



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

**NOTICE OF PUBLIC HEARING
AND
CALIFORNIA ENVIRONMENTAL QUALITY ACT
NOTICE OF INTENT TO
CERTIFY ENVIRONMENTAL IMPACT REPORT**

April 18, 2011

TO: INTERESTED PARTIES
FROM: EXECUTIVE OFFICER / APCO
SUBJECT: **PROPOSED REGULATION 11, HAZARDOUS
POLLUTANTS, RULE 17: LIMITED USE
STATIONARY COMPRESSION IGNITION (DIESEL)
ENGINES IN AGRICULTURAL USE**

The Board of Directors of the Bay Area Air Quality Management District will conduct a public hearing on **May 18, 2011**, at the District Headquarters' Board Room, 939 Ellis Street, San Francisco, California, at 9:45 a.m., or as soon thereafter as the matter may be heard, to consider adoption of a new rule, Regulation 11, Rule 17: Limited Use Stationary Compression Ignition (Diesel) Engines in Agricultural Use; and consider the certification of the Final Environmental Impact Report pursuant to the California Environmental Quality Act (CEQA).

Regulation 11, Rule 17 would provide flexibility to affected parties in meeting the requirements of the California Air Resources Board (CARB) Airborne Toxic Control Measure (ATCM) for agricultural diesel engines established in 2006. This proposed new rule is concerned primarily with low-use diesel driven water pumps used to protect agricultural crops from frost on cold winter nights. The ATCM required existing stationary agricultural diesel engines greater than 15 years old and greater than 100 HP (most engines) to meet emission standards by 12/31/2010, and those diesel engines from 50 – 100 HP to meet emissions standards by 12/31/2011. The ATCM exempts agricultural wind machines and agricultural emergency generators. However, the ATCM requires other infrequently-used agricultural engines to comply with the standards. The proposed rule provides the option of an alternate compliance plan that will allow existing Tier 0 and Tier 1 engines (those with the highest emissions) that are used on average less than 100 hours per year and either located no less than 1000 feet from a residential area, school or health facility, or that conduct a successful Health Risk Screening Analysis, to be used through December 31, 2020. The alternate compliance plan allows Tier 2 engines that meet these criteria to operate through December 31, 2025. Additional provisions establish the criteria for utilizing the alternate compliance plan, provide for additional use during extreme frost seasons, and exempt engines used less than 20 hours per year.

Adoption of this new rule will provide compliance flexibility to affected users, and reduce emissions of ozone precursors and toxics over the long term. During the interim period from 2011 through 2020 when replacement of agricultural diesel engines is deferred, emission reductions of NOx were found to be less than would have occurred under the ATCM, and potentially significant compared to the District's CEQA Thresholds of Significance. Mitigation measures have been put into place by funding NOx emission reduction projects through the District's grant program to reduce these NOx emissions to less than significant. During the interim period, toxic diesel particulate emissions were found to be less than significant for cancer risk, and less than significant for ground level concentrations of diesel particulate matter 2.5 microns or smaller in size. After the interim period, Rule 11-17 reduces both ozone precursor emissions and toxic emissions significantly, and will benefit public health and the environment. In addition, the Draft EIR was developed to fully consider a potential increase in greenhouse gas emissions from the replacement of existing agricultural diesel engines with future technology. The Draft EIR concludes that any potential increases in greenhouse gases are less than significant. The Draft EIR concludes that the project will not cause any unmitigated significant adverse environmental impacts.

A public hearing to consider adoption of proposed Regulation 11, Rule 17 is scheduled for May 18, 2011 in the 7th floor Board room at District headquarters, 939 Ellis Street, San Francisco, California. Board meetings commence at 9:45 am. A copy of the draft rule, staff report, CEQA draft Environmental Impact Report, and socioeconomic analysis is available on the District's website at <http://www.baaqmd.gov/Divisions/Planning-and-Research/Rule-Development/Current-Regulatory-Public-Hearings.aspx> or by request.

Comments relating to the draft rule or draft Environmental Impact Report should be addressed to Mr. Guy Gimlen, Bay Area Air Quality Management District, 939 Ellis Street, San Francisco, CA 94109. Comments also can be sent by fax to (415) 928-0338 or by e-mail to ggimlen@baaqmd.gov. Comments on the draft rule will be received during the period from Friday, April 18, 2011 until 5:00 p.m. on Monday, May 2, 2011. The comment period for the draft Environmental Impact Report also closes at 5:00pm Monday, May 2, 2011.