



Linda S. Adams  
Secretary for  
Environmental Protection

# Air Resources Board

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Mary D. Nichols, Chairman  
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Arnold Schwarzenegger  
Governor

January 25, 2008

To: Air Pollution Control Officers/Executive Officers:

The California Air Pollution Control Officers Association (CAPCOA) has asked the Air Resources Board (ARB) for an interpretation concerning the applicability of regulations governing the use of stationary and portable diesel-fired engines on agricultural sources. In response, the ARB legal staff has prepared the attached memo. In summary, stationary and portable diesel-fired engines used exclusively at an agricultural source are now subject to the requirements of the Airborne Toxic Control Measure for Stationary Compression Ignition Engines (Stationary Engine ATCM). This includes requirements for registration, health risk assessments, and fees as determined by the district. The Stationary Engine ATCM became effective October 18, 2007.

The Stationary Engine ATCM continues to apply to an engine as long as it remains in agricultural use and is owned by the same owner even if the engine is moved to contiguous or non-contiguous agricultural sources that are under the same ownership. These engines are also subject to any applicable district requirements, including registration programs. The ARB staff recommends that the districts establish specific requirements for diesel-fired engines used on multiple agricultural sources under common ownership that are located either within their district boundaries or in different districts.

This approach will allow stationary and portable diesel engines used at an agricultural source to take advantage of the reduction in required years of agricultural engine voluntary emission reductions under the Carl Moyer Program. Agricultural source operators may now apply for Carl Moyer Program funds to replace any portable or stationary diesel engine larger than 25 brake horsepower used exclusively at an agricultural source. Information about the Carl Moyer Program can be found at the following website: <http://www.arb.ca.gov/msprog/moyer/moyer.htm>.

There are no changes to the requirements for engines owned by rental companies. To avoid potentially conflicting requirements on the same engine, the preferred approach would be to exclude portable engines used in agricultural operations from the requirements of the Stationary Engine ATCM. However, those portable engines not owned by the owner of the agricultural source, such as rental companies, must be in compliance with the Airborne Toxic Control Measure for Diesel Particulate Matter from Portable Engines Rated at 50 Horsepower and Greater (Portable Engine ATCM).

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website: <http://www.arb.ca.gov>.*

California Environmental Protection Agency

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Air Pollution Control Officer/Executive Officer  
January 25, 2008  
Page 2

If you have any questions, please call me at (916) 324-8167, or by email at [rfletche@arb.ca.gov](mailto:rfletche@arb.ca.gov). Questions on the legal memo should be directed to Mr. George Poppic, Senior Staff Counsel, at (916) 322-3940, or by email at [gpoppic@arb.ca.gov](mailto:gpoppic@arb.ca.gov).

Sincerely,

/s/

Robert D. Fletcher, Chief  
Stationary Source Division

Attachment

cc: Mr. George Poppic  
Senior Staff Counsel