

ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT

**RULE 114 -- REGISTRATION PROGRAM FOR COMPRESSION IGNITION ENGINES
USED IN SMALL AGRICULTURAL OPERATIONS**

(Adopted: 02/19/08)

(A) General

(1) Purpose

- (a) The purpose of this Rule is to establish a registration program for stationary and portable compression ignition (CI) engines used at small agricultural operations.

(2) Applicability

- (a) The provisions of this Rule shall apply to any portable or stationary CI engine(s) with a rated brake horsepower of 50 or greater located at a Small Agricultural Facility.

(B) Definitions

- (1) Agricultural Operation– The growing and harvesting of crops or the raising of fowl or animals for the 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) Air Pollutant – Any air pollution agent or combination of such agents, including any physical, chemical, biological, or radioactive (including source material, special nuclear material, and byproduct material) substance or matter which is emitted into or otherwise enters the ambient air.
- (3) Air Pollution Control Officer (APCO) – The person appointed to the position of Air Pollution Control Officer of the District pursuant to the provisions of California Health and Safety Code §40750 and his or her designee.
- (4) California Air Resources Board (CARB) – The California State Air Resources Board the powers and duties of which are described in Part 2 of Division 26 of the California Health & Safety Code (commencing with section 39500)
- (5) Compression Ignition (CI) Engine – An internal combustion engine with operating characteristics significantly similar to the theoretical diesel combustion cycle. The regulation of power by controlling fuel supply in lieu of a throttle is indicative of a compression ignition engine
- (6) District – The Antelope Valley Air Quality Management District the geographical area of which is described in District Rule 103.

- (7) Hazardous Air Pollutant (HAP) – Any air pollutant listed pursuant to 42 U.S.C. §7412(b) (Federal Clean Air Act §112(b)) or in regulations promulgated thereunder.
- (8) Portable CI Engine – A CI Engine that is not a Stationary CI Engine, which is designed and capable of being carried or moved from one location to another.
- (9) Rated Brake Horsepower – The maximum brake horsepower output of a CI Engine determined as follows
- (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.
- (10) Regulated Air Pollutant – Any of the following Air Pollutants:
- (a) Any pollutant, and its precursors, for which a national ambient air quality standard has been promulgated.
 - (b) Any pollutant that is subject to a standard under 42 U.S.C. §7411 (Federal Clean Air Act § 111) or any regulation promulgated pursuant to that section.
 - (c) Any substance which has been designated a Class I or Class II substance under 42 U.S.C. §7671a (Federal Clean Air Act §602) or any regulation promulgated pursuant to that section.
 - (d) Any pollutant subject to a standard or other requirement established pursuant to 42 U.S.C. §7412 (Federal Clean Air Act §112).
- (11) Residential Area – Three or more permanent residences (i.e. homes) located anywhere outside the boundary of the Small Agricultural Facility.
- (12) School – Any public or private school used for the purposes of the education of more than 12 children in kindergarten or any grades 1 to 12, inclusive, but does not include any private school in which education is primarily conducted in a private home(s). “School” or “School Grounds” includes any building or structure, playground, athletic field, or other areas or school property but does not include unimproved school property.
- (13) Small Agricultural Facility (SAF) – Any Agricultural Operation which emits less than the following:
- (a) Fifty (50) tons per year of any Regulated Air Pollutant other than those listed in subsection (b) and (c) below;
 - (b) 12.5 tons per year of either Nitrogen Oxides (NO_x) or Volatile Organic Compounds (VOC); or

- (c) Five (5) tons per year of any single HAP, 12.5 tons per year of any combination of HAPs or one half (1/2) the amount of any such lesser quantity of a single HAP that USEPA should establish by rule.
- (14) Stationary CI Engine – A CI engine that is designed to stay in one location, or remains in one location. A CI engine is stationary if any of the following are true:
- (a) The engine or its replacement is attached to a foundation, or if not so attached, resides at the same location for more than 12 consecutive months. Any engine such as backup or standby engines, that replaces an engine at a location and is intended to perform the same or similar function as the engine(s) being replaced, shall be included in calculating the consecutive time period. The cumulative time of all engine(s) and installation of the replacement engine(s), will be counted toward the consecutive time period; or
 - (b) The engine remains or will reside at a location for less than 12 consecutive months if the engine is located at a seasonal source and operates during the full annual operating period of the seasonal source, where a seasonal source is a stationary source that remains in a single location on a permanent basis (at least two years) and that operates at the single location at least three months each year; or
 - (c) The engine is moved from one location to another in an attempt to circumvent the 12 month residence time requirement. The period during which the engine is maintained at a storage facility shall be excluded from the residency time determination.
- (15) Toxic Air Contaminant (TAC) – An air pollutant which may cause or contribute to an increase in mortality or in serious illness, or which may pose a present or potential hazard to human health and has been identified by CARB pursuant to the provisions of California Health and Safety Code § 39657, including but not limited to, substances that have been identified as HAPs pursuant to 42 U.S.C. §7412(b) (Federal Clean Air Act §112(b)) and the regulations promulgated thereunder.
- (16) United States Environmental Protection Agency (USEPA) – Refers to the Administrator or the appropriate designee of the United States Environmental Protection Agency.
- (17) Volatile Organic Compound (VOC) – Any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, ammonium carbonate, which participates in atmospheric photochemical reactions excluding those compounds listed in 40 CRF 51.100(s)(1).

(C) Requirements

- (1) The owner/operator of any CI Engine subject to this Rule shall not operate the CI engine without a valid registration certificate issued by the District.

- (2) The owner/operator of any CI Engine subject to this rule shall operate the CI Engine in accordance with the Airborne Toxic Control Measure For Stationary Compression Ignition Engines (17 CCR §93115), and any other applicable provisions of state, federal or District law, rule, regulation or order.
- (3) The owner/operator of any CI Engine subject to this rule shall operate the CI Engine in accordance with any requirements listed on or attached to the registration certificate as issued by the APCO.
- (4) The owner/operator of any CI Engine subject to this Rule shall notify the District in writing no later than fourteen (14) days after any of the following:
 - (a) Change of owner/operator.
 - (i) The change of an owner /operator of a CI Engine that is not in conjunction with the change in owner/operator of the underlying facility shall require a new application pursuant to Section (D) below.
 - (b) Any change to any of the items listed in subsection (D)(1)(c)(ii) or (D)(1)(c)(iii) below
 - (c) The destruction, reconstruction, removal, or replacement of the CI engine.

(D) CI Engine Registration Certificate

- (1) Application for CI Engine Registration Certificate.
 - (a) The owner or operator of a CI Engine subject to this rule shall submit, to the District, an application for registration of the CI Engine in a timely manner as follows:
 - (i) Prior to March 1, 2008; or
 - (ii) For a CI Engine installed on or after March 1, 2008 no later than 90 days from date of initial installation.
 - (b) At the time of submission of the registration application the owner or operator of a CI Engine subject to this rule shall pay the initial registration fee specified in subsection (E)(1) below.
 - (c) The registration application shall be submitted on a form specified by the District and shall include, at a minimum, the following information:
 - (i) Applicant identifying information including but not limited to:
 - a. Date of registration application submittal; and
 - b. Name, title (as applicable), and signature of person submitting the registration application; and

- c. 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.
- (ii) CI Engine information including but not limited to:
 - a. Date of installation or anticipated installation;
 - b. Year of manufacture or approximate age, if unable to determine year of manufacture;
 - c. Make;
 - d. Model;
 - e. Serial number;
 - f. Maximum rated brake horsepower;
 - g. Certification status with respect to Off-Road CI Engine Certification Standards pursuant to 13 CCR §2413 if such information is available.
 - (iii) Use information for the CI engine, including but not limited to:
 - a. Estimated annual average operating hours;
 - b. Fuels used;
 - c. Estimated annual average gallons of each fuel used, if alternative diesel fuels are used;
 - d. 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
 - e. For an engine located within one-quarter mile of (1,320 feet) of a residential area, school, or hospital:
 - (i) the distance and direction (in meters or feet) from engine to the nearest residential area, school, or hospital, or
 - (ii) 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.
- (2) Analysis
- (a) Any application for registration shall be analyzed to determine if such application is complete.
 - (i) An application is complete when it contains enough information to process the application.
 - (b) The APCO shall determine whether the application is complete not later than thirty (30) calendar days after receipt of the application, or after such longer time as both the applicant and the APCO may agree to in writing.

- (c) After the determination of completeness has been made the APCO shall notify the applicant in writing of the determination.
 - (i) If the application has been determined to be incomplete the APCO shall specify which information is necessary to make the application complete and a deadline for submission of such information.
 - (ii) Upon receipt of the additional information from the applicant a new thirty (30) day period to determine completeness and analyze the application shall commence.
 - (d) The APCO shall thereafter determine the applicable emissions limitations and any other applicable requirements of state, federal or District law, rule, regulation or order.
- (3) Issuance
- (a) After the analysis has been completed, the APCO shall issue a registration certificate listing the applicable provisions of state, federal or District law, rule, regulation or order with which the CI Engine must comply.
 - (b) The APCO may include additional requirements on the registration certificate which are necessary and reasonable to insure compliance with any applicable provisions of state, federal or District law, rule, regulation or order.
 - (c) The APCO shall not issue a registration certificate unless and until the applicable fees set forth in Section (E) below have been paid.
- (4) Expiration
- (a) Any registration certificate issued before March 1, 2008 shall expire on the last day of February 2011.
 - (b) Any registration certificate issued or reauthorized on or after March 1, 2008 shall expire on the last day of February three (3) years after the year of issuance.
- (5) Reauthorization
- (a) On or before the expiration date of a registration certificate the holder of the certificate may request reauthorization of the certificate by:
 - (i) Submitting an update to the information required in subsection (D)(1) above or certifying that the information contained in the initial application remains the same; and
 - (ii) Paying the reauthorization fee set forth in subsection (E)(2) below.
 - (b) Upon receipt of the above information the APCO shall reauthorize and reissue the registration certificate.

- (i) Such reissued registration certificate shall include any new or altered provisions of state, federal or District laws, regulations or orders with which the CI engine must comply.

(F) Fees

(1) Initial Registration Fee

- (a) Upon submission of the initial application for registration applicant shall pay an initial registration fee in the amount of \$325.

(2) Reauthorization Fee

- (a) Upon request for reauthorization of the registration certificate, applicant shall pay a reauthorization fee in the amount of \$325.

(3) Update Fee

- (a) Upon notification of a change in information required pursuant to subsection (D)(1)(c)(ii) or (D)(1)(c)(iii) the applicant shall pay an update fee in the amount of \$162.50.
- (b) If the update fee is not paid upon submission of the notification the registration will be vacated and the certificate will expire and become invalid.

(G) Exemptions

- (1) The requirements of this Rule shall not apply to the following CI Engines at SAFs which are:
 - (a) Used to provide motive power.
 - (b) Used to power agricultural wind machines.
 - (c) Required to obtain permits pursuant to other applicable District Rules and Regulations.
 - (d) Temporary operation of CI engines owned by a third party which are registered in the Statewide Portable Equipment Registration Program"