

REQUEST FOR EARLY EFFECTIVE DATE

AMENDMENTS TO THE AIRBORNE TOXIC CONTROL MEASURE FOR STATIONARY COMPRESSION IGNITION ENGINES (ATCM)

Pursuant to Government Code Section 11343.4(c), the Air Resources Board (ARB or Board) requests the amendments to section 93115, title 17, California Code of Regulations (CCR), become effective upon filing with the Secretary of State. Good cause for this request exists.

The primary purpose of these amendments is to permanently codify temporary emergency regulatory changes (Resolution 05-29) adopted by the Board based on the limited availability of compliant small to medium new stationary diesel agricultural pump engines. For such engines, the emergency regulation replaced the ATCM's 0.15 grams per brake horsepower-hour (g/bhp-hr) particulate matter (PM) emission limits with ARB and federal new off-road/nonroad engine PM certification standards.* These emergency changes averted agricultural industry disruption and economic hardship, as well as the potential loss of PM emission reductions as a result of decreased voluntary engine replacement. However, if the permanent amendments are not in place by the time the emergency regulation expires on August 3, 2005, concerns and issues associated with limited engine availability are expected to resurface.

Thus, it is critically important that the title 17, California Code of Regulations, section 93115 amendments become effective as soon as possible, preferably before the expiration of the emergency regulation, in order to provide regulatory certainty to stakeholders responsible for the regulation's enforcement and compliance. These stakeholders include the local air districts and stationary diesel engine owners/operators, manufacturers, distributors, and dealers. To minimize any adverse impact from the early effective date, the ARB staff plans to notify more than 1,300 stakeholder representatives and organizations via electronic mail as soon as the effective date of the amendments is known. A stakeholders' electronic list serve has already been established and used to keep stakeholders apprised of regulatory developments. It has been a key tool in the ARB's effort to enable new, cleaner stationary diesel agricultural pump engine purchases to proceed for initial use or replacement.

Date:

George Poppic, Senior Staff Counsel

* Though ARB and federal new small to medium off-road/nonroad engine PM certification standards are currently less stringent than the original ATCM's PM emission limits, new diesel engines certified to current ARB and federal PM standards are 60 to 70 percent cleaner than existing older, dirtier diesel engines. In addition, ARB and federal PM standards are scheduled to become more stringent (0.02 g/bhp-hr PM for engines greater than 50 to 99 hp and 0.01 g/bhp-hr PM for engines 100 to less than 175 hp) in 2012.