

Agenda Date: August 16, 2007
Agenda Placement: Regular
Estimated Time: 45 Minutes
Continued Item: No

Board Agenda Item

TO: Air Pollution Control District Board
FROM: Terry Dressler, Air Pollution Control Officer
CONTACT: Ron Tan, 961-8812
SUBJECT: New Rule 1201 – Registration of Agricultural Diesel Engines

RECOMMENDATION:

- A. Hold a public hearing to receive testimony on and consider adoption of new APCD Rule 1201, Registration of Agricultural Diesel Engines.
- B. Adopt the attached Resolution (Attachment 1) which will result in the following actions:
 - 1. Adoption of new Rule 1201 (Attachment 2).
 - 2. Adoption of the California Environmental Quality Act (CEQA) findings given in Attachment 3.
 - 3. Adoption of the associated findings (Attachment 4) in support of adopting new Rule 1201 pursuant to Health and Safety Code Section 40727 regarding authority, necessity, clarity and consistency. The findings acknowledge public comments on the new rule (Attachment 6) and staff's responses to these comments (Attachment 7).

DISCUSSION

New APCD Rule 1201, Registration of Agricultural Diesel Engines is proposed to implement the registration requirements of the recently adopted State Airborne Toxic Control Measure (ATCM) for stationary diesel ignition engines (California Code of Regulations, Title 17, §93115, adopted November 16, 2006 and as revised in April 2007). As of August 1, 2007 the State Office of Administrative Law has yet to certify the April revision to this regulation, but is expected to by October 2007. District staff has proposed this registration rule prior to certification of the final state regulation because of the near-term regulatory deadlines in the ATCM and state restrictions on the use of grant funds to aid compliance within one year of those deadlines.

Pursuant to Section 39666(d) of the California Health and Safety Code, the APCD is responsible under state law to enforce the stationary diesel engine ATCM and is required to implement it within 120 days after it is effective. The ATCM, which applies to engines rated over 50 horsepower, has significant requirements for both existing and new diesel engines used in agricultural activities, including a requirement that all engines that are subject to the regulation be registered with the local air district. Existing engines greater than 50 horsepower are required to be registered or permitted by the APCD by March 1, 2008. New engines greater than 50 horsepower must be registered or permitted within 90 days of installation after the ATCM is certified as final. The ATCM also has a schedule requiring the replacement of older and more polluting engines first. The first group is uncontrolled pre-1996 engines (aka "Tier 0") which must be replaced prior to December 31, 2010 (100 to 750 horsepower) and December 31, 2011 (50 to 99 horsepower). This proposed rule and the ATCM do not apply to mobile equipment such as tractors and trucks; the regulations primarily affect diesel powered water pumps.

Equipment registration is distinguished from permitting primarily by its exemption from the permit rules often referred as New Source Review and the associated higher fee structure for permits. Permitting most agricultural processes is not allowed by State Law unless the Air Pollution Control District Board of Directors makes specific findings. A registration program is not subject to such findings and such findings are not proposed in this rule.

The proposed rule has been developed jointly with Ventura County and San Luis Obispo County APCDs; together, the three districts make up the South Central Coast Air Basin. (The San Luis Obispo APCD Board of Directors adopted a similar rule on May 16, 2007 and the Ventura County APCD Board will consider their version of this rule on September 11, 2007). As with the Ventura and San Luis Obispo versions, the proposed rule has a reciprocity provision that would allow engines that move between the districts to use a single registration valid in all three jurisdictions. This proposed rule does not add any new emission control requirements; it only requires registration to meet the requirements of the ATCM.

RULE SUMMARY

Effective August 16, 2007, new agricultural diesel engines with a rated brake horsepower of 50 or greater would be required to register within 90 days of installation. These include both stationary and portable diesel engines used in agricultural operations; the most common examples are water pumps. The brake horsepower rating has to be based on the manufacturer's published sales, service or technical literature, the manufacturer's engine nameplate rating or the applicable U.S. Environmental Protection Agency or California Air Resources Board certification.

All existing agricultural diesel engines of 50 horsepower and above would need to register by March 1, 2008, as required by the stationary diesel engine ATCM.

The following agricultural engines would not require registration with the District:

- Engines rated below 50 horsepower
- Agricultural wind machines
- Non-diesel engines (natural gas, propane, gasoline)
- Engines that power vehicles (tractors, trucks)

As mentioned earlier, one unique provision of Rule 1201 is the “reciprocity” provision (Rule 1201.F) whereby an engine registered with the San Luis Obispo, Ventura or Santa Barbara County APCD can be used in any of the three counties. Thus the engine owner or operator would have to obtain only one registration and to pay one registration fee. While the District is not required to adopt a rule to implement the registration requirements of the ATCM, we believe that the benefits of having a reciprocal program with Ventura and San Luis Obispo were important enough for us to develop Rule 1201. Section F of this rule codifies the reciprocity provisions for the South Central Coast Air Basin.

An annual registration fee of \$200 per engine is proposed in new Rule 213, Fees for Registration Programs, which will have its first hearing before your Board on August 16, 2007 and its final adoption hearing on October 18, 2007. The proposed fee is equivalent to the statewide portable engine registration fee of \$207 and was developed jointly with San Luis Obispo APCD and Ventura APCD staff. The basis for the fee was estimated by calculating the tasks and level of effort required to implement the ATCM on an assumed population of 300 engines in Santa Barbara County. The tasks required to implement the ATCM include program development, program oversight, outreach, source identification, data entry, inspections, Air Toxic Hot Spots implementation and advertising and outreach. The level of effort for each of these tasks was estimated over a five-year implementation schedule to account for the varying level of effort required for program start-up and longer-term implementation.

Our cost/revenue analysis found that the five-year annualized costs to implement the program will be approximately \$66,500 per year while the revenue will be \$60,000 per year – we will be recovering about 90 percent of the costs to implement the program. The annual level of effort is approximately one-third of a full time employee and the level of effort per engine registered in the program will be a little less than two hours per year. As the ATCM is an unfunded state mandate, the APCD does not receive any additional funding for this program; all unrecovered costs will be spread among other discretionary revenue sources.

IMPLEMENTATION PROCESS

The following major steps are involved with implementing the registration process and enforcing the ATCM:

- Develop the registration program (e.g., forms, computer processes, databases, and programming).
- Conduct public outreach including stakeholder outreach, workshops, mailers and advertising.
- Identify all engines subject to the ATCM.
- Conduct compliance activities including periodic inspections and informing farm operators and owners of upcoming compliance dates.
- Manage financial assistance programs.
- Maintain database for outreach and reporting to the Air Resources Board.

PUBLIC OUTREACH

The District has conducted an extensive outreach campaign. On May 21, 2007 over 950 notices were sent to individuals and agricultural companies on mailing lists provided by the Santa Barbara County Agricultural Commissioner. Staff has met with the Santa Barbara County Agricultural Advisory Committee (March 8 and August 1), the Santa Barbara APCD Agricultural Air Quality Coalition (February 22 and June 14) and the Santa Barbara County Farm Bureau (May 31). Meetings scheduled with the County Farm Bureau and the Growers-Shipper Vegetable Association of Santa Barbara and San Luis

Obispo Counties in July were cancelled at the request of those organizations; the District has rescheduled the meeting with the Growers-Shipper Vegetable Association for August 14, 2007. Additionally, your Board was provided with informational updates on March 15 and June 21, 2007. Finally, a combined workshop and APCD Community Advisory Council meeting which was publicly noticed in Santa Barbara, Lompoc and Santa Maria newspapers was held in Buellton on July 11, 2007.

During these public outreach efforts we heard the following concerns:

- The recent spate of agriculture-related state regulations
- The \$200 registration fee and burdensome registration paperwork
- The requirement in Rule 1201 to inform the APCD of the change in an engine's location
- The lack of definition in Rule 1201 for a "remotely located" engine
- The lack of an exemption in Rule 1201 for engines required to obtain an APCD permit

With respect to recent state regulations, staff pointed out that the Airborne Toxic Control Measure which Rule 1201 addresses is a state-mandate adopted by ARB that we are required by law to implement. The proposed \$200 registration fee is much lower than the cost to permit comparable diesel engines and does not fully recover APCD costs in administering the program. To ease the paperwork, staff is working with the Ventura and San Luis Obispo APCD to develop a streamlined application and reporting process. Insofar as the other three major concerns mentioned above, the "change in location" requirement has been deleted and a definition of "remotely located" engine and an exemption for engines required to obtain an APCD permit have been added. Additional information on changes made to Rule 1201 is provided in the next section.

APCD COMMUNITY ADVISORY COUNCIL PROCESS

Rule 1201, as presented at the APCD Community Advisory Council's July 11, 2007 meeting, included a "change in location" reporting requirement:

"The owner or operator of an applicable engine shall notify the District in writing no later than 14 days after any change of owner or operator, any change in location, or the installation or commencement of an emissions control strategy." (emphasis added)

At that meeting on a 7:5:2 vote, the CAC recommended that your Board adopt Rule 1201 if the above "change in location" reporting requirement was deleted. Additionally the CAC requested that a definition for "remotely located engines" be included and to exempt from the rule those engines which are required to have APCD permits.

With respect to deleting the "change in location" reporting requirement, the CAC reasoned that portable water pumps are moved fairly frequently and that the move may just be from one location to another on the same farming operation. The CAC was concerned that the reporting requirement would be onerous. Staff indicated that the intent of this requirement was aimed primarily at (1) tracking engines that would be located close to sensitive receptors (e.g., schools, hospitals, residences) (2) tracking engines brought in from other counties and not those moved from one location to another on a farming operation and (3) allowing inspection staff to more easily locate engines. Additionally the ATCM requires that changes in location be reported. Thus deleting the phrase in the rule would not remove the requirement.

In response to the CAC's action and concerns, the District has deleted the entire paragraph that is quoted above. While removing this paragraph does not change the requirement contained in the ATCM, the District understands the CAC's concern and is working with both Ventura and San Luis Obispo APCDs to develop regional implementation policies that will address the location changes of affected engines in a reasonable and consistent manner.

Additionally, at the CAC's request, a definition for "remotely located engines" and an exemption for engines subject to permits were added.

FINANCIAL ASSISTANCE

APCD grant funding is available to offset the costs of engine replacements for early compliance. To qualify, the new engine must be installed at least one year prior to the date of applicability of the emission standard for the engine being replaced. It is important for agricultural engine operators to understand that they may have only a little over two years to apply for a grant and then order, receive and install the replacement engine if they wish to take advantage of this financial compliance assistance opportunity. For example, uncontrolled pre-1996 engines which are required to meet the ATCM deadline of December 31, 2010 must apply for and receive grant funding, and then order, receive and install a new engine by December 31, 2009. All grant funding is available on a first-come, first-served basis and is subject to applicable funding guidelines.

COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

To comply with the California Environmental Quality Act (CEQA), the APCD prepared a Notice of Exemption pursuant to CEQA Guidelines section 15307. The APCD analyzed the proposed Rule and found no potential for reasonably foreseeable environmental impacts from the method of compliance, i.e., submitting an application for annual registration of the subject diesel engines. The Rule is an action taken by a regulatory agency as authorized by state law to assure clean air and protect public health.

Attachments:

1. Board Resolution
2. Rule 1201
3. CEQA Findings
4. Rule Findings
5. CEQA Notice of Exemption
6. Public Comments
7. Response to Comments

ATTACHMENT 1

BOARD RESOLUTION

PROPOSED RULE 1201

REGISTRATION OF AGRICULTURAL DIESEL ENGINES

AUGUST 16, 2007

Santa Barbara County Air Pollution Control District

260 San Antonio Road, Suite A
Santa Barbara, California 93110

(805) 961-8800

**RESOLUTION OF THE AIR POLLUTION
CONTROL DISTRICT BOARD OF THE COUNTY OF
SANTA BARBARA, STATE OF CALIFORNIA**

In the Matter of) **APCD Resolution No.** 07-15
)
 Adopting Rule 1201)
 _____)

RECITALS

1. The Air Pollution Control District Board of the County of Santa Barbara (“Board”) is authorized to adopt, amend, or repeal rules and regulations pursuant to Health and Safety Code section 40725 *et seq.*
2. Pursuant to Health and Safety Code section 39666(d), districts shall implement and enforce state Airborne Toxic Control Measures or each district must shall adopt rules and regulations that implement the Airborne Toxic Control Measures. The Board has elected to implement and enforce the state Airborne Toxic Control Measure for Stationary Compression Ignition Engines rather than adopting a rule for the Airborne Toxic Control Measure.
3. The Board has also determined that a need exists to adopt Rule 1201 – “Registration of Agricultural Diesel Engines” - to augment implementation and enforce the aforementioned Airborne Toxic Control Measure. Rule 1201 will require equipment subject to the aforementioned Airborne Toxic Control Measure to be registered with the District.
4. Pursuant to Health and Safety Code 40001, the Board is required to adopt and enforce rules and regulations to achieve and maintain the state and federal air quality standards.

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

1) This Board has held a hearing and accepted public comments in accordance with the requirements of Health and Safety Code section 40725 *et seq.*

2) The California Environmental Quality Act (“CEQA”) findings set forth in Attachment 1 of the Board Package dated August 16, 2007 (herein after “Board Letter”) are hereby adopted as findings of this Board pursuant to CEQA and the CEQA guidelines.

3) The general rule findings, as set forth in Attachment 2 of the Board Letter, are hereby adopted as findings of this Board pursuant to Health and Safety Code section 40727.

4) The Responses to Public Comments, as set forth in Attachment 4 of the Board Letter, are hereby adopted as findings of this Board.

5) Rule 1201 as set forth in Attachment 5 is hereby adopted as a new rule of the

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Santa Barbara County Air Pollution Control District pursuant to Health and Safety Code section 40725 *et seq.* PASSED AND ADOPTED by the Air Pollution Control District Board of the County of Santa Barbara, State of California, this 16th day of August, 2007, by the following vote:

AYES: Gray, Centeno, Wolf, Lavagnino, Blum, Clark, Carbajal, Richardson

NOES: Alvarez, Schuyler

ABSTAIN: None

ABSENT: Hicks, Onnen, Firestone

ATTEST:
TERENCE E. DRESSLER
CLERK OF THE BOARD,

By Linda Beard
Deputy

William H. Schuyler
Chair, Air Pollution Control
District Board of the County of
Santa Barbara

APPROVED AS TO FORM:

STEPHEN SHANE STARK
SANTA BARBARA COUNTY COUNSEL

By William M. Wilson
Deputy

Attorneys for the Santa Barbara County
Air Pollution Control District

ATTACHMENT 2

PROPOSED RULE 1201

REGISTRATION OF AGRICULTURAL DIESEL ENGINES

AUGUST 16, 2007

Santa Barbara County Air Pollution Control District

260 San Antonio Road, Suite A
Santa Barbara, California 93110

(805) 961-8800

RULE 1201. REGISTRATION OF AGRICULTURAL DIESEL ENGINES. (Adopted [date of adoption])

A. Applicability

Effective [date of adoption], this rule applies to diesel engines used in agricultural operations, specifically to stationary and portable diesel engines rated at 50 brake horsepower or greater.

B. Exemptions

The provisions of this rule shall not apply to the following equipment:

1. Agricultural wind machines.
2. Motor vehicles, as defined in the California Vehicle Code, Division 1, section 415.
3. Engines registered in the State Portable Equipment Registration Program that are not used as a stationary agricultural diesel engine.
4. Agricultural diesel engines subject to District permit. In order to qualify for this exemption, the owner/operator of an engine installed prior to [date of adoption] shall submit a permit application to modify the engine's operating permit to incorporate the requirements of the State Airborne Toxic Control Measure for Stationary Compression Ignition Engines by no later than March 1, 2008.

C. Definitions

See Rule 102 for definitions not limited to this rule. For the purposes of this rule, the following definitions shall apply:

1. **"Agricultural operations"** means the growing and harvesting of crops or the raising of fowl or animals for the primary purpose of making a profit, providing a livelihood, or conducting agricultural research or instruction by an educational institution. Agricultural operations do not include activities involving the processing or distribution of crops or fowl.
2. **"Agricultural wind machine"** means a stationary diesel 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.
3. **"Date of initial installation"** means the date on which an applicable engine is placed into service at a location in order to be operated for the first time since delivery from the manufacturer, distributor, or other source.
4. **"Diesel engine"** means a compression ignition engine fueled by five (5) percent or more of either diesel fuel, California Air Resources Board diesel fuel, or jet fuel.

5. **“Owner or operator”** means an individual, trust, firm, joint stock company, business concern, partnership, limited liability company, association, or corporation including, but not limited to, a government corporation.
6. **“Rated brake horsepower”** means the published rated brake horsepower from any one of the following sources:
 - a. the manufacturer's sales and service literature;
 - b. the nameplate of the engine; or
 - c. if applicable, as shown in the application for certification of the engine.

For an engine installed on or after [*date of adoption*], the owner or operator must reflect the engine's configuration on the date of initial installation. For other engines, the owner or operator must reflect the engine's configuration as of [*date of adoption*].

7. **“Remotely-Located Agricultural Engine”** means a stationary diesel-fueled engine used in agriculture that is:
 - a. located in a federal ambient air quality area that is designated as unclassifiable or attainment all particulate matter and ozone national ambient air quality standards (title 40, Code of Federal Regulations, section 81.305 et seq.); and
 - b. located more than one-half mile from any residential area, school or hospital.
8. **“Residential Area”** means three or more permanent residences (i.e., homes) located anywhere outside the facility's property.
9. **“Seasonal Agricultural Operation”** means an agricultural operation that remains in a single location for two years or more and that operates at that single location at least three months each year.
10. **“Stationary agricultural diesel engine”** means a diesel engine used in agricultural operations that can perform its operation at one location, or remains in one location. An engine is stationary if any of the following are true:
 - a. The engine is attached to a foundation, or if not so attached, resides at the same agricultural operation for more than 12 consecutive months. A backup, standby or replacement engine, that replaces an engine at an agricultural operation and is intended to perform the same or similar function as the engine being replaced, shall be included in calculating the consecutive time period. The cumulative time of all engines, including the time between the removal of the original engine and installation of the replacement engine, shall counted toward the consecutive time determination; or
 - b. The engine is not attached to a foundation but is located at a seasonal agricultural operation for less than 12 consecutive months. The engine or its replacement must operate during the full annual operating period of the seasonal operation; or

- c. The engine is moved from one location to another in an attempt to circumvent the 12 month residence time requirement in Section C.10.a above. The period during which the engine is maintained at a storage facility shall be excluded from the time determination.
- d. The engine is, or is designed to be carried or moved and serves the same primary function at a single agricultural operation as defined by the definition of "Installation" or "Building, Structure or Facility" found in Rule 102.

D. Requirements

1. The owner or operator of an applicable engine shall register the engine by March 1, 2008. For those engines installed after [date of adoption] the owner or operator of an applicable engine shall register the engine within 90 days of initial installation. Engines initially installed between January 1, 2005 and [date adoption] shall register within 90 days of [date of adoption] or within 90 days of the effective date of the State Airborne Toxic Control Measure for Stationary Compression Ignition Engines set forth in section 93115, Title 17, CCR and as amended on April 10, 2007, whichever is earlier.
2. To register an engine, an owner or operator shall submit a completed registration form, any additional information requested by the Control Officer, and the applicable fee specified in Rule 213.
3. The owner or operator of an applicable engine shall pay the applicable fee specified in Rule 213 upon application and annually thereafter. Until March 1, 2008, the initial yearly registration fee shall cover the time period from application to March 1, 2009. Annual registration fees thereafter shall cover the period from March 1st to the last day of February in the following year.

E. Registration Renewal

Any registration for any engine subject to this Rule shall be renewable annually upon payment of applicable fees and by updating the registration information that has changed since the last renewal. The registration shall be invalid if all applicable fees are not paid prior to March 1st of each applicable year and if the registration holder has been given a 30-day notice of delinquent fees.

F. South Central Coast Air Basin Reciprocity

An engine registered with the Santa Luis Obispo or Ventura County Air Pollution Control Districts will be considered registered with the Santa Barbara County Air Pollution Control District (SBCAPCD) if the following conditions are met:

1. The District where the engine is registered has equivalent registration requirements as SBCAPCD.
2. The registration fee at the District where the engine is registered is within 15% of the SBCAPCD fee.

3. The District where the engine is registered also allows engines registered in SBCAPCD to be considered registered in their District.

Registrations for engines operating under the exception for "Remotely-located Agricultural Engines" as defined in Section 93115 of the California Health and Safety Code are not valid for use at multiple locations unless written approval is obtained from the Control Officer in the county where the engine is proposed to be relocated; this includes relocation within the county where the engine is registered.

ATTACHMENT 3

CEQA FINDINGS

PROPOSED RULE 1201,
REGISTRATION OF DIESEL AGRICULTURAL ENGINES

AUGUST 16, 2007

Santa Barbara County Air Pollution Control District

260 San Antonio Road, Suite A
Santa Barbara, California 93110

(805) 961-8800

CEQA FINDINGS

The project consists of proposed new Rule 1201, Registration of Agricultural Diesel Engines. New Rule 1201 is being proposed to implement the recently adopted State Airborne Toxic Control Measures (ATCM) for stationary diesel engines (California Code of Regulations, §93115) and as revised in April 2007. This new Rule requires registration of all diesel engines used in agricultural operations, rated at 50 brake horsepower or greater, by January 1, 2008 or within 90 days of initial installation. Registration is required to be renewed annually thereafter. No construction activities will occur.

The Santa Barbara County APCD prepared a Notice of Exemption (Attachment 6 of the Board Package dated August 16, 2007) for the project.

The Board finds that:

- Pursuant to § 15307 of the State CEQA Guidelines, the project is exempt because it does not have the potential for causing a significant effect on the environment.
- Pursuant to Public Resources Code (PRC) § 21084, no environmental document is required because the project is exempt from CEQA.

The APCD will prepare and file a Notice of Exemption with the County Clerk of the Board in compliance with State CEQA Guidelines § 15062 (a).

ATTACHMENT 4

RULE FINDINGS

PROPOSED RULE 1201

REGISTRATION OF AGRICULTURAL DIESEL ENGINES

August 16, 2007

Santa Barbara County Air Pollution Control District

260 San Antonio Road, Suite A
Santa Barbara, California 93110

(805) 961-8800

RULE FINDINGS FOR PROPOSED RULE 1201

Pursuant to California Health and Safety Code section 40727, the Board makes the following findings for adopting proposed Rule 1201 (Registration of Agricultural Diesel Engines).

Necessity

The Board determines that it is necessary to adopt proposed Rule 1201 (Registration of Agricultural Diesel Engines) for the purposes of improving rule clarity and implementing and enforcing the state Airborne Toxic Control Measure for Stationary Compression Ignition Engines.

Authority

The Board is authorized under state law to adopt, amend, or repeal rules and regulations pursuant to Health and Safety Code section 40000, and 40725 through 40728 which assigns to local and regional authorities the primary responsibility for the control of air pollution from all sources other than exhaust emissions from motor vehicles. In addition, Health and Safety Code section 40702 requires the District Board to adopt rules and regulations and to do such acts as necessary and proper to execute the powers and duties granted to it and imposed upon it by state law.

Clarity

The Board finds that proposed Rule 1201 is sufficiently clear. The District publicly noticed the proposed revisions to proposed Rule 1201. The rule is written or displayed so that its meaning can be easily understood by persons directly affected by it.

Consistency

The Board determines that proposed Rule 1201 is consistent with, and not in conflict with or contradictory to, existing federal or state statutes, court decisions, or regulations.

The neighboring air pollution control districts include the Ventura County Air Pollution Control District and San Luis Obispo County Air Pollution Control District. In May 2007, San Luis Obispo APCD adopted a rule similar to Rule 1201 and the Ventura County APCD proposes to adopt a rule similar to Rule 1201 in September 2007. Based on this evidence, the Board finds that the rule is consistent with neighboring air pollution control districts.

Nonduplication

The Board finds that proposed Rule 1201 does not impose the same restrictions as any existing state or federal regulation, and the proposed rule revision is necessary and proper to execute the powers and duties granted to, and imposed upon, the APCD.

Reference

The Board finds that we have authority under State law to adopt proposed Rule 1201 pursuant to Health and Safety Code section 39002, which assigns to local and regional authorities the primary responsibility for the control of air pollution from all sources other than exhaust emissions from motor vehicles. Additionally, pursuant to Health and Safety Code section 40702, the Board is required to adopt rules and regulations and to do such acts as necessary and proper to execute the powers and duties granted to it and imposed upon it by state law.

Additional Findings; Public Comment

Response to Comments

The Board has reviewed the public comments included in Attachment 6 and hereby approves the responses to comments set forth as Attachment 7 as findings.

ATTACHMENT 5
CEQA NOTICE OF EXEMPTION
PROPOSED RULE 1201
REGISTRATION OF DIESEL AGRICULTURAL ENGINES

AUGUST 16, 2007

Santa Barbara County Air Pollution Control District

260 San Antonio Road, Suite A
Santa Barbara, California 93110

(805) 961-8800

NOTICE OF EXEMPTION

TO: Clerk of the Board
County of Santa Barbara
105 East Anapamu Street
Santa Barbara, CA 93101

FROM: Santa Barbara County
Air Pollution Control District
260 N. San Antonio Road, Suite A
Santa Barbara, CA 93110

Project I.D.: RULE 1201

Project Title: REGISTRATION OF AGRICULTURAL DIESEL ENGINES

Location: Santa Barbara County, California

Project Description: This new Rule requires registration of all diesel engines used in agricultural operations, rated at 50 brake horsepower or greater, by January 1, 2008 or within 90 days of initial installation. Registration is required to be renewed annually thereafter. No construction activities will occur.

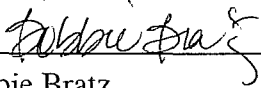
Exempt Status: (Check One)

- Ministerial (Section 21080 (b)(1); 15268)
- Declared Emergency (Section 21080(b)(3); 15269(a))
- Emergency Project (Section 21080(b) (4); 15269(b) (c))
- Categorical Exemption**
CEQA Section(s): 15307
- Statutory Exemption
Code Number(s):
- General Exemption under CEQA Section 15061(b) (3)
- APCD CEQA Guidelines, Appendix A ("APCD List of Exempt Projects")

Reasons Why Project is Exempt: Pursuant to CEQA Section 15187 the APCD analyzed the proposed Rule and found no potential for reasonably foreseeable environmental impacts from the method of compliance, i.e., submitting an application for annual registration of the subject diesel engines. The Rule is an action taken by a regulatory agency as authorized by state law to assure clean air and protect public health.

Contact Person: Ron Tan _____

Telephone: (805) 961-8812



Bobbie Bratz
Technology and Environmental Review Division

Date: July 31, 2007 _____

Clerk of the Board Date and Time Stamp



Terry Dressler
Air Pollution Control Officer

ATTACHMENT 6
PUBLIC COMMENTS
PROPOSED RULE 1201,
REGISTRATION OF AGRICULTURAL DIESEL ENGINES

AUGUST 16, 2007

Santa Barbara County Air Pollution Control District

260 San Antonio Road, Suite A
Santa Barbara, California 93110

(805) 961-8800

As of August 1, 2007, no public comments were received.

ATTACHMENT 7
RESPONSE TO COMMENTS
PROPOSED RULE 1201,
REGISTRATION OF AGRICULTURAL DIESEL ENGINES

AUGUST 16, 2007

Santa Barbara County Air Pollution Control District

260 San Antonio Road, Suite A
Santa Barbara, California 93110

(805) 961-8800

As of August 1, 2007, no public comments were received.