

October 3, 2008

Mary D. Nichols, Chair
California Air Resources Board
1001 I Street
P.O. Box 2815
Sacramento, CA 95814

Re: Request to Amend the Airborne Toxic Control Measure (ATCM) for Stationary Compression Ignition Engines to Clarify Requirements for Engines Used In Agricultural Operations

Dear Ms. Nichols:

For the last several months, member districts of the Sacramento Valley Basinwide Air Pollution Control Council (BCC) have been working hard to implement the requirements of the ATCMs for Stationary Compression Ignition Engines affecting engines used in agricultural operations. During this process it has become clear there are many implementation issues that we need to work through. We acknowledge and appreciate the assistance of Air Resources Board (ARB) staff working with the local districts on the issues. Due to the nature and significance of the problems the BCC requests ARB propose amendments to the stationary ATCM to clarify the requirements for low use engines used in agricultural operations.

Local air districts are finding that many operators use engines on a limited basis each year. Unlike the portable engine ATCM, the stationary engine ATCM does not have a low-use hourly exemption. Therefore, all engines must meet the applicable emissions compliance schedule regardless of the annual use. The request from the winegrape industry earlier this year highlights this problem. ARB has indicated that the local air districts may adopt rules implementing the stationary ATCM, including a low-use hourly exemption. Indeed, the San Joaquin Valley Unified APCD has an engine rule with a 200 hour exemption. Several districts are considering this approach. While the BCC appreciates the flexibility to develop local rules, for several reasons we consider it more appropriate for ARB to include the low-use exemption in the stationary engine ATCM. First, many districts are concerned about the potential legal exposure from uncertainty in the rule-making deadline in Health and Safety Code Section 39666(d). Second, districts must demonstrate that the local rule is at least as stringent as the engine ATCM. Finally, the ATCMs, as written, have resulted in inconsistencies throughout the state in regulating these sources.

The BCC is available to work with ARB on recommended amendments. Since the San Joaquin Valley Unified APCD has a 200 hour exemption in their rule this should be allowed state-wide through the ATCM. However, the BCC would be interested in exploring other concepts that would apply state-wide. While exempt from meeting the tiered standards, these engines should still require registration. This is important to verify eligibility for the exemption, similar to the registration requirement for remote engines.

Please contact _____ if you have any questions regarding this correspondence.

Sincerely,

Supervisor Don Nottoli, Chair
Sacramento Valley Basinwide Air Pollution Control Council

cc: James Goldstein
Robert Fletcher