

RULE 311 – REGISTRATION FEES FOR AGRICULTURAL COMPRESSION IGNITION ENGINES
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100 GENERAL

- 101 **PURPOSE:** To establish fees to be charged to owners/operators of agricultural compression ignition engines required to submit registration information pursuant to the Airborne Toxic Control Measure for Stationary Compression Ignition Engines, Title 17 of the California Code of Regulations, Section 93115.8(c).
- 102 **APPLICABILITY:** Any person who owns or operates an engine for which registration information must be submitted to the District pursuant to Title 17 of the California Code of Regulations, Section 93115.8(c).
- 103 **SEVERABILITY:** If a court of competent jurisdiction issues an order that any provision of this rule is invalid, it is the intent of the Board of Directors of the District that other provisions of this rule remain in full force and affect to the extent allowed by law.
- 104 **EXEMPTION, PERMITTED ENGINES:** The provisions of this rule shall not apply to engines that are permitted pursuant to Rule 201, GENERAL PERMIT REQUIREMENTS, or Rule 215, AGRICULTURAL PERMIT REQUIREMENTS AND NEW AGRICULTURAL PERMIT REVIEW.
- 105 **EXEMPTION, ENGINES MEETING THE ATCM EMISSION STANDARDS:** The owner/operator of any engine meeting or exceeding the final emission standards established in Title 17 of the California Code of Regulations, Section 93115.8 for the corresponding horsepower, certification level, and use of that engine, shall not be subject to the renewal fees or self-certification fees established in Sections 302.2 and 306 of this rule.

200 DEFINITIONS: Unless otherwise defined below, the terms in this rule are defined in Rule 215, AGRICULTURAL PERMIT REQUIREMENTS AND NEW AGRICULTURAL PERMIT REVIEW.

- 201 **CARL MOYER PROGRAM:** A program that funds costs of cleaner-than-required engines, equipment, and other sources of air pollution, pursuant to Health and Safety Code Section 44275 et seq.
- 202 **CONTROL DEVICE:** Equipment, such as a diesel particulate filter, that is used to reduce the amount of air pollutants reaching the ambient air.
- 203 **DISTRICT:** The Sacramento Metropolitan Air Quality Management District.
- 204 **IN-USE ENGINE:** Any engine that is not a new engine.
- 205 **NEW ENGINE:**
- 205.1 An engine installed at a facility after January 1, 2005, including an engine relocated from an off-site location after January 1, 2005, except the following shall be deemed in-use engines:
- a. a replacement engine that is installed to temporarily replace an in-use engine while the in-use engine is undergoing maintenance and testing, provided the replacement engine emits no more than the in-use engine, and the replacement engine is not used more than 180 days cumulatively in a 12-month rolling period;
 - b. an engine for which a District-approved application for a District permit or engine registration for stationary sources was submitted to the District prior to January 1, 2005, even though the engine was installed after January 1, 2005;
 - c. an engine that is one of four or more engines owned by an owner or operator and is relocated prior to January 1, 2008, to an off-site location that is owned by the same owner or operator;

- d. an engine, or replacement for an engine, used in agricultural operations that is relocated within the same facility or to another facility under the same owner or operator for use in agricultural operations, unless the engine is sited where an engine is not currently located and has not been previously located;
 - e. an engine installed at a facility prior to January 1, 2005, and relocated within the same facility after January 1, 2005.
 - f. a model year 2004 or 2005 engine purchased prior to January 1, 2005, for use in California. The date of purchase is defined by the date shown on the front of the cashed check, the date of the financial transaction, or the date on the engine purchasing agreement, whichever is earliest;
 - g. a greater than 50 bhp Tier 1-or Tier 2-certified diesel agricultural engine installed after January 1, 2005, shall be considered a new engine until 12 years after the date of initial installation, at which time, it shall be considered an in-use engine.
- 205.2 An engine that has been reconstructed after January 1, 2005, shall be deemed a new engine unless the sum of the costs of all individual reconstructions of that engine after January 1, 2005, is less than 50% of the lowest-available purchase price, determined at the time of the most recent reconstruction, of a complete, comparably-equipped new engine (within $\pm 10\%$ of the reconstructed engine's brake horsepower rating). For purposes of this definition, the cost of reconstruction and the cost of a comparable new engine shall not include the cost of equipment and devices required to meet the requirements of Title 17 of the California Code of Regulations, Section 93115.8.

300 STANDARDS

301 **INITIAL REGISTRATION FEE:** Every person required to submit registration information pursuant to Title 17 of the California Code of Regulations, Section 93115.8(c) for a new or in-use engine shall pay an initial fee to be determined as follows:

301.1 **ENGINES WITH CONTROL DEVICES:** Any engine using a control device to comply with the emission standards in Title 17 of the California Code of Regulations, Section 93115.8 shall be assessed a fee according to the following schedule:

Horsepower	Initial Registration Fee
Less than 50	\$336
50 to 249	\$674
250 to 499	\$1,348
500 to 999	\$2,696
1000 or greater	\$5,396

301.2 **CARL MOYER ENGINES:** Engines funded by the District's Carl Moyer Program and that were inspected by District employees shall be assessed a fee of \$165 that shall apply to the first hour of District work. This fee does not apply to engines with control devices.

301.3 **ALL OTHER ENGINES:** Engines other than those described in Sections 301.1 and 301.2 shall be assessed the following fees:

- a. An agricultural stationary source submitting registration information shall be assessed a fee of \$329 for the first engine that shall apply to the first three (3) hours of District work.
- b. Each additional engine shall be assessed a fee of \$170 that shall apply to one additional hour of District work per engine.

301.4 **ADDITIONAL DISTRICT WORK:** Each additional hour spent regarding the initial registration of an engine, excluding engines as described in Section 301.1, shall be charged to the owner/operator at the time and materials labor rate specified in Section 305.

302 **REGISTRATION RENEWAL FEE:** The owner/operator shall pay a registration renewal fee to be determined as follows:

302.1 **ENGINES WITH CONTROL DEVICES:** Any engine using a control device to comply with the emission standards in Title 17 of the California Code of Regulations, Section 93115.8 shall be assessed a fee each year according to the following schedule:

Horsepower	Registration Renewal Fee
Less than 50	\$168
50 to 249	\$337
250 to 499	\$674
500 to 999	\$1,348
1000 or greater	\$2,698

302.2 **ALL OTHER ENGINES:** Engines other than those described in Section 302.1 shall be assessed the following fees.

- a. An agricultural stationary source shall be assessed a fee of \$185 each year for the first engine.
- b. Each additional engine shall be assessed a fee of \$114 each year.

303 **REINSPECTION:** If, during an inspection for the purpose of determining compliance with Title 17 of the California Code of Regulations, Section 93115.8, an engine cannot be evaluated due to circumstances beyond the control of the District, the owner/operator shall pay the actual cost of a reinspection. The fee for the reinspection shall be assessed in accordance with the time and materials labor rate specified in Section 305.

304 **SOURCE TEST OBSERVATION AND REPORT EVALUATION:** A fee of \$1,348 will be charged to the owner or operator of a registered engine whenever the Air Pollution Control Officer finds that a source test is required and must be observed and the report evaluated by District personnel to determine the actual emissions from the engine for the purpose of determining compliance with the emission standards in Title 17 of the California Code of Regulations, Section 93115.8. When multiple source tests are performed and the results submitted in one consolidated report, the source test fee of \$1,348 shall apply to the first 10 hours of District work. Each additional hour or portion thereof required for reviewing the source test shall be charged the time and materials labor rate established in Section 305.

305 **TIME AND MATERIALS LABOR RATE:** The rate for time and materials shall be \$175 per hour.

306 **SELF-CERTIFICATION:** This section applies to owners/operators of registered engines at agricultural stationary sources that submit an annual self-certification form that: (i) complies with section 403 of this Rule, (ii) is signed under penalty of perjury, and (iii) states that engines operated by it have and will comply with Title 17 of the California Code of Regulations, Section 93115 during the effective period of the self-certification. Notwithstanding the provisions of Section 302.2, owners/operators that meet the self-certification requirements will be assessed a renewal fee of \$76 for the first engine at the agricultural stationary source and \$42 for each additional engine at that source. This section does not apply to any engine using a control device to comply with the emission standards in Title 17 of the California Code of Regulations, Section 93115.8.

400 ADMINISTRATIVE REQUIREMENTS

401 **SUBMISSION OF INITIAL FEE:** A payment of the initial registration fee shall be submitted when the information for registration is submitted. For engines for which registration information is submitted before July 24, 2008, the owner/operator shall pay the initial registration fee within 30 days of July 24, 2008.

- 402 **NOTIFICATION OF REGISTRATION RENEWAL FEE DUE:** On the renewal date of registration, the owner/operator will be notified by mail of the fee due and payable and the date the fee is due. If the fee is not paid by the specified due date, the fee shall be increased by one half the amount and the owner/operator shall be notified by mail of the increased fee, which shall be paid within 30 days of such notice.
- 403 **NOTIFICATION OF SELF-CERTIFICATION DUE:** The owner/operator of registered engines will be notified by mail when annual renewal fees are due. The notice will include a self-certification form. If the form is completed and sent to the District within 45 days of the date on the notice, then the provisions of section 306 of this Rule may apply. If the self-certification form is not postmarked within the 45 day time period the owner/operator must pay the renewal fee specified in Section 302.2. Electronic submittals of the self-certification form(s) may satisfy this requirement if specified in the instructions with the notice.
- 404 **CONSUMER PRICE INDEXING OF FEES:** Registration fees may be adjusted on an annual basis. Any adjustment must be proposed and approved through the annual budget process. If the Board of Directors approves a fee change with the final budget, the Air Pollution Control Officer may adjust fees by up to the maximum rate approved by the Board.