection?	_____	_____	<u>  X  </u>
b. Police protection?	_____	_____	<u>  X  </u>
c. Schools?	_____	_____	<u>  X  </u>
d. Parks or other recreational facilities?	_____	_____	<u>  X  </u>
e. Maintenance of public facilities, including roads?	_____	_____	<u>  X  </u>
f. Other government services?	_____	_____	<u>  X  </u>
15. <b>Energy.</b> Will the proposal result in:			
a. Use of substantial amounts of fuel or energy?	_____	_____	<u>  X  </u>
b. Substantial increase in demand upon existing sources of energy, or require the development of new sources of energy?	_____	_____	<u>  X  </u>
16. <b>Utilities.</b> Will the proposal result in a need for new systems, or substantial alterations to existing utilities?	_____	_____	<u>  X  </u>
17. <b>Human Health.</b> Will the proposal result in:			
a. Creation of any health hazard or potential health hazard (excluding mental health)?	_____	_____	<u>  X  </u>
b. Exposure of people to potential health hazards?	_____	_____	<u>  X  </u>
18. <b>Aesthetics.</b> Will the proposal result in the obstruction of any scenic vista or view open to the public, or will the proposal result in the creation of an aesthetically offensive site open to public view?	_____	_____	<u>  X  </u>

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	YES	MAYBE	NO
19. <b>Recreation.</b> Will the proposal result in an impact upon the quality or quantity of existing recreational opportunities?	_____	_____	_____X_____
20. <b>Cultural Resources.</b> Will the proposal:			
a. Result in the alteration of or the destruction of a prehistoric or historic archaeological site?	_____	_____	_____X_____
b. Result in adverse physical or aesthetic effects to a prehistoric or historic building, structure, or object?	_____	_____	_____X_____
c. Have the potential to cause a physical change which would affect unique ethnic cultural values?	_____	_____	_____X_____
d. Restrict existing religious or sacred uses within the potential impact area?	_____	_____	_____X_____
21. <b>Mandatory Findings of Significance.</b> Does the project have:			
a. The potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	_____	_____	_____X_____
b. The potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time while long-term impacts will endure well into the future.)	_____	_____	_____X_____
c. Impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environment is significant.)	_____	_____	_____X_____
d. Environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	_____	_____	_____X_____

INITIAL STUDY:  
Adoption of New Rule 12.1

#### IV. DETERMINATION OF CONSISTENCY WITH EXISTING ZONING, PLANS, AND LAND-USE CONTROLS

Adopting new Rule 12.1 will be consistent with existing zoning, plans, and other applicable land use controls.

#### V. DETERMINATION OF DEPARTMENT OF FISH & GAME DE MINIMIS IMPACT FINDING

Based on the information contained in this Initial Study and the entire record before the San Diego Air Pollution Control District, there is no evidence that adopting new Rule 12.1 will have any potential for adverse effect on wildlife resources or the habitat upon which the wildlife depends; and,

The San Diego County Air Pollution Control District has, on the basis of substantial evidence, rebutted the presumption of adverse effect to the resources listed in Section 753(d) of the Fish and Game Code.

#### VI. DETERMINATION OF ENVIRONMENTAL DOCUMENT

##### Evaluation of Potential Impacts and Effects on the Environment of the Proposed Project

The proposed new Rule 12.1 will apply only to certain portable equipment. It will allow businesses the option of registering this equipment in lieu of obtaining permits (Authority to Construct and Permit to Operate). Rule 12.1 will not cause an increase in emissions from such equipment.

Based upon the information provided in Attachment A regarding this proposed new rule and the entire record before the San Diego Air Pollution Control District, there is no reasonable possibility these amendments will result in a significant impact on the environment. On the basis of this initial evaluation:

- I find the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION should be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures(s) described in the Initial Study will be applied to the project. A MITIGATED NEGATIVE DECLARATION should be prepared.
- I find the proposed project, individually and/or cumulatively, MAY have a significant effect on the environment and determine that an ENVIRONMENTAL ASSESSMENT is required.

*Richard J. Smith*

RICHARD J. SMITH, Deputy Director  
County of San Diego, Air Pollution Control District

*4-7-97*



# **ATTACHMENT A**

## **TECHNICAL DOCUMENTATION FOR PROPOSED PROJECT TO ADOPT NEW RULE 12.1**

March 25, 1997

Prepared by  
Richard J. Smith

San Diego Air Pollution Control District  
9150 Chesapeake Drive  
San Diego, CA 92123-1096

**Attachment A**  
**Rule 12.1**

**SUMMARY**

This report evaluates the potential environmental impacts of adopting new District Rule 12.1. The proposed new rule will allow businesses the option of registering certain portable equipment in lieu of obtaining permits (Authority to Construct and Permit to Operate). Rule 12.1 will not increase air contaminant emissions from this equipment, and may reduce emissions from some existing equipment. Even though the equipment is registered rather than permitted, existing air pollution control requirements on such equipment will still apply with the exception of emission offsets required under the District's New Source Review rules for newly permitted portable equipment if it will be located at sites whose emissions already exceed 15 tons per year. However, in the three years since the NSR rules have required such offsets, no portable equipment has been permitted that was required to provide such offsets. There will be no increase in total emissions from registered or permitted portable equipment, and emissions from existing permitted equipment that opts for registration may be reduced.

**BACKGROUND**

California Health and Safety Code (H&SC) Sections 42320-42323, also referred to as Air Pollution Permit Streamlining Act of 1992 (Article 1.5), requires air pollution control and air quality management districts (air districts) in California to review their permit programs and to institute new, efficient procedures which will assist businesses in complying with regional, state, and federal air quality laws. Additionally, this article requires districts to establish, by regulation, a program to provide for the expedited review of permits issued pursuant to Article 1 (commencing with H&SC Section 42300) in order to reduce unnecessary delay in the issuance of the permits and to protect the public health and the environment. Currently, air districts are developing rules to allow an owner or operator to register portable equipment in one air district and operate the equipment in that air district, and any other air district that participates in this registration program, without having to obtain separate permits in each air district. Several air districts are participating in this statewide portable equipment registration program.

Proposed new Rule 12.1 will implement such a registration program in San Diego County for eligible portable equipment. It will allow businesses the option of registering specified equipment in lieu of obtaining an Authority to Construct and Permit to Operate. Specifically, the proposed rule will apply to confined and unconfined abrasive blasting, portable concrete batch plants, sand and gravel screening, rock crushing, unheated pavement crushing and recycling operations, and spark ignition or diesel fired piston-type internal combustion engines (except those associated with marine dredges) associated with: well drilling rigs, service rigs, workover rigs, power generation (excluding cogeneration), pumps (excluding hydroblasters), compressors, pile drivers, welding, cranes and wood chippers.

Proposed Rule 12.1 is similar to a model rule proposed by the California Air Pollution Control Officers Association. This rule establishes the level of air pollution control technology for the various equipment types eligible for registration under the rule. This includes Best Available Control Technology requirements. Proposed Rule 12.1 incorporates these control technology requirements.

**Attachment A**  
**Rule 12.1**

**DISCUSSION OF EMISSIONS**

Proposed Rule 12.1 will be applicable only to specified portable equipment. It will simply allow such equipment to be registered and operated between participating districts rather than requiring separate permits from each district. Existing air pollution control requirements on such equipment will apply even though the equipment is registered rather than permitted. There will be greater consistency in control technology requirements between districts under this program. The emission control standards prescribed by Rule 12.1 will apply to both existing and new emission units that register. As a result, the rule will likely result in reduced emissions from existing portable equipment.

However, under this program, new registered units will be able to move from one stationary source to another for short periods of time (not more than 12 consecutive months at any location) without having to provide emission offsets as are required under current New Source Review rule requirements. The emission offsets that are expected to be foregone under proposed Rule 12.1 are expected to be negligible (no offsets have been required for new permitted portable units in the last three years) and will likely be offset by the additional emission reductions that will be achieved from the additional emission controls required of existing portable equipment that opts to register under Rule 12.1.

A comparison of emission standards under the District's current permit program and under proposed Rule 12.1 is provided in Table A-1. For existing equipment eligible for registration, Rule 12.1 establishes emission standards that are equally or more stringent than current standards. For new equipment eligible for registration, Rule 12.1 establishes emission standards at least as stringent as currently required, with few exceptions. For spark-ignited IC engines, the NO<sub>x</sub> emission standard is less stringent (1.5 versus 1.0 grams per brake horsepower-hour). However, the emissions difference (less than 10 pounds per day for a 500 bhp engine operating 16 hours per day) will likely be more than offset by registration of existing engines between 50 and 200 bhp which currently have no NO<sub>x</sub> emission standards and which must meet a 1.5 gram per brake horsepower-hour standard in order to be registered.

**ASSESSMENT OF ENVIRONMENTAL IMPACTS**

Because the overall result of this project will be no increase in emissions from affected equipment, no adverse affect on the environment will occur. The District is unaware of any other potential adverse environmental impacts that could result from implementing this project (adopting new Rule 12.1).

**CONCLUSION**

Implementing this project (adopting new Rule 12.1) will have no adverse impacts on the environment and will result in no increase in emissions from affected equipment. Based upon all the information provided within this report and all information available to the District, there is no reasonable possibility that this project will result in a significant impact upon the environment.

**TABLE A-1**  
**Comparison of Emission Limits - Portable Equipment**

Equipment Type	Proposed Rule 12.1	District Permits/NSR
<p><u>All</u></p>	<p><u>No public nuisance.</u>  <u>Existing (Pre-1/1/94)</u>            PM<sub>10</sub> ≤ 150 lbs/day            PM<sub>10</sub> ≤ 10 tons/yr            NOx ≤ 10 tons/yr            VOC ≤ 10 tons/yr            CO ≤ 10 tons/yr            SOx ≤ 10 tons/yr</p> <p>AND</p> <p>Controls equal to BACT.</p>	<p><u>No public nuisance (Rule 51)</u>  <u>Existing (Pre-5/17/94)</u>  <u>BACT (if cost-eff.) OR</u>            PM &lt; 100 lbs/day SOx &lt; 100 lbs/day            NOx &lt; 100 lbs/day VOC &lt; 100 lbs/day            CO &lt; 550 lbs/day</p> <p><u>AQIA OR</u>            PM &lt; 250 lbs/day SOx &lt; 250 lbs/day            NOx &lt; 250 lbs/day VOC &lt; 250 lbs/day            CO &lt; 550 lbs/day</p> <p><u>LAER/OFFSETS OR</u>            PM &lt; 25 tons/yr SOx &lt; 40 tons/yr            NOx &lt; 40 tons/yr VOC &lt; 40 tons/yr            CO &lt; 100 tons/yr</p>
	<p><u>New (Post-1/1/94)</u>            PM<sub>10</sub> ≤ 150 lbs/day            NOx ≤ 100 lbs/day            VOC ≤ 100 lbs/day</p> <p>AND</p> <p>PM<sub>10</sub> ≤ 10 tons/yr, SOx ≤ 10 tons/yr            VOC ≤ 10 tons/yr, NOx ≤ 10 tons/yr            CO ≤ 10 tons/yr</p> <p>AND</p> <p>Controls equal to BACT.</p>	<p><u>New (Post-5/17/94)</u>  <u>BACT (if cost eff.) OR</u>            PM<sub>10</sub>, VOC, NOx, SOx, CO &lt; 10 lbs/day</p> <p><u>AQIA OR</u>            PM<sub>10</sub> &lt; 100 lbs/day SOx &lt; 250 lbs/day            NOx &lt; 250 lbs/day CO &lt; 550 lbs/day</p> <p><u>OFFSETS OR</u>            PM<sub>10</sub> &lt; 15 tons/yr SOx &lt; 15 tons/yr            NOx &lt; 15 tons/yr VOC &lt; 15 tons/yr</p>

TABLE A-1

Comparison of Emission Limits - Portable Equipment

<p><u>Abrasive Blasting</u></p> <p>Confined</p> <p>Unconfined</p>	<ul style="list-style-type: none"> <li>• PM &lt; 0.1 gr/dscf</li> <li>• 20% Opacity</li> <li>• Fabric filter with 99% control.</li> <li>• Differential Pressure gauges.</li> <li>• 40% Opacity</li> <li>• ARB certified abrasive.</li> <li>• No abrasive reuse.</li> <li>• Meet Title 17, CCR</li> </ul>	<ul style="list-style-type: none"> <li>• PM &lt; 0.1 gr/dscf</li> <li>• 20% Opacity</li> <li>• 99% Control</li> <li>• Differential Pressure gauges.</li> <li>• 40% Opacity</li> <li>• ARB certified abrasive.</li> <li>• Meet Title 17, CCR</li> </ul>
<p><u>Concrete Batch Plants</u></p>	<ul style="list-style-type: none"> <li>• Fabric filters on transfer points or 0% visible emissions.</li> <li>• Fabric filters on silos.</li> <li>• Silo hatches dust tight.</li> <li>• 99% efficient filters.</li> <li>• Differential Pressure gauges.</li> <li>• PM &lt; 0.1 gr/dscf.</li> </ul>	<ul style="list-style-type: none"> <li>• Fabric filters on transfer points or 0% visible emissions.</li> <li>• Fabric filters on silos.</li> <li>• Silo hatches dust tight.</li> <li>• 99% efficient filters.</li> <li>• Differential Pressure gauges.</li> <li>• PM &lt; 0.1 gr/dscf.</li> </ul>
<p><u>Sand &amp; Gravel Screens, Rock Crushing, Pavement Crushing &amp; Recycling</u></p>	<ul style="list-style-type: none"> <li>• 20% Opacity (10-15% if NSPS applies)</li> <li>• 0% opacity at property line.</li> <li>• Fabric filter (99% efficiency) or wet suppression system on transfer points.</li> <li>• Fabric filter (99% efficiency) or wet suppression system on crushers.</li> <li>• Covered conveyers or 0% visible emissions.</li> <li>• Stockpiles at 4% moisture or 0% visible emissions.</li> <li>• NSPS (40 CFR 60) at &gt;150 tons/hr capacity.</li> <li>• PM &lt; 0.1 gr/dscf.</li> </ul>	<p>Same as Rule 12.1 for new units. Same or less stringent standards for previously permitted limits.</p> <ul style="list-style-type: none"> <li>• PM &lt; 0.1 gr/dscf.</li> </ul>

TABLE A-1

Comparison of Emission Limits - Portable Equipment

<u>Diesel-fired Internal Combustion Engines</u>		
	<p><u>Existing (Pre-1/1/94)</u> (≥ 50 brake horsepower)</p> <ul style="list-style-type: none"> <li>• 20% Opacity</li> <li>• Fuel sulfur ≤ 0.05% wt.</li> <li>• PM ≤ 0.1 gr/dscf.</li> </ul> <p>AND</p> <p><u>Naturally-aspirated engines</u> NOx ≤ 10 gms/bhp-hr or 4° timing retard</p> <p><u>Turbocharged engines</u> NOx ≤ 7.2 gms/bhp-hr or 4° timing retard</p>	<p><u>Existing (Pre-1/1/94)</u> (≥ 50 brake horsepower)</p> <ul style="list-style-type: none"> <li>• 20% Opacity</li> <li>• Fuel sulfur ≤ 0.05% wt.</li> <li>• PM ≤ 0.1 gr/dscf.</li> </ul> <p>AND</p> <p><u>Naturally-aspirated engines</u> NOx ≤ 10 gms/bhp-hr or 4° timing retard</p> <p><u>Turbocharged engines</u> NOx ≤ 7.2 gms/bhp-hr or 4° timing retard</p>
	<p><u>New (Post-1/1/94)</u> (≥ 50 brake horsepower)</p> <ul style="list-style-type: none"> <li>• 20% Opacity</li> <li>• Fuel sulfur ≤ 0.05% wt.</li> <li>• PM ≤ 0.1 gr/dscf.</li> </ul> <p>AND</p> <p><u>Naturally-aspirated engines</u> NOx ≤ 10 gms/bhp-hr or 4° retard + turbocharger</p> <p><u>Turbocharged engines</u> NOx ≤ 7.2 gms/bhp-hr or 4° retard + turbocharger + aftercooler</p>	<p><u>New (Post-1/1/94)</u> (≥ 50 brake horsepower)</p> <ul style="list-style-type: none"> <li>• 20% Opacity</li> <li>• Fuel sulfur ≤ 0.05% wt.</li> <li>• PM ≤ 0.1 gr/dscf.</li> </ul> <p>AND</p> <p><u>Naturally-aspirated engines</u> NOx ≤ 10 gms/bhp-hr or 4° retard + turbocharger</p> <p><u>Turbocharged engines</u> NOx ≤ 7.2 gms/bhp-hr or 4° retard + turbocharger + aftercooler</p>

TABLE A-1

Comparison of Emission Limits - Portable Equipment

Spark-Ignited Internal Combustion Engines	Existing (Pre-1/1/94)	Existing (Pre-10/95) Engines - 50 to 200 bhp No NOx, VOC or CO limits. 20% Opacity Engines $\geq$ 200 bhp 20% Opacity NOx $\leq$ 1.2 gms/bhp-hr. VOC $\leq$ 1.5 gms/bhp-hr. CO $\leq$ 2.0 gms/bhp-hr. or higher depending on date of permit.
	<p>Existing (Pre-1/1/94)</p> <ul style="list-style-type: none"> <li>• 20% Opacity</li> <li>• NOx <math>\leq</math> 1.5 gms/bhp-hr.</li> <li>• VOC <math>\leq</math> 1.5 gms/bhp-hr.</li> <li>• CO <math>\leq</math> 2.0 gms/bhp hr.</li> </ul>	<p>New (Post-10/95)</p> <ul style="list-style-type: none"> <li>• 20% Opacity</li> <li>• NOx <math>\leq</math> 1.0 gms/bhp-hr.</li> <li>• VOC <math>\leq</math> 1.5 gms/bhp-hr.</li> <li>• CO <math>\leq</math> 2.0 gms/bhp-hr.</li> </ul>
	<p>New (Post-1/1/94)</p> <ul style="list-style-type: none"> <li>• 20% Opacity</li> <li>• NOx <math>\leq</math> 1.5 gms/bhp-hr.</li> <li>• VOC <math>\leq</math> 1.5 gms/bhp-hr.</li> <li>• CO <math>\leq</math> 2.0 gms/bhp-hr.</li> </ul>	