



Maricopa County

Environmental Services Department

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Memorandum

To: Air Quality Division

From: Steve Peplau, Division Manager

Date: May 30, 2002

Subject: Nonroad Engines Permitting Policy

After reviewing the following memorandum, "Nonroad Engine Permitting Issue", dated May 8, 2002, it has been decided that, as an interim policy, the Department will not regulate any nonroad engine or combination of engines that operate at a given location for 12-months or less. Any site/location that operates a nonroad engine(s) for a period greater than 12-months will be required to apply for a Non-Title V Air Quality Permit.

May 8, 2002
Nonroad Engine Permitting Issue

Memorandum

To: Steve Peplau, Division Manager
Non-Title V Air Permitting Staff

Date: May 8, 2002

Subject: Nonroad Engine Permitting Issue

MCESD has recently received several Non-Title V Permit Applications that were submitted by engine rental companies. The inventory of engines listed was extensive. If issued a permit, tracking the location and hours of operation of each engine and recording the duration at each location for compliance purposes would be difficult and time consuming. Nevertheless, it was explained to me by one company representative that they are losing business because at least one company will not rent any equipment, capable of emitting regulated air pollutants, that does not have an air quality permit. However, by definition, nonroad engines are *not* considered stationary sources if they reside at a single location/site for 12 months or less. Current Maricopa County Bureau of Air Pollution Control Regulations do not address any permitting or registration requirement when engines are used in this manner, therefore, Maricopa County Environmental Services Department (MCESD) has no appropriate requirement to regulate nonroad engines. The following referenced definitions appear to support exempting these engines from permitting during that 12-month period:

Clean Air Act

CAA Title II [¶ 2216] Sec. 216 – Definitions for Part A:

- (10) *NONROAD ENGINE* – The term “nonroad” engine” means an internal combustion engine (including the fuel system) that is not used in a motor vehicle or a vehicle used solely for competition, or that is not subject to standards promulgated under section 111 (Standards of Performance for New Stationary Sources) or section 202 (Establishment of Standards *for motor vehicle emissions*).

May 8, 2002
Nonroad Engine Permitting Issue

- (11) *NONROAD VEHICLE* – The term “nonroad vehicle” means a vehicle that is powered by a nonroad engine and that is not a motor vehicle or a vehicle used solely for competition.

CAA Title III [¶ 2302] Sec. 302 - Definitions:

- (z) *STATIONARY SOURCE* – The term “stationary source” means generally any source of an air pollutant except those emissions resulting directly from an internal combustion engine for transportation purposes or from a **nonroad engine** or nonroad vehicle as defined in section 216.

Code of Federal Regulations

40 CFR – Chapter I – Part 89 - Control of Emissions from New and In-Use Nonroad Compression Ignition Engines

§ 89.2 – Definitions:

NONROAD ENGINE means:

- (1) Except as discussed in paragraph (2) of this definition, a nonroad engine is any internal combustion engine:
- (i) In or on a piece of equipment that is self-propelled or serves a dual purpose by both propelling itself and performing another function (such as garden tractors, off-highway mobile cranes and bulldozers); or
 - (ii) In or on a piece of equipment that is intended to be propelled while performing its function (such as lawnmowers and string trimmers); or
 - (iii) **That, by itself or in or on a piece of equipment, is portable or transportable, meaning designed to be and capable of being carried or moved from one location to another. Indicia of transportability include, but are not limited to, wheels, skids, carrying handles, dolly, trailer, or platform.**
- (2) An internal combustion engine is **not** a nonroad engine if:

- (i) The engine is used to propel a motor vehicle or a vehicle used solely for competition, or is subject to standards promulgated under section 202 of the Act; or
- (ii) The engine is regulated by a federal New Source Performance Standard promulgated under section 111 of the Act; or
- (iii) **The engine otherwise included in paragraph (1)(iii) of this definition remains or will remain at a location for more than 12 consecutive months or a shorter period of time for an engine located at a seasonal source.** A location is any single site at a building, structure, facility, or installation. **Any engine (or engines) that replaces an engine at a location and that is intended to perform the same or similar function as the engine replaced will be included in calculating the consecutive time period.** An engine located at a seasonal source is an engine that remains at a seasonal source during the full annual operating period of the seasonal source. A seasonal source is a stationary source that remains in a single location on a permanent basis (i.e., at least two years) and that operates at that single location approximately three months (or more) each year. This paragraph does not apply to an engine after the engine is removed from the location.

Nonroad equipment means equipment that is powered by nonroad engines.

Nonroad vehicle means a vehicle that is powered by a nonroad engine as defined in this section and that is not a motor vehicle or a vehicle used solely for competition.

May 8, 2002
Nonroad Engine Permitting Issue

In summary, a nonroad engine is any internal combustion engine that is in or on a piece of equipment that is:

- (1) Self-propelled or manually propelled while performing another function. Examples include forklifts, garden tractors, off-highway mobile cranes and bulldozers, lawnmowers, and string trimmers; or
- (2) Portable or transportable, meaning designed to be and capable of being carried or moved from one location to another. Wheels, skids, carrying handles, dolly, trailer, or platform may be indicators of transportability. If an engine otherwise meeting this definition will *remain* at a location *for more than 12 consecutive months*, then it is *not* a *nonroad engine*; it is a *stationary source*.

Equipment meeting one of the definitions above is considered a non-road engine and appears to be exempt from MCESD air emissions permitting requirements.