

**Rule 4.16 Registration Requirements for Compression Ignition
Engines used in Agricultural Operations**

(Adopted 10/1/2007; Amended 10/3/2011)

A. GENERAL

- A.1 **PURPOSE:** The purpose of this rule is to establish procedures for the issuance of a Certificate of Registration by the Air Pollution Control Officer (APCO) for the registration of each compression ignition (CI) engine utilized in agricultural operations.
- A.2 **APPLICABILITY:** This rule applies to any engine with a maximum rated horsepower of 50 or greater (≥ 50 bhp) that is used in an agricultural operation.
- A.3 **SEVERABILITY:** If any section, subsection, sentence, clause, phrase or portion of this rule is, for any reason, held invalid, unconstitutional, or unenforceable by any court of competent jurisdiction, that portion shall be deemed as a separate, distinct and independent provision, and the holding shall not affect the validity of the remaining portions of the rule.
- A.4 **EXEMPTIONS - GENERAL:** The provisions of this rule shall not apply to the following:
- a. Engines used to provide motive power;
 - b. Engines used exclusively to power Mobile Agricultural Equipment;
 - c. Engines powering an agricultural wind machine;
 - d. Engines operating in accordance with a valid statewide Portable Equipment Registration Program (PERP) certificate;
 - e. Engines that are subject to District permitting requirements.
- A.5 **EXEMPTION - INTERMITTENT-USE:** The in-use stationary diesel agricultural emission standards of section 93115.8(b) of the Airborne Toxic Control Measure (ATCM) for Stationary Compression Ignition Engines shall not apply to intermittent-use engines until the following dates:
- a. Tier 0 engines - 12/31/2020;
 - b. Tier 1 or Tier 2 engines - 12/31/2025.
- A.6 **EXEMPTION - LOW-USE:** The in-use stationary diesel agricultural emission standards of section 93115.8(b) of the Airborne Toxic Control Measure (ATCM) for Stationary

Compression Ignition Engines shall not apply to low-use engines until the following dates:

- a. Tier 0 engines - 12/31/2020;
- b. Tier 1 or Tier 2 engines - 12/31/2025.

- B. DEFINITIONS:** Except as defined below, the terms used in this Rule are the same as defined in District Rule 1.1.
- B.1 AGRICULTURAL OPERATIONS:** The growing and harvesting of crops or the raising of fowl or animals. Agricultural operations do not include activities involving the processing or distribution of crops or fowl.
- B.2 AGRICULTURAL WIND MACHINE:** An 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.
- B.3 CERTIFICATE OF REGISTRATION:** A certificate issued by the District acknowledging expected compliance with all applicable requirements at the time the certificate is issued.
- B.4 INTERMITTENT-USE ENGINE:** An engine which:
- a. is a remote engine;
 - b. operates less than a cumulative total of 2,000 hours, beginning on:
 1. for Tier 1 & 2 engines, the date of the engine's compliance timeline as stated in section 93115.8(b) of the ATCM for Stationary Compression Ignition Engines; or
 2. for Tier 0 engines, January 1, 2012;
 - c. the owner has modified their Certificate of Registration to claim the intermittent-use status prior to:
 1. for Tier 1 & 2 engines, the date of the engine's compliance timeline as stated in section 93115.8(b) of the ATCM for Stationary Compression Ignition Engines; or
 2. for Tier 0 engines, December 31, 2011.
- B.5 LOW-USE ENGINE:** An engine which:
- a. has a potential cancer risk at any residential area, school, or hospital of less than 10 chances per million as determined by a site specific health risk analysis by the methodologies specified in the Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk

Assessments, Office of Environmental Health Hazard
Assessment, August 2003;

- b. has not previously claimed the intermittent-use status;
 - c. operates less than 200 hours per year after receiving a Certificate of Registration with a low-use status;
 - d. the owner has modified their Certificate of Registration to claim the low-use status.
- B.6 **MAXIMUM RATED HORSEPOWER:** The maximum brake horsepower (hp) rating of an engine as specified by the engine manufacturer and listed on the nameplate of the engine, or advertised in sales or service literature, regardless of any derating.
- B.7 **MOBILE AGRICULTURAL EQUIPMENT:** Equipment at an agricultural operation which is towed or mounted on a vehicle and is moved during the operation of the equipment. Mobile Agricultural Equipment may include, but is not limited to, sprayers, balers, and harvest equipment.
- B.8 **OWNER OR OPERATOR:** Any person subject to the requirements of this rule including, but not limited to:
- a. An individual, trust, firm, joint stock company, business concern, partnership, limited liability company, association, or corporation including but not limited to, a government corporation; and
 - b. Any city, county, district, commission, the state or any department, agency, or political subdivision thereof, any interstate body, and the federal government or any department or agency thereof to the extent permitted by law.
- B.9 **REMOTE ENGINE:** An engine which is operated more than one-half mile from any residential area, school, or hospital.
- B.10 **RESIDENTIAL AREA:** Three or more permanent residences (i.e., homes) located anywhere outside the facility's property.

C. **STANDARDS**

- C.1 **REGISTRATION:** The owner or operator of each engine to which this rule is applicable shall obtain and maintain a registration from the District according to the compliance schedule in section D.2.
- C.2 **STANDARDS FOR GRANTING APPLICATIONS:** Except as provided in this rule, the Air Pollution Control Officer (APCO) shall

deny an application for a registration if the applicant does not show that the engine is so designed, controlled, equipped, and operated with such air pollution control equipment, that it may be shown to operate in compliance with District Rules and Regulations, or any state or federal statutes or regulations that may be enforceable by the APCO.

- C.3 **COMPLIANCE REQUIREMENTS:** Agricultural CI engines shall comply with all applicable requirements of the Airborne Toxic Control Measures adopted by the California Air Resources Board.
- C.4 **IDENTIFICATION DEVICE:** An identification device as specified by the District shall be required for each engine registered with the District. The device shall be permanently affixed on the registered engine at all times so that it may be easily viewed from a distance.
- C.5 **HOOR METER:** A non-resettable hour meter with a minimum display capability of 9,999 hours shall be installed and maintained operational on each intermittent-use engine, each low-use engine, and each engine with a date of initial installation after January 1, 2005. In the event of hour meter failure, the owner or operator shall follow the recordkeeping requirements specified in Section E and replace the meter no later than 2 weeks from the date the failure was detected.
- C.6 **CONDITIONAL APPROVAL:** The APCO may include written conditions on any registration to ensure compliance with all applicable District, State, or Federal requirements.
- C.7 **TRANSFER:**
- a. Registrations shall not be transferable, by operation of law or otherwise, from one engine to another.
 - b. Registrations shall not be transferable, by operation of law or otherwise, from one owner or operator to another owner or operator, if such transfer is prohibited by any Air Toxic Control Measure (ATCM). If not prohibited, an application for such transfer shall be submitted in accordance with section D.1.b. Operation of the engine by the new owner or operator shall be under the terms and conditions of the registration issued to the previous owner or operator until the new registration is issued.

- C.8 **INSPECTIONS:** The District may conduct an on-site inspection of the engine to verify compliance with District, State and Federal Law. The "Right of Entry", as delineated by the California Health and Safety Code 41510 of Division 26, shall apply at all times.
- C.9 **NOTIFICATION REQUIREMENTS:** The owner or operator of a registered CI engine 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 non-CI engine.
- C.10 **VIOLATIONS:** Failure to comply with any provision of this rule or any condition of a registration issued under this rule shall constitute a violation of this rule. The owner or operator shall be liable for any penalties assessed in accordance with the California Health and Safety Code.

D. ADMINISTRATIVE REQUIREMENTS

D.1 APPLICATION REQUIREMENTS:

- a. NEW APPLICATION: Requests for a registration shall be initiated by an owner or operator filing a District registration application for each engine pursuant to Rule 7.14.
- b. TRANSFER OF OWNERSHIP: Requests for a transfer of ownership of a registration shall be initiated by an owner or operator filing a District registration application for each engine pursuant to Rule 7.14. The transferred registration shall have the same expiration date as the original registration.
- c. INTERMITTENT-USE STATUS: Requests for an exemption per section A.5 shall be initiated by an owner or operator in writing for each intermittent-use engine.
- d. LOW-USE STATUS: Requests for an exemption per section A.6 shall be initiated by an owner or operator in writing for each low-use engine.

D.2 COMPLIANCE SCHEDULE:

- a. For each engine with a date of initial installation prior to March 1, 2008, submit a complete registration application by March 1, 2008.
- b. For all other engines, submit a complete registration application no later than ninety (90) days after the date of initial installation.

- c. The APCO shall issue or deny each registration application no later than one hundred eighty (180) days after receipt of an application.
 - d. The applicant shall be notified in writing of any reasons for denying any application.
- D.3 **REGISTRATION REOPENING:** The APCO may reopen and revise a registration under the following circumstances:
- a. To correct a material mistake or an inaccurate statement; or
 - b. To incorporate any new, revised, or additional applicable requirements.
- D.4 **CERTIFICATE RENEWAL:** The Certificate of Registration shall be valid for one year beginning on the first day of March and continuing until the last day of February of the following year. The Registration shall be renewed on a yearly basis subject to payment of the renewal fee. Failure to pay the renewal fee shall result in the cancellation of the Registration. The Registration shall be cancelled, regardless of the payment fees, if the registration holder has failed to meet the engine compliance date as required by the registration.

E. MONITORING AND RECORDS

- E.1 **RECORDKEEPING:** The owner or operator of an intermittent-use or low-use engine shall keep records of the following:
- a. The actual number of hours each intermittent-use or low-use engine is operated on a calendar year basis.
 - b. If an hour meter stops working, the date the failure was detected, the reading on the meter when detected, and the date the meter was replaced.
 - c. The location of operation for each intermittent-use or low-use engine.

Such records shall be retained for a minimum of 60 months past the date the engine was last used. Records shall be made available to District staff within 5 working days from the District's request.

- E.2 **REPORTING:** The owner or operator of an intermittent-use or low-use engine shall:
- a. Submit an annual report by May 30th of every year detailing the actual operating hours for the previous

calendar year for each registration subject to intermittent-use or low-use provisions.

- b. If the actual usage of any engine exceeds the registration condition limiting the hours, cease using the engine immediately and notify the District in writing within five days after they become aware that the hours were exceeded.