

**RULE 215 AGRICULTURAL PERMIT REQUIREMENTS AND NEW AGRICULTURAL PERMIT REVIEW**

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**100 GENERAL**

101 **PURPOSE:** To provide an orderly procedure for the review of new agricultural emission units of air pollution and of the modification and operation of existing agricultural emission units through the issuance of permits, including the mechanism by which permits to new and modified agricultural emission units may be granted without interfering with the attainment or maintenance of ambient air quality standards.

102 **APPLICABILITY:** This rule shall apply to:

102.1 All agricultural stationary sources that have had actual emissions equal to or greater than Section 102.1a or Section 102.1b, for any air contaminant excluding fugitive dust emissions for any calendar year after 2003:

a.

Pollutant	Tons per Year
Reactive Organic Compounds	25
Nitrogen Oxides	25
Sulfur Oxides	50
PM10	50
Carbon Monoxide	50

b. 50% of the following which corresponds to the nonattainment designation of the District:

1. the major stationary source thresholds that are listed in Title I of the Federal Clean Air Act for nitrogen oxide or volatile organic compounds;
2. the thresholds that are listed in 40 CFR Part 51 for carbon monoxide; or
3. the thresholds that are listed in 40 CFR Part 52 for PM10 or sulfur dioxide;

102.2 An agricultural emission unit that is subject to Rule 496, LARGE CONFINED ANIMAL FACILITIES; and/or

102.3 A boiler or process heater located at an agricultural stationary source that is subject to Rule 411, NOX FROM BOILERS, PROCESS HEATERS AND STEAM GENERATORS and is applying for a low usage exemption pursuant to that rule.

103 **SEVERABILITY:** If a court of competent jurisdiction issues an order that any provision of this rule is invalid, it is the intent of the Board of Directors of the District that other provisions of this rule remain in full force and affect to the extent allowed by law.

110 **EXEMPTION: GRANDFATHERING EXISTING EQUIPMENT FROM BACT AND OFFSETS FOR NEWLY SUBJECT SOURCES AND SOURCES NO LONGER EXEMPT:**

110.1 When an agricultural emission unit that is not subject to this rule subsequently becomes subject to this rule, the equipment installed prior to becoming subject to this rule shall remain exempt from the BACT and offset requirements specified in Section 303 and 304 until the equipment is modified as defined by Section 223.

110.2 Equipment installed during the time an agricultural stationary source is exempt from permit requirements pursuant to Section 111, shall remain exempt from the BACT and offset requirements specified in Section 303 and 304 until the equipment is modified as defined by Section 223.

111 **EXEMPTION: EMISSIONS FALL BELOW APPLICABILITY THRESHOLDS:** Once an agricultural emission unit becomes subject to this rule, the agricultural emission unit remains subject to this rule as long as it remains in operation except as provided below. An agricultural permit may be discontinued if the conditions in Sections 111.1 and 111.2 are met. This exemption does not apply to agricultural stationary sources that become subject to Rule 496, LARGE CONFINED ANIMAL FACILITIES and to boilers or process heaters located at an agricultural stationary source that is subject to Rule 411, NOX FROM BOILERS, PROCESS HEATERS AND STEAM GENERATORS.

- 111.1 The Air Pollution Control Officer approves in writing a petition from the agricultural stationary source, pursuant to Section 407, demonstrating that the emissions from the agricultural stationary source have been below the levels specified in Section 102.1 for the prior three consecutive years; and
- 111.2 Except as provided in Section 111.4, the source submits annual emission reports as prescribed in Section 502 that continue to demonstrate to the satisfaction of the Air Pollution Control Officer that the emission levels remain below the thresholds established in Section 102.1.
- 111.3 If the annual emission report prescribed in Section 502 demonstrates that the agricultural stationary source emissions exceed the thresholds established in Section 102.1 then the source must submit an application for permit(s) no later than March 30<sup>th</sup> of the year following the first calendar year that the emissions from the agricultural stationary source exceeds the thresholds established in Section 102.1.
- 111.4 An agricultural stationary source may discontinue the annual emission report required in Section 111.2 if the source demonstrates in writing to the Air Pollution Control Officer that the potential to emit from the agricultural stationary source is less than the levels specified in Section 102.1. The annual emission report may only be discontinued if the Air Pollution Control Officer approves the request in writing.
- 112 **EXEMPTION: NEW MAJOR STATIONARY SOURCES AND MAJOR MODIFICATIONS:** An agricultural emission unit that is a new major stationary source or is a major modification as defined by Rule 202, NEW SOURCE REVIEW, is exempt from the permitting requirements of this rule. An agricultural emission unit that is a new major stationary source or a major modification shall comply with the requirements in Rule 201, GENERAL PERMIT REQUIREMENTS, Rule 202, NEW SOURCE REVIEW, and Rule 214, FEDERAL NEW SOURCE REVIEW.
- 113 **EXEMPTION: AGRICULTURAL PERMIT REQUIREMENTS: PORTABLE EQUIPMENT:** A permit, pursuant to Section 301, shall not be required for any portable equipment if it meets both of the following requirements:
- 113.1 It is registered and Safety Code Section 41750 et seq. and Title 13, Article 5, of the California Code of Regulations; and
- 113.2 It is operated in accordance with the Statewide Portable Equipment Registration Program adopted pursuant to California Health and Safety Code Section 41750 et seq. and Title 13, Article 5, of the California Code of Regulations.
- 114 **EXEMPTION: AGRICULTURAL BURNING:** Agricultural burning that has been issued a permit pursuant to Rule 501, AGRICULTURAL BURNING is exempt from this rule.
- 115 **EXEMPTION: AGRICULTURAL PERMIT REQUIREMENTS: GENERAL:** The exemptions contained in this rule shall not apply to an otherwise exempt piece of equipment which is part of a process that requires a permit. A permit, pursuant to Section 301, shall not be required for the equipment listed in Sections 116 to 125, unless it is:
- 115.1 Subject to New Source Performance Standards;
- 115.2 Subject to National Emission Standards for Hazardous Air Pollutants;
- 115.3 Emits, in levels deemed appropriate for review by the Air Pollution Control Officer, substances identified as a toxic air contaminant or which are under review pursuant to Health and Safety Code Section 39650 et seq.; or
- 115.4 The Air Pollution Control Officer makes a determination that the unit may not operate in compliance with District Rules and Regulations.
- 116 **EXEMPTION: AGRICULTURAL PERMIT REQUIREMENTS: VEHICLES:**
- 116.1 Vehicles such as tractors and combines or vehicles used to transport passengers or freight, but not including any article, machine, equipment or other contrivance mounted on such vehicle that would otherwise require a permit under provisions of these rules and regulations.
- 116.2 Locomotives, airplanes and watercraft used to transport passengers or freight.

- 117 **EXEMPTION: AGRICULTURAL PERMIT REQUIREMENTS: COMBUSTION AND HEAT TRANSFER EQUIPMENT:**
- 117.1 Internal combustion engines with a manufacturer's maximum continuous rating of 50 brake horsepower or less or gas turbine engines with a maximum heat input rate of 3,000,000 British Thermal Units (Btu) per hour or less at ISO standard dry conditions. The ratings of all engines or turbines used in the same process will be accumulated to determine whether this exemption applies.
- 117.2 Any combustion equipment that has a maximum heat input of less than 1,000,000 Btu per hour (gross) and is equipped to be fired exclusively with purchased quality natural gas, liquefied petroleum gas or any combination thereof. The ratings of all combustion equipment used in the same process will be accumulated to determine whether this exemption applies.
- 118 **EXEMPTION: AGRICULTURAL PERMIT REQUIREMENTS: RESIDENTIAL STRUCTURES:** Equipment utilized exclusively in connection with any structure, which structure is designed for and used exclusively as a dwelling for not more than four families.
- 119 **EXEMPTION: AGRICULTURAL PERMIT REQUIREMENTS: COOLING SYSTEMS AND VACUUM CLEANING:** Refrigeration, air conditioning, ventilating, water cooling towers or vacuum cleaning systems not designed to remove air contaminants generated by equipment which would require a permit under these rules and regulations. This exemption does not apply to equipment that is used to comply with Rule 496, LARGE CONFINED ANIMAL FACILITIES.
- 120 **EXEMPTION: AGRICULTURAL PERMIT REQUIREMENTS: STORAGE AND TRANSFER:** Tanks, reservoirs, vessels or other containers and their associated dispensing, pumping and compression systems used exclusively for the storage of:
- 120.1 Liquefied or compressed gases;
- 120.2 Unheated organic materials with an initial boiling point of 150°C (302°F) or greater, as determined by the testing procedure specified in Section 501.1, or with an organic vapor pressure of 5 mm Hg (0.1 psia) or less at 20°C, as determined by the testing procedure specified in Section 501.2;
- 120.3 Organic liquids with a vapor pressure of 77.5 mm Hg (1.5 psia) or less at 20°C, as determined by the testing procedure specified in Section 501.2, having a capacity of 23,000 liters (6076 gallons or less). Equipment used exclusively for the transfer of organic liquids with a vapor pressure of 77.5 mm Hg (1.5 psia) at 20°C to or from storage;
- 120.4 Equipment used exclusively for organic liquid storage or transfer to and from storage of less than 950 liters (251 gallons) capacity. This exemption does not include asphalt.
- 120.5 Equipment used exclusively for the storage, holding, melting and transfer of asphalt or coal tar pitch with a capacity of less than 600 liters (159 gallons).
- 121 **EXEMPTION: AGRICULTURAL PERMIT REQUIREMENTS: SURFACE COATING AND PREPARATION:**
- 121.1 Water solution for surface preparation, cleaning, stripping, etching (other than chemical milling) or the electrolytic plating with electrolytic polishing of, or the electrolytic stripping of brass, bronze, cadmium, copper, iron lead, nickel, tin, zinc, and precious metals.
- 121.2 Surface coating operations using a combined total of one gallon per day or less of coating material and solvent.
- 122 **EXEMPTION: AGRICULTURAL PERMIT REQUIREMENTS: FOOD PROCESSING:** Smokehouses in which the maximum horizontal inside cross sectional area does not exceed 2 square meters (21.5 square feet).

- 123 **EXEMPTION: AGRICULTURAL PERMIT REQUIREMENTS: LABORATORY EQUIPMENT:** Laboratory equipment used exclusively for chemical or physical analysis and bench scale tests, including associated vacuum-producing equipment.
- 124 **EXEMPTION: AGRICULTURAL PERMIT REQUIREMENTS: REPAIRS AND MAINTENANCE:** Repairs or maintenance not involving changes to any equipment for which a permit has been granted under Section 301 of this rule.
- 125 **EXEMPTION: AGRICULTURAL PERMIT REQUIREMENTS: OTHER EQUIPMENT:** Other equipment deemed by the Air Pollution Control Officer and which would emit any pollutants less than 2 pounds in any 24 hour period.
- 126 **EXEMPTION FROM BACT: NEW NONROAD ENGINE:** The Air Pollution Control Officer shall exempt a new nonroad engine from the requirements of Section 303.
- 127 **EXEMPTION FROM OFFSETS: REPLACEMENT EQUIPMENT:** The requirements of Section 304 shall not apply to replacement equipment.

## 200 DEFINITIONS

- 201 **ACTUAL EMISSIONS:** Measured or estimated emissions which most accurately represent the emissions from the agricultural emission unit.
- 202 **AFFECTED POLLUTANT:** Reactive organic compounds (ROC), nitrogen oxides (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>), particulate matter less than 10 microns in diameter (PM<sub>10</sub>), carbon monoxide (CO), and lead.
- 203 **AGRICULTURAL EMISSION UNIT:**
- 203.1 As defined by Section 39011.5(a)(1), 39011.5(a)(2), and 39011.5(a)(3) of the California Health and Safety Code, any process, article, machine, equipment or other contrivance, the use of which may cause the issuance of affected pollutants used in the production of crops or the raising of fowl or animals which is:
- Part of a confined animal facility, including, but not limited to, any structure, building, installation, barn, corral, coop, feed storage area, milking parlor, or system for the collection, storage, treatment, and distribution of liquid and solid manure.
  - An internal combustion engine used in the production of crops or the raising of fowl or animals, including, but not limited to, an engine subject to Article 1.5 (commencing with Section 41750) of Chapter 3 of Part 4 of the California Health and Safety Code except an engine that is used to propel implements of husbandry; or
  - An agricultural stationary source that is required to obtain an operating permit pursuant to Rule 207, TITLE V – FEDERAL OPERATING PERMIT PROGRAM.
- 203.2 Any boiler or process heater located at an agricultural stationary source that is subject to Rule 411, NOX FROM BOILERS, PROCESS HEATERS AND STEAM GENERATORS.
- 204 **AGRICULTURAL PERMIT:** A permit issued to an agricultural emission unit or group of agricultural emission units pursuant to the provisions of this rule. For the purpose of issuing an agricultural permit, one permit will be required for each of the following: all portable internal combustion engines; all stationary internal combustion engines; all other fuel burning processes or equipment; or all other agricultural emission units including livestock handling.
- 205 **AGRICULTURAL STATIONARY SOURCE:** An agricultural emission unit or group of agricultural emission units used in the production of crops or the raising of fowl or animals which:
- 205.1 are located on one property or on two or more contiguous properties, and

- 205.2 are under the same or common ownership, operation, or control or which are owned or operated by entities which are under common control.
- 206 **AMBIENT AIR QUALITY STANDARDS:** State and federal ambient air quality standards.
- 207 **ANNIVERSARY DATE:** The day and month of issuance of a permit and that same day and month of each succeeding year.
- 208 **BEST AVAILABLE CONTROL TECHNOLOGY (BACT):** The most stringent emission limitation or control technique which:
- 208.1 Has been achieved in practice for such category or class of source; or
- 208.2 Is contained in any state implementation plan (SIP) approved by the United States Environmental Protection Agency for such category or class of source. A specific limitation or control technique shall not apply if the owner or operator of the proposed source demonstrates to the satisfaction of the Air Pollution Control Officer that such limitation or control technique is not presently achievable; or
- 208.3 Is any other emission limitation or control technique, found by the Air Pollution Control Officer to be technologically feasible for such class or category of sources or for a specific source, and is cost effective.
- 209 **BOILER OR STEAM GENERATOR:** Any external combustion equipment fired with any fuel used to produce hot water or steam, excluding waste heat recovery boilers.
- 210 **CONFINED ANIMAL FACILITY:** An agricultural stationary source where domesticated animals, including but not limited to, cattle, calves, horses, sheep, goats, swine, rabbits, chickens, turkeys, or ducks are corralled, penned, or otherwise caused to remain in restricted areas for commercial agricultural purposes and feeding is by means other than grazing.
- 211 **CONTIGUOUS PROPERTY:** Two or more parcels of land with a common boundary or separated solely by a public roadway or other public right-of-way.
- 212 **COST EFFECTIVE:** A cost per unit of emission reduction, calculated in current year dollars, in accordance with methodology in the BACT Cost Effectiveness Guidelines developed by the District and is lower or equal to criteria specified in these Guidelines.
- 213 **CUMULATIVE EMISSION INCREASE:** An increase calculated pursuant to Section 405.
- 214 **EMISSIONS LIMITATION:** One or more permit conditions which restrict the maximum emissions, at or below the emissions associated with the maximum design capacity.
- 215 **EXISTING AGRICULTURAL EMISSION UNIT:** An agricultural emission unit placed into service on or before January 1, 2004.
- 216 **FUGITIVE DUST:** Solid airborne particulate matter emitted from any non-combustion source which could not reasonably pass through a stack, chimney, vent or other functionally equivalent opening.
- 217 **FUGITIVE EMISSIONS:** Those emissions which could not reasonably pass through a stack, chimney, vent or other functionally equivalent opening.
- 218 **HISTORIC POTENTIAL EMISSIONS:** The historic potential emissions shall be:
- 218.1 **Modifications:** The potential to emit of the permit prior to modification.
- 218.2 **New permit:** Zero

- 219 **IMPLEMENTS OF HUSBANDRY:** A vehicle which is used exclusively in the production or harvesting of agricultural products. An implement of husbandry does not include a vehicle if its existing design is primarily for the transportation of persons or property on a highway, unless specifically designated as such by some other provision of the Vehicle Code.
- 220 **LARGE CONFINED ANIMAL FACILITY:** Any confined animal facility that maintains on any one day any one or more of the following:
- 220.1 1,000 or more milk-producing dairy cows;
  - 220.2 3,500 or more beef cattle;
  - 220.3 7,500 or more calves, heifers, or other cattle;
  - 220.4 100,000 or more turkeys;
  - 220.5 650,000 or more chickens other than laying hens;
  - 220.6 650,000 or more laying hens;
  - 220.7 3,000 or more swine
  - 220.8 15,000 or more sheep, lambs, or goats;
  - 220.9 2,500 or more horses;
  - 220.10 650,000 or more ducks;
  - 220.11 30,000 or more rabbits or other animals; or
  - 220.12 Any other levels as defined in Rule 496, LARGE CONFINED ANIMAL FACILITIES.
- 221 **MAJOR MODIFICATION:** See definition under Rule 202, NEW SOURCE REVIEW.
- 222 **MAJOR STATIONARY SOURCE:** See definition under Rule 202, NEW SOURCE REVIEW.
- 223 **MODIFICATION:** Any physical change, change in method of operation, or addition in an existing agricultural stationary source, which:
- 223.1 Results or may result in either an increase or decrease in the potential to emit as compared to the historic potential emissions.
  - 223.2 Unless previously limited by a permit condition, the following shall not be considered a modification for the purpose of this rule:
    - a. An increase in the production rate if such increase does not exceed the operating design capacity or the actual demonstrated capacity of the facility as approved by the Air Pollution Control Officer.
    - b. An increase in the hours of operation.
    - c. A change in ownership.
    - d. Routine maintenance and repair.
    - e. A reconstructed agricultural stationary source or agricultural emission unit, which shall be treated as a new agricultural stationary source or agricultural emission unit, not as a modification.
    - f. The addition of a continuous emission monitoring system.
    - g. The replacement of air pollution control equipment with new control equipment if the potential to emit of the new equipment are less than or equal to those from the original piece of equipment and the replacement is not a significant modification under the United States Environmental Protection Agency regulations promulgated pursuant to Title I of the Federal Clean Air Act, including 40 CFR Parts 51 and 52.
- 224 **NET EMISSION INCREASE:** An increase calculated pursuant to Section 406.
- 225 **NEW AGRICULTURAL EMISSION UNIT:** An agricultural emission unit that began operation after January 1, 2004 and is located at an agricultural stationary source that has had actual emissions equal to or more than the limits specified in Section 102.1 and the agricultural stationary source has not been granted an exemption pursuant to Section 111.
- 226 **NEW NONROAD ENGINE:** As defined in Title 13, California Code of Regulations, Section 2452, a new nonroad engine is a nonroad engine, the equitable or legal title to which has never been transferred to an ultimate purchaser. If the equitable or legal title to an engine is not transferred to an ultimate purchaser until after the engine is placed into service, then the



engine will no longer be new after it is placed into service. A nonroad engine is placed into service when it is used for its functional purposes. The term "ultimate purchaser" means, with respect to a new nonroad engine, the first person who purchases a new nonroad engine for purposes other than resale.

- 227 **NONROAD ENGINE:** As defined in Title 13, California Code of Regulations, Section 2452:
- 227.1 Except as discussed in 227.2, a nonroad engine is any engine:
- a. in or on a piece of equipment that is self-propelled or serves a dual purpose by both propelling itself and performing another function (such as garden tractors, off-highway mobile cranes and bulldozers); or
  - b. in or on a piece of equipment that is intended to be propelled while performing its function (such as lawnmowers and string trimmers); or
  - c. that, by itself or in or on a piece of equipment, is portable or transportable, meaning designed to be and capable of being carried or moved from one location to another. Indicia of transportability include, but are not limited to, wheels, skids, carrying handles, dolly, trailer, or platform.
- 227.2 An engine is not a nonroad engine if:
- a. the engine is used to propel a motor vehicle or a vehicle used solely for competition, or is subject to standards promulgated under section 202 of the federal Clean Air Act; or
  - b. the engine is regulated by a federal New Source Performance Standard promulgated under section 111 of the federal Clean Air Act; or
  - c. the engine otherwise included in Section 227.1(c) of this definition remains or will remain at a location for more than 12 consecutive months or a shorter period of time for an engine located at a seasonal source. Any engine (or engines) that replaces an engine at a location and that is intended to perform the same or similar function as the engine replaced will be included in calculating the consecutive time period. An engine located at a seasonal source is an engine that remains at a seasonal source during the full annual operating period of the seasonal source. A seasonal source is an agricultural stationary source that remains in a single location on a permanent basis (at least two years) and that operates at that single location approximately three (or more) months each year.
- 228 **OFFSET:** The use of an emission reduction credit to compensate for an emission increase of an affected pollutant for a new or modified source subject to Rule 202, NEW SOURCE REVIEW, Rule 214, FEDERAL NEW SOURCE REVIEW or Rule 215, AGRICULTURAL PERMIT REQUIREMENTS AND NEW AGRICULTURAL PERMIT REVIEW.
- 229 **PM10:** Particulate matter with an aerodynamic diameter smaller than or equal to a nominal 10 microns as measured by an applicable reference test method or methods found in Article 2, Subchapter 6, Title 17, California Code of Regulations (commencing with Section 94100).
- 230 **POTENTIAL TO EMIT:** The maximum physical and operational design capacity to emit a pollutant. Limitations on the physical or operational design capacity, including emissions control devices and limitations on hours of operation may be considered only if such limitations are incorporated into the applicable agricultural emission unit permit. The potential to emit shall include both directly emitted and fugitive emissions.
- 231 **PROCESS HEATER:** Any unit fired with any fuel which transfers heat from combustion gases to water or process streams, including reformers. Process heater does not include any dryer in which the material being dried is in direct contact with the products of combustion, cement or lime kilns, glass melting furnaces, or smelters.
- 232 **REACTIVE ORGANIC COMPOUND:** For the purposes of this rule, reactive organic compound has the same meaning as "volatile organic compound" in Rule 101, GENERAL PROVISIONS AND DEFINITIONS.

- 233 **RECONSTRUCTED AGRICULTURAL STATIONARY SOURCE:** Any agricultural stationary source or agricultural emission unit undergoing physical modification where the fixed capital cost of the new components exceeds 50 percent of the fixed capital cost of a comparable entirely new agricultural stationary source or emissions unit. Fixed capital cost means that capital needed to provide and install all the depreciable components: this includes the cost of parts and labor. A reconstructed source shall be treated as a new agricultural stationary source or agricultural emission unit.
- 234 **REFORMER:** A furnace in which a hydrocarbon feedstock is reacted with steam over a catalyst at high temperature to form hydrogen and lesser amounts of carbon monoxide and carbon dioxide.
- 235 **REPLACEMENT EQUIPMENT:** The replacement or modification of an agricultural emission unit(s) where the replacement unit(s) serves the identical function as the unit(s) being replaced, and the maximum rating and the potential to emit any pollutant will not be greater from the new or modified agricultural emissions unit(s) than the replaced unit(s).
- 236 **STATIONARY ENGINE:** An internal combustion engine which is not a nonroad engine and does not propel a vehicle.
- 237 **VEHICLE:** A device by which any person or property may be propelled, moved, or drawn upon a highway, excepting a device moved exclusively by human power or used exclusively upon stationary rails or tracks.

### 300 STANDARDS

- 301 **AGRICULTURAL PERMITS:** Any person operating an agricultural emission unit shall obtain a written permit from the Air Pollution Control Officer. No permit shall be granted either by the Air Pollution Control Officer or the Hearing Board for any agricultural emission unit unless the agricultural emission unit conforms to the standards set forth in Section 302.1.
- 301.1 Except for nonroad engines, the written permit must be obtained prior to any person building, erecting, altering or replacing any article, machine, equipment or other contrivance.
- 301.2 For nonroad engines, the written permit must be applied for within 30 days of the nonroad internal engine starting operation and notification that operation has begun must be submitted to the Air Pollution Control Officer pursuant to Section 407.
- 302 **STANDARDS FOR GRANTING APPLICATIONS:**
- 302.1 The Air Pollution Control Officer may grant an agricultural permit if the applicant shows that every process, article, machine, equipment or other contrivance, the use of which may cause, eliminate, reduce, or control the issuance of air contaminants, is so designed, controlled, equipped, and operated with such air pollution control equipment that it may be shown to operate without emitting or without causing to be emitted air contaminants in violation of Section 303 of this rule, elsewhere in these rules and regulations, or of such state or federal statutes as may be enforceable by the Air Pollution Control Officer. In addition, the Air Pollution Control Officer shall require the applicant, as a condition of the permit, to comply with the requirements of the Health and Safety Code.
- 302.2 Notwithstanding Section 301, before an agricultural permit is granted, the Air Pollution Control Officer may require the applicant to provide, maintain, and operate such facilities as are necessary for sampling, testing and air monitoring purposes in order to secure information that will disclose the nature, extent, quantity or degree of air contaminants discharged into the atmosphere from the process, article, machine, equipment or other contrivance described in the permit. In the event of such a requirement, the Air Pollution Control Officer shall notify the applicant in writing of the required size, number and location of sampling holes; the size and location of the sampling platform; the access to the sampling platform; and the utilities for operating the sampling and testing and air monitoring equipment. Such platform and access

shall be constructed in accordance with the applicable General Industry Safety Orders of the State of California.

302.3 The Air Pollution Control Officer shall determine that an applicant has complied with applicable requirements of Health and Safety Code Section 42301.6, preparation and distribution of public notice, prior to approving an application for a new or modified agricultural emission unit.

303 **BEST AVAILABLE CONTROL TECHNOLOGY:** An applicant shall apply Best Available Control to a new agricultural emission unit or modification of an existing agricultural emission unit, for each change of an affected pollutant, if the change would result in an increase in quarterly emissions in accordance with the procedures specified in Section 404, and if the daily potential to emit for the agricultural emission unit meets or exceeds the following levels:

Pollutant	Pounds per day
Reactive organic compounds	10
Nitrogen oxides	10
Sulfur oxides	10
PM10	10
Carbon monoxide	550
Lead	3.3

303.1 In implementing BACT, the Air Pollution Control Officer shall periodically publish guidelines indicating the administrative procedures and requirements for commonly permitted agricultural emission units. BACT for other source categories shall be determined using the definition of BACT in Section 208 and the general administrative procedures and requirements of the BACT Guidelines. When updating the BACT guidelines to become more stringent for agricultural emission units, economic and technical feasibility shall be considered in establishing the class or category of sources and the applicable requirements.

303.2 BACT shall be as specified in the BACT Guidelines for such source categories, unless the BACT specified in the guideline is less stringent than required by state law for such source categories in which case BACT shall follow state law.

304 **EMISSION OFFSET REQUIREMENTS, GENERAL:**

304.1 Except as provided in Section 304.2, an applicant shall provide emission offsets for the affected pollutant for new and modified agricultural stationary sources where the cumulative emission increase calculated pursuant to Section 405 meets or exceeds the following levels:

Pollutant	lbs/quarter
Reactive organic compounds	5,000
Nitrogen oxides	5,000
Sulfur oxides	13,650
PM10	7,500

304.2 Emission offsets will only be required for agricultural emission units where a specific emission reduction credit rule has been adopted by the Sacramento Metropolitan Air Quality Management District and approved by the Environmental Protection Agency.

304.3 Except as provided in Section 304.3(a), (b), (c), or (d), sufficient emission offsets shall be provided from the same calendar quarter as the proposed emissions to offset the net emissions increase in the affected pollutant calculated according to procedures specified in Section 406.

a. Emission credits for reactive organic compounds and nitrogen oxides during the quarters starting April 1 and July 1 may be used to offset emission increases during any quarter except as provided below.

1. Emission credits from the quarter starting April 1 that will be used in the quarter starting July 1 shall not exceed more than 20% of a

- project's reactive organic compound or nitrogen oxide offset needs, as applicable, in the quarter beginning July 1.
2. Emission credits from the quarter starting July 1 that will be used in the quarter starting April 1 shall not exceed more than 20% of a project's reactive organic compound or nitrogen oxides needs, as applicable, in the quarter beginning April 1.
- b. Emission credits for reactive organic compounds and nitrogen oxides during quarters starting January 1 and October 1 may be used to offset emission increases during either quarter starting January 1 and October 1.
  - c. Emission credits for PM10 and sulfur oxides during the quarters starting January 1 and October 1 may be used during any quarter except as provided below.
    1. Emission credits from the quarter starting January 1 that will be used in the quarter starting October 1 shall not exceed more than 20% of a project's PM10 and sulfur oxide needs, as applicable, in the quarter beginning January 1.
    2. Emission credits from the quarter starting October 1 that will be used in the quarter starting January 1 shall not exceed more than 20% of a project's PM10 and sulfur oxide needs, as applicable, in the quarter beginning October 1.
  - d. Emission credits for PM10 and sulfur oxides during the quarters starting April 1 and June 1 may be used to offset emission increases during either quarter starting April 1 and June 1.

305 **LOCATION OF EMISSION OFFSETS AND EMISSION OFFSET RATIOS:** An applicant shall provide emission offsets for emissions from a proposed agricultural stationary source subject to the requirements of Section 304 according to the following ratios.

305.1 Emission Offset ratio:

Location of Emission Offset	Emission Offset Ratio for All Affected Pollutants
Same Agricultural Stationary Source	1.0 to 1.0
Community Bank or Priority Reserve Bank	1.0 to 1.0
Within 15-mile radius and within Sacramento Valley Air Basin	1.0 to 1.0
Greater than 15-mile but within 50-mile radius and within Sacramento Valley Air Basin	1.2 to 1.0
More than 50-mile radius and within Sacramento Valley Air Basin	>1.2 to 1.0 (based on case by case determination)

- 305.2 Emission offsets which are required pursuant to Section 304 and obtained pursuant to permitting actions in a district other than the Sacramento Metropolitan Air Quality Management District may be used only if the Air Pollution Control Officer has reviewed the permit conditions issued by the other district in which the proposed emission offsets are obtained and made a determination that the impact of using such emission offsets meets the requirements of District Rules and Regulations and Health and Safety Code Section 40709.6. An offset ratio not less than the levels specified in Section 305.1 shall be applied as necessary to discount the offsets and mitigate the associated impact.
- 306 **INTERPOLLUTANT EMISSION OFFSETS:** Interpollutant emission offsets are discouraged and may only be allowed between precursor contaminants. The Air Pollution Control Officer may approve interpollutant emission offsets for precursor pollutants on a case by case basis, provided that the applicant demonstrates through the use of an air quality model that the emission increases from the new or modified agricultural emission unit will not cause or contribute to a violation of an ambient air quality standard. In such cases, the Air Pollution Control Officer shall impose, based on an air quality analysis, emission offset ratios in addition to the requirements of Section 305. Interpollutant emission offsets between PM10 and PM10 precursors may be allowed. PM10 emissions shall not be allowed to offset nitrogen oxides or reactive organic compound emissions in ozone nonattainment areas, not be allowed to offset sulfur oxide emissions in sulfate nonattainment areas. In no case shall the compounds excluded from the definition of reactive organic compounds be used as offsets for reactive organic compounds.
- 307 **DENIAL, FAILURE TO MEET STANDARDS:** The Air Pollution Control Officer shall deny any permit if the Air Pollution Control Officer finds that the subject of the application would not comply with the standards set forth in District, state, or federal rules, regulations or statutes including Best Available Control Technology and emission offset requirements of Sections 303 and 304 in force on the date the application is deemed complete as defined in Section 401.3.
- 308 **TRANSFER:** A permit shall not be transferable, whether by operation of law or otherwise, either from one location to another, from one agricultural emission unit to another, or from one person to another. In the event any person contemplates or desires to make any such transfer as herein described, said person shall make application in accordance with Section 401.3 as applicable.
- 309 **PERMIT RENEWAL:** Every permit shall be renewable annually on the permit's anniversary date, commencing one year after the date of issuance. The Air Pollution Control Officer shall review every permit upon annual renewal, pursuant to Health and Safety Code Section 42301(e), to determine that permit conditions are adequate to ensure compliance with, and enforceability of, District rules and regulations applicable to the agricultural emission unit for which the permit was issued. Applicable District rules and regulations shall include those which were in effect at the time the permit was issued or modified, or which have subsequently been adopted and made applicable to an existing agricultural emission unit by the District Board of Directors. The Air Pollution Control Officer shall revise the conditions, if such conditions are not consistent, in accordance with all applicable rules and regulations.

#### 400 ADMINISTRATIVE REQUIREMENTS

- 401 **PERMIT REQUIREMENTS:**
- 401.1 **POSTING:** A person who has been granted a permit shall maintain a legible copy of said permit on the premises of the subject agricultural emission unit. Other information, analysis, plans or specifications which disclose the nature, extent, quantity, or degree of air contaminants which are or may be discharged from such source shall be readily available for inspection by the Air Pollution Control Officer.
- 401.2 **MODIFICATIONS:** A person shall not willfully deface, alter, forge, counterfeit, or falsify a permit.

- 401.3 **APPLICATIONS:** An application for a permit shall be filed in the manner and form prescribed by the Air Pollution Control Officer, and shall give all the information necessary to enable the Air Pollution Control Officer to make the determination required by Section 302 of this rule.
- a. The Air Pollution Control Officer shall determine whether the application is complete not later than 30 days after receipt of the application or after such longer time as both the applicant and the Air Pollution Control Officer have agreed in writing. If the Air Pollution Control Officer determines that the application is not complete, the applicant shall be notified in writing of the decision specifying the information required. Completeness of an application or re-submitted application shall be evaluated on the basis of the information requirements set forth in the District's List and Criteria (adopted pursuant to Article 3, 65940 through 65944 of Chapter 4.5 of Division I of Title 7 of the California Government Code) as it exists on the date on which the application or re-submitted application was received, and on payment of the appropriate fee pursuant to Rule 310, PERMIT FEES—AGRICULTURAL SOURCE. The Air Pollution Control Officer may, during the processing of the application, request an applicant to clarify, amplify, correct, or otherwise supplement the information submitted in the application.
  - b. Upon receipt of any re-submittal of the application pursuant to Section 401.3(a), a new 30-day period to determine completeness shall begin.
  - c. If the Air Pollution Control Officer determines the application to still be incomplete, the applicant may appeal this decision to the Sacramento Metropolitan Air Quality Management District Board of Directors.
  - d. In the event that a written determination of incompleteness is not made within 30 days of the filing of the application, or within 30 days of providing further information as required by Section 401.3, the application together with the submitted materials shall be deemed complete.
- 401.4 **APPROVAL:** Following acceptance of the application as complete, the Air Pollution Control Officer shall perform the evaluations required to determine compliance with all applicable District, state and federal rules and shall notify the applicant in writing of his approval, conditional approval, or denial of the permit. Except as provided in 401.4.a, the Air Pollution Control Officer shall take action on the permit no later than 180 days after acceptance of an application as complete or after such longer time as both the applicant and the Air Pollution Control Officer have agreed in writing. If the permit is subject to the Public Notification requirements of Section 401.6, then the Air Pollution Control Officer shall consider all written comments prior to taking final action on the permit.
- a. The Air Pollution Control Officer shall not take final action for any project for which an Environmental Impact Report (EIR) or a Negative Declaration is being prepared until a final EIR for that project has been certified or a Negative Declaration for that project has been approved, and the Air Pollution Control Officer has considered the information in that final EIR or Negative Declaration. The Air Pollution Control Officer shall take final action on the application within whichever of the following periods of time is longer:
    1. Within 180 days after the certification of the final EIR or approval of the Negative Declaration, or
    2. Within 180 days of the date on which the application was determined complete by the Air Pollution Control Officer.

- 401.5 **CONDITIONAL APPROVAL:** When approving a permit, the Air Pollution Control Officer may issue a permit subject to conditions which will bring the operation of the agricultural emission unit within the standards of Section 302.1 of this rule in which case the conditions shall be specified in writing. Commencing work under such a permit shall be deemed acceptance of all the conditions so specified. Failure to comply with any condition specified pursuant to the provisions of this rule shall be a violation of this rule as well as of the applicable section of the Health and Safety Code.
- a. As a condition for the issuance of the permit, the Air Pollution Control Officer shall require that the agricultural emission unit be operated in the manner stated in making the analysis required to determine compliance with this rule.
  - b. The permit shall include an emission limitation for each affected pollutant.
  - c. Emission Offsets:
    1. Before the Air Pollution Control Officer shall approve an application for a permit subject to Section 304, the applicant shall supply evidence of a sufficient number of emission reduction credits to meet the offset obligation in accordance with this rule.
    2. The operation of any agricultural emission unit which provides emission offsets shall be subject to enforceable permit or contract conditions, as applicable, containing specific emissions and operational limitations, to ensure that the emission reductions are provided in accordance with the provisions of this rule.
    3. A violation of the emission limitation provisions of any contract pursuant to Rule 204, EMISSION REDUCTION CREDITS, Section 303.2 shall be a violation of this rule by the permit applicant.
    4. The operation of any agricultural emissions unit which uses emission offsets provided by another emissions unit shall be subject to enforceable permit conditions, containing specific emissions and operational limits, to ensure that the emission reductions are used in accordance with the provisions of District rules and shall continue for the reasonable expected life of the proposed agricultural emissions unit.
  - d. The permit shall include conditions that implement the plan that is required for agricultural stationary sources that are subject to Rule 496, LARGE CONFINED ANIMAL FACILITIES.
- 401.6 **PUBLIC NOTIFICATION:** The Air Pollution Control Officer shall make available for public inspection at the District's office the information submitted by the applicant and the Air Pollution Control Officer's analysis for a new or modified emission unit that requires emission offsets pursuant to Section 304 or is for an agricultural stationary sources that is subject to Rule 496, LARGE CONFINED ANIMAL FACILITIES prior to approving the application pursuant to Section 401.4 and 401.5. Notice of the intent to approve such application shall be published in at least one newspaper of general circulation in the District and shall note how pertinent information can be obtained, and inviting written public comment for a 30-day period following the date of publication. All such information shall be transmitted to the California Air Resources Board and to any party which requests such information. Information submitted which contains trade secrets shall be handled in accordance with Section 6254.7 of the California Government Code and relevant sections of the California Administrative Code.
- 401.7 **FINAL PUBLIC NOTIFICATION:** The Air Pollution Control Officer shall provide written notice of the final action taken on permits subject to the Public Notification requirement of Section 401.6 to the applicant, the California Air Resources Board and any person who submitted written comments pursuant to Section 401.6. A notice shall be published in at least one newspaper of general circulation in the District and shall note how pertinent information can be obtained.
- 401.8 **DENIAL OF APPLICATION:** In the event of denial of a permit, the Air Pollution Control Officer shall notify the applicant in writing of the reasons therefore. Service of

this notification may be made in person or by mail, and such service may be proved by the written acknowledgement of the persons served or affidavit of the person making the service. The Air Pollution Control Officer shall not accept a further application unless the applicant has complied with the objections specified by the Air Pollution Control Officer as his reasons for denial of the permit.

401.9 **SUSPENSION:** The Air Pollution Control Officer may suspend a permit if a holder of such permit willfully fails and refuses to furnish information, analyses, plans, and specifications, within a reasonable time, as requested by the Air Pollution Control Officer pursuant to Health and Safety Code Section 42303, District Rules and Regulations, or any other law, rule, regulation, agreement, or order enforceable by the District. The Air Pollution Control Officer shall serve notice, in writing, of such suspension and the reasons therefore. The permit shall be reinstated when furnished with all requested information, analyses, plans, and specifications.

401.10 **APPEALS:** Within ten days after notice, by the Air Pollution Control Officer, of suspension, or within thirty days after notice of a denial or conditional approval of a permit, the applicant or any other aggrieved person who participated in the permit issuance proceedings may petition the Hearing Board, in writing, for an order modifying or reversing that decision. The Hearing Board after notice and a public hearing held within thirty days after filing the petition, may sustain or reverse the action of the Air Pollution Control Officer; such order may be made subject to specified conditions.

402 **COMPLIANCE DATES - APPLICATION SUBMITTAL FOR EXISTING AGRICULTURAL EMISSION UNITS:** An application for a permit shall be submitted to the Air Pollution Control Officer by February 24, 2007 for any agricultural emission unit installed prior to August 24, 2006.

403 **COMPLIANCE DATES – APPLICATION SUBMITTAL FOR SOURCES NO LONGER EXEMPT:** When an agricultural emission unit that is not subject to this rule subsequently becomes subject to this rule, then an application for permit(s) for the equipment installed prior to becoming subject to the rule shall be submitted no later than March 30<sup>th</sup> of the year following the first calendar year that the emissions from the agricultural stationary source exceeds the thresholds established in Section 102.1.

404 **CALCULATION OF EMISSIONS FOR BACT TRIGGER LEVELS:** The quarterly emissions change for a new or modified permit shall be calculated by subtracting the historic potential emissions of the permit prior to modification from the potential to emit after modification. Calculations shall be performed separately for each permit for each calendar quarter.

405 **CALCULATION OF EMISSION OFFSET TRIGGERS:** The cumulative emission increase for each calendar quarter for an agricultural stationary source shall be the sum of the potential to emit for all agricultural emission units based on the current permits, including the potential to emit from the new or modified agricultural emission unit for each calendar quarter, expressed in terms of pounds per quarter.

406 **CALCULATION OF EMISSION OFFSETS REQUIRED:** Calculations shall be performed separately for each affected pollutant and each agricultural emissions unit for each calendar quarter expressed in pounds per quarter. The net emission increase shall be the lesser of the following:

406.1 The potential to emit for all agricultural emissions units at the agricultural stationary source based on current permits including the current application subtracting the levels specified in Section 304.1; or

406.2 For new agricultural emission units, the proposed emissions for the current application; or

406.3 For modifications to existing agricultural emission units, the proposed emissions subtracting the historic potential emissions from the current application.



- 407     **NOTIFICATION: OPERATION OF A NONROAD ENGINE:** When an unpermitted nonroad engine is entered into service, the Air Pollution Control Officer must be notified within 15 days of commencement of operation. Notification shall include engine make, model, serial number, horsepower rating, and date entered into service.
- 408     **PETITION FOR EXEMPTION FROM MAINTAINING AN AGRICULTURAL PERMIT:** Any person requesting an exemption pursuant to Section 111 shall provide to the Air Pollution Control Officer in writing the information described in Section 502 for the three prior years.
- 409     **AIR QUALITY MODELS:** All air quality models used for the purposes of this rule shall be consistent with the requirements provided in the most recent edition of US Environmental Protection Agency "Guidelines on Air Quality Models, OAQPS 1.2-080" unless the Air Pollution Control Officer finds that such model is inappropriate for use. After making such finding the Air Pollution Control Officer may designate an alternate model. Credit shall not be given for stacks higher than dictated by good engineering practice. All modeling costs associated with the siting of an agricultural stationary source shall be borne by the applicant.

## 500     **MONITORING AND RECORDS**

- 501     **TESTING PROCEDURES:**
- 501.1     INITIAL BOILING POINT: ASTM D-1078-05, "Test Method for Distillation Range of Volatile Organic Liquids".
- 501.2     VAPOR PRESSURE: ASTM D-2879-97, "Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope".
- 502     **INVENTORY STATEMENTS:** An agricultural stationary source that has been granted a petition for exemption pursuant to Section 111 shall, by February 28 of each year, beginning with the calendar year immediately following the year the petition for exemption was submitted, submit to the Air Pollution Control Officer a written inventory statement showing the actual emissions of the affected pollutants for the previous calendar year.
- 502.1     The inventory statement shall be in a form provided by the Air Pollution Control Officer.
- 502.2     Records used in the preparation of the inventory statement shall be maintained onsite for three years and these records shall be made available when requested by the Air Pollution Control Officer.

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