



GREAT BASIN UNIFIED AIR POLLUTION CONTROL DISTRICT

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BOARD REPORT

Mtg. Date: May 16, 2005

To: District Governing Board

From: Ted Schade, Air Pollution Control Officer

Subject: Public Workshop – Development of Agricultural Activities Rules Required by SB 700

INTRODUCTION

Most agricultural activities in California have always been exempt from air quality rules and regulations. However, that changed on January 1, 2004 when Senate Bill 700 (SB 700) was enacted into California state law. Among other things, SB 700 requires air pollution control districts to remove agricultural exemptions from their rules. Agricultural activities are now to be treated the same as other sources of air pollution. In the Great Basin Unified Air Pollution Control District (Alpine, Inyo and Mono Counties), there is also the requirement for agricultural operations to implement additional measures to prevent particulate matter air pollution and the requirement for large agricultural operations to obtain District permits for their activities. Great Basin must adopt new regulations implementing the requirements of SB 700 by July 2005 and the regulations must be effective by January 1, 2006.

On September 15, 2004 the Great Basin Governing Board held a workshop to discuss the new agricultural requirements. District staff presented drafts of rules that would meet the requirements of SB 700. The Board directed staff to form a working group of local interested parties to refine these requirements and to prepare sample plans that would allow local agricultural operators to meet the requirements as simply and inexpensively as possible. The 14-member “Agricultural Activities Rule Development Workgroup” was formed in January and has met twice—on February 16 and March 30. The goal of the Workgroup was to develop regulations that meet the requirements of law, reduce the potential for air pollution from agricultural operations and cause minimum cost and inconvenience to agricultural operators. This report is the result of the Workgroup’s efforts.

BACKGROUND ON SB 700

Agricultural operations represent a significant source of air pollution throughout California and, at times, in certain areas of the Great Basin Unified Air Pollution Control District (District). California state law has traditionally exempted agricultural sources from requirements to obtain air permits. With the exemption from permitting, agricultural facilities were not included in the state’s Title V permitting program required by the Federal Clean Air Act. Title V of the 1990 Amendments to the Federal Clean Air Act requires all state permitting authorities to develop permitting programs that meet certain federal criteria, including a requirement to permit all major

stationary sources of air pollution. Initially, EPA attempted to approve the Title V permitting programs for districts throughout California. Several environmental and community groups challenged EPA, claiming that the approval was unlawful because of the continued agricultural exemption. EPA entered into a settlement of this lawsuit which required, in part, that EPA partially withdraw approval of the 34 previously approved local air district Title V programs in California. The State was given 90 days to revise or remove the agricultural permit exemption in California Health & Safety Code 42310(e), so that the local air pollution control districts could adequately administer and enforce the Title V permitting program for agricultural sources that are major sources of air pollution.

The State did not take adequate measures in a timely manner and did not remove the exemption for agriculture. EPA then withdrew its approval of the Title V programs for the 34 local air districts. This action marked the start of a 12-month sanction clock for California. Failure to remove the exemption by November 2003 would have resulted in federal offset and highway fund sanctions statewide. To avoid the sanctions and remove the agricultural permitting exemption, the State adopted SB 700 on September 22, 2003. Had SB 700 not been signed, new and expanding businesses in the state would have faced significant and costly hurdles to obtain air permits required under federal law, and the state would have lost billions of dollars in federal transportation funding.

SB 700 ([Attachment E, page 47](#)) was enacted into law as of January 1, 2004. It eliminates the exemption from the permit system of local air pollution control districts for agricultural operations in the farming of crops or raising of animals. The bill amended air pollution control requirements in the California Health & Safety Code to include air pollution control requirements for agricultural sources of air pollution. It is important to note that agricultural sources of air pollution will still need to comply with applicable rules, even if permits are not required.

Because portions of the Great Basin District are designated as “serious non-attainment” for particulate matter standards, SB 700 requires the District to adopt a rule requiring best available control measures (BACM) and best available retrofit control technology (BARCT) for agricultural activities. As this is an important aspect of the bill, the terms BACM and BARCT are discussed below:

Best Available Control Measures (BACM)

Air pollution control programs address both “point” and “area” sources of air pollution. Point sources generally include industrial and commercial operations where the emissions originate from an exhaust pipe or stack, or the entire area is in some way enclosed so that emissions can be collected and treated. Area sources include operations involving wiping of solvents on surfaces or fugitive dust from such agricultural activities as discing, tilling, travel on unpaved roads and wind erosion. The dust emissions from the exposed beds of Owens and Mono Lakes, as well as dust emissions from agricultural fields, are considered area sources. Area source emissions are also known as fugitive emissions.

BACM is a term used to refer to the most effective measures (according to EPA guidance) for controlling small or dispersed particulates and other emissions from sources such as

roadway dust, construction activities, agricultural operations, soot and ash from woodstoves and open burning of brush, timber, grasslands, or trash. The term is defined in federal regulations, and in order for a mitigation measure to be approved as BACM by EPA, it must meet several specific tests. The District defined BACM for Owens Lake dust emissions in the 2003 Owens Valley Planning Area State Implementation Plan.

Best Available Retrofit Control Technology (BARCT)

Under federal air pollution programs, new point sources that exceed certain emission thresholds must apply Best Available Control Technology (BACT) to control emissions. It is understood that there are more options available at greater cost-effectiveness when a source is being designed, than there are after it is built. However, for existing sources, it may be more cost-effective to retrofit pollution controls than replace those sources. BARCT characterizes a standard of emissions control from such existing point sources.

SENATE BILL 700: AGRICULTURE & AIR QUALITY

SB 700 was adopted to harmonize state and federal permitting requirements and to recognize the contribution to the state's air pollution problems from agricultural operations.

The main elements of SB 700 are that it:

- ▶ Defines "agricultural source" in state law;
- ▶ Removes the restriction from state law that prevented air districts from requiring permits for agricultural sources;
- ▶ Establishes specific permitting and exemption requirements for agricultural sources;
- ▶ Requires emission control regulations in areas that do not attain National Ambient Air Quality Standards for PM₁₀;
- ▶ Requires permits and emissions mitigation for Confined Animal Facilities (CAFs) that are defined by California Air Resources Board (CARB) as "large" and
- ▶ Requires the California Air Pollution Control Officers Association (CAPCOA) to compile a clearinghouse of information about available emissions control and mitigation for agricultural activities.

"Agricultural source" is defined as a source, or group of sources, used in the production of crops or the raising of fowl or animals located on contiguous property and under common ownership or control. The bill specifically lists four categories of emissions that are part of the agricultural source:

1. Confined Animal Facilities;
2. Internal combustion engines, including portable and off-road engines;
3. Sources subject to requirements under Title V of the 1990 Amendments to the Federal Clean Air Act; and
4. Sources of emissions that are otherwise subject to district regulation under the Health & Safety Code or the federal Clean Air Act.

SB 700 REQUIREMENTS

SB 700 requires each district that is designated as a serious federal non-attainment area for an applicable ambient air quality standard for PM₁₀ as of January 1, 2004, to adopt, implement, and submit for inclusion in the state implementation plan (SIP), a rule or regulation requiring BACM

and BARCT for agricultural sources and practices to reduce emissions of particulates and their precursors from such operations by the earliest feasible date but no later than January 1, 2006. [H&S Code Sec. 40724(a)]. SB 700 also requires each district subject to those requirements to comply with a schedule for public hearing, adoption, and implementation of the final rule. [H&S Code Sec. 40724(a)(1)-(a)(3)].

The Owens Valley PM₁₀ Planning Area is classified as a serious non-attainment area for PM₁₀ emissions. Therefore, the above requirements of SB 700 apply to the Great Basin APCD. The District must adopt regulations requiring BACM and BARCT for agricultural operations.

SB 700 also removes the exemption from local permit requirements for agricultural operations at large agricultural facilities. Large agricultural facilities are those that have actual emissions of all regulated pollutants, with the exception of fugitive dust, greater than fifty percent of the Title V threshold. In the Great Basin APCD, this means that sources with actual emissions greater than 35 tons per year for PM₁₀ and 50 tons per year for other pollutants in the Owens Valley PM₁₀ Planning Area and 50 tons per year for all pollutants in the rest of the District will require permits. The bill further provides that operations at smaller facilities may be subject to permit unless the District makes some necessary findings in a public hearing.

In addition, SB 700 directs CAPCOA to develop a clearinghouse of available control measures for agricultural sources by January 1, 2005. This clearinghouse has been established and can be found on the Internet at: www.capcoa.org/Agclearinghouse/index.html. SB 700 also directs CARB to develop a definition for large confined animal facility by July 1, 2005. SB 700 also states that agricultural facilities must comply with Title V operating permit program requirements of the local district.

IMPACT OF SB 700 ON THE GREAT BASIN UAPCD

As discussed above, SB 700 requires local air pollution control agencies to take a number of different actions at various times depending on each district's attainment designation for federal air quality standards. Because Great Basin is designated as serious non-attainment for PM₁₀, SB 700 requires the District to do three things:

1. Remove all exemptions for agricultural activities from existing District rules,
2. Adopt a rule requiring BACM and BARCT for agricultural activities, and
3. Require large agricultural sources of air pollution to obtain District permits for their operations.

As these three requirements apply to agricultural activities in the Great Basin District, they will be discussed in more detail:

1. Remove all exemptions for agricultural activities from existing District rules

District staff has reviewed existing District rules to identify those rules that exempt agricultural sources from requirements that would otherwise apply to them. Two existing District rules specifically exempt agricultural operations. They are:

Rule 216 – New Source Review Requirements for Determining Impact on Air Quality
Secondary Sources

Rule 405 – Exceptions to District Rules Regulating Opacity, Particulate Matter and Oxides of Nitrogen

SB 700 requires that these exemptions be removed. The modifications proposed for these rules are attached to this report as [Attachment A on page 9](#). These modifications to existing District rules will make air pollution from agricultural operations subject to the same requirements as air pollution from other sources in the District.

2. Adopt a rule requiring BACM and BARCT for agricultural activities

SB 700 requires each district that is designated as a serious federal non-attainment area for a particulate matter ambient air quality standard as of January 1, 2004, adopt, implement, and submit for inclusion in the SIP, a rule or regulation requiring BACM and BARCT for agricultural sources and practices to reduce emissions of particulates and their precursors from such operations by the earliest feasible date but no later than January 1, 2006.

The implementation schedule for BACM/BARCT rules required the District to hold at least one public workshop for the purpose of accepting public testimony on the proposed rule or regulation before September 2004. The workshop was held at the District's September 15 Board meeting. The rules and regulations requiring BACM/BARCT must then be adopted by July 1, 2005 and must go into effect by January 1, 2006.

Two new rules are proposed to meet the BACM/BARCT requirement: Rule 502 establishes a Conservation Management Practices Program (CMPP) that allows agricultural operations to meet BACM requirements in a straightforward "cookbook"-like manner and Rule 307 sets a fee schedule for the CMPP. Draft versions of these rules are included in [Attachment B on page 12](#).

Rule 502, which establishes the CMPP, is not a permit program, but rather a program that requires agricultural operations to commit to adopting operational practices that will limit fugitive dust emissions from their operation sites. The CMPP is based on a rule recently adopted by the San Joaquin Valley Air Pollution Control District in order to comply with the requirements of SB 700. The CMPP requires all agricultural sources that are not exempt to submit a dust control plan. The District will develop a list of BACM/BARCT controls for different types of agricultural activities (field crops, orchard crops and confined animal facilities) and agricultural operators will choose the most appropriate controls from the list for their plan. Based on direction given by the Board at their July 14, 2004 and September 15, 2004 meetings, the CMPP has the following elements:

1. The program phases in over a three year period. For agricultural operations in the Owens Valley PM₁₀ Planning Area (the southern Owens Valley), requirements begin in January 2006. For the Mono Basin and Mammoth Lakes areas, requirements go into effect in January 2007. For the balance of the District, the CMPP rule is effective in January 2008.
2. The program does not apply to agricultural operation sites less than 40 acres. Contiguous properties under common ownership or operation are considered a "site" for the purposes of the CMPP. The Agricultural Workgroup is recommending that the 40-acre limit apply to agricultural sites not adjacent to residential areas. They have recommended a minimum size of 10 acres if there are five or more residences within one-quarter mile of the agricultural site's boundaries. This recommendation is based on actual impacts caused

this spring by small fields being worked near residential areas that caused significant impacts to District residents.

3. The District Board will approve the list of BACM/BARCT controls based on the list developed by CAPCOA. The list of CAPCOA controls is included as [Attachment C on page 24](#) and is available on the Internet at: www.capcoa.org/Agclearinghouse/index.html.

In addition to the CAPCOA list of controls that are specific to a particular activity or crop, the Workgroup is recommending a list of general management practices applicable to all agricultural operations in the Great Basin APCD. This list is included in [Attachment C on page 26](#).

The San Joaquin Valley Air Pollution Control District's CMP Program allows agricultural operators to prepare Conservation Management Plans by simply checking boxes next to control practices that they agree to implement. Forms are available on the Internet for a wide variety of crops, confined animal facilities and other agricultural activities (roads, open burning, engines, etc.). District staff has developed similar forms for use with our program. These forms will be available on the District's website www.gbuapcd.org. The proposed forms for crops commonly grown in the great Basin APCD are included in [Attachment D on page 38](#). In addition to the forms themselves, we have prepared an introduction that describes the program requirements, application procedure and fees. Additional forms will be prepared as the need arises.

Rule 307 sets a fee schedule for the CMPP. The Workgroup proposed a flat initial fee of \$150 for review and approval of the plans. This is the estimated minimum actual costs for District staff to review the plans, meet with the operators, inspect the sites and approve the plans. Staff estimates that plans will take about three hours to fully process. Annual renewals are \$60 per year and cover the cost of plan review and site inspection. If the farm operation makes no changes to their plan and has no violations in five years, the cost would drop to \$30 per year. Costs are based on an average hourly staff rate of \$50.

3. Require large agricultural sources of air pollution to obtain permits for their operations

As mentioned above, SB 700 also removes the exemption from local permit requirements for "large agricultural operations." These operations will now be subject to the same permit requirements and regulations that have traditionally applied to all industrial facilities. SB 700 defines "large agricultural operations" are those that have actual emissions from livestock and equipment greater than fifty percent of the federal Title V threshold. Fugitive emissions, such as dust from plowed fields would not count toward this threshold. In the Great Basin APCD, 50 percent of the Title V threshold is 35 tons per year for PM₁₀ and 50 tons per year for other pollutants in the Owens Valley PM₁₀ Planning Area and 50 tons per year for all pollutants in the rest of the District. Agricultural operations subject to this requirement would be quite large—on the order of 8,000 head of cattle in most of the District. The bill further provides that agricultural activities at smaller operations may require local permits unless the District makes some necessary findings in a public hearing.

TIMELINE REQUIRED BY SB 700

The following Table lists the key timelines of SB 700 applicable to the District.

September 1, 2004	District to notice and hold at least one public workshop on the proposed rule requiring BACM and BARCT. (Workshop was held on September 15, 2004).
January 1, 2005	CAPCOA to develop clearinghouse of available control measures (currently available at: www.capcoa.org/Agclearinghouse/index.html).
July 1, 2005	CARB to develop definition of “large confined animal facility.”
July 1, 2005	District to adopt the final BACM/BARCT rule.
January 1, 2006	District to implement and submit for inclusion in SIP, a rule requiring BACM and BARCT for agricultural practices.
July 1, 2006	District to adopt, implement and submit for inclusion in SIP, rule requiring owners of large confined animal facility to obtain a permit to reduce emissions of air contaminants.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Pursuant to CEQA, District staff will review the proposed new and amended rules affected by SB700 requirements and will determine if the proposed amendments will result in any potential adverse environmental impacts. Appropriate CEQA documentation for proposed amended rules will be prepared based on the analysis.

CONCLUSION

SB 700 removes the exemption of agricultural activities from state and local air pollution control laws and requires agricultural operations to take actions to minimize the air pollution caused by their activities. The proposed amendments to Rules 216 and 405 will remove the existing agricultural exemptions from District regulations. Proposed new rules 502 and 307 will satisfy state requirements for BACM and BARCT at agricultural facilities. The proposed new rules will be crafted in such a way as to promote feasible, cost-effective air pollution emission reductions from agricultural activities in the Great Basin District.

FISCAL IMPACT:

Between 2006 and 2008, as the requirements of the new rules take effect, agricultural operations in the Great Basin APCD will have costs associated with the development and implementation of Conservation Management Plans. Because the District has prepared simple forms to assist farm operators in the preparation of these plans, the cost of plan preparation is expected to be minimal. District staff will incur costs in the review, approval and inspection of these plans. The proposed fees will cover most of the District’s costs. Agricultural operations may also have costs associated with implementing the conservation management practices required by the plans. However, the measures required are not unusual and are expected as part of a well-operated agricultural operation. Therefore, there should be little additional cost to the farm operators.

RECOMMENDED ACTIONS:

Staff recommends that the Board:

1. Review and take public input regarding the proposed rule revisions and new rules relating to agricultural activities,
2. Provide District staff with input as to the content of and approach taken by the proposed new rules,
3. Direct staff to bring final rules to the Board for adoption at the July 2005 Governing Board meeting.

Attachments:

Page 9: A. Rules 216 and 405 – Proposed modifications to existing District rules eliminating agricultural exemptions

Page 12: B. Rules 502 and 307 – Proposed new rules requiring BACM and BARCT for agricultural activities

Page 24: C. Draft List of Conservation Management Practices for agricultural operations

Page 38: D. Conservation Management Practices Plan forms prepared for common crops in the Great Basin APCD

Page 47: E. Text of SB 700

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Attachment A

Proposed modifications to Existing District Rules 216 and 405

(Note: Modifications noted in left margin with →)

RULE 216. NEW SOURCE REVIEW REQUIREMENTS FOR DETERMINING IMPACT ON AIR QUALITY SECONDARY SOURCES

ADOPTED 10/15/79

A. GENERAL

1. A person shall not initiate, modify, construct or operate any secondary source which will cause the emission of any manmade air pollutant for which there is a state or national ambient air quality standard without first obtaining a permit from the Air Pollution Control Officer.
2. The Air Pollution Control Officer shall deny a permit for any new secondary source or modification which he determines will cause a violation or contribute to the continued violation of any state or national ambient air quality standard.

B. EXEMPTIONS

1. The Air Pollution Control Officer may exempt from the provisions of this rule any new secondary source or modification which includes:
 - a. Vehicular parking facilities without dust retardant agents and which have a parking capacity of less than 50 vehicles.
 - b. Unpaved roads having less than 100 vehicle trip-ends in any one hour period, or less than 300 vehicle trip-ends in an eight hour period per a 20 mile continuous road length.
 - c. Unpaved runways and airports having less than 60 operations per month.
 - ~~d. Agricultural operations specifically necessary for the direct growing of crops or the raising of fowl or animals.~~
 - e. Other secondary sources deemed by the Air Pollution Control Officer that emit insignificant amounts of air contaminants.

C. APPLICATIONS

1. Before granting or denying a permit for any new secondary source or modification, subject to the requirements of this rule, the Air Pollution Control Officer shall:
 - a. Require the applicant to submit information sufficient to describe the nature and amounts of emissions, location, design, construction, and operation of the secondary source; and to submit any additional information required by the Air Pollution Control Officer to make the analysis.

- b. Require the applicant to submit the projected expansion plans for the secondary source for the ten-year period subsequent to the date of application for the permit.
- c. Analyze the effect of the new secondary source or modification on air quality. Such analysis shall consider expected air contaminant emissions and air quality in the vicinity of the new secondary source or modification, within the Air Basin and within adjoining air basins at the time the secondary source or modification is proposed to commence operation.
- d. Make available for public inspection at the Air Pollution Control District office, the information submitted by the applicant, the Air Pollution Control Officer's analysis of the effect on air quality, and the preliminary decision to grant or deny the permit.
- e. Publish a notice by prominent advertisement in at least one newspaper of general circulation in the District stating where the public may inspect the information required in subparagraph (d) of this paragraph. The notice shall provide 30 days, beginning on the date of publication, for the public to submit comments on the application.
- f. Forward copies of the notice required in sub-paragraph (e) of this paragraph to the U.S. Environmental Protection Agency, the California Air Resources Board, all counties within the air basin and all adjoining Air Pollution Control Districts in other air basins.
- g. Consider public comments submitted.

D. CONDITIONAL APPROVAL

The Air Pollution Control Officer shall impose conditions on the permit as he deems necessary to ensure the secondary source or modification will be operated in such a manner assumed in making the analysis required by this rule.

E. EFFECTIVE DATE

This rule shall become effective upon adoption. All new secondary sources or modifications pending on the date of adoption of this rule are subject to its provisions.

F. DEFINITIONS

1. "Secondary Source" includes any structure, building, facility, equipment, installation or operation (or aggregation thereof) which is located on one or more bordering properties within the District and which is owned, operated or under shared entitlement to use by the same person.
2. "Manmade air pollutant" means air pollution which results directly or indirectly from human activities.
3. "Modification" means any physical change in, change in method of, or addition to an existing secondary source, except that routine maintenance or repair shall not be considered to be a physical change.

G. SEVERABILITY

If any portion of this rule is found to be unenforceable, such finding shall have no effect on the enforceability of the remaining portions of the rule which shall continue to be in full force and effect.

RULE 405. EXCEPTIONS

ADOPTED 9/05/74 REVISED 3/10/76, 5/08/96, 11/07/01

Rules 400, 404-A and 404-B do not apply to:

- A. Fire set by or permitted by a public officer if such fire is set or permission given in the performance of an official duty of such officer, and such fire, in the opinion of such officer, is necessary:
 - 1. For the purpose of the prevention of a fire hazard which cannot be abated by other means, or
 - 2. The instruction of public employees in the methods of fighting fire.
- B. Fires set pursuant to a permit on property used for industrial purposes for the purpose of instruction of employees in methods of fighting fire.
- ~~C. Agricultural operations necessary in the growing of crops or raising of fowls or animals, or~~
- D. The use of an orchard, field crop, or citrus grove heater which does not produce unconsumed, solid carbonaceous matter at a rate in excess of that allowed by State law.
- ~~E. The use of other equipment in agricultural operations necessary in the growing of crops, or raising of fowls, or animals.~~
- F. The treatment of waste propellants, explosives and pyrotechnics (PEP) in open burn/open detonation operations on military bases for operations approved in accordance with a burn plan as required in Rule 432.
- G. Burning of materials for the purpose of creating special effects during production of commercial or educational films, videos or photographs.
- H. Disposal of contraband (confiscated controlled substances) by burning.
- I. Recreational or ceremonial fires contained in a fireplace, barbeque, or fire pit.
- J. A fire set for the purpose of eliminating a public health hazard that cannot be abated by any other practical means.

Attachment B

Rules Requiring BACM and BARCT for Agricultural Activities

(Draft – May 16, 2005)

REGULATION V – AGRICULTURAL OPERATIONS

RULE 502 – CONSERVATION MANAGEMENT PRACTICES

1.0 Purpose

The purpose of this rule is to limit fugitive dust emissions from agricultural operation sites within the Great Basin Unified Air Pollution Control District (Alpine, Inyo and Mono Counties).

2.0 Applicability

This rule applies to agricultural operation sites located within the Great Basin Unified Air Pollution Control District.

3.0 Definitions

3.1 Administrative change: a change to a Conservation Management Practice (CMP) Plan that:

3.1.1 Corrects typographical errors: or

3.1.2 Identifies a change in the name, address, or phone number of any person identified in the CMP Plan, or provides a similar minor administrative change which has no effect on the selected CMPs and does not change any information that could be used to determine emissions reduction; or

3.1.3 Allows for the change of ownership or operational control of an agricultural operation site or agricultural parcel.

3.2 Agricultural Operations: the growing and harvesting of crops or the raising of livestock, fowl or other animals, for the primary purpose of earning a living, or of conducting agricultural research or instruction by an educational institution.

3.3 Agricultural Operation Site: one (1) or more agricultural parcels that meet the following:

- 3.3.1 Are under the same or common ownership or operation (including leases and allotments), or which are owned or operated by entities which are under common control; and
- 3.3.2 Are located on one (1) or more contiguous or adjacent properties wholly within the Great Basin Unified Air Pollution Control District.
- 3.4 Agricultural Parcel: a portion of real property, including, but not limited to, cropland, grazing land and animal feeding operation (AFO) used by an owner/operator for carrying out a specific agricultural operation. Roads, vehicle/equipment traffic areas, and facilities, on or adjacent to the cropland or AFO are part of the agricultural parcel.
- 3.5 Air Pollution Control Officer (APCO): the Air Pollution Control Officer of the Great Basin Unified Air Pollution Control District.
- 3.6 Animal Feeding Operation (AFO): a lot or facility where animals have been, are, or will be gathered, fed, stabled, for a total of 45 days or more in any 12 month period and where crops, vegetation, forage growth, or post-harvest residues are not sustained over any portion of the lot or facility (as defined in 40 CFR 122.23 (b)(1)).
- 3.7 Board: as defined in Rule 101 (Definitions).
- 3.8 Conservation Management Practice (CMP): an activity or procedure that reduces air pollutants normally emitted by, or associated with, an agricultural operation. The CMPs approved by the Board shall constitute the best available control measures (BACM) and best available retrofit control technology (BARCT) for agricultural practices at agricultural sources of air pollution in the District.
- 3.9 Conservation Management Practice Application (CMP Application): a document prepared and submitted by the owner/operator of an agricultural operation site that lists the selected CMPs for implementation. The CMP application also contains, but is not limited to, contact information for the owner/operator, and a site plan or map describing the agricultural operation site and locations of agricultural parcels where CMPs will be implemented and other information describing the extent, duration of CMP implementation and other information needed by the District to calculate emission reductions.
- 3.10 Conservation Management Practice Category (CMP Category): a grouping, including, but not limited to, agricultural activities related to land preparation, harvesting, handling and raising of fowl or animals, and the use of agricultural unpaved roads, and unpaved vehicle/equipment traffic areas. The CMP category "other" includes CMPs to reduce windblown emissions and agricultural burning emissions.

- 3.11 Conservation Management Practice List (CMP List): the list of CMPs by CMP categories as approved by the District Board.
- 3.12 Conservation Management Practice Plan (CMP Plan): A CMP Application approved by the APCO.
- 3.13 Conservation Management Practice Program (CMP Program): a District program with the purpose of reducing air pollutants from agricultural operation sites.
- 3.14 Contiguous or Adjacent Property: a property consisting of two (2) or more parcels of land with a common point or boundary, or separated solely by a public roadway or other public right-of-way.
- 3.15 District: the Great Basin Unified Air Pollution Control District including all of Alpine, Inyo and Mono Counties.
- 3.16 Fugitive Dust: any solid particulate matter entrained in the ambient air, caused by anthropogenic or natural activities, that is emitted into the air without first passing through a stack or duct designed to control flow, including, but not limited to, emissions caused by movement of soil, vehicles, equipment, and windblown dust. This excludes particulate matter emitted directly in the exhaust of motor vehicles, from other fuel combustion devices, portable brazing, soldering, or welding equipment, and from pile drivers.
- 3.17 Grazing Land: (1) a collective term for rangeland, pastureland, grazing forest land, native and naturalized pasture, hayland, and grazed cropland. (2) land is used primarily for production of forage plants maintained or manipulated primarily through grazing management. Includes all land having plants harvestable by grazing without reference to land tenure, other land uses or management practices.
- 3.18 NRCS: The United States Department of Agriculture Natural Resource Conservation Service.
- 3.19 Owner/Operator: includes, but is not limited to, any person who leases, rents, supervises, or operates equipment, or owns/operates a fugitive dust source, in addition to the normal meaning of owner or operator.
- 3.20 Particulate Matter: as defined in Rule 101 (Definitions).
- 3.21 Paved Road: any road that is covered by concrete, asphaltic concrete or asphalt that provides structural support for vehicles.
- 3.22 PM₁₀: as defined under “Particulate Matter” in Rule 101 (Definitions).

- 3.23 Road: any paved or unpaved road or street, highway, freeway, alley, way, access easement or driveway.
- 3.24 Unpaved Road: any road that is not covered by one of the materials described in the paved road definition.
- 3.25 Vehicle: A device by which any person or property may be propelled, moved, or drawn, including mobile equipment, excepting aircraft or watercraft or devices moved exclusively by human or animal power or used exclusively upon rails or tracks.

4.0 Exemptions

- 4.1 With the exception of AFOs, the provisions of this rule, except for the recordkeeping provisions of Section 6.5.2, shall not apply to any of the following sources:
 - 4.1.1 Agricultural operation site where the total acreage of all agricultural parcels is less than forty (40) acres if there are less than five (5) separate residences or businesses within one-quarter ($\frac{1}{4}$) mile of the site boundaries.
 - 4.1.2 Agricultural operation site where the total acreage of all agricultural parcels is less than ten (10) acres if there are five (5) or more residences or businesses within one-quarter ($\frac{1}{4}$) mile of the site boundaries.
 - 4.1.3 Woodland and wasteland not actually under cultivation or used for pasture.
 - 4.1.4 Land placed in the Conservation Reserve Program meeting the definition and criteria set by the NRCS.
 - 4.1.5 Agricultural operation parcel used for the purpose of:
 - 4.1.5.1 Propagating plants for transplanting, and exhibiting plants under controlled conditions inside a building with walls and roof, or
 - 4.1.5.2 Forestry, including, but not limited to, timber harvest operations, silvicultural practices, forest management burning, or forest protection practices, or
 - 4.1.5.3 Providing grazing on open rangeland or pasture. However, the cultivation of pasture is not exempt.

- 4.2 The provisions of this rule, except for the recordkeeping provisions of Section 6.5.2, shall not apply to any of the following sources within an agricultural operation site:
 - 4.2.1 An AFO with less than 150 head of domesticated farm mammals, including, but not limited to, cattle (heifers, steers, bulls veal calves and cow/calf pairs), sheep and pigs, or
 - 4.2.2 An AFO with less than 2,500 fowl, including, but not limited to, chickens and turkey.
- 4.3 This rule does not exempt the owner/operator from any other District regulations.

5.0 Requirements

- 5.1 Effective on and after the schedule set forth below in Sections 5.1.1 through 5.1.3, an owner/operator shall implement the applicable CMPs selected pursuant to Section 6.2 for each agricultural operation site.
 - 5.1.1 For all Agricultural Operations located within the Owens Valley PM₁₀ non-attainment area, the requirements of this rule shall go into effect on and after January 1, 2006.
 - 5.1.2 For all Agricultural Operations located within the Coso Junction (formerly Searles Valley), Mono Basin and Mammoth Lakes PM₁₀ non-attainment areas, the requirements of this rule shall go into effect on and after January 1, 2007.
 - 5.1.3 For all Agricultural Operations located within all areas of the Great Basin Unified Air Pollution Control District not designated in Sections 5.1.1 and 5.1.2, the requirements of this rule shall go into effect on and after January 1, 2008.
- 5.2 An owner/operator shall prepare and submit a CMP Application for each agricultural operation site, pursuant to Section 6.0, to the APCO for approval. A CMP Application approved by the APCO shall constitute a CMP Plan.
- 5.3 Except as provided by Section 5.4, an owner/operator shall implement the CMPs as contained in the CMP Plan approved pursuant to Section 6.0 for each agricultural operation site no later than thirty (30) days after notification by the APCO of the approval of the CMP Application.
- 5.4 An owner/operator that discontinues the implementation of a CMP as committed to in a CMP Plan or makes other changes that are inconsistent with the CMP Plan shall comply with the requirements of Section 6.3.4.

6.0 Administrative Requirements

6.1 CMP Application Preparation

An owner/operator shall prepare a CMP Application for each agricultural operation site. Each CMP Application shall include, but is not limited to, the following information:

- 6.1.1 The name, business address, phone number and emergency contact information of the owner/operator responsible for the preparation and the implementation of the CMP Plan.
- 6.1.2 The signature of the owner/operator and the date that the application was signed.
- 6.1.3 A plot plan or map which contains the following information:
 - 6.1.3.1 The location of the agricultural operation site,
 - 6.1.3.2 The location of each agricultural parcel on the agricultural operation site,
 - 6.1.3.3 The location of unpaved roads and unpaved equipment/traffic areas to be covered by the CMP Plan, and
 - 6.1.3.4 The location where the CMP will be implemented.
 - 6.1.3.5 The plot plan or map shall be maintained on-site and made available to the APCO or the APCO's agent upon request.
- 6.1.4 The following information, for each agricultural parcel of the agricultural site:
 - 6.1.4.1 The CMPs, selected pursuant to Section 6.2, implemented or planned for implementation and
 - 6.1.4.2 The crop, AFO, or other use of the agricultural parcel.
- 6.1.5 Information necessary to calculate emission reductions including, but not limited to:
 - 6.1.5.1 The crop or animals and total crop acreage or number of animals and the total length (miles) of unpaved roads, and the total area (acres or square feet) of the unpaved equipment and traffic areas to be covered by the CMP Plan, and

6.1.5.2 Other information as determined by the APCO.

6.2 CMP Selection

An owner/operator shall implement all General Management Practices and shall select and implement one (1) CMP from the CMP list for each of the applicable CMP categories for each agricultural parcel of an agricultural operation site, except as provided below:

- 6.2.1 If an agricultural operation site or agricultural parcel has crop rotation, an owner/operator shall select one (1) CMP from the CMP list for each of the applicable CMP categories for each rotated crop type.
- 6.2.2 If a CMP can only be selected for implementation on a portion of an agricultural operation site, an owner/operator shall select an additional CMP within the CMP category to be implemented on the remaining acreage or remaining AFO.
- 6.2.3 An owner/operator may select a substitute CMP from another CMP category when no feasible CMP can be identified from one category. This provision shall not apply for the unpaved road, and unpaved vehicle/equipment traffic area CMP categories.
 - 6.2.3.1 An owner/operator may identify or develop a new CMP not on the CMP list to be used to comply with the requirements of this rule. Prior to use of the new CMP, the owner/operator must obtain the interim approval of the APCO to use a new CMP to meet the requirements of Section 6.2. The owner/operator shall demonstrate that the new CMP achieves PM₁₀ emission reductions that are at least equivalent to other CMPs on the CMP list that could be selected for the applicable operation.
 - 6.2.3.2 The APCO will perform an independent analysis of proposed CMPs to determine that they achieve PM₁₀ emission reductions that are at least equivalent to other CMPs on the CMP list that could be selected for the applicable operation. This analysis shall be made using the most recent emission factors provided by U.S. Environmental Protection Agency (EPA) or the California Air Resources Board (CARB) when available. CMPs that are not shown to achieve equivalent emission reductions will be disapproved. The District shall maintain a list of CMPs determined to be equivalent under this Section.

6.3 CMP Application Submission

An owner/operator shall submit a CMP Application, prepared pursuant to Section 6.1, to the APCO according to the following schedule:

- 6.3.1 For an agricultural operation site located within the Owens Valley PM₁₀ non-attainment area, no later than October 1, 2005 for existing agricultural operation sites and within 90 days for an agricultural operation site or an agricultural parcel that is acquired or becomes subject to the provisions of this Rule after January 1, 2006.
- 6.3.2 For an agricultural operation site located within the Coso Junction (formerly Searles Valley), Mono Basin or Mammoth Lakes PM₁₀ non-attainment areas, no later than October 1, 2006 for existing agricultural operation sites and within 90 days for an agricultural operation site or an agricultural parcel that is acquired or becomes subject to the provisions of this Rule after January 1, 2007.
- 6.3.3 For an agricultural operation site located within all areas of the Great Basin Unified Air Pollution Control District not designated in Sections 6.3.1 and 6.3.2, no later than October 1, 2007 for existing agricultural operation sites and within 90 days for an agricultural operation site or an agricultural parcel that is acquired or becomes subject to the provisions of this Rule after January 1, 2008.
- 6.3.4 Within 60 days of any operational, administrative, or other modification that necessitates the revision of an existing approved CMP Plan. A modification includes, but is not limited to, the following:
 - 6.3.4.1 Administrative changes to any information provided pursuant to Section 6.0,
 - 6.3.4.2 Implementation of a CMP other than the CMP listed in a CMP Plan,
 - 6.3.4.3 Change of the crop or AFO on a agricultural parcel, and
 - 6.3.4.4 Any other changes as determined by the APCO.

6.4 CMP Application Review and Evaluation

6.4.1 The APCO shall:

- 6.4.1.1 Review the CMP Application and determine whether the submitted CMP Application is complete. Completeness shall be determined by evaluating whether the CMP Application meets

the requirements of Section 6.1 of this rule and the applicable requirements of Rule 307 (Conservation Management Practices Plan Fees).

6.4.1.2 Notify the owner/operator in writing of the determination that the CMP Application is, or is not, complete and request the owner/operator to provide additional information within 30 days.

6.4.1.3 Evaluate and either approve or disapprove the CMP Application and provide written notification to the owner/operator within 60 days after receipt of the complete CMP Application, of the approval or disapproval of the CMP Application.

6.4.2 A CMP Application for a modification to a CMP Plan pursuant to Section 6.3.4.1 shall be deemed approved as submitted unless written comments are transmitted by the APCO to the owner/operator within 30 days of receipt of the CMP application.

6.4.3 A CMP Application for a modification to a CMP Plan pursuant to Sections 6.3.4.2, 6.3.4.3, and 6.3.4.4 shall be deemed conditionally approved as submitted unless written comments are transmitted by the APCO to the owner/operator within 30 days of receipt of the CMP application.

6.4.4 The approval of a CMP Application shall not serve to excuse the owner or operator from complying with law, nor shall it excuse any violation.

6.5 Recordkeeping

An owner/operator shall, upon request, make available to the APCO the records required to be kept pursuant to Section 6.5.1 and Section 6.5.2.

6.5.1. An owner/operator subject to Section 5.0 shall maintain the following records for a minimum of five (5) years:

6.5.1.1 A copy of each CMP Application and CMP Plan.

6.5.1.2 Supporting information necessary to confirm the implementation of the CMPs.

6.5.2 An owner/operator claiming exemption pursuant to Section 4.0 shall maintain records for a minimum of five (5) years that demonstrate that the agricultural operation site or agricultural parcel qualified for the exemption.

6.6 Loss of Exemption

An owner/operator of an agricultural operation site or agricultural parcel that becomes subject to the provisions of Section 5.0 of this rule, through loss of exemption, shall comply with all applicable provisions of this rule pursuant to the schedule in Section 6.3.

7.0 Compliance Schedule

Unless otherwise noted, all provisions of this rule shall be effective on and after July 1, 2005.

(Draft – May 16, 2005)

Rule 307 – CONSERVATION MANAGEMENT PRACTICES PLAN FEES

1.0 Purpose

The purpose of this rule is to recover the District’s costs for the review and management of Conservation Management Plan (CMP) Applications and Plan required by Rule 502 (Conservation Management Practices).

2.0 Applicability

This rule applies to each owner/operator of an Agricultural Operation Site subject to Rule 502 (Conservation Management Practices).

3.0 Definitions

3.1 Agricultural Operation Site (AOS): as defined in Rule 502 (Conservation Management Practices).

3.2 Air Pollution Control Officer (APCO): as defined in Rule 502 (Conservation Management Practices).

4.0 Exemptions

The provisions of this rule do not apply to any AOS subject to the District’s Permit to Operate requirements.

5.0 CMP Application and Renewal Fees

5.1 Agricultural Operation Site subject to Rule 502:

The owner/operator of an AOS shall pay an initial CMP Plan fee of \$150.00. This fee will cover the cost of plan review and approval as well as the cost of the first year of field inspections.

5.2 Multiple Agricultural Operation Sites subject to Rule 502:

An owner/operator of multiple AOSs shall pay the applicable fee as shown in Section 5.1 for all AOSs submitted to the APCO at the same time. CMP applications for AOSs submitted at different times shall each be subject to the full fee shown in Section 5.1.

5.3 CMP Plan Renewal Fee

The owner/operator shall pay a renewal fee of \$60.00 every year for each CMP Plan that is required by Rule 502. After five years, if there has been no change in the CMP plan and no CMP plan violations, the annual renewal fee will be reduced to \$30.00.

5.4 CMP Modification Fee

No additional fees are required to request a modification of a previously approved CMP Plan.

5.5 CMP Fee Adjustments

Beginning on July 1, 2006, all CMP application and renewal fees shall be adjusted annually in accordance with California Health and Safety Code Section 42311 to account for changes in the annual California Consumer Price Index. The actual fees charged shall be rounded to the nearest five dollar (\$5) increment.

6.0 Fee Notification

6.1 The initial CMP Plan fee shall be submitted to the District with the submittal of the plan. The submittal will be deemed to be incomplete and no processing or approval will occur until the fee is paid.

6.2 The APCO shall provide the AOS owner/operator with an invoice for the annual renewal fee annually in the month the CMP Plan was approved. CMP Plan renewal fees are due and payable within 30 days of the invoice date.

7.0 Late Fees

If payment of any charges levied under this rule is not received by the APCO within 30 days of the invoice date, the charges shall be increased in accordance with the schedule provided in Rule 300 Section D. (Notification of Fees Due).

Attachment C



Great Basin Unified Air Pollution Control District

LIST OF CONSERVATION MANAGEMENT PRACTICES FOR AGRICULTURAL OPERATIONS

**Including Best Available Control Measures (BACM) and
Best Available Retrofit Control Technology (BARCT)
for Agricultural Practices**

**Adapted from the
California Air Pollution Control Officer's Association (CAPCOA)
Agricultural Sources Clearinghouse of Air Pollution Reduction Methods
<http://www.capcoa.org/Agclearinghouse/index.html>**

**DRAFT
May 16, 2005**

**Great Basin Unified Air Pollution Control District
BACM/BARCT List of Conservation Management Practices for Agricultural Operations**

The CMP operation types include:

- A. General Management Practices Applicable to All Agricultural Operations
- B. Crop Farming (field/row crops and orchard/vineyard crops)
- C. Confined Animal Facilities (dairy, feedlot and poultry operations)
- D. Other Agricultural Activities

The CMP categories for each CMP operation type are:

A. General Management Practices – implement all four practices

B. Crop Farming

- 1. Field/row crops
 - a. Disking, tilling and land preparation
 - b. Harvesting
- 2. Orchard/vineyard crops
 - a. Disking, tilling and land preparation
 - b. Harvesting
- 3. Land application of fertilizers and pesticides

C. Confined Animal Facilities

- 1. Feed preparation, storage and handling
- 2. Manure storage and handling
- 3. Waste management practices

D. Other Agricultural Activities

- 1. Storage piles (piles of bulk materials such as dirt, aggregate, etc, excluding manure)
- 2. Unpaved roads
- 3. Unpaved traffic areas (parking lots, staging areas, etc.)
- 4. Open burning
- 5. Internal combustion engines

**A. GENERAL MANAGEMENT PRACTICES APPLICABLE TO ALL
AGRICULTURAL OPERATIONS IN THE GREAT BASIN APCD**

The following three conditions are required for all agricultural operations taking place in the Great Basin Air Pollution Control District:

1. No disking, tilling or other land preparation activities shall take place when active wind erosion is observed on a field and visible particulate matter leaves the property from which it originates.
2. No land preparation activities will begin on any field until an irrigation system is in place and capable of being used on the field.
3. Water will be applied as soon as possible and to the maximum extent practicable to all fields in recently worked conditions.

D. OTHER AGRICULTURAL ACTIVITIES (continued)

3. UNPAVED TRAFFIC AREAS (PARKING LOTS, STAGING AREAS, ETC.)

Access Restriction:	Restrict public access to unpaved traffic areas using signage or physical access restrictions (e.g., access barrier).
Paving:	Pave unpaved traffic areas. (Gives maximum PM-10 emissions reductions as long as paved surface is kept clean.)
Road Treatments:	Apply water, mulch, organic materials, polymers, dust suppressants, or wood chips to the unpaved traffic surface area.
Speed Limits:	Control speed limits to 15 mph on unpaved areas through worker behavior modification, signage, or any other necessary means.
Surface Modification:	Cover unpaved surfaces with a low silt-content material, such as gravel or recycled road base.
Track-Out Prevention:	Check or clean the underside of all haul trucks before leaving the parking or staging area.
Vegetation:	Establish natural vegetation on unpaved surfaces no longer being used.
Wind Barrier:	Plant trees or establish other barriers on the typically upwind side of the traffic area to minimize windblown dust from the unpaved surface.

4. OPEN BURNING

Eliminate Burning:	Switch to a crop/system that would not require waste burning. Also, use practices such as shredding and chipping instead of burning.
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5. INTERNAL COMBUSTION ENGINES

Note: CAPCOA is still in the process of developing appropriate BARCT/RACM for Internal Combustion Engines (ICE). Information will be provided when it becomes available.

B. CROP FARMING

1. FIELD/ROW CROPS

a. DISKING/TILLING/LAND PREPARATION

Alternate Till:	Tilling alternate rows for weed management allows for approximately a 50% reduction in field activity.
Bed/Row Size or Spacing:	Spacing adjustments reduce the number of passes and soil disturbances by increasing plant density/canopy through reduction of row width.
Cessation of Activities:	Under very windy conditions, cease all soil disturbing activities to limit the amount of wind-entrained dust.
Combined Operations:	Combine equipment to perform several operations during one pass, thereby reducing the number of passes necessary to cultivate the land.
Conservation Irrigation:	Conserving water through drip, sprinkler, underground lines, conserves water and reduces weed population and need for tillage.
Conservation Tillage (no tillage or minimum tillage):	Reduces the number of passes and the amount of soil disturbance. Improves soil because it retains plant residue and increases organic matter.
Cover Crops:	Use seeding or natural vegetation/regrowth of plants to cover soil surface and reduce wind erosion of soil.
Cross Wind Stripcropping:	Establish crops in strips across the prevailing wind direction and arranged so that strips susceptible to wind erosion are alternated with strips resistant to wind erosion.
Equipment Changes/Technological Improvements:	Use larger equipment, modify land planing and land leveling, matching the equipment to row spacing to reduce the number of passes.
Fallowing Land:	Temporary or permanent removal from production eliminates entire operation/passes or reduces soil disturbing activities.
Mulching/Crop Residue Management:	Applying or leaving plant residue or other material on the soil surface. Reduces wind entrainment of dust, and reduces weed competition.

B.1.a. CROP FARMING: FIELD/ROW CROPS: DISKING/TILLING/LAND PREPARATION
(CONTINUED)

Night Farming:	Operate at night when moisture levels are higher and winds tend to be lighter, thereby reducing dust emissions.
Non-tillage/Chemical Tillage:	Use flail mower, low volume sprayers, or heat delivery systems (as harvest pre-conditioner). Reduces or eliminates number of soil tillage passes.
Organic Practices:	Use biological control methods or non-chemical control methods. Reduces chemical use and number of application passes.
Precision Farming (GPS):	Use satellite navigation to calculate position in the field and therefore manage/treat selective areas. Reduces overlap.
Ridge Roughness:	Establish ridges by normal tillage and planting equipment as close as perpendicular as possible to the direction of erosive winds.
Soil Amendments:	Apply organic or chemical materials to soil (e.g., gypsum, lime, polyacrylamide) to improve soil, increase moisture retention.
Soil Moisture Monitoring:	Ensure adequate soil moisture levels at the time of tillage or soil maintenance to reduce dust emissions.
Sulfur: Reduction or Elimination of Dusting:	Use biological or organic control methods to reduce dry particulate applications and chemical use.
Surface Roughening:	In wind-prone areas, conduct surface roughening by bedding, rough disking, or tillage that leaves the surface covered with stable clods.
Time of Planting:	Time planting to coincide with the time of year when PM concentrations are less.
Transgenic Crops:	Use of “herbicide-ready” crops reduces need for tillage or cultivation operations.
Transplanting:	Planting plants already in the growth state reduces number of passes and soil disturbances compared to seeding operations.
Wind Barriers:	Plant or maintain perennial or annual plants interspersed throughout a crop field as close to perpendicular as practical to the direction of prevailing winds.

B. CROP FARMING

1. FIELD/ROW CROPS

b. HARVESTING

Baling/Large Bales:	Use balers to harvest crop, reducing PM10 emissions from crops traditionally harvested by chopping, truck passes, and residue burning.
Combined Operations:	Combine equipment to perform several operations during one pass.
Continuous Tray/D.O.V./New Drying Techniques for Dried Fruit:	Any technology that reduces labor and tillage, and reduces the number of equipment passes.
Equipment Changes/Technological Improvements:	Modify equipment such as combines or cotton pickers, and harvesting equipment; increase equipment size to reduce number of passes; other technological improvements.
Fallowing Land:	Temporary or permanent removal from production (e.g., vineyard pull-out, wildlife wetlands conservation program) eliminates entire operation or substantially reduces activities.
Green Chop:	Harvest a forage crop without allowing it to dry in the field; reduces multiple equipment passes.
Hand Harvesting:	Harvest crop by hand thereby reducing soil disturbances by equipment.
Night Harvesting:	Implement cultural practices at night or when the humidity is high.
No Burning:	Switch to a crop system that would not require waste burning.
Pre-Harvest Soil Preparation:	Apply a light amount of water or other stabilizing material to soil prior to harvest.
Shed Packing:	Pack commodities in a covered or closed area.
Shuttle System/Larger Carrier:	Haul multiple or larger trailers/bins per trip thereby reducing the number of trips.

B. CROP FARMING

2. ORCHARD/VINEYARD CROPS

a. DISKING/TILLING/LAND PREPARATION

Bed/Row Size or Spacing:	Spacing adjustments reduce the number of passes and soil disturbances by increasing plant density/canopy through reduction of row width.
Cessation of Activities:	Under very windy conditions, cease all soil disturbing activities to limit the amount of wind-entrained dust.
Cover Crops:	Use seeding or natural vegetation/regrowth of plants to cover soil surface and reduce wind erosion of soil.
Equipment Changes/Technological Improvements:	Use larger equipment, modify land planing and land leveling, matching the equipment to row spacing to reduce the number of passes.
Fallowing Land:	Temporary or permanent removal from production eliminates entire operation/passes or reduces soil disturbing activities.
Floor Management:	Smoothing and flattening the soil surface after nut harvest to remove post-harvest residue. Reduces number of passes through elimination of disking.
Grinding/ Chipping/ Shredding:	Grind/chip/shred orchard prunings and incorporate into the soil. Reduces PM from burning crop residues.
Mulching/Crop Residue Management:	Applying or leaving plant residue or other material on the soil surface. Reduces wind entrainment of dust, and reduces weed competition.
Night Farming:	Operate at night when moisture levels are higher and winds tend to be lighter, thereby reducing dust emissions.
Organic Practices:	Use biological control methods or non-chemical control methods. Reduces chemical use and number of application passes.
Precision Farming (GPS):	Use satellite navigation to calculate position in the field and therefore manage/treat selective areas. Reduces overlap.

B.2.a. CROP FARMING: ORCHARD/VINEYARD CROPS: DISKING/TILLING/LAND PREPARATION (CONTINUED)

Reduced Pruning:	Reduce frequency of pruning to one time a year, or once every two years.
Ridge Roughness:	Establish ridges by normal tillage and planting equipment as close as perpendicular as possible to the direction of erosive winds.
Soil Amendments:	Apply organic or chemical materials to soil (e.g., gypsum, lime, polyacrylamide) to improve soil, increase moisture retention.
Soil Moisture Monitoring:	Ensure adequate soil moisture levels at the time of tillage or soil maintenance to reduce dust emissions.
Sulfur: Reduction or Elimination of Dusting:	Use biological or organic control methods to reduce dry particulate applications and chemical use.
Surface Roughening:	In wind-prone areas, conduct surface roughening by bedding, rough disking, or tillage that leaves the surface covered with stable clods.
Time of Planting:	Time planting to coincide with the time of year when PM concentrations are less.

B. CROP FARMING

2. ORCHARD/VINEYARD CROPS

b. Harvesting

Combined Operations:	Combine equipment to perform several operations during one pass.
Continuous Tray/D.O.V./New Drying Techniques for Dried Fruit:	Any technology that reduces labor and tillage, and reduces the number of equipment passes.
Equipment Changes/Technological Improvements:	Modify equipment such as combines or cotton pickers, and harvesting equipment; increase equipment size to reduce number of passes; other technological improvements.
Fallowing Land:	Temporary or permanent removal from production (e.g., vineyard pull-out, wildlife wetlands conservation program) eliminates entire operation or substantially reduces activities.
Floor Management:	Smoothing and flattening the soil surface after nut harvest to remove post-harvest residue. Reduces number of passes through elimination of disking.
Hand Harvesting:	Harvest crop by hand thereby reducing soil disturbances by equipment.
Night Harvesting:	Implement cultural practices at night or when the humidity is high.
Pre-Harvest Soil Preparation:	Apply a light amount of water or other stabilizing material to soil prior to harvest.
Shed Packing:	Pack commodities in a covered or closed area.
Shuttle System/Larger Carrier:	Haul multiple or larger trailers/bins per trip thereby reducing the number of trips.

A. CROP FARMING

3. LAND APPLICATION OF FERTILIZERS/PEST CONTROL

Chemigation/ Fertigation:	Application of chemicals through the irrigation system reduces the need to travel in the field for application purposes.
Integrated Pest Management:	A decision process that uses a combination of techniques including organic, conventional, and biological farming practices to suppress pest problems and thereby reducing the number of passes for spraying.
Non-tillage/Chemical Tillage:	Use flail mower, low volume sprayers, or heat delivery systems (as harvest pre-conditioner). Reduces or eliminates number of soil tillage passes.
Organic Practices:	Use biological control methods or non-chemical control methods. Reduces chemical use and number of application passes.
Soil Amendments:	Apply organic or chemical materials to soil (e.g., gypsum, lime, polyacrylamide) to improve soil, increase moisture retention.
Sulfur: Reduction or Elimination of Dusting:	Use biological or organic control methods to reduce dry particulate applications and chemical use.
Transgenic Crops:	Use of “herbicide-ready” crops reduces need for tillage or cultivation operations.

C. CONFINED ANIMAL FACILITIES

1. FEED PREPARATION, STORAGE AND HANDLING

Boot or Sock:	Load feed into storage bins using a sock or boot in the feed delivery truck auger.
Feeding Near Dusk:	Reduces dust generating behaviors of animals.
Restrict Hay Grinding Activities:	Avoid hay grinding activities during the windiest times of the day, which are typically in the afternoons.
Wet Feed During Mixing:	Increase moisture feed levels to reduce excessive dust.
Wet Material in Feedwagon:	Avoid placing only dry material in feedwagons; rather mix wet feed with dry feed material.

2. MANURE STORAGE AND HANDLING

Fibrous Layer in Dusty Areas:	Add fibrous material to working areas.
Freestall Housing:	Use freestall housing with cement floor to allow for manure cleaning with a flushing system.
Frequent Scraping and/or Manure Removal:	Remove manure from open corrals. Conditions of removal, and frequency of removal may be specified.
Pull-Type Manure Harvesting Equipment:	Use a pull-type piece of equipment to leave an even corral surface.
Removing Excess Water:	Eliminate water leaks from troughs and trough piping, and comply with corral drainage standards.
Shaded Areas in Open Corrals:	Make available shaded areas in open corrals, which increases animal density and reduces animal movement.
Sprinkling of Open Corrals:	Ensure adequate corral surface moisture levels to prevent visible dust emissions or meet specified moisture conditions.
Time-of-Day Scraping/Harrowing:	Scrape/harrow in morning hours when moisture is typically higher.

C. CONFINED ANIMAL FACILITIES

3. WASTE MANAGEMENT PRACTICES

Frequent Scraping and/or Manure Removal:	Remove manure from open corrals. Conditions of removal and frequency of removal may be specified.
Manure Disposal:	Dispose of manure in accordance with prescribed procedures. This could include approved manure processing operations or other lands approved for the spreading of manure.

D. OTHER AGRICULTURAL ACTIVITIES

1. STORAGE PILES (PILES OF BULK MATERIALS SUCH AS DIRT, AGGREGATE, ETC, EXCLUDING MANURE)

Chemical Stabilization:	Apply an approved dust suppressant at a sufficient quantity and frequency to prevent windblown dust emissions.
Covering:	Install tarps, plastic or other material as a temporary covering. (Coverings should be anchored to prevent wind from removing the cover).
Watering:	Apply water at a sufficient quantity and frequency to maintain moist surface under windy conditions.
Wind Sheltering:	Enclose material in a three-sided barrier equal to or greater in height than the height of the material.

2. UNPAVED ROADS

Access Restriction:	Restrict public access to unpaved roads using signage or physical access restrictions (e.g., access barrier).
Paving:	Pave unpaved roads. (Gives maximum PM-10 emissions reductions as long as paved surface is kept clean.)
Road Treatments:	Apply water, mulch, organic materials, polymers, dust suppressants, or wood chips to the unpaved road surface area.
Speed Limits:	Control speed limits to 15 mph on unpaved roads through worker behavior modification, signage, or any other necessary means.
Surface Modification:	Cover unpaved road surfaces with a low silt-content material, such as gravel or recycled road base.
Track-Out Area Improvements:	Minimize dirt material tracked out onto public roadways by paving or chemically stabilizing, or applying gravel to the unpaved road surface for a distance of at least 100 feet from the public roadway.
Track-Out Prevention:	Check or clean the underside of all haul trucks before leaving the parking or staging area.
Vegetation:	Establish natural vegetation on unpaved surfaces no longer being used.

Attachment D

CONSERVATION MANAGEMENT PRACTICES FOR FARMS IN INYO, MONO AND ALPINE COUNTIES PROGRAM DESCRIPTION AND PLAN APPLICATION FORMS

The very nature of producing food and fiber crops generates dust and small particulate matter, commonly referred to as PM-10 (Particulate Matter with an average size of 10 microns or less—about one-seventh the diameter of a human hair). For many years farmers have worked to reduce the amount of dust generated from agricultural practices as a means of preserving topsoil, controlling certain dust-loving pest populations and maintaining good neighbor relations.

In California, over the last few years attention has been focused on reducing dust and PM-10 emissions from on-farm activities as part of the effort to help improve the state's air quality. Many areas of the state will never attain the federal or state PM-10 standards unless agricultural activities implement additional dust control measures. In addition, as more land is developed next to and within agricultural areas, dust that in the past did not impact people in their homes or at their jobs, is now having a direct impact on people's health. In 2004, the state passed a law known as SB 700 that makes agricultural operations subject to the same air pollution requirements as other commercial and industrial operations and requires farm activities to implement additional measures to control air pollution.

The Great Basin Unified Air Pollution Control District (serving all of Alpine, Inyo and Mono Counties) has adopted rules to control dust emissions from agricultural practices in an effort to attain and maintain the federal and state standards for PM-10. The rules, Rule 502 (Conservation Management Practices) and Rule 307 (Conservation Management Practices Plan Fee), require farmers to implement and document an annual plan to reduce dust and PM-10 emissions from on-farm sources, such as from unpaved roads and equipment yards, during land preparation, harvest activities and from other cultural practices. These plans are known as a Conservation Management Practices (CMP) Plans. In order to recover the cost of plan processing and field inspections, the Air District will collect fees from those farms that must comply with the CMP requirement.

► What is required?

Farmers with **40 acres or more outside of residential areas or 10 acres or more within residential areas** of contiguous, or adjacent, farmland are required to prepare and implement Conservation Management Practices (CMP) Plans for each crop they farm.

► Conservation Management Practices Plan

A Conservation Management Practice is an activity or practice that farmers will implement on their farms to help reduce dust emissions. Examples of CMPs include activities that reduce or eliminate the need to move or disturb the soil; activities that protect the soil from wind, such as wind breaks and wetting the soil; equipment modifications that physically produce less dust; application of dust suppressants; speed reductions on unpaved roads and yards; alternatives to burning brush or prunings; and activities that reduce agricultural chemical applications through use of integrated pest management practices.

This packet identifies the currently accepted, crop-specific practices to reduce PM-10 emissions in each type of farming activity. The CMPs were developed by Air District's throughout the state as well as, representatives from the USDA-Natural Resources Conservation Service, Resource Conservation Districts, agricultural organizations and commodity groups, and other state and federal agencies. The latest list of CMPs can also be found on the California Air Pollution Control Officer's Association (CAPCOA) Agricultural Sources Clearinghouse of Air Pollution Reduction Methods at: www.capcoa.org/Agclearinghouse/index.html

In order to assist farm operators with the preparation of CMP Plans, the District has prepared forms for Alfalfa (CMP 1) and Field and Row Crops (CMP 2). Additional forms for other crops or operations will be prepared as needed or upon request. The use of these forms is optional. Any form of plan that meets the requirements of District Rule 502 may be submitted. Blank forms are included in this handout and may be photocopied as needed or can be downloaded from the Air District website located at www.gbuapcd.org/farm.

There are three general CMPs that all agricultural operations are required to implement. In addition, depending on the crop, farmers are required to implement five additional CMPs, including one from each of the following categories:

- Land preparation and cultivation
- Harvest activities
- Unpaved roads
- Unpaved equipment yards
- Other cultural practices

Each farmer with 40 or more contiguous acres (10 or more acres near residential areas) must complete a CMP Plan, which includes the following information:

- 1) a map of the operation that designates where each CMP is being implemented;
- 2) the General Information form (CMP A);
- 3) the All Agricultural Operations form (CMP B)
- 4) the Unpaved Roads and Unpaved Vehicle/ Equipment Areas form (CMP C); and
- 5) a form for each crop farmed (numbered CMP forms)

A list of approved dust suppressants available for use to help reduce PM-10 emissions from unpaved roads and equipment yards is included in the back of this packet.

The CMPs were designed to be workable and to provide farmers with flexibility in selecting measures. If a CMP in a category can't be implemented, then a grower may select an alternate CMP from another category. To allow flexibility and innovation, there is an "Other" practice in each category, which may be used if the new practice can show equal or greater emission reductions than the currently approved practice, and is approved by the Air District's Air Pollution Control Officer (ARCO).

► Deadlines

The CMP program phases in over a three year period. For agricultural operations in the Owens Valley PM-10 Planning Area (the southern Owens Valley between Tinamaha and Haiwee reservoirs, requirements begin in January 2006. For the Mono Basin and Mammoth Lakes areas, requirements go into effect in January 2007. For the balance of the District, the CMP Plan rule is effective in January 2008.

► Costs and fees

There is a **flat fee of \$150** for initial review and approval of a CMP Plan. This covers the cost of District personnel reviewing the plan and the first year of field inspections. The fee must be paid upon submittal of the CMP plan for review.

Every year a CMP Plan **annual renewal fee of \$60** must be submitted to the Air District. The District will invoice approved plan holders for the annual fee. After five years, if there has been no change in the CMP plan and no CMP plan violations, the annual renewal fee will be reduced to \$30.

A CMP Plan may be modified and resubmitted to the Air District at no cost anytime a practice or crop has changed. No CMP plan fees will be required if a District Permit to Operate is required for the operation (this would apply to very large operations only).

► Contact information

District staff can assist anyone that needs help with the preparation of a CMP plan. Plans and inquiries should be directed to the District's Bishop office. Contact information is:

Great Basin APCD
157 Short Street
Bishop, CA 93514
Tel: 760-872-8211
Fax: 760-872-6109
E-mail: farms@gbuapcd.org
Website: www.gbuapcd.org

CONSERVATION MANAGEMENT PRACTICES PLAN APPLICATION FORMS

The following forms are provided to assist agricultural operators in the Great Basin Air Pollution Control District with the preparation of Conservation Management Practices Plans.

The use of these forms is optional. Any form of plan that meets the requirements of District Rule 502 may be submitted.

Great Basin Unified Air Pollution Control District CONSERVATION MANAGEMENT PRACTICES PLAN APPLICATION

GENERAL INFORMATION

A Conservation Management Practices (CMP) plan is a requirement for all agricultural operation sites as specified in Section 5.0 of District Rule 502. The goal of this CMP plan is to reduce sources of PM₁₀ emissions from agricultural operations. Attach CMP-A, B, C and all other applicable CMP Supplemental Application Forms to this sheet. By signing below, the applicant agrees to implement all Conservation Management Practices checked on the attached sheets. **A fee of \$150 is due with submittal of this plan** to cover the District's cost of plan processing and field inspection for the first year.

Name of Facility: _____

Facility Location: _____

Total Farm Acreage: _____

Mailing Address: _____

City/State/Zip code: _____

Phone: _____ Fax: _____

Other (Cell): _____ E-mail: _____

Person Responsible: _____ Title: _____

Signature: _____ Date: _____

Please list the following information for the persons responsible for:

Plan Preparation:

Same as Person Responsible Above?

Name: _____

Title: _____

Address: _____

City/State/Zip code: _____

Phone: _____

Fax: _____

Other (Cell): _____

Plan Implementation:

Same as Person Responsible Above?

Name: _____

Title: _____

Address: _____

City/State/Zip code: _____

Phone: _____

Fax: _____

Other (Cell): _____

FOR DISTRICT USE ONLY

This CMP plan application has been verified to contain all supporting information required by the APCO to evaluate the application. CMP-A, B and C attached. All other appropriate CMPs attached. Fee paid. Date: _____

Reviewer: _____ Initials: _____ Date: _____

APCO approval: _____ Date: _____

Great Basin Unified Air Pollution Control District
Supplemental Application Form

CMP
B

**Conservation Management Practices:
ALL AGRICULTURAL OPERATIONS**

Note: This CMP form must be submitted with all CMP Plan Applications

Farm Name: _____ CMP Plan Years: _____ to _____
Maximum Crop Acreage: _____

**Applicable
to all
agricultural
operations
in the Great
Basin
APCD**

All agricultural operations will implement all of the following CMPs.

100% of the maximum crop acreage must be covered by the following CMPs.

- No disking, tilling or other land preparation activities shall take place when active wind erosion is observed on a field and visible particulate matter leaves the property from which it originates.
- No land preparation activities will begin on any field until an irrigation system is in place and capable of being used on the field.
- Water will be applied as soon as possible and to the maximum extent practicable to all fields in recently worked conditions.
- Other (approved case-by-case basis and described below), _____ ac

Please describe the specifics of the practice(s)
chosen above:

Great Basin Unified Air Pollution Control District Supplemental Application Form

**CMP
C**

Conservation Management Practices: UNPAVED ROADS AND UNPAVED VEHICLE/ EQUIPMENT AREAS

Farm Name: _____ CMP Plan Years: _____ to _____

Unpaved Road Mileage: _____ Unpaved Vehicle/Equipment Areas Acreage: _____

Unpaved Roads

If daily vehicle trips are greater than or equal to 75 on unpaved roads, select at least one of the following:

- | | |
|---|---|
| <input type="checkbox"/> Dust Suppressant, _____ mi | <input type="checkbox"/> Washed Gravel, _____ mi |
| <input type="checkbox"/> Paving, _____ mi | <input type="checkbox"/> Water, _____ mi |
| <input type="checkbox"/> Road Mix, _____ mi | <input type="checkbox"/> Other (special approval reqd.), _____ mi |
| <input type="checkbox"/> Road Oil, _____ mi | |

Please describe the specifics of the practice(s) chosen above: _____

If daily vehicle trips are less than 75 on unpaved roads, select at least one of the following controls:

- | | |
|--|---|
| <input type="checkbox"/> Access restriction (public access) _____ mi | <input type="checkbox"/> Road Oil, _____ mi |
| <input type="checkbox"/> Chips/Mulches, _____ mi | <input type="checkbox"/> Speed Limit Posted, _____ mi |
| <input type="checkbox"/> Dust Suppressant, _____ mi | What Speed? _____ mph (15 mph or less) |
| <input type="checkbox"/> Less Than 10 Vehicle Trips on Any Day, _____ mi | <input type="checkbox"/> Track Out Control, _____ mi |
| <input type="checkbox"/> Organic Materials, _____ mi | <input type="checkbox"/> Water, _____ mi |
| <input type="checkbox"/> Paving, _____ mi | <input type="checkbox"/> Washed Gravel, _____ mi |
| <input type="checkbox"/> Polymers, _____ mi | <input type="checkbox"/> Wind Barrier, _____ mi |
| <input type="checkbox"/> Restricted Access, _____ mi | <input type="checkbox"/> Other (special approval reqd.), _____ mi |

Please describe the specifics of the practice(s) chosen above: _____

Unpaved Vehicle/ Equipment Areas

If average daily vehicle trips (on an annual basis) are ≥ 50 on unpaved equipment yards, or if average daily trips (on an annual basis) are ≥ 25 by three or more axle vehicles, or if maximum daily trips on any day ≥ 150 during a 30 day period or less, select at least one of the following controls.

- | | |
|---|---|
| <input type="checkbox"/> Dust Suppressant, _____ ac | <input type="checkbox"/> Vegetative Material, _____ ac |
| <input type="checkbox"/> Paving, _____ ac | <input type="checkbox"/> Washed Gravel, _____ ac |
| <input type="checkbox"/> Road Mix, _____ ac | <input type="checkbox"/> Water, _____ ac |
| <input type="checkbox"/> Road Oil, _____ ac | <input type="checkbox"/> Other (special approval reqd.), _____ ac |

Please describe the specifics of the practice(s) chosen above: _____

If average daily vehicle trips (on an annual basis) are < 50 on unpaved equipment yards, or if average daily trips (on an annual basis) are < 25 by three or more axle vehicles, or if maximum daily vehicle trips on any day are < 150 during a 30 day period or less, select at least one of the following controls (CMP compliance).

- | | |
|--|--|
| <input type="checkbox"/> Chips/Mulches, _____ ac | <input type="checkbox"/> Speed Limit Posted, _____ ac |
| <input type="checkbox"/> Less Than 10 Vehicle Trips on Any Day, _____ ac | What Speed? _____ mph (15 mph or less) |
| <input type="checkbox"/> Organic Material, _____ ac | <input type="checkbox"/> Paving, _____ ac <input type="checkbox"/> Water, _____ ac |
| <input type="checkbox"/> Polymers, _____ ac | <input type="checkbox"/> Washed Gravel, _____ ac |
| <input type="checkbox"/> Restricted Access, _____ ac | <input type="checkbox"/> Wind Barrier, _____ ac |
| <input type="checkbox"/> Road Oil, _____ ac | <input type="checkbox"/> Other (special approval reqd.), _____ ac |

Please describe the specifics of the practice(s) chosen above: _____

Great Basin Unified Air Pollution Control District Supplemental Application Form

**CMP
1**

Conservation Management Practices: ALFALFA

Farm Name: _____ CMP Plan Years: _____ to _____

Maximum Crop Acreage: _____

Fallow Acreage Last Planted in Alfalfa: _____

Land Preparation/ Cultivation	<p>Select at least one additional of the following CMPs. Note: 100% of the maximum crop acreage must be covered by the selected CMPs.</p> <table style="width: 100%; border: none;"> <tr> <td><input type="checkbox"/> Chemigation/Fertigation</td> <td><input type="checkbox"/> Night Farming, _____ ac</td> </tr> <tr> <td><input type="checkbox"/> Combined Operations, _____ ac</td> <td><input type="checkbox"/> Non-Tillage/Chemical Tillage, _____ ac</td> </tr> <tr> <td><input type="checkbox"/> Conservation Irrigation, _____ ac</td> <td><input type="checkbox"/> Precision Farming (GPS) , _____ ac</td> </tr> <tr> <td><input type="checkbox"/> Equipment Change/Tech. Improvmnts, _____ ac</td> <td><input type="checkbox"/> Other (special approval reqd.), _____ ac</td> </tr> <tr> <td><input type="checkbox"/> Multiple CMPs in Another Category</td> <td></td> </tr> </table> <p>Please describe the specifics of the practice(s) chosen above: _____</p> <p>_____</p> <p>_____</p>	<input type="checkbox"/> Chemigation/Fertigation	<input type="checkbox"/> Night Farming, _____ ac	<input type="checkbox"/> Combined Operations, _____ ac	<input type="checkbox"/> Non-Tillage/Chemical Tillage, _____ ac	<input type="checkbox"/> Conservation Irrigation, _____ ac	<input type="checkbox"/> Precision Farming (GPS) , _____ ac	<input type="checkbox"/> Equipment Change/Tech. Improvmnts, _____ ac	<input type="checkbox"/> Other (special approval reqd.), _____ ac	<input type="checkbox"/> Multiple CMPs in Another Category	
<input type="checkbox"/> Chemigation/Fertigation	<input type="checkbox"/> Night Farming, _____ ac										
<input type="checkbox"/> Combined Operations, _____ ac	<input type="checkbox"/> Non-Tillage/Chemical Tillage, _____ ac										
<input type="checkbox"/> Conservation Irrigation, _____ ac	<input type="checkbox"/> Precision Farming (GPS) , _____ ac										
<input type="checkbox"/> Equipment Change/Tech. Improvmnts, _____ ac	<input type="checkbox"/> Other (special approval reqd.), _____ ac										
<input type="checkbox"/> Multiple CMPs in Another Category											
Harvest	<p>Select at least one of the following CMPs. Note: 100% of the maximum crop acreage must be covered by the selected CMPs.</p> <table style="width: 100%; border: none;"> <tr> <td><input type="checkbox"/> Baling/Large Balers, _____ ac</td> <td><input type="checkbox"/> Night Harvesting, _____ ac</td> </tr> <tr> <td><input type="checkbox"/> Equipment Change/Tech. Improvements</td> <td><input type="checkbox"/> Shuttle System, _____ ac</td> </tr> <tr> <td><input type="checkbox"/> Green Chop, _____ ac</td> <td><input type="checkbox"/> Other (special approval reqd.), _____ ac</td> </tr> <tr> <td><input type="checkbox"/> Multiple CMPs in Another Category, _____ ac</td> <td></td> </tr> </table> <p>Please describe the specifics of the practice(s) chosen above: _____</p> <p>_____</p> <p>_____</p>	<input type="checkbox"/> Baling/Large Balers, _____ ac	<input type="checkbox"/> Night Harvesting, _____ ac	<input type="checkbox"/> Equipment Change/Tech. Improvements	<input type="checkbox"/> Shuttle System, _____ ac	<input type="checkbox"/> Green Chop, _____ ac	<input type="checkbox"/> Other (special approval reqd.), _____ ac	<input type="checkbox"/> Multiple CMPs in Another Category, _____ ac			
<input type="checkbox"/> Baling/Large Balers, _____ ac	<input type="checkbox"/> Night Harvesting, _____ ac										
<input type="checkbox"/> Equipment Change/Tech. Improvements	<input type="checkbox"/> Shuttle System, _____ ac										
<input type="checkbox"/> Green Chop, _____ ac	<input type="checkbox"/> Other (special approval reqd.), _____ ac										
<input type="checkbox"/> Multiple CMPs in Another Category, _____ ac											
Other	<p>Select at least one of the following CMPs. Note: 100% of the maximum crop acreage must be covered by the selected CMPs.</p> <table style="width: 100%; border: none;"> <tr> <td><input type="checkbox"/> Application Efficiencies, _____ ac</td> <td><input type="checkbox"/> Multiple CMPs in Another Category</td> </tr> <tr> <td><input type="checkbox"/> Bulk Materials Control</td> <td><input type="checkbox"/> No Burning, _____ ac</td> </tr> <tr> <td><input type="checkbox"/> Cover Crop, _____ ac</td> <td><input type="checkbox"/> Surface Roughening, _____ ac</td> </tr> <tr> <td><input type="checkbox"/> Irrigation Power Units</td> <td><input type="checkbox"/> Other (special approval reqd.), _____ ac</td> </tr> </table> <p>Please describe the specifics of the practice(s) chosen above: _____</p> <p>_____</p> <p>_____</p>	<input type="checkbox"/> Application Efficiencies, _____ ac	<input type="checkbox"/> Multiple CMPs in Another Category	<input type="checkbox"/> Bulk Materials Control	<input type="checkbox"/> No Burning, _____ ac	<input type="checkbox"/> Cover Crop, _____ ac	<input type="checkbox"/> Surface Roughening, _____ ac	<input type="checkbox"/> Irrigation Power Units	<input type="checkbox"/> Other (special approval reqd.), _____ ac		
<input type="checkbox"/> Application Efficiencies, _____ ac	<input type="checkbox"/> Multiple CMPs in Another Category										
<input type="checkbox"/> Bulk Materials Control	<input type="checkbox"/> No Burning, _____ ac										
<input type="checkbox"/> Cover Crop, _____ ac	<input type="checkbox"/> Surface Roughening, _____ ac										
<input type="checkbox"/> Irrigation Power Units	<input type="checkbox"/> Other (special approval reqd.), _____ ac										

Great Basin Unified Air Pollution Control District Supplemental Application Form

Conservation Management Practices: FIELD AND ROW CROPS

Farm Name: _____ CMP Plan Years: _____ to _____

Maximum Crop Acreage: _____

Fallow Acreage Last Planted in Field/Row Crops: _____

Land Preparation/ Cultivation	<p>Select at least one of the following CMPs. Note: 100% of the maximum crop acreage must be covered by the selected CMPs.</p> <table style="width: 100%; border: none;"> <tr> <td><input type="checkbox"/> Bed/Row Size or Spacing, _____ ac</td> <td><input type="checkbox"/> Multiple CMPs in Another Category</td> </tr> <tr> <td><input type="checkbox"/> Chemigation/Fertigation, _____ ac</td> <td><input type="checkbox"/> Night Farming, _____ ac</td> </tr> <tr> <td><input type="checkbox"/> Combined Operations, _____ ac</td> <td><input type="checkbox"/> Precision Farming (GPS), _____ ac</td> </tr> <tr> <td><input type="checkbox"/> Conservation Irrigation, _____ ac</td> <td><input type="checkbox"/> Transgenic Crops, _____ ac</td> </tr> <tr> <td><input type="checkbox"/> Conservation Tillage, _____ ac</td> <td><input type="checkbox"/> Transplanting, _____ ac</td> </tr> <tr> <td><input type="checkbox"/> Equipment Change/Tech. Improvements, _____ ac</td> <td><input type="checkbox"/> Other (special approval reqd.), _____ ac</td> </tr> <tr> <td><input type="checkbox"/> Mulching, _____ ac</td> <td></td> </tr> </table> <p>Please describe the specifics of the practice(s) chosen above: _____</p> <p>_____</p> <p>_____</p>	<input type="checkbox"/> Bed/Row Size or Spacing, _____ ac	<input type="checkbox"/> Multiple CMPs in Another Category	<input type="checkbox"/> Chemigation/Fertigation, _____ ac	<input type="checkbox"/> Night Farming, _____ ac	<input type="checkbox"/> Combined Operations, _____ ac	<input type="checkbox"/> Precision Farming (GPS), _____ ac	<input type="checkbox"/> Conservation Irrigation, _____ ac	<input type="checkbox"/> Transgenic Crops, _____ ac	<input type="checkbox"/> Conservation Tillage, _____ ac	<input type="checkbox"/> Transplanting, _____ ac	<input type="checkbox"/> Equipment Change/Tech. Improvements, _____ ac	<input type="checkbox"/> Other (special approval reqd.), _____ ac	<input type="checkbox"/> Mulching, _____ ac	
<input type="checkbox"/> Bed/Row Size or Spacing, _____ ac	<input type="checkbox"/> Multiple CMPs in Another Category														
<input type="checkbox"/> Chemigation/Fertigation, _____ ac	<input type="checkbox"/> Night Farming, _____ ac														
<input type="checkbox"/> Combined Operations, _____ ac	<input type="checkbox"/> Precision Farming (GPS), _____ ac														
<input type="checkbox"/> Conservation Irrigation, _____ ac	<input type="checkbox"/> Transgenic Crops, _____ ac														
<input type="checkbox"/> Conservation Tillage, _____ ac	<input type="checkbox"/> Transplanting, _____ ac														
<input type="checkbox"/> Equipment Change/Tech. Improvements, _____ ac	<input type="checkbox"/> Other (special approval reqd.), _____ ac														
<input type="checkbox"/> Mulching, _____ ac															
Harvest	<p>Select at least one of the following CMPs. Note: 100% of the maximum crop acreage must be covered by the selected CMPs.</p> <table style="width: 100%; border: none;"> <tr> <td><input type="checkbox"/> Combined Operations, _____ ac</td> <td><input type="checkbox"/> Pre-harvest Soil Preparation, _____ ac</td> </tr> <tr> <td><input type="checkbox"/> Equipment Change/Tech. Improvements, _____ ac</td> <td><input type="checkbox"/> Shed Packing, _____ ac</td> </tr> <tr> <td><input type="checkbox"/> Hand Harvesting, _____ ac</td> <td><input type="checkbox"/> Shuttle System, _____ ac</td> </tr> <tr> <td><input type="checkbox"/> Multiple CMPs in Another Category</td> <td><input type="checkbox"/> Other (special approval reqd.), _____ ac</td> </tr> <tr> <td><input type="checkbox"/> Night Harvesting, _____ ac</td> <td></td> </tr> </table> <p>Please describe the specifics of the practice(s) chosen above: _____</p> <p>_____</p> <p>_____</p>	<input type="checkbox"/> Combined Operations, _____ ac	<input type="checkbox"/> Pre-harvest Soil Preparation, _____ ac	<input type="checkbox"/> Equipment Change/Tech. Improvements, _____ ac	<input type="checkbox"/> Shed Packing, _____ ac	<input type="checkbox"/> Hand Harvesting, _____ ac	<input type="checkbox"/> Shuttle System, _____ ac	<input type="checkbox"/> Multiple CMPs in Another Category	<input type="checkbox"/> Other (special approval reqd.), _____ ac	<input type="checkbox"/> Night Harvesting, _____ ac					
<input type="checkbox"/> Combined Operations, _____ ac	<input type="checkbox"/> Pre-harvest Soil Preparation, _____ ac														
<input type="checkbox"/> Equipment Change/Tech. Improvements, _____ ac	<input type="checkbox"/> Shed Packing, _____ ac														
<input type="checkbox"/> Hand Harvesting, _____ ac	<input type="checkbox"/> Shuttle System, _____ ac														
<input type="checkbox"/> Multiple CMPs in Another Category	<input type="checkbox"/> Other (special approval reqd.), _____ ac														
<input type="checkbox"/> Night Harvesting, _____ ac															
Other	<p>Select at least one of the following CMPs. Note: 100% of the maximum crop acreage must be covered by the selected CMPs.</p> <table style="width: 100%; border: none;"> <tr> <td><input type="checkbox"/> Application Efficiencies, _____ ac</td> <td><input type="checkbox"/> Multiple CMPs in Another Category</td> </tr> <tr> <td><input type="checkbox"/> Bulk Materials Control</td> <td><input type="checkbox"/> No Burning, _____ ac</td> </tr> <tr> <td><input type="checkbox"/> Integrated Pest Management (IPM), _____ ac</td> <td><input type="checkbox"/> Surface Roughening, _____ ac</td> </tr> <tr> <td><input type="checkbox"/> Irrigation Power Units</td> <td><input type="checkbox"/> Wind Barrier, _____ ac</td> </tr> <tr> <td><input type="checkbox"/> Mulching, _____ ac</td> <td><input type="checkbox"/> Other (special approval reqd.), _____ ac</td> </tr> </table> <p>Please describe the specifics of the practice(s) chosen above: _____</p> <p>_____</p> <p>_____</p>	<input type="checkbox"/> Application Efficiencies, _____ ac	<input type="checkbox"/> Multiple CMPs in Another Category	<input type="checkbox"/> Bulk Materials Control	<input type="checkbox"/> No Burning, _____ ac	<input type="checkbox"/> Integrated Pest Management (IPM), _____ ac	<input type="checkbox"/> Surface Roughening, _____ ac	<input type="checkbox"/> Irrigation Power Units	<input type="checkbox"/> Wind Barrier, _____ ac	<input type="checkbox"/> Mulching, _____ ac	<input type="checkbox"/> Other (special approval reqd.), _____ ac				
<input type="checkbox"/> Application Efficiencies, _____ ac	<input type="checkbox"/> Multiple CMPs in Another Category														
<input type="checkbox"/> Bulk Materials Control	<input type="checkbox"/> No Burning, _____ ac														
<input type="checkbox"/> Integrated Pest Management (IPM), _____ ac	<input type="checkbox"/> Surface Roughening, _____ ac														
<input type="checkbox"/> Irrigation Power Units	<input type="checkbox"/> Wind Barrier, _____ ac														
<input type="checkbox"/> Mulching, _____ ac	<input type="checkbox"/> Other (special approval reqd.), _____ ac														

Attachment E

Text of SB 700

BILL NUMBER: SB 700 CHAPTERED

BILL TEXT
CHAPTER 479

FILED WITH SECRETARY OF STATE SEPTEMBER 22, 2003
APPROVED BY GOVERNOR SEPTEMBER 22, 2003
PASSED THE SENATE SEPTEMBER 11, 2003
PASSED THE ASSEMBLY SEPTEMBER 10, 2003
AMENDED IN ASSEMBLY SEPTEMBER 9, 2003
AMENDED IN ASSEMBLY SEPTEMBER 4, 2003
AMENDED IN ASSEMBLY AUGUST 21, 2003
AMENDED IN ASSEMBLY JULY 14, 2003
AMENDED IN ASSEMBLY JULY 2, 2003
AMENDED IN ASSEMBLY JUNE 26, 2003
AMENDED IN SENATE MAY 13, 2003
AMENDED IN SENATE MAY 7, 2003
AMENDED IN SENATE APRIL 24, 2003
INTRODUCED BY Senators Florez and Sher FEBRUARY 21, 2003

An act to amend Section 42310 of, and to add Sections 39011.5, 39023.3, 40724, 40724.5, 40724.6, 40724.7, 40731, 42301.16, 42301.17, 42301.18, and 44559.9 to, the Health and Safety Code, relating to air quality.

LEGISLATIVE COUNSEL'S DIGEST

SB 700, Florez. Air quality: emissions: stationary sources: agricultural operations.

(1) Existing law authorizes the board of every air quality management district and air pollution control district to establish a permit system that requires any person that uses certain types of equipment that may cause the emission of air contaminants to obtain a permit. Existing law exempts vehicles and certain types of equipment from those permit requirements.

This bill would eliminate that exemption for any equipment used in agricultural operations in the growing of crops or the raising of fowl or animals. To the extent that the bill would increase the number of permits that a district board, electing to establish a permit system prior to January 1, 2004, would be required to issue, the bill would impose a state-mandated local program.

(2) Existing law defines various terms governing the construction of air pollution control laws in the state, and authorizes the state board to revise those definitions to conform with federal law.

This bill would define the terms "agricultural source of air pollution" and "fugitive emissions," and would prohibit, notwithstanding the existing authority, the state board from revising those definitions.

(3) The existing federal Clean Air Act requires districts to adopt local programs for issuing operating permits to major stationary sources of air pollutants. The existing act defines a stationary source as any building, structure, facility, or installation that emits or may emit any air pollutant.

This bill would require each district that is designated a serious federal nonattainment area for an applicable ambient air quality standard for particulate matter as of January 1, 2004, to adopt, implement, and submit for inclusion in the state implementation plan, a rule or regulation requiring best available control measures (BACM) and best available retrofit control technology (BARCT) for agricultural practices at agricultural sources of air pollution to reduce air pollutants from those sources for which that technology is applicable for agricultural practices by the earliest feasible date, but not later than January 1, 2006, and would require each district subject to those requirements to comply with a schedule for public hearing, adoption, and implementation of the final rule.

The bill would require each district that is designated a moderate federal nonattainment area or an applicable ambient air quality standard for particulate matter as of January 1, 2004, to adopt and implement control measures necessary to reduce emissions from agricultural practices by the earliest feasible date, but no later than January 1, 2007, unless the district determines that those sources do not significantly cause or contribute to a violation of state or federal standards.

The bill would require, by January 1, 2005, the state board to review all available scientific information and develop a definition of a "large confined animal facility."

The bill would require, by July 1, 2006, each district that is designated as a federal nonattainment area for ozone as of January 1, 2004, to adopt, implement, and submit for inclusion in the state implementation plan, a rule or regulation that requires the owner or operator of a large confined animal facility as that term is defined by the state board to obtain a permit to reduce, to the extent feasible, emissions of air contaminants from the facility. The bill would require the district to perform an assessment of the impacts of the rule or regulation prior to its adoption. The bill would authorize a permit holder to appeal any district determination or decision related to that permit.

The bill would require a district that is designated as being in attainment for the federal ambient air quality standard for ozone as of January 1, 2004, to adopt the same rule or regulation required of nonattainment districts, by July 1, 2006, unless the district board makes a determination that large confined animal facilities will not contribute to a violation of any state or federal ambient air quality standard. The bill would provide the rule or regulation is not required to be submitted for inclusion into the state implementation plan.

The bill would require the California Air Pollution Control Officers Association, in consultation with the state board and other interested parties, by January 1, 2005, to develop a clearinghouse of available control measures and strategies for agricultural sources of air pollution and emissions of air contaminants from agriculture operations.

The additional duties for districts under the bill would impose a state-mandated local program.

(4) Existing law establishes the Capital Access Loan Program for Small Businesses, administered by the California Pollution Control Financing Authority, which provides loans through participating financial institutions to entities authorized to conduct business in the state and whose primary business location is in the state.

This bill would require the authority to expand the program to include outreach to financial institutions that service agricultural interests in the state for the purposes of funding air pollution control measures.

(5) Under existing law, any person who violates a rule, regulation, permit, or order of a district is guilty of a misdemeanor. Because this bill would increase the number of people who are subject to that provision, it would expand the scope of a crime, thereby imposing a state-mandated local program.

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for specified reasons.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1.

(a) The Legislature finds and declares all of the following:

(1) Agricultural operations necessary for growing crops or raising animals are a significant source of directly emitted particulates, and precursors of ozone and fine particulate matter. These emissions have a significant adverse effect on the ability of areas of the state, including, but not limited to, the San Joaquin Valley, to achieve health-based state and federal ambient air quality standards. (2) Since 1999, the agriculture industry has reduced emissions of oxides of nitrogen (NOx) by more than 2000 tons per year, emissions of particulate matter of 10 microns in diameter (PM 10) by more than 500 tons per year, and emissions of volatile organic compounds (VOCs) from agricultural chemicals by more than 20 percent. According to the state board, however, agricultural sources of air pollution still contribute twenty-six percent of the smog-forming emissions in the San Joaquin Valley.

(3) In the San Joaquin Valley, a large portion of the sources of particulate emissions are areawide sources whose emissions are directly related to growth in population and the resulting vehicle miles traveled. According to the State Air Resources Board, however, agricultural sources of air pollution account for over fifty percent of the directly emitted particulate air pollution generated in the valley during the fall, amounting to over 170 tons per day of emissions.

(4) All parties living or operating a business in an area that has been classified as being a nonattainment area with respect to the attainment of federal or state ambient air quality standards share the responsibility of reducing emissions from air pollutants.

(5) The federal Clean Air Act (42 U.S.C. Sec. 7401 et seq.) prohibits the state from adopting emission standards or limitations less stringent than those established under the federal act, including limitations on emissions from agricultural sources.

(6) Division 26 (commencing with Section 39000) of the Health and Safety Code establishes numerous policies and programs to reduce air pollutants for the protection of public health.

(7) The purpose of the act adding this section is to establish a new set of programs at the state and regional levels to reduce air emissions from agricultural sources in order to protect public health and the environment.

(b) It is therefore the intent of the Legislature to require the State Air Resources Board and air quality management districts and air pollution control districts in the state to regulate stationary, mobile, and area sources of agricultural air pollution.

SEC. 2. Section 39011.5 is added to the Health and Safety Code, to read:

39011.5.) "Agricultural source of air pollution" or "agricultural source" means a source of air pollution or a group of sources used in the production of crops, or the raising of fowl or animals located on contiguous property under common ownership or control that meets any of the following criteria:

(1) Is a confined animal facility, including, but not limited to, any structure, building, installation, barn, corral, coop, feed storage area, milking parlor, or system for the collection, storage, treatment, and distribution of liquid and solid manure, if domesticated animals, including, but not limited to, cattle, calves, horses, sheep, goats, swine, rabbits, chickens, turkeys, or ducks are corralled, penned, or otherwise caused to remain in restricted areas for commercial agricultural purposes and feeding is by means other than grazing.

(2) Is an internal combustion engine used in the production of crops or the raising of fowl or animals, including, but not limited to, an engine subject to Article 1.5 (commencing with Section 41750) of Chapter 3 of Part 4 except an engine that is used to propel implements of husbandry, as that term is defined in Section 36000 of the Vehicle Code, as that section existed on January 1, 2003.

Notwithstanding subdivision (b) of Section 39601, the state board may not revise this definition for the purposes of this section.

(3) Is a Title V source, as that term is defined in Section 39053.5, or is a source that is otherwise subject to regulation by a district pursuant to this division or the federal Clean Air Act (42 U.S.C. Sec. 7401 et seq.).

(b) Any district rule or regulation affecting stationary sources on agricultural operations adopted on or before January 1, 2004, is applicable to an agriculture source.

(c) Nothing in this section limits the authority of a district to regulate a source, including, but not limited to, a stationary source that is an agricultural source, over which it otherwise has jurisdiction pursuant to this division, or pursuant to the federal Clean Air Act (42 U.S.C. Sec. 7401 et seq.) or any rules or regulations adopted pursuant to that act that were in effect on or before January 1, 2003, or to exempt an agricultural source from any requirement otherwise applicable under Sections 40724 or 42301.16, based upon a finding by the district in a public hearing that the aggregate emissions from that source do not exceed a de minimus level of more than one ton of particulate matter, nitrogen oxides or volatile organic compounds per year.

SEC. 3. Section 39023.3 is added to the Health and Safety Code, to read:

39023.3. "Fugitive emissions" mean those emissions that cannot reasonably pass through a stack, chimney, vent, or other functionally equivalent opening. Notwithstanding subdivision (b) of Section 39601, the state board may not revise this definition for the purposes of this section.

SEC. 4. Section 40724 is added to the Health and Safety Code, to read:

40724. (a) Each district that is designated as a serious federal nonattainment area for an applicable ambient air quality standard for particulate matter as of January 1, 2004, shall adopt, implement, and submit for inclusion in the state implementation plan, a rule or regulation requiring best available control measures (BACM) for sources for which those measures are applicable and best available retrofit control technology (BARCT) to reduce air pollutants from sources for which that technology is applicable for agricultural practices, including, but not limited to, tilling, discing, cultivation, and raising of animals, and for fugitive emissions from those agricultural practices a manner similar to other source categories by the earliest feasible date, but not later than January 1, 2006. The rule or regulation shall also include BACM and BARCT to reduce precursor emissions in a manner commensurate to other source categories that the district show cause or contribute to a violation of an ambient air quality standard. Each district that is subject to this subdivision shall comply with the following schedule with respect to the rule or regulation imposing BACM and BARCT:

(1) On or before September 1, 2004, notice and hold at least one public workshop for the purpose of accepting public testimony on the proposed rule or regulation.

(2) On or before July 1, 2005, adopt the final rule or regulation at a noticed public hearing.

(3) On or before January 1, 2006, commence implementation of the rule or regulation.

(b) Nothing in this section shall delay or otherwise affect any action taken by a district to reduce emissions of air contaminants from agricultural

sources, or any other requirements imposed on a district or a source of air pollution pursuant to the federal Clean Air Act (42 U.S.C. Sec. 7401 et seq.).

(c) In adopting a rule or regulation pursuant to this section, a district shall do all of the following:

(1) Ensure the size and duration of use of an internal combustion engine subject to BARCT pursuant to this section is commensurate to the size and duration of use of internal combustion engines subject to regulation by a district or the state board regulated at other stationary sources.

(2) Ensure that BARCT established pursuant to this section for an internal combustion engine is similar to BARCT for other stationary source engines subject to regulation by a district or the state board.

(3) Ensure that the cost-effectiveness of BARCT for an internal combustion engine subject to this section is similar to the cost-effectiveness of BARCT for other internal combustion engines subject to regulation by a district or the state board.

(4) Compare the cost-effectiveness of BARCT for an internal combustion engine subject to this section to the list of available and proposed control measures prepared pursuant to Section 40922.

(5) Adopt control measures pursuant to this section in order of their cost-effectiveness, unless a district determines that a different order of adoption is necessary due to the enforceability, public acceptability, or technological feasibility of a given control measure, or to expeditiously attain or maintain a national or state ambient air quality standard.

(6) Except as otherwise provided under this section, ensure that any rule or regulation adopted pursuant to this section complies with all applicable requirements of this division, including, but not limited to, any applicable requirements established pursuant to Sections 40703, 40727, 40728.5, and 40920.6.

(7) Hold at least one public meeting that is conducted at a time and location that the district determines is convenient to the public at which the district reviews the comparison prepared pursuant to paragraph (4).

(d) Nothing in this section limits the authority of a district to regulate a source including, but not limited to, a stationary source that is an agricultural source over which it otherwise has jurisdiction pursuant to this division or the federal Clean Air Act (42 U.S.C. Sec. 7401 et seq.) or any rules or regulations adopted pursuant to that act. Nothing in this section shall delay or otherwise affect any action taken by a district to reduce emissions of air contaminants from agricultural sources, or any other requirements imposed upon a district or a source of air pollution pursuant to the federal Clean Air Act. This section may not be interpreted to delay or otherwise affect the adoption, implementation, or enforcement of any measure that was adopted, or included in a rulemaking calendar or air quality

implementation plan that was adopted, by the district prior to January 1, 2004.

SEC. 5. Section 40724.5 is added to the Health and Safety Code, to read:

40724.5. (a) By the earliest feasible date, but no later than January 1, 2007, each district that is designated a moderate federal nonattainment area for an applicable ambient air quality standard for particulate matter as of January 1, 2004, and that is not subject to the requirements of Section 40724, shall adopt and implement control measures necessary to reduce emissions from agricultural practices, including, but not limited to, tilling, discing, cultivation, and raising of animals, and from fugitive emissions in a manner similar to other source categories from those activities by the earliest feasible date. Control measures adopted and implemented pursuant to this section shall also be implemented by the district to reduce precursor emissions in a manner commensurate to other source categories that the district show cause or contribute to a violation of an ambient air quality standard.

(b) A district is not required to adopt and implement control measures pursuant to this section if it determines in a public hearing that agricultural practices do not significantly cause or contribute to a violation of state or federal standards.

(c) In adopting a rule or regulation pursuant to this section, a district shall do all of the following:

- (1) Ensure the size and duration of use of an internal combustion engine subject to BARCT pursuant to this section is commensurate to the size and duration of use of internal combustion engines subject to regulation by a district or the state board regulated at other stationary sources.
- (2) Ensure that BARCT established pursuant to this section for an internal combustion engine is similar to BARCT for other stationary source engines subject to regulation by a district or the state board.
- (3) Ensure that the cost-effectiveness of BARCT for an internal combustion engine subject to this section is similar to the cost-effectiveness of BARCT for other internal combustion engines subject to regulation by a district or the state board.
- (4) Compare the cost-effectiveness of BARCT for an internal combustion engine subject to this section to the list of available and proposed control measures prepared pursuant to Section 40922.
- (5) Adopt control measures pursuant to this section in order of their cost-effectiveness, unless a district determines that a different order of adoption is necessary due to the enforceability, public acceptability, or technological feasibility of a given control measure, or to expeditiously attain or maintain a national or state ambient air quality standard.

(6) Except as otherwise provided under this section, ensure that any rule or regulation adopted pursuant to this section complies with all applicable requirements of this division, including, but not limited to, any applicable requirements established pursuant to Sections 40703, 40727, 40728.5, and 40920.6.

(7) Hold at least one public meeting that is conducted at a time and location that the district determines is convenient to the public at which the district reviews the comparison prepared pursuant to paragraph (4).

(d) Nothing in this section limits the authority of a district to regulate a source including, but not limited to, a stationary source that is an agricultural source over which it otherwise has jurisdiction pursuant to this division or the federal Clean Air Act (42 U.S.C. Sec. 7401 et seq.) or any rules or regulations adopted pursuant to that act. Nothing in this section shall delay or otherwise affect any action taken by a district to reduce emissions of air contaminants from agricultural sources, or any other requirements imposed upon a district or a source of air pollution pursuant to the federal Clean Air Act. This section may not be interpreted to delay or otherwise affect the adoption, implementation, or enforcement of any measure that was adopted, or included in a rulemaking calendar or air quality implementation plan that was adopted, by the district prior to January 1, 2004.

(e) Nothing in this section shall delay or otherwise affect any action taken by a district to reduce emissions of air contaminants from agricultural sources, or any requirements imposed on a district or a source of air pollution pursuant to the federal Clean Air Act (42 U.S.C. Sec. 7401 et seq.).

SEC. 6. Section 40724.6 is added to the Health and Safety Code, to read:

40724.6. (a) On or before July 1, 2005, the state board shall review all available scientific information, including, but not limited to, emissions factors for confined animal facilities, and the effect of those facilities on air quality in the basin and other relevant scientific information, and develop a definition for the source category of a "large confined animal facility" for the purposes of this section. In developing that definition, the state board shall consider the emissions of air contaminants from those sources as they may affect the attainment and maintenance of ambient air quality standards.

(b) Not later than July 1, 2006, each district that is designated as a federal nonattainment area for ozone as of January 1, 2004, shall adopt, implement, and submit for inclusion in the state implementation plan, a rule or regulation that requires the owner or operator of a large confined animal facility, as defined by the state board pursuant to subdivision (a), to obtain a permit from the district to reduce, to the extent feasible, emissions of air contaminants from the facility.

(c) A district may require a permit for a large confined animal facility with actual emissions that are less than one-half of any applicable emissions threshold for a major source in the district for any air contaminant, including, but not limited to, fugitive emissions in a manner similar to

other source categories, if prior to imposing that requirement the district makes both of the following determinations in a public hearing:

(1) A permit is necessary to impose or enforce reductions in emissions of air pollutants that the district show cause or contribute to a violation of a state or federal ambient air quality standard.

(2) The requirement for a source or category of sources to obtain a permit would not impose a burden on those sources that is significantly more burdensome than permits required for other similar sources of air pollution.

(d) The rule or regulation adopted pursuant to subdivision (b) shall do all of the following:

(1) Require the owner or operator of each large confined animal facility to submit an application for a permit within six months from the date the rule or regulation is adopted by the district that includes both of the following:

(A) The information that the district determines is necessary to prepare an emissions inventory of all regulated air pollutants emitted from the operation, including, but not limited to, precursor and fugitive emissions, using emission factors approved by the state board in a public hearing.

(B) An emissions mitigation plan that demonstrates that the facility will use reasonably available control technology in moderate and serious nonattainment areas, and best available retrofit control technology in severe and extreme nonattainment areas, to reduce emissions of pollutants that contribute to the nonattainment of any ambient air quality standard, and that are within the district's regulatory authority.

(2) Require the district to act upon an application for permit submitted pursuant to paragraph (1) within six months of a completed application, as determined by the district.

(3) Require the owner or operator to implement the plan contained in the permit approved by the district, and shall establish a reasonable period, of not more than three years, after which each permit shall be reviewed by the district and updated to reflect changes in the operation or the feasibility of mitigation measures.

The updates required by this paragraph are not required to be submitted for inclusion into the state implementation plan.

(4) Establish a reasonable compliance schedule for facilities to implement control measures within one year of the date on which the permit is approved by the district, and shall provide for 30 days public notice and comment on any draft permit.

(d) Prior to adopting a rule or regulation pursuant to subdivision (b), a district shall, to the extent data are available, perform an assessment of

the impacts of the rule or regulation. The district shall consider the impacts of the rule or regulation in a public hearing, and make a good faith effort to minimize any adverse impacts. The assessment shall include all of the following:

(1) The category of sources affected, including, but not limited to, the approximate number of affected sources, and the size of those sources.

(2) The nature and quantity of emissions from the category, and the significance of those emissions in adversely affecting public health and the environment and in causing or contributing to the violation of a state or federal ambient air quality standard.

(3) The emission reduction potential.

(4) The impact on employment in, and the economy of, the region affected.

(5) The range of probable costs to affected sources and businesses.

(6) The availability and cost-effectiveness of alternatives.

(7) The technical and practical feasibility.

(8) Any additional information on impacts that is submitted to the district board for consideration.

(e) Nothing in this section shall delay or otherwise affect any action taken by a district to reduce emissions of air contaminants from agricultural sources, or any other requirements imposed on a district or a source of air pollution pursuant to the federal Clean Air Act (42 U.S.C. Sec. 7401 et seq.).

(f) In adopting a rule or regulation pursuant to this section, a district shall comply with all applicable requirements of this division, including, but not limited to, the requirements established pursuant to Section 40703, 40727, and 40728.5.

(g) A permitholder may appeal any district determination or decision required by this section pursuant to Section 42302.1, in addition to any other applicable remedy provided by law.

(h) Nothing in this section authorizes a district to adopt a rule or regulation that is duplicative of a rule or regulation adopted pursuant to Sections 40724 and 40724.5.

(i) Nothing in this section limits the authority of a district to regulate a source including, but not limited to, a stationary source that is an agricultural source over which it otherwise has jurisdiction pursuant to this division or the federal Clean Air Act (42 U.S.C. Sec. 7401 et seq.) or any rules or regulations adopted pursuant to that act. Nothing in this section shall delay or otherwise affect any action taken by a district to reduce emissions of air contaminants from agricultural sources, or any other

requirements imposed upon a district or a source of air pollution pursuant to the federal Clean Air Act. This section may not be interpreted to delay or otherwise affect adoption, implementation, or enforcement of any measure that was adopted, or included in a rulemaking calendar or air quality implementation plan that was adopted, by the district prior to January 1, 2004.

SEC. 7. Section 40724.7 is added to the Health and Safety Code, to read:

40724.7. (a) A district that is designated as being in attainment for the federal ambient air standard for ozone shall adopt a rule or regulation as described in Section 40724.6 shall fulfill both of the following conditions:

(1) The regulation shall be adopted not later than July 1, 2006, unless a district board makes a determination in a public hearing, based on substantial scientific evidence in the record, that large confined animal facilities will not contribute to a violation of any state or federal ambient air quality standard.

(2) The regulation may not be submitted for inclusion in the state implementation plan.

(b) Nothing in this section shall delay or otherwise affect any action taken by a district to reduce emissions of air contaminants from agricultural sources, or any other requirements imposed on a district or a source of air pollution pursuant to the federal Clean Air Act (42 U.S.C. Sec. 7401 et seq.).

(c) In adopting a rule or regulation pursuant to this section, a district shall comply with all applicable requirements of this division, including, but not limited to, the requirements established pursuant to Section 40703, 40727, and 40728.5.

(d) Nothing in this section authorizes a district to adopt a rule or regulation that is duplicative of a rule or regulation adopted pursuant to Section 40724.

(e) The rule or regulation adopted by a district pursuant to this section is not required to be submitted for inclusion into the state implementation plan.

SEC. 8. Section 40731 is added to the Health and Safety Code, to read:

40731. In order to assist in the development of the BACM, RACM, and BARCT measures specified in Sections 40724, 40724.5, and 40724.6, and to reduce or eliminate emissions of regulated air pollutants and their precursors, the California Air Pollution Control Officers Association, in consultation with the state board and other interested parties, shall, not later than January 1, 2005, develop a clearinghouse of available control measures and strategies for agricultural sources of air pollution and emissions from agricultural operations, including, but not limited to, the following sources:

(a) Operations that create fugitive dust emissions, including, but not limited to, discing, tilling, material handling and storage, and travel on unpaved roads.

(b) Confined animal facilities, including, but not limited to, any structure, building, installation, barn, corral, coop, feed storage area, or milking parlor, including, but not limited to, a system for the collection, storage, treatment, and distribution of liquid or solid manure from domestic animals, including, but not limited to, cattle, calves, horses, sheep, goats, swine, rabbits, chickens, turkeys, or ducks, if those animals are corralled, penned, or otherwise caused to remain in restricted areas for commercial agricultural purposes, and feeding is by means other than grazing.

(c) Internal combustion engines used in the production of crops or the raising of animals or fowl, except an engine that is used to propel an implement of husbandry, as that term is defined in Section 36000 of the Vehicle Code, as that section existed on January 1, 2003.

(d) Other equipment, operations, or activities associated with the growing of crops or the raising of fowl or animals, that emit, or cause to be emitted, any regulated air pollutant, or any precursor to any regulated air pollutant.

SEC. 9. Section 42301.16 is added to the Health and Safety Code, to read:

42301.16. (a) In addition to complying with the requirements of this chapter, a permit system established by a district pursuant to Section 42300 shall ensure that any agricultural source that is required to obtain a permit pursuant to Title I (42 U.S.C. Sec. 7401 et seq.) or Title V (42 U.S.C. Sec. 7661 et seq.) of the federal Clean Air Act is required by district regulation to obtain a permit in a manner that is consistent with the federal requirements.

(b) Except as provided in subdivision (c), a district shall require an agricultural source of air pollution to obtain a permit unless it makes all of the following findings in a public hearing:

(1) The source is subject to a permit requirement pursuant to Section 40724.6.

(2) A permit is not necessary to impose or enforce reductions of commissions of air pollutants that the district show cause or contribute to the violation of state or federal ambient air quality standard.

(3) The requirement for the source or category of sources to obtain a permit would impose a burden on those sources that is significantly more burdensome than permits required for other similar sources of air pollution.

(c) Prior to requiring a permit for an agricultural source of air pollution with actual emissions that are less than one-half of any applicable emissions threshold for a major source in the district, for any air contaminant, but excluding fugitive dust, a district shall, in a public hearing, make all of the following findings:

(1) The source is not subject to a permit requirement pursuant to Section 40724.6.

(2) A permit is necessary to impose or enforce reductions of emission of air pollutants that the district show cause or contribute to a violation of a state or federal ambient air quality standard.

(3) The requirement for a source or category of sources to obtain a permit would not impose a burden on those sources that is significantly more burdensome than permits required for other similar sources of air pollution.

SEC. 10. Section 42301.17 is added to the Health and Safety Code, to read:

42301.17. (a) A district may adopt by regulation a program under which the district does not require a permit to be obtained by an agricultural source of air pollution that the district may otherwise require to obtain a permit if the owner or operator of the source has taken the following actions to reduce emissions from the source:

(1) Removed all internal combustion engines used in the production of crops or the raising of fowl or animals, except an engine that is used to propel implements of husbandry, at the source and replaced them with engines that meet or exceed the most stringent standards adopted by the state board and the United States Environmental Protection Agency for new internal combustion engines.

(2) Reduced or mitigated emissions from all agricultural activities, including, but not limited to, tilling, discing, cultivation, the raising of livestock and fowl, and similar activities, to a level that the district determines does not cause, or contribute to, a violation of a state or federal ambient air standard, toxic air contaminant, or other air emission limitation.

(3) Reduced or mitigated all emissions from any farm equipment, underground petroleum fuel tanks, or other similar equipment used in agricultural activities to a level that the district determines does not cause or contribute to a violation of a state or federal ambient air standard, toxic air contaminant, or other air emission limitation.

(4) Complied with any other conditions required by state or federal law or district rule or regulation for the source.

(b) Subdivision (a) does not apply to those permits required to be issued pursuant to Title I (42 U.S.C. Sec. 7401 et seq.) or Title V (42 U.S.C. Sec. 7661 et seq.).

SEC. 11. Section 42301.18 is added to the Health and Safety Code, to read:

42301.18. (a) Any agricultural source that existed prior to January 1, 2004, that becomes subject to a permit requirement pursuant to a district rule or regulation that was adopted prior to that date shall be permitted as an existing source and not as a new source.

(b) Any agricultural source that is an existing source pursuant to subdivision (a) shall be permitted by the district based upon its maximum potential to emit air contaminants, to the extent that level can be determined, as of January 1, 2004.

(c) A district may not require an agricultural source to obtain emissions offsets for criteria pollutants for that source if emissions reductions from that source would not meet the criteria for real, permanent, quantifiable, and enforceable emission reductions.

SEC. 12. Section 42310 of the Health and Safety Code is amended to read:

42310. (a) A permit shall not be required for any of the following:

(1) Any vehicle.

(2) Any structure designed for and used exclusively as a dwelling for not more than four families.

(3) An incinerator used exclusively in connection with a structure described in subdivision (b).

(4) Barbecue equipment that is not used for commercial purposes.

(5) (A) Repairs or maintenance not involving structural changes to any equipment for which a permit has been granted.

(B) As used in this subdivision, maintenance does not include operation.

(b) Nothing in this section shall affect any requirements imposed on a district or a source of air pollution, including, but not limited to, an agricultural source, pursuant to the federal Clean Air Act (42 U.S.C. Sec. 7401 et seq.).

SEC. 13. Section 44559.9 is added to the Health and Safety Code, to read:

44559.9. The authority shall expand the Capital Access Loan Program established by this article to include outreach to financial institutions that service agricultural interests in the state for the purpose of funding air pollution control measures.

SEC. 14. The provisions of the act adding this section are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SEC. 15. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because in that regard this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

In addition, no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain other costs that may be incurred by a local agency or school district because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.