

State of California
AIR RESOURCES BOARD

Resolution 05-29

March 17, 2005

Agenda Item No: 05-3-4

WHEREAS, sections 39600 and 39601 of the Health and Safety Code authorize the Air Resources Board (the Board or ARB) to adopt standards, rules and regulations and to do such acts as may be necessary for the proper execution of the powers and duties granted to and imposed upon the Board by law;

WHEREAS, the Board adopted an Airborne Toxic Control Measure (ATCM) for Stationary Compression Ignited Engines, and approved Resolution 03-30 on February 26, 2004, requiring new agriculture stationary compression ignited pump engines greater than 50 horsepower (hp) to meet a particulate matter standard of 0.15 grams per brake horsepower-hour (g/bhp-hr) beginning on January 1, 2005;

WHEREAS, the ARB staff was contacted by agriculture equipment dealers and distributors, and engine manufacturers in December 2004 regarding the implementation of the ATCM for Stationary Compression Ignited Engines and their concern over the unavailability of engines in the 50 hp to less than 175 hp size ranges compliant with the 0.15 g/bhp-hr particulate matter (PM) requirement;

WHEREAS, the current federal and ARB off-road diesel engine PM emissions standard is 0.30 g/bhp-hr for engines in the 50 to 99 hp range and is 0.22 g/bhp-hr for engines in the 100 hp to less than 175 hp size range;

WHEREAS, the ARB staff has worked closely with the air pollution control districts and air quality management districts (districts), and the affected industry to collect and evaluate the most current information regarding the availability of agriculture pump engines in the 50 hp to less than 175 hp size range;

WHEREAS, the 0.30 g/bhp-hr PM Standard proposed for new stationary agriculture pump engines in the 50 hp to 99 hp range and the 0.22 g/bhp-hr PM Standard proposed for new stationary agriculture pump engines in the 100 hp to less than 175 hp range are the same standards as the current federal and ARB new off-road engine standards for those hp ranges;

WHEREAS, the ARB staff has determined that there is a very limited availability of diesel agriculture pump engines that meet the 0.15 g/bhp-hr PM Standard in the 50 hp to 99 hp ranges in the ATCM;

WHEREAS, the ARB staff has determined that in the 100 hp to less than 175 hp size range, availability of engines was limited to one or two manufacturers, reducing the choices of manufacturer significantly in the diesel stationary agriculture pump market;

WHEREAS, the ARB staff has determined that certain existing engines can not be replaced with similar model engines from the same engine manufacturer, and that not all brands of engines are available in all horsepower sizes;

WHEREAS, the ARB staff has determined that replacing an existing engine with a different make, model, or horsepower engine may result in additional costs to replace ancillary equipment;

WHEREAS, the ARB staff has determined that replacing an older, dirtier, pump engine with a new engine meeting the proposed new PM standards would provide a 60 percent reduction in toxic emission and a 20 percent reduction in ozone forming compounds;

WHEREAS, the insufficient availability of complying engines, will prevent growers, who have to replace an existing engine due to break down or install a new engine, from being able to obtain an engine that complies with the ATCM and meets their service requirements;

WHEREAS, the impact on growers who are unable to purchase a new engine would be severe if they must wait until the normal rulemaking process is completed because they will not be able to pump irrigation water for their current spring planting; and

WHEREAS, staff has proposed an emergency regulation order for new stationary compression-ignited agriculture pump engines in the 50 hp to 99 hp and 100 hp to less than 175 hp ranges, set forth in Attachment A.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby determines that it is necessary to take emergency action to amend the Stationary Airborne Toxic Control Measure for Particulate Matter Emissions Standards, for the immediate preservation of the public peace, health and safety or general welfare.

BE IT FURTHER RESOLVED that the Board hereby approves the emergency regulation order amendments to section 93115, title 17, California Code of Regulations, as set forth in Attachment A hereto.

BE IT FURTHER RESOLVED that the regulations be submitted to the Office of Administrative Law (OAL) as emergency regulations, and that the Executive Officer prepare a "Finding of Emergency" in compliance with Government Code section 11346.1(b).

BE IT FURTHER RESOLVED that the Board directs the staff to work with the agriculture community, agriculture equipment dealers and distributors, engine manufacturers, and other interested stakeholders to investigate the availability of new

compression ignited engines used in stationary agriculture pump applications and any market and/or economic impacts.

BE IT FURTHER RESOLVED that the Board directs the staff to work with the equipment dealers and distributors, engine manufacturers, and other interested stakeholders on equipment in the 50 hp to less than 175 hp range, investigating the availability of new compression ignited engines used in emergency back-up generators, and any market and/or economic impacts from meeting the current stationary ATCM PM Standard for the May 2005 Board meeting.

BE IT FURTHER RESOLVED that the Board directs the staff to immediately initiate a rulemaking following a timetable under which the Board may consider and adopt appropriate permanent regulatory amendments which become operative within 120 days of the effective date of the emergency regulations adopted herein.

I hereby certify that the above is a true and correct copy of Resolution 05-29, as adopted by the Air Resources Board.

Lori Andreoni, Clerk of the Board

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Identification of Attachments to the Resolution

Attachment A: The Emergency Regulation Order, Airborne Toxic Control Measure for Stationary Compression Ignition Engines.