

Portable Equipment Frequently Asked Questions

Note: This document contains interpretations of the regulations applicable to portable engines by ARB staff working in the Statewide Portable Equipment Registration Program (PERP), and is subject to change at any time. The interpretations provided in this document are, by necessity, general in nature and may not be applicable in all situations.

Applicability

1. What is the Portable Equipment Registration Program (PERP)?

The Portable Equipment Registration Program (PERP) is a voluntary statewide program to register portable equipment such as air compressors, generators, concrete pumps, tub grinders, wood chippers, water pumps, drill rigs, pile drivers, rock drills, abrasive blasters, aggregate screening and crushing plants, concrete batch plants, and welders. With certain limited exceptions, portable equipment registered in PERP may operate throughout the state without obtaining permits from any of California's 35 air quality management or air pollution control districts (air districts).

2. What types of equipment needs be registered in PERP?

Nothing is required to be registered in PERP. Registration in PERP is completely voluntary. The permit requirement at the local air district is mandatory, however. The type of portable equipment that needs a permit is determined by the local air districts only. An owner/operator of portable equipment that needs a permit may then choose to register in PERP in lieu of having to get a permit from the air districts.

3. What does portable mean?

The definition of "portable" is listed in Section 2452(cc) of the PERP Regulation. Basically, it states that a piece of equipment is considered portable if it does not reside at the same location longer than 12 consecutive months.

4. What does location mean?

The definition of "location" is listed in Section 2452(q). It states that location means any single site at a building, structure, facility, or installation. There is no definition of "site" in the PERP Regulation or Portable Engine ATCM.

5. Does the residency time start when the equipment is moved onsite or when it first starts operating?

The definition of portable in section 2452(cc) of the PERP Regulation states that a piece of equipment may not reside at a location more than 12 consecutive months. Residency starts when the equipment is first brought onto the location. Operation of the equipment is irrelevant.

6. What about equipment in storage?

The amount of time that equipment is kept at a storage facility does not count towards the 12 month residence time requirement. However, if the equipment is kept “in storage” at or near a jobsite, that may count towards the residence time.

If the equipment was located at a facility for emergency or occasional use at different locations within the facility, it would have to be placed in a separate storage location within the facility and not set up in an operational configuration for the time to not count towards the 12 month time period. If it was set up at a location ready to operate, but just not turned on, then that would count towards the 12 month time period.

7. How long does it have to be moved away to a different location before it can be considered portable again?

Section 2452(cc)(3) of the definition of portable prohibits the movement of equipment from one location to another in an attempt to restart the 12 month clock. It must be moved to a different location for a legitimate business purpose in order to get another 12 months at the new location. It is recommended that you consult your local air district in these cases.

8. What about equipment that returns to the same location occasionally?

If portable equipment moves to different locations while performing legitimate functions at each location, returning to a previous location occasionally or regularly may be allowable depending on the situation. It is recommended that you consult your local air district in these cases.

9. I have a wood chipper and was told it needs a permit. Do I register the engine and the chipper together?

The local air districts make the determination of what needs a permit and what doesn't. Some districts may only require a permit for the engine. Some districts may require the chipper side of the machine to be permitted as well. If you need both permitted, they may register in PERP, but the engine and the chipper will be issued separate registrations. This may be confusing to have two registrations for one machine. The reason for this is that the emissions from each side are considered separate, and therefore each side needs its own registration because the requirements are different. This means separate registration forms and fees are required for any equipment such as chippers that have both an engine and an equipment unit that produces dust.

10. Can self-propelled equipment that is on tracks, such as rock crushers or tub grinders, register in PERP?

The engine that powers such equipment is not eligible for PERP and is generally not subject to a local district permit. The engine that provides motive power to the equipment would be subject to the in-use off-road diesel vehicle regulation. More information about the off-road requirements can be found here:

<http://www.arb.ca.gov/msprog/ordiesel/ordiesel.htm>

The part of the machine that produces dust emissions (e.g. crushers, grinders) is considered portable and is eligible for PERP.

11. If portable equipment never leaves the city or county (eg. owned by local governments), can that still be registered in PERP?

As long as the equipment meets the definition of portable and complies with other applicable PERP requirements, it may be registered in PERP even if it always stays within the boundaries of a single air district.

12. Once registered in PERP, will I still need to get a district permit or comply with any district emission requirements?

If operating onshore, the districts may not impose any additional requirements from their own rules on equipment registered in PERP, as long as all registration requirements are being met. (See also question #13 below)

Under certain circumstances, the PERP registration will not be valid at a specific location. The local air district may require a permit for the specific location where the PERP registration is not valid. The PERP registration will still be valid for other locations. Therefore, it is possible to have both a district permit and a PERP registration for the same piece of equipment. You may not operate the equipment under both a district permit and a PERP registration at the same location, however. In the State Territorial Waters (STW), the project may not commence operations until the local air district has given written authorization. The district may request additional information regarding the project in order to perform an Air Quality Impact Analysis. The district also has the authority to impose emissions offsets for projects operating in the STW.

13. Can a portable generator register in PERP if it powers a building or stationary equipment?

Registered engines may not operate as stationary sources of air pollution. Therefore, this type of operation is only allowed under very specific circumstances which are listed in Section 2451(c)(9) of the PERP Regulation. Facilities that have interruptible rate agreements with the utilities may not use PERP registered generators under those circumstances. At the same, a recent change in applicable law has made an exception with respect to portable engines operated at agricultural sources. With respect to this particular type of stationary source, portable engines may be required to obtain stationary source permits. Consultation with the local air district is advised.

14. Are portable engines used at agricultural sources eligible for PERP?

As stated in question #13 above, a recent change in state law has changed the way engines operated at agricultural sources are regulated. Per ARB policy, engines owned by an agricultural source, that would otherwise be considered portable, shall now be regulated as stationary, and therefore not eligible for PERP. Engines owned by a rental company or contractors providing a service to an agricultural source shall still be subject to the Portable ATCM, but some districts may require even these engines to be permitted by the district as part of the agricultural source.

15. What about an engine that powers a portable asphalt batch plant?

Any engine that meets eligibility requirements may be registered in PERP even though it powers equipment that is not eligible for PERP. Asphalt batch plants are not eligible for PERP per section 2457(e) of the PERP Regulation. This creates the situation where half the machine (engine) is registered in PERP while the other half (batch plant) is permitted by a district.

Eligibility

16. How can I tell if my portable engine is eligible for PERP?

Engines are eligible under the following circumstances:

Diesel engines

1. Engine is certified to the current emission tier (nonroad, on-highway, or marine)
2. When there is a tier change, immediate previous tier accepted for 6 months.
3. Engine is a “flexibility” engine per 40 CFR part 89.102 or 1039.625
4. If certified, but not current tier nor “flex”, then must be resident (see question 19)
5. Engines on vessels subject to the Commercial Harborcraft Regulation must be meet the current marine or nonroad certification standards. (see question 87)

Spark-ignition engines

1. Engine is certified to the current tier spark-ignition emission standards
2. Engine meets emission standards in Table 1.
3. If not certified nor meets Table 1, then must be resident (see question #19)

Engines that have the same or equivalent emissions as the current tier are not eligible. They must be certified to that tier level to meet eligibility requirements.

17. What is the current emission tier?

This is emission standard that current model year engines are required by law to meet when built at the factory. The current tier level at any given time will be listed on the latest version of Form 2. Be sure to get the latest version from our website.

18. How can I tell what tier my engine is?

The tier depends on the model year and horsepower rating of the engine. There is a user-friendly chart on our website under the link “[Off-Road Compression-Ignition \(Diesel\) Engine Tiers](#)”. There is also a website where you can look up specific engine family names to see what tier level they were certified to. You will need the engine manufacturer, model year, and family name. For portable diesel engines, choose “Offroad Compression-Ignition Engines (Diesel)” as the category.

Here is the website: <http://www.arb.ca.gov/msprog/offroad/cert.php>

19. What does it mean to be a resident engine?

There are 2 types of resident engines:

1. A certified engine that lost its permit exemption due to a formal change in air district rules and regulations. (both diesel and spark-ignition engines)
2. A certified engine that has at the time of application for PERP a valid (non-expired) air district permit or registration that was initially issued prior to February 19, 2011. (both diesel and spark-ignition engines)

20. What is a flexibility engine?

These are certified engines that are built by the manufacturer to meet the previous emission tier standard after a new tier has taken effect. All engine manufacturers are allowed by the Federal EPA to build a certain amount of these engines every year. These engines will have specific language on the emission label to identify them as participating in this flexibility program, sometimes called the Transition Program for Equipment Manufacturers (TPEM). A photograph of the engine label is often required with the PERP application for these engines.

21. What are the deadlines to register my equipment?

There are no specific “deadlines” to register equipment, but any engine must meet eligibility requirements at the time the application is submitted. These eligibility requirements do get more strict over time. Please refer back to question #16 for more information on eligibility. Any applications that were submitted on or before December 31, 2009 and returned or “mail-screened” due to lack of complete information will not be accepted after August 31, 2011.

22. What happens if my portable engine is not eligible for PERP?

If your engine does not meet the PERP eligibility requirements, you must contact your local air district to inquire about permitting requirements. Although some local air districts may be able to issue permits for engines that do not meet the current nonroad or on-highway emission tier, other districts may choose not to issue a permit for these engines.

Applications and Fees

23. How do I apply for Registration?

Application forms with instructions can be downloaded at:

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

Please submit the completed applications with the applicable fees to the address listed on Form 1.

24. What does the PERP registration cost?

The fees for portable equipment registration are listed in Table 2 of the PERP Regulation. We have created user-friendly Form 1A to assist applicants in determining what fees are required with any given application request. If you need further assistance regarding fees, please contact one of the PERP staff directly.

25. Can I submit my application via the email?

Applications are not accepted via email.

26. Can I fax in my application?

No. We no longer accept applications or renewal invoices via fax due to security issues with credit card numbers transmitted by this method. We still accept supplemental information via fax for applications already in process.

27. What is the street address for sending in an application?

Please be advised that applications sent via FedEx, UPS, or other alternate delivery service usually arrives to our program up to 3 days later than those sent to the P.O. Box address listed on Form 1. Our street address is:

ARB/PERP
1001 I Street
Sacramento, CA 95814

28. How can I check on the status of my application?

You may contact PERP staff directly by phone to check on the status of any application or renewal. Please be advised that ARB staff can not promise that the registration will be issued by any given date. Also, responding to status questions takes time away from processing of applications.

29. Can my portable equipment be operated while the PERP application is being processed?

The portable equipment is deemed registered beginning at the time the registration documents are issued and not before. Until that time, you should check with the local air districts if you want to operate. Some air districts will let portable equipment operate while the PERP application is being processed, while other districts will not. See question #51 for change of ownership applications.

30. What forms do I use for engine replacement?

It depends on why the engine was replaced. If the original engine broke down unexpectedly and you replaced it with an identical engine (same manufacturer, model and bhp rating), then you can submit an identical replacement application using Form 7. You must submit valid documentation of the mechanical breakdown in order to qualify for an identical replacement. If you replaced it for any other reason, then you must submit an initial registration application. You may not substitute an engine on a registration using a serial number correction request.

31. How do I contact the local air districts?

For a listing of contact information for all the local air districts, you may visit this website: <http://www.arb.ca.gov/capcoa/roster.htm>

Registration Documents

32. What do I receive as proof my portable equipment is registered?

Registration materials are sent via mail only to the mailing address indicated on Form 1. The materials include 4 components: Registration certificate, operating conditions, identification sticker, and a metal placard with an additional sticker.

33. How long does it take to receive the registration materials?

It depends on the complexity of the application submitted, but generally registration is issued within 30-60 days of receipt of an application. Section 2453(e) of the PERP Regulation allows for a maximum processing time of 90 days, however. If you would like to receive registration more quickly, please follow the options listed on this website: <http://www.arb.ca.gov/portable/perp/advisory.htm>

34. What are the requirements for displaying registration materials?

The requirements for displaying registration materials are listed in the operating conditions. Separate instructions are included with the registration materials for placement of the metal placard.

35. Why did I get two separate stickers for each registration?

Since the beginning of the program, an identification sticker was sent with the registration and was required to be placed directly on the registered engine or equipment unit. When placards started being required in 2007, it was decided that an additional sticker should be sent in case the registration holder wanted to put it on the placard. Technically, only one identification device is required to be placed on the registered engine or equipment unit. Putting one sticker on the placard satisfies this requirement.

36. How do I get a replacement sticker, placard, and/or registration documents?

These may be requested using Form 8. There is a nominal fee for replacement.

37. Do I still have to pay for replacement registration materials even if I never received them in the first place?

Yes. ARB is not responsible for misdelivered mail.

38. Some of my equipment has been issued placards, and others have not. Can I get placards for all my registered equipment?

Placards have been issued with new registrations since April 2007. Existing registrations will have placards issued only upon renewal. Placards for existing registrations may not be requested before the renewal is due. If staff from a local air district expect your equipment to have a placard when one has not yet been issued, please have them contact PERP staff for clarification.

39. If my operating conditions still have the old requirements because they were issued before the recent revisions to the PERP Regulation, which requirements apply?

ARB is in the process of updating these operating conditions upon renewal, but they will not be all completed until March of 2014. In the meantime, the requirements in the current PERP Regulation apply. You should contact PERP staff directly before taking any action contrary to the registration conditions.

Renewals

40. My registration(s) expire later this year, what form do I fill out to renew?

There is no form for renewal. You will receive a renewal invoice approximately 90 days before the expiration date. This renewal invoice must be completed and returned with your payment. If you haven't received a renewal invoice in the 90 days prior to the expiration date of your registrations, then contact PERP staff directly to resolve this problem.

41. Why is the due date 2 months before the registration expires?

The time frame for renewal payment is specified in the PERP Regulation. This allows sufficient time for ARB staff to process the payment and issue renewal registration materials before the expiration date.

42. I don't know what this equipment is that is listed on my renewal invoice, how can I get more information?

The registration certificate contains a complete description of the registered engine or equipment unit which should help you identify the equipment listed on the invoice. This registration certificate is required to be kept onsite with the registered engine or equipment at all times. If you are still unable to identify what equipment is listed on the invoice, you may contact PERP staff directly to see if they can gather more information from the application forms that you originally submitted to the program.

43. How do we cancel the registration for the equipment listed on the invoice?

For engines or equipment units that are listed on a renewal invoice you have two options:

1. Just do nothing and the registration will expire naturally; or
2. You may return the invoice with a hand-written note explaining that you do not wish to renew the registration. If you want to renew some and not others, please clearly indicate which you want to renew and only submit payment for those units. There is no need to send in any additional forms with the renewal invoice for cancellation of the ones you do not wish to renew.

44. How long is PERP registration good for?

The registration expires 3 years from the month it was originally issued, with the following exception: If the registration has expired, it will be reissued with a new 3 year expiration date from the date it was re-issued.

45. My renewal invoice was sent to someone that no longer works here or sent to the wrong address. How do we fix that?

It is the responsibility of the company or agency that has equipment registered in PERP to keep all information accurate and current with the ARB. If at any time company or contact information needs to be updated, this is required to be done by submitting Form 8. There is no fee to update company/agency information, unless new registration documents are requested.

46. How do I renew my expired registration?

The penalties for late payment, even after the expiration date are listed on your renewal invoice. To reactivate the registration, there are two options: 1) submit the renewal invoice with your renewal payment including late fees, or 2) submit Form 5 with the applicable fees. The fee amount is the same for either option. Please be advised that expired registrations for uncertified engines (Tier 0) may not be reactivated.

47. If I register an engine that meets the current tier now, will I be able to renew it in three years when the current tier has changed?

The initial registration eligibility requirements do not apply to renewals. Please refer to question #95 for information regarding the longevity of certified engines.

Change of Ownership

48. I just sold some of my portable equipment, what do I need to do?

There are no requirements for the seller of registered portable engines or equipment units. If this registration appears on your next renewal bill, you can simply not pay for that unit, and it will expire at no consequence. However, we do recommend you notify us and keep our database up to date with only the engines you actually own. To do so, send a cancellation notice to ARB using Form 8.

49. What if I didn't sell the equipment, but I still want to cancel the registration?

To cancel a registration, you may submit a Form 8. There is no fee for cancellation. If you have already received a renewal invoice for this equipment, please refer back to question #43.

50. Since I just sold a piece of registered equipment, can I get a refund of the registration fees?

No. Fees submitted for registration are non-refundable per section 2461(b) of the PERP Regulation.

51. I just purchased a piece of portable equipment, what do I need to do?

If the portable equipment was registered in PERP, even if the registration has expired, the new owner must submit a change of ownership application within 30 days of purchase date, per section 2453(m) of the PERP Regulation. The forms for change of ownership are Form 1 and Form 7. You are allowed to operate the equipment while your change of ownership application is being processed.

52. What if I neglected to submit a change of ownership application within 30 days of the purchase date?

If a change of ownership application is not submitted within 30 days after the purchase date, then the new owner is in violation of the PERP Regulation section 2453(m) and may be subject to enforcement action by the local air district.

Recordkeeping and Reporting

53. What are the recordkeeping requirements for PERP?

Except for pile drivers, engines on cranes, engines on privately owned street sweepers, engines on water well drilling rigs, military tactical support equipment (TSE), and certified engines owned by providers of essential public services (PEPS), written records of operation must be kept for all engines and equipment units registered in PERP. The specifics are listed in the operating conditions of each registration.

54. Can I use another method for recordkeeping besides the forms on your website?

The use of PERP recordkeeping forms is not mandatory. ARB staff created these forms for those who did not want to come up with something on their own, but they are only optional. As long as the records contain all the required information as specified in the PERP Regulation and the operating conditions of the Registration, you may use whatever written method of record keeping you want. It is advisable to contact the local air districts in which you will be operating, since they will be checking your records and pursuing any enforcement action if they are deficient.

55. What is PEPS and how do I know if my company is a PEPS?

Provider of Essential Public Services (PEPS) is defined in Section 2452(ii) of the PERP Regulation. It includes utilities (water, power, sanitation, etc.), public agencies, local governments, telecommunications companies, and airlines. Contractors, oilfield companies, and construction companies, and rental companies are not considered to be PEPS.

56. What are the annual reporting requirements for PERP?

These requirements were revised with amendments adopted on January 28, 2010. Annual reports are no longer required for registered engines. Annual reports for equipment units have been simplified. These reports now comprise of summaries of the equipment unit's operation for the calendar year. The specific requirements for the annual reports are listed in the operating conditions of each registration.

57. What forms do I use for annual reporting?

ARB staff have made user friendly reporting forms for registrants to use, but they are not required. Registrants may submit written reports via regular mail or email in whatever format they wish, as long as they contain all the required information.

58. When are the annual reports due?

They are due to ARB by March 1st, of each year for the operation during the previous calendar year.

59. Where do I send the annual reports?

Annual reports should be mailed to the regular PERP address where all applications and renewals are sent: ARB/PERP PO Box 2038 Sacramento, CA 95812 Alternately, the reports may be emailed to portable@arb.ca.gov.

60. Do I have to send in annual reports for registrations that expired?

Yes. You must submit the report for the portion of the year that the registration was active. Similarly, you must submit an annual report for a new registration for the portion of the year starting when the registration was issued.

Notification

61. What are the notification requirements for PERP?

The 5-day notification requirement is not required for registered engines. However, if any equipment unit will reside at a location for more than 5 days, the operator must notify the local air district in writing within 2 working days of commencing operations. The 5-day trigger starts when the equipment unit is brought onto the location, not when it starts to operate. Notification is not to be made to the Air Resources Board. ARB has set up a convenient electronic notification system on our website which can be found here: <http://www.arb.ca.gov/portable/portable.htm> In addition, rental companies are required to send notification to the local district for rental transactions that exceed 9 months.

62. Are pile drivers/diesel hammers required to notify the district?

The 5-day notification requirement as described above is only applicable to equipment units. Pile drivers/diesel hammers are not equipment units.

63. Is the 5 day notification trigger calendar days or working days?

It is calendar days, and includes days of non-operation.

64. Is notification required to be made prior to or after start of operations?

The requirement states that notification must be made is within 2 days of commencing operations, which means that notification must be made no later than 2 days after the start of operations. Please contact your local air district if you have further questions regarding the timing of notification.

65. If a portable equipment unit only operates one day per week for 4 weeks (less than 5 total days), is notification triggered?

This situation implies that the equipment unit is brought back and forth to the location for one day each time. Notification is only triggered if the equipment unit is at one location for more than 5 consecutive days.

Inspections and Enforcement

66. How does the arranged inspection work?

Once new registration documents have been received either upon initial application or renewal, the registrant must contact the designated home district within 45 days to arrange an appointment for the inspection. The arranged inspection must occur within 1 year of the registration issuance.

67. What is a home district?

A home district is defined as the local air district in which the registered engine or equipment unit will operate most of the time. It is unit specific, so it may vary from piece to piece. The home district for each unit is listed on the registration.

68. Can the home district be changed after registration is issued?

The home district may only be changed upon renewal per section 2453(i)(2) of the PERP Regulation. There is a place on the renewal invoice to indicate a change. If you made a mistake when you initially chose your home district, please refer to question #69 below.

69. What if my registered equipment is not operating in my designated home district at the time inspection is due?

The registrant is still required to contact the designated home district to arrange an inspection. The home district will most likely then arrange for an inspection to be performed by that other district.

70. What happens to the inspection if equipment is out of state?

Per section 2460(b)(8) of the PERP Regulation, if the registered engine or equipment unit is out of state when the inspection is due, the registrant must inform the home district of this fact in writing within 45 days after registration issuance. Once it has returned to California, it must be inspected within 30 days.

71. What happens if an inspection appointment is missed?

Per section 2460(b)(6) of the PERP Regulation, the inspection must be rescheduled to occur no later than 90 days after the original appointment.

72. Can the districts conduct inspections outside of the arranged time frame?

Per section 2460(c) of the PERP Regulation, the districts may perform additional non-arranged inspections on registered equipment at any time, but they may not charge fees to the registrant for these additional inspections.

73. Is military Tactical Support Equipment (TSE) to be inspected per the arranged inspection program?

No. The district may conduct inspections of TSE at any time. Per Section 2461(j) of the PERP Regulation, the district may charge a \$75 inspection fee per TSE unit inspected on an annual basis, but the total bill shall not exceed the actual cost of performing the inspections.

74. What is the multiple-engine inspection discount and how does it work?

If it is possible for a registrant to bring together 4 or more engines to be inspected together at the same time, then a discounted inspection fee may be paid with an initial application or upon renewal. The discount is not based simply on how many engines a company has registered. It is required by section 2460(b)(7) of the PERP Regulation that a letter of intent to have a multiple engine inspection shall be sent to the home district within 45 days of initial registration or by January 30 of each year for renewals.

75. May engines that have not yet been renewed be included in the group inspection in order to qualify for the inspection discount?

If a registrant chooses to pay the discounted inspection fee, PERP staff will in most cases accept this payment at the time it is submitted. It is the responsibility of the registrant and the local air district to determine if the requirements for the multiple engine inspection fee discount have been met at the appropriate time.

That being said, the PERP Regulation is very specific about the time frame for arranged inspections. They must occur within one year after initial registration or renewal registration documents are issued per section 2460(b)(1) of the PERP Regulation. This means that registered engines that have not been renewed may not have an arranged inspection. Therefore, according to the PERP Regulation, engines that have not yet been renewed should not be added to the group inspection in order to qualify for the inspection fee discount. Ultimately, whether or not any specific engine has been inspected according to the appropriate time frame is to be worked out between the local air district and the registrant.

However, engines that are renewed less than one year apart may be included in the multiple-engine discount. For example, let's say a company has 2 engines that renew in March of this year and then 3 more than renew in August of the same year. If they can have all 5 engines grouped together for an inspection after they are all renewed (e.g. October of that year), then that would work. As stated above, the intent to participate in a multiple engine inspection must be sent in writing to the home district in advance of the inspection.

76. I paid full inspection fees, but then later realized I could bring multiple engines together for a group inspection, can I get a refund since I now qualify for the discount?

No. This multiple-engine discount has to be chosen in advance. Therefore, registrants should give careful consideration to selecting this option as being able to comply with this provision will take significant planning on their part. Because these inspection fees are paid upon initial registration or renewal and subsequently passed on to the local air districts, we are not able to issue a refund in situations where industry later elects to alter its inspection planning and/or schedule.

77. Can I align the expiration dates for my registered engines in order to qualify for the discount?

No. Once registration is issued, the expiration date may not be changed.

78. How does a district make inspection reports available to ARB and to each other?

Since the program's inception, there has been a website which was created for just this purpose. This website is meant for district use only. District staff may contact ARB staff directly to get the specific website address and password.

79. Is there a way to enter an inspection report into the PERP inspection database for an engine operating in violation that is not registered?

No, the inspection database is only for equipment that is already registered.

80. Can the ARB help me with a Notice of Violation I received from the local air district?

The local air districts have the primary responsibility with the determination of whether or not a registered engine or equipment unit is in compliance with any applicable requirement as specified in the PERP Regulation. Because the districts have the primary enforcement role for the program, ARB staff who implement the program on a daily basis will typically not get involved with specific enforcement actions, but will always be available to provide information relating to the interpretation and intent of provisions in the PERP Regulation. However, the Enforcement Division and the Office of Legal Affairs may assist the districts with specific enforcement actions, if requested to do so by district management.

Airborne Toxic Control Measure (ATCM)

81. What is the Portable Engine ATCM?

It is an airborne toxic control measure designed to reduce the particulate matter emissions from portable diesel fueled engines rated at 50 bhp or larger. Particulate matter emission from diesel-fueled engines was identified as a toxic air contaminant in 1998, and this ATCM is one of several control measures developed since then to reduce the toxic health risk associated from exposure to these emissions.

82. Who is affected by the Portable Engine ATCM?

Any portable diesel engine is subject to this ATCM with the exceptions noted in question #83 below. It does not matter if the engine is registered in PERP, permitted with a local air district, or unpermitted.

83. Are there any general exemptions from the ATCM?

The following types of portable engines are not subject to the ATCM at all:

- Engines rated at less than 50 bhp
- Engines used on a two-engine crane
- Engines used on a privately owned two-engine street sweeper
- Engines used on a two-engine water well drilling rig
- Engines used on a dedicated two-engine snow removal vehicle
- Engines used to propel a vehicle or mobile equipment of any kind
- Engines owned by an agricultural source
- Engines using a fuel other than diesel
- Engines owned by the military and used in tactical support equipment

84. What are the requirements for my two-engine crane?

Formerly, the upper (auxiliary) engine of the two-engine crane fell under the Portable Engine ATCM. However, in December 2008, the Air Resources Board approved a regulation change requiring both engines of two-engine cranes to comply with requirements of the In-Use Off-Road Regulation. For more information on applicable requirements of the Off-Road Regulation, please visit the following website: <http://www.arb.ca.gov/msprog/ordiesel/ordiesel.htm> It is important to note that even though it is subject to the Off-Road Regulation, the upper engine on a crane still technically meets the definition of portable. Therefore, the local air districts may still require a permit for this engine. An owner/operator of a portable engine that needs a permit may then choose to register in PERP in lieu of having to get a permit from the air districts. In this situation, the upper crane engine will have both a PERP registration and an EIN from the DOORS program.

85. What are the requirements for my two-engine Water Well Drilling Rig?

These vehicles are treated the same as two-engine cranes under the Portable Engine ATCM and PERP. However, there may be differences in the requirements of the Off-Road Regulation, so you should check with that program for more information.

86. What are the requirements for my two-engine street sweeper?

First, it depends on if the street sweeper is privately owned or publicly owned. If publicly owned, then the drive engine is subject to the Public Fleet Rule and the auxiliary engine is subject to the Portable Engine ATCM. If the sweeper is privately owned, then both engines are subject to the Truck and Bus Rule. For more information on applicable requirements of the Truck and Bus Rule, please visit the following website: <http://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm> It is important to note that even though it is subject to the Truck and Bus Rule, the auxiliary engine on a street sweeper (the one that powers the brushes) still technically meets the definition of portable. Therefore, the local air districts may still require a permit for this engine. An owner/operator of a portable engine that needs a permit may then choose to register in PERP in lieu of having to get a permit from the air districts. In this situation, the rear sweeper engine will have registration in both PERP and TRUCRS.

87. What are the requirements for an engine on a vessel?

Formerly, any auxiliary engine (non-propulsion) on a vessel fell under the Portable Engine ATCM. However, the Air Resources Board approved a regulation change requiring engines on vessels to comply with the Commercial Harbor Craft Regulation. For more information on applicable requirements of the Harbor Craft Regulation, please visit the following website: <http://www.arb.ca.gov/ports/marinevess/harborcraft.htm>

It's important to note that even though it is subject to the Commercial Harbor Craft Regulation, the auxiliary engine on a vessel still technically meets the definition of portable. Therefore, the local air districts may still require a permit for this engine. An owner/operator of a portable engine that needs a permit may then choose to register in PERP in lieu of having to get a permit from the air districts. To register in PERP, an auxiliary engine on a vessel would have to be either certified to the most current standard for marine or off-road engines except if the engine is not required to meet compliance in the Commercial Harbor Craft Regulation. If an engine on a vessel does not meet these eligibility requirements for PERP, the owner may seek permits with the local air district.

88. What are the requirements for my snow blower?

The engines (both propulsion and auxiliary) on dedicated snow removal vehicles are exempt from all ARB emission regulations. This exemption does not apply to detachable snow blowers, however. Detachable snow blower engines are still subject to the Portable Engine ATCM. It should also be noted that the auxiliary engine on snow removal vehicles may still be subject to local air district permitting.

89. Can I derate my engine to less than 50 bhp so it is not subject to the ATCM?

The ATCM is applicable to portable diesel engines with a maximum rated horsepower of 50 or greater. This is defined in the ATCM as the brake horsepower rating specified by the engine manufacturer and listed on the nameplate of the engine. Any derating for the purposes of ATCM applicability must be performed by the manufacturer and a new engine nameplate showing the lower horsepower rating would have to be issued by said manufacturer.

90. What happened to uncertified (Tier 0) diesel engines in 2010?

The Portable Engine ATCM originally contained a requirement that all portable uncertified diesel engines may not be operated in California as of January 1, 2010, except for those that have been designated as low use or emergency use. On January 28, 2010, the Air Resources Board adopted amendments that granted a one-year extension of this deadline to December 31, 2010 for some Tier 0 engines. This extension has now passed and only Tier 0 diesel engines that are emergency use or low use may continue to operate in California.

91. What is an emergency use or low use engine?

An emergency use engine is defined in the ATCM section 93116.2(a)(15) These engines can only be operated during an emergency event such as a natural disaster (flood, fire, earthquake, etc.) that affects public health and safety, and other emergencies such as a localized power outage, sewer backup, etc. as listed in section 93116.2(a)(12) of the ATCM. A low use engine is one that may not operate more than 80 hours per calendar year.

92. What happens to Tier 0 emergency use or low use engines in the future?

This requirement was also revised with the January 28, 2010 amendments. For Tier 0 diesel engines that already had permits or registrations, the owner has until December 31, 2011 to designate them as either emergency use or low use. These engines then must be either replaced by an engine that meets the current tier no later than January 1, 2017 or be placed out of service by that date.

93. How do I designate an engine to be either emergency use or low use?

When initially registering an engine, there is a place on Form 2 to designate a certified engine as such. For existing registrations, a modification may be submitted using Form 7 to designate an engine as emergency use or low use. Registrations for uncertified engines may only be modified if they were active on 12/31/09.

94. Can I do anything to my Tier 0 engine to clean it up or make it certified so that it can continue operate after 2011?

No. Section 93116.3(b)(1)(A) requires that portable diesel engines be certified to an emission standard. Adding emission controls such as a catalyst or a particulate filter will not make an engine certified.

95. How long can I use my certified engine until it has to be placed out of service?

It depends on the other engines in your fleet. In the future, portable engines are subject to the fleet standards in the Portable Engine ATCM. In 2013, 2017, and 2020, the particulate matter emissions from the diesel engines are averaged together to see if they meet the standard. If your fleet average emissions are above the standard, then you must clean up your fleet by replacing older engines or adding on controls such as diesel particulate filters (DPF).

96. What is a fleet average emission standard?

These are emission factors for PM in grams per horsepower-hour that a fleet of engines will have to meet on January 1st of 2013, 2017 and 2020. Basically, the PM emissions from each engine in a fleet will be averaged together to see if they are in compliance with the standard. There are 3 fleet standards for each effective date depending on engine size range. This is presented in a table in Section 93116.3(c) of the ATCM. To see what your fleet emissions are, you can use the calculation spreadsheet program on our website: <http://www.arb.ca.gov/portable/portable.htm> Just click on "Fleet Emissions Calculations" on the left side of the page.

97. What is a fleet?

A fleet is defined in Section 93116.2(a)(17) of the ATCM. It is essentially a portable engine or group of portable engines that are owned and managed by an individual operational entity such as a business, business unit within a corporation, or municipality. The fleet must be under control of a single responsible official. The fleets are also differentiated by engine size, so any given company or municipality can have up to 3 different fleets depending on the size of the engines.

98. What is a responsible official?

This term is used in both the PERP Regulation and the ATCM. It refers to the person with the authority to certify that the engines comply with the applicable requirements of the regulations. The responsible official must be an employee of the business or public agency. Any application submitted to PERP must be signed by the responsible official. Applications are not accepted if signed by consultants or legal representatives.

99. Does every portable diesel engine have to comply with the fleet standard?

No. The following types of engines are not to be included in the fleet when determining compliance with the fleet standards:

- Engines designated exclusively as emergency use
- Engines designated as low use (limited to 80 hours per year total)
- Engines operated only within the outer continental shelf
- Engines operated exclusively outside of California
- Engines equipped with SCR as of January 1, 2004
- Engines with SCR installed after January 1, 2004 with approval from ARB

100. Can emergency use engines be operated for testing and maintenance?

Operation for maintenance and testing is allowed for engines designated as emergency use only.

101. How do I know if I am in compliance with the fleet standard?

The ATCM contains a formula where you can average together the PM emission factor for each engine to determine the average fleet emission factor. This is listed in Section 93116.3(d) of the ATCM. If the average PM emission factor for your fleet is at or below the fleet standard, then your fleet is in compliance.

102. Are there any recordkeeping or reporting requirements in this ATCM?

Yes, and they are additional to the recordkeeping for PERP. They are listed in Section 93116.4 of the ATCM, and the specific requirements are listed in the operating conditions of each registration for certified diesel engines. Please note that the fleet status report as required by section 93116.4(e)(1) of the ATCM was required to be submitted to the ARB by March 1, 2011. If you miss this date, please submit the status report as soon as possible.

103. Is there a specific form or format for the status report and/or compliance statements?

No, there is no specific form or preferred format. As long as your status report contains all the required information then that is sufficient. The Fleet Average Calculator on our website includes status report and fleet summary functions which may be useful, however.

104. Who should I mail the status report and/or compliance statement to and what is the address?

They should be mailed to the same address where all applications and renewals are sent (see question #59).

105. What emission factor do I use for my engines in the fleet?

Most engines will use the emission factor listed on the Executive Order issued by either the EPA or ARB when the engine is certified to meet the nonroad emission standards. These Executive Orders can be accessed at this website:

<http://www.arb.ca.gov/msprog/offroad/cert/cert.php> For Tier 1 engines that don't have an emission factor listed on the Executive Order, there are emission factors in section 93116.3(d)(B)2. of the ATCM. Engines equipped with a verified control technology or Selective Catalytic Reduction (SCR) system can use the results of valid emission measurements. If you use the calculation spreadsheet program (see question #96), the emission factors will be automatically displayed based on engine type and used in the fleet average calculation.

106. What if my engines don't meet the fleet standards?

If your fleet average emissions are above the standard, then you must clean up your fleet by replacing older engines or adding on controls such as diesel particulate filters (DPF). In addition, ARB will work with the air districts to develop and implement procedures for handling non-compliance with the standards.

107. Is there any financial assistance for engine replacement or retrofit in order to comply with the ATCM requirements?

Please visit the following links for information on financial assistance:

<http://www.arb.ca.gov/msprog/moyer/moyer.htm>

<http://www.arb.ca.gov/ba/fininfo.htm>

<http://www.nrcs.usda.gov/PROGRAMS/EQIP/>