



Advisory

**To: Owners/Operators of
Portable Engines Rated
at 50 HP and Greater**

Number 347

December 2015
July 2017

PORTABLE DIESEL ENGINE AIRBORNE TOXIC CONTROL MEASURE

ARB is Planning Amendments to the 2017 and 2020 Fleet Average Emission Standards

This advisory is to inform owners/operators of engines subject to the Airborne Toxic Control Measure for Diesel Particulate Matter (ATCM) from Portable Engines Rated at 50 Horsepower and Greater that the Air Resources Board (ARB) plans to revise the 2017 and 2020 fleet average emission standards for diesel particulate matter (DPM). The Statewide Portable Equipment Registration Program Regulation (PERP regulation) will also be revised to complement any changes made to the ATCM. ARB will exercise its discretion and not enforce, and is advising the local air districts not to enforce, the 2017 ATCM fleet average emissions standards until the amendments to those standards are effective.

This advisory also informs local air districts that, at their discretion, they may permit the portable engines used on groundwater projects that are certified, but do not meet the current standard. On April 7, 2017, Governor Edmund G. Brown Jr. issued Executive Order B-40-17, terminating the January 14, 2014, Drought State of Emergency for all counties except Fresno, Kings, Tulare, and Tuolumne. In response, ARB will no longer allow portable engines used in water well drilling operations to operate under the emergency event provisions unless operated in a county listed above. Therefore, the remaining portable engines used in water well drilling operations must either seek permits from the local air districts where they are required in order to continue to legally operate or leave the State.

All other PERP regulation and ATCM provisions remain in effect, including current engine eligibility requirements for PERP, and provisions requiring all uncertified (Tier 0) engines to have been removed from service as of January 1, 2017. Please contact the ARB if you have questions regarding the upcoming amendments, and your local air district if you have questions regarding the use of PERP registered engines or equipment units within their jurisdiction.

Background

In 2004, ARB adopted the ATCM to protect public health by controlling emissions from nearly all diesel-fueled portable engines rated at 50 horsepower and greater operating in California. The current ATCM requires subject fleets of engines to meet a series of fleet average emission standards for DPM. The ATCM fleet standards became effective in January 2013, became more stringent in January 2017 and will become most stringent in January 2020. This regulation is part of the State's Diesel Risk Reduction Plan to reduce DPM.

In 1997, ARB adopted PERP, to offer portable equipment owners a permit/registration option recognized in all 35 local air districts. A permit or registration may otherwise be required from each local air district in which the engine/equipment unit was to operate. Under PERP, only the most current tier engines, and engines manufactured under the flexibility provisions (flex engines), are eligible for initial engine registration. This requirement does not apply to auxiliary engines on water well drilling rigs, dedicated snow removal equipment, cranes, and privately owned sweepers.

Regulatory Advisory

ARB has determined that widespread compliance with the 2017 and 2020 fleet average standards for DPM may not be feasible. New engines are not sufficiently available in all configurations that can be used to repower equipment for several reasons, including the physical characteristics of the new engines and associated control equipment that are available, limited or no availability of engines from manufacturers, and limited or no availability of retrofit control technology. As a result, ARB has started the process of evaluating alternative approaches to reduce DPM from portable diesel-fueled engines. Starting in early 2016, ARB has facilitated eight public workshops and six workgroups to discuss proposed amendments. At these workshops, ARB invited and considered all comments, suggestions, and recommendations which encourage development of revised standards that will better promote and protect public health while considering economic impacts to regulated fleets. ARB anticipates proposed amendments to be presented to the Board in late 2017.

Engine eligibility for initial registration in the PERP will remain unchanged during the amendment process. Only the most current tier engines and engines manufactured under the flexibility provision (flex engines) are accepted for initial registration. However, local air districts may issue permits for certified portable engines used in water well drilling operations by suspending the requirements of Title 17 California Code of Regulations (CCR) Section 93116.3(b)(2)(E) for this specific type of equipment until the proposed amendments go into effect. The auxiliary engines on two-engine water well drilling rigs are not subject to the Portable Engine ATCM, and continue to be eligible for registration in PERP. To help ensure compliance with the regulatory requirements, please consult PERP staff or your local air district prior to purchasing any new or used engine.

PERP renewal applications will continue to be accepted while the amendments are being developed. However, consistent with the current regulation, Tier 0 engines subject to the ATCM, including emergency and low use engines, must have been removed from service as of January 1, 2017.

Enforcement Advisory

Given the pending rule making, ARB has advised local air districts in California to suspend future enforcement activities regarding the 2017 fleet standards and related reporting requirements as promulgated by CCR Sections 93116.3(c)(1) and 93116.4(e)(2), until the regulatory amendments have become effective.

More Information

To receive updates on the amendment process and for dates and locations for public workshops, please join our listserve at the link below. ARB will be using this mechanism to communicate dates on upcoming rule making activities related to the amendments.

http://www.arb.ca.gov/listserv/listserv_ind.php?listname=portable.

For additional information about regulations affecting portable engines, or for a copy of the PERP Regulation or the Portable Diesel Engine ATCM, please visit

<http://www.arb.ca.gov/portable/portable.htm>

If you have any questions please email portable@arb.ca.gov.

Dr. Todd Sax, Chief
Enforcement Division
California Air Resources
Board PO Box 2815
Sacramento, CA 95812