

FINAL REGULATION ORDER – PART 3

Note: The amendments are shown in underline to indicate additions to the preexisting regulatory text, and in ~~strikeout~~ to indicate deletions.

Amend sections 2452, 2456, and 2461 of title 13, California Code of Regulations, to read as follows:

Article 5. Portable Engine and Equipment Registration

§ 2450. Purpose. (No Change)

§ 2451. Applicability. (No Change)

§ 2452. Definitions.

(a-gg) (No Change)

(hh) **Resident Engine** means:

(1) (No Change)

(2) a portable engine that resided in the State of California at any time from July 1, 2003 to July 1, 2004 and an application for registration is submitted to the Executive Officer no later than December 31, 2005. The responsible official shall provide sufficient documentation to prove the portable engine's residency to the satisfaction of the Executive Officer. Examples of adequate documentation include but are not limited to:

valid permits issued by a district, tax records, and usage or maintenance records; or

(3) a diesel-fueled portable engine, certified to an emissions standard pursuant to title 13 of the California Code of Regulations or 40 CFR Part 89, the owner of which can show proof acceptable to the Executive Officer that such engine was operated in California between March 1, 2004 and October 1, 2006.

(4) A diesel-fueled portable engine permitted or registered by a local district pursuant to title 17 section 93116.3(b)(6) is not a resident engine.

(ij-qq) (No Change)

(rr) “Tier 1 Engine” means a certified nonroad engine, as defined in title 17 of the California Code of Regulations section 93116.2(e), for the horsepower and year of manufacture as follows:

≥50 bhp and <100 bhp; 1998 through 2003

≥100 bhp and <175 bhp; 1997 through 2002

≥175 bhp and <300 bhp; 1996 through 2002

≥300 bhp and <600 bhp; 1996 through 2000

≥600 bhp and ≤750 bhp; 1996 through 2001

>750 bhp; 2000 through 2005

(ss) **“Tier 2 Engine”** means a certified nonroad engine, as defined in Title 17 of the California Code of Regulations section 93116.2(e), for the horsepower and year of manufacture as follows:

≥50 bhp and <100 bhp; 2004 through 2007

≥100 bhp and <175 bhp; 2003 through 2006

≥175 bhp and <300 bhp; 2003 through 2005

≥300 bhp and <600 bhp; 2001 through 2005

≥600 bhp and ≤750 bhp; 2002 through 2005

750 bhp; 2006 through 2010

NOTE: Authority cited: Sections 39600, 39601, 41752, 41753, 41754, 41755, 43013(b) and 43018, Health and Safety Code. Reference: Sections 41750, 41751, 41752, 41753, 41754, and 41755, Health and Safety Code.

§ 2453. Application process. (No Change)

§ 2454. Registration process. (No Change)

§ 2455. General requirements. (No Change)

§ 2456. Engine requirements

(a)-(c) (No Change)

(d) Portable engines registered under this article shall:

(1)-(4) (No Change)

(5) except for an engine that qualifies as a resident engine, and applications for change of ownership, applications filed on or before December 31, 2005, meet the most stringent emissions standard. After December 31, 2005, except for change of ownership, applications filed for new registration or identical replacement of a registered portable engine, shall meet the most stringent emissions standard, unless the engine meets the requirement of Title 17 of the California Code of Regulations section 93116.3.1. This provision in subsection (d)(5) does not apply to engines built under the 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;

(6)-(8) (No Change)

(e)-(j) (No Change)

(k) Notwithstanding the provisions of section 2456(d), a portable diesel-fueled engine may be registered under this article if it:

(1) is a resident engine as defined under section 2452(hh)(3); or

(2) meets the requirements of title 17 section 93116.3(b)(7) or 93116.3(b)(8).

Table 1 Spark-ignition Engine Requirements* **(No Change)**

NOTE: Authority cited: Sections 39600, 39601, 41752, 41753, 41754, 41755, 43013(b) and 43018, Health and Safety Code. Reference: Sections 41750, 41751, 41752, 41753, 41754, and 41755, Health and Safety Code.

§ 2457. Requirements for portable equipment units. (No Change)

§ 2458. Recordkeeping and reporting. (No Change)

§ 2459. Notification. (No Change)

§ 2460. Testing. (No Change)

§ 2461. Fees.

(a)-(b) (No Change)

(c) Except as provided in (j) below, ~~T~~the owner or operator of a portable engine or equipment unit shall submit fees to the Executive Officer in accordance with Table 2. Until December 31, 2005, new program participants shall pay an increased registration fee in accordance with Table 2. This increased fee shall not apply to agricultural sources or new program participants who have lost permit exemption due to the lowering of the maximum rated horsepower (bhp) permit requirement threshold.

(d) Except as provided in (j) below, ~~P~~prior to switching from non-operational to operational status, the owner or operator shall pay the applicable fee as listed in Table 2. The Executive Officer shall verify that the portable engine or equipment unit meets the requirements of this article prior to operation of the portable engine or equipment unit.

(e) Except as provided in (j) below, ~~A~~a district may collect an enforcement inspection fee as listed in Table 2 one time per calendar year for each registered portable engine or equipment unit inspected. When multiple registered portable engines or equipment units are inspected at a given source or location, the district inspection fee shall be equal to the lesser of the actual cost, including staff time, for conducting the inspection or the fee as listed in Table 2 per registered portable engine or equipment unit inspected. If the district performs an inspection leading to determination of non-compliance with this article, or any applicable state or federal requirements, the district may charge a fee as listed in Table 2 per portable engine or equipment unit for each inspection necessary for the determination and ultimate resolution of the violation. In no event shall the total fees exceed the actual costs, including staff time, to the district of conducting the investigations and resolving any violations.

(f) Except as provided in (j) below, ~~F~~ailure to pay renewal fees when due shall result in penalties. If a fee payment is not received or postmarked by the specified due date, fee

penalties shall be assessed per unit in accordance with Table 2. Failure to pay renewal fees prior to expiration shall result in cancellation of the registration. If a registration has expired for an engine or equipment unit that is eligible for reinstatement, a canceled registration may be reinstated after payment of all renewal and penalty fees. Registration shall be reissued under the original registration number and expiration date. A portable engine or equipment unit without valid registration is subject to the rules and regulations of the district in which it operates.

(g)-(i) (No Change)

(j) Portable engines applying for initial registration subject to section 2456(k)(1) shall use the Table 3 fee schedule. The fees collected subject to this section 2461(j) shall be distributed to the districts, except that \$270 dollars per engine for initial registration, and an additional \$80 dollars per engine shall be retained by the Air Resources Board to provide for administrative costs. The fees shall be determined as follows:

(1) For Tier 1 engines (as defined in section 2452(rr), registration fees will be based on the following using Table 3 below:

(A) Where date of purchase can be verified by the Executive Officer, the **earlier** of:

(1) ≥ 50 bhp and < 100 bhp: Date of purchase or the year 2004;

(2) ≥ 100 bhp and < 300 bhp: Date of purchase or the year 2003;

(3) ≥ 300 bhp and < 600 bhp: Date of purchase or the year 2001;

(4) ≥ 600 bhp and ≤ 750 bhp: Date of purchase or the year 2002;

(5) > 750 bhp: Date of purchase or the year 2006.

(B) Where the date of purchase can not be verified, the date of manufacture shall be used.

(2) For Tier 2 engines (as defined in section 2452(ss), registration fees will be based on the year the engine was purchased (as verified by the executive officer) or the year the engine was manufactured (if purchase date is not available).

Table 2 Fees for Statewide Registration Program **(No Change)**

Table 3 Fee Schedule

| <u>Portable Engine Date*</u> | <u>Application Submitted on or Before 12/31/07</u> | <u>Application Submitted in 2008</u> | <u>Application Submitted in 2009</u> |
|------------------------------|--|--------------------------------------|--------------------------------------|
| <u>1996</u> | <u>\$2,353</u> | <u>\$3,130</u> | <u>\$5,000</u> |
| <u>1997</u> | <u>\$2,195</u> | <u>\$2,920</u> | <u>\$4,685</u> |
| <u>1998</u> | <u>\$2,038</u> | <u>\$2,710</u> | <u>\$4,370</u> |
| <u>1999</u> | <u>\$1,880</u> | <u>\$2,500</u> | <u>\$4,055</u> |
| <u>2000</u> | <u>\$1,723</u> | <u>\$2,290</u> | <u>\$3,740</u> |
| <u>2001</u> | <u>\$1,565</u> | <u>\$2,080</u> | <u>\$3,425</u> |
| <u>2002</u> | <u>\$1,408</u> | <u>\$1,870</u> | <u>\$3,110</u> |
| <u>2003</u> | <u>\$1,250</u> | <u>\$1,660</u> | <u>\$2,795</u> |
| <u>2004</u> | <u>\$1,093</u> | <u>\$1,450</u> | <u>\$2,480</u> |
| <u>2005</u> | <u>\$935</u> | <u>\$1,240</u> | <u>\$2,165</u> |
| <u>2006</u> | <u>\$778</u> | <u>\$1,030</u> | <u>\$1,850</u> |

*As determined in section 2461(j).

NOTE: Authority cited: Sections 39600, 39601, 41752, 41753, 41754, 41755, 43013(b) and 43018, Health and Safety Code. Reference: Sections 41750, 41751, 41752, 41753, 41754, and 41755, Health and Safety Code.

§ 2462. Duration of registration. (No Change)

§ 2463. Suspension or revocation of registration. (No Change)

§ 2464. Appeals. (No Change)

§ 2465. Penalties. (No Change)