

**RULE 440 Portable Equipment Registration**

*(Adopted November 17, 2005, Amended January 25, 2007; Amended September 22, 2011, Amended March 28, 2019)*

**RULE 440 CONTENTS**

- 1 PURPOSE**
- 2 APPLICABILITY**
- 3 SUBSTANTIVE REQUIREMENTS OF DISTRICT RULE**
- 4 DEFINITIONS**
- 5 REGISTRATION PROCESS**
- 6 SOURCE CATEGORY REQUIREMENTS**
- 7 GENERAL REPORTING AND RECORDKEEPING REQUIREMENTS**
- 8 TESTING REQUIREMENTS**
- 9 PROHIBITIONS**
- 10 IMPLEMENTATION**
- 11 CERTIFICATE OF REGISTRATION CONDITIONS**
- 12 EMISSION CALCULATIONS**
- 13 REGISTRATION DATE**
- 14 REVOCATION OF CERTIFICATES OF REGISTRATION**

**RULE 440**

- 1 PURPOSE:** The purpose of this Rule is to establish standards and procedures for the issuance of Certificate(s) of Registration by the Air Pollution Control Officer (APCO) of the Butte County Air Quality Management District (DISTRICT) for registration of certain portable emissions units for operation within the District and to recognize registrations issued by other districts within the State of California with comparable requirements. The DISTRICT may update, through rulemaking, the emission standards for new emissions units as more effective control technology becomes available.
  
- 2 APPLICABILITY:** This Rule applies to all portable emissions units which emit or may emit air contaminants in Butte County, unless such emissions unit is registered with the California Air Resources Board (CARB) Portable Equipment Registration Program (PERP) or another district's comparable program. Nothing in this Rule shall be construed as requiring a Certificate of Registration for an emissions unit which otherwise is exempt from Rule 400 *Permit Requirements* of these Rules and Regulations. For the purposes of this Rule, a portable engine and the equipment unit it powers are considered separate emissions units and require separate applications, unless mechanically attached. Emissions units operating exclusively in agricultural operations or during an emergency event are not subject to the provisions this Rule. Emissions units used in conjunction with the following portable equipment source categories shall be eligible for registration under the provisions of this Rule:
  - 2.1** Diesel-fueled, or Spark Ignition piston-type internal combustion engines rated at 50 brake horsepower or greater, except for marine dredges, used in conjunction with the following types of operations:
    - 2.1.1** Well drilling, service, or workover rigs;
    - 2.1.2** Power Generation (excluding cogeneration);
    - 2.1.3** Pumps;
    - 2.1.4** Compressors;
    - 2.1.5** Pile Drivers;
    - 2.1.6** Welders;
    - 2.1.7** Cranes;
    - 2.1.8** Wood-chippers; and,
    - 2.1.9** Other similar portable emissions units approved by the APCO.
  - 2.2** Concrete batch plants.
  - 2.3** Sand and gravel screening, rock crushing, and unheated pavement crushing and recycling operations.
  - 2.4** Confined abrasive blasting.
  - 2.5** Unconfined abrasive blasting.
  - 2.6** Tub grinders and trommel screens.

- 2.7 Other portable emissions units approved by the APCO.
- 3 **SUBSTANTIVE REQUIREMENTS OF DISTRICT RULE:** Portable emissions units with a valid Certificate of Registration issued by the APCO are deemed to meet the substantive requirements of DISTRICT Rule 400. An Authority to Construct or Permit to Operate shall not be required until such time a Certificate of Registration is suspended, revoked, or otherwise no longer valid.
- 4 **DEFINITIONS:** Unless otherwise defined below, the terms used in this Rule are the same as defined in Rule 101-*Definitions* of these Rules and Regulations:
- 4.1 **CARB:** California Air Resources Board
- 4.2 **CARB Diesel Fuel:** Any diesel fuel that is commonly or commercially known, sold, or represented by the supplier as diesel fuel No. 1-D or No. 2-D, pursuant to the specification for Diesel Fuel Oils D975-81, and that meets the specifications defined in Title 13 California Code of Regulations (CCR), Sections 2281, 2282, and 2284.
- 4.3 **Certificate of Registration:** A certificate issued by the APCO acknowledging expected compliance with the applicable requirements of this Rule at the time the certificate is issued.
- 4.4 **District:** An air pollution control district or air quality management district duly organized under the applicable provisions of California Health and Safety Code (HSC).
- 4.5 **Compression Ignition (CI) Engine:** An internal combustion engine with operating characteristics significantly similar to the theoretical diesel combustion cycle. The regulation of power by controlling fuel supply in lieu of a throttle is indicative of a compression ignition engine.
- 4.6 **Emergency Event:** a situation arising from sudden and reasonably unforeseen natural disaster such as earthquake, flood, fire, or other unforeseen event that requires the use of portable emissions units to help alleviate the threat to public health and safety as determined by the APCO or declared by a County, State or federal official.
- 4.7 **Emissions Unit:** A portable engine or equipment unit as identified in Section 2 of this Rule.
- 4.8 **Existing Emissions Unit:** A certified internal combustion engine or an equipment unit operating within California prior to March 28, 2019.
- 4.9 **Location:** Except for oil well drilling, service, or workover rigs, one or more contiguous or adjacent properties. Contiguous or adjacent properties are properties with two (2) or more parcels of land in actual physical contact or

separated solely by a public roadway or other public right-of-way. For oil well drilling, service, or workover rigs, each well-site shall be considered as a separate location.

- 4.10 Low-Use Engine:** A portable diesel-fueled engine that has an operational limit of 200 hours or less in a calendar year.
- 4.11 New Emissions Unit:** Any emissions unit that does not meet the definition of an existing emissions unit shall be deemed a new emissions unit.
- 4.12 Portable ATCM:** Airborne Toxic Control Measure for Diesel Particulate Matter from Portable Engines Rated at 50 Horsepower and Greater (Title 17, California Code of Regulations, Section 93116, et. Seq.)
- 4.13 Portable Emissions Unit:** Any emissions unit that, by itself or in or on a piece of equipment, is portable, meaning designed to be and capable of being carried or moved from one location to another. Indications of portability include, but are not limited to, wheels, skids, carrying handles, dolly, trailer, platform or mounting. The period during which the emissions unit is maintained at a storage facility shall be excluded from determining the residency requirements below. An emission unit is not portable if:
- 4.13.1** the emissions unit is attached to a foundation or remains or will remain at a fixed location for more than twelve (12) consecutive months. (Any emissions unit, such as a backup or standby unit, that replaces an emissions unit at a location and is intended to perform the same function as the unit being replaced will be included in calculating the consecutive time period. In that case, the cumulative time of both emissions units, including the time between the removal of the original unit and installation of the replacement unit, would be counted towards the consecutive time period.); or,
  - 4.13.2** the emissions unit remains or will remain at a fixed location for less than twelve (12) consecutive months where such a period represents the length of normal annual source operations at the stationary source that resides at a fixed location for more than twelve (12) consecutive months such as a seasonal source; or,
  - 4.13.3** the emissions unit is removed from one location for a period and then returned to the same location in an attempt to circumvent the portable equipment residence time requirement.
- 4.14 Project:** One or more registered portable emissions unit(s) operated at one (1) location under the same or common ownership or control and used to perform a single activity.
- 4.15 Registration:** Issuance of a Certificate by the APCO or his appointed representative acknowledging expected compliance with the applicable requirements of this Rule, and the intent by the owner or operator to operate the emissions unit within the requirements established by this rule. .

## 5 REGISTRATION PROCESS

- 5.1** The owner or operator of an emissions unit that is to be operated within the DISTRICT and is operated in conjunction with one of the source categories listed in Section 2 of this Rule shall apply for registration of said emissions unit with the DISTRICT unless registered with the PERP or another district's comparable program. An application and registration fee as set forth in DISTRICT Rule 512-*Portable Equipment Registration Fees*, is required at the time of application. If the equipment is currently located outside the District, the owner or operator may register the emissions unit with the DISTRICT provided that the unit is intended to be operated within the District during the next twelve (12) months and the DISTRICT is notified when the equipment will first be operated within the District.
- 5.2** The applicant shall provide any and all information deemed necessary by the APCO to verify compliance with the requirements of this Rule and any other applicable Rule or Regulation of the DISTRICT including, but not limited to, engineering data, emissions test data, or manufacturer's specifications, fuel type and usage, production rates, etc.
- 5.3** The APCO or his appointed representative shall issue a Certificate of Registration, deny the application for registration, or deem the application incomplete within thirty (30) days of receipt. If an application is deemed incomplete, the applicant shall be notified in writing and have thirty (30) days from the notification date to provide the requested information or fees.
- 5.4** The DISTRICT may conduct an on-site inspection of the emissions unit(s) to verify compliance with DISTRICT Regulations and State law. The registrant shall pay fees for the inspection pursuant to DISTRICT Rule 501- *Technical Evaluation Fee*.
- 5.5** Upon written request by another district, the DISTRICT shall forward a copy of the application for registration for an emissions unit.
- 5.6** The owner or operator of a Registered emissions unit may operate the unit within the boundaries of the District when complying with all applicable requirements.
- 5.7** The DISTRICT shall renew the registration on a biennial basis upon the payment of all applicable fees and verification that the emissions unit is in compliance with all applicable requirements.
- 5.8** Upon request, the DISTRICT shall provide a written report to another district describing the nature and outcome of any enforcement actions initiated for alleged noncompliance with DISTRICT Rules and Regulations or State law with respect to operation of Registered emissions units within the District.

- 5.9** Upon request, the DISTRICT shall provide a written report describing any DISTRICT Hearing Board action concerning Registered equipment to another district.
- 5.10** Replacement units shall be considered new emissions units and subject to the requirements of Title 17 CCR, Section 93116, et. Seq. at the time the replacement occurs.
- 5.11** For the purpose of this Rule, permitting in Division 26 of Health and Safety Code of the State of California, Part 3, Chapter 8 and Part 4, Chapter 4, Articles 2 and 4, respectively, entitled Hearing Board, Variances, and Orders of Abatement, shall be considered to have the same meaning as registration as provided in this Rule. The APCO and the DISTRICT Hearing Board shall have the same authority concerning registration as it does with permits, and the owner or operator of a registered emissions unit shall be entitled to the same privileges and rights granted to a permittee.
- 5.12** To designate an engine as low-use or emergency, owners or operators shall submit updated application forms and with the application fee as required by Rule 512-*Portable Equipment Registration Fees*, in accordance with the designation dates listed in the Portable ATCM.

## **6 SOURCE CATEGORY REQUIREMENTS**

### **6.1 Diesel-fueled compression ignition engines**

- 6.1.1** The unit shall be fired exclusively on CARB diesel fuel, an alternative diesel fuel that has been verified through the Verification Procedure for In-Use Strategies to Control Emissions from Diesel Engines, or CARB diesel fuel utilizing fuel additives that have been verified through the Verification Procedure for In-Use Strategies to Control Emissions from Diesel Engines.
- 6.1.2** Engines on all new emissions units and low-use emissions units must be equipped with a non-resettable, functioning hours meter, fuel meter, or other tracking device approved by the APCO.
- 6.1.3** Except for visible emissions from pile drivers, no air contaminant shall be discharged into the atmosphere for a period or periods aggregating more than three (3) minutes in any one (1) hour which is as dark as or darker than Ringelmann 1 or equivalent 20% opacity. Pile drivers shall comply with the applicable provisions of HSC Section 41701.5.
- 6.1.4** Portable engines registered under the provisions of this Rule are subject to the requirements and compliance dates of the Portable ATCM, including designation dates for low-use and emergency use engines.
- 6.1.5** Except for an engine that qualifies as an existing emissions unit, new emissions units must meet the most stringent emissions standards in effect for the applicable horsepower range pursuant to 40 Code of Federal Regulations (CFR) Part 89 or Title 13 CCR, except:

**6.1.5.1** Flexibility engines meeting the requirement of the Portable ATCM, Section 93116.3.1,

**6.1.5.2** Tier 3 engines approved to operate in hazardous locations per 29 CFR part 1910.307 or 1926.407

**6.1.6** Auxiliary engines on water-well drilling rigs and other two-engine vehicles must comply with the requirements of Title 13 California Code of Regulations Sections 2449 and 2449.1, as applicable, and are exempt from the standards requirements in this section except Section 6.1.3.

**6.1.7** Registered diesel engines approved for use in hazardous locations per 29 CFR part 1910.307 or 29 CFR part 1926.407 shall only operate until January 1, 2029.

## **6.2 Spark Ignition Internal Combustion Engines**

**6.2.1** The Oxides of Nitrogen (NO<sub>x</sub>) emissions shall not exceed 1.5 grams per brake horsepower-hour (80 parts per million dry volume (ppmdv) at 15% O<sub>2</sub> averaged over a 15-minute period).

**6.2.2** The Volatile Organic Compounds (VOC) emissions shall not exceed 1.5 grams per brake horsepower-hour (240 ppmdv at 15% O<sub>2</sub> averaged over a 15-minute period).

**6.2.3** The carbon monoxide (CO) emissions shall not exceed 2.0 grams per brake horsepower-hour (176 ppmdv at 15% O<sub>2</sub> averaged over a 15-minute period).

**6.2.4** Except for pile drivers, no air contaminant shall be discharged into the atmosphere for a period or periods aggregating more than three (3) minutes in any one (1) hour which is as dark as or darker than Ringelmann 1 or equivalent 20% opacity. Pile drivers shall comply with the applicable provisions of HSC Section 41701.

**6.2.5** All registered engines must be equipped with a non-resettable, functioning hours meter, fuel meter, or other tracking device approved by the APCO.

## **6.3 Concrete Batch Plants:**

**6.3.1** All dry material transfer points shall be ducted through a fabric or cartridge type filter dust collector, unless there are no visible emissions from the transfer point.

**6.3.2** All cement storage silos shall be equipped with fabric or cartridge type vent filters.

**6.3.3** The silo vent filters shall be maintained in proper operating condition.

**6.3.4** No air contaminant shall be discharged into the atmosphere for a period or periods aggregating more than three (3) minutes in any one (1) hour which is as dark as or darker than Ringelmann 1 or equivalent 20% opacity.

**6.3.5** Open areas shall be maintained adequately wet to prevent fugitive emissions in excess of 20 % opacity or Ringelmann 1.

**6.3.6** Silo service hatches shall be dust-tight.

**6.3.7** As a part of application for registration, the applicant shall provide manufacturer's specifications or engineering data to demonstrate a

minimum particulate matter arrestance of 99% for the dust collection equipment.

- 6.3.8** Except for vent filters, each fabric dust collector shall be equipped with an operational pressure differential gauge to measure the pressure drop across the filters.

**6.4 Sand and Gravel Screening, Rock Crushing, and Pavement Crushing and Recycling Operations**

- 6.4.1** No air contaminant shall be discharged into the atmosphere for a period or periods aggregating more than three (3) minutes in any one (1) hour which is as dark as or darker than Ringelmann 1 or equivalent 20% opacity.
- 6.4.2** There shall be no visible emissions beyond the property line on which the equipment is being operated.
- 6.4.3** All transfer points shall be ducted through a fabric or cartridge type filter dust collector or shall be equipped with a wet suppression system maintaining a minimum moisture content of 4% by weight.
- 6.4.4** Particulate matter emissions from each crusher shall be ducted through a fabric dust collector, or a wet suppression system which maintains a minimum moisture content of 4% by weight.
- 6.4.5** All conveyors shall be covered, unless the material being transferred does not result in any visible particulate matter emissions.
- 6.4.6** All stockpiled material shall be maintained at a minimum moisture content of 4% by weight, unless the stockpiled material does not result in any visible particulate matter emissions.
- 6.4.7** Any source which processes in excess of 150 tons per hour shall comply with all the applicable provisions of 40 CFR Part 60, Subpart 000.
- 6.4.8** As a part of application for registration, the applicant shall provide manufacturer's specifications or engineering data to demonstrate a minimum particulate matter arrestance of 99% for the dust collection equipment.
- 6.4.9** Except for vent filters, each fabric dust collector shall be equipped with an operational pressure differential gauge to measure the pressure drop across the filters.

**6.5 Confined Abrasive Blasting Operations**

- 6.5.1** No air contaminant shall be discharged into the atmosphere for a period or periods aggregating more than three (3) minutes in any one (1) hour which is as dark as or darker than Ringelmann 1 or equivalent 20% opacity.
- 6.5.2** The particulate matter emissions shall be controlled using a fabric or cartridge filter dust collector.
- 6.5.3** As a part of application for registration, the applicant shall provide manufacturer's specifications or engineering data to demonstrate a minimum particulate matter arrestance of 99% for the dust collection equipment.



**6.5.4** Except for vent filters, each fabric dust collector shall be equipped with an operational pressure differential gauge to measure the pressure drop across the filters.

**6.6 Unconfined Abrasive Blasting Operations**

**6.6.1** No air contaminant shall be discharged into the atmosphere for a period or periods aggregating more than three (3) minutes in any one (1) hour which is as dark as or darker than Ringelmann 2 or equivalent 40% opacity.

**6.6.2** Only CARB certified abrasive blasting material shall be used.

**6.6.3** The abrasive material shall not be reused.

**6.6.4** No air contaminant shall be released into the atmosphere which causes a public nuisance.

**6.6.5** All applicable requirements of Title 17 CCR shall also apply.

**6.7 Tub Grinders and Trommel Screens**

**6.7.1** There shall be no visible emissions beyond the property line on which the equipment is being operated.

**6.7.2** No air contaminant shall be discharged into the atmosphere for a period or periods aggregating more than three (3) minutes in any one (1) hour which is as dark or darker than Ringelmann 1 or equivalent 20% opacity.

**6.7.3** No air contaminant shall be released into the atmosphere which causes a public nuisance.

**6.7.4** Water suppression or chemical palliatives shall be used to control fugitive particulate emissions from the tub grinder whenever the grinder is in operation, unless there are no visible emissions.

**7 GENERAL REPORTING AND RECORDKEEPING REQUIREMENTS**

**7.1 Notification:** If an emissions unit remains at a location within the District for more than five (5) working days, the operator shall notify the DISTRICT within two (2) calendar days prior to locating the unit. The notification shall include the following information:

**7.1.1** The general nature of the operations.

**7.1.2** The estimated duration of operations at the location within the District.

**7.1.3** The name and phone number of a contact person.

**7.2 Reporting:** If requested in writing by the APCO, the owner of registered emissions units shall provide records on the operation of registered emissions units to include, but not be limited to, dates and locations of operation, type and quantity of materials processed or daily hours of operation in conjunction with an hourly throughput rate, and type and quantity of fuels consumed or daily hours of operation in conjunction with an hourly horsepower or British Thermal Unit (BTU) rating.

**7.3 Requirements for Rental Equipment**

- 7.3.1** The operator of a rental registered portable emissions unit shall be responsible for compliance with the notification and recordkeeping requirements of this Rule. The operator must furnish the necessary recordkeeping as required pursuant to Section 7.2 of this Rule, to the owner of the equipment.
- 7.3.2** The owner of a rental registered portable emissions unit shall provide the operator with a written copy of applicable requirements of this Rule, including the notification and recordkeeping requirements, as a part of the equipment rental agreement. The owner must maintain written acknowledgement by the operator of receiving the above information for a period of at least two (2) years.
- 7.3.3** The owner of a rental registered portable emissions unit must compile the records provided by the equipment operators and shall submit the records to the DISTRICT if requested in writing by the APCO.

**8 TESTING REQUIREMENTS**

- 8.1** Testing to verify compliance with the applicable requirements shall be conducted at the expense of the registered owner or operator upon request of the APCO and shall be conducted in accordance with the methodology prescribed by the APCO.
- 8.2** The DISTRICT may accept prior test results from tests conducted within the last two (2) years, provided the operator proves to the satisfaction of the APCO that the prior testing was conducted in accordance with appropriate methods, and the conditions under which the unit was tested represent the operating conditions of the equipment as proposed.

**9 PROHIBITIONS**

- 9.1** The total NO<sub>x</sub>, or VOC emissions from a project shall not exceed 100 pounds during any consecutive twenty-four (24) hour period, for each pollutant.
- 9.2** The total emissions of particulate matter with an aerodynamic diameter of ten (10) microns or less (PM<sub>10</sub>) from a project shall not exceed 82 pounds during any consecutive twenty-four (24) hour period.
- 9.3** No air contaminant shall be released into the atmosphere which causes a public nuisance.
- 9.4** Except for emergency operations, the emissions unit shall not be operated within 1,000 feet of any K-12 school, unless specifically authorized by the Certificate of Registration or written approval issued by the APCO.
- 9.5** The actual emissions from the unit, when operated as a registered portable

emissions unit, as verified by recordkeeping as prescribed by this Rule, shall not exceed ten (10) tons per year of any affected pollutant.

- 9.6** Portable emissions units are not authorized to perform or augment the primary business function of a stationary source, except for generators used to provide primary or supplemental power during the following:
- 9.6.1** An emergency event.
  - 9.6.2** An unforeseen interruption of electrical power.
  - 9.6.3** A maintenance and repair operation.
  - 9.6.4** An electrical upgrade operation.
  - 9.6.5** Equipment failure, under the following conditions:
    - 9.6.5.1** Portable engine has the same or lower mass per unit time emission rate;
    - 9.6.5.2** Portable engine complies with all applicable requirements on the permit for the existing stationary engine.

## **10 IMPLEMENTATION**

**10.1** The owner or operator of an existing or new emissions unit subject to the provisions of this Rule shall apply for registration prior to commencing operations. Existing Emissions Units registered after the effective date of this Rule may be subject to the enforcement penalty schedule approved by the DISTRICT's Governing Board. The owner or operator shall provide sufficient documentation to prove the residency requirement to the satisfaction of the APCO. Examples of adequate documentation are existing permits issued by an air pollution control or air quality management district, district air pollution inventory records, tax records, and usage or maintenance records.

**10.2** An emissions unit with a valid Certificate of Registration from the DISTRICT shall be eligible to apply for a Permit to Operate with the DISTRICT and shall not be subject to more stringent emissions controls or operating conditions than would otherwise apply to the emissions unit. This provision does not relieve the emissions unit from the requirements of the Portable ATCM.

**11 CERTIFICATE OF REGISTRATION CONDITIONS:** To assure compliance with all applicable Regulations, the APCO may impose written conditions on any Certificate of Registration. Commencing work or operation under such a registration shall be deemed acceptance of all the conditions so specified.

**12 EMISSIONS CALCULATIONS:** The APCO shall retain at all times the sole authority relating to emissions calculations. Calculations shall be based on the most current information available to the DISTRICT at the time of submittal of the initial application or annual renewal.

**13 REGISTRATION DATE:** Certificates of Registration shall be valid for a period of two (2) years from the date issued and shall be renewable upon payment of the fees specified in Rule 512.

- 14 REVOCATION OF CERTIFICATES OF REGISTRATION:** The APCO may request that the DISTRICT Hearing Board hold a hearing to revoke Certificate(s) of Registration if the applicant or operator violates the conditions of such certificate(s) as specified by the APCO.

The APCO may grant the previously revoked Certificate(s) of Registration at such time as the applicant or operator shows that the condition(s) previously violated are currently being attained or can demonstrate to the APCO that the condition(s) can be attained and that the violation which was the basis of the revocation will not recur. Such showing shall not bar the APCO from pursuing any legal remedy with respect to any violation which resulted from the failure to meet any condition of registration as specified by the APCO.