



CUSTOMERS FIRST

March 6, 2020

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Mr. David Edwards, PhD
California Air Resources Board
Air Quality Planning & Science Division
1001 "I" Street, 7th Floor
Sacramento, CA 95814

Sent via email: Ctr-report@arb.ca.gov

Dear Mr. Edwards:

Subject: Comments on the Preliminary Discussion Draft of Proposed Amendments to the Regulation for Criteria Air Pollutant and Toxic Air Contaminants Emissions Reporting

The Los Angeles Department of Water and Power (LADWP) appreciates the opportunity to comment on the February 5, 2020 preliminary discussion draft of the proposed amendments to the Regulation for Criteria Air Pollutant and Toxic Air Contaminant Emissions Reporting (CTR).

Assembly Bill 617 (AB 617) requires the California Air Resources Board (CARB) to develop a uniform statewide system of annual reporting of emissions of criteria air pollutants and toxic air contaminants for stationary sources. During the public workshops, CARB explained the purpose of the CTR is to harmonize emissions reporting requirements throughout the state and to support several mandatory state and federal programs.

Below is a brief description of some of these programs.

- Assembly Bill 197, which requires CARB to make publicly available the emissions of greenhouse gases, criteria pollutants, and toxic air contaminants for each facility that reports to the state board and air districts
- National Emissions Inventory that the U.S. Environmental Protection Agency prepares each year and which establishes a comprehensive and detailed estimate of air pollutants, criteria precursors, and hazardous air pollutants from air emissions sources;
- CalEnviroScreen, which is a scientific mapping tool used to identify the California communities that are most affected by air pollution through "cumulative impact" assessments; and
- AB 2588 Air Toxics "Hot Spots" Program, which requires stationary sources to report the types and quantity of certain substances routinely released into the air, in order to identify facilities potentially having localized health and environmental impacts on local communities.

In light of the importance of collecting accurate data to support all the intended uses, LADWP offers the following comments to improve the statewide emissions reporting system.

Accuracy of default emission factors for both criteria pollutants and toxic air contaminants

Emission data reported under the CTR needs to be as accurate as possible, since the data will be made available to the public as well as used to track emission trends and potentially develop future regulations to address local air quality concerns. In previous comments, LADWP urged CARB to review and update the default emission factors, some of which are based on very old data dating back 20 to 30 years. Specifically, LADWP recommends that CARB create new emission factors based on more recent equipment manufacturer and source test data, in order to reflect the actual emissions performance of equipment and sources in use within California today.

At the public workshops held in February 2020, we were encouraged to hear that CARB, the California Air Pollution Control Officers Association (CAPCOA), and several air districts are undertaking efforts to review and update the default emission factors. In support of this effort, LADWP has provided fuel analysis and source test data to the South Coast Air Quality Management District, to assist with the effort to improve the accuracy of the default emission factors.

Regarding toxic air contaminants (TAC), LADWP understands that TAC emissions will be reported under the CTR regulation based on the list of chemicals in Appendix A of the regulation for the AB 2588 Air Toxics "Hot Spots" Program. CARB is in the process of adding over 600 new substances to Appendix A.

LADWP urges CARB to use the existing version of Appendix A for reporting of TACs under the CTR regulation, and not rush forward with reporting emissions for the new substances being added to Appendix A given the uncertainty of emission factors, risk factors, and source test methods for the new substances. CARB should consider the adverse consequences of reporting TAC emissions that have not been accurately quantified and verified through source testing and fully vetted with regards to public health risk. For example, if generic emission factors are assigned to the new substances without verifying those emissions through source testing, the result could be over-reporting of TAC emissions resulting in an elevated risk estimate, thereby putting a facility into the AB 2588 Air Toxics "Hot Spots" program that otherwise would not be in the program.

§ 93404 Reporting of emissions from portable engines or devices should be removed from the CTR amendments, and implemented through the Portable Equipment Registration Program

CARB is proposing to add the following paragraph to Section 93404 of the CTR regulation that would require facility owners/operators to report data for portable engines or devices operated on their facility during any three months of the year.

§ 93404. Emissions Report Contents

(C) Except as provided in sections 93401(b)(2) and (4), emissions of PM, ROG (or VOC) and NOx from any diesel-powered portable engines or devices operated at a facility, regardless of equipment ownership or permit status, if the engine or device is operated on site at any time during three different calendar

months of the data year. The data of 93404(b)(1) does not need to be provided for portable engines or devices. The use of best available data and methods, including the use of engineering estimates, may be used to quantify emissions from portable engines, and the emissions data from multiple engines may be aggregated by engine tier. Alternatively, the activity data necessary to estimate the emissions from such portable diesel-powered engines shall be reported to the district, and the district may quantify the emissions on behalf of the facility.

LADWP recommends deleting this entire paragraph from the proposed CTR amendments, and instead collect emission data for portable engines or devices under CARB's Portable Equipment Registration Program (PERP) regulation. This approach is strongly preferred for the following reasons:

- 1) The PERP regulation applies to the owner/operator of the portable engine or equipment unit. The owner/operator of the portable engine or equipment unit is much better suited to report usage data than the owner/operator of the location where the portable engine is operated.
- 2) Collecting emission data for portable engines or devices under the PERP regulation will provide a more complete picture of portable engine or equipment emissions statewide, rather than the piecemeal approach of requiring facilities subject to the CTR to report usage that occurs on their facility.
- 3) Requiring facilities subject to the CTR to collect and report data for portable engines or devices operated at their facility during any three months of the year would be challenging, especially for un-manned facilities such as water pump stations that will become subject to the CTR under the new fourth applicability criteria.

Second, AB 617 explicitly gives CARB authority to collect or gather emissions data from stationary sources, but not mobile or portable sources, under the uniform statewide system of emission reporting. This limitation is expressly stated in the new addition to the Health and Safety Code adopted by Section 1 AB 617, as provided below:

*(b) (1) The state board, in consultation with districts, shall establish a uniform statewide system of annual reporting of emissions of criteria pollutants and toxic air contaminants for **a stationary source [emphasis added]**.*

*(2) The state board shall require **a stationary source [emphasis added]** to report to the state board its annual emissions of criteria pollutants and toxic air contaminants using the uniform statewide system of annual reporting developed pursuant to paragraph (1).*

Finally, it should be noted that previous versions of the PERP regulation required annual reporting of portable engine usage, including annual hours of operation and a list of the counties in which the engine operated during the year. In 2010, the annual reporting requirement was removed for registered engines, except for registered engines with a daily and/or annual operational limitation such as low-use engines. See Enclosures 1 and 2 for a copy of the PERP regulation annual reporting requirements and the 2010 changes. The annual reporting

requirement under the PERP regulation was an effective mechanism for gathering emissions data from portable engines statewide, and could easily be reinstated by CARB.

§ 93421 Abbreviated reporting for emergency engines and gasoline dispensing facilities

CARB is proposing to add a fourth applicability criteria (all permitted equipment) to the CTR, which will significantly expand the number of facilities required to report emissions and/or activity data under the CTR. LADWP appreciates the ability to use abbreviated reporting for facilities that become subject to the CTR under the fourth applicability criteria. LADWP has the following comments regarding the abbreviated reporting requirements:

- 1) Please clarify that facility operators who choose to comply with the CTR reporting requirements need to submit additional activity data only "as applicable". Without this clarification, it would read "...must submit the general data report contents...and the additional activity data identified in 93421(a)(1)-(6) for each qualifying activity...". Since not all of the qualifying activities apply, it seems appropriate to add "as applicable".

§ 93421(a) Qualifying Activities for Abbreviated Reporting and Report Contents

Those facility operators choosing to comply with the CTR reporting requirements using the abbreviated reporting mechanism, must submit the general data report contents specified in 93404(a), and **as applicable**, the additional activity data as identified in subsections 93421(a)(1)-(6) for each qualifying activity, as reported under section 93404(b)(1)(B)(5) and (6).

- 2) Please clarify that abbreviated reporting applies to all emergency water pumps (e.g. fire suppression, water distribution, wastewater, flood control, etc). If CARB or the air districts intend to compute emissions other than PM for the emergency engines, then fuel type, measured fuel usage or fuel consumption rate (if available), and manufacturer or source test emission factors (if available) should also be reported.

§ 93421(a)(3) Emergency standby generators and direct-drive emergency standby **fire water** pump engines.

(A) Total annual hours of operation.

(B) Horsepower of the device.

(C) PM emission rate, in grams per brake horsepower-hour

(D) Fuel type

(E) Total annual fuel consumption or fuel consumption rate (if available)

(F) Manufacturer or source test emission factors (if available)

Facilities should have the ability to report source-specific information if available (for accuracy purposes) or the option to choose default factors. The source specific parameters could be entered as part of defining the emission source in the first year of reporting, and then carry over in the reporting tool so that the facility only needs to enter annual hours of operation for each subsequent annual report.

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- 3) Several LADWP facilities have permitted non-retail gasoline storage and dispensing stations used to fuel LADWP owned vehicles. These stations will be subject to the CTR under the fourth applicability criteria. The ability to use abbreviated reporting should apply equally to all gasoline storage and dispensing stations, not just the retail stations. Therefore, we recommend the following change:

§ 93421(a)(4) ~~Retail sale of gasoline~~ **Gasoline storage and dispensing facilities.**

(A) Total annual gasoline dispensed, in gallons

Thank you for your consideration of these comments. If you have any questions, please contact Ms. Cindy Parsons at (213) 367-0636 or Mr. James Talavera at (213) 367-2987.

Sincerely,



Katherine Rubin

Manager of Air and Wastewater Quality and Compliance

CP/JT:dms

Enclosures

c: Mr. John Swanson (CARB)
Mr. Patrick Gaffney (CARB)
Mr. Mark Sedlacek
Ms. Cindy Parsons
Mr. James Talavera

- (10) Effective January 1, 2010, all registered spark-ignition engines rated at 50 brake horsepower or greater shall be certified spark-ignition engines or shall meet Table 1 requirements. For those spark ignition engines that are not certified spark-ignition engines or do not meet Table 1 requirements, the registration shall expire on December 31, 2009 and the engine will not be allowed to operate under the authority of this regulation.
- (e) All registered engines shall be equipped with a functioning non-resettable hour meter, fuel meter or other operation tracking device approved by the Executive Officer. Engines registered prior to the effective date of this regulation, that are not equipped with a functional non-resettable hour meter, fuel meter or other operation tracking device shall install one and notify ARB in writing within 6 months of the effective date of this regulation.
- (f) Registered TSE is exempt from district New Source Review and Title V programs, including any offset requirements. Further, emissions from registered TSE shall not be included in Title V or New Source Review applicability determinations.

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.

Table 1 Spark-ignition Engine Requirements*

<i>Pollutant Emission Limits</i>		
NO_x**	VOC**	CO**
80 ppm _{dv} NO _x (1.5 g/bhp-hr)	240 ppm _{dv} VOC (1.5 g/bhp-hr)	176 ppm _{dv} CO (2.0 g/bhp-hr)

* These requirements are in addition to requirements of section 2455 and 2456.
 ** For the purpose of compliance with this article, ppm_{dv} is parts per million @ 15 percent oxygen averaged over 15 consecutive minutes. Limits of ppm_{dv} are the approximate equivalent to the stated grams per brake horsepower hour limit based on assuming the engine is 24.2 percent efficient.

§ 2458. Recordkeeping and Reporting.

- (a) Except for registered engines owned by a rental business, used in a third-party rental, operated by a PEPS, or TSE, the owner of registered engines, including engines otherwise preempted under section 209 (e) of the federal Clean Air Act, or registered equipment units shall maintain records of operation of each registered engine and equipment unit. Recordkeeping for engines not previously required to maintain records shall begin upon the effective date of the regulation or January 1, 2007, which ever is later. For engines not previously required to

have an hour meter, fuel meter or other device approved by the Executive Officer, the owner or operator shall record hours of operation until the hour meter, fuel meter or other device approved by the Executive Officer has been installed. The records shall be maintained at a central place of business for five years, and made accessible to the Executive Officer or districts upon request. Records shall be maintained in a format approved by the Executive Officer and include, at a minimum, all of the following:

- (1) engine or equipment unit registration number;
 - (2) recordings from an hour meter, fuel meter, or other device approved by the Executive Officer, and the corresponding dates of the recordings for each registered engine or equipment unit based on the following:
 - (A) for each project as defined in 2452 (gg) or (hh), readings shall be recorded prior to the commencement of operation and at the completion of the project; or
 - (B) for ongoing operation of a registered engine or equipment unit at multiple locations within a stationary source, readings shall be recorded at the beginning and end of each calendar week; or
 - (C) for each location, readings shall be recorded prior to commencement of operation and upon completion of operation at that location.
 - (3) For registered engines and equipment units subject to a daily operational limitation, daily records of either hours of operation, fuel usage, or process throughput as applicable.
 - (4) For equipment units subject to the requirements of section 2457(b)(3), daily throughput shall be the sum of measurements of material introduced into the equipment unit. These measurements shall be taken at the initial loading point(s) of the equipment unit.
 - (5) recordings from an hour meter, fuel meter, or other device approved by the Executive Officer and the corresponding dates of the recordings any time an engine or equipment unit is undergoing service, repair, or maintenance; and
 - (6) for each start and stop reading specified in (2) and (3) above, the location identified by district, county, or other indicator (i.e., street address, UTM coordinates, etc.)
- (b) A rental business or the owner of a registered engine or equipment unit involved in a third party rental, shall maintain records for each rental or lease transaction. The written rental or lease agreement shall be kept onsite with the registered engine or equipment unit at all times. Recordkeeping for registered engines not previously required to maintain records shall begin upon the effective date of the regulation or January 1, 2007, which ever is later. For registered engines not previously required to have an hour meter, fuel meter or other device approved by the Executive Officer, the owner or operator shall record hours of operation

until the hour meter, fuel meter or other device approved by the Executive Officer has been installed. The owner shall provide each person who rents a registered engine or equipment unit with a written copy of applicable requirements of this article, including recordkeeping and notification requirements, as a part of the agreement. The records, including written acknowledgment by each renter of the registered engine or equipment unit of having received the above information, shall be maintained by the rental business or the owner of the registered engine or equipment unit involved in a third-party rental at a central location for five years, and made accessible to the Executive Officer or districts upon request. Records shall be maintained in a format approved by the Executive Officer and include, at a minimum, for each rental engine all of the following:

- (1) registered engine registration number;
 - (2) dates for the start and end of the rental transaction;
 - (3) hours of operation for each rental period including the hour meter reading at the start of the rental transaction and the hour meter reading at the end of the rental transaction; and
 - (4) location of use (by district, county or other indicator (i.e., street address, UTM coordinates, etc.)).
- (c) For TSE, each military installation shall provide the Executive Officer an annual report, in a format approved by the Executive Officer, within 60 days after the end of each calendar year. The report shall include the number, type, and rating of registered TSE at each installation as of December 31 of that calendar year, and be accompanied by the applicable fees pursuant to section 2461. Any variation of registered TSE to actual TSE shall be accounted for in this annual report, and the Executive Officer shall issue an updated TSE list accordingly. A renewal registration will be issued with the updated TSE list every three years according to expiration date.
- (d) For each registered engine subject to the requirements of Title 17 California Code of Regulations section 93116, the owner shall keep records and submit reports in accordance with Title 17 California Code of Regulations section 93116.4.
- (e) Except for registered engines or equipment units owned by a rental business, used in a third-party rental, operated by a PEPS or TSE, the owner of a registered engine or equipment unit shall provide the Executive Officer an annual report signed by the responsible official, in a format approved by the Executive Officer, by March 1 of each calendar year containing all of the following information:
- (1) the reporting year;
 - (2) the registration number of each registered engine and/or equipment unit;

- (3) for registered engines, quarterly summaries for each district or county the total fuel usage in gallons per quarter, or total hours of operation per quarter, for each registered engine; and
 - (4) for registered equipment units, quarterly summaries for each district or county in which the registered equipment unit was operated and the total process weight or throughput.
- (f) The owner of a registered engine or equipment unit owned by a rental business or used in a third-party rental transaction shall provide the Executive Officer an annual report signed by the responsible official, in a format approved by the Executive Officer, by March 1 of each calendar year containing all of the following information:
- (1) the reporting year;
 - (2) the registration number of each registered engine and/or equipment unit;
 - (3) total hours of operation for the reporting year for each registered engine based on, and including, beginning and ending annual hour meter readings and dates upon which the total hours of annual operation calculation is based;
 - (4) list of all counties in which the registered engine operated in during the reporting year as reported by the entity(ies) that operated the registered engine;
 - (5) estimate of the percentage of total hours for each engine operated in each of the counties identified in (4) above; and
 - (6) for registered equipment units, quarterly and annual summaries for each district or county in which the registered equipment unit was operated and the total process weight or throughput.
- (g) the owner or operator of a registered engine or equipment unit used by a PEPS shall provide the Executive Officer an annual report, in a format approved by the Executive Officer, by March 1st of each calendar year containing all of the following information:
- (1) the reporting year;
 - (2) the registration number of each registered engine and/or equipment unit;
 - (3) total hours of operation; and
 - (4) estimate of the percentage of hours or fuel usage for the three counties in which the registered engine or equipment unit operated the most.
- (h) Records requests made by a district or Executive Officer shall be made to the responsible official. The responsible official shall provide the requested records within 30 days from receipt of the request. Failure to provide the records by the specified date shall be deemed a violation of this article.

- (i) Each district shall provide the Executive Officer with an annual report, in a format approved by the Executive Officer, by March 31 following the year in which the information was collected containing all of the following information:
 - (1) the number of portable engines and equipment units inspected;
 - (2) the number of portable engines and/or equipment units found operating without valid district permits or statewide registrations;
 - (3) the number of registered engines and equipment units inspected; and
 - (4) summary of results of inspections.

- (j) Vendors selling new portable engines and/or equipment units in California shall:
 - (1) notify the buyer about this regulation; and
 - (2) on a monthly basis submit to the Executive Officer the number of portable engines and/or portable equipment units sold by the vendor for use in California including: the name, address, and contact information of the purchaser, and description of the engine and/or equipment unit including make, model, and engine family name.

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.

§ 2459. Notification.

- (a) Except as listed in subsection (d) of this section, if a registered equipment unit will be at a location for more than five days, the owner or operator of that registered equipment unit, shall notify the district in writing in a format approved by the Executive Officer, within two working days of commencing operations in that district. If the registered equipment unit is to be moved to different locations within the same district, the owner or operator shall be subject to the notification requirements above, unless the owner or operator and the district, by mutual agreement, arrange alternative notification requirements on a case-by-case basis. The notification shall include all of the following:
 - (1) the registration number of the registered equipment unit;
 - (2) the name and phone number of the responsible official or renter with information concerning the locations where the registered equipment unit will be operated within the district; and
 - (3) estimated time the registered equipment unit will be located in the district.

- (b) If the district has not been notified as required in section 2459(a) above, because the owner or operator did not reasonably expect the duration of operation to trigger the notification requirement in section 2459(a) above, the owner or operator shall notify the district, in a format approved by the Executive Officer,

§ 2457. Requirements for Registered Equipment Units.

* * * * *

- (b) Registered equipment units shall also meet the following applicable requirements:

* * * * *

- (4) Unconfined abrasive blasting operations:
- (A) no air contaminant shall be discharged into the atmosphere for a period or periods aggregating more than three minutes in any one hour which is as dark as or darker than Ringelmann 2 or equivalent 40 percent opacity;
 - (B) only California Air Resources Board-certified abrasive blasting material shall be used [Note: see ~~¶title 17, California Code of Regulations~~ Cal. Code Regs., section 92530 for certified abrasives.];
 - (C) the abrasive material shall not be reused;
 - (D) no air contaminant shall be released into the atmosphere which causes a public nuisance;
 - (E) all applicable requirements of ~~¶title 17, of California Code of Regulations~~ Cal. Code Regs. shall also apply; and
 - (F) there shall be no visible emissions beyond the property line on which the equipment is being operated.

* * * * *

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.

§ 2458. Recordkeeping and Reporting.

- (a) The recordkeeping requirements for registered engines and equipment units are as follows:
~~Except for registered engines owned by a rental business, used in a third-party rental, operated by a PEPS, used on a crane, used on a street sweeper, or TSE, the owner of registered engines, including engines otherwise preempted under section 209 (e) of the federal Clean Air Act, or registered equipment units shall maintain records of operation of each registered engine and equipment unit. Recordkeeping for engines not previously required to maintain records shall begin upon the effective date of the regulation or January 1, 2007, which ever is later. For engines not previously required to have an hour meter, fuel meter or other device approved by the Executive Officer, the owner or operator shall record hours of operation until the hour meter, fuel meter or other device~~

approved by the Executive Officer has been installed. The records shall be maintained at a central place of business for five years, and made accessible to the Executive Officer or districts upon request. Records shall be maintained in a format approved by the Executive Officer and include, at a minimum, all of the following:

(1) The requirements in subsection (a)(2) are not applicable to the following:

- (A) Engines and equipment units owned by a rental business;
- (B) Engines and equipment units used in a third-party rental;
- (C) Certified compression-ignition engines and certified spark-ignition engines owned by a PEPS;
- (D) Engines used on a crane;
- (E) Engines used on a street sweeper;
- (F) Engines used on a water well drilling rig; and
- (G) Tactical Support Equipment.

(2) The operator of registered engines or equipment units, including engines otherwise preempted under section 209 (e) of the federal Clean Air Act, shall maintain records of operation of each registered engine and equipment unit. The records shall be maintained at a central place of business for five years, and made accessible to the Executive Officer or districts upon request. Records shall include, at a minimum, all of the following:

- (4A) eEngine or equipment unit registration number;
- ~~(2) recordings from an hour meter, fuel meter, or other device approved by the Executive Officer, and the corresponding dates of the recordings for each registered engine or equipment unit based on the following:~~
 - ~~(A) for each project as defined in 2452 (gg) or (hh), readings shall be recorded prior to the commencement of operation and at the completion of the project; or~~
 - ~~(B) for ongoing operation of a registered engine or equipment unit at multiple locations within a stationary source, readings shall be recorded at the beginning and end of each calendar week; or~~
 - ~~(C) for each location, readings shall be recorded prior to commencement of operation and upon completion of operation at that location.~~
- (3B) For registered engines and equipment units subject to a daily and/or annual operational limitation, daily and/or annual records as appropriate of either hours of operation, fuel usage, or process throughput as applicable.
- (4C) For equipment units subject to the requirements of section 2457(b)(3), daily throughput shall be the sum of measurements of material introduced into the equipment unit by weight. These measurements shall be taken at the initial loading point(s) of the equipment unit.

- ~~(5) recordings from an hour meter, fuel meter, or other device approved by the Executive Officer and the corresponding dates of the recordings any time an engine or equipment unit is undergoing service, repair, or maintenance; and~~
- ~~(6) for each start and stop reading specified in (2) and (3) above, the location identified by district, county, or other indicator (i.e., street address, UTM coordinates, etc.)~~
- (D) For equipment units, the specific location where the registered equipment unit is located (i.e. street address and city; or county and UTM coordinates; or other location indicator) shall be recorded each time the equipment unit is brought to a new location including relocation for the purposes of storage. The date the equipment unit was placed at the new location shall also be recorded.
- (E) For engines, the specific location where the registered engine is located (i.e. street address and city; or county and UTM coordinates; or other location indicator) shall be recorded no less than once a month.

~~(b) The recordkeeping requirements for registered engines and equipment units owned by a rental business or involved in a third-party rental are as follows: A rental business or the owner of a registered engine or equipment unit involved in a third party rental, shall maintain records for each rental or lease transaction. The written rental or lease agreement shall be kept onsite with the registered engine or equipment unit at all times. Recordkeeping for registered engines not previously required to maintain records shall begin upon the effective date of the regulations or January 1, 2007, which ever is later. For registered engines not previously required to have an hour meter, fuel meter or other device approved by the Executive Officer, the owner or operator shall record hours of operation until the hour meter, fuel meter or other device approved by the Executive Officer has been installed. The owner shall provide each person who rents a registered engine or equipment unit with a written copy of applicable requirements of this article, including recordkeeping and notification requirements, as a part of the agreement. The records, including written acknowledgment by each renter of the registered engine or equipment unit of having received the above information, shall be maintained by the rental business or the owner of the registered engine or equipment unit involved in a third-party rental at a central location for five years, and made accessible to the Executive Officer or districts upon request. Records shall be maintained in a format approved by the Executive Officer and include, at a minimum, for each rental engine all of the following:~~

- (1) A rental business or the owner of a registered engine or equipment unit involved in a third party rental shall:
 - (A) provide each person who rents a registered engine or equipment unit with a written copy of the registration for each engine or equipment unit as a part of the rental agreement; and
 - (B) maintain written evidence of receipt of the registration(s) by the person who rents the registered engine or equipment unit.

- (2) A rental business or the owner of a registered engine or equipment unit involved in a third party rental shall provide a written log to be kept with the registered engine or equipment unit for the purpose of documenting compliance with the requirements specified in section 2458(b)(5). This log shall be maintained on a calendar year basis. Previous annual logs shall be kept at a central place of business for five years, and made accessible to the Executive Officer or districts upon request.
- (3) The written rental or lease agreement or other equivalent document as approved by the Executive Officer shall be kept onsite by the renter with the registered engine or equipment unit;
- (4) A rental business or the owner of a registered engine or equipment unit involved in a third party rental shall maintain records for each rental or lease transaction. The records shall be maintained at a central place of business for five years, and made accessible to the Executive Officer or districts upon request. Records shall include, at a minimum, all of the following:
- (4A) registered engine or equipment unit registration number; and
 - (2B) dates for the start and end of the rental transaction;. For transactions that exceed 9 months, the owner of the rental engine or equipment unit shall comply with section 2459(h).
 - (3) hours of operation for each rental period including the hour meter reading at the start of the rental transaction and the hour meter reading at the end of the rental transaction; and
 - (4) location of use (by district, county or other indicator (i.e., street address, UTM coordinates, etc.)).
- (5) The renter of a registered engine or equipment unit shall maintain records in the written log specified in section 2458(b)(2) for each rental or lease transaction that include the following:
- (A) For equipment units subject to a daily and/or annual operational limitation, daily and/or annual records as appropriate of process throughput. If the equipment unit is subject to the requirements of section 2457(b)(3), daily throughput shall be the sum of measurements of material introduced into the equipment unit by weight. These measurements shall be taken at the initial loading point;
 - (B) For equipment units, the specific location (i.e. street address and city; or county and UTM coordinates; or other location indicator) where the registered equipment unit is located while out on rent and the date shall be recorded each time the equipment unit is brought to a different location; and
 - (C) For engines, the specific location (i.e. street address and city; or county and UTM coordinates; or other location indicator) and date where the registered engine is located while out on rent shall be recorded no less than once a month;

* * * * *

- (d) For each registered engine subject to the requirements of ~~¶~~title 17, California Code of Regulations Cal. Code Regs., section 93116, the owner shall keep records and submit reports in accordance with ~~¶~~title 17, California Code of Regulations Cal. Code Regs., section 93116.4.
- (e) ~~Except for registered engines or equipment units owned by a rental business, used in a third-party rental, operated by a PEPS, used on a crane, used on a street sweeper, or TSE, t~~The owner of a registered engine or equipment unit shall provide the Executive Officer an annual report signed by the responsible official, in a format approved by the Executive Officer, by March 1 of each calendar year containing all of the following information:
- (1) the reporting year;
 - (2) the registration number of each registered engine and/or equipment unit; and
 - (3) ~~for registered engines, quarterly summaries for each district or county the total fuel usage in gallons per quarter, or total hours of operation per quarter, for each registered engine; and~~
 - (43) for registered equipment units, quarterly annual summaries of the total process weight or throughput for each district or county in which the registered equipment unit was operated and the total process weight or throughput.
- (f) ~~The owner of a registered engine or equipment unit owned by a rental business or used in a third-party rental transaction shall provide the Executive Officer an annual report signed by the responsible official, in a format approved by the Executive Officer, by March 1 of each calendar year containing all of the following information:~~
- (1) ~~the reporting year;~~
 - (2) ~~the registration number of each registered engine and/or equipment unit;~~
 - (3) ~~total hours of operation for the reporting year for each registered engine based on, and including, beginning and ending annual hour meter readings and dates upon which the total hours of annual operation calculation is based;~~
 - (4) ~~list of all counties in which the registered engine operated in during the reporting year as reported by the entity(ies) that operated the registered engine;~~
 - (5) ~~estimate of the percentage of total hours for each engine operated in each of the counties identified in (4) above; and~~
 - (6) ~~for registered equipment units, quarterly and annual summaries for each district or county in which the registered equipment unit was operated and the total process weight or throughput.~~

- (g) ~~the owner or operator of a registered engine or equipment unit used by a PEPS shall provide the Executive Officer an annual report, in a format approved by the Executive Officer, by March 1st of each calendar year containing all of the following information:~~
- ~~(1) the reporting year;~~
 - ~~(2) the registration number of each registered engine and/or equipment unit;~~
 - ~~(3) total hours of operation; and~~
 - ~~(4) estimate of the percentage of hours or fuel usage for the three counties in which the registered engine or equipment unit operated the most.~~
- (hf) Records requests made by a district or Executive Officer shall be made to the responsible official. The responsible official shall provide the requested records within 30 days from receipt of the request. Failure to provide the records by the specified date shall be deemed a violation of this article.
- (ig) Each district shall provide the Executive Officer with an annual report, ~~in a format approved by the Executive Officer,~~ by March 31 following the year in which the information was collected containing all of the following information:
- (1) the number of portable engines and equipment units inspected;
 - (2) the number of portable engines and/or equipment units found operating without valid district permits or statewide registrations;
 - (3) the number of registered engines and equipment units inspected; and
 - (4) summary of results of inspections.
- (jh) Registered diesel engines used on a crane shall comply with the applicable requirements in title 13, Cal. Code Regs., section 2449 and are otherwise exempt from the requirements of this section.
- (ki) Registered diesel engines used on a street sweeper that are not subject to the requirements of title 13, Cal. Code Regs., section 2022 shall comply with the applicable requirements in title 13, Cal. Code Regs., section 2025 and are otherwise exempt from the requirements of this section.
- (lj) Registered diesel engines used on a water well drilling rig shall comply with the applicable requirements in title 13, Cal. Code Regs., section 2449 and are otherwise exempt from the requirements of this section.

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.