

California Air Pollution Control Officers Association (CAPCOA)

Explanation & Examples of Uses of PERP

Overview

The Portable Equipment Registration Program (PERP) is established by the California Air Resources Board (CARB) and provides an important voluntary mechanism to allow owners and operators of portable engines and equipment to operate at various locations throughout the state without obtaining individual operating permits in each local air district in which the unit may be operated. Specifically, §2450 of the “Regulation to Establish a Statewide Portable Equipment Registration Program” (Cal. Code of Regulations title 17, §2450 et. seq. “PERP regulation” <http://www.arb.ca.gov/portable/perp/perpreg.pdf>) states that, “These regulations preempt districts from permitting, registering or regulating portable engines and equipment units, including equipment necessary for the operation of a portable engine (e.g. fuel tank), registered with the Executive Officer of the Air Resources Board **except in circumstances specified in the regulations.**” (*emphasis added*)

While the districts do not dispute the use of PERP units for a vast majority of the 33,000+ current PERP registrations in activities such as general construction, repair/maintenance, drilling and demolition/clean-up, there are some specific circumstances that, depending on the facts associated with the cases, the use of PERP registered units are not appropriate.

For example, in accordance with §2451(c)(2), engines and equipment units that do not meet the definition of portable, are not eligible for PERP. Pursuant to §2452(dd), there are three circumstances for which the engine or equipment is not considered portable, and §2451(c) lists eight other circumstances under which the engines/equipment units are not eligible for registration under PERP. Also, §2453(l) lists five circumstances where a district permit shall be required. In addition, §2453(l)(4) specifies that a district permit shall be required at any specific location where statewide registration is not valid.

Over the years, a common response provided by districts and CARB to specific questions of what is or is not a valid use of PERP, has been to “check with the local district.” The reason for this is because such determinations are very fact dependent and not every district faces the same air quality constraints relative to attainment status and population exposure to air pollution. Therefore, some districts may not have adopted the same stringent local rules and regulations adopted by other districts which face a much tougher challenge to reach attainment, and/or such districts may have resource constraints and as such may allow a more liberal use of PERP. This CAPCOA document is an explanation and listing of previous cases where a determination was made by one or more district(s) and subsequently reviewed and agreed upon by CAPCOA, on whether the use of PERP registered equipment was appropriate or a local district permit was required. It, however, was not intended to be a regulatory document and/or to change the interpretation of PERP regulations or local districts’ rules and regulations; nor was it intended to be an exhaustive or inclusive list of examples of all cases where portable equipment is used. In general, if one wishes to operate PERP registered engines or equipment and wishes to know whether it is or is not a valid use of PERP, it is recommended that he/she contact the local district where the PERP registered engine or equipment is intended to be operated.

In general, the following are the main considerations used by districts in determining whether engines and equipment units registered under PERP may operate under that registration, or must obtain a permit from the local district. Specifically, an important consideration is that equipment may be portable in the way it is manufactured, but due to the way it is operated it might not meet the definition of portable, or the equipment might not be eligible because it is being operated as part of a stationary source or is on site at the stationary source for too long. However, it should also be noted that if a district determines that the use of PERP registered engine or equipment at a particular stationary source requires a local district permit, the PERP registration for the engine or equipment is not void and the operator can still use the PERP registration to operate the unit at another location where it is an appropriate use of PERP registration.

Operation of PERP at a Stationary Source

A fundamental component of PERP being a valid alternative to traditional district permitting is the requirement that the equipment not only be manufactured with indicia of portability (i.e. with wheels or on a skid), but that it actually be operated in a portable fashion and not operate as part of a stationary source or become its own stationary source.

PERP Regulations §2451(c)(3) prohibits the use of PERP as part of a stationary source permitted by a district. It is important to note that the definition of stationary source in §2452(rr) includes all pollutant emitting activities occurring “on one or more contiguous or adjacent properties,” so moving it from one location to another location within a parcel does not make it a new or different separate stationary source. In addition, the definition of stationary source also specifies that the pollutant emitting activities belong to the same industrial grouping, either by virtue of falling under the same two-digit Standard Industrial Classification (SIC) code, **or** by being part of a common industrial process, manufacturing process, or connected process involving a common raw material.

Based on these definitions, any equipment which is an integral part of the operation of a stationary source and/or used to supplement or expand its operation would in general be considered ‘part of’ the stationary source. On the other hand, districts believe that there are valid uses of PERP at stationary sources, such as equipment performing maintenance or repair activities (so long as that use continues to meet the definition of portable as provided in §2452(dd) of the PERP regulation).

This prohibition is consistent with the state and federal Clean Air Acts which require air district stationary source permits for such equipment. Districts are obligated by these state and federal laws to evaluate and address potential air quality and public health impacts, as well as other site-specific impacts associated with the emissions from additional engines or equipment at stationary sources which are not appropriately operated under PERP regulations, through their local permitting processes. Requirements associated with this permitting obligation include best available air pollution control technology, mitigation of emissions increases, public notification of the proposed emissions increases and providing an opportunity for public comment, and, as importantly, an assessment of the additional health risk associated with the operation of engines or equipment. The increase in health risk allowed by permits issued at a stationary source is carefully assessed, tracked, and limited to specific levels by local district permitting programs. Using PERP equipment as a part of such a stationary source’s operations improperly circumvents this careful management of emissions impacts and health risk to the public and communities around the stationary sources.

Table of Examples of Use of PERP Registered Equipment

The following examples illustrate the application of the principles contained within the PERP regulation as discussed above. These examples have been provided by CAPCOA as representative of decisions previously made by local districts throughout the State of California based on specific facts associated with each case. In each of these examples where the use of PERP equipment is considered appropriate, the equipment must be portable, and cannot be considered part of the stationary source. For specific case-by-case questions not mentioned in this Table, please contact your local air district.

| Activity Type | Examples | Local District Permit (LDP) or PERP Registration? | Basis for Decision |
|---|---|--|--------------------|
| Asphalt, Sand, Rock and Gravel Operations | <ul style="list-style-type: none"> A concrete batch plant plans to supplement its operation by using portable crushing and screening equipment with associated hoppers and conveyors for a 3-month aggregate processing project. | LDP | (a) |
| | <ul style="list-style-type: none"> A mine producing rock, sand, and gravel for sale holds stationary source permits for screens, crushers and conveyors. The stationary source plans to use portable equipment (additional crushers, screens, and conveyors) to expand their operations and increase capacity. | LDP | (a) |
| Air Compressors | <ul style="list-style-type: none"> A manufacturing facility uses electrically powered air compressors as part of their process. The facility needs to increase capacity and during the 9 months expected for the utility company to provide additional electrical capacity, the facility wants to bring in portable diesel powered compressors to provide the needed capacity to operate their plant. A local district permit is required since the sole purpose for using PERP equipment is to produce air capacity to supplement the operations of a stationary source.. | LDP | (a) |
| | <ul style="list-style-type: none"> A contractor uses a PERP registered diesel-fueled air compressor and blasting pot to remove lead-based paint from a building across the street from a local High School. The contractor is completing the work during school hours using CARB-certified abrasive. | PERP | (c) |
| Concrete Batch Plant Operations | <ul style="list-style-type: none"> A concrete batch plant plans to use a portable screen and diesel engine owned and operated by a third party to recycle waste concrete in trucks returning from job sites. The recycled material is intended to be sold as road base. The recycling equipment may occasionally leave the stationary source for use in jobs at other plants, but will always return to this source. | LDP for operation at plant; PERP for operation elsewhere. | (a) (c) |
| | <ul style="list-style-type: none"> A concrete batch plant plans to use portable screens, crushers, conveyors, and a diesel electricity generating engine to process recycled concrete on-site for use as a raw material (aggregate) in the production of concrete. | LDP | (a) |
| Construction | <ul style="list-style-type: none"> Runways at an abandoned airbase are to be demolished using portable crushing and screening equipment powered by diesel engines. The pavement to be removed will be recycled on-site and reused as building materials for the construction. The project is expected to operate for between 3 to 5 years. | LDP | (b) |
| | <ul style="list-style-type: none"> An aggregate facility is involved with residential and commercial construction and development projects. Their current project involves a 122 acre site that will be developed into a commercial shopping center. The project was anticipated to last 5 to 7 years. Their | LDP | (b) |

| Activity Type | Examples | Local District Permit (LDP) or PERP Registration? | Basis for Decision |
|---------------------|--|--|--------------------|
| Construction | equipment is comprised of portable crushing, screening, and conveying equipment and diesel generator engines. | | |
| | <ul style="list-style-type: none"> Construction activities at an existing stationary source require the use of various IC engine/generators to power construction equipment. | PERP | (c) |
| | <ul style="list-style-type: none"> A 3-year project to refurbish and realign a 10-mile segment of the freeway will involve the removal of existing pavement, on/off ramps, bridges, and cut and fill of adjacent hillside. Portable crushing and screening equipment will be used in three phases to recycle the pavement as well as provide backfill materials for engineered slopes and foundations. The equipment needs to be relocated as the project progresses along the freeway. | PERP | (c) |
| | <ul style="list-style-type: none"> A company is constructing a bridge overpass on a local freeway. Several subcontractors will be involved in various aspects of the construction project. Many of the subcontractors plan to use PERP-registered air compressors, welders, generators, and related construction equipment for different reasons during construction. | PERP | (c) |
| Drilling | <ul style="list-style-type: none"> A geothermal stationary source needs to drill a new well to bring additional geothermal fluid to the surface which is subsequently utilized in energy production. The onshore drill rigs have 4 to 6 engines and there are additional portable engines powering the trailers, lights, etc. | PERP | (c) |
| | <ul style="list-style-type: none"> An oilfield service company needs to operate portable drilling and work-over rigs in the onshore oil and gas production fields. | PERP | (c) |
| | <ul style="list-style-type: none"> A local well drilling company uses PERP registered engines to drill wells for domestic water supply and for irrigating crops. The equipment is operated at each location for less than 12 months. | PERP | (c) |
| Green Waste | <ul style="list-style-type: none"> A recycling business at a port operates a transfer and biomass production stationary source. The operation consists of collection and processing of construction and demolition debris, green waste and clean lumber products. The equipment at the stationary source includes power screens, engines, air compressor, shredder, wood grinder, and a trammel. | LDP | (a) |
| | <ul style="list-style-type: none"> A wood recycling stationary source has acquired an unpermitted/unregistered diesel powered grinder. They have inquired whether the engine can be registered in DOORS program in lieu of a permit or PERP registration, and whether PERP registration can be used. | LDP | (a) |
| | <ul style="list-style-type: none"> A green waste composting stationary source has an existing wood chipper to grind wood waste under permit. The source has received a large quantity of wood waste, which must be ground and is requesting to bring in a portable registered wood chipper to temporarily operate at their source. | LDP | (a) |
| | <ul style="list-style-type: none"> A business wishes to use diesel engines to power grinders and screens to convert green waste into manufactured mulch products. The equipment will be used primarily at a single stationary source, but also may be used at customer locations as needed. | LDP for operation at plant; PERP for operation elsewhere. | (a) (c) |
| | <ul style="list-style-type: none"> A stationary source grinds a wide range of green waste and wood materials and uses a portable grinder powered by a > 50 BHP diesel engine. The equipment is used primarily at the stationary source and occasionally elsewhere. | LDP for operation at a stationary source; PERP for operation elsewhere. | (a) (c) |
| | <ul style="list-style-type: none"> A company specializes in orchard removal. The company uses a PERP-registered tub grinder for green waste at various locations throughout the state. The equipment is | PERP | (c) |

| Activity Type | Examples | Local District Permit (LDP) or PERP Registration? | Basis for Decision |
|-------------------------------|--|---|--------------------|
| | usually only at a specific site for a few weeks. | | |
| Power Generation | <ul style="list-style-type: none"> Each year, during the late fall/early winter, a ski resort needs to bring in up to 30 portable diesel engines to run air compressors that generate man-made snow. | LDP | (d) |
| | <ul style="list-style-type: none"> An island in a local bay requires two large diesel-fired engines to be used as standby electrical generators. | LDP | (a) |
| | <ul style="list-style-type: none"> A contaminated soil site has proposed to use either a truck mounted or fixed vapor extraction systems using portable diesel generators. The operation is expected to last less than one continuous year. | LDP | (a) |
| | <ul style="list-style-type: none"> A business proposes a project involving the use of a large portable natural gas fired generator engine to supply variable output electrical power for cold-ironing purposes for ships while at berth at port. | LDP | (a) |
| | <ul style="list-style-type: none"> A stationary source accumulates concrete and other materials at their business for crushing and recycling as Class II road base. In lieu of using the grid power, the source opted to power the equipment using a diesel fueled generator. This equipment is also used on a circuit, where they accumulate material and return to their stationary source periodically to conduct crushing operations. | LDP | (a) |
| | <ul style="list-style-type: none"> A facility is completing an expansion and needs to use a generator on a temporary basis (less than 60 calendar days) to provide prime power while electrical upgrades are being completed | PERP | (e) |
| Repair and Maintenance | <ul style="list-style-type: none"> An aggregate facility utilizes heavy duty welders registered in the PERP program to conduct maintenance and repair activities on equipment and facilities. The welder is mounted on a vehicle to move around the facility, as well as to support other facilities the company owns in the region. | PERP | (c) |
| | <ul style="list-style-type: none"> A gasoline bulk storage facility needs to prepare its tanks to be repainted. The facility operator hired a contractor that brought in PERP registered unconfined abrasive blasting equipment and associated PERP registered ICE generator to prepare aboveground storage tanks for repainting. | PERP | (c) |
| | <ul style="list-style-type: none"> A manufacturing facility is expanding and will have a large amount of concrete work performed on-site. The source hired a contractor that brought in a PERP registered concrete batch plant and associated PERP registered ICE generator(s). The batch plant is on-site less than 12-months | PERP | (c) |

Basis for Decision Footnotes:

- (a) 13 CCR §2451(c)(3)
- (b) 13 CCR §2451(c)(2)
- (c) 13 CCR §2451(b)
- (d) 13 CCR 2452(dd)(2)
- (e) 13 CCR §2451(c)(9)