

RULE 11.3 AGRICULTURAL ENGINE REGISTRATIONS

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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 **EXEMPTION - INTERMITTENT-USE:** The in-use stationary diesel agricultural emission standard and other requirements 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:
- 111.1 Tier 0 diesel engines -12/31/2020
 - 111.2 Tier 1 or Tier 2 diesel engines - 12/31/2025
- 112 **EXEMPTION - LOW-USE:** The in-use stationary diesel agricultural emission standard and other requirements of section 93115.8(b) of the Airborne Toxic Control Measure (ATCM) for Stationary Compression Ignition Engines shall not apply to diesel low-use engines.
- 113 **EXEMPTION - RESIDENT ENGINE:** An owner/operator of an engine who can prove to the satisfaction of the APCO that the engine operated primarily in the Yolo-Solano Air Quality Management District's jurisdiction prior to December 8, 2011 but

that they had no knowledge of the requirement to register their engine, can qualify as a resident engine so long as they submit an initial application within 60 days of being notified of the program and pay fees equivalent to the amount they would have paid had they registered in a timely manner.

- 114 **EXEMPTION - NOTIFICATION:** The provisions of section 93115.8(c)(3) of the ATCM shall not apply to portable engines which are registered with the District in accordance with this rule.
- 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 **DISTRICT:** The Yolo-Solano Air Quality Management District.
- 204 **ENGINE:** Any reciprocating IC engine.
- 205 **INTERMITTENT-USE ENGINE:** An engine which:
- 205.1 is a resident engine;
 - 205.2 is a remote engine;
 - 205.3 the owner has modified their District registration to claim the intermittent-use status; and
 - 205.4 operates less than a cumulative total of 2,000 hours after receiving a District registration with a intermittent-use status.
- 206 **LOW-USE ENGINE:** An engine which:
- 206.1 is a resident engine;
 - 206.2 is a remote engine;
 - 206.3 the owner has modified their District registration to claim the low-use status;
 - 206.4 operates less than 200 hours per year after receiving a District registration with a low-use status; and
 - 206.5 operates less than a cumulative total of 2,400 hours after receiving a District registration with a low-use status.
- 207 **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.

- 208 **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.
- 209 **OWNER OR OPERATOR:** Any person subject to the requirements of this rule, including but not limited to:
- 209.1 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
- 209.2 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.
- 210 **REGISTRATION:** A certificate issued by the District acknowledging expected compliance with all applicable requirements at the time the certificate is issued.
- 211 **REMOTE ENGINE:** An engine which is located more than one-half mile from any residential area, school, or hospital when operated.
- 212 **RESIDENT ENGINE:** An engine which was registered in Yolo-Solano Air Quality Management District's jurisdiction prior to March 8, 2011 and maintains that registration. If the registration is ever canceled, the engine can never be subsequently registered as a resident engine.

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:** 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.
- 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 intermittent-use engine, each low-use engine, and 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 REQUIREMENTS:**

401.1 **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.

401.2 **INTERMITTENT-USE STATUS:** Requests for an exemption per section 111 shall be initiated by an owner or operator filing a District application for each intermittent-use engine along with documentation that the engine was used in our District prior to December 8, 2010.

401.3 **LOW-USE STATUS:** Requests for an exemption per section 112 shall be initiated by an owner or operator filing a District application for each low-use engine along with documentation that the engine was used in our District prior to December 8, 2010.

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 **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

501 **RECORD KEEPING:** The owner or operator of each emergency standby engine, intermittent-use engine, and each low-use engine shall keep records of the following:

501.1 The actual number of hours the engine is operated on a calendar quarter basis.

501.2 If an hour meter stops working, the date the failure was detected, the reading on the meter when detected, and the date the meter replaced.

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.

502 **REPORTING:** Owners or operators of emergency standby engines, intermittent-use engines, and low-use engines shall:

502.1 Submit an annual report (in a format approved by the District) by January 31st of every year, detailing the actual operating hours for the previous calendar year for each registration.

502.2 If the actual cumulative usage of any engine ever 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.

502.3 If the hour meter ever stops working, replace the hour meter immediately and notify the District in writing within five days after they become aware that the meter wasn't working.

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 in our District, 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 not more than 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.