



3. ***A wide variety of operations are subject to Rule 4550.*** Rule 4550 applies to operations that grow permanent crops, row crops and animal feeding operations. A wide variety of operations are being controlled under varying conditions, and over 60 different possible conservation management practices have been approved.
4. ***The emissions addressed by Rule 4550 are fugitive emissions that are difficult to measure.*** Compliance with Rule 4550 is evaluated by verifying that practices in the CMP Plan described in the District List of Approved Conservation Management Practices are being implemented.
5. ***Most farms are seasonal sources.*** Many required practices can only be observed during a very short period, such as during harvest or planting.
6. ***The responsible official will often be the owner, or a manager with a wide variety of duties.*** The responsible official will often not be available onsite.

## **POLICY AND PROCEDURES:**

### **A. Scheduling Inspections and Pre-Inspection activities**

1. **Assigning Inspections** - Inspections of agricultural operation sites shall be assigned using the District's Permit Administration System. To assure that reductions are achieved, each agricultural operation site shall be inspected initially and at least once every five years thereafter. For seasonal operations, crop and conservation management practice types must be considered in developing assignments. In cases where a single owner has operations farms at different sites, it will generally be beneficial to plan to perform the inspections concurrently. Facilities with common ownership share a common "group number" in the District Permit Administration System.
2. **Inspection Staff CMP Training** – Prior to inspecting agricultural operation sites for compliance with CMP requirements, each inspector (Air Quality Inspector or Field Assistant) performing these inspections shall receive training in the following areas:
  - a. Common Valley agricultural operations;
  - b. Customer service aspects of inspecting agricultural sites;
  - c. The Requirements of Rule 4550;
  - d. Conservation Management Practices;
  - e. CMP Plans in the Permit Administration System;
  - f. Frequently Asked Questions for CMPs; and
  - g. The inspection procedures of this policy.
3. **Pre-Inspection Document Review** - Inspectors should review the following documents prior to performing a field inspection at an agricultural source:
  - a. The facility CMP plan;
  - b. A current list of approved CMP's;
  - c. Applicable District rules;
  - d. Previous inspection reports;

- e. Outstanding applications to modify a CMPs; and
  - f. Any other relevant documents.
4. **Contacting the Responsible Official** - Upon (or prior to) arrival at the agricultural operation site, inspectors shall contact the responsible person (farm owner, manager, etc.), introduce themselves, and explain the purpose of the inspection. This opening conference should also provide an opportunity for the inspector to learn more about the operation and any special concerns (e.g., safety, operational concerns, etc.) for the inspection.

Since not all seasonal practices will be occurring at the time of the inspection, the contact with the responsible person will be a significant factor in evaluating compliance. Although ARB criteria for Assessing District Enforcement Program Adequacy generally requires that the majority of inspections be conducted “unannounced”, for CMP inspections at remote sites, it will generally be necessary to arrange a site visit at a time when the responsible person will be available for the inspection.

## **B. Inspection Procedures**

1. **Review the CMP plan with the responsible person** - The inspector shall review the CMP plan with the responsible person and ask questions to clarify how the farming operation is complying with each practice.
2. **Physical Inspection** – The inspector shall inspect and verify the compliance status for all CMPs that are observable at the time of inspection. For some practices (e.g., equipment changes, combined operations) it may also be valuable to see the equipment the farmer uses to perform a specific farming operation.
3. **Inspection of Records** - The inspector shall ask for records that help to verify that the farm is in compliance with conditions or practices that are not observable during this visit. Required records include:
  - a. A plot plan or map of each agricultural operation site.
  - b. Supporting information necessary to confirm the implementation of the CMPs as required by section 6.5.1.2 of Rule 4550. (Logs or schedules, irrigation, watering, pesticide, or fertilization records, employee timesheets or schedules, purchase records, or other related documents.) In order to clarify these requirements, the District will issue compliance assistance bulletins with minimum record keeping requirements for specific practices. Until the District has issued the compliance assistance bulletin for record keeping for a given practice, a Notice to Comply (NTC) rather than a Notice of Violation (NOV) shall be issued for “first-time” instances of failing to maintain necessary supporting records.
4. **Inspection Forms** – Inspectors shall use the appropriate inspection forms that are approved for the source categories included in the CMP plan.

## C. Compliance Considerations

1. **Changes to practices** - CMP plans may be changed at any time and are still valid if an application for a modification is submitted within 60 days after the change in practices has taken place (Reference section 6.3.4 of Rule 4550). When investigating CMPs to determine the compliance status, inspectors should ask if management practices have changed and note the date when any changes were implemented.

If a required management practice is not being performed, and no alternate management practice has been substituted in its place, an NOV should be issued for failure to implement the management practice. The NOV should reference Rule 4550, Section 5.1.

If a change in a management practice occurred less than 60 days ago and an approved management practice is being performed, but an application for a modification has not been submitted, the inspector shall remind the responsible party of the requirement to submit a CMP plan modification to the District before the end of the 60-day period.

If a change in management practice occurred more than 60 days ago and an approved management practice is being performed, but an application for a modification has not been submitted, the inspector shall issue an NTC for failing to file an application within the specified time frame.

2. **Changes in crop type** – Crop types may also be changed at any time and CMPs are still valid if an application to modify the plan is submitted within 60 days after the change took place (Reference section 6.3.4 of Rule 4550). When investigating CMPs to determine compliance status, inspectors should ask if crop types have changed and note the date when any changes were implemented.

If no approved conservation management practice is being performed with the change in crop type, an NOV should be issued for failure to implement a required management practice. The NOV should reference Rule 4550, Section 5.1.

If a change in crop type occurred less than 60 days ago and an approved management practice is being performed, but an application for a modification to the plan has not been submitted, the inspector shall inform the responsible party of the requirement to submit a CMP plan modification to the District before the end of the 60-day period.

If a change in crop type occurred more than 60 days ago and an approved management practice is being performed, but an application for a modification has not been submitted, issue a NTC for failing to file an application within the specified time frame.

3. **Multiple crop types on CMP plans** – To address “double-cropping” and variations in crop type, some farmers were issued CMPs that address growing more than one crop type on a single parcel of land. The CMP plan for a farmer with 100 acres of land may include practices for up to 100 acres of corn and up to 100 acres of alfalfa. When the farmer is growing corn, the conservation management practices identified for corn are applicable; and when the farmer is growing alfalfa, the practices for growing alfalfa are applicable.

4. **Unpaved roads and equipment areas** - For unpaved roads and equipment areas, many farmers chose watering. Watering is only required when there are 10 or more daily vehicle trips (As defined in District Rule 8011).
5. **Shared roads** – Neighboring farms often share unpaved roads. If the farmer chooses to comply with Rule 4550 by posting speed limits on shared roads, he and his employees must comply with the speed limit. He is not responsible for his neighbor's compliance with conservation management practices on the shared roads.
6. **Leased property** - If property is being leased, the lessee, the person who is actually making the farming decisions, has the responsibility for applying for and complying with a CMP plan. Sometimes owners contract out certain activities to others yet maintain control of the day-to-day operations on the property. In these cases, the owner of the property would be the responsible party.

**D. Post-Inspection Interview**

The inspector shall conduct a post-inspection interview and explain all of his or her findings, answering questions and providing excellent customer service. If requested, the inspector shall arrange to provide a copy of inspection reports, application forms, and any compliance assistance materials that may be helpful.