

YOLO-SOLANO AIR QUALITY MANAGEMENT DISTRICT

RULE 11.2 - CONFINED ANIMAL FACILITIES PERMIT PROGRAM

(Adopted June 14, 2006)

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100 GENERAL

101 **PURPOSE:** The purpose of this Rule is to implement the requirements of Section 40724.6 of the California Health and Safety Code.

102 **APPLICABILITY:** The provisions of this Rule shall apply to any Confined Animal Facility (CAF).

103 **EXEMPTIONS:**

103.1 Except for the requirements of Section 502 of this Rule, the provisions of this Rule shall not apply to a Confined Animal Facility which does not meet the definition of a Large Confined Animal Facility as defined in Section 211 of this Rule.

103.2 The provisions of this Rule shall not apply to a Confined Animal Facility subject to the requirements of District Rule 3.8 - FEDERAL OPERATING PERMITS.

200 DEFINITIONS

201 **AIR CONTAMINANT:** As defined in District Rule 1.1, excluding odors.

202 **AIR POLLUTION CONTROL OFFICER (APCO):** The Air Pollution Control Officer of the Yolo-Solano Air Quality Management District, or his or her designee.

203 **BEST AVAILABLE CONTROL TECHNOLOGY (BACT):** As defined in District Rule 3.4.

204 **BEST AVAILABLE RETROFIT CONTROL TECHNOLOGY (BARCT):** An emission limitation that is based on the maximum degree of reduction achievable, taking into account environmental, energy, and economic impacts.

205 **COMPLIANCE CERTIFICATION STATEMENT:** A statement which includes the following:

- a. A list of each CAF Permit term or condition (e.g., mitigation measure, emission limitation, standard, or work practice);
- b. The compliance status for each CAF Permit term or condition, which includes whether compliance was continuous or intermittent, and method(s) used to determine compliance for the current time period and over the entire reporting period;
- c. A statement by the CAF Permit Holder that the information provided in the compliance certification statement is true, accurate, and complete;
- d. The CAF owner or operator's printed name and signature.

- 206 **CONFINED ANIMAL FACILITY (CAF):** A facility where animals are corralled, penned, or otherwise caused to remain in restricted areas for commercial purposes and primarily fed by means other than grazing.
- 207 **CONFINED ANIMAL FACILITY (CAF) PERMIT:** Permit issued to a CAF pursuant to the provisions of this Rule.
- 208 **CORRECTION STATEMENT:** A statement which includes the following:
- a. Description of the action taken to correct the deviation;
 - b. The date the corrective action was completed;
 - c. A statement by the CAF Permit Holder that the information provided in the correction statement is true, accurate, and complete;
 - d. The CAF owner or operator's printed name and signature.
- 209 **DEVIATION STATEMENT:** A statement which includes the following:
- a. Description of the deviation from the CAF Permit terms and conditions;
 - b. The date the deviation occurred;
 - c. The probable cause of the deviation;
 - d. A compliance schedule to outline the course of action to be taken by the CAF Permit Holder to correct the deviation, including an estimated time-frame to complete the corrective action;
 - e. A statement by the CAF Permit Holder that the information provided in the deviation statement is true, accurate, and complete;
 - f. The CAF owner or operator's printed name and signature.
- 210 **EXISTING CONFINED ANIMAL FACILITY:** A CAF which is subject to the requirements of this Rule upon Rule adoption.
- 211 **LARGE CONFINED ANIMAL FACILITY:** A CAF which exceeds any threshold listed in the table below:

| Livestock Category | Threshold |
|---------------------------|--|
| Dairy | 1,000 milking cows |
| Beef Cattle | 3,500 beef cattle |
| Other Cattle | 7,500 calves, heifers, or other cattle |
| Turkeys | 100,000 head |
| Chickens | 650,000 head |
| Swine | 3,000 head |

| | |
|--------------------------------------|--|
| Sheep, lambs, or goats | 15,000 head of sheep, lamb, goats, or any combination of the three |
| Horses | 2,500 head |
| Ducks | 650,000 head |
| Any other livestock not listed above | 30,000 head |

- 212 **MODIFIED CONFINED ANIMAL FACILITY:** A CAF that changes the design, capacity, process, or arrangement of the CAF which will increase or affect the kind or amount of air contaminants emitted from the CAF.
- 213 **NEW CONFINED ANIMAL FACILITY:** A CAF which becomes subject to the requirements of this Rule after the date of Rule adoption.

300 STANDARDS

- 301 **CAF PERMIT:** No person shall operate a CAF without first obtaining a CAF Permit from the APCO.
- 302 **CAF MODIFICATION:** No person shall alter a CAF without following the application procedures outlined in Section 402.2 of this Rule.

303 STANDARDS FOR GRANTING APPLICATIONS:

- 303.1 The APCO shall deny any application for a CAF Permit if the applicant does not show that the CAF is so designed, controlled, equipped, or 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.
- 303.2 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 a CAF Permit.

304 CAF PERMIT TRANSFER

- 304.1 A CAF Permit shall not be transferable, by operation of law or otherwise, from one location to another.

304.2 A CAF Permit may be transferred from the CAF Permit Holder to another entity provided that an application for such transfer is submitted in accordance with Section 402.4 of this Rule. It shall be the transferee's responsibility to inform the District on assumption of ownership or operating control of the CAF.

305 **EXISTING CAF:** An existing CAF that complies with the application procedures outlined in Section 402.1 of this Rule, and for which the District grants a CAF Permit, shall implement all emission control measures required by the CAF Permit within one (1) year of the date the CAF Permit is issued to the existing CAF.

306 **BEST AVAILABLE RETROFIT CONTROL TECHNOLOGY:** The APCO shall require the use of Best Available Retrofit Control Technology to reduce emissions from pollutants that contribute to the nonattainment of any ambient air quality standard, within the regulatory authority of the APCO, for any CAF.

307 **BEST AVAILABLE CONTROL TECHNOLOGY:** The APCO shall require the use of Best Available Control Technology to reduce emissions from pollutants that contribute to the nonattainment of any ambient air quality standard, within the regulatory authority of the APCO, for any new CAF or modified CAF.

308 **MITIGATION PLAN:** All applications submitted pursuant to this Rule shall include an emissions mitigation plan. The emissions mitigation plan shall demonstrate that the facility will comply with Section 306 or Section 307 of this Rule, as applicable.

309 **OPERATION ACCORDING TO THE CAF PERMIT CONDITIONS:** No person shall operate a CAF contrary to the terms and conditions specified on the CAF Permit issued in accordance with the provisions of this Rule.

400 ADMINISTRATIVE REQUIREMENTS

401 **CAF PERMIT APPLICATIONS:** Requests for a CAF Permit shall be initiated by filing a standard CAF Permit application with the APCO together with the initial filing fee required by Section 601 of this Rule.

402 APPLICATION REQUIREMENTS:

402.1 **EXISTING CAF:** The owner or operator of an existing CAF shall submit a standard CAF Permit application no later than six (6) months after the date of rule adoption.

402.2 **MODIFICATION TO CAF PERMIT:** Applications for modification to a CAF Permit shall be submitted prior to altering the CAF. The CAF shall not

be operated contrary to the terms and conditions specified in the existing CAF Permit prior to APCO issuance of the new CAF Permit.

402.3 **CAF PERMIT RENEWAL:** For renewal of a CAF Permit, granted pursuant to this Rule, the CAF Permit Holder shall submit a standard CAF Permit application no earlier than twelve (12) months and no later than six (6) months before the expiration date of the current CAF Permit.

402.4 **TRANSFER OF OWNERSHIP:** Applications to transfer a CAF Permit shall be submitted within thirty (30) days of the ownership change occurring. Operation of the CAF by the new owner shall be under the terms and conditions of the CAF Permit issued to the previous owner until the new CAF Permit is issued.

403 **INFORMATION:**

403.1 The application for a CAF Permit shall contain all information necessary to enable the APCO to prepare an emissions inventory of all regulated air pollutants emitted from the CAF.

403.2 The application for a CAF Permit shall contain all information necessary to enable the APCO to make a determination as required by Section 303 of this Rule.

403.3 The APCO may at any time require from an applicant for, holder of, or one required to hold, a CAF Permit such information, analysis, plans, or specifications as will disclose the nature, extent, quantity, or degree of air contaminants which are or may be discharged into the atmosphere.

404 **COMPLETENESS REVIEW:** The APCO shall determine if an application for a CAF Permit, submitted pursuant to Sections 401, 402.1, 402.2, and 402.3 of this Rule, is complete and shall notify the applicant of the determination not later than thirty (30) days of receiving the application, or after such longer time as both the applicant and APCO have agreed upon in writing. If the APCO determines that the application is not complete, the applicant shall be notified in writing of the decision, specifying the information required. Upon receipt of any re-submittal of the application, a new thirty (30) day period to determine completeness shall begin.

405 **APPLICATION PROCESSING:** The APCO shall act upon an application for a CAF Permit, submitted pursuant to Sections 401, 402.1, 402.2, and 402.3 of this Rule, no later than six (6) months after acceptance of an application as complete.

406 **PUBLIC NOTIFICATION:**

- 406.1 Within the applicable time-frame specified in Section 405 of this Rule, the APCO shall provide at least 30 days for the notice of, and opportunity to review and comment on, any proposed decision to issue a CAF Permit pursuant to this Rule, except CAF Permit Transfers.
- 406.2 The APCO shall provide written notice, the proposed CAF Permit, and, upon request, copies of the District analysis to interested persons and agencies. Interested persons or agencies shall include persons who have requested in writing to be notified of proposed decisions pursuant to this Rule.
- 407 **CONDITIONAL APPROVAL:** The APCO may include written conditions on any CAF Permit to ensure compliance with these Rules and Regulations.
- 408 **PERMIT REOPENING:** The APCO may reopen and revise a CAF Permit under the following circumstances:
- 408.1 To correct a material mistake or an inaccurate statement; or
- 408.2 To incorporate any new, revised, or additional applicable requirements.
- 409 **DENIAL OF APPLICATIONS:** In the event of denial of an application submitted pursuant to this Rule, the APCO shall notify the applicant in writing of the basis for denial.
- 410 **APPEALS:** Within thirty (30) days after notice by the APCO of denial or approval of an application submitted pursuant to this Rule, 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.
- 411 **RIGHT OF ENTRY:** In order to ascertain that a CAF is operating under the requirements of its CAF Permit, the APCO may at any time, without notice, inspect the operations and any pertinent records.
- 412 **TERM OF CAF PERMIT:** The term of a CAF Permit shall not exceed three (3) years from the date of issuance.
- 413 **CAF PERMIT RENEWAL:**
- 413.1 Each CAF Permit shall be renewable at the end of the CAF Permit term provided that the CAF Permit Holder complies with the application procedures outlined in Section 402.3 of this Rule.
- 413.2 The APCO shall review every CAF Permit upon renewal to determine the

feasibility of mitigation measures and that permit conditions are adequate to ensure compliance with, and the enforceability of, District Rules and Regulations applicable to the CAF for which the permit was issued. Applicable District Rules and Regulations shall include those which were in effect at the time when the CAF Permit was issued or modified, or which have been subsequently adopted and made retroactively applicable to a CAF by the District Board of Directors. The APCO shall revise the conditions, if such conditions are not consistent, in accordance with all applicable Rules and Regulations.

500 MONITORING AND RECORDS

501 **NUMBER OF ANIMALS:** The owner or operator of a CAF shall keep records that specify the number of animals maintained daily. Such records shall be maintained at a central place of business for a period of not less than three (3) years and shall be made available to the APCO or their designee upon request.

502 **NUMBER OF ANIMALS - EXEMPTION DEMONSTRATION:** For any CAF which exceeds 50 percent of any Large CAF threshold listed in Section 211 of this Rule claiming an exemption pursuant to Section 103.1 of this Rule, the owner or operator shall maintain records demonstrating that the CAF meets the exemption criteria of this Rule. Such records shall be maintained at a central place of business for a period of not less than three (3) years and shall be made available to the APCO or their designee upon request.

503 REPORTING:

503.1 **DEVIATION STATEMENT:** The CAF Permit Holder shall report any deviation from the CAF Permit terms and conditions through a deviation statement. A deviation statement shall be submitted to the APCO as expeditiously as practical, but not later than five (5) days after deviation occurrence.

503.2 **CORRECTION STATEMENT:** The CAF Permit Holder shall submit to the APCO a correction statement as expeditiously as practical, but not later than five (5) days after the action was completed to correct the deviation for which a deviation report was submitted pursuant to Section 503.1 of this Rule.

503.3 **COMPLIANCE CERTIFICATION STATEMENT:** The CAF Permit Holder shall submit a compliance certification statement to the APCO every twelve (12) months.

600 FEES

- 601 **CAF PERMIT PROCESSING FEE:** The fee for applications filed in accordance with Sections 401, 402.1, 402.2, and 402.3 of this Rule shall be based on the actual hours spent by District staff in evaluating the application and processing the CAF Permit. 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 filed in accordance with Sections 401, 402.1, 402.2, and 402.3 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 **CAF PERMIT 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 402.4 of this Rule. The fee shall be submitted at the time of application.
- 603 **ANNUAL CAF PERMIT FEE:** An annual fee shall be charged to CAF Permit Holders in accordance with the requirements of Section 500 of District Rule 3.8.
- 604 **NOTIFICATION OF FEES DUE:** The CAF Permit 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 CAF Permit Holder's non-compliance. If the fees or penalty are not paid within thirty (30) days after notice, the CAF Permit will be cancelled and the CAF Permit Holder will be notified by mail.