

AMENDED IN ASSEMBLY APRIL 16, 2012

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1910

Introduced by Assembly Members Ma and Hagman

February 22, 2012

An act to amend Sections 41751 and 41753 of the Health and Safety Code, relating to nonvehicular air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 1910, as amended, Ma. Portable internal combustion engines: registration program.

(1) Existing law establishes a voluntary statewide registration program for persons who operate portable equipment that may cause the issuance of air contaminants. Existing law requires an owner or operator of portable equipment who elects to not voluntarily register his or her portable equipment through the statewide registration program to obtain a permit from the applicable air pollution control district or air quality management district. Existing law requires an engine that remains at a fixed location for more than 12 consecutive months to be excluded from the definition of portable equipment for these purposes. Existing law, for purposes of portable internal combustion engines, defines “fixed location” to mean any single site at a building, structure, facility, or installation.

~~This bill would additionally exclude from the definition of portable equipment, for purposes of these programs, a portable internal combustion engine that is relocated to different locations for a legitimate business purpose for no more than 12 consecutive months at each new~~

location, including a return to a prior location, as specified. The bill would prohibit districts from requiring a permit for the construction or operation of portable equipment whether or not that portable equipment replaces or supplements an ongoing primary activity at a facility or installation, provided the replacement or supplemental portable equipment meets the emission limits, as specified. The bill would delete the definition for “fixed location” for purposes of portable internal combustion engines. The bill, for purposes of registration programs for persons who operate portable equipment that may cause the issuance of air contaminants, instead would define “location” “fixed location” to mean any single point; within a building, structure, facility, or installation, within which there are multiple points, to the extent allowed by federal law. The bill would prohibit districts from requiring a permit for the construction or operation of portable equipment whether or not that portable equipment replaces or supplements an ongoing primary activity at a facility or installation, provided the replacement or supplemental portable equipment meets the emission limits, as specified. By imposing new duties on air pollution control districts and air quality management districts, this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 41751 of the Health and Safety Code is
- 2 amended to read:
- 3 41751. (a) (1) As used in this article, “portable equipment”
- 4 includes any portable internal combustion engine and equipment
- 5 that is associated with, and driven by, any portable internal
- 6 combustion engine.
- 7 (2) (A) As used in this article, and except as provided in
- 8 subdivision (b), a “portable internal combustion engine” is any

1 internal combustion engine that, by itself, or contained within or
2 attached to a piece of equipment, is portable or transportable.

3 (B) As used in this paragraph, “portable or transportable” means
4 designed to be, and capable of being, carried or moved from one
5 location to another. Indicia of portability or transportability include,
6 but are not limited to, wheels, skids, carrying handles, or a dolly,
7 trailer, or platform.

8 ~~(3) As used in this article, “location” means any single point,~~
9 ~~within a building, structure, facility, or installation, within which~~
10 ~~there are multiple points.~~

11 (b) Any engine otherwise included in this section is not a
12 portable internal combustion engine if any of the following applies:

13 (1) The engine remains, or will remain, at a fixed location for
14 more than 12 consecutive months. *For purposes of this paragraph,*
15 *and to the extent allowed by federal law, a “fixed location” is any*
16 *single point within a building, structure, facility, or installation.*

17 ~~(2) The engine is relocated to different locations for a legitimate~~
18 ~~business purpose for no more than 12 consecutive months at each~~
19 ~~new location, including a return to a prior location. Those times~~
20 ~~the engine was relocated to a new location for no more than 12~~
21 ~~consecutive months shall be considered cumulative.~~

22 ~~(3)~~
23 (2) The engine is used to propel nonroad equipment or a motor
24 vehicle of any kind, including, but not limited to, a heavy-duty
25 vehicle.

26 (c) Portable equipment includes, but is not limited to, any of
27 the following:

28 (1) Confined and unconfined abrasive blasting equipment.

29 (2) Portland concrete batch plants.

30 (3) Sand and gravel screening, rock crushing, unheated pavement
31 crushing, and recycling operations equipment.

32 (4) Consistent with federal law, portable internal combustion
33 engines used in conjunction with, but not limited to, the following
34 types of operations or equipment:

35 (A) Well drilling, including service equipment and work over
36 rigs.

37 (B) Power generation, excluding cogeneration.

38 (C) Pumps.

39 (D) Compressors.

40 (E) Piledrivers.

1 (F) Welding.

2 (G) Cranes.

3 (H) Woodchippers.

4 (5) Equipment necessary for the operation of portable
5 equipment.

6 SEC. 2. Section 41753 of the Health and Safety Code is
7 amended to read:

8 41753. (a) (1) It is the intent of the Legislature that the
9 registration of, and the regulation of emissions from, portable
10 equipment that is operated in more than one district and that is
11 subject to the registration program be done on a uniform, statewide
12 basis by the state board and that the permitting, registration, and
13 regulation of portable equipment by the districts be preempted.

14 (2) Notwithstanding paragraph (1), if the owner or operator of
15 portable equipment elects not to register under the statewide
16 registration program, the unregistered portable equipment shall be
17 subject to district permitting requirements pursuant to district
18 regulations.

19 (b) On and after the effective date of the statewide registration
20 program established by the state board pursuant to subdivision (a)
21 of Section 41752 and upon the registration of portable equipment
22 by the portable equipment owner or operator, a district shall not,
23 with respect to the affected portable equipment, do any of the
24 following:

25 (1) Require a permit for the construction or operation of the
26 portable equipment whether or not that portable equipment replaces
27 or supplements an ongoing primary activity at a facility or
28 installation, provided the replacement or supplemental portable
29 equipment meets the emission limits established by the state board
30 pursuant to subdivision (a) of Section 41751 and consistent with
31 Section 41754.

32 (2) Assess any fee related to the construction or operation of
33 the portable equipment, other than that specified in paragraph (2)
34 of subdivision (d) of Section 41752.

35 (3) Adopt any emission limit or emission control requirement
36 applicable to the portable equipment.

37 (4) Except as provided in Section 41755, enforce any emission
38 limit or emission control requirement applicable to the portable
39 equipment.

1 (c) The state board, in consultation with affected districts, shall
2 amend the state implementation plan as necessary to include the
3 statewide registration program and conform the state
4 implementation plan to its requirements.

5 SEC. 3. If the Commission on State Mandates determines that
6 this act contains costs mandated by the state, reimbursement to
7 local agencies and school districts for those costs shall be made
8 pursuant to Part 7 (commencing with Section 17500) of Division
9 4 of Title 2 of the Government Code.