



MBUAPCD

Monterey Bay Unified Air Pollution Control District
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State Portable Equipment Registration Program (PERP) Eligibility Policy at Stationary Sources

Effective Date: April 15, 2011
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Subject: District Policy on PERP Eligibility at Stationary Sources

Background

The Portable Equipment Registration Program (PERP) is a voluntary program which was established by the California Air Resources Board (CARB) on March 27, 1997 (CCR Title 13, Article 5, Sections 2450 through 2465). The State PERP regulation was developed to alleviate the need for non-exempt portable equipment operating in various parts of the state to be subjected to Air Pollution Control District/Air Quality Management District permit requirements in each jurisdiction, except in the circumstances specified within the regulation. As a result, District Rule 201 (Sources Not Requiring Permits) was amended on May 14, 1997 to include portable equipment registered in accordance with the State PERP regulation, with the current rule citation being Rule 201.4.16.

The District, however, recognizes the following recent actions:

1. Within the CARB response letter dated February 18, 2010 to the Sacramento Metropolitan Air Quality Management District regarding its decision to render the Hardesty facility as a stationary source and invalidate the PERP registrations at the site, the CARB Executive Officer stated the following:
"To ensure that the statewide (PERP) program does not unduly infringe upon the local air district's effort to attain and maintain the federal and state ambient air quality standards, the (State) Legislature included limitations designed to preclude participation of stationary sources and assure only portable sources of emissions are preempted from district permitting requirements."
2. Within the CAPCOA General Guidance Policy for PERP eligibility at stationary sources approved on April 11, 2007, emissions units will generally require a district permit (regardless of PERP status) if "the unit provides functional operational power to or is part of a process or product line at a stationary source that would otherwise qualify for a district permit."

District Policy on PERP Eligibility at Stationary Sources

In light of the above findings and due consideration of CCR Title 13 Section 2451(c)(3) of the PERP regulation, the District has refined its policy regarding PERP eligibility at stationary sources as follows:

MBUAPCD requires the issuance of local District permits for PERP registered equipment which meet the following criteria, and thereby preempts the permit exemption provisions codified within District Rule 201.4.16 (March 21, 2007):

- a) is located at a permitted stationary source; and,
- b) provides functional operational power or is part of a process or product line at the permitted stationary source that would qualify for a District permit; and,
- c) is not being used for maintenance or emergency purposes.

Please also note that PERP registrations deemed invalid for reasons other than the above-listed criteria may subject the equipment to local District permits under this District policy.

Richard A. Stedman, Air Pollution Control Officer