

**Approved Uses of Portable Engines and Equipment Units under the Portable Equipment
Registration Program, and Mobile Equipment at Stationary Sources
(Rev. December 2012)**

PURPOSE:

The purpose of this policy is to define the Butte County Air Quality Management District's (District's) interpretation of language in the Portable Equipment Registration Program (PERP) regulation as it relates to approved uses of PERP equipment within Butte County, including portable equipment being used at permitted stationary sources. Depending on the use, portable equipment may operate at a stationary source without a District permit provided the equipment is registered in either the District's or the state's portable equipment registration program. This link can be used to access the Regulation to Establish a Statewide Portable Equipment Registration Program: <http://www.arb.ca.gov/portable/perp/perpreg.pdf>

This policy also addresses the use of mobile equipment at a stationary source where the engine is associated with an equipment unit that is subject to stationary source permit requirements. This policy is intended to provide guidance for District staff enforcing regulations and to provide examples of situations that are approved as well as examples of uses which are not approved without a District permit.

BACKGROUND:

In the mid 1990s, when many of the 35 California air districts began enforcing their permit (or local registration) rules and regulations for portable engines and portable equipment units, industry had concerns and difficulties in complying with the requirement to obtain multiple permits for the same piece of equipment in each air district. Industry also had concerns with the related operational constraints due to the time required to process the permit applications and, where applicable, complete public notice requirements under existing State right-to-know laws about potential sources of air toxics prior to the issuance of a permit to construct or modify if the source is proposed to be located within 1,000 feet of the outer boundary of a school site (California Health and Safety Code, Section 42301.6). As a result, legislation was passed that established the statewide registration program in 1997, administered by the California Air Resources Board (CARB). The PERP was originally intended to relieve equipment that moved between districts on a regular and ongoing basis from the necessity of obtaining permits in each district it was to operate in. The PERP was primarily designed for equipment (mostly internal combustion engines) working at ad hoc locations and not at permitted stationary sources as support to their main operations. It was not intended to allow facilities to operate a portable unit in lieu of constructing and operating a fixed production unit and complying with local permitting regulations including public notice, offsets and the use of Best Available Control Technology (BACT) to reduce emission of air contaminants from the source.

Registration in the PERP was not required, but was voluntary. The advantage of registering in the voluntary program was that so long as the operator complied with the requirements of the program, air districts were preempted from requiring local permits or local registrations for the same

equipment. If an equipment owner or operator chose not to voluntarily get into the statewide program, then wherever the equipment went, each district's local permitting requirements would apply to that equipment.

Industry benefits from streamlined administrative requirements in the PERP program. For example, with a single registration and associated fee; the companies can operate the portable equipment throughout the state including next to schools and other sensitive receptors without completing the notice requirements that apply to similar stationary sources.

Another advantage of the statewide PERP, compared to air district permitting programs, is that the emission standards of PERP are much less stringent than most air district's permitting rules. District permitting rules usually require that the equipment comply with New Source Review (NSR) rules, which include BACT and offsets. As a result of the requirements between air district permitting programs and the statewide PERP not being equal, in order to prevent circumvention of an air district traditional permitting authority, there is language in the regulation which defines what is eligible to register in PERP.

The language in the PERP regulation is open to interpretation and in some cases involves discretionary approval. The CARB has posted a Frequently Asked Questions (FAQ) document dated April 14, 2011 on their webpage, covering 106 questions, many of which relate to what is a valid use of PERP. Many times, the answers to the FAQ include statements to "consult your local district." This policy will provide our District's interpretations on what is a valid use of PERP and will also provide our interpretation on each section of the FAQ which recommends contacting your local district. In general, the determination is related to the District's interpretation of the legislative intent when the PERP was promulgated. Specifically, we look at the primary business activity of the equipment owner or operator along with a use pattern that suggests that the equipment is used for short periods and at multiple locations in a district or the state.

District Rule 101 defines a Stationary Source (facility) as:

"...Any building, structure, or emissions unit which emits or may emit any affected pollutant directly or as a fugitive emission, including all pollutant-emitting activities which are:

- 1. Located on one or more contiguous or adjacent properties, and which may be separated by a public right-of-way; **and**,*
- 2. Under the same or common ownership, operation, or control, or which are owned or operated by entities which are under common control **and** belong to the same industrial grouping, either by virtue of falling within the same two-digit Standard Industrial Classification (SIC) Code **or** by virtue of being part of a common industrial process, manufacturing process, or connected process involving a common raw material..."*

In order for an engine to qualify for registration under the District's portable equipment program or the state's PERP, the engine must meet the definition of "portable", and then meet the eligibility standards. Further discussion of "portability" and "eligibility" is provided below:

WHAT IS PORTABLE?

Section 2452(dd) states:

“...Portable means designed 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...”

Looking at most portable equipment, it is readily apparent whether they were designed to be portable - they are usually either mounted on a trailer or a vehicle. Again, the difficulty in making a portability determination is usually in how the equipment is used, not how it is built.

WHAT IS NOT PORTABLE?

Section 2452(dd) then goes on to list 3 circumstances where an otherwise portable engine is not considered portable, as described in each of the 3 examples below:

(1) *“...the engine... is attached to a foundation, or if not so attached, will reside at the same location for more than 12 consecutive months...”*; or

(2) *“...the engine or equipment unit...is located at a seasonal source and operates during the full annual operating period of the seasonal source, where a seasonal source is a stationary source that remains at a single location on a permanent basis (at least two years) and that operates at that single location for at least three months each year...”*; or

(3) *“...the engine or equipment unit is moved from one location to another in an attempt to circumvent the portable residence requirements...”*

WHAT IS ELIGIBLE:

Section 2451(b) of the PERP regulation states:

*“...This registration applies to **portable** engines and equipment units as defined in Section 2452... examples include, but are not limited to... engines and associated equipment used in conjunction with the following types of portable operations: well drilling, service or work-over rigs; power generation, excluding cogeneration; pumps; compressors; diesel pile-driving hammers; welding; cranes; woodchippers; dredges...”*

Any “portable” engine used in the type of categories listed would be eligible for PERP. Section 2453(l) states:

“...Once registration is issued by the Executive Officer, district permits or registrations for engines or equipment units registered in the Statewide Registration Program are preempted by the statewide registration and are,

therefore, considered null and void, except for the following circumstances where a district permit shall be required...(4) at any specific location where statewide registration is not valid..."

The regulation does not directly define which specific locations where a registration would not be valid. However, in the definition of portable, there are three qualifications of what is not portable. In addition, the applicability section the regulation identifies nine circumstances where otherwise portable engines are “not eligible for registration.” Each of these is discussed in detail below.

The difficulty with this type of equipment is that, by its nature, it can physically be portable in the way it is manufactured (I.e., it has wheels, is on a trailer, etc.), but if not used in a portable manner, by definition it is considered to be “not portable” and therefore not eligible for registration. So, an owner/operator can have a portable engine which is registered, and using the engine one way is a valid use, and using the same exact engine in a slightly different manner or at a different location is a not valid use under the PERP.

Example 1: If a construction company takes a tow-behind trailer mounted generator to a job site to work on a 20 story building and the generator/engine doesn’t leave the job site for more than 12 months, it no longer meets the definition of portable. Even though this engine is “registered”, once the specific use makes the engine not portable, any continued use beyond the 12 months would be in violation of District Rule 400, Section 4.1 (for constructing without a permit), or Section 4.2 (for operating without a permit). This is true even if the engine is periodically moved from one location to another at the same site. In this context a location is viewed as occupying the same “footprint” whereas the site would be the same parcel or set of contiguous parcels of land.

This section also discusses using multiple pieces of portable equipment that are intended to perform the same or similar function, and states that the cumulative time is aggregated together towards the 12 month limit. So if a company starts with one registered portable engine and uses that for nine months, then removes that engine but brings in a second registered portable engine to do the same or similar work function, then after three more months, the 12 month timeframe is met that engine is no longer a “portable” use and use of PERP is no longer valid, despite the fact that each engine may be registered in PERP.

If the job is scheduled to last for more than 12 months, the generator (or any other “portable” equipment) is required to have a District permit prior to being brought to the site since the intent is to operate the generator as a stationary source for the duration of the project rather than as a portable source.

On the other hand, if the job is scheduled to be completed in less than 12 months but is delayed, a District permit would only be required for use of the generator at the end of the 12 month limit on the use of PERP or upon making the determination that the generator will need to be in use for more than 12 consecutive months, whichever occurs first.

One example of a “seasonal source” is a tomato processing plant, which normally operates from July to October (four months) every year. Under previous versions of the PERP regulation, if a tomato plant wanted to operate a portable engine (air compressor, water pump, etc.), because the

engine wasn't operating more than 12 months and then was removed, this was technically an allowable use of PERP. Under the current regulation, because the equipment operates more than three months a year, and returns to the same location on a regular basis (two consecutive years), it meets the definition of seasonal source and would not be allowed under PERP. We interpret this to mean that after the second year, the equipment could not be used at that location without a valid stationary source permit from the District. We also note that the facility should obtain a permit if the intent is to operate at the same location as a stationary source. The use of the PERP registered equipment must be consistent with the normal business activity of the portable equipment (i.e. must be used at more than one location as a normal part of the business activity for that equipment). Merely the ability to operate at multiple locations is not sufficient to avoid or circumvent District stationary source permit requirements.

On the other hand, if the engine is powering a generator and is used to provide prime or non-emergency supplemental power to the source this would not be allowed under the PERP (see Section 2451(c)(9) below).

Notice that the wording doesn't say whether this should be interpreted as consecutive months or cumulative time spent at a source during the year. The District interprets this to mean three months of total cumulative time in any calendar year.

Example 2: A water company has a PERP registered portable pump engine which is taken to a levee pump station to pump water in the winter rainy months. If the pump is sited there for more than three months and returns for more than two years, this would not be a valid use of PERP.

Example 3: A company has a PERP registered concrete crushing operation which is sited at a location in our District. Upon reviewing the company's records, the company removes the equipment from our District for one week each calendar year. During this week, the equipment is moved to a site outside our District, but not operated at the other location(s). The equipment is then subsequently brought back to our District for use. This is an obvious case of moving the equipment to circumvent the residence timelines, and therefore this use is no longer considered "portable" and the use of equipment registered in the PERP is no longer valid.

WHAT IS NOT ELIGIBLE?

This section identifies nine circumstances where otherwise portable engines are not eligible for registration.

Section 2451(c) states "...*The following are not eligible for registration under this program...*"

- (1) *any engine used to propel mobile equipment or a motor vehicle of any kind as defined in section 2452 (aa)(1)(A);*
- (2) *any engine or equipment unit not meeting the definition of portable as defined in section 2452 (dd) of this regulation;*
- (3) *engines, equipment units, and associated engines determined by the Executive Officer to qualify as part of a stationary source permitted by a district;*

- (4) *any engine or equipment unit subject to an applicable federal Maximum Achievable Control Technology standard, or National Emissions Standard for Hazardous Air Pollutants, or federal New Source Performance Standard, except for equipment units subject to the requirements of 40 CFR Part 60 Subpart OOO (Standards of Performance for Nonmetallic Mineral Processing Plants) as they relate to portable plants as defined in 40 CFR section 60.671;*
- (5) *any engine or equipment unit operating within the boundaries of the California Outer Continental Shelf (OCS). [Note: This shall not prevent statewide registration of portable engines and equipment units already permitted by a district for operation in the OCS. Such statewide registration shall only be valid for operation onshore and in State Territorial Waters (STW).];*
- (6) *any dredging operation in the Santa Barbara Harbor;*
- (7) *any dredging unit owned by a single port authority, harbor district, or similar agency in control of a harbor, and operated only within the same harbor;*
- (8) *generators used for power production into the grid, except to maintain grid stability during an emergency event or other unforeseen event that affects grid stability; and*
- (9) *generators used to provide primary or supplemental power to a building, facility, stationary source, or stationary equipment, except during unforeseen interruptions of electrical power from the serving utility, maintenance and repair operations, and electrical upgrade operations including startup, shutdown, and testing that do not exceed 60 calendar days.*

Some of the nine are straightforward and self explanatory and won't be discussed in this policy. Likewise, some of the nine don't apply in our District and similarly won't be discussed. The District's interpretation of the remaining three will be explained below.

Section 2451(c)(2) states “...*any engine or equipment unit not meeting the definition of portable as defined in section 2452 (dd) of this regulation...*”

This section is what disqualifies any of the equipment discussed in the above section “*What is not portable*” from being a valid use of registration. So an engine which is registered and being operated in a portable manner is a valid use up until the time that it no longer is considered portable use. After that, any continued use under those conditions will be a violation of District Rule 400, section 4.1 and/or 4.2, and will be subject to a Notice of Noncompliance (NON).

Section 2451(c)(3) states “...*engines, equipment units, and associated engines determined by the Executive Officer to qualify as part of a stationary source permitted by a district...*”

Back to the origins of the PERP, the purpose of the program is to meet a need for equipment which is portable in nature, and couldn't reasonably keep pace with the evolution of emission standards and control technology requirements that would be triggered if, each time the unit is brought to a new location, the unit is considered a new emissions unit since this would make the unit subject to the most current applicable emission standards. The argument in favor of PERP is that the unit would need to meet the applicable standards that would apply to a similar source at the time the original permit or registration is issued, similar to the process for determining emission standards and BACT requirements for stationary sources, but would not be subject to new requirements

unless there is a new regulatory requirement applicable to the entire class of similar emission units being operated in a district or the State. The District must also consider whether the use of PERP registered equipment would constitute a modification to an existing emissions unit which would otherwise trigger a permit modification under the District's New Source Review program. In this context, the District defines emissions units as each identifiable piece of process or air pollution control equipment or process line. That is, an emission unit can be either a single emission source or part of a process line of related equipment that is physically connected and designed to be operated concurrently as a single unit. In order to clarify what is a valid use of PERP at a stationary source our District makes a distinction in the wording of the stationary source definition "*...as part of...*" If the portable equipment is used to perform or augment the primary business function of the stationary source (e.g. is part of or connected to an existing permitted emission unit or process line, or is used to produce the same or similar products (i.e., "*...connected by virtue of being part of a common industrial process, manufacturing process, or connected process involving a common raw material...*") that would not be a valid use of PERP. If the portable equipment is used in an ancillary function, independent of an existing process line, our District believes that would be a valid use of PERP provided that the equipment operates in a portable manner as defined in the PERP regulation (e.g. does not meet the definition of a stationary or seasonal source).

Example 4: A company operates a gasoline bulk terminal with large fuel storage tanks. If there is a leak in one of the tanks and the company hires a contractor who brings in a portable engine powering a welder to perform repair or maintenance on the tanks, we believe that using a PERP registered welder would be a valid use of PERP. Even though the welding is a repair of the stationary source's permitted equipment, this repair is ancillary (subordinate or secondary) to the business of storing and distributing fuel.

If the company owned the welder, would that be different? If the company owned one welder and used it at four different facilities throughout the state (or at more than one stationary sources within the District), that would be a valid use of PERP. If the company only used the welder at one facility and had enough use of the engine to warrant having a dedicated welder on site year round, that would not be a valid use of PERP. Our District believes the distinction should be based primarily on the use, not solely based on whether the company owns the engine or hires out the work.

Example 5: A company operates an aggregate mining facility and has electric powered crushers and/or screens used for sorting and sizing rocks. If the company needs to increase the production of smaller rocks, or to produce similar aggregate products for business reasons, bringing in a registered portable crushing/screening plant and using it in conjunction with an existing process line is not a valid use of PERP. This additional crushing/screening capacity is "*...a part of...*" the stationary source, not an ancillary use to the source. The company could still apply for District permits for the crushing operation prior to its use, but the equipment would be subject to NSR, BACT, and all other laws and regulations that apply to a new or modified stationary source.

Even if the crushing/screening operation were a one-time event which lasted less than 12 months, if the crushing was done as "*...a part of...*" a stationary operation (i.e. produces the same or similar type of products), this would not be an approved use of PERP equipment. If the crushing/screening was done at a different stationary source where there was not an aggregate

mining operation (for example at a construction site where a road was demolished), so long as the operation lasted less than 12 months, this would be an allowable use of PERP.

Example 6: A company operates a wood fired boiler to produce electricity. Some of their fuel supply (wood) is brought to their facility already in sizes which the boiler can burn directly. Sometimes wood is brought to the facility in larger pieces which must be chipped before it can be burned. The larger wood is separated from the smaller wood and on a regular and routine basis; a PERP-registered chipper, owned and operated by an independent 3rd party that operates the equipment in a portable fashion as a routine business practice, is brought onsite to grind the larger wood. This grinding of fuel would not be considered part of the stationary source since the primary business function is the production of electricity (not the chipping of woodwaste) provided that the activity does not exceed 12 consecutive months or more than three cumulative months for more than two consecutive calendar years. In this example, it is assumed the portable equipment at the facility is not “...*Under the same or common ownership, operation, or control, or which are owned or operated by entities which are under common control...*” If the equipment is owned by the same company, or a company under common control, it would not be a valid use of PERP since the process would be connected by virtue of being “...*a connected process involving a common raw material...*”

If the company took a chipper around to multiple (non-contiguous) orchards or forest lands to grind the wood at the locations where it came from, that would be also valid use of PERP.

The list of equipment that is not eligible for registration in the program includes Section 2451(c)(9) “...*generators used to provide primary or supplemental power to a building, facility, stationary source, or stationary equipment, except during:*

- *unforeseen interruptions of electrical power from the serving utility,*
- *maintenance and repair operations,*
- *electrical upgrade operations including startup, shutdown, and testing that do not exceed 60 calendar days,*
- *operations where the voltage, frequency, or electrical current requirements can only be supplied by a portable generator, or*
- *remote operations where grid power is unavailable...*”

If a company experiences an unforeseen interruption of power from PG&E, they could rent a PERP registered generator and bring it to the facility to operate until utility power was restored. The District considers this a valid use of PERP. However a company cannot bring in a registered PERP engine to have in place just in case they were to lose utility power. This scenario would not be an “unforeseen event”, and therefore this would not be a valid use of PERP.

As cited in Example 4 above, if a company brings in a generator to perform a repair or maintenance to the building, facility, stationary source, or stationary equipment, this would be a valid use of PERP. If the maintenance or repair is to a permitted emergency engine, if the company notifies the district of the breakdown and provides the District with a schedule for repair (so long as the schedule is reasonable), the District would allow the company to bring in a PERP registered engine to serve the same function on a short-term basis (e.g. less than 60 days) while the permitted engine is being repaired.

If a company is performing electrical upgrades to their facility and, as part of that, they must disconnect from PG&E power, they could bring in a PERP registered generator, so long as the total time on-site does not exceed 60 calendar days (see Section 2451(c)(9) above).

The District has not been made aware of any scenarios where only a portable generator can supply the needed voltage, frequency, or electrical current.

The last bullet in the above cited section is the most ambiguous - there is no definition of remote, nor a definition of what is meant by unavailable. Nearly every time a business wants to use a portable generator, it is because line power is unavailable at the exact location where the operator wants it, however there may be PG&E power available in a close proximity.

Based on the way this section (2451(c)) of the regulation is written, this section is defining some specific uses that are not eligible. If a specific use passes the test in this section (e.g. a portable generator that is operating at a stationary source, but not part of that stationary source), it would still need to comply with the other provisions of the regulation (e.g. could not stay at a site for more than 12 months or be operated as seasonal source).

RETURNING TO THE SAME LOCATION:

One business practice which currently occurs which seems to blur the lines between portable and stationary operations is the practice of having a fixed location and bringing a portable engine to that site multiple times every year, but for only short durations (weeks to months) at a time. These operations usually occur year after year (permanently). If the location in question is part of a stationary source, then the determining factor becomes whether the use of the portable engine is “...*a part of*...” an existing emissions unit or process line at the stationary source. If the engine is a part of an existing emissions unit or process line then the operation is not considered to be portable.

If the location in question is not part of an existing stationary source (emissions unit or process line), then the determining factor often becomes whether the source is a seasonal stationary source. As defined in the PERP regulation, if the equipment operates at the same location more than three months in a year for more than two consecutive years then the operation is, by definition, a stationary source.

Example 7: At a landfill, material (green waste, wood waste, concrete, and/or asphalt) is diverted from going into the landfill cells. The material is stockpiled in separate piles. When enough material builds up, a contractor is hired to come in and grind/crush the material. The operation of grinding this particular material is ancillary to the business function of landfilling municipal solid waste, so it isn't excluded from PERP by being “...*a part of*...” the stationary source, even if the ground product is ultimately put into the landfill or used as alternative daily cover. So long as the grinder operates less than a cumulative total of three months per year, this would be a valid use of PERP. If the grinding occurred for more than a cumulative total of three months per year (and repeated for more than two consecutive years), this would become a seasonal source and would not be a valid use of PERP. As noted in Example 6 above, the equipment must be owned and operated by an independent 3rd party that operates the equipment in a portable fashion as a routine business practice in order to be considered a valid use of PERP.

Example 8: At a “recycling” facility, material (wood, concrete, asphalt, cars) is received and stockpiled year round. When enough material builds up, a portable, engine-powered crusher is brought in to crush/grind the material. If the only (or primary) operation occurring at this location is the stockpiling, crushing, and/or shipping of material, the use of the crusher/grinder is “a part of” the stationary source operation of recycling of wood/concrete/asphalt/cars. However, our district would not require a permit for the storage of wood, asphalt, concrete, or cars absent some related emitting activity this would therefore be a valid use of PERP. In addition, if the primary function of the operation at this location was something else (such as a asphalt batch plant), even though they are related because they both involve asphalt, then the crushing of the material is ancillary to the business function of making concrete, so this use isn’t excluded from PERP because of being at the stationary source, even if the crushed product is ultimately used in making new concrete. So long as the crusher operates less than a cumulative total of three months per year, this would be a valid use of PERP. If the crushing occurred for more than a cumulative total of three months per year (and repeated for two consecutive years), this would become a seasonal source and would not be a valid use of PERP. As noted in Examples 6 & 7 above, the equipment must be owned and operated by an independent 3rd party that operates the equipment in a portable fashion as a routine business practice in order to be considered a valid use of PERP.

Example 9: At an asphalt batch plant which operates seasonally and/or year-round to produce paving mixtures, sometimes the company might need to make rubberized asphalt products. If a portable blending operation is brought to the stationary hot mix asphalt plant to produce a different grade of paving mixture, the use of the rubberized blending operation would be considered “a part of” the stationary source of the asphalt plant, so this would not be a valid use of PERP.

Example 10: A company operates a portable wood chipper at multiple locations and has the equipment registered in PERP. The company also has a storage yard where the equipment is stored and where the equipment is also periodically used to grind woodwaste. The storage of woodwaste by itself does not require a district permit. The use of the portable equipment is allowable as long as the equipment is not located at the site for 12 consecutive months or for more than a cumulative total of more than three months in any two consecutive years. In this instance, the time that the equipment is being stored would only be excluded from the cumulative time at that location if the equipment is not configured in a manner that would allow the equipment to be used without some form of physical modification.

CIRCUMVENTION:

In many cases, the determination as to whether an engine or equipment unit is properly regulated at stationary source rather than portable source is matter of intent. If a source plans to install a permanent stationary source at a fixed location or site, the source must receive a preconstruction permit as required by Rule 400 prior to locating the equipment at the proposed site even if the engine or equipment unit is, at the time, registered in the PERP. On the other hand, if the engine and/or equipment unit has historically been used at multiple locations within California, even if it returns to the same source on a regular basis, the unit is considered portable and it is preempted from regulation by the District provided that the use is otherwise determined to not constitute a stationary or seasonal source. As discussed previously, an example would include using a portable

rock crusher in conjunction with (physically connected to or related by material handling equipment) an existing permitted stationary source. In this example the portable crusher would be “a part of” an existing emissions unit and would be subject to District stationary source permit requirements. On the other hand, if the same unit is brought into a stationary source to periodically crush material that is not connected to an existing process line (operates independently), and it is an ancillary activity (i.e. not connected by virtue of being part of a common industrial process, manufacturing process, or connected process involving a common raw material), this would be a valid use of PERP provided that the equipment is not at the same location for more than 12 consecutive months or a cumulative total of more than three months for more than two consecutive calendar years.

In some cases, an engine and the associated equipment unit is mounted on tracks and the engine is used to both propel the equipment and to perform other functions such as an aggregate crushing or screening operation. In such cases the engine that is used to also propel the equipment it is typically considered to be a mobile source which and is not subject to District stationary source permit regulations. However, if the equipment continuously occupies the same footprint for more than 12 consecutive months the engine would be considered a stationary source and would be subject to District permit requirements and all other requirements applicable to a stationary engine. In other words, to be considered a mobile source, the engine associated with the equipment would need to be operated as such and not merely have the capacity to be self propelled in order to circumvent stationary source permit or registration requirements. If a facility is not otherwise required to get a stationary source permit that would be different. In such cases, the engine would be considered mobile unless or until the 12 month period required to become a stationary source had passed.

OTHER EXAMPLES:

A city owns and operates portable generators used to provide power to well sites when there is a loss of utility power. If the city keeps the engines at a central storage facility and, upon losing power at a specific well site, takes a generator out to the well site, plugs in, and runs the engine until utility power is restored, this is a valid use of PERP. If the city leaves the engines parked at the well site and has the engines plugged in and in auto-start mode (so that the instant that utility power is lost the engine starts), this is not a portable operation and not a valid use of PERP.

A painting company owns and operates a portable compressor for sand blasting. Most of the time the company goes to their customers’ sites to paint items; however, sometimes the company sandblasts the items before painting. The use of a portable compressor to do the blasting is a valid use of PERP. In addition, the blasting operation (which emits particulate matter on its own) may need a District permit or PERP. If this company also has a fixed location in our District where they have a blasting booth and paint booth, using the compressor at this fixed location would not be a valid use of PERP because this would be part of a stationary source permitted by a District.

A university owns and operates a tree chipper. The chipper/engine is used anywhere throughout the large campus as well as potentially at non-contiguous university-owned property to chip tree branches from landscaping trees as well as agricultural research trees. Because the chipping is ancillary to the operations as a university (educating students), this would not be “part of” a

stationary source permitted by the District. This would be a valid use of PERP. The same university owns and operates portable emergency generators used to provide power to buildings (classrooms, research labs, student housing, etc.) in the event of an unforeseen loss of utility power. Because these functions are “a part of” a stationary source permitted by the District, this would not be a valid use of PERP and would require a District permit.

A farming operation has an irrigation well which is powered by a diesel engine. The engine is mounted on a trailer and the engine is operated at the same location throughout irrigation season every year. Because the engine returns to the same location and is used during the full operational period of the source this would be considered a seasonal stationary source and the engine must be registered as a stationary engine. Note that mobile engines that are hooked up to the same well-head year after year are also considered stationary and subject to all requirements applicable to a stationary agricultural engine because the engine, which is physically attached to the well-head, cannot be used to provide motive power and concurrently be used to pump water. However, if the portable or mobile engine is also operated on other parcels that are not contiguous or adjacent this would be considered portable/mobile application even if the equipment is operated at any single location for the full operating season of that source for more than 2 consecutive years.

CARB’s FREQUENTLY ASKED QUESTIONS:

Question 6 - What about equipment in storage? ARB’s FAQ states that equipment kept “in storage” at or near a jobsite **may** count towards the residence time. As discussed above, if an engine is kept on site, but not plugged in or in an operational state, our District believes that this type of storage would not count towards residence time.

Question 8 - What about equipment that returns to the same location occasionally? This policy outlines our general position on equipment that returns to the same location occasionally. Decisions on situations encountered in the field that are not covered in this policy would be made on a case-by-case basis.

Question 9 - I have a wood chipper and was told it needs a permit. Do I register the engine and the chipper together? Our District does not believe that a normal tow-behind wood chipper used by landscaping companies to grind freshly cut tree branches would require a permit (expected to have PM emissions less than two pounds per day when grinding fresh wood) for the chipper itself, but would require a permit or registration for the engine powering the chipper. However, for a larger tub-grinder type machine, used for higher production specialty uses (e.g. orchard removal, grinding of asphalt or concrete); the District would require that the company have a permit/registration for the grinder and the engine. State PERP requires a separate registration for the grinder/chipper and one for the engine. The District’s local registration program requires only one registration if the engine and powered equipment are mechanically connected. If the equipment was self propelled (e.g. on tracks where the same engine moved the grinder and also powered the grinding), the District would require a permit/registration for just the equipment unit (grinder). However, if the engine that runs the grinder is capable of propelling the grinder but the grinder remains at the same location (e.g. occupies the same footprint at a stationary source) for more than 12 consecutive months, the engine would then be subject to stationary source permit requirements.

Question 13 - Can a portable generator register in PERP if it powers a building or stationary equipment? This policy outlines the District position on stationary buildings.

Question 14 - Are portable engines used at agricultural sources eligible for PERP? Our District would allow a portable engine with a valid PERP to operate at an agricultural source provided that the use is consistent with a valid portable application. Otherwise the engine would be subject to the District's agricultural engine registration program.

Question 15 - What about an engine that powers a portable asphalt batch plant? This question doesn't discuss consulting your local District, but the answer seems contradictory to the PERP language. The FAQ answer is that you have a situation where half the machine (engine) is registered by PERP while the other half (batch plant) is permitted by a District. Our District believes that once the batch plant is permitted by the District, the engine powering that plant qualifies as part of a stationary source (the engine would be used to provide prime power to a permitted stationary source) and therefore per 2451(c)(3), this is not a valid use of PERP.

Question 22 - What happens if my portable engine is not eligible for PERP? Once something is not eligible for PERP, the underlying requirements of District rules and regulations (mainly Rule 400 to obtain a District permit) would apply. In addition, once the criteria for being a stationary source have been met and the engine becomes ineligible for PERP, the engine must have a District permit. In the event that a District permit has not been issued before or at the same time the engine becomes a stationary source, the owner or operator will be subject to enforcement action for failing to have the required permit. In instances where portable engines or other equipment become stationary sources, that equipment may again become "portable" by removing the equipment from the stationary source and operating it at another location provided that the use is deemed a valid use. Just moving the equipment to a remote storage facility would be considered circumvention.

Question 29 - Can my portable equipment be operated while the PERP application is being processed? No. Our District believes that a company must have a valid PERP or a District permit or registration before that equipment can be legally operated.

Question 51 - Can I use another method for recordkeeping besides the forms on your website? Our District doesn't have a preference on whether the companies use CARB forms or their own, so long as all the required information is kept. If a company wants to provide us with a copy of their own forms, we will review for adequacy.