

Agenda Item 06-11-4

PROPOSED EMERGENCY AMENDMENTS TO THE STATEWIDE PORTABLE EQUIPMENT REGISTRATION PROGRAM (PERP) REGULATION, THE AIRBORNE TOXIC CONTROL MEASURE (ATCM) FOR DIESEL-FUELED PORTABLE ENGINES, AND THE ATCM FOR STATIONARY COMPRESSION-IGNITION ENGINES.

SUMMARY OF PROPOSED EMERGENCY AMENDMENTS

- Registration will be open to "Resident" Tier 1 and Tier 2 engines only. ("Resident" is defined as "proof that an engine operated in California between March 1, 2004 and October 1, 2006).
- Prior to January 1, 2008, total fees will consist of 150 percent of back registration fees **and** the current registration fee.
- Starting January 1, 2008, total fees will be assessed at 200 percent of back registration fees **and** the current registration fee.
- Starting January 1, 2009, total fees will be assessed at 300 percent of back registration fees **and** the current registration fee.
- Fees will be distributed to the local districts for portable equipment compliance programs. (Note: ARB will retain a flat fee of \$75.00 for each engine registered under the proposed emergency provisions).
- Tier 1 fees will be based on the year the engine was manufactured.
- Tier 2 fees will be based on the year the engine was purchased or the year the engine was manufactured (if purchase date is not available).
- Beginning January 1, 2010 only current tier engines will be allowed to register.
- Compliance flexibility will be provided to manufacturers, dealers, and distributors when engines are not available in sufficient numbers, makes, models, and sizes. (This provision is also being proposed as an emergency amendment to the Airborne Toxic Control Measure for Stationary Compression-Ignition Engines).
- At the discretion of the air pollution control officer, a district may permit or register tier 0 engines (engines not certified to a tier standard pursuant to 40 CFR Part 89 or Title 13 of the California Code of Regulations).

Proposed fees for engines not currently allowed to register in PERP

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

(1) Total = (((2007-purchase/manufacture date)*\$105)*1.5) + \$620

(2) Total = (((2006-purchase/manufacture date)*\$105) + \$205)*2) + \$620

(3) Total = (((2006-purchase/manufacture date)*\$105) + \$410)*3) + \$620

Note: \$105 = 1 year in the old fee schedule (ie. \$30 registration fee + \$75 inspection fee).

\$205 = 1 year in the new fee schedule (i.e. \$270 registration fee + \$345 inspection fee = \$615/3 = \$205 Note: \$615 does not need to include the \$5 placard fee which is collected with the \$620.

\$410 = 2 years in the new fee schedule (i.e. \$270 registration fee + \$345 inspection fee = \$615/2 = \$410 Note: \$615 does not need to include the \$5 placard fee which is collected with the \$620.

\$620 = Total fees to register for first three years (i.e. \$270 registration fee \$345 inspection fee + one-time \$5 placard fee).

**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

that horsepower range has ordered or purchased, but has not taken possession of, an engine meeting the most stringent emissions standard in effect at the time the engine was ordered or purchased, the owner or operator will have up to six months after the date the most stringent emissions standard for that engine became effective to permit or register the engine.

Add section 93116.3.1:

93116.3.1 Compliance Flexibility for Diesel PM Standards

If the Executive Officer or District finds, based on verifiable information from the engine's manufacturer, distributor, or dealer, that current model year engines meeting the current emission standards are not available or not available in sufficient numbers or in a sufficient range of makes, models, and sizes, then the Executive Officer or the District may allow the sale, purchase, or installation of a new stock engine meeting the emission standards from the previous model year to meet the emission standards in sections 93116.3(b).

**Proposed Emergency Amendments to the Statewide Portable Equipment
Registration Program Regulation**

Modify 2452(hh) to add (3):

(3) a diesel-fueled engine, certified to a 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 ARB that such engine was operated in California between March 1, 2004 and October 1, 2006.

Modify 2452(hh) to add (4)

(4) a diesel-fueled engine permitted or registered by a district pursuant to Title 17 section 93116.3(b)(5) is not a resident engine.

Modify 2456(d)(5):

After December 31, 2005.....meet the most stringent standard, unless the engine meets the requirement of 93116.3.1.

Add 2456(k):

Notwithstanding the provisions of section 2456(d), a portable diesel-fueled engine that:

(1) is a resident engine as defined under section 2452(hh)(3), if it is certified to a tier standard pursuant to Title 13 of the California Code of Regulations or 40 CFR Part 89 or;

(2) meets the requirements of title 17 section 93116.3(b)(6) or 93116.3(b)(7).

may be registered under this article.

Modify 2461(c):

(c) Except as provided in (i) below,

Modify 2461(d):

(d) Except as provided in (i) below,

Modify 2461(e):

(i) Except as provided in (j) below,

Modify 2461(f):

(d) Except as provided in (j) below,

Add 2461(j):

(j) Portable engines applying for initial registration subject to section 2456(k) shall use the Table 3 fee schedule. The fees collected subject to this section shall be distributed to the districts, except that \$270 dollars per engine for initial registration, \$5 dollars per engine for the placard fee, and an additional \$75

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, registration fees will be based on the year the engine was manufactured.
- (2) For Tier 2 engines, registration fees will be based on the year the engine was purchased or the year the engine was manufactured (if purchase date is not available).

Add 2461 Table 3:

Table 3

Portable Engine Purchase Date/Manufacture Date*	Application Submitted on or Before 12/31/07	Application Submitted in 2008	Application Submitted in 2009
1996	\$2,353	\$3,130	\$5,000
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1998	\$2,038	\$2,710	\$4,370
1999	\$1,880	\$2,500	\$4,055
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2004	\$1,093	\$1,450	\$2,480
2005	\$935	\$1,240	\$2,165
2006	\$778	\$1,030	\$1,850

*As determined in section 2461(j).

**Proposed Emergency Amendments to the Airborne Toxic Control Measure
for Stationary Compression Ignition Engines**

Add section 93115(c)(21):

(21) If the Executive Officer or District finds, based on verifiable information from the engine's manufacturer, distributor, or dealer, that current model year engines meeting the current emission standards are not available or not available in sufficient numbers or in a sufficient range of makes, models, and sizes, then the Executive Officer or the District may allow the sale, purchase, or installation of a new stock engine meeting the emission standards from the previous model year to meet the new stationary diesel-fueled engine emission standards.