

New Rule 250, Registration Of Agricultural Engines

New Rule 48, Agricultural Engine Registration Fees

BACKGROUND

In 1998, the State designated diesel exhaust as a toxic air contaminant. Diesel soot is considered the number one ambient airborne cancer-causing substance in California. As a result, the State adopted a comprehensive plan to control the health impacts of diesel exhaust.

Under that plan the State adopted the Airborne Toxic Control Measure for Stationary Compression Engines (Title 17, California Code of Regulations, Section 93115), or the "ATCM", on February 14, 2004. The State regulation reduces toxic soot from diesel engines by requiring new units to be the cleanest available, and by requiring older engines to retrofit control equipment to reduce particulate emissions or be replaced with new cleaner engines. An amended ATCM became effective on September 9, 2005.

The ATCM was amended again on November 16, 2006. The regulation includes emission limits and registration requirements for stationary diesel-fueled combustion ignition agricultural engines greater than 50 bhp (see Appendices A through D). The amended ATCM was sent to the California Office of Administrative Law (OAL) on August 6, 2007. OAL has 30 working days to review the Package and, if approved, send it to the Secretary of State for filing. Thirty days after that, the amendments become effective. Thus, ARB expects to announce that the amendments are effective around mid-October, 2007. New Rules 250 and 48 will be used to implement the future requirements of the amended ATCM in Ventura County.

PROPOSED RULES

New Rule 250 Registration Of Agricultural Engines

Proposed new Rule 250 implements CCR Section 93115(c)(1), which requires "the owner or operator of a greater than 50 bhp stationary diesel-fueled CI agricultural engine" to submit registration information to the District (see Appendix D). The specific requirements of Rule 250 are discussed below.

A. Applicability

This rule applies to any stationary or portable diesel engine used in agricultural operations and rated at 50 brake horsepower or greater.

The ATCM, as amended on 11/16/06, is expected to become effective this spring. At this time, it is unclear how the portable engine ATCM (adopted also on 2/26/04) applies to agricultural engines. Staff feels that a requirement to register both stationary and portable engines at this time is prudent. A detailed discussion of the definition of "stationary agricultural engine" appears on page 3.

B. Requirements

- 1. The owner or operator of an applicable engine shall register the engine before March 1, 2008, or within 90 days of initial installation, whichever is later.**

Engines installed between the adoption date of this rule and November 30, 2007, may delay registration until March 1, 2008. Engines installed on or after December 1, 2007, have 90 days to register.

- 2. To register an engine, an owner or operator shall submit a completed registration form, any additional information requested by the Air Pollution Control Officer, and the registration fee specified in Rule 48.**

The registration form will specify most required information. A map with the location specified is expected to be the only additional information requested at this time.

- 3. The owner or operator of an applicable engine shall notify the District in writing no later than 14 days after any change of owner or operator, any change in location, or the installation or commencement of an emissions control strategy.**

The ATCM requires registration of all stationary diesel agricultural engines by March 1, 2008. Since engines may be moved among various agricultural operations under common ownership or control, but not necessarily on contiguous or adjacent properties, it is important for the District to have up-to-date information on the location and status of all engines.

C. Registration Renewal

Registration shall be renewed annually by paying the fee specified in Rule 48 and by updating the registration information. Registration shall be vacated if the renewal fee is not received by March 1st of each applicable year and the registration holder has failed to respond to a 30-day notice of delinquent fees.

The registration for each engine must be renewed every year. The registration fee in Rule 48 must be paid every year. Registrations not renewed will be subject to District enforcement action. During renewal, all information relevant to the registered engine shall be updated.

D. Exemptions

The provisions of this rule shall not apply to the following equipment:

- 1. Agricultural wind machines.**
- 2. Motor vehicles, as defined in the California Vehicle Code, Division 1, section 415, and self-propelled vehicular farm equipment. Not included in this exemption is any equipment mounted on a vehicle that would otherwise require a permit under the provisions of these Rules and Regulations.**
- 3. Engines registered in the State Portable Equipment Registration Program that are not used as stationary agricultural engines.**

Exemptions from registration requirements are noted in Section D. Subsection D.2 is intended to include tractors, harvesting equipment, and other self-propelled equipment. Subsection D.3 is needed in the rare case that a State Portable Equipment Registration Program (PERP) engine is defined as stationary by virtue of this rule.

E. Violations

Failure to register or renew registration is a violation of this rule.

Section E establishes that failure to register applicable engines is a violation of Rule 250 and is subject to District enforcement action.

Various definitions appear in Rule 250 to aid in its implementation. These definitions apply only to Rule 250 and accompanying Rule 48.

F. Definitions

- 1. "Agricultural Operations": Operations conducted in the raising of fowl or animals or the production of products of the soil, including crops, orchard fruits, trees, vines, rose bushes, ornamental plants, floricultural crops, and other horticultural crops. These operations are conducted primary purpose of making a profit, providing a livelihood, or conducting agricultural research or instruction by an educational institution. Agricultural operations do not include activities involving the processing or distribution of crops or fowl.**
- 2. "Agricultural Wind Machine": A stationary diesel engine-powered fan used exclusively in agricultural operations to provide protection to crops during cold weather by mixing warmer atmospheric air with the colder air surrounding a crop.**
- 3. "Date of Initial Installation"; The date on which an applicable engine is placed into service at a location in order to be operated for the first time since delivery from the manufacturer, distributor, or other source.**

This definition is needed to specify the moment of installation for wheeled, skid-mounted, or attached equipment. Equipment delivered and stored is not

considered installed. Installation commences when the equipment is put in place for first use.

4. **"Diesel Engine": A compression ignition engine that is fueled by at least five (5) percent of either diesel fuel, CARB diesel fuel, or jet fuel.**

Compression ignition engines do not have spark plugs; "liquid fuel injected into the combustion chamber ignites with the air charge after the latter has been brought to a sufficiently high temperature for initiation of ignition."¹ While compression ignition engines typically use diesel or other liquid fuels, natural gas can be combusted in CI engines by blending it with at least 5 percent liquid fuel. These engines are defined as "diesel" engines.

5. **"Owner or Operator": an individual, trust, firm, joint stock company, business concern, partnership, limited liability company, association, or corporation including, but not limited to, a government corporation.**
6. **"Portable Agricultural Engine": An engine that is not a stationary agricultural engine.**

The definition of portable agricultural engine was added at the request of the Advisory Committee and EPA (see page 8). Staff believes that most engines will be considered stationary.

7. **"Rated Brake Horsepower (bhp)": the published rated brake horsepower from any one of the following sources:**
 - a. **The manufacturer's sales and service literature;**
 - b. **The nameplate of the engine; or**
 - c. **If applicable, as shown in the application for certification of the engine;**

For an engine installed after (date of adoption), the source must reflect the engine's configuration on the date of initial installation. For other engines, the source must reflect the engine's configuration as of (date of adoption)

8. **"Seasonal agricultural operation": An agricultural operation that remains in a single location on a permanent basis (at least two years) and operates at that**

single location at least three months each year.

Rule 250 requires both stationary and portable agricultural diesel engines to register. Because it is not clear how the portable diesel engine ATCM applies to agricultural engines, it is necessary to distinguish between stationary and portable diesel engines.

The following definition enables most agricultural diesel engines to be "stationary" and fall under the jurisdiction of the stationary diesel engine ATCM. Any engine not considered "stationary" according to the definition below is considered "portable." This definition is based on the definition of "stationary agricultural diesel engine" in the ATCM.

9. **"Stationary Agricultural Engine": An engine that meets any one of the following criteria:**

- a. **The engine is attached to a foundation, or if not so attached, resides at the same agricultural operation for more than 12 consecutive months. A backup, standby or replacement engine that replaces an engine at a agricultural operation and is intended to perform the same or similar function as the engine being replaced shall be included in calculating the consecutive time period. The cumulative time of all engines, including the time between the removal of the original engine and installation of the replacement engine, shall count toward the consecutive time determination; or**

An engine is considered stationary if it is attached to a foundation or resides at one location for 12 rolling consecutive months. Residency for as little as one day is enough to qualify an engine for that month. As noted below in Subsection F.9.c, attempts to move a stationary engine temporarily to avoid consecutive residency will not make it a portable engine.

- b. **The engine is not attached to a foundation and is located at a seasonal agricultural operation for less than 12 consecutive months. The engine must operate during the full annual operating period of the seasonal operation; or**

In this case, an engine is stationary if used at a seasonal agricultural operation during the full operating period, which is typically less than 12 month per year. Engine storage on site is not included in the operating period.

- c. **The engine is moved from one agricultural operation to another in an attempt to circumvent the 12 month residence time requirement in Subsection F.9.a above. The period during which the engine is maintained at a storage facility shall be excluded from the consecutive time determination.**

This subsection states that attempts to move a stationary engine temporarily to avoid consecutive residency will not make it a portable engine. The ATCM states that that "the period during which the engine is maintained at a storage facility shall be excluded from the residency time determination."² The ATCM does not define "storage facility"; we believe storage facilities must be separated from both the agricultural operation and control of the owner/operator. Because such storage time is not included in the consecutive time determination; it is possible for engines in off-site storage to be considered portable.

- d. **The engine is moved around an agricultural operation under the same or common ownership, operation, or control, or owned or operated by entities which are under common control, but not necessarily located on contiguous or adjacent properties, and performs the same primary function at each location.**

This subsection is meant to acknowledge that agricultural operations owned or leased by the same person or entity are not always conducted on contiguous or adjacent properties. Engines moved among operations controlled by a common owner or operator remain stationary.

The districts in the South Central Coast (SCC) Air Basin include the Santa Barbara County APCD, the San Luis Obispo County APCD, and the Ventura County APCD. The three districts have been working together to ensure that the ATCM implementation programs in each county are as closely aligned as possible. Section G is included in the rule to implement reciprocity among the three districts.

G. South Central Coast Air Basin Reciprocity

An engine registered with the Santa Barbara or San Luis Obispo County Air Pollution Control Districts will be considered registered with the Ventura County Air Pollution Control District (VCAPCD) if the following conditions are met:

1. **The District where the engine is registered has equivalent registration requirements as VCAPCD.**
2. **The registration fee at the District where the engine is registered is within 15 percent of the VCAPCD fee.**
3. **The District where the engine is registered also allows engines registered in VCAPCD to be considered registered in their District.**

Registrations for engines operating under the exception for "Remotely-located Agricultural Engines" as defined in Title 17, Section 93115 of the California Code of Regulations, as it may be amended from time to time, are not valid for use at multiple locations unless written approval is obtained from the Air Pollution Control Officer in the county where the engine is proposed to be relocated. This includes relocation within the county where the engine is registered.

Section G is standard language being used by all three South Central Coast districts. Because Ventura County is a federal non-attainment area for ozone, remotely located engines are prohibited from being relocated within Ventura County.

New Rule 48 Agricultural Engine Registration Fee

Draft Rule 48 appears in Appendix E. The rule sets a fee of \$200 for both initial registration and annual renewal. Initially, the fee will be the same in the South Central Coast districts with registration reciprocity. However, fees may vary over time in each district. Note that, in Ventura County, an additional fee may be required for more-than-one inspection.

District authority for Rule 48 appears in H&S Code §42311(g), which allows us to adopt "a schedule of fees to be assessed on area wide or indirect sources of emissions which are regulated, but for which permits are not issued, by the district to recover the costs of district programs related to these sources."

DISCUSSION

Overview³

At a public hearing on November 16, 2006 the Air Resources Board (ARB) approved amendments to the ATCM. These amendments established emission standards for stationary agricultural engines rated at greater than 50 horsepower. The standards require uncontrolled engines (primarily those manufactured prior to 1996) to be replaced with cleaner engines that meet the Tier 3 or Tier 4 federal Off-Road Compression Ignition Engine Certification Standards. The earliest engine compliance date is January 1, 2011. Engines that already meet the Tier 1 and Tier 2 Certification Standards must be replaced by Tier 4 certified engines by January 1, 2016.

As noted above, the ATCM requires the registration of all existing agricultural engines by March 1, 2008. New engines are required to meet existing standards for the class of engine installed and to register no more than 90 days after installation. Agricultural emergency standby generators and remotely located engines must register; although these engines, along with wind machines, are exempt from ATCM emission standards. Since most local districts have never before regulated agricultural engines, we do not know precisely how many agricultural engines are operating within the SCC Basin. However, we believe that there may be as many as 1000 engines subject to the new regulation in the three counties.

California Health & Safety Code section §39666(d) stipulates that local air pollution control districts must implement and enforce airborne toxic control measures that have been adopted by the Air Resources Board. In lieu of this, districts may adopt airborne toxic control measures that are at least as stringent no later than six months after each control measure is adopted by ARB. The districts have 120 days from the date that the adopted ATCM is approved by the State Office of Administrative Law (OAL) to implement the ATCM. We expect the ATCM for agricultural engines to be approved by OAL sometime in spring, 2007. Ventura County has chosen to implement the state ATCM in lieu of adopting a Ventura County specific rule.

At this time, there are unanswered questions about how the ATCM for Portable Compression Ignition Engines applies to agricultural engines. However, it does require most portable engines to meet a Tier 1, Tier 2, or Tier 3 standard by January 1, 2010. Air districts throughout the State are working with ARB staff to address this issue.

The staff report for the stationary ATCM states:

"There are several incentive programs which could play an important role in providing early emissions reductions by encouraging growers to voluntarily replace existing ... engines with electric motors or new, cleaner Tier-3 or Tier-4 certified engines... Incentive programs such as these are expected to encourage compliance with the proposed amendments..."

District staff will conduct a rigorous and thorough outreach program to ensure that all affected parties are aware of the grant opportunities available for compliance assistance through our technology advancement programs. ARB staff has issued grant guidance that requires new engines purchased with grant funding be installed a least one year prior to the applicable ATCM compliance date. Therefore, for those operators who have a 2011 compliance date should be sure to take advantage of the next three grant funding cycles.

ATCM Requirements⁴

Tables summarizing the emission requirements of the amended ATCM for both new and in-use agricultural engines appear in Appendices A through C. A written explanation appears below.

Agricultural Engines

Emergency generators have no emission requirements but must register. New engines that are non-generators rated at 50 to 100 hp must meet a 0.30 g/bhp-hr PM standard. Engines rated at 100-175 hp must meet a 0.22 g/bhp-hr PM standard until Tier 4 engines are available; then, they must meet the Tier 4 standard. All generators and other engines rated at 175 hp or more must meet 0.15 g/bhp-hr until Tier 4 engines are available, and then must meet the Tier 4 standard.

Tier 0 in-use non-generator engines rated at 50 to 175 hp must meet the current tier PM standard for new engines by December 31, 2011. Engines rated at 175-750 hp must meet the current tier standard by December 31, 2010. Engines rated at 750 hp and up must meet 0.75 g/bhp-hr by December 31, 2014.

Tier 1 and Tier 2 in-use engines that did not meet the new engine standards at the time of installation also have specific requirements. Engines rated at 50 to 175 hp must meet the Tier 4 standards by December 31, 2015, or 12 years after installation, whichever is

sooner. Engines rated at 175 hp and up must meet the Tier 4 standards by December 31, 2015, or 12 years after installation, whichever is sooner. Most Tier 2

engines will meet the new PM standards and will face no additional requirements.

EMISSION REDUCTION / COST EFFECTIVENESS

Health & Safety Code § 40703 states that the district must consider, and make public, "the cost-effectiveness of a control measure." Proposed Rules 250 and 48 are administrative in nature and are not included in an AQMP control measure. Therefore, it is not necessary to calculate the cost-effectiveness of the proposed rules.

Nevertheless, the registration of agricultural engines may eventually lead to either the addition of air pollution control equipment or replacement of the engine. These requirements, which appear in the ATCM, may lead to additional expense.

When the Air Resources Board approved the ATCM, in 2004, they found that:

"[the] economic and cost impacts of the ATCM have been analyzed as required by California law, and the analysis of these impacts, as set forth in the staff report for the ATCM, indicates that the typical capital costs for a business with

an emergency standby engine will range from \$100 to about \$7300, with annual costs of about \$100, and the typical capital costs for a business with a prime engine will range from about \$22,000 to about \$61,000, with annual costs ranging from \$0 to about \$550.

The staff's economic and cost impacts analysis shows that affected businesses will be able to absorb the costs of the ATCM with no significant statewide adverse impacts on their profitability, based on the projected change in return on owner's equity (ROE), which ranged from a decrease of 0.01% to a 6% decrease in ROE – a change in ROE greater than 10% would indicate a potential for significant adverse economic impacts."⁵

In addition, because BACT requirements and feasible control measures are not involved, an incremental cost-effectiveness analysis under Health & Safety Code Section 40920.6 is not required.

SOCIOECONOMIC IMPACT

Health & Safety Code § 40728.5 requires the Air Pollution Control Board consider the socioeconomic impact of any new rule or amendment to an existing rule if air quality or emission limits are significantly affected. Proposed Rules 250 and 48 are

administrative in nature and do not include emission limits. The proposed rules will significantly affect neither air quality nor emission limitations in Ventura County. Therefore, an evaluation of the requirements of Health & Safety Code § 40728.5 is not necessary.

ENVIRONMENTAL IMPACTS OF METHODS OF COMPLIANCE / CEQA

Methods of Compliance

California Public Resources Code § 21159 requires the District to perform an environmental analysis of the reasonably foreseeable methods of compliance if the proposed rule requires "the installation of pollution control equipment, or [specifies] a performance standard or treatment requirement..." Proposed Rules 250 and 48 are administrative in nature and do not involve a requirement to install air pollution control equipment. Therefore, an analysis is not necessary.

CEQA Requirements

Staff has determined that the adoption of new Rule 250 is within the scope of the categorical exemptions from the California Environmental Quality Act (CEQA) under state CEQA Guideline Sections 15307, Protection of Natural Resources, and 15308, Protection of Environment, and no exception to these categorical exemptions applies. The registration of stationary and portable agricultural engines will enable implementation of the State Airborne Toxic Control Measure for Stationary Compression Engines (Title 17, California Code of Regulations, Section 93115) in Ventura County, reducing toxic emissions.

In addition, staff has determined that the adoption of new Rule 48 is exempt from the requirements of the California Environmental Quality Act (CEQA)

pursuant to Public Resources Code § 21080(b)(8) and State CEQA Guidelines § 15273(a), Rates, Tolls, Fares, and Charges.

ANALYSIS OF EXISTING FEDERAL AND DISTRICT REGULATIONS

California Health & Safety Code § 40727.2(a) requires districts to provide a written analysis of existing regulations prior to adopting, amending or repealing a regulation. Section 40727.2(a) states:

In complying with Section 40727, the district shall prepare a written analysis as required by this section. In the analysis, the district shall identify all existing federal air pollution control requirements, including, but not limited to, emission control standards constituting best available control technology for new or modified equipment, that apply to the same equipment or source type as the rule or regulation proposed for adoption or

modification by the district. The analysis shall also identify any of that district's existing or proposed rules and regulations that apply to the same equipment or source type, and all air pollution control requirements and guidelines that apply to the same equipment or source type and of which the district has been informed pursuant to subdivision (b).

Proposed Rules 250 and 48 are administrative in nature and include no emission control standards; therefore, the requirements of Health & Safety Code § 40727.2(a) are satisfied pursuant to Health & Safety Code § 40727.2(g).

MEETINGS AND COMMENTS

Public Workshop June 5, 2007

Staff made a presentation on the proposed rules to 14 attendees and answered questions about implementation of the registration program. No changes to the proposed rules were suggested.

Environmental Protection Agency June 11, 2007

1. *The applicability of the rule is unclear. Section A states that the rule applies to "portable" diesel engines, but this term is not defined in the rule. We recommend that the phrase "or portable" be removed from Section A, and that Section A instead refer to the definition of "stationary agricultural engine" in Section E.9.*

We believe no change is necessary. While the registration program established by Rule 250 will be used to implement the ATCM, it is not necessary for Rule 250 to be completely consistent with the ATCM. We believe that Rule 250 should require all agricultural diesel engines, both portable and stationary, to be registered. While we expect most engines will be stationary, this will be verified at a later date. We assume that any engine not meeting the definition of "stationary" will be portable.

2. *Amendments to the California ARB's Airborne Toxic Control Measure (ATCM) for Stationary Diesel Engines (proposal made available for public comment on April 10, 2007, section 93115.8(c)(1)(C)) require that a new stationary diesel CI agricultural engine installed or after January 1, 2005, but before March 1, 2008, should be registered within 90 days of initial installation, or the effective date of amendments adding section 93115.8(c) to the ATCM, whichever is later. Rule 250, Section B.1, contains a less stringent timeline for registration submittal. This section should be revised to match the requirements of the ATCM amendments.*

Notwithstanding language in the ATCM, the 90 day threshold has passed for engines installed between January 1, 2005, and 90 days before now (about March 25, 2007). Since the revised ATCM is not yet in effect, and an estimated date of effectiveness is not yet available, we propose to require compliance by March 1, 2008.

3. *Section D.3 is not necessary, because Section A already restricts Rule 250's applicability to engines used in agricultural operations. This section should be removed.*

The wording of this subsection has been revised, as follows:

3. Engines registered in the State Portable Equipment Registration Program that are not used as a stationary agricultural engine.

Nevertheless, we believe this subsection is necessary due to inconsistencies between the proposed definition of "stationary agricultural engine" and definitions in the State Portable Equipment Registration Program.

4. *Section F.5: This section's definition of "new engine" is not consistent with the ATCM's definition of "new CI engine." Further, the only other reference to "new engine" is in the Section F.7 definition of "rated brake horsepower." Section F.5 should be deleted, and the last portion of Section F.7 revised as follows. "For a new engine an engine installed on or after (date of adoption), the source must reflect..."*

We believe no change is necessary. As noted above, the registration program established by Rule 250 will be used to implement the ATCM. It is not necessary for Rule 250 to be completely consistent with the ATCM. Rule 250 will require all portable and stationary agricultural diesel engines to be registered. The information gained from the registration process will enable the District to implement the requirements of the ATCM.

Advisory Committee
July 24, 2007

Advisory Committee discussion centered primarily around registration costs and notification. While no information is available, staff estimated that the rules will apply to about 200 engines in the county, each rated at about 150 horsepower. An attendee wondered if owners will be required to call in every time an engine is moved a short distances. Staff expects to preapprove locations and making the process as easy as possible.

An attendee expressed concern with the proposed \$200 registration fee. Staff responded that the fee is needed to defray the District's cost to implement the program. The fee is consistent with the fee in both Santa Barbara County and San Luis Obispo County. Another attendee asked if the proposed definition of "agricultural operation" is broad enough to include horticultural operations. Staff agreed to look into it.

The Committee recommended unanimously adoption of proposed new Rules 250 and 48 with additional direction to revisit the definitions of "portable engine" and "agricultural operation." A definition of "Portable Agricultural Engine" was add to the rule (see page 3). In addition, the definition of "Agricultural Operations" was revised to be consistent with Rule 23.J.16, which mentions horticulture and other specific agricultural operations (see page 2).

Air Resources Board
August 2, 2007

1. *Section D.3 Exemptions: This section is intended to exempt portable diesel engines that are not used in agricultural operations. Air Resources Board (ARB) staff recommends that the District omit Section D.3 because the provision is confusing and unnecessary. Section A of Rule 250 already restricts applicability to engines used in agriculture.*

We believe this subsection is necessary due to inconsistencies between the proposed definition of "stationary agricultural engine" and definitions in the State Portable Equipment Registration Program. PERP engines used as stationary agricultural engines will require registration.

2. *Section F.5 and F.7 Definitions of New Engine and Rated Brake Horsepower: The Rule 250 Section F.5 definition of "New Engine" (i.e., "An engine with a date of initial installation after July 25, 2007...") is not consistent with the Air Toxic Control Measure's (ATCM) definition of "New compression ignition (CI) Engine" (i.e., "a[n] ...engine installed at a facility after January 1, 2005..."). In the ATCM, the date of new CI engine installation is critical because it triggers the applicability of new engine emission limits. ARB staff recommends that the District delete Section F.5 and revise Section F.7 as indicated by the following underline and strikethrough notation: "... For ~~a new~~ an engine installed on or after [date of adoption], the source must reflect the engine's configuration on the date of initial installation."*

This recommendation has been implemented, as shown on page 3 of this report. The deleted definition of "New Engine" stated that a used engine purchased or brought in from an location not under the common control of an owner or operator is considered a new engine. This requirement no longer appears in the rule, but is implied in the wording of revised Subsection F.7.

REFERENCES

1. Bosch Automotive Handbook, 1st English Edition, Robert Bosch GmbH, 1976, page 238
2. Airborne Toxic Control Measure for Stationary Compression Ignition (CI) Engines, California Code of Regulations, title 17, section 93115.4, *Definitions*, section (ttt)
3. Terry Dressler, Air Pollution Control Officer, Santa Barbara APCD, *Memo to the Santa Barbara Air Pollution Control Board*, March 15, 2007 (edited)
4. Mike Sewell, Air Quality Engineer, Monterey Bay Unified APCD, *Public Notice for New District Rules 220, 310, 1010, and revisions to Rule 1008*, March 16, 2007 (edited)
5. State of California, Air Resources Board, Resolution 03-30, February 26, 2004, Agenda Item No: 03-9-2, items 8 and 9

APPENDIX A

Table 5 - New Stationary Agricultural Engines
 From The "Preliminary Draft Amendments Airborne Toxic Control Measure
 For Stationary Compression Ignition Engines
 Section 93115. Airborne Toxic Control Measure for Stationary Compression Ignition (CI) Engines.
 Strikeout / Underline Version, as amended September 2006

| TABLE 5: SUMMARY OF THE EMISSION STANDARDS FOR NEW STATIONARY DIESEL-FUELED CI ENGINES > 50 BHP USED IN AGRICULTURAL OPERATIONS (SEE SUBSECTION (e)(2)(E) 93115.8(a)) | | |
|--|--|--|
| Horsepower Range (hp) | DIESEL PM | OTHER POLLUTANTS |
| | DIESEL PM STANDARDS (g/bhp-hr) | HC, NOx, NMHC+NOx, AND CO STANDARDS (g/bhp-hr) |
| All Applications Other Than Generator Set Operations Greater Than >50 But Less Than to < 99 100, Other Than Generator Sets | <u>Less Than or Equal to <math>\leq 0.30^1</math></u> OR Off-Road CI Engine Certification Standard for an off-road engine of the same maximum rated power, whichever is more stringent ² | Off-Road CI Engine Certification Standard for an off-road engine of the same model year and maximum rated power, or Tier 1 standard for an off-road engine of the same maximum rated power. ¹ |
| All Applications Other Than Generator Set Operations Greater Than or Equal to >99 100 But Less Than to < 175, Other Than Generator Sets | <u>Less Than or Equal to <math>\leq 0.22^1</math></u> OR Off-Road CI Engine Certification Standard for an off-road engine of the same maximum rated power, whichever is more stringent ² | |
| All Applications <u>Greater Than or Equal to 175.</u> Other Than Generator Sets | <u>Less than or Equal to 0.15¹</u> OR <u>Off-Road Engine Certification Standard for an off-road engine of the same maximum rated power, whichever is more stringent²</u> | |
| Generator Set Engines <u>Greater Than >50</u> | <u>Less Than or Equal to <math>\leq 0.15^1</math></u> OR Off-Road CI Engine Certification Standard for an off-road engine of the same maximum rated power, whichever is more stringent. ² | |

1. Prior to January 1, 2008, these limits shall not apply to engines sold from one agricultural operation to another and funded under State or federal incentive funding programs, as specified in ~~(e)(2)(E)~~ 293115.8(a)(2).
2. The less than or equal to 0.01 g/bhp-hr diesel PM emission standard may be satisfied by combining a Level 3 Verified Diesel Emission Control Strategy with a certified Tier 3 engine that meets the 0.15 g/bhp-hr PM emission standard.

September 2006: Language change for Table 5 and footnote 2.

APPENDIX B

Table 6 - In-Use Stationary Agricultural Engines
 From The "Preliminary Draft Amendments Airborne Toxic Control Measure
 For Stationary Compression Ignition Engines
 Section 93115. Airborne Toxic Control Measure for Stationary Compression Ignition (CI) Engines.
 Strikeout / Underline Version, as amended September 2006

| TABLE 6: EMISSION STANDARDS NONCERTIFIED GREATER THAN 50 BHP IN-USE STATIONARY DIESEL-FUELED ENGINES USED IN AGRICULTURAL OPERATIONS SEE SECTIONS 93115.8(b)(2) AND (4) | | | | |
|---|-----------------------------------|---|---|--|
| <u>Horsepower Range</u> | <u>Application</u> | <u>Compliance</u> <u>On or After December 31</u> | <u>Diesel PM</u> <u>Not to Exceed (g/bhp-hr)</u> | <u>HC, NOx, NMHC+NOx, and CO Not to Exceed (g/bhp-hr)</u> |
| <u>Greater Than 50 But Less Than 75</u> | <u>Generator Sets</u> | <u>2015</u> | <u>0.02</u> | <u>Off-Road CI Engine Certification Standards for an off-road engine of the same model year and maximum rated power.¹</u> |
| | <u>All Other Applications</u> | <u>2011</u> | <u>0.30</u> | |
| <u>Greater Than or Equal to 75 But Less Than 100</u> | <u>Generator Sets</u> | <u>2015</u> | <u>0.01²</u> | |
| | <u>All Other Applications</u> | <u>2011</u> | <u>0.30</u> | |
| <u>Greater Than or Equal to 100 But Less Than 175</u> | <u>Generator Sets</u> | <u>2015</u> | <u>0.01²</u> | |
| | <u>All Other Applications</u> | <u>2010</u> | <u>0.22</u> | |
| <u>Greater Than or Equal to 175 But Less Than or Equal to 750</u> | <u>All Applications</u> | <u>2010</u> | <u>0.15</u> | |
| <u>Greater Than 750</u> | <u>All Applications</u> | <u>2014</u> | <u>0.075</u> | |

1. If no limits have been established for an off-road engine of the same model year and maximum rated power, then the in-use stationary diesel-fueled engine used in an agricultural operation shall not exceed Tier 1 standards in title 13, CCR, section 2423 for an off-road engine of the same maximum rated power irrespective of model year.
2. The less than or equal to 0.01 g/bhp-hr diesel PM emission standard may be satisfied by combining a Level 3 Verified Diesel Emission Control Strategy with a certified Tier 3 engine that meets the 0.15 g/bhp-hr PM emission standard.

September 2006: Language change to Table 6 and footnote 2.

APPENDIX C

Table 7 - In-Use Stationary Agricultural Engines
 From The "Preliminary Draft Amendments Airborne Toxic Control Measure
 For Stationary Compression Ignition Engines"
 Section 93115. Airborne Toxic Control Measure for Stationary Compression Ignition (CI) Engines.
 Strikeout / Underline Version, as amended September 2006

| TABLE 7: EMISSION STANDARDS | | | |
|--|---|--|---|
| <u>TIER 1- AND TIER 2-CERTIFIED GREATER THAN 50 BHP IN-USE STATIONARY</u> | | | |
| <u>DIESEL-FUELED ENGINES USED IN AGRICULTURAL OPERATIONS</u> | | | |
| <u>SEE SECTIONS 93115.8(b)(3) AND (4)</u> | | | |
| <u>Horsepower Range</u> | <u>Compliance</u> | <u>Diesel PM</u> | <u>HC, NOx, NMHC+NOx, and CO</u> |
| | <u>On or After December 31</u> | <u>Not to Exceed (g/bhp-hr)</u> | <u>Not to Exceed (g/bhp-hr)</u> |
| <u>Greater Than 50 But Less Than 75</u> | <u>2015 or 12 years after the date of initial installation, whichever is later</u> | <u>0.02</u> | <u>Off-Road CI Engine Certification Standards for an off-road engine of the same model year and maximum rated power.¹</u> |
| <u>Greater Than or Equal to 75 But Less Than 175</u> | <u>2015 or 12 years after the date of initial installation, whichever is later</u> | <u>0.01²</u> | |
| <u>Greater Than or Equal to 175 But Less Than or Equal to 750</u> | <u>2014 or 12 years after the date of initial installation, whichever is later</u> | <u>0.01²</u> | |
| <u>Greater Than 750</u> | <u>2014 or 12 years after the date of initial installation, whichever is later</u> | <u>0.075</u> | |

1. If no limits have been established for an off-road engine of the same model year and maximum rated power, then the in-use stationary diesel-fueled engine used in an agricultural operation shall not exceed Tier 1 standards in title 13, CCR, section 2423 for an off-road engine of the same maximum rated power irrespective of model year.
2. The less than or equal to 0.01 g/bhp-hr diesel PM emission standard may be satisfied by combining a Level 3 Verified Diesel Emission Control Strategy with a certified Tier 3 engine that meets the 0.15 g/bhp-hr PM emission standard.

September 2006: Language change to Table 7 and footnote 2.

APPENDIX D
California Air Resources Board
Air Toxic Control Measure for
Stationary Diesel-fueled Agricultural Engines - Registration and Fees

California Code of Regulations, title 17, section 93115, Airborne Toxic Control Measure for Stationary Compression Ignition (CI) Engines, as amended.

**Airborne Toxic Control Measure for Stationary Compression Ignition (CI) Engines.
Section 93115.8**

(c) Registration Requirements for Greater than 50 bhp Stationary Diesel-Fueled CI Agricultural Engines

(1) Registration Submittal - Except as provided in section 93115.2(a), the owner or operator of a greater than 50 bhp stationary diesel-fueled CI agricultural engine or engines shall submit the registration information specified in section (c)(2) below to the District according to the following schedule:

(A) For each in-use stationary diesel-fueled CI agricultural engine, no later than March 1, 2008;
and

(B) For each new stationary diesel-fueled CI agricultural engine, no later than 90 days after the date of initial installation.

(2) Registration Information

(A) At minimum, the owner or operator shall submit the following information for each greater than 50 bhp stationary diesel-fueled CI agricultural engine:

1. Date of registration application submittal;
2. Name, title (as applicable), and signature of person submitting the registration application;
3. Name, address, mailing address (if differs from address), and telephone number of the engine owner and of the operator, if the owner is not also the operator;
4. Date of installation or anticipated installation;
5. Year of manufacture or approximate age, if unable to determine year of manufacture;
6. Make;
7. Model;
8. Serial number;
9. Maximum rated brake horsepower;
10. Certification status with respect to Off-Road CI Engine Certification Standards (title 13, CCR, section 2413) (if available)
11. Estimated annual average operating hours;
12. Fuels Used;
13. Estimated annual average gallons of each fuel used, if alternative diesel fuels are used;
14. Location including, but not limited to, one of the following: latitude and longitude, universal trans meridian (UTM) coordinates, global positioning satellite data (GPS), address, town and nearest cross streets, parcel or plot number/designation, or other description that clearly identifies the location of the engine; and
15. For an engine located within one-quarter mile of (1,320 feet) of a residential area, school, or hospital:
 - a. Distance (in meters or feet) from engine to residential area, school, or hospital;
 - b. Direction from engine to residential area, school, or hospital;
 - c. Location of engine and residential area, school, or hospital including one or more of the following for each: latitude and longitude, universal trans meridian (UTM) coordinates, global positioning satellite data (GPS), address, town and nearest cross streets.

(B) Any additional information required to evaluate the section 93115.3(a) exemption of an agricultural emergency standby generator set engine or a remotely-located agricultural engine from the requirements of section 93115.8(b).

(3) The owner or operator of an in-use stationary diesel-fueled CI agricultural engine registered under section 93115.8(c)(1)(A) shall notify the District in writing no later than 14 days after any change of owner or operator, change in location, installation or commencement of an emissions control strategy, or replacement with an electric motor or noncompression ignition engine.

(4) A District may provide stationary diesel-fueled CI agricultural engine owners and operators with alternatives to section 93115.8(c)(1) through (3) requirements, provided the Executive Officer finds such alternatives to be equivalent to sections 93115.8(c)(1) through (3).

(5) Upon written request by the Executive Officer, an APCO shall provide to the Executive Officer a written report of information gathered under sections 93115.8(c)(1) through (4).

September 2006: Section 93115(c) added.

(d) Fee Requirements for Greater than 50 bhp Stationary Diesel-Fueled CI Agricultural Engine Owners or Operators

The owner or operator of a greater than 50 bhp stationary diesel-fueled CI agricultural engine or engines shall pay any fees assessed by the District for the purpose of recovering the District's cost of implementing and enforcing section 93115.8 requirements, including section 93115.8(c) requirements.

September 2006: Section 93115.8(d) added.

APPENDIX E
Ventura County Air Pollution Control District
June 7, 2007
Proposed Rule 48 - Agricultural Engine Registration Fees

A. Applicability

This rule applies to any emissions unit subject to the provisions of APCD Rule 250, Registration of Agricultural Engines.

B. Payment

An owner or operator required to register an applicable agricultural engine shall pay the fee specified in Section C of this rule upon application and annually thereafter. Until March 1, 2008, the initial registration fee shall cover the time period from application to March 1, 2009. The registration renewal fee shall cover the period from March 1st to the last day of February in the following year. All fee payments are non-refundable.

C. Fee Schedule

For either an initial registration or a registration renewal, an agricultural diesel engine, as defined in Rule 250, Section F, shall pay a fee of \$200.00.

If, as determined by the Air Pollution Control Officer, an engine requires more than one inspection per year to determine compliance with any applicable federal, state or District order, rule or regulation, an additional fee shall be paid to recover the cost of such inspection. This fee shall be assessed at the hourly service rate for an Air Quality Engineer as approved by the Ventura County Air Pollution Control Board.

D. Annual Adjustment in Fees

The fee prescribed in this Rule may be adjusted annually by the Air Pollution Control Officer based on the change in the California Consumer Price Index (CPI) for the preceding year, as determined pursuant to Section 2212 of the Revenue and Taxation Code. All other revisions of this Rule require approval of the Air Pollution Control Board.