

RULE 11.3 AGRICULTURAL ENGINE REGISTRATIONS

ADOPTED July 9, 2008

INDEX

100 GENERAL

- 101 PURPOSE
- 102 APPLICABILITY
- 103 SEVERABILITY
- 110 EXEMPTIONS - GENERAL
- 111 EXEMPTION - LIMITED

200 DEFINITIONS

- 201 AGRICULTURAL OPERATION(S)
- 202 AGRICULTURAL WIND MACHINE
- 203 DATE OF INITIAL INSTALLATION
- 204 DISTRICT
- 205 ENGINE
- 206 MAXIMUM RATED HORSEPOWER
- 207 MOBILE AGRICULTURAL EQUIPMENT
- 208 OWNER OR OPERATOR
- 209 REGISTRATION

300 STANDARDS

- 301 REGISTRATION
- 302 STANDARDS FOR GRANTING APPLICATIONS
- 303 IDENTIFICATION DEVICE
- 304 HOUR METER
- 305 VISIBLE EMISSIONS
- 306 TRANSFER
- 307 RIGHT OF ENTRY
- 308 VIOLATIONS

400 ADMINISTRATIVE REQUIREMENTS

- 401 APPLICATION REQUIREMENT - REGISTRATION
- 402 COMPLIANCE SCHEDULE
- 403 CONDITIONAL APPROVAL
- 404 REGISTRATION REOPENING
- 405 TERM OF REGISTRATION
- 406 APPLICATION REQUIREMENT - TRANSFER OF OWNERSHIP
- 407 NOTIFICATION REQUIREMENT
- 408 APPEALS

500 MONITORING AND RECORDS (NOT INCLUDED)

600 FEES

- 601 REGISTRATION APPLICATION FEE
- 602 ANNUAL REGISTRATION FEE
- 603 REGISTRATION TRANSFER FEE
- 604 NOTIFICATION OF FEES DUE
- 605 TIME AND MATERIALS RATE

100 GENERAL

- 101 **PURPOSE:** The purpose of this rule is to provide an administrative mechanism for the registration of internal combustion (IC) engines used in agricultural operations within the District.
- 102 **APPLICABILITY:** This rule applies to any engine with a maximum rated horsepower of greater than 50 hp used in an agricultural operation.
- 103 **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.
- 110 **EXEMPTIONS - GENERAL:** The provisions of this rule shall not apply to the following:
- 110.1 Engines used to provide motive power;
 - 110.2 Engines powering an agricultural wind machine;
 - 110.3 Engines used exclusively to power Mobile Agricultural Equipment.
 - 110.4 Engines operating in accordance with a valid statewide Portable Equipment Registration Program (PERP) certificate;
 - 110.5 Engines operating in accordance with a valid District Agricultural Operating Permit (AOP) issued pursuant to District Rule 11.1; or
 - 110.6 Engines operating in accordance with a valid federal operating permit issued pursuant to District Rule 3.8.
- 111 **EXEMPTIONS - LIMITED:**
- 111.1 The provisions of sections 301 and 303 shall not apply to any existing IC engine which an owner or operator has committed (prior to September 2, 2008) to replace with an electric motor. In order to qualify for this exemption, prior to September 2, 2008 the owner or operator must provide the District with a copy of the contract/application to electrify the engine and the electrification must be completed by September 2, 2009 (or longer with APCO approval). If the contract/application to electrify is canceled for any reason, the owner/operator must submit an application for registration for the existing engine along with the appropriate fees within 14 calendar days.

111.2 The provisions of section 306.1 shall not apply to any existing IC engine which an owner or operator has committed (prior to September 2, 2008) to replace with a new Tier 3 engine through an incentive program. In order to qualify for this exemption, prior to September 2, 2008, the owner or operator must provide the District with a copy of the contract/application to replace the engine through an incentive program and the replacement must be completed by September 2, 2009 (or longer with APCO approval).

For the existing engine, the owner/operator must submit the registration application including applicable fees in compliance with section 400. Provided that the engine is replaced in accordance with the incentive program, the District will use the application and filing fee to issue the registration directly to the new engine. If the contract/application to replace the engine is canceled for any reason, the owner/operator must notify the District in writing within 14 calendar days.

200 DEFINITIONS: Except as defined below, the terms used in this Rule are the same as defined in District Rule 1.1.

201 **AGRICULTURAL OPERATION(S):** 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.

202 **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.

203 **DATE OF INITIAL INSTALLATION:** The date on which an engine is placed into service at a location within the District in order to be operated for the first time since delivery from the manufacturer, distributor, or other source.

204 **DISTRICT:** The Yolo-Solano Air Quality Management District.

205 **ENGINE:** Any reciprocating IC engine.

206 **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.

207 **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 includes, but is not limited to sprayers, balers, and harvest equipment.

208 **OWNER OR OPERATOR:** Any person subject to the requirements of this rule,

including but not limited to:

208.1 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

208.2 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.

209 **REGISTRATION:** A certificate issued by the District acknowledging expected compliance with all applicable requirements at the time the certificate is issued.

300 STANDARDS

301 **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 402.

302 **STANDARDS FOR GRANTING APPLICATIONS:** 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.

303 **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.

304 **HOURLY METER:** A non-resettable hour meter with a minimum display capability of 9,999 hours shall be installed and maintained operational on each engine with a date of initial installation after January 1, 2005.

305 **VISIBLE EMISSIONS:** No air contaminant, other than uncombined water vapor, shall be discharged into the atmosphere for a period or periods aggregating more than 3 minutes in any one hour which is as dark or darker than Ringelmann 1 or equivalent 20% opacity.

306 **TRANSFER:**

306.1 Registrations shall not be transferable, by operation of law or otherwise, from one engine to another.

306.2 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 406. 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.

307 **RIGHT OF ENTRY:** The “right of entry” as delineated by the California Health and Safety Code 41510 of Division 26 shall apply at all times.

308 **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 42400.

400 ADMINISTRATIVE REQUIREMENTS

401 **APPLICATION REQUIREMENT - REGISTRATION:** Requests for a registration shall be initiated by an owner or operator filing a District registration application for each engine along with the registration application fee required by Section 601 of this Rule.

402 COMPLIANCE SCHEDULE:

402.1 For each engine with a date of initial installation prior to July 9, 2008, submit a complete registration application by September 2, 2008. The APCO shall issue or deny each application by no later March 31, 2009. The applicant shall be notified in writing of the reasons for denying any application.

402.2 For all other engines, submit a complete registration application prior to the date of initial installation. The APCO shall issue or deny each registration application no later than ninety (90) days after receipt of an application. The applicant shall be notified in writing of the reasons for denying any application.

403 **CONDITIONAL APPROVAL:** The APCO may include written conditions on any registration to ensure compliance with all applicable District, State, or Federal requirements.

- 404 **REGISTRATION REOPENING:** The APCO may reopen and revise a registration under the following circumstances:
- 404.1 To correct a material mistake or an inaccurate statement.
- 404.2 To incorporate any new, revised, or additional applicable requirements.
- 405 **TERM OF REGISTRATION:** Registrations are issued on a calendar year basis and are valid for up to five (5) years, provided that the owner or operator pays all applicable fees and the engine is in compliance with all District and ATCM requirements.
- 406 **APPLICATION REQUIREMENT - TRANSFER OF OWNERSHIP:** An application for transfer of ownership or a registration shall be submitted together with the applicable fees prior to operation of the engine by the new owner. The transferred registration shall have the same expiration date as the original registration.
- 407 **NOTIFICATION REQUIREMENT:** The owner or operator of any registered engine shall notify the District in writing no later than 14 days after any change in location, installation or commencement of an emissions control strategy, replacement of the engine with a new engine, or replacement with an electric motor.
- 408 **APPEALS:** Within thirty (30) days after notice by the APCO of denial or approval of an application submitted pursuant to this Rule, the applicant may petition the Hearing Board, in accordance with District Rule 5.1, for a public hearing. The Hearing Board, after notice and a public hearing, may sustain or reverse the action of the APCO; such order may be made subject to specified conditions.

500 MONITORING AND RECORDS (NOT INCLUDED)

600 FEES

- 601 **REGISTRATION APPLICATION FEE:** A fee equal to two (2) hours at the time and materials labor rate, established in District Rule 4.1, shall be submitted with each registration application. Registration fees cannot be refunded or applied to any other registration.
- 601.1 For engines with a date of initial installation on or before September 2, 2008, the application fee covers the engine until December 31, 2009.
- 601.2 For all other engines, the application fee covers the engine for twelve (12) months from the date of initial installation. For these applications, at the end of the calendar year in which the application is submitted, a prorated fee will be calculated to align the registration with the end of the following calendar year.

- 602 **ANNUAL REGISTRATION FEE:** A fee equal to one (1) hour at the time and materials labor rate, established in District Rule 4.1, shall be charged annually for each registration. Registration fees cannot be refunded or applied to any other registration.
- 603 **REGISTRATION TRANSFER FEE:** A fee equal to one (1) hour at the time and materials labor rate, established in District Rule 4.1, shall be charged for transfer applications filed in accordance with Section 406 of this rule. The fee shall be submitted at the time of application.
- 604 **NOTIFICATION OF FEES DUE:** The owner or operator will be notified by mail of fees due and payable and the date the fees are due. If the fees are not paid by the specified due date, the District shall assess a penalty of fifty (50) percent of the fees due. If the fees and penalty are not paid within thirty (30) days after notice, the registration will be cancelled and the owner or operator will be notified by mail. If the fees and penalty amounts are subsequently submitted within 1 year, the registration may be re-instated.
- 605 **TIME AND MATERIALS RATE:** Until June 30th, 2011, in each of the above sections referring to the time and materials Rate in District Rule 4.1, the fees shall be calculated using the rate for Fiscal Year 2008/2009. After June 30th, 2011, the fees shall be calculated using the rate for the current Fiscal Year.