

RULE 502. CONSERVATION MANAGEMENT PRACTICES

Adopted: 07/7/05

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 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 (¼) 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 (¼) 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 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 7, 2005.

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