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Proposed Emergency Amendments to the Airborne Toxic Control Measure  
for Diesel Particulate Matter from Portable Engines greater than 50  
Horsepower

Modify section 93116.2 to add:

(hh) Stock Engine means a certified diesel-fueled engine that has never been placed in service and is part of a supply of engines offered for sale, rent, or lease by a person or firm who offers for sale, rent, or lease engines and related equipment for profit.

Modify 93116.3(b)(1)(A):

(A) except as provided in 93116.3(b)(4), 93116.3(b)(5), 93116.3(b)(6) and 93116.3(b)(7) and except as allowed under flexibility provisions for equipment and vehicle manufacturers and post-manufacture marinizers pursuant to 40 CFR Part 89 or Title 13 of the California Code of Regulations, the portable diesel-fueled engine shall meet the most stringent of the federal or California emission standard for nonroad engines,

Add 93116.3(b)(4):

(4) Engines operated in California between March 4, 2004 and October 1, 2006 may be registered in the Statewide Portable Equipment Registration Program until 12/31/09 if they meet a tier standard pursuant to 40 CFR Part 89 or Title 13 of the California Code of Regulations.

Add 93116.3(b)(5):

(5) Upon approval by the air pollution control officer, a district, may permit or register an engine that is not certified to a tier standard pursuant to 40 CFR Part 89 or Title 13 of the California Code of Regulations. Any engine permitted or registered by a district pursuant to this section 93116.3(b)(5) shall not be considered to be a resident engine for purposes of the Statewide Portable Equipment Registration Regulation (Title 13 section 2450 et sec.)

Add 93116.3(b)(6):

(6) An engine dealer or distributor may sell or register a new engine not meeting the most stringent emission standard providing the following are met:

- (A) At the time of taking possession, the engine met the most stringent emission standard in effect prior to the change for that horsepower range, and;
- (B) The owner or operator provides verifiable information to the satisfaction of the Executive Officer or District and;
- (C) The engine is sold or registered within six months of the effective date of the change in emission standards.

Add 93116.3(b)(7):

(7) If the Executive Officer or District finds, based on verifiable information, that an owner, within six months prior to the date an emissions standard changes for