

**SAN JOAQUIN VALLEY UNIFIED
AIR POLLUTION CONTROL DISTRICT
COMPLIANCE DEPARTMENT**

COM 2177

APPROVED: _____ **SIGNED** _____ **DATE:** November 30, 2007
Jon Adams
Director of Compliance

TITLE: RULE 4570 – CONFINED ANIMAL FACILITIES

SUBJECT: INSPECTION OF CONFINED ANIMAL FACILITIES

OBJECTIVE:

This policy is intended to provide direction on how to conduct inspections at confined animal facilities. It is intended to ensure uniform and consistent inspection and enforcement of Rule 4570.

PURPOSE:

Rule 4570 and associated permit conditions, require air pollution sources to limit the volatile organic compounds (VOC's) discharged to the atmosphere. District inspectors are responsible for determining compliance with operating practices, and record-keeping procedures.

POLICY STATEMENT:

District staff will enforce Rule 4570 and permit conditions pertaining to the discharge of VOC's. Failure to comply with the requirements of this rule is a violation and may subject the source to enforcement action. Specific sources may be permitted with special conditions, which may restrict VOC emissions more than Rule 4570.

DEFINITIONS:

The following is a list of terms that are not defined in the Definitions of Rule 4570:

ATC: Authority to Construct

CMPP: Conservation Management Practices Plan; a plan to limit fugitive dust emissions from agricultural operation sites.

Ration: mixed feed. Feed composed of a variety of products mixed together and provided to livestock.

Silage: vegetation that is allowed to purposely ferment. It is usually harvested green, and piled near the commodities barn where internal chemistry ferments the product. It can be corn, alfalfa, sorghum, etc. It is usually covered with plastic.

Leachate: the liquid that percolates out of the silage pile as a result of the fermentation process. It can contain alcohols and VOCs.

Heifer: an immature female cow, one that has not produced milk.

Fresh Cow: a cow that has just given birth and is not ready to commercially produce milk yet. May stay as a fresh cow from one week after birth up to 45 days after birth before joining the milking herd again.

Dry Cow: a cow that does not produce milk due to the last couple months of pregnancy, when they “dry” up.

Brooder House/Barn: housing for turkey chicks up to 5-8 weeks old

Grow Out House/Barn: housing for birds to harvest

Litter: bedding for poultry

PAS: Permits Administration System

PTO: Permit to Operate

1. Background

Agricultural operations were exempt from permitting requirements under Section 42310(e) of the California Health and Safety Code (SB 700) until January 1, 2004. Under SB 700, ag operations are required to obtain a permit if emissions from the operation exceed the ½ major

source threshold or 12,500 lbs for any one contaminant. In addition, CH&SC 40724.6(c) provides the District with the authority to require permits on facilities with less than one half of any applicable emissions threshold, if they make certain findings, as quoted below:

"A district may require a permit for a large confined animal facility with actual emissions that are less than one-half of any applicable emissions threshold for a major source in the district for any air contaminant, including, but not limited to, fugitive emissions in a manner similar to other source categories if, prior to imposing that requirement, the district makes both of the following determinations in a public hearing:

- (1) A permit is necessary to impose or enforce reductions in emissions of air pollutants that the district show cause or contribute to a violation of a state or federal ambient air quality standard and,
- (2) The requirement for a source or category of sources to obtain a permit would not impose a burden on those sources that is significantly more burdensome than permits required for other similar sources of air pollution." (CH&SC 40724.6)

The District made the above findings at a public hearing for Rule 4570 on June 15, 2006. Therefore, permits will be also required for facilities for dairies below the ½ major source threshold as long as the dairy has at least 1,000 milk cows (as required by Rule 4570).

The definition of a large CAF used for Rule 4570 is the definition developed and adopted by the California Air Resources Board (CARB). CH&SC 40724.5 required ARB to "review all available scientific information, including, but not limited to, emission factors for confined animal facilities, the effect of those facilities on air quality in the basin, and other relevant scientific information, and to develop a definition for the source category large confined animal facility". "CAF" are defined in CH&SC 39011.5(a) and 39011.5(a)(1)

2. Pre-inspection procedures

Inspectors will review PAS to determine if there are any outstanding ATC's that need to be converted. They will also review past inspection reports in the EDMS. The PTO's will be printed out, along with other required forms, and reviewed to familiarize one's self with the facility. If a CMPP is associated with the facility, the CMPP will be printed and reviewed as well.

3. Safety Procedures and Equipment

At a minimum, leather shoes are required as muddy conditions can be encountered at all times.

Rubber boots that reach up to the knee are preferred in the winter.

Hard hats may be required at dairies under construction.

Earplugs are necessary around operating water pumps and other engines.

Swine facilities may require the inspector to wear a special suit to prevent the transfer of disease. Swine operators may require the inspector to shower if they enter the animal containment.

Poultry facilities will require the inspector to wear a special suit and will provide these prior to entering the facility.

Inspectors with any birds, such as chickens or household parrots, may not conduct inspections at poultry facilities.

4. Inspection procedures

CAFs are required to comply with the Rule by submitting a permit application by December 15, 2006. CAFs are then required to comply with all provisions of the rule and applicable permits one year after their permit issuance date.

DAIRIES:

1. Inspectors are to arrive and park near the milking parlor. This is where the office usually is, and is a good place to make contact with the dairy owner/operator. Stay on the concrete or gravel, and do not park in the way of others. The milk tankers come at all hours of the day and their access shall not be blocked.
2. Inspectors are to introduce themselves and explain the reason for the inspection. Since inspectors are at the office, and relatively clean, this would be a good time to review paperwork. Ask the dairyman if the address, name, etc. are in order on the PTOs and CMPPs. If there are any outstanding ATCs, ask if they have been implemented. Most likely, the CMPP inspection of the dairy and surrounding farmland will also be conducted at this inspection. Ask to see the map of the dairy and farmland and have the dairyman point out the different crops, unpaved roads, etc. **Because the CMPP inspection will most likely be conducted at the time of the dairy inspection, please review the policy for Rule 4550 and the corresponding FYI's.**
3. Records can be reviewed during this time, including the records showing the count of milkcows, heifers, drycows, etc.

SWINE:

1. TBD

POULTRY:

1. For inspections of both Zacky and Foster Farms, call the contact to set up appointment for inspections and verification of records. Both companies keep their records at the home office. A copy of the CMPP is kept at each ranch. Inspectors may need to meet with the environmental manager at the home office for verification of records and maps. Due to Biohazard concerns, restricted access is in place at most poultry facilities. Typically, only one accompanied on site visit will be allowed per week. Inspectors will be required to dress in biohazard suits provided by the ranch prior to entering. **Inspectors with any birds, such as chickens or household parrots, may not conduct inspections at poultry facilities.**
2. For contracted farms not directly operated by Zacky or Foster Farms, inspectors are to call the contact before conducting an inspection. Some contact information may have been changed since the implementation of the CMPP and inspectors will have to conduct research to obtain contact name and current phone number. Not all farms have an office but some have employees who live on the property. When possible, contact a person at the managers dwelling. Due to biohazard concerns, restricted access is in place at most facilities. In most cases, information regarding specifics of the CMPP can be verified through phone conversation followed by a drive-by inspection to verify speed limit signs, condition of land surrounding site, etc.
3. Verify that the address, name, etc. is in order on the PTOs and CMPPs. If there are any outstanding ATCs, ask if they have been implemented. If the CMPP inspection of the facility includes surrounding farmland, both should be inspected at the time of the visit. Ask to see the map of the facility and farmland and have the farm contact point out the different crops, unpaved roads, etc. **Because the CMPP inspection will most likely be conducted at the time of the inspection, please review the policy for Rule 4550 and the corresponding FYI's.**
4. Records can be reviewed during this time, including records showing the count of poultry.
5. The bulk of Rule 4570 controls emissions from cows and cattle. The rest of the Rule controls emissions from poultry and swine. The following tables and categories contain mitigation measures that owners/operators must choose from starting in Section 5.6.

Dairy Table 2 Measures A-H	Beef Feedlot Table 3 Measures A-F	Other Cattle Table 4 Measures A-F	Swine Table 5 Measures A-E	Poultry Table 6 Measures A-D
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Rule 4570 provides each variety of CAF a list of mitigation measures. From this list, the CAF must choose the appropriate amount of mitigation measures to satisfy the requirement. The chosen mitigation measures are then applied to the PTO as conditions.

Because the chosen mitigation measures will be listed as conditions on the PTO, they are enforceable, and must be complied with at all times.

If a CAF wishes to change a permit condition, a new permit application will have to be submitted outlining the change. The existing permit condition will have to be followed until the ATC is issued. The owner/operator cannot stop implementing the mitigation measure, listed as a condition, until the new ATC has been issued.

5. Post-inspection procedures

Explain the findings of the inspection to the owner/operator. Let them know whether they are in compliance or not. For dairies, refer to the Enforcement Guidelines section to identify compliance or non-compliance. Let them know about the District's inspection program; that District inspectors come around on a yearly basis, generally unannounced, unless circumstances prevent unannounced inspections. It is important to let the CAF know that inspections are not just a one time event. Hand out any pamphlets or written information such as Compliance Assistance Bulletins, etc. Let the source know of any upcoming Rule changes or developments. If you are using the two-page, carbon- copy, Inspection/Investigation Summary form, fill it out and give a copy to the CAF.

If any aspect of the CAF is in non-compliance, take appropriate action whether it be a NTC or NOV. Explain the NOV process, as this is the first time that most of the CAFs have had any contact with the District. There is a NOV pamphlet that can be given to the owner/operator. It explains the NOV process.

6. Associated Compliance Assistance Bulletins to Review (not attached)

Rule 4570

Rule 4702

Ag PTOs in General

