

# YOLO-SOLANO AIR QUALITY MANAGEMENT DISTRICT

## **RULE 11.1 - AGRICULTURAL OPERATING PERMIT PROGRAM**

*Adopted March 9, 2005*

### **INDEX**

#### **100 GENERAL**

- 101 PURPOSE
- 102 APPLICABILITY
- 110 EXEMPTIONS-GENERAL
- 111 EXEMPTIONS-ACTUAL EMISSIONS

#### **200 DEFINITIONS**

- 201 ACTUAL EMISSIONS
- 202 AGRICULTURAL EMISSIONS UNIT (AEU)
- 203 AGRICULTURAL OPERATING PERMIT(AOP)
- 204 AIR CONTAMINANT
- 205 AIR POLLUTION CONTROL OFFICER (APCO)
- 206 ENFORCEABLE EMISSION LIMITATION
- 207 FUNCTIONALLY EQUIVALENT AEU REPLACEMENT
- 208 LARGE CONFINED ANIMAL FACILITIES
- 209 MAJOR STATIONARY SOURCE
- 210 PM<sub>10</sub>
- 211 PORTABLE EQUIPMENT
- 212 POTENTIAL TO EMIT
- 213 RECONFIGURATION OF THE STATIONARY AGRICULTURAL SOURCE
- 214 STATIONARY AGRICULTURAL SOURCE (SAS)
- 215 STATIONARY AGRICULTURAL SOURCE DESCRIPTION
- 216 VOLATILE ORGANIC COMPOUNDS

#### **300 STANDARDS**

- 301 AGRICULTURAL OPERATING PERMIT (AOP)
- 302 ADDITION OR REPLACEMENT OF AN AEU
- 303 RECONFIGURATION OF A STATIONARY AGRICULTURAL SOURCE
- 304 STANDARDS FOR GRANTING APPLICATIONS
- 305 TRANSFER
- 306 AOP CONTENT REQUIREMENTS

#### **400 ADMINISTRATIVE REQUIREMENTS**

- 401 APPLICATION REQUIREMENTS - INITIAL AOP
- 402 APPLICATION REQUIREMENTS - ADDITION OF AN AEU
- 403 APPLICATION REQUIREMENTS - REPLACEMENT OF AN AEU
- 404 APPLICATION REQUIREMENTS - RECONFIGURATION
- 405 APPLICATION REQUIREMENTS - AOP RENEWAL

- 406 APPLICATION REQUIREMENTS - TRANSFER OF OWNERSHIP
- 407 APPLICATION REQUIREMENTS - INFORMATION
- 408 AOP REOPENING
- 409 DENIAL OF APPLICATIONS
- 410 RIGHT OF ENTRY
- 411 APPEALS
- 412 TERM OF THE AOP

**500 MONITORING AND RECORDS**

- 501 ACTUAL EMISSIONS
- 502 ACTUAL EMISSION STATEMENTS
- 503 ACTUAL EMISSION MONITORING PLAN

**600 FEES**

- 601 AOP PROCESSING FEE
- 602 AOP TRANSFER FEE
- 603 ANNUAL AOP FEE
- 604 NOTIFICATION OF FEES DUE

## 100 GENERAL

- 101 **PURPOSE:** The purpose of this rule is to implement the requirements of Section 42301.16 of the California Health and Safety Code.
- 102 **APPLICABILITY:** This rule shall apply to all stationary agricultural sources with a potential to emit greater than one half of any applicable emissions threshold for a major source.
- 110 **EXEMPTIONS - GENERAL:** The provisions of this rule shall not apply to:
- 110.1 Stationary agricultural sources with a valid federal operating permit issued pursuant to District Rule 3.8.
- 110.2 Large Confined Animal Facilities.
- 111 **EXEMPTIONS - ACTUAL EMISSIONS:** The provisions of this rule, with the exception of Section 501, shall not apply to a stationary agricultural source with actual emissions of less than one half of any applicable emissions threshold for a major source.

## 200 DEFINITIONS

- 201 **ACTUAL EMISSIONS:** Measured or estimated emissions which most accurately represent the emissions from a SAS.
- 202 **AGRICULTURAL EMISSIONS UNIT (AEU):** Any stationary or portable article, machine, equipment or other contrivance used in the production of crops or the raising of fowl or animals, the use of which may cause the issuance of air contaminants. Equipment listed in sections 101, 102, 103, 104, 105, 106, 108, 109, 110, 111, 112 and 113 of District Rule 3.2 shall not be considered AEU's.
- 203 **AGRICULTURAL OPERATING PERMIT (AOP):** Permit issued to a SAS pursuant to the provisions of this rule.
- 204 **AIR CONTAMINANT:** As defined in District Rule 1.1, excluding odors.
- 205 **AIR POLLUTION CONTROL OFFICER (APCO):** The Air Pollution Control Officer of the Yolo-Solano Air Quality Management District, or his or her designee.
- 206 **ENFORCEABLE EMISSION LIMITATION:** One or more AOP conditions specific to the SAS which restricts its maximum emissions, at or below the maximum emission capacity of the SAS.
- 207 **FUNCTIONALLY EQUIVALENT AEU REPLACEMENT:** The replacement of an AEU where the replacement AEU serves the identical function as the replaced

AEU and the potential to emit does not exceed the potential to emit of the replaced AEU.

- 208 **LARGE CONFINED ANIMAL FACILITIES:** As defined by the California Air Resources Board (CARB). CARB is required to promulgate a definition pursuant to Section 40724.6 of the California Health and Safety Code.
- 209 **MAJOR STATIONARY SOURCE:** As defined in District Rule 3.8.
- 210 **PM10:** As defined in District Rule 3.4.
- 211 **PORTABLE EQUIPMENT:** Designed to be and capable of being carried or moved from one location to another. Indicators of portability include, but are not limited to, wheels, skids, carrying handles, dolly, trailer, or platform.
- 212 **POTENTIAL TO EMIT:** The maximum physical and operational design capacity to emit a pollutant.
- 213 **RECONFIGURATION OF THE STATIONARY AGRICULTURAL SOURCE:** Any physical change to the SAS or change in the method of operation at the SAS that results in a change in the SAS description.
- 214 **STATIONARY AGRICULTURAL SOURCE (SAS):** An AEU or group of AEU's, under common ownership or control, used in the production of crops or the raising of fowl or animals located on contiguous property.
- 215 **STATIONARY AGRICULTURAL SOURCE DESCRIPTION:** The description of the SAS as it appears on the AOP. The description shall include the physical location, total acreage, crop(s) grown and any other information used to establish the enforceable emission limitation for the SAS that is not specific to individual AEU's.
- 216 **VOLATILE ORGANIC COMPOUNDS:** As defined in District Rule 1.1.

### **300 STANDARDS**

- 301 **AGRICULTURAL OPERATING PERMIT (AOP):** No person shall operate any SAS without first obtaining an AOP from the APCO.
- 302 **ADDITION OR REPLACEMENT OF AN AEU:** No person shall add or replace an AEU at a SAS without following the application procedures outlined in Sections 402 and 403 of this rule.
- 303 **RECONFIGURATION OF A STATIONARY AGRICULTURAL SOURCE:** No person shall reconfigure a SAS without following the application procedures outlined in Section 404 of this rule.

304 **STANDARDS FOR GRANTING APPLICATIONS:**

304.1 The APCO shall deny an application for an AOP if the applicant does not show that every AEU 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 any air contaminant in violation of these Rules and Regulations, or any state or federal statutes or regulations that may be enforceable by the APCO.

304.2 The APCO shall determine that an applicant has complied with the applicable requirements of Health and Safety Code Section 42301.6, preparation and distribution of public notice prior to approving an application for an AOP.

305 **TRANSFER:**

305.1 An AOP, or any AEU under an AOP, shall not be transferable, by operation of law or otherwise, from one location to another or from one piece of equipment to another.

305.2 An AOP, or any AEU under an AOP, may be transferred from the AOP holder to another entity provided that an application for such transfer is submitted in accordance with Sections 401 through 406 of this Rule, as applicable. It shall be the transferee's responsibility to inform the District on assumption of ownership or operating control of any AEU under an AOP and for which an AOP will be required.

306 **AOP CONTENT REQUIREMENTS:**

306.1 **Stationary Agricultural Source Description:** The AOP shall provide a description of the SAS.

306.2 **Listing of AEU's:** The AOP shall list all AEU's operated at the SAS.

306.3 **Enforceable Emission Limitation:** The AOP shall contain an enforceable emission limitation for the SAS for Volatile Organic Compounds, Nitrogen Oxides, Sulfur Oxides, Carbon Monoxide and PM10.

306.4 **Applicable Requirements:** The AOP shall contain a listing of the applicable requirements for the SAS.

**400 ADMINISTRATIVE REQUIREMENTS**

401 **APPLICATION REQUIREMENTS - INITIAL AOP:**

401.1 **STATIONARY AGRICULTURAL SOURCES SUBJECT UPON RULE**

**ADOPTION:** The owner or operator of any SAS subject to the requirements of this rule upon rule adoption shall submit a complete standard application no later than six (6) months after the date of rule adoption.

401.2 **STATIONARY AGRICULTURAL SOURCES THAT BECOME SUBJECT AFTER RULE ADOPTION:** The owner or operator of any SAS that becomes subject to the requirements of this rule after the date of rule adoption shall submit a complete standard application no later than six (6) months after the date the source commenced operation or otherwise became subject to this Rule.

402 **APPLICATION REQUIREMENTS - ADDITION OF AN AEU:** Applications to add an AEU to a SAS shall be submitted prior to the installation of the AEU. Operation of the new AEU is not allowed until approved by the APCO under the AOP.

403 **APPLICATION REQUIREMENTS - REPLACEMENT OF AN AEU:**

403.1 **Functionally Equivalent AEU Replacement:** Applications to replace an AEU which meets the definition of Functionally Equivalent AEU Replacement shall be submitted within six (6) months of AEU replacement. The AOP holder shall provide the APCO written notification of AEU replacement within seven (7) days of replacement.

403.2 **Non-Functionally Equivalent AEU Replacement:** Applications to replace an AEU which does not meet the definition of Functionally Equivalent AEU Replacement shall be submitted prior to the installation of the AEU. Operation of the replacement AEU is not allowed until approved by the APCO under the AOP.

404 **APPLICATION REQUIREMENTS - RECONFIGURATION:**

404.1 **No Increase in Potential to Emit:** Applications for reconfiguration of a SAS that does not result in an increase in potential to emit shall be submitted within six (6) months of the reconfiguration occurring. The AOP holder shall provide the APCO written notification of the reconfiguration within seven (7) days of the reconfiguration occurring.

404.2 **Increase in Potential to Emit:** Applications for reconfiguration of a SAS that results in an increase in potential to emit shall be submitted prior to operating the reconfigured portion of the SAS. Operating the reconfigured portion of the SAS is not allowed until approved by the APCO under the AOP.

405 **APPLICATION REQUIREMENTS - AOP RENEWAL:** For renewal of an AOP, the AOP holder shall submit a standard complete application no earlier than nine (9) months and no later than three (3) months before the expiration date of the current AOP.

406 **APPLICATION REQUIREMENTS - TRANSFER OF OWNERSHIP:** Applications to transfer ownership of the entire SAS shall be submitted within thirty (30) days of the ownership change occurring. Operation of the SAS by the new owner shall be under the terms and conditions of the AOP issued to the previous owner until the new AOP is issued.

407 **APPLICATION REQUIREMENTS - INFORMATION:** The application shall contain all information necessary to enable the APCO to make a determination as required by Section 304.1 of this Rule. When the information is not sufficient for the APCO to make a determination, additional information shall be submitted by the applicant as requested.

408 **AOP REOPENING:** The APCO may reopen and revise an AOP under the following circumstances:

408.1 To correct a material mistake or an inaccurate statement; or

408.2 The need to incorporate any new, revised or additional applicable requirements.

409 **DENIAL OF APPLICATIONS:** In the event of denial of an AOP, the APCO shall notify the applicant in writing of the basis for denial.

410 **RIGHT OF ENTRY:** In order to ascertain that the SAS is operating under the requirements of the AOP, the APCO may at any time, without notice, inspect the operations and any pertinent records.

411 **APPEALS:** Within thirty (30) days after notice by the APCO of denial or approval of an AOP, the applicant may petition the Hearing Board, in accordance with District Rule 5.1, for a public hearing. The Hearing Board, after notice and a public hearing, may sustain or reverse the action of the APCO; such order may be made subject to specified conditions.

412 **TERM OF THE AOP:** The term of the AOP shall not exceed five (5) years.

## 500 **MONITORING AND RECORDS**

501 **ACTUAL EMISSIONS:** The operator of the SAS shall maintain data necessary to determine the annual emissions from each AEU operated at the SAS.

502 **ACTUAL EMISSION STATEMENTS:** No later than March 31<sup>st</sup> of each calendar year, the holder of an AOP shall submit an annual emission statement. The emission statement shall list each AEU, the data used to calculate actual emissions, and the actual emissions from each AEU. Calculations shall be conducted in accordance with the Actual Emission Monitoring Plan.

503 **ACTUAL EMISSION MONITORING PLAN:** As part of an application submitted pursuant to Sections 401 through 406 of this rule, the applicant shall submit an Actual Emission Monitoring Plan. The monitoring plan shall indicate the parameters that will be measured in order to calculate actual emissions from each AEU.

## 600 FEES

601 **AOP PROCESSING FEE:** The fee for applications filed in accordance with Sections 401-405 of this rule shall be based on the actual hours spent by District staff in evaluating the application and processing the AOP. The fee shall be assessed in accordance with the time and materials labor rate established in section 307.10 of District Rule 4.1. All applications shall be submitted with an initial filing fee. The initial filing fee shall be equal to two (2) hours at the time and materials labor rate established in Section 307.10 of District Rule 4.1. Application filing fees cannot be refunded or applied to any other application.

602 **AOP TRANSFER FEE:** A fee equal to two (2) hours at the time and materials labor rate, established in Section 307.10 of District Rule 4.1, shall be charged to process applications filed in accordance with Section 406 of this rule. The fee shall be submitted at the time of application.

603 **ANNUAL AOP FEE:** An annual fee shall be charged for holders of an AOP in accordance with the requirements of Section 500 of District Rule 3.8.

604 **NOTIFICATION OF FEES DUE:** The AOP holder will be notified by mail of fees due and payable and the date the fees are due. If the fees are not paid by the specified due date, the District shall assess a penalty of not more than 50 percent of the fees due, but in an amount sufficient, in the District's determination, to pay the District's additional expenses incurred by the AOP holder's non-compliance. If the fees and penalty are not paid within thirty (30) days after notice, the AOP will be cancelled and the AOP holder will be notified by mail.