



## GREAT BASIN UNIFIED AIR POLLUTION CONTROL DISTRICT

157 Short Street, Bishop, California 93514-3537

Tel: 760-872-8211 Fax: 760-872-6109 E-mail:

schade@greatbasinapcd.org

### BOARD REPORT

Mtg. Date: July 7, 2005

To: District Governing Board

From: Ted Schade, Air Pollution Control Officer

Subject: PUBLIC HEARING – As required by SB 700, revision to District Rules 216 and 405 removing agricultural exemptions and adoption of new Rules 502 and 307 limiting fugitive dust emissions from agricultural operations

---

#### 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.

#### BACKGROUND

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 “Agricultural Activities Rule Development Workgroup” was formed in January 2005 and met twice—on February 16 and March 30, 2005. 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.

The draft rule revisions and new rules were presented to the Governing Board at a public workshop on May 16, 2005 at which time the Board directed the Air Pollution Control Officer to remove the requirement for all agricultural operators to implement three General Conditions to limit wind-blown fugitive dust emissions and bring the final rules back to the Board for adoption at the July 7, 2005 meeting.

## **SB 700 REQUIREMENTS FOR THE GREAT BASIN UAPCD**

As discussed in detail at previous Board meetings, because Great Basin is designated as “serious non-attainment” for PM-10 air pollution, 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 Best Available Control Measures (BACM) and Best Available Retrofit Control Technology (BARCT) for agricultural activities, and
3. Require large agricultural sources of air pollution to obtain District permits for their operations.

These three requirements will now 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 7](#). 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, 2004 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 District to recover some of the costs of implementing and enforcing the CMPP. Proposed final versions of these rules are included in [Attachment B on page 10](#).

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, September 15, 2004 and May 16, 2005 meetings, the CMPP has the following elements:

1. The program phases in over a three year period. For agricultural operations in the Owens Valley PM<sub>10</sub> Planning Area (the southern Owens Valley), requirements begin in January 2006. For the Coso Junction, 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 10 acres for sites near residential areas and 40 acres for sites not near residences. Contiguous properties under common ownership or operation are considered a “site” for the purposes of the CMPP. The final rules propose that the 40-acre limit apply to agricultural sites not adjacent to residential areas. A plan will be required for sites 10 acres and larger if there are five or more residences within one-quarter mile of the site’s boundaries.
3. The District Board will approve the list of BACM/BARCT controls. The list of controls is included as [Attachment C on page 22](#).

The proposed CMP Program will allow agricultural operators to prepare Conservation Management Plans by simply checking boxes next to control practices that they agree to implement. Forms have been prepared for alfalfa, row/field crops and other agricultural activities (roads, equipment areas, open burning, engines, etc.). These forms will be available on the District’s website [www.gbuapcd.org](http://www.gbuapcd.org). Additional forms will be prepared as the need arises. Staff has prepared an informational packet for agricultural operators. It is bound separately to this report.

Rule 307 sets a fee schedule for the CMPP. The proposed rule sets a flat initial fee of \$150 for review and approval of the plans. This is the estimated minimum actual cost for District staff to review the plans, meet with the operators, inspect the sites and approve the plans. Staff estimates that plans will take at least 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**  
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 commercial and industrial facilities within the District. SB 700 defines “large agricultural operations” as 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 UAPCD, 50 percent of the Title V threshold is 35 tons per year for PM-10 and 50 tons per year for other pollutants in the Owens Valley PM-10 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. By removing the agricultural exemption from Rules 216 and 405, as discussed above, large operations would now be subject to District permits just like any other regulated air polluting operation.

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

Pursuant to CEQA, District staff has reviewed the proposed new and amended rules and has determined that the proposed new rules and rule amendments will not result in any potential adverse environmental impacts. A Notice of Exemption is attached ([page 35](#)) and will be filed.

### **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. Open the public hearing and take public input regarding the proposed rule revisions and new rules relating to agricultural activities.
2. Adopt attached Resolution 2005-02 that will:
  - a. Revise Rules 216 and 404 to remove agricultural exemptions from existing District rules,
  - b. Create new Rules 502 and 307 to require Best Available Control Measures (BACM) and Best Available Retrofit Control Technology (BARCT) for agricultural activities with the District, and
  - c. Approve the list of BACM/BARCT measures for agricultural activities included in Attachment C.

### **Attachments:**

**Page 5:** Resolution 2005-02

**Page 7:** A. Rules 216 and 405 – Proposed modifications to existing District rules eliminating agricultural exemptions

**Page 10:** B. Rules 502 and 307 – Proposed new rules requiring BACM and BARCT for agricultural activities

**Page 22:** C. List of Conservation Management Practices for agricultural operations

**Page 35** CEQA Notice of Exemption

**Bound separately:** Conservation Management Practices Program Description and Forms

0506011

## RESOLUTION 2005-02

### **A RESOLUTION OF THE GOVERNING BOARD OF THE GREAT BASIN UNIFIED AIR POLLUTION CONTROL DISTRICT MAKING FINDINGS OF FACTS AND CONCLUSIONS OF LAW, ADOPTING REVISIONS TO DISTRICT RULES REMOVING AGRICULTURAL EXEMPTIONS AND ADOPTING RULES LIMITING FUGITIVE DUST EMISSIONS FROM AGRICULTURAL OPERATIONS**

WHEREAS, notice to the public and to the State Air Resources Board was duly and timely given of this public hearing on the adoption of revisions to existing District Rule 216 (New Source Review Requirements for Determining Impact on Air Quality Secondary Sources), revisions to existing District Rule 405 (Exceptions), new District Rule 307 (Conservation Management Practices Plan Fees) and new District Rule 502 (Conservation Management Practices) in accordance with California Health & Safety Code §40725; and

WHEREAS, the Governing Board of the Great Basin Unified Air Pollution Control District has conducted a public hearing on the adoption and/or revision of Rules 216, 307, 405 and 502, and has provided for and invited the submission of statements, arguments, or contentions, both written and oral, in accordance with Health & Safety Code § 40726, and

WHEREAS, the rule changes are intended to comply with Senate Bill 700 (SB700), which was enacted into law on January 1, 2004, [H&SC §40724 and §40724.5] requiring the District to adopt rules that remove agricultural activities exemptions from existing District rules and require best available control measures (BACM) and best available retrofit control technology (BARCT) for applicable agricultural practices (including but not limited to, tilling, discing, cultivation and raising of farm animals, and for fugitive emissions from those agricultural practices) in those areas of the District designated as serious and moderate federal nonattainment for particulate matter; and

WHEREAS, in order to provide uniform and consistent regulations for all agricultural activities in the District, the new and revised rules will apply to all agricultural operations in the District, but will be phased-in between January 1, 2006 and January 1, 2008, depending on an area's nonattainment designation; and

WHEREAS, these rule changes will be effective on July 7, 2005; and

WHEREAS, the District prepared and made available for review a written analysis of the District Rules 216, 307, 405 and 502 as required by Health & Safety Code §40727.2, and

WHEREAS, adoption of the revisions and rules is necessary, as demonstrated by the record of this proceeding, to comply with the legal requirement imposed on the District by SB700, and

WHEREAS, the revisions to the District's agricultural operations rules are consistent with and not in conflict with or contradictory to, any existing statutes, court decisions, or State or federal regulations, and

WHEREAS, the revisions to the District's agricultural operations rules are written so that persons directly affected by it can easily understand its meaning, and

WHEREAS, the revisions to the District's agricultural operations rules and this resolution adequately and comprehensively set forth the proper references to the legal authority that permits and requires the District to adopt the revisions to these rules to comply with SB700, and

WHEREAS, no changes have been made in the text of the revisions to the agricultural operations rules originally made available to the public that are so substantial as to significantly affect its meaning, and

WHEREAS, a proposed Notice of Exemption meeting the requirements of the California Environmental Quality Act was properly noticed and circulated, indicating the proposed rule changes are categorically exempt from the requirements of CEQA, and

NOW, THEREFORE BE IT RESOLVED, that the Governing Board of the Great Basin Unified Air Pollution Control District hereby finds and determines to be true, on the basis of substantial evidence, each statement of fact, and hereby adopts on the basis of the record of this proceeding each conclusion of law, set forth in the recitals to this resolution, and

BE IT FURTHER RESOLVED, that on the basis of the foregoing, the Governing Board of the Great Basin Unified Air Pollution Control District hereby authorizes and directs the Air Pollution Control Officer to execute on behalf of the District a Notice of Exemption for this rule revision, and to file or record the notice reflecting that action as provided by applicable law, and

BE IT FURTHER RESOLVED, that on the basis of the foregoing, the Governing Board of the Great Basin Unified Air Pollution Control District hereby adopts the rule revisions, promulgates the new agricultural operations rules and approves a list of BACM/BARCT measures for agricultural activities, in the form attached hereto, and

BE IT FURTHER RESOLVED, that on the basis of the foregoing, the Governing Board of the Great Basin Unified Air Pollution Control District hereby authorizes and directs the Air Pollution Control Officer to execute and deliver on behalf of the District all documents and to undertake all acts as are necessary to comply with applicable law including, but not limited to, California Health & Safety Code §40724 and §40724.5, and to enforce District rules hereunder; and

BE IT FURTHER RESOLVED, that the District shall prepare and maintain a record of this rule adoption in accordance with Health & Safety Code §40728.

DONE by the Governing Board of the Great Basin Unified Air Pollution Control District this 7th day of July, 2005, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
Tony Barrett, Board Chair

ATTEST:

\_\_\_\_\_  
Donna Leavitt, Clerk of the Board

## 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, REVISED 7/7/05

##### 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, 7/7/05

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**

#### **REGULATION V – AGRICULTURAL OPERATIONS**

##### **RULE 502 – CONSERVATION MANAGEMENT PRACTICES**

Adopted: 7/7/05

#### 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 District's list of CMPs 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 PM<sub>10</sub>: 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 PM<sub>10</sub> 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 PM<sub>10</sub> 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 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  $PM_{10}$  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  $PM_{10}$  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 PM<sub>10</sub> 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 PM<sub>10</sub> 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 7, 2005.

## **Rule 307 – CONSERVATION MANAGEMENT PRACTICES PLAN FEES**

Adopted 7/7/05

### 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).



## **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>

**July 7, 2005**

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

The CMP operation types include:

- A. Crop Farming (field/row crops and orchard/vineyard crops)
- B. Confined Animal Facilities (dairy, feedlot and poultry operations)
- C. Other Agricultural Activities

The CMP categories for each CMP operation type are:

**A. 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

**B. Confined Animal Facilities**

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

**C. 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. CROP FARMING**

**I. FIELD/ROW CROPS**

**a. Disking/Tilling/Land Preparation**

|  |  |
|--|--|
| <b>Alternate Till:</b>                                       | Tilling alternate rows for weed management allows for approximately a 50% reduction in field activity.   |
| <b>Bed/Row Size or Spacing:</b>                              | Spacing adjustments reduce the number of passes and soil disturbances by increasing plant density/canopy through reduction of row width.   |
| <b>Cessation of Activities:</b>                              | 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. |
| <b>Chemigation/Fertigation</b>                               | Application of chemicals through an irrigation system reduces the need to travel in-field for application purposes.  |
| <b>Combined Operations:</b>                                  | Combine equipment to perform several operations during one pass, thereby reducing the number of passes necessary to cultivate the land.  |
| <b>Conservation Irrigation:</b>                              | Conserving water through drip, sprinkler, underground lines, conserves water and reduces weed population and need for tillage.   |
| <b>Conservation Tillage (no tillage or minimum tillage):</b> | Reduces the number of passes and the amount of soil disturbance. Improves soil because it retains plant residue and increases organic matter.  |
| <b>Cover Crops:</b>  | Use seeding or natural vegetation/regrowth of plants to cover soil surface and reduce wind erosion of soil.  |
| <b>Cross Wind Stripcropping:</b>                             | 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.                           |
| <b>Equipment Changes/Technological Improvements:</b>         | Use larger equipment, modify land planing and land leveling, matching the equipment to row spacing to reduce the number of passes.   |
| <b>Fallowing Land:</b>                                       | Temporary or permanent removal from production eliminates entire operation/passes or reduces soil disturbing activities.   |
| <b>Mulching/Crop Residue Management:</b>                     | Applying or leaving plant residue or other material on the soil surface. Reduces wind entrainment of dust, and reduces weed competition.   |

**A.1.a. CROP FARMING: FIELD/ROW CROPS: Disking/Tilling/Land Preparation  
(CONTINUED)**

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

**A. CROP FARMING**

**I. FIELD/ROW CROPS**

**b. Harvesting**

|  |   |
|--|---|
| <b>Baling/Large Bales:</b>                           | Use balers to harvest crop, reducing PM10 emissions from crops traditionally harvested by chopping, truck passes, and residue burning.  |
| <b>Combined Operations:</b>                          | Combine equipment to perform several operations during one pass.  |
| <b>Equipment Changes/Technological Improvements:</b> | Modify equipment such as combines or cotton pickers, and harvesting equipment; increase equipment size to reduce number of passes; other technological improvements.              |
| <b>Fallowing Land:</b>                               | Temporary or permanent removal from production (e.g., vineyard pull-out, wildlife wetlands conservation program) eliminates entire operation or substantially reduces activities. |
| <b>Green Chop:</b>                                   | Harvest a forage crop without allowing it to dry in the field; reduces multiple equipment passes.   |
| <b>Hand Harvesting:</b>                              | Harvest crop by hand thereby reducing soil disturbances by equipment.   |
| <b>Night Harvesting:</b>                             | Implement cultural practices at night or when the humidity is high.   |
| <b>Pre-Harvest Soil Preparation:</b>                 | Apply a light amount of water or other stabilizing material to soil prior to harvest.   |
| <b>Shed Packing:</b>                                 | Pack commodities in a covered or closed area.   |
| <b>Shuttle System/Larger Carrier:</b>                | Haul multiple or larger trailers/bins per trip thereby reducing the number of trips.  |

**A. CROP FARMING**

**2. ORCHARD/VINEYARD CROPS**

**a. Disking/Tilling/Land Preparation**

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

**B.2.a. CROP FARMING: ORCHARD/VINEYARD CROPS: Disking/Tilling/Land Preparation**  
**(CONTINUED)**

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

**A. CROP FARMING**  
**2. ORCHARD/VINEYARD CROPS**  
**b. Harvesting**

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

**A. CROP FARMING**

**3. LAND APPLICATION OF FERTILIZERS/PEST CONTROL**

|                                      |  |
|--------------------------------------|--|
| <b>Chemigation/<br/>Fertigation:</b> | Application of chemicals through the irrigation system reduces the need to travel in the field for application purposes.   |
| <b>Integrated Pest Management:</b>   | 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. |
| <b>Non-tillage/Chemical Tillage:</b> | Use flail mower, low volume sprayers, or heat delivery systems (as harvest pre-conditioner). Reduces or eliminates number of soil tillage passes.  |
| <b>Organic Practices:</b>            | Use biological control methods or non-chemical control methods. Reduces chemical use and number of application passes.   |
| <b>Soil Amendments:</b>              | Apply organic or chemical materials to soil (e.g., gypsum, lime, polyacrylamide) to improve soil, increase moisture retention.   |

**B. CONFINED ANIMAL FACILITIES**

**1. FEED PREPARATION, STORAGE AND HANDLING**

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

**2. MANURE STORAGE AND HANDLING**

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

**B. CONFINED ANIMAL FACILITIES**

**3. WASTE MANAGEMENT PRACTICES**

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

**C. OTHER AGRICULTURAL ACTIVITIES**

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

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

**2. UNPAVED ROADS**

|                                     |  |
|-------------------------------------|--|
| <b>Access Restriction:</b>          | Restrict public access to unpaved roads using signage or physical access restrictions (e.g., access barrier) and/or limit total trips to less than 10 per day.   |
| <b>Paving:</b>                      | Pave unpaved roads. (Gives maximum PM-10 emissions reductions as long as paved surface is kept clean.)   |
| <b>Road Treatments:</b>             | Apply water, washed gravel, mulch, organic materials, polymers, dust suppressants, road oil or wood chips to the unpaved road surface area.  |
| <b>Speed Limits:</b>                | Control speed limits to 15 mph on unpaved roads through worker behavior modification, signage, or any other necessary means.   |
| <b>Surface Modification:</b>        | Cover unpaved road surfaces with a low silt-content material, such as gravel or recycled road base.  |
| <b>Track-Out Area Improvements:</b> | 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. |
| <b>Track-Out Prevention:</b>        | Check or clean the underside of all haul trucks before leaving the parking or staging area.  |
| <b>Vegetation:</b>                  | Establish natural vegetation on unpaved surfaces no longer being used.   |

**C. OTHER AGRICULTURAL ACTIVITIES (continued)**

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

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

|                           |  |
|---------------------------|--|
| <b>Eliminate Burning:</b> | Switch to a crop/system that would not require waste burning. Also, use practices such as shredding and chipping instead of burning. |
|---------------------------|--|

**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.

**PROPOSED**  
**July 7, 2005**  
**060605**



## GREAT BASIN UNIFIED AIR POLLUTION CONTROL DISTRICT

157 Short Street, Bishop, California 93514-3537

Tel: 760-872-8211 Fax: 760-872-6109

### NOTICE OF EXEMPTION

**To:** County Clerk of each of:  
Inyo County  
Mono County  
Alpine County

**From:** Great Basin Unified Air Pollution Control District  
157 Short Street  
Bishop, California 93514

**Project Title:** Revision of District Rule 216 - New Source Review Requirements and Rule 405 - exceptions; Adoption of District Rule 307 - Conservation Managements Practices Plan Fees and Rule 502 - Conservation Management Practices.

**Project Location – Specific:** Great Basin Unified Air Pollution Control District, which includes all of Alpine, Inyo and Mono Counties, State of California.

**Project Location – County:** Alpine County, Inyo County, and Mono County.

**Description of Nature and Purpose of Project:** The rule changes are intended to comply with Senate Bill 700 (SB700), which was enacted into law on January 1, 2004. SB700 requires the District to adopt rules requiring best available control measures (BACM) and best available retrofit control technology (BARCT) for applicable agricultural practices (including but not limited to, tilling, discing, cultivation and raising of farm animals, and for fugitive emissions from those agricultural practices) in the Owens Valley PM-10 planning area between Tinnemaha and Haiwee Reservoirs in Inyo County. The same requirements for agricultural operations in other areas of Inyo, Mono and Alpine Counties will be phased-in between 2006 and 2008. These rule changes will be effective on January 1, 2006 and were adopted on July 7, 2005.

**Agency Approving & Carrying Out the Project:** Great Basin Unified Air Pollution Control District

**Exempt Status:** Categorical Exemption: §15307 - Actions by Regulatory Agencies for Protection of Natural Resources (Class 7) and §15308 - Actions by Regulatory Agencies for Protection of the Environment (Class 8). Also, §15061(b)(2) - No significant effect on the environment.

**Reasons Why the Project is Exempt:** (1) Actions taken by regulatory agencies to assure the maintenance, restoration, or enhancement of a natural resource and which involve procedures for protection of the environment are categorically exempt. (2) It can be seen with certainty that the rule change activities will not possibly have a significant effect on the environment and therefore is not subject to CEQA.

**Lead Agency Contact Person:** Theodore D. Schade, Air Pollution Control Officer, Great Basin Unified Air Pollution Control District, 157 Short Street, Bishop, CA 93514. Telephone: (760) 872-8211.

**Signature:** \_\_\_\_\_  
Theodore D. Schade, Air Pollution Control Officer  
Great Basin Unified Air Pollution Control District

**Dated:** July \_\_\_\_\_, 2005

Date received for filing at  
OPR: