

RULE 4550 CONSERVATION MANAGEMENT PRACTICES (Adopted May 20, 2004;
Re-adopted August 19, 2004)

1.0 Purpose

The purpose of this rule is to limit fugitive dust emissions from agricultural operation sites.

2.0 Applicability

This rule applies to agricultural operation sites located within the San Joaquin Valley Air Basin.

3.0 Definitions

3.1 Administrative change: a change to a 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 fowl or 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 or more agricultural parcels that meet the following:

3.3.1 Are under the same or common ownership or operation, or which are owned or operated by entities which are under common control; and

3.3.2 Are located on one or more contiguous or adjacent properties wholly within the San Joaquin Valley Air Basin.

- 3.4 Agricultural Parcel: a portion of real property, including, but not limited to, cropland, 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): as defined in Rule 1020 (Definitions).
- 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 1020 (Definitions).
- 3.8 Conservation Management Practice (CMP): an activity or procedure that reduces air pollutants normally emitted by, or associated with, an agricultural activity.
- 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 Handbook (CMP Handbook): a handbook, developed in cooperation with agricultural stakeholders, that contains program guidance and criteria to assist owners/operators in selecting CMPs and preparing CMP Applications. The Handbook will include descriptions of the CMPs, District CMP applications, and other useful information about the CMP Program. The CMP Handbook is not an official District document.

- 3.12 Conservation Management Practice List (CMP List): the list of CMPs by CMP categories as approved by the District Board on May 20, 2004.
- 3.13 Conservation Management Practice Plan (CMP Plan): a CMP Application approved by the APCO.
- 3.14 Conservation Management Practice Program (CMP Program): a District program with the purpose of reducing air pollutants from agricultural operation sites.
- 3.15 Contiguous or Adjacent Property: as defined in Rule 2201 (New and Modified Stationary Source Review Rule).
- 3.16 District: as defined in Rule 1020 (Definitions).
- 3.17 Fugitive Dust: as defined in Rule 8011 (General Requirements).
- 3.18 Mature Dairy Cow: a cow that has had its first calf.
- 3.19 NRCS: the United States Department of Agriculture Natural Resource Conservation Service.
- 3.20 Owner/Operator: as defined in Rule 8011 (General Requirements).
- 3.21 Particulate Matter: as defined in Rule 8011 (General Requirements).
- 3.22 Paved Road: as defined in Rule 8011 (General Requirements).
- 3.23 PM10: as defined in Rule 1020 (Definitions).
- 3.24 Road: as defined in Rule 8011 (General Requirements).
- 3.25 San Joaquin Valley Air Basin: as defined in Rule 1020 (Definitions).
- 3.26 Unpaved Road: as defined in Rule 8011 (General Requirements).
- 3.27 Unpaved Vehicle/Equipment Traffic Area: as defined in Rule 8011 (General Requirements).
- 3.28 Vehicle: as defined in Rule 8011 (General Requirements).

4.0 Exemptions

- 4.1 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 100 acres excluding the AFO and exempted lands pursuant to Section 4.1.2 thru Section 4.1.5.
 - 4.1.2 Woodland and wasteland not actually under cultivation or used for pasture.
 - 4.1.3 Land placed in the Conservation Reserve Program meeting the definition and criteria set by the NRCS.
 - 4.1.4 Agricultural parcel that are 3000 feet or more above mean sea level.
 - 4.1.5 Agricultural operation parcel used for the purpose of:
 - 4.1.5.1 Propagating young trees, shrubs, and other miscellaneous crops for transplanting, and exhibiting plants under controlled conditions inside a building with walls and roof, or
 - 4.1.5.2 Providing grazing rangeland or pasture, or
 - 4.1.5.3 Forestry, including but not limited to timber harvest operations, silvicultural practices, forest management burning, or forest protection practices.
- 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 of mature dairy cows with less than 500 mature dairy cows, whether milked or dry, or
 - 4.2.2 An AFO of cattle, other than mature dairy cows or veal calves, with less than 190 cattle, other than mature dairy cows or veal calves. Cattle includes, but is not limited to, heifers, steers, bulls and cow/calf pairs, or
 - 4.2.3 An AFO of turkeys with less than 55,000 turkeys, or

4.2.4 An AFO of chickens, other than laying hens, with less than 125,000 chickens (other than laying hens), or

4.2.5 An AFO of laying hens with less than 82,000 laying hens, or

4.2.6 An AFO other than an AFO for mature dairy cows, cattle, turkeys, chickens, or laying hens.

4.3 This rule does not exempt the owner/operator from any other District regulations.

5.0 Requirements

5.1 Effective on and after July 1, 2004, an owner/operator shall implement the applicable CMPs selected pursuant to Section 6.2 for each agricultural operation site.

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 ten (10) 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, and phone number 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 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 during July 1, 2004 to December 31, 2004, and the CMPs, selected pursuant to Section 6.2, planned for implementation for 2005 and subsequent years, 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 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 EPA or 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.
 - 6.2.3.3 An owner/operator may satisfy the requirements of Rule 8081 by implementing CMPs for the unpaved road and unpaved vehicle/equipment traffic area CMP categories that are equivalent to the control measures specified in Rule 8081.

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 No later than December 31, 2004, for an agricultural operation site, existing as of July 1, 2004.
- 6.3.2 No later than December 31, 2004, for an agricultural operation site or agricultural parcel acquired, or that becomes subject to the provisions of Section 5.0 after July 1, 2004 but before November 1, 2004.
- 6.3.3 Within 90 days for an agricultural operation site or an agricultural parcel that is acquired or becomes subject to the provisions of Section 5.0 after October 31, 2004.
- 6.3.4 Within 60 days of any operational, administrative, or other modification that necessitates the revision of the 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 3190.
- 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 180 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 May 20, 2004.

8.0 Backstop Provision

If by December 31, 2005, the CMP Program has not achieved the PM10 emission reduction commitment for the PM10 Reasonable Further Progress Plan due in 2006, the District shall take actions necessary to meet the reduction target for the CMP Program such as revising the exemption thresholds, or increasing the total number of CMPs required to be implemented or other actions. The APCO will revise the CMP Program requirements and CMP Applications and notify the owner/operator in writing of the changes.