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Comments of the American Rental Association

on June 2007 Versions of PERP and Portable ATCM

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By

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Comments on PERP

- 1. Section 2453(f) requires the registration certificate including “operating conditions” to be kept on the immediate premises with the engine at all times. In 2458(b), a Rental Company must “provide each person who rents with a copy of the applicable requirements including record keeping and notification requirements”.**

Prior to these amendments, ARB staff guidance was that providing a copy of the registration with operating conditions identical to the registration and operating conditions located on the unit *might* fulfill the Rental Company responsibility. ARB staff further indicates that any guidance may be inadequate for individual air quality management districts (AQMD) because they have enforcement responsibility.

ARA believes the following assessment is correct based upon conversations with ARB staff. Because there are now registrations made under the previous and current version of the rule, the new guidance is to supply an entire copy of the new regulation with equipment registered prior to the approval of the emergency amendments upon which the changes in this version of the regulation are based and the registration itself in the case of new registrations. This is confusing to renters because the operating and reporting conditions are different depending on whether the equipment is registered under the new regulation or the old regulation. Furthermore, there is a substantial cost for providing renters with the regulatory document as well as any time required to explain the requirements to the renter if that is necessary. In fact, most Rental Companies cannot explain these requirements for many reasons, but especially because ARB doesn't know exactly what each AQMD will require.

The purpose of the State Registration Program is to provide a consistent set of rules statewide for businesses to comply with. It is inconsistent to have to supply copies of the entire regulation in some cases and operating conditions in others. Further, it is inconsistent that the AQMDs can have their own interpretation of State Requirements. *This version of the regulation should be amended to delineate the requirements for Rental Companies so there is no question about how to comply and so that compliance is consistent for equipment registered under both the old rule and the new rule.*

- 2. Section 2458(f)(6) requires the Rental Company to report quarterly and annual summaries for each AQMD or county where the equipment unit was operated along with the equipment's total process weight or throughput.**

The Rental Company has no way of accurately knowing the throughput or total process weight. Only the renter knows that information. All the Rental Company can report with any confidence and honesty are the operating hours. The Rental Company can only estimate throughput based upon the equipment rating. ARB and the AQMDs know the rating based upon the equipment registration.

If ARB and the AQMDs want to know the equipment throughput, they should require the renter to report such data and not the rental company.

3. Section 2461(d) relates to Multiple Inspections

Rental Companies might like to take advantage of the multiple inspection discount. However, it is difficult to see how a rental yard can know at the time of registration whether it will be possible to have multiple units on site for inspection. The difficulty arises because equipment is generally rented and in the field and scheduling with the AQMD might not be compatible with the rental schedule. Rental Companies will most likely pay the inspection fee based upon single unit inspections. *If Rental Companies can manage to have multiple units available for inspection as delineated in (d)(2) and (d)(3), there should be a process for refunding the discount.*

4. 2461(e) and Fee Table and Renewal Notice (not a new issue)

Section 2461(e) provides a penalty for failing to pay renewal fees when “due”. According to the fee table, there is a penalty for late payment of renewal fees *where late is defined arbitrarily as 2 months before expiration of the current registration*. Furthermore, ARB may send a renewal notice as little as sixty days before expiration. How can a late fee be assessed before the registration expires? Where is the definition of “due”?

5. Fee Table and Placard Replacement

According to the fee table, the price for a Placard replacement is \$30. Placards may need to be replaced for many reasons that do not result from negligence. The original Placard fee is \$5. If the original Placard can be supplied for \$5, why must there be a punitive \$25 penalty to replace the Placard?

6. Temporary Registration or Shield

Since ARB staff is able to make changes in the regulation after Board approval and the Board instructed ARB staff to develop a policy regarding temporary registration, ARA would like this issue addressed in this regulation or via another venue immediately per the Board’s direction. It is more than three months since the Board directed ARB staff to resolve this issue and ARA sees little progress.

Comments on Portable ATCM

1. Fleet Requirements (old issue)

The 0.02 g/bhp-hr requirement for 750 hp and larger engines in 2020 is consistent with the fleet being 100% Tier 4 generators. It is not consistent with large air compressors or other very large portable equipment where the standard is 0.03. A fleet of specialty large air compressors cannot ever comply with the averaging requirement.

2. 93116.3.1 Compliance Flexibility

93116.3.1 provides relief only from unavailability of engines related to 93116.3(b). 93116.3(c)(7) states the fleet average “cannot exceed the fleet standard that is in effect”. This

means that fleets will be bound to meet the average when the engines required to meet the average have been found to be unavailable.