

RULE 402.2 Agricultural Operations - Adopted 3/12/15

I. Purpose

Fugitive dust contains varying sizes of respirable particulate matter including those with an aerodynamic diameter of 10 micrometers or less (PM₁₀). The purpose of this Rule is to prevent, reduce, and mitigate ambient concentrations of anthropogenic fugitive dust emissions generated from agricultural operations through implementation of Conservation Management Practices.

II. Applicability

Provisions of this Rule are applicable to agricultural operations located within the Eastern Kern Air Pollution Control District (District).

III. Definitions

A. Administrative change: A change to a CMP Plan that:

1. Corrects typographical errors;
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. Allows for the change of ownership or operational control of an agricultural operation site or agricultural parcel.

B. Agricultural Operation: 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.

C. Agricultural Operation Site: One or more agricultural parcels that meet the following:

1. Are under the same or common ownership or operation, or which are owned or operated by entities which are under common control; and
2. Are located on one or more contiguous or adjacent properties wholly within the District jurisdiction.

D. 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.

E. Alternative Tilling: Till alternative rows for weed management, reducing approximately 50% of field activity related to tilling, in addition to stabilizing soil surface and reducing soil compaction.

- F. Air Pollution Control Officer (APCO): Air Pollution Control Officer of the Eastern Kern Air Pollution Control District or his designee.
- G. Animal Feeding Operation (AFO): A lot or facility where animals have been, are on, or will be, gathered, fed, or 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)).
- H. Application Efficiencies: Use more efficient application equipment so as to reduce a minimum of one ground operation. Examples include: compact or low volume spray equipment; aerial applications; micro-heads or infrared spot sprayers; electrostatic sprayers. Reduces soil compaction, passes and chemical usage.
- I. Baling/Large Bales: Reduce a minimum of one pass through the field per acre by using large balers to harvest crops.
- J. Bed/Row Size or Spacing: Reduce a minimum of one tillage operation by Increasing or decreasing the size of the planting bed area (can be done for field and permanent crops) or adjusting spacing. Spacing adjustments reduce the number of passes and soil disturbance by increasing plant density/canopy through reduction of row width to contain PM within the canopy.
- K. Bulk Materials Control: Minimize visible dust emissions from bulk materials by using dust suppressant or water to form a stabilized surface, or using a tarp to fully cover the pile or truckbed, or using a wind barrier or 3-sided structure to reduce entrainment of fugitive dust.
- L. Chemigation/Fertigation: Reduce a minimum of one ground operation by applying chemicals through an irrigation system. This reduces the need to travel in the field for application purposes, thus reducing operations and soil disturbance while increasing the efficiency of the application.
- M. Chips/Mulches, Organic Materials, Polymers, Road Oil & Sand: Application of any nontoxic chemical or organic dust suppressant that meets all specification required by any federal, state, or local water agency and is not prohibited for use by any applicable regulations. Chips/Mulches and organic materials should meet the specifications in the mulches definition below. Polymers, road oil and sand should create a stabilized surface during high traffic times such as harvest.
- N. Combined Operation: Combine equipment to perform several operations during one pass, thereby reducing a minimum of one tillage operation. Examples include: use of one-pass till equipment in ground preparation or crop tillage; and cultivation and fertilization of a field crop in a single pass. Other benefits are reduction of soil compaction and time to prepare fields, both of which can be precursors to additional tillage requirements. If a combined operation is accomplished through equipment change/technological improvement, that action is considered one CMP, and either Equipment Changes/Technological Improvements CMP or Combined Operations CMP may be selected in a CMP Plan, but not both.

- O. Conservation Irrigation: Reduce a minimum of one tillage operation related to weeding by conserving the amount of water used by using either drip, sprinkler, or buried/underground line irrigation. Conserving water reduces weed population, which in turn reduces the need for tillage and reduces soil compaction.
- P. Conservation Management Practice (CMP): An activity or procedure that prevents, reduces, or mitigates PM₁₀ normally emitted by, or associated with, an agricultural activity.
- Q. Conservation Management Practice Plan (CMP Plan): A document prepared by the owner or operator of an Agricultural Operation site that lists the selected CMPs for implementation. The CMP Plan also contains, but is not limited to, contact information for the owner or operator, a description of the Agricultural Operation Site and locations of Agricultural Parcels, and other information describing the extent and duration of CMP implementation.
- R. Conservation Management Practice Program (CMP Program): A District program with the purpose of reducing air pollutants from agricultural operation sites.
- S. Conservation Tillage (e.g.: no tillage, minimum tillage): A tillage system that reduces a minimum of three tillage operations. This system reduces soil and water loss by reducing the number of passes and by leaving crop residue on the field after harvest as well as managing the residue so that it remains intact during the planting season. It reduces the number of passes and amount of soil disturbance. It improves soil because it retains plant residue and increases organic matter.
- T. Contiguous or Adjacent Property: A property consisting of two or more parcels of land with a common point or boundary, or separated solely by a public roadway or other public right-of-way.
- U. Cover Crops: Establish cover crops that maintain a minimum of 60 percent ground cover, as determined by the Line Transect Test Method. Native or volunteer vegetation that meets the minimum ground cover requirement is acceptable.
- V. Crop Residue Management: Maintain crop residue from previous crops until tilling for the next crop. Crop residues must maintain a minimum of 60 percent ground cover as determined by Line Transect Test Method. Implements such as undercutters or sweeps can maintain crop residues without burying or destroying residues.
- W. Cross Wind Stripcropping: Establish crops in parallel strips across the prevailing wind erosion direction and arranged so that strips susceptible to wind erosion are alternated with strips having a protective cover that is resistant to wind erosion. The strips with the protective cover should be at least as wide as the strips susceptible to wind erosion.
- X. Equipment Changes/Technological Improvements: Reduce a minimum of one tillage operation by modifying equipment or making technological improvements. Examples include flame cultivation or equipment that combines discing, chiseling and ring rolling. If an equipment change/technological improvement is made in order to combine operations, that action is considered one CMP; either Equipment

Changes/Technological Improvements CMP or Combined Operations CMP may be selected in the CMP plan, but not both.

- Y. District: As defined in Rule 102 (Definitions).
- Z. Fallow Land: Temporary or permanent removal from production. Eliminates entire operation/passes or reduces activities.
- AA. Field Windbreaks: Plant or maintain a single or multiple row of trees or shrubs adjacent to windward edge of the field as close to perpendicular as practical with the direction of erosive winds. Windbreaks such as trees or shrubs should be established at a right angle to the prevailing wind direction. Sites downwind of the windbreak are considered protected if they fall within an area that is less than or equal to 10 times the height of the windbreak. The windbreak should have a porosity of 50 %. This CMP should be implemented consistent with NRCS Code 380 – Windbreak/Shelterbelt Establishment.
- BB. Fugitive Dust: As defined in Rule 102 (Definitions).
- CC. Gravel: Placing a layer of Gravel at least 3 inches in depth to minimize dust generated from vehicle movement and to dislodge any excess debris which can become entrained.
- DD. Green Chop: Reduce a minimum of one ground operation by harvesting a forage crop without allowing it to dry in the field. This practice reduces soil disturbance and soil compaction.
- EE. Grinding/Chipping/Shredding: Grinding pruning's and orchard removals instead of burning; incorporate to soil. Reduces PM from burning crop residues.
- FF. Ground Operation: An agricultural operation that is not a tillage operation that involves equipment passing across the field, such as a chemical spray application. A pass through the field may be a subset of a ground operation.
- GG. Hand Harvesting: Reduce a minimum of one ground operation by harvesting a crop by hand. It reduces soil disturbance due to machinery passes.
- HH. Integrated Pest Management: Reduce a minimum of one ground operation by using a combination of techniques including organic, conventional and biological farming concepts to suppress pest problems. It creates beneficial insect habitat that reduces the use of herbicides/pesticides thereby reducing number of passes for spraying. It also reduces soil compaction and the need for additional tillage. If integrated pest management CMP uses the same practices described in the Organic Practices CMP, this action is considered one CMP, and either Integrated Pest Management CMP or Organic Practices CMP may be selected in a CMP plan, but not both.
- II. Irrigation Power Units: Use cleaner burning engines, electric motors (CMP only applicable if engines are cleaner than otherwise required by current local, state and federal requirements).

- JJ Mature Dairy Cow: A cow that has had its first calf.
- KK. Mulching: Reducing PM10 emissions and wind erosion and preserving soil moisture by uniformly applying a protective layer of plant residue or other material to a soil surface prior to disturbing the site to reduce soil movement. Mulching material shall be evenly applied, and if necessary, anchored to the soil. Mulch should achieve a minimum 70% cover, and a minimum of 2 inch height above the surface. Inorganic material used for mulching should consist of pieces of .75 to 2 inches in diameter.
- LL. Native Vegetation Mowing: Mowing native vegetation in order to leave native plant root systems in place in order to stabilize soil and promote indigenous plant regrowth.
- MM. Night Farming: Operate at night when moisture levels are higher and winds are lighter. It decreases the concentration of PM emissions during daytime and the increased ambient humidity reduces PM emissions during the night. Night farming should take place between sundown and sunrise.
- NN. Night Harvesting: Implementing harvesting practices at night when moisture levels are higher and winds are lighter. It reduces PM by operating when ambient air is moist, thereby reducing PM emissions. Night harvesting should take place between sundown and sunrise.
- OO. No Burning: Switching to a crop/system that would not require waste burning. It reduces emissions associated with burning.
- PP. Non Tillage/Chemical Tillage: Reduce a minimum of one tillage operation by, for example, using a flail mower or low volume sprayers. It reduces soil compaction and stabilizes soil.
- QQ. NRCS: The United States Department of Agriculture Natural Resource Conservation Service.
- RR. Opacity: As defined in Rule 402, Fugitive Dust.
- SS. Organic Practices: Reduce a minimum of one ground or tillage operation by using biological control methods or non-chemical control methods. Examples include: organic certification, biological controls, mulches and humus. If an organic practice CMP uses the same practice as described in the integrated pest management CMP, this action is considered one CMP, and either Organic Practices CMP or Integrated Pest Management CMP may be selected in a CMP plan, but not both.
- TT. Owner/Operator: Includes, but is not limited to, any person who leases, supervises, operates equipment, or owns/operates a fugitive dust source, in addition to the normal meaning of owner or operator.
- UU Particulate Matter: As defined in Rule 102 (Definitions).
- VV. Paved Road: Any road/area that is covered by concrete, asphaltic concrete, asphalt, recycled asphalt, or concrete, which provides structural support for vehicles.

- WW. Permanent Crops: Having an established permanent crop that is not replanted annually.
- XX. PM₁₀: As defined in Rule 402, Fugitive Dust.
- YY. Precision Farming (GPS): Reduce a minimum of one pass through the field per acre by using satellite navigation to calculate position in the field, therefore manage/treat the selective area. It reduces overlap and allows operations to occur during inclement weather conditions and at night thereby generating less PM.
- ZZ. Pre-Harvest Soil Preparation: Applying a water or stabilizing material to soil prior to harvest to form a visible crust. It reduces PM emissions at harvest.
- AAA. Reduced Pruning: Reduce a minimum of one ground operation by reducing the frequency of pruning (e.g. one time per year, or every other year).
- BBB. Restricted Access: To restrict or eliminate public access to unpaved private roads with signs or physical obstructions. At each access point, install signs or physical barriers such as gates, fencing, posts, signs, shrubs, trees that block or effectively control access to the area. It reduces vehicle traffic and thus reduces associated fugitive dust.
- CCC. Ridge Roughness: Establish stabilized ridges, sufficient to meet the definition of stabilized surface, by normal tillage and planting equipment as close to perpendicular as practical with the direction of erosive winds (not appropriate for unstable soils such as sands or loamy sands). After establishment, ridges shall be maintained through those periods when wind erosion is expected to occur, or until growing crops provide enough cover to protect the soil from wind erosion. Ridge spacing should be no greater than 4 times the ridge height. This CMP should be implemented consistent with NRCS Code 588 -- Cross Wind Ridges.
- DDD. Road: Any road or street, highway, freeway, alley, way, access easement or driveway.
- EEE. Road Mix: A mixture of tank bottoms from crude oil storage tanks, material from crude oil spills, or other crude-oil-containing soil mixed with aggregates and soils, that are used as a base cover materials for roads, parking lots, berms, tank and well locations, or similar applications.
- FFF. Shed Packing: Reducing a minimum of one pass through the field per acre by packing commodities in a covered or closed area, rather than field-pack. It reduces field traffic, thereby reducing PM emissions.
- GGG. System/Large Carrier: Reduce a minimum of one pass through the field per acre by hauling multiple or larger trailers/bins per trip.
- HHH. Soil Amendments: Organic or chemical materials uniformly applied to the soil for improvement (e.g: gypsum, lime, polyacrylamide).
- III. Speed Limits: Control speed limits to 15 mph on unpaved roads through worker behavior modifications, signage, or any other necessary means.

- JJJ. Stabilized Surface: As defined in Rule 402, Fugitive Dust.
- KKK. Sulfur Reduction or Elimination: Reduce a minimum of one ground operation by reducing or eliminating sulfur dusting, an organic chemical used to control disease in crop, ornamental and home and gardens.
- LLL. Surface Roughening: Produce and maintain stable clods or aggregates on the land surface, sufficient to meet the definition of stabilized surface, by bedding, rough disking, or tillage that leaves the surface covered by stable clods. Soil clods prevent wind erosion because they resist the forces of the wind and because they shelter other erodible materials. This CMP should be implemented consistent with NRCS Code 609 – Surface Roughening.
- MMM. Tillage Operation: An agricultural operation that mechanically manipulates the soil for the enhancement of crop production. Examples include discing, weeding, or bedding. A pass through the field may be a subset of a tillage operation.
- NNN. Track-Out Control: Minimize any and all material that adheres to and agglomerates on all vehicle and equipment from unpaved roads and falls onto a paved public road or the paved shoulder of a paved public road. Install one of the following devices: a grizzly, a gravel pad or a wheelwash system at all intersections of unpaved roads and public roads. Track-out control should be implemented pursuant to Rule 402, Fugitive Dust, Section V.F.E.
- OOO. Transgenic Crops: Use of GMO or Transgenic crops such as “herbicide-ready” to reduce a minimum of one tillage operation. It reduces the need for tillage or cultivation operations, as well as reduces soil disturbance. It can also reduce the number of chemical applications.
- PPP. Unpaved Road: Any road that is not covered by one of the materials described in the paved road definition.
- QQQ. Unpaved Vehicle/Equipment Traffic Area: Any nonresidential area that is not covered by asphalt, recycled asphalt, asphaltic concrete, concrete, or concrete pavement that is used for fueling and servicing; shipping, receiving and transfer; or parking or storing equipment, haul trucks, vehicles, and any conveyances.
- RRR. Visible Dust Emissions (VDE): Dust emissions visible to an observer. Opacity observations to determine compliance with VDE standards shall be conducted in accordance with the test procedures for “Visual Determination of Opacity” as described in Appendix B of Rule 402, Fugitive Dust.
- SSS. Vehicle: As defined in Rule 102 (Definitions).
- TTT. Water Application: Application of water to unpaved roads and traffic areas to create a visibly moist surface.

UUU. Wind Barriers (Herbaceous): Reduce wind erosion by planting or maintaining perennial or annual plants established in rows or narrow strips interspersed throughout a crop field as close to perpendicular as practical with the direction of erosive winds. This CMP should be implemented consistent with NRCS Code 603 – Herbaceous Wind Barriers. The selected plant(s) must stand at least three feet tall, with a porosity of 50%.

IV. Exemptions

- A. Except for the recordkeeping requirements of Section VII.E.2, provisions of this rule shall not apply to:
1. Agricultural operation site where the total acreage of all agricultural parcels is less than 10 acres.
 2. Woodland and wasteland not actually under cultivation or used for pasture.
 3. Land placed in the Conservation Reserve Program meeting the definition and criteria set by the NRCS.
 4. Agricultural operation parcel used for the purpose of:
 - a. Propagating young trees, shrubs, or other miscellaneous crops for transplanting, and exhibiting plants under controlled conditions inside a building with walls and roof;
 - b. Providing grazing rangeland or pasture; or
 - c. Forestry, including but not limited to timber harvest operations, silvicultural practices, forest management burning, or forest protection practices.
 5. AFO of mature dairy cows with less than 500 mature dairy cows, whether milked or dry.
 6. 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 not limited to, heifers, steers, bulls and cow/calf pairs.
 7. AFO of turkeys with less than 55,000 turkeys.
 8. AFO of chickens, other than laying hens, with less than 125,000 chickens.
 9. AFO of laying hens with less than 82,000 laying hens.
 10. AFO other than an AFO for mature dairy cows, cattle, turkeys, chickens, or laying hens.
- B. Exemption from his rule does not exempt the owner/operator from any other District Rules or Regulations.

V. Requirements

A. Effective upon adoption of this rule, an owner/operator of an agricultural operation site of ten (10) acres or more, shall implement at least one (1) CMP for each of the following categories (1 through 4), and perform all related requirements, on each agricultural parcel, pursuant to the schedule listed in Section VII.B:

1. Land Preparation and Cultivation, (CMPs located in Section VI.A);
2. Harvest Activities, (CMPs located in section VI.B);
3. Unpaved Roads and Traffic Areas, (CMPs located in Section VI.C);
4. Windblown Dust, (CMPs located in Section VI.D).

CMPs are not required for categories 1 and 2 on parcels implementing Conservation Tillage. However, Conservation Tillage parcels shall still implement CMPs for categories 3 and 4.

B. Pursuant to Section VII of this Rule, an owner/operator shall prepare and submit a CMP application for each agricultural operation site to the APCO for approval. A CMP application approved by the APCO shall constitute a CMP Plan.

C. Except as provided in Section V.D. an owner/operator shall implement the approved CMP Plan for each agricultural operation site pursuant to Section VII, no later than ten (10) days after receiving CMP Plan approval from the APCO.

D. An owner/operator that discontinues implementation of a CMP as committed to in an approved CMP Plan, or makes other changes inconsistent with the CMP Plan, shall comply with the requirements of Section VII.B.3.

E. An owner/operator shall ensure that implementation of each selected CMP does not violate any other local, state, or federal law.

VI. Conservation Management Practices

An owner/operator subject to the requirements of this rule shall implement on each agricultural parcel, at least one CMP from each of the following source categories listed below. An owner/operator of Fallow Land must comply with Section VI.D.3.

A. Land Preparation and Cultivation (Category V.A.1)

1. Alternative Tilling,
2. Bed/Row Size Spacing,
3. Chemigation/Fertigation,
4. Combined Operations,
5. Conservation Irrigation,
6. Cover Crops,
7. Equipment Changes/Technological Improvements,
8. Fallow Land,
9. Integrated Pest Control,
10. Mulching,

11. Native Vegetation Mowing,
12. Night Farming,
13. Non Tillage/Chemical Tillage,
14. Organic Pesticides,
15. Precision Farming (GPS), or
16. Transgenic Crops.

B. Harvest Activities (Category V.A.2).

1. Baling /Large Bales,
2. Combined Operations,
3. Equipment Changes/Technological Improvements,
4. Green Chop,
5. Hand Harvesting,
6. Fallow Land,
7. Night Harvesting,
8. No Burning,
9. Pre-Harvesting Soil Preparation,
10. Shed Packing, or
11. Shuttle System/Large Carrier.

C. Unpaved Roads and Traffic Areas (Category V.A.3)

1. At least one of the following CMPs shall be implemented, at all times, on all unpaved roads and traffic areas on agricultural operation site:
 - a. Chips/Mulches, Organic Materials, polymers, road oil and sand,
 - b. Gravel,
 - c. Paving,
 - d. Restricted access,
 - e. Low Speed limit (15 mph or less),
 - f. Track-out control,
 - g. Water Application, or
 - h. Field windbreak.
2. Unpaved roads or traffic areas that have high traffic volume of fifty (50) or more vehicle trips per day; or twenty (20) or more vehicle trips per day made by three (3) or more axle vehicles, shall limit VDE to 20% opacity by implementing and maintaining one or more of the following CMPs:
 - a. Pave,
 - b. Apply Chemical Stabilization as directed by product manufacturer to control dust on Unpaved Roads,
 - c. Apply and maintain Gravel, recrushed/recycled asphalt or other material of low Silt (<5%) content to a depth of three or more inches,
 - d. Water Application,
 - e. Permanent road closure (as allowed by law), or
 - f. Restrict unauthorized vehicle access (as allowed by law).

D. Windblown Dust (Category V.A.4)

1. When preparing a field for planting, owner/operator shall minimize the time that newly tilled soil is smooth and dry by leaving the field surface with large clods for as long as possible and bedding and planting the field as soon as possible once it no longer has large clods.
2. At least one of the following windblown dust CMPs shall be implemented on all agricultural operation sites in addition to CMPs employed pursuant to Section VI.A. and VI.B:
 - a. Alternate Tilling,
 - b. Application Efficiencies,
 - c. Bailing/Large Bales,
 - d. Bulk Materials Control,
 - e. Chemigation/Fertigation,
 - f. Conservation Irrigation,
 - g. Fallow Land,
 - h. Grinding/Chipping/Shredding,
 - i. Integrated Pest Management,
 - j. Irrigation Power Units,
 - k. Mulching,
 - l. Night Farming,
 - m. No Burning,
 - n. Non Tillage/Chemical Tillage,
 - o. Organic Practices,
 - p. Permanent Crops,
 - q. Reduced Pruning,
 - r. Soil Amendments,
 - s. Soil Incorporation,
 - t. Sulfur: Reduction or Elimination of Dusting,
 - u. Surface Roughening,
 - v. Transgenic Crops, or
 - w. Wind Barrier.
3. If an agricultural operation site has fields that are in between crops or more permanently fallow, the owner/operator shall implement at least one of the following windblown dust CMPs to limit VDE to no more than 20% opacity:
 - a. Cover Crop,
 - b. Conservation Tillage,
 - c. Crop Residue Management,
 - d. Cross Wind Stripcropping,
 - e. Field Windbreaks,
 - f. Ridge Roughness,
 - g. Surface Roughening, or
 - h. Wind Barrier.

VII. Administrative Requirements

A. CMP Application Preparation

An owner/operator shall prepare and submit a CMP application for each agricultural operation site. Owner/operator must maintain a CMP Plan that corresponds to the current crops being grown in the field. Each CMP Application shall include, but is not limited to, the following information:

1. Name, business name, business address, and phone number of the owner/operator responsible for the preparation and implementation of the CMP Plan.
2. Signature of the owner/operator and date the application was signed.
3. Plot plan or map which contains the following information:
 - a. Location of the agricultural operation site;
 - b. Location of each agricultural parcel on the agricultural operation site;
 - c. Location of unpaved roads and unpaved equipment/traffic areas to be covered by the CMP Plan; and
 - d. Location where the CMP Plan will be implemented.
4. Type of crop, AFO, or other use of parcel, and total crop acreage or number of animals.
5. Total length (miles) of unpaved roads and the total area (acres or square feet) of unpaved equipment and traffic areas to be covered by the CMP Plan.
6. List of applicable CMPs being implemented for each crop, unpaved roads, unpaved traffic areas, and windblown dust control. CMPs implemented should be described to verify that implementation is consistent with the CMP definitions in this rule.
7. Any other information as determined by the APCO.

B. CMP Application Submission

An owner/operator shall submit a complete CMP application to the APCO, pursuant to Section VI.A, in accordance with the following schedule:

1. Within 210-days after adoption of this rule, for existing agricultural operation(s).
2. Within 180-days after adoption of this rule, for agricultural operation(s) or agricultural parcel(s) that are acquired and become subject to the provisions of this Rule after adoption date.

3. Within 60 days of any modification (operational, administrative, or other) that necessitates the revision of the CMP Plan. A modification includes, but is not limited to:
 - a. Administrative changes to any information provided pursuant to Section VII;
 - b. Implementation of a CMP other than the CMP listed in a CMP Plan;
 - c. Change of crop type or AFO type on an agricultural parcel; or
 - d. Any other changes as determined by the APCO.
4. An approved CMP Plan is valid for a period of one year from date of approval. CMP application shall be resubmitted annually, at least 60 days prior to expiration date, or the Plan will be disapproved as of the expiration date. If all circumstances remain identical to those identified in the previously approved CMP Plan, the resubmittal may contain a simple statement of "no-change". Otherwise a resubmittal shall contain all items specified in Section VII.A.

C. CMP Application Review and Evaluation

1. APCO shall:
 - a. 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 VII.A of this rule and Section I of Rule 301, Permit Fees.
 - b. Notify the owner/operator in writing after determination of CMP Application completeness and, if applicable, request the owner/operator provide any additional information to the District within 30 days.
 - c. Evaluate and approve or disapprove the CMP Application and provide written determination to the owner/operator within 180 days after receipt of the complete CMP Application.
2. A CMP Application for modification of a CMP Plan pursuant to Section VII.B.3.a shall be deemed approved as submitted, unless APCO provides written comments to the owner/operator within 30 days of receipt of the CMP Application.
3. A CMP Application for modification of a CMP Plan pursuant to Sections VII.B.3.b, VI.B.3.c, or VI.B.3.d shall be deemed conditionally approved as submitted unless APCO provides written comments to the owner/operator within 30 days of receipt of the CMP Application.
4. The approval of a CMP Application shall not serve to excuse the owner/operator from complying with law, nor shall it excuse any violation.

D. Test Methods

1. Stabilized Surface: See Rule 402, Fugitive Dust, Appendix A, Determination of Stabilization.
2. Visible Crust Determination: See Rule 402, Fugitive Dust, Appendix A, Section II.
3. Line Transect Method: See Rule 402, Fugitive Dust, Appendix A, Section V.A.
4. Opacity: See Rule 402, Fugitive Dust, Appendix B, Visual Determination of Opacity, Section 1.

E. Recordkeeping

1. An owner/operator subject to this rule shall maintain the following records for a minimum of five (5) years:
 - a. A copy of each CMP Plan.
 - b. Supporting information necessary to confirm implementation of the CMP Plan.
2. An owner/operator claiming an exemption pursuant to Section IV shall maintain records for a minimum of five (5) years demonstrating the agricultural operation site or agricultural parcel qualified for the exemption.
3. An owner/operator shall make all required records available to the APCO, upon request.

F. Loss of Exemption

An owner/operator of an agricultural operation site or agricultural parcel that becomes subject to the provisions of Section IV through loss of exemption shall comply with all applicable provisions of this rule pursuant to the schedule in Section VII.B.

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