

Frequently asked questions about air pollution permits and CMPs¹

Q: How do I know if I need an air pollution permit?

A: If you farm less than 350 contiguous acres and have less than 1,190 animals on your operation you do not need a permit at this time (however, you still need to submit a CMP plan, see below). If you farm more than 350 acres and use internal combustion engines (as opposed to electric) for pumping irrigation water, or if you own more than 1,190 total cattle, you *may* need to file for a permit depending on the specifics of your operation. You should calculate your emissions based on air district assumptions before you decide whether to file an application. See the District's website at www.valleyair.org or call the District's business assistance office at (559) 230-5888 for help with these calculations or for help with application filing.

Q: What do I have to do if I get a permit?

A: At this time, permits for existing dairies do not contain new requirements for reductions in air pollution emissions. These requirements are scheduled to be developed as part of Rule 4570, to be developed over the next several months through a public process and adopted no later than July 1, 2006. Dairy producers who have permits will then be required to submit an emission control plan and implement the plan within a year of District approval of the plan.

Q: What are the permit fees? Are they recurring?

A: An application-filing fee of \$60 for each permit unit (e.g. engine, gasoline tank, lagoon, milking parlor, cow housing, solid manure handling, etc.) is required. The District requests that applicants include a \$60 filing fee for each permit unit. Alternatively, the District will invoice you upon receipt of the completed application forms and you may remit the fees at that time. The District is estimating that the initial filing fee for most dairies will not exceed \$300 based on the \$60 fee for each permit unit. Emissions units subject to permits are also subject to annual renewal fees based upon the fee schedule in District Rule 3020. See the page "Permit Application Fees" at the beginning Tab 5 in this binder for additional information.

Q: What about new or modifying dairies?

A: New or modifying operations face tougher restrictions than existing operations, if large enough to trigger permitting requirements (see above). District rules require these larger new or modifying operations (as of Jan. 1, 2004) to file an application for an "Authority to Construct" (ATC) permit and undergo "New Source Review" (NSR) *before*

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construction. This process is more complex and involves a more thorough review of what the dairy can do to reduce emissions. District rules require “Best Available Control Technology” (BACT) to control air pollution from new or expanding dairies that require permits. If you are planning to expand your existing dairy or build a new one in the San Joaquin Valley, you should contact the District to learn more about these requirements, or see the District’s website at www.valleyair.org. You may also wish to contact your trade association, University of California Cooperative Extension dairy advisor, or processor representative for assistance.

Q: What is a “modification”?

Just about any significant change to a dairy after January 1, 2004, constitutes a change and triggers a permit application requirement for an Authority to Construct – again, the permit must be issued *before* construction of the dairy or the operator faces potential fines and enforcement action. Modifications include but are not limited to:

- Increasing herd size
- Adding new lagoons
- Adding equipment such as boilers, solids separators, storage tanks, etc.
- Adding structures such as barns (even if no new animals are added)
- Converting from open corrals to freestall housing

Certain “routine” replacement of equipment does not require a permit. Contact the District or your trade association or processor representative if you aren’t sure.

Q: What if I missed a permit application deadline?

Producers who have missed an application deadline are advised to get their application in as soon as possible. Producers who self-report and make a proactive effort to get in compliance are dealt with less harshly, according to District staff.

Q: What are Conservation Management Practices (CMPs) for PM₁₀?

A: CMPs are practices that are generally intended to reduce the amount of PM₁₀, or fine particles of fugitive dust and/or smoke, generated by your operation. CMPs are intended to be “common sense,” low-tech approaches to the problem, such as watering roads, creating wind breaks, conservation tillage, etc.

Q: Why am I required to do CMPs?

A: CMPs are part of an overall effort to reduce air pollution in the San Joaquin Valley. The San Joaquin Valley Air Pollution Control District is required by the federal Clean Air Act to adopt a plan to reduce PM₁₀ pollution in the valley. CMPs for farmers/dairy producers are one element of their plan.

Q: How do I know if I need to do CMPs?

A: All growers who farm more than 100 contiguous (adjacent) acres, or dairy producers who have more than 500 mature cows (milk and dry), or feedlot operators with more than 190 animals must fill out CMP forms and submit them to the district. CMPs apply both to animal management and crop production as well as controlling dust on unpaved roads and equipment areas.

Q: Am I supposed to do all the CMPs identified by the district?

A: No. Part of the idea behind CMPs is to make sure that individual operations have flexibility. You are required to choose at least one CMP from each of the “categories” provided by the district. For example, the four categories for dairy operations include: “corral/manure handling,” “overall management/feeding,” “management of unpaved roads” and “management of unpaved equipment areas.” You are required to choose one practice in each of the four categories. If you cannot find a practice that will work at your facility in a given category, you may do more than one in another category.

Q: Are those the only CMPs I need to be concerned with?

A: No. For most crops you grow, such as corn/silage, cotton or alfalfa, you are also required to adopt CMPs.

Q: Do I have to do CMPs for all my crops?

The district requires CMPs for 16 general categories of crops and/or livestock. These categories cover most field and row crops, orchards and others. Chances are you are required to fill out forms for all your crops.

Q: Do I have to do CMPs for both my dairy and my crops?

A: Yes.

Q: What sort of fee do I have to pay and how often?

A: The fees that need to be paid are shown in the table below::

| Type and size (number of animals) | Initial CMP application fee |
|--|-----------------------------|
| A. Dairy Cattle AFO | |
| 799 or less | 62.75 |
| 800 to 1,999 | 125.50 |
| 2,000 or greater | 251.00 |
| B. Cattle AFO (other than dairy, including dairy heifer feedlots) | |
| 999 or less | 62.75 |
| 1000 to 4,999 | 125.50 |
| 5,000 or greater | 251.00 |

The fees above are paid only for the initial permit. Renewal fees of \$100 are due every two years. There is also an acreage-based fee schedule for crop farmers who file CMP applications, but dairy producers with crops need only pay the fees in the above schedule and will not be charged a separate fee for their crops.

Fees will not be charged for both CMPs and an air permit – if you need a permit you will be charged only the permit fee and no fee for CMPs. If you don't need a permit, the CMP fee will be discounted by 50 percent if submitted to your local USDA-NRCS office for evaluation.

Q: How often must I resubmit my CMP plan?

A: You must resubmit your CMP plan if there is a significant change in the way you run your operation, such as an increase in cattle or acreage farmed, or a change in crops farmed, or if you decide to switch to a different CMP. If you have no major changes your plan is good for up to 10 years, unless you are asked to file a new plan by the district.

Q: If my operation is large enough to require an air pollution permit, do I still have to fill out the paperwork for Conservation Management Practices (CMPs)?

A: Yes. The paperwork needs to be completed and the practices need to be implemented.

Q: When am I required to begin using the CMPs on my operation?

A: You are required (by San Joaquin Air District rules) to begin practicing the measures you identify in your CMP plan as of July 1, 2004.

Q: What if I want to change the kinds of CMPs I use later?

A: You can change practices at any time, but must resubmit your CMP plan to the district. An application to change your CMP practices is contained in this binder under Tab 3, as well as other CMP forms.