

APPENDIX E

RULE CONSISTENCY ANALYSIS FOR PROPOSED NEW RULE 4565 (BIOSOLIDS, ANIMAL MANURE, AND POULTRY LITTER OPERATIONS)

FEBRUARY 15, 2007

RULE CONSISTENCY ANALYSIS FOR PROPOSED RULE 4565

I. REQUIREMENTS FOR RULE CONSISTENCY ANALYSIS

Pursuant to Section 40727.2 of the California Health and Safety Code, prior to adopting, amending of a rule or regulation, the District is required to perform a written analysis that identifies and compares the air pollution control elements of Proposed New Rule 4565 with the corresponding elements of existing or proposed District and EPA regulations and guidelines that apply to the affected source category. The elements that were analyzed are mitigation measures, monitoring and testing, and recordkeeping and reporting requirements. Staff found that facilities could comply with Proposed New Rule 4565 and all existing District Rules. Furthermore, staff found that none of the requirements of Proposed New Rule 4565 would conflict with local, state, or federal rules, regulations, or policies. The analysis is discussed below.

II. RESULTS OF ANALYSIS

It is important to mention that in cases where one agency's rules are more stringent than another agency's rules, affected source operators are obligated to comply with the most stringent regulatory requirements.

A. Local Rules, Regulations, and Policies

- The Counties of San Joaquin, Tulare, and Stanislaus ban land application of most biosolids.
- Madera County has significant regulations than make most land application of biosolids infeasible.
- Fresno, Kings, and Kern Counties ban land application of Class B biosolids.
- Many facilities are subject to local conditional use permits.

None of these local requirements conflict with the provisions of Proposed New Rule 4565.

B. District Rules

Proposed New Rule 4565 would apply to facilities that manage biosolids, animal manure, and poultry litter. Stationary sources subject to Proposed New Rule 4565 are subject to the following District rules:

- Rule 2010 (Permit Requirements)- This rule requires permits for new and modified facilities.

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- Rule 2201 (New Source Review)- This rule requires best available control technology to be implemented at new and modified facilities that have the potential to emit over 2.0 lb per day.
- Rule 4101 (Visible Emission)- This rule prohibits discharge of air contaminants for more than three (3) minutes per hour that are designated as equal to or darker than No. 1 on the Ringelmann Chart.
- Rule 4102 (Nuisance)- This rule prohibits discharge of air contaminants that causes a public nuisance.
- Rule 4642 (Solid Waste Disposal Sites)- This rule sets emission limits for facilities with gas collection systems and requires control of emissions during excavation of solid waste and during maintenance of gas collection systems.

In reviewing these rules, District staff has determined that no provision of any of the rules listed above duplicates or conflicts with the provisions of Proposed New Rule 4565.

C. California Rules, Regulations, and Policies

1. California Public Resources Code Division 30 Sections 41780-41786

These sections require cities and counties to divert at least 50% of their waste from landfills. Nothing in Proposed New Rule 4565 precludes these entities from meeting this state mandate.

2. California Code of Regulation (CCR) Title 14, Division 7, Chapter 3.1

This chapter requires some facilities to obtain a permit or register with the California Integrated Waste Management Board and have an odor minimization plan. The provisions of Proposed New Rule 4565 do not conflict with these requirements.

D. Federal EPA Rules, Regulations, and Policies

1. Code of Federal Regulations Title 40, Parts 240-282 (40 CFR Parts 240-282)

These regulations prohibit open dumping, requires conservation of energy and natural resources when handling waste, the reduction of waste volume, and the use of sound waste management practices. Nothing in Proposed New Rule 4565 would preclude any of these requirements.

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2. *40 CFR Parts 122-125*

These regulations require facilities to minimize discharge of pollutions into water, to the extent feasible. Nothing in Proposed New Rule 4565 would affect the discharge of pollutants to water.

3. *40 CFR Part 503*

This regulation requires certain facilities to maintain temperatures in windrow compost piles of at least 55 degrees Celsius for at least fifteen (15) days and to turn the windrows at least five (5) times during the fifteen (15) days. It also requires certain facilities to maintain temperatures in aerated static piles of at least 55 degrees Celsius for at least three (3) days. The provisions of Proposed New Rule 4565 do not conflict with this part of the CFR.

4. *EPA Control Techniques Guideline (CTG) Document*

There is no EPA CTG for landfill, land application, composting, or co-composting of biosolids, animal manure, or poultry litter.

5. *EPA Policy on Recordkeeping*

The recordkeeping requirement in Section 6.0 of Proposed New Rule 4565 is consistent with EPA's policy to keep and maintain records for at least five years.

III. CONCLUSION

Based on analysis of local, District, state, and federal rules that apply to the sources that would be affected by Proposed New Rule 4565 (Biosolids, Animal Manure, and Poultry Litter Operations), District staff has concluded that no provisions of Proposed New Rule 4565 conflict with requirements of local, District, state, or federal rules, regulations, or policies for these facilities.