Maricopa County
Air Quality Department

Permitting Division
1001 North Central Ave.,
Suite 125
Phoenix, Arizona 85004
Phone: 602-506-6010
Fax: 602-506-6985

February 5, 2016

Dear Sir or Madam:

On July 20, 2015 the Maricopa County Air Quality Department (MCAQD) received an application for Non-Title V Air Quality Permit # 040136: Hickman's Egg Ranch, 32425 W. Salome Hwy., Arlington, AZ 85322 . On September 16, 2015, MCAQD issued the draft permit for public review and comment. A public hearing also was held on October 21, 2015 to receive comments relating to this permit.

After careful consideration of all of the comments received, no changes were made to the permit. The department has issued the Non-Title V Air Quality Permit as listed above.

We appreciate the interest and concern expressed by the citizens of Maricopa County in helping to ensure that each permit issued by the department meets all legal requirements. A copy of the comments and the department's written responses is attached to this letter.

I would like to thank you again for your interest in matters affectin g Maricopa County's air quality. If you have any questions regarding this letter or the attached responses, please contact me at (602) 506-1842.

Sincerely,

Richard A. Sumner
Permitting Division Manager, Maricopa County Air Quality Department

cc: Todd Martin, Non-Title V Supervisor
File

AIR QUALITY DEPARTMENT
1001 N. Central Ave., Suite 400
Phoenix, Arizona 85004
(602) 506-6700
(602) 506-6985 (FAX)

RESPONSIVENESS SUMMARY FOR
Hickman's Egg Ranch
Permit #040136
February 2, 2016

INTRODUCTION

This facility houses chickens for the production of eggs for human consumption. Each barn is equipped with an emergency generator to power fans during an electrical outage. The site contains feed storage, transport and processing equipment. A crematory is located on-site for the disposal of chicken carcasses but is not currently operational. Non-resale gasoline is stored and dispensed on-site.

This permit action is in response to a minor permit revision to add a 1.5 MMBtu/hr propane-fueled rotary dryer for manure processing along with a 15,000 gallon propane tank. The Permittee is also replacing an emergency generator. Requirements for the feed mill were removed since they are regulated under Best Management Practices (BMPs) enforced by ADEQ.

Documents upon which MCAQD relied in reaching the final permit decision, and as referenced in the response to comments, such as the Technical Support Document and supplemental documents, are contained in the Public Record. Copies of the application, MCAQD's response-to-comments document, final permit, and final Technical Support document may be obtained at the Maricopa Air Quality Department located at 1001 N. Central Avenue, Phoenix, Arizona 85004, by contacting the department at 602-506-6010 or submitting a public record request online at: http://www.maricopa.gov/aq/contact_us/public_records/Default.aspx

COMMENTS AND RESPONSES

FLIES

1. ***COMMENT: During that period of time there were over 30 documented complaints filed with the County regarding flies, and more recently the fly complaints have been turned over to the Environmental Department's Vector Control, so those statistics are not available to be included in this letter. Flies are a continuing problem and can be a huge health hazard. They congregate in animal waste and spread diseases like dysentery, tuberculosis, diarrhea, and food borne illnesses by leaving excrement, or their vomit, wherever they light. When driving past the Arlington facility, it is a necessity to keep your car windows rolled up to avoid flies and stench. They live off the rotting manure lined in long rows, spread from border to border of the property, and they invade the homes of the neighbors.***

   RESPONSE: MCAQD is responsible for air pollution control. The Vector Control Division of the Maricopa County Environmental Services Department investigates fly complaints and ensures compliance with the Maricopa County Environmental Health Code. The Vector Control Division is available at (602) 506-0700.

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2. ***COMMENT: Flies are another big problem there. I'm still swatting flies every day. As a matter of fact, I have to get up in the morning to let the f lies out because they haven't been out for so long. And I'm still suffering with flies every day.***

   RESPONSE: See response to Comment #1.

3. ***COMMENT: The flies are a major problem and no I do not have any animals, not even a dog. And my dumpster, that I share with my parents, is miles away. I did not have an issue with flies unt il the Hickman flies came to town.***

   RESPONSE: See response to Comment #1.

GENERAL QUALITY OF LIFE COMMENTS

4. ***COMMENT: We [STOPP] encourage EPA Region 9 to view the impacts these facilities are having on the surrounding communities at the STOPP website where photo and video footage of significant air pollution and public health and welfare impacts are well documented.***

   RESPONSE: Comment noted.

5. ***COMMENT: We once enjoyed being outdoors, the clean air, the wonderful views, and the occasional bugs. Now I feel like a prisoner in my own home. The smell is revolting, causing headaches, nausea +, and I feel like all I get done all day is swat flies. It is creating health issues already and Hickman's plans are to torture us with even more chickens. We can't endure the ones we already have.***

   RESPONSE: The Department recognizes the quality of life concerns expressed during the hearingHowever, the Department processes permit applications and issue s or denies permits in accordance with the County Rules. The Rules are designed to protect public health in mind and are the basis for the Control Officer's decision to issue or deny a permit.

6. ***COMMENT: I have been here in the past before Hickman's invaded this poor community. Prior to their coming into this community it was a wonderful place to come and spend my time. I bring my mobile home and stay at the Saddle Mountain RV Park. Now I s pend my whole time swatting flies & mosquitoes and feeling ill from everything I own (including me) smelling like chicken manure. I am looking for a different place to stay as I can't stand the stench and problems that these chickens have created. And t he super sad part is they are not done bringing more chickens in. The health of the community is at risk. All these flies & mosquitoes can carry an array of illnesses. The air quality is jeopardized visually and human lungs were not made to breathe thes e ill components. I have only been here one week; me and my dogs are covered with fly & mosquito bites and I have had bouts of diarrhea. Can't enjoy being outside or open my door.***

   RESPONSE: See response toComment #1.

7. ***COMMENT: I eat at the local restaurants in the area and hear not only the local folks but the people that pass thru this once nice community to hear horror stories of their hating to stop in Tonopah. I am the lucky one though because this park and community is goi ng to be losing business and I get to leave and go back home .... They don't have that option. I am well aware of what a farm looks like and this is far from being a farm. Anyone allowing Hickmans to remain in the area should be made to live here and endure the problems.***

   RESPONSE: Comment noted.

8. ***COMMENT: My husband and I moved to Tonopah, in 2002, we built a modest home and retired, in the quiet wonderful country life. And look what has happened to our area, I live approximately 4 miles, from the Hickman egg factory. The smell and the flies have taken over. They tell us we need to have our wells tested at the cost of $350.00 dollars, because there is a good chance our wells will become contaminated, Our home and property after building was appraised at $450 Thousand, we just had it appraised and it came back at $150 Thousand, we asked why, and they said well you know the chicken ranch. What is going on with Arizona, that they would close their ears and eyes, and let, Hickman come into a small town and take over with no respect, for homes and business. There is hundreds of open dessert land where they could have put there factory. And I know no one would build a home next to them. Why is there not certain areas set up for these type of factories. And we would not have to be going to meetings begging for help, and trying to get our air quality taken care of. But for now all we can do is keep on fighting, and pray someday someone will be on our side, and reach out to help us with this horrible situation.***

RESPONSE: The MCAQD is responsible for air pollution control. For zoning issues in unincorporated areas, contact the Maricopa County Planning & Development Department. The Planning & Development Department can be reached at (602) 506-3301 or www.maricopa.gov/planning/.

9. ***COMMENT: Hickman made the mention that their operation would not interfere with local business. Well that is not true. A dear friend of mine came to visit and I am not sure she will ever be coming back as the smell, flies & mosquitoes are affecting her and her dogs. She was repulsed as to how different it is now vs when she was last here. Thanks to Hickman's I am going to lose visitors and the local businesses are affected she said when she went to the local restaurant and to the gas station to get some food the flies were horrendous and she is not eating something flies have landed on. She was staying at a local RV park and left there today as she could no longer stand the smell & flying critters. Business and visiting friends are very much being affected by Hickman being here.***

RESPONSE: See responses to Comments#1 and #5.

10. ***COMMENT: My husband was in the military and we traveled many states before retiring to find the perfect retirement place. That was found in Tonopah, AZ. We build a custom home that would accommodate my disabilities to only have our home sweet home attacked by flies, mosquitoes, and the foul odor of Chicken manure brought to us by Hickman Plant.***

RESPONSE: See responses to Comments #1 and #5.

11. ***COMMENT: I was in the Navy, the last few years I was active duty we went to numerous states to find the perfect retirement location. We looked for clean air, great scenery, with minimal outside hassles. Tonopah fit that description and more. We spent hundreds of thousands of dollars building the perfect home to accommodate my disabled wife only to have it now be reduced to a repulsive smell of chicken manure, bug infestation and views compromised.***

RESPONSE: See responses to Comments #1 and #5.

12. ***COMMENT: We use to enjoy being outside but due to the odors & flying elements brought to us by Hickman Farms my wife & I no longer spend time outside. We use to be able to open our windows and enjoy the evening & during the day the spring, fall & winter wonderful breezes. Now to have those breezes comes with a price, now we get to pay APS additional monies so we can keep out the stench & flying bugs as much as possible. Our view is getting to see big white buildings which once were open areas. I know Mr. Hickman does not care about us, he has stated such but we paid good money to be here and I do not feel Hickman's have the right to take it all away. The right to make me smell their ungodly odors, fight the flying population and force local businesses out of business. I have the right to***

keep my clean air and views and deter someone f rom crushing our wonderful community for their almighty buck. I am sure the Arlington folks are experiencing the same as us.

RESPONSE: See responses to Comments#1, #5, and #8.

13. ***COMMENT: I no longer barbecue or set up the large above ground pool because it is just too awful outside. I find myself staying indoors most of the time. Large amounts of feathers also drift in with the particulate dander.***

RESPONSE: MCAQD is responsible for air pollution control and has no authority over issues regarding agricultural litter, including feathersSee also response to Comment #5.

14. ***COMMENT: … my husband and I live in Tonopah. We spent all our savings to buy a home and piece of property away from city issues like pollution and industry and also so we could be close to my ageing parents. My dad has asthma and only one functioning lung. When we l ooked into moving to this area five years ago we found a nice house with lots of privacy, sitting up on a bit of a hill with a great view of the surrounding area. Perfect! We couldn't believe our luck or the price. After the excitement of the day had worn off and we'd been there for a bit, the smell really started bothering us. I found myself holding my breath while we were wandering around outside. Neighbors told us that the smell was Hickman's Egg Plant and they dealt with it nearly every day. Long story short, we didn't even make an offer on that perfect house because of the smell and the fact that we couldn't see living with that A side note is that that house just sold about eight mon ths ago for little more than ha lf of what it was listed for (5 years later mind you!) We chose to live in Tonopah, upwind from the Arlington factory. Now, since they moved in, we live downwind from the Tonopah factory.***

RESPONSE: See responses to Comments #5 and #8.

15. ***COMMENT: The Hickman's industry has denied the neighbors their rights as property owners, they aren't allowed to maintain the quality of life they moved to the country for, and this industry has put their health in jeopardy.***

RESPONSE: See responses to Comments #5 and #8.

16. ***COMMENT: CAFO's of this humungous size have an adverse effect on the entire community. People aren't able to leave their windows open to enjoy the night breeze, aren't able to cook a meal outside and watch the stars without the stench and flies, and those with health problems have had to either suffer or move away, selling their homes at a loss.***

RESPONSE: See responses to Comments #5 and #8.

17. ***COMMENT: …the odor is horrible. The kids can't play outside, or don't want to. Their friends won't come over to visit and play outside because it smells so bad. The parents can't have people over for a barbecue as the foul odor drives everyone inside. The old p eople that moved here to retire can't sit outside to enjoy the nice weather because they can't stand the odor or can't breathe because it chokes them. Basically, everyone feels like a prisoner in their own home, and that is so sad.***

RESPONSE: See response to Comment #5.

18. ***COMMENT: I challenge the EPA, or the ADEQ or the Dept of Air Quality or all of you together to come out here to Arlington or Tonopah on any day when the odor is so bad you can't stand it (which is all the time) and have a barbecue. See how long to sit outside. Bring your families and friends along too. I'm telling you it's just plain horrible. I live 3 miles from the Arlington Factory, and I am one of the elderly***

that already has health issues. Such as cancer and COPD. I would like to finish out my years in a healthy environment and hopefully my wife as well after I'm gone. I'm must one of the many that have a complaint only to fall on deaf ears. It doesn't matter about the people that live here and that suffer because of the foul odor that is coming from this so called egg farm, with all its pollutants in the air.

RESPONSE: See response to Comment #5.

19. ***COMMENT: This Air Quality Permit should not be granted because since the poultry production plant opened, the smell has been horrible and my allergy symptoms are much worse.***

RESPONSE: See response to Comments #5 and #8.

20. ***COMMENT: During the 15 years I have resided in my home I normally captured rain water to refill my solar batteries. During this Monsoon season I have noticed that sometimes the rain water c oming off of my roof is a urine yellow and smells of sulfur. This happens when the rain mixes with the manure dust and produces a very acidic mixture because the water collected not only smells of sulfur but also fizzes like soda pop when shaken. This is n ot only damaging my property but it is also a clear violation of part B of the Specific Conditions stating that material, including manure dust, must be contained.***

RESPONSE: Comment noted. County Rule 320, Section 302 and Permit Condition 3.b require manure to be processed, stored, used and transported in such a manner and by such means that they will not *unreasonably* evaporate, leak, escape or be otherwise discharged into the ambient air so as to cause or contribute to air pollution. Since th e purpose of the outdoor storage piles is to reduce the moisture content of the manure, covering the piles or applying water is not a reasonable control method. To reduce dust, a representative from Hickman's Egg Ranch stated that a conveyor will be insta lled at the Arlington facility to load manure into the dryer and partial curtains will be installed on the open end of the layhouses at the Tonopah facilty.

21. ***COMMENT: Like many others in the Tonopah area … I moved [from] the big city. My assets were all invested in a retirement home there. Now, I can't enjoy even being outside because the odors, feathers, pollution, loss of enjoyment that were, you know -- the enjoyment of quiet use of our home that we're entitled to, you can't do it.***

RESPONSE: See response to Comments #5 and #13.

22. ***COMMENT: Health issues: Eyes watering, coug hing. Value loss in property. Can't sell anything. The businesses have lost business. Mr. Wirth's RV park, he's having a hard time getting anybody in there, because nobody can even go outside and eat their lunch because of the stench. The restaurants and everything else is being affected, all the businesses in Tonopah. Hickman's blatant disregard for the wellbeing of Tonopah residents has resulted in numerous violations from 1999 to 2015. Most were odors, dust, flies, and pollution in the air. They have affected the livability of the area and the health and safety of present and future residents.***

RESPONSE: See responses to Comments #1, #5, and #8.

23. ***COMMENT: I'm with the STOPP program. I live here in Tonopah. I just wanted to speak about the permit should be denied there. One thing that I've been having problems with is health problems here. I've developed a cough. I smell this stench daily. It comes through my vent, my air-conditioning vent. As a matter of fact, just getting in my car to come here, you can smell it in my shirt, if you care to smell my shirt later on. It's that strong, and so thick I cannot sit outside to enjoy myself there. I've had skin lesions and problems that dermatologists are taking a look at, wondering why is this happening to my body? Also, my kidney functions have reduced, for no known cause there. I'm also a diabetic there. So I'm***

pretty much under a doctor's care all the time and being observed there.

RESPONSE: See response to Comment #5.

24. ***COMMENT: And, once again, the feathers, the dander, all of that is affecting the quality of life out here. I like Tonopah. I'd love for it to be a lovely place for all of us to live there, but we do need to make sure that things are correct in our air quality.***

RESPONSE: See response to Comment #5.

25. ***COMMENT: … I thought it was strange that my truck is rusting on the hood there. Nowhere else is there rust, but the surface of the hood is deteriorating there. And the only thing I can contribute that to is something coming from out of the air, be it connected with the rain -- but it is deteriorating, rather fast too. So if it's doing that to that, I'm afraid of what it's doing to our bodies. By the way, I'm right there at they're building a new facility, it looks like, on 331st and Baseline. And I'm just right there at the Hassayampa there. So I'm at least a couple miles away from them there.***

RESPONSE: See response to Comment #5.

26. ***COMMENT: We live south of the Tonopah plant. We moved out here because he has stage 4 cancer now, and he's had it for two years. We moved out here to get away from the pollution and all the people in town because of his can cer. And now, with us south of that plant, we get the smell every morning, to where he almost has to wear a mask. So he talked to his chronologist (sic), and they told him, yes, you don't need to be breathing this. You've already got stage 4 cancer in your lungs, and it could spread and make matters worse for him.***

RESPONSE: See response to Comment #5.

27. ***COMMENT: Me and my roommate were out front of our property cleaning the ditch, getting rid of the weeds to keep the water flowing. And a bunch of Hickman's semis went flying by. At first we thought it was manure. Didn't think. But he had to cover his face so that he could now smell what was ever coming out of these flatbed trucks. Lo and behold, they were going so fast, they weren't doing the speed limit by my house. I called the sheriff's d epartment, because they were passing water trucks. They were passing vehicles, they were moving so fast. We thought it was manure. I looked up one more time, and all I could see were these feathers coming out of the back of this truck, which told me it was dead chickens. And they were transporting them to the Arlington plant, where these other people live at. But they passed us about 20 different times with the smell. We went back into our house later on. Sitting there, on the computer, to make the complaint from my roommate, I smelled myself, and I smelled like a dead chicken. I literally had to take a shower. I had to wash our clothes just to get rid of that smell. It was so bad***

RESPONSE: See response to Comment #13.

28. ***COMMENT: But we get up in the morning. You can see the particles floating in the air. You can see it at night. When the wind blows, it's even worse.***

RESPONSE: See response to Comment #13.

29. ***COMMENT: … the smell is so bad, he [Tonopah resident] cannot come out of his house. And I think that's wrong.***

RESPONSE: See responses to Comment #5.

30. ***COMMENT: Something needs to be done. We have pictures of feathers that look like snow at the Arlington plant. They're 2 and 3 inches deep, thick with feathers from these animals. And it -- you know, they're so polluted, the chickens are so full of hormones and antibiotics and everything else, you can't even use them for anything. They have to cut them up instead of sending them to Campbell's to make soup out of because they're so contaminated. And that's what's getting -- going to be leached into our soil, our water, and everything else. Maricopa County needs to step up and do their job and really regulate this stuff.***

RESPONSE: MCAQD's authority does not extend to gr oundwater or soil issues. For questions regarding groundwater contamination, contact the ADEQ Aquifer Protection Program at (602) 771-2322 or http://www.azdeq.gov/function/about/water.html#app

See also response to Comment #13.

31. ***COMMENT: Do you believe that what we're smelling in this gym is pertinent to the building? Or is it something that's coming in from out of doors? It's nothing horrendous tonight. But I think, if we were all being honest, we could say there's something coming in here. If you breathe up -- breathe deep, you can tell that it burns a little bit in your nasal passages.***

RESPONSE: Comment noted.

32. ***COMMENT: I, as well as others that have stated this tonight, moved out to Arlington -- I'm within walking distance of here -- to live a peaceful, quiet, healthy life without the noise and pollution of the East Coast. I love where I live. However, Hickman's is not being the good neighbor that they promised that they would be.***

RESPONSE: Comment noted.

33. ***COMMENT: The Clean Air Act established standards for ambient air quality to protect public health and welfare. This business produces enormous amounts of manure, causing obnoxious stench, dander and dust that affects the neighbors 24 hours a day. Hickman's have s tated that there are relatively few complaints because they manage their operations to minimize flies and odors.***

RESPONSE: Comment noted.

HEALTH CONCERNS

34. ***COMMENT: The odor, I have found, comes from the particulates, so if you smell it you are breathing it.***

RESPONSE: Comment noted.

35. ***COMMENT: Last winter, after each rain, we would get days of morning dew mixed with Hickman dust. This wash left hard water deposits on the finish of our vehicles and I believe pathogens, carried on the particulate wash, are the reason my girlfriend ended up in the emergency room with an intestinal infection and an acute appendicitis. Her Dr. said the wash could be the reason she got the infection, but would be hard to prove.***

RESPONSE: Comment noted.

36. ***COMMENT: The dander part iculates are the worst. On bad days, when the wind blows my direction, I cannot stay outside because it is so bad. Their dust makes my skin itch, my eye lids get crusty, and my nose gets dry and plugs up leading to migraine headaches.***

RESPONSE: See response to Comment #5.

37. ***COMMENT: I find myself feeling somewhat under the weather most days and I blame it on Hickman's. Watch the video below.***

RESPONSE: See response to Comment #5.

38. ***COMMENT: Neighbors have complained of nausea, headaches, runny eyes, chest pains, respiratory issues and more. (Copies of those complaints can be attained through Public Records submitted to both the County and the State Air Quality departments.)***

RESPONSE: See response to Comment #5.

39. ***COMMENT: [Note to reader: this comment is preceded by Comment # 262] The odor that comes from the chicken manure and out the smoke stack is very harmful to everyone that lives in the area and to the people that come in the area to work, to come to school and to visit family or friends. There are a lot of articles out there that explains what the chemical odor being emitted by the chicken manure can do. Such as it has an effect on the respiratory system. It causes breathing problems like asthma, bronchitis, and COPD, not to mention lung cancer. That's just from the airbourne pollutants. There are diseases that affect the blood when these pollutants get into the water system by t he means of runoff or being soaked into the ground and eventually getting into the underground water. Then it goes into our drinking water and babies that drink this water and end up with a blood disorder and that causes them to die. This is what is call ed blue babies. These pollutants cause children to get asthma and bronchitis, or some other form of a respiratory disorder, and those that already have it makes it worse by being outside when these pollutants are in the air… I personally ask the Hickman' s to buy a house and move their families there or to move their elderly parents there and all they would do is to turn and walk away without answering. I'm sure they know the health problems that can be caused by the pollutants the chicken manure carries and is being emitted into the air and the water, but they just don't care.***

RESPONSE: See responses to Comments #5, #30, and #262.

40. ***COMMENT: With the continuous release of gases, manure dust and noxious odors from the Arlington facility I am also very concerned about my health. On the nights when the odors are most intense I have had to endure occasional nose bleeds and burning of my sinuses and throat. Sometimes my throat becomes so inflamed that it is p ainful to swallow. And on at least several occasions I found my lungs hurting if I tried to breathe too deeply while exposed to these odors.***

RESPONSE: See response to Comment #5.

REQUESTS FOR FACILITY TO RELOCATE

41. ***COMMENT: My feeling is the plants (cause that is what they are -commercial/industrial plants) should be shut down and made to move into a less populated area. Which I guess is what the community tried to get them to do but someone duped the system and they snuck in. Please show them the exit sign. Thank you for reading my letter and from a visitor standpoint this is horrible for this community.***

RESPONSE: See response to Comment #8.

42. ***COMMENT: I hope you will take this community serious and they do have a Real Problem in Tonopah with Hickman and also in Arlington. They need to locate themselves out of the areas of population and since they are not going to be kind and do so on their own maybe it is time for someone to make them***

relocate to areas that aren't populated.

RESPONSE: See response to Comment #8.

43. ***COMMENT: The seriousness of disease and creating health issues is enormous. I have read where Mr. Hickman stated that if the people in Arlington and Tonopah don't like it they can move.... W ell these fine folks were here first, why should they be forced out of their homes. Forced out of their businesses. All because Hickman Industries decided they wanted that location and the heck with the consequences they impose on this once wonderful com munity. There were many other places optional for them, why here!***

RESPONSE: See response to Comment #8.

44. ***COMMENT: I think Hickman needs to do something or move. They don't need to be in where communities are. They need to get way out. Way, way out.***

RESPONSE: See response to Comment #8.

45. ***COMMENT: ... as a visitor I am spending the ni ght in a hotel tonight as I can not bear the mosquitoes, flies nor odor. No permits to continue these locations and vote to have them move elsewhere.***

RESPONSE: See response to Comments #1, #5 and #8.

46. ***COMMENT: They said, back when they were over on 67th Avenue and Missouri, 2 miles from where I grew up, that they were going to do the best they could to contr ol all of that. Well, Glendale found that they weren't doing that, so they put enough pressure on them that they moved. They moved over around 91st Avenue and Glendale Avenue, set up a new business. Boy, they were going strong. They couldn't comply with th e rules and regulations there, even though they said we're doing the best we can; we're doing everything that's available to us. Maybe somebody needs to look at the kind of operation and say it needs to be further out away from citizens and people that hav e other -- other issues that are entitled to enjoy their outdoor barbecue, their children playing in the yard. Those are the things that Glendale found that they had to move them again. They didn't want to move. They put up a big argument, until Glendale finally threatened to take their property under eminent domain.***

RESPONSE: See response to Comment #8.

MISSION STATEMENT/DUTY TO PROTECT PUBLIC

47. ***COMMENT: We believe MCAQD issued an Air Quality Permit to Operate and/or Construct without the proper application, without a proper New Source Revi ew, and without an adequate understanding of the volume, types and sources of air pollutants to be emitted from either facility.***

RESPONSE: The standards for New Source Review are established in Maricopa County Rule 240. Emissions from the facility are be low the thresholds contained in the rule. Consequently, New Source review is not triggered with the current e quipment and poultry operations and sufficient information has been provided to process the application.

48. ***COMMENT: I respectfully request the denial of the permit modification and at the very least an investigation of the existing permit # 040136 that Hickman Farms is currently operating under.***

RESPONSE: The basis for the Control Officer to issue or deny a permit must be made from a determination as to whether the facility is designed to meet the provisions of the applicable air quality rules. Upon the

completion of permit application reviewMCAQD has determined that thenew equipment is designed to meet the applicable air pollution control regulations.

49. ***COMMENT: The citizens of Maricopa County and the environment are suffering due to the blatant disregard of the Clean Air Act by Hickman's Family Farms, H ickman's Egg Ranch, Inc., and Hickman's Egg Ranch and the lack of oversight by ADEQ and MCAQD.***

RESPONSE: MCAQD regularly inspects the facilities to determine if the conditions in the permit are being met and the facilities are in compliance with the applicable rules and regulations. Where non-compliance is found, notices of violation are issued and fines levied.

50. ***COMMENT: I have filed many complaints concerning the awful odor, the wash deposits, the particulates, the feather rain and the large amount of flies that come and go.***

RESPONSE: Comment noted. See response to Comment #49.

51. ***COMMENT: I'd like to follow with t he mission statement by the Air Quality Department , "to provide clean air to Maricopa County residents and visitors so they can live, work and play in a he althy environment." And this -- allowing this plant to continue violates your stated mission statement. And I think it needs to stop. It's -- the county feels like they've made a choice, and they've chosen an industry over the people that they're there to protect. Government's only job -- two jobs is to protect the citizens. And we're asking for protection, and we're not getting it. So I'd ask -- respectfully ask that you deny this revision and revoke the actual permit that's in place.***

RESPONSE: See response to Comments #5 and #48.

52. ***COMMENT: The Hickman's have been polluting the air for years and it's getting increasingl y worse. They need to be classified as an industry, be better monitored and held accountable. Do the right thing and enforce the emission laws that protect our health and the environment. You are the Air Quality Department after all, right? Let me say out loud and remind you of what you r mission statement is. "The mission of the Air Quality Department is to provide clean air to Maricopa County residents and visitors so they can Live, work and play in a healthy environment."***

RESPONSE: See response to Comments #5 and #48.

53. ***COMMENT: The Hickman's have been allowed to build w ithout consideration of the effects of their pollution, flies, stench, and the devaluation to the neighboring properties. There have been dozens of complaints filed with no violations levied strong enough to discourage the Hickman's from proceeding "as usual". There has been a dereliction of duty by both the County and the State, which has denied the public their right to clean, healthy air as promised in the mission statements.***

RESPONSE: See responses to Comments #1, #5, #8 and #48.

54. ***COMMENT: The rights of the homeowners have been taken away because of this industry continually being allowed to skirt the fines and fees of their violat ions (if those violations have even been cited). When EPA rules are violated, and fines could be up to $10,000 a day per violation, the County charges the Hickman's little more than $1900.***

RESPONSE: When violations are issued by MCAQD, the amount of the fine is determined based on the Department's Violation Penalty Policy available at:
http://www.maricopa.gov/aq/divisions/enforcement/docs/pdf/Violation%20Penalty%20Policy.pdf

The penalty calculation considers the level of violation, toxicity of pollutant, risk to environment, population risk, size of violator, extent of deviation from the requirement, delays in meeting the requirement, history of noncompliance, economic benefit from noncompliance and other components as described in the policy.

On 03/07/2014, the facility was issued violations for a n accidental mulch fire and for not o btaining a dust control permit. The fines totaled $1,966 for both violations. Additional fines issued since that date total $2,970.

55. ***COMMENT: There have been dozens of violations filed against the Hickmans and complaints and things over the years. The most I could find was a fine that was -- that was assessed against them for $1,900. That's pocket change for the Hickmans. The enforcement division has the authority, per Arizona Revised Statutes, to recover penalties up to $10,000 per day, per violation, yet nothing like that is done.***

RESPONSE: See response to Comment #54.

56. ***COMMENT: The county Air Quality Department is the designated agency who is responsible for air emissions control for the public health and safety. Their Mission statement says:***

> ***The mission of the Air Quality Department is to provide clean air to Maricopa County residents and visitors so they can live, work and play in a healthy environment.***

Their VISION goes on to say that .....

> ***We believe in being accountable as stewards of the public's resources and the environment ... ... We all share responsibility for the air we breathe.***

RESPONSE: See responses to Comments #5, #48 and #49.

57. ***COMMENT: The Arlington Plant is not a farming operation but a massive, corporate, industrial business which produces enormous amounts of poultry waste causing obnoxious odors, dust and dander which pollute the air of neighboring properties and their residents, twenty-four (24) hours per day, every day.***

RESPONSE: This facility meets the definition of a "commercial poultry facility" under R18 -2-611.3.h, which is classified as a regulated agricultural activity under A.R.S 49-457.P.5(a).

58. ***COMMENT: The Arlington egg production plant of Hickman seems to continue to act as its own regulator ignoring the persons affected and only acting when required to, thro ugh governmental action. The people of Maricopa County rely on its government to enforce the rules for the best interest of its residents who elect them to do so. MCAQD is run by the county for its residents and must take an aggressive stand against any attempt by any group, no matter how influential, to destroy the environment for mere monetary gain.***

RESPONSE: See responses to Comments #5, #48 and #49.

59. ***COMMENT: Area residents have to breathe these compounds. Now the Hickman's want to modify the Air Quality Permit for more emissions for the residents to breathe.***

RESPONSE: See responses to Comments #5 and #48.

60. ***COMMENT: The Hickman's have stated they want "to be good neighbors," but the Agency is not holding their operation to standards that would protect surrounding neighbors in the draft permit. Fo r***

these reasons the modifications for the Air Quality Permit should be denied.

RESPONSE: See responses to Comments #5 and #48.

61. ***COMMENT: These observations and experiences I have endured from the continuous violations of Hickman's Arlington Complex lead me to conclude that this business cannot be allowed to expand any further and I recommend that the current air quality permit be revoked until the company can find a way to safely contain the pollution this business generates on a daily basis. The health and safety of this community is at stake.***

RESPONSE: See responses to Comments #5, #48 and #49.

62. ***COMMENT: Enforcement. You know, Hickmans have been violating these -- these permit conditions forever, and Maricopa County Air Quality Compliance and Enforcement Division is responsible for ensuring compliance with federal, state, and county air pollution regulations. The enforcement activities of the department seek to deter fut ure air quality violations and ensure a level playing field among all regulated facilities so that none has a competitive advantage derived from noncompliance.***

RESPONSE: See responses to Comments #49 and #54.

63. ***COMMENT: The mission statement of MCAQD speaks about that they will provide clean air to Maricopa County residents and visitors so that they can live, work, and play in a healthy environment. The County Air Quality Department is a regulatory agency, whose goal is to ensure federal clean air standards are achieved and maintained for the residents and visitors of Maricop a County. MCAQD is governed by the Maricopa County Board of Supervisors and follows air quality standards set forth by the federal Clean Air Act. Again, I might mention that Mr. Glenn Hickman is on the Maricopa County Board of Supervisors.***

RESPONSE: See responses to Comments #5, #48 and #49.

64. ***COMMENT: You, as our representatives so that we can have that clean, healthy lifestyle, need to change so that they are industrial mandate that they comply so that we can live that quality of lif e, and impose the kind of fines that the EPA imposes on other industries that get caught not doing the right thing.***

RESPONSE: See responses to Comments #5, #49 and #54.

65. ***COMMENT: I will say that I've spoken directly to Emily Bona nni, I believe her name is, when I first started to see teams of black smoke…pouring out of -- I didn't know what it was, but Hickman's. When I spoke, originally, to [the Air Quality inspector] , from Maricopa County, he told me that they did not handle that and that I needed to call the state, which I did. I have quite a few e -mails from Emily, who didn't even know what it was. So that worries me, because if she -- or whoever is supposed to be monitoring this facility -- why wasn't it done? And it was expla ined that black smoke was steam. I'm not sure how black smoke can be steam. Smoke is smoke, and steam is steam. We live all around power plants, and we see steam every day. I know what the difference is. So I was a little disappointed by that comment.***

RESPONSE: Comment noted.

66. ***COMMENT: I'm hoping that all of us tonight represent the residents that could not make it this evening or may be away that feel as strongly as we do about our community and that you will do the right thing and stop this permit from going through until there are strict guidelines and every dot and T has been crossed.***

RESPONSE: See response to Comment #48.

67. ***COMMENT: …we put our complaints in. I know a lot of people here do. And the thing is, they don't see the complaint the day it's done. They come out later and go, oh, well, you know, everything's fine. We didn't see it. We didn't smell it. We don't know where it's at. But they don't come the day we make the complaint. That's the problem.***

RESPONSE: When complaints are received, the complaint is immediately assigned to an inspector. Reasonable efforts are made to visit the location of the complaint as soon as possible after the complaint is received. The response time can vary depending on the proximity of the inspector and the time of day the complaint is received.

68. ***COMMENT: …don't have too much to say other than what can we do that -- call in your complaint about the smell. Call in every day. Call in every week. Call in every two weeks. Nobody can do anything about it. They [MCAQD] say, well, we only have one facility that can monitor the smell, and it's Buckeye. Well, can't they bring that damn truck out to Tonopah or over to Arlington and leave it there for a couple weeks? Because it seems like every evening, they open up something and let the smell go like hell. My comment is why can't they do something about it? Why can't they take their facility that does the smelling, the truck they have, and take it to -- take it to the plants? Park it outside their gate. No odor is supposed to leave their property. If it's over -- on their own, it shouldn't be there, right?***

RESPONSE: Rule 320 §304 limits emissions of hydrogen sulfide to concentrations of no more than 0.03 parts per million by volume for any averaging period of 30 minutes or more at any occupied place beyond the premises on which the source is located. To demonstrate compliance, both the facility and MCAQD have monitored for hydrogen sulfide and to date, no exceedance of the standard has been observed.

69. ***COMMENT: … I live on Indian School Road. I'd like to state that Hickmans have a right to build their business and do the things that any of us would hope to be able to do to create a better life for our families and our children. However, when it gets to the point of endangering the lives and property and enjoyment of those things for all the rest of us, I think, as a responsible group of people that have been either elected or hired into positions of responsibility to oversee how they conduct their business and that they follow the rules and regulations, it behooves us all to take a look at what's going on.***

RESPONSE: See response to Comment #49.

70. ***COMMENT: I grew up in Glendale. I've lived there since the early '40s. My wife's family homesteaded, in 1912, in the Glendale/Surprise area. I lived 2 miles, approximately, from the Hickman family -- family farm in the '40s. We bought eggs off of their back porch. They're not a bad family. I'm not trying to say that. But they're not complying with the rules and regulations that they need to be complying with. And it's your responsibilities, and your peers', to kind of see that they do those things and be good neighbors.***

RESPONSE: See response to Comment #49.

71. ***COMMENT: Something has to happen. They were allowed to come into a small community here, thinking there's no voice here, that we're not able to get up and speak to you. Well, I think most of us can look you eye to eye and say we're just people, just like you are. You're concerned with your families, the way you earn your living, and tried to do it as responsibly as you can. And I -- I've been accused of looking at things with rose-colored glasses most of my life. And I believe that you all want to do the best job you can. And, right now, if you look under the odor control section 3 there, under B, there's a little thing -- I'll just paraphrase it. But it has to do with keeping the odors on their property, that a group of people, the average of the group, shouldn't be able to be offended by what they smell emanating from***

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their business. And, if you look here -- there's a sizable representation here. How many of you feel like they're keeping their odors on their property?

RESPONSE: See response to Comment #49.

72. ***COMMENT: As to their odor control, over the past couple of years their complaints have increase d tremendously because of equipment spewing uncontrolled smoke and pollution, and those odors that have made life unbearable. I have documentation showing over 53 complaints just for odor, smoke, and pollution. This doesn't even include the fly and rodent problems.***

RESPONSE: Comment noted.

NON-REGULATED POLLUTION/EMISSION ESTIMATES

73. ***COMMENT: The EPA released a report on emissions data from two manure belt layer houses in Indiana on July 31, 2010 as part of the Nationa l Air Emissions Monitoring Study (NAEMS). The findings of that report showed that there was 0.0000596 kg/day per bird of VOCs emitted from the Indiana facility, which housed 500,000 birds at the time of the study. Both Hickman facilities consist of manure belt caged layer hen houses. Each house is 60,000ft2 and is ventilated by approximately 48 52 - inch tunnel fans, which will move 28,000 cfm (cubic feet minute) under general operating conditions. Currently, Hickman's Egg Ranch, Inc. in Tonopah, Arizona houses approximately 4.3 million birds. The similarity of this operation to the Indiana study indicates that expected VOC emissions from this facility are approximately 256 kg/day or 103 tpy.***

Representatives of Hickman Family Farms have indicated that full animal capacity of this site will eventually be 10 -12 m illion birds. At the volume of animals planned for this facility, expected VOC emissions could reach 715 kg/day or 288 tpy. Our analysis shows that this facility has already reached the number to exceed emission 100 tpy of VOCs in a non -attainment area. The evaluation and analysis of the Indiana NAEMS data showed that the Number to Exceed Emissions Threshold (NEET) would be met at 4.6 million birds. 2 Either way, this facility is expanding to potentially house 12 million birds. Our estimations are as follows:

a. ***Annual VOCs at Tonopah facility: (Currently - 4.3 million birds) - (59.6mg/day/hen) 0.0000596 kg/day/hen x 4.3 million birds = 256.28 kg/day 1 x 365 days = 93,542kg/year x 2.20462 lbs = 206,225 lb/yr = 103tpy (tons per year)***

b. ***Max. Annual VOCs at Tonopah facility: (12 million birds) -(59.6 mg/day/hen) 0.0000596 kg/day/hen x 12 million birds = 715 kg/day 1 x 365 days = 261,048 kg/year x 2.20462 lbs = 575,512 lbs/yr = 288 tpy***

Also, our analysis of Hickman's Egg Ranch in Arlington shows th at the 12 million birds currently housed at this site produce VOC emissions of 715 kg/day 1 or 288 tpy.

The above referenced calculations are from the horizontal ventilation systems of each laying house and therefore are non -fugitive and count towards the major source threshold. These calculations are only for the buildings that the birds are housed in. No emissions calculations were estimated for the manure sheds at the Tonopah site, nor the manure stacks at the Arlington facility. Additionally, the calculations do not include emissions from emergency diesel generators or process wastewater evaporation ponds at both facilities. Therefore, the actual emissions from each site are likely greater than our estimates indicate.

RESPONSE: The National Air Emissions Monitoring Study (NAEMS) was a result of an EPA compliance agreement announced on January 31, 2005 to address emissions from certain animal feeding operations, also known as AFOs. The agreements allowed for a monitoring program for barns and othe r buildings that

house animals and lagoons or other structures that store or treat manure and other wastes.

EPA stated in the Federal Register Notice available at:
http://www3.epa.gov/airquality/agmonitoring/pdfs/afolagooneemreport2012draftappe.pdf#_ga=1.22794168.2087244103.1424728829

> "H2S, PM, and VOC are all regulated under the CAA and subject to various requi rements under that statute and the implementing Federal and State rules and regulations. Emissions of these pollutants come from many different areas at AFOs, including animal housing structures (e.g., barns, covered feed lots) and manure storage areas (e. g., lagoons, covered manure piles). An important issue that arises under the CAA is whether emissions from different areas at AFOs should be treated as fugitive or nonfugitive. **The Agency plans to issue regulations and/ or guidance on this issue after the conclusion of the monitoring study.**"

U.S. EPA has completed the monitoring study, but has not published any accepted emission factors, regulations or guidance to be used to determine permitting requirements for the units covered under the agreement. In the absence of a regulator framework, MCAQD considers VOC emissions from hen houses to be fugitive and per MCAQD Rule 100 §200.60.c:

> The fugitive emissions of a stationary source shall not be considered in determining whether it is a major stationary source.

Also, on November 2, 2015 the U.S. Supreme Court refused to review a decision from the U.S. Court of Appeals for the D.C Circuit dismissing a lawsuit to force EPA to regulate emissions from animal feeding operations (AFOs). The Iowa-based plaintiffs had demanded that EPA regulate ammonia and hydrogen sulfide emissions as criteria pollutants, and AFOs as a source category under the New Source Performance Standards program. They argued that, even without a formal endangerment finding from EPA, the prevalence of scientific evidence that ammonia, hydrogen sulfide and other AFO emissions endanger public health should trigger regulation under the Clean Air Act (CAA). The D.C. Circuit rejected that argument and affirmed that EPA retains the discretion to review the science and make its own endangerment findings. The Supreme Court's refusal to review the case, captioned Zook v. EPA (No. 15 -350), 11 leaves the D.C. Circuit dismissal intact.

Again, the decision as to whether to promulgate regulation for air emissions from AFOs remains with EPA.

74. ***COMMENT: There are no emissions calculations or estimated for the manure sheds at the Tonopah site or the manure stacks at the Arlington facility. This must be done. That's for making pellets. That's a manufacturing process. So any of the dust, any odors, and all the VOCs and all the other air pollution is a manufacturing issue.***

RESPONSE: The manure sheds at the Tonopah site are part of the normal farm operations for that facility, regardless of it's future use. The manure stacks at the Arlington site are considered to be animal waste handling that is addressed in A.R.S. 49-457.P and is therefore covered by the agricultural BMP as regulated by ADEQ.

75. ***COMMENT: According to data from the 2007 Maricopa 8 -hour Ozone Plan Appendices vol.1, and our calculations based upon the results of the NAEMS study, both Hickman sites together are currently the top VOC stationary source in Maricopa County.***

RESPONSE: See response to Comments #73 and #128.

76. ***COMMENT: Failure to regulate and control these VOC emissions can and will cause the eventual loss***

of a billion dollars/year in federal highway funds as the area fails to achieve compliance with NAAQS. That would make Hickman's eggs the most expensive on earth.

RESPONSE: See response to Comment #73.

77. ***COMMENT: Another manure drying technique of concern to me is the "forced air" drying manure rooms currently being constructed and put to service in Tonopah and at least two smaller ones at the Arlington Hickman farm. What I have noticed is the newer barns of this type, like the ones at the corner of Salome Rd. and 331st Ave., are by far greater polluters than the older barns, more common in the poultry industry, to the south.***

RESPONSE: Comment noted.

78. ***COMMENT: If I recall correctly, Clint Hickman, in one of his interviews, described his hen houses as wind tunnels. The new Hickman barn design incorporates a hen house, a dividing wall, with 48 52" ventilation fans mounted to it, and a manure room all inline. The manure is conveyed to the ceiling of the manure room from the hen house and dropped 30' to 40', free falling through the "wind tunnel like" forced air causing particulates and other contaminants to disperse outward through the open end of the room into the neighboring community. The manure piles sit in these rooms for 2 to 3 days, adding to the dispersing of contaminants by forced air, before getting hauled off. This process is much more polluting than a stand-alone hen house.***

RESPONSE: Comment noted. The facility stated they have ordered partial curtains that will be installed on the upper portion of the open end of the layhouses to reduce dust emissions from falling manure.

79. ***COMMENT: This Hickman design is a major polluter and should not be allowed to exist. I have researched online and have yet to find this barn design anywhere else and believe Hickmans are the only layer CAFO that use this combined forced air process.***

RESPONSE: MCAQD does not have the authority to regulate hen house design.

80. ***COMMENT: It [decision to regulate dryer by Agricultural BMPs] doesn't take into account that poultry feed can include a multiple of hormones, drugs to promote production, and arsenic which is added to kill harmful parasites and promote growth. Arsenic is toxic to humans and can cause kidney damage, lung cancer, increased risk for diabetes, and more serious medical problems (?)***

RESPONSE: Comment noted. MCAQD does not regulate the contents of animal feed.

81. ***COMMENT: The process of drying manure via the Rotary Dryers is also very serious environmental problem. By-products of incineration go up the smokestack and into the atmosphere, and from the Energy Justice Network, we learn that smoke contains arsenic, hundreds of thousands of pounds of sulfuric and hydrochloric acid and hydrofluoric acid.***

RESPONSE: The purpose of the rotary dryer is to reduce the moisture content of manure, not incinerate it. If the dryer is operating properly, emissions consist primarily of water vapor, particulates, and combustion products from the propane burner. The addition of the baghouse included in this permit will better control particulate emissions from the drying operation.

82. ***COMMENT: ...They [Hickman's Egg Ranch] affect air quality through emissions of gases like ammonia and hydrogen sulfide, organic sulfur, as well as particulate matter, hazardous air pollutants, volatile organic compounds, and odors. They also produce gases (carbon dioxide and methane) that are associated with climate change.***

RESPONSE: Comment noted.

83. ***COMMENT: There is not sufficient analysis of the emissions from certain equipment and processes or any review to determine the adequacy of the proposed limitations of operation.***

RESPONSE: This facility is only regulated by MCAQD for gasoline dispensing, emergency generators, and fuel burning equipment. Potential emissions of regulated pollutants from these sources were calculated in the Technical Support Document (TSD) based on enforceable operating limits contained in the Permit Conditions. See also response to Comment #73.

84. ***COMMENT: Not all potential and actual emissions are provided or analyzed.***

RESPONSE: Potential emissions are addressed for gasoline dispensing, emergency generators, and fuel burning equipment. Actual emissions for regulated pollutants from the regulated equipment are required to be less than permitted limits.

85. ***COMMENT: The application for permit modification date stamped received July 20, 2015 does not acknowledge the steam and dust generated during the drying of poultry manure in the rotary dryer. Online videos of similar types of rotary dryers show both steam exhaust (from the removal of moisture in the poultry manure) and dust exhaust from the onloading of poultry manure into the equipment and off-loading of dried manure after treatment.***

RESPONSE: Steam is not a regulated air pollutant. Dust emissions are being regul ated by ADEQ under agricultural BMPs.

86. ***COMMENT: I have done research on what these gases and odors are composed of and have found out the following;***

> ***Odors that resemble sti nky socks is produced by Valeric and Isovaleric Acid, which is a known component of Chicken manure.***
>
> ***Odors that resemble rotting tacos or other rotting food is produced by Aminophenyl and Butanone.***
>
> ***Odor that stinks of vomit or fecal matter, which is the one that burns my throat, causes nose bleeds, and gives me breathing problems, is caused by Butyric Acid, Skatole and Indole, which are major components of Chicken Manure.***
>
> ***Butyric Acid has been classified as a Hazardous Material because it can cause lung damage if inhaled for long periods of time and is known to be corrosive and explosive if the concentrations are high enough in a local area.***
>
> ***These chemicals are all classified as Volatile Organic Compounds, which are heavily regulated in other industries.***

RESPONSE: MCAQD has reviewed the chemicals mentioned above and none are listed as Hazardous Air Pollutants in Rule 370.

BOS CONFLICT OF INTEREST/PERCEIVED BIAS

87. ***COMMENT: The question from the public is…. What connections are there between Committee Member / Board of Su pervisor Clint Hickman, and this ONE MAN, Mr. Massey. It's very handy that Mr. Hickman is in a position to have his family benefit, and certainly doesn't sit well with those who are***

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in his District.

RESPONSE: Clint Hickman is a member of the Maricopa County Board of Supervisors, representing District 4. Eric Massey is the Director of Air Quality for the Arizona Department of Environmental Quality.

88. COMMENT: My first comment to this Board is in regard to your notification on the front page of the County's Permit DRAFT, which states that this permit revision has already been approved and will be incorporated into the previous Air Quality Permit #040136.

RESPONSE: A draft cover letter for the permit is provided to the source to make sure names and addresses are current. The Department would not provide a draft permit to a facility if the initial decision to issue the permit had not been made. Comments made during public hearings, however, can change the Control Officer's decision to issue or deny a permit or revise the permit requirements before final issuance/denial.

89. COMMENT: By allowing the Hickman factory to have an incomplete application accepted and 'approved' appears to show favoritism, and is an unfair advantage from what requirements the general public would be expected to go through.

RESPONSE: The application submitted by the facility was determined to be complete, per Rule 220 Section 301.1, since sufficient information was provided for the Control Officer to assess the potential emissions and applicable requirements for the new equipment. This same process is followed for all permit applications submitted to MCAQD. See also response to Comment #88.

90. COMMENT: I'd like to mention here that one of the owners of Hickman Eggs serves on that Best Management Practices committee, ...and .....ALSO serves as the Board of Supervisor representative for the district where his family's industry is located.

RESPONSE: Comment noted.

91. COMMENT: ...I'd like to mention, here, that one of the gentlemen that's on the staff of that committee is none other than Glenn Hickman, w ho is a brother at this facility. And that -- Mr. Glenn Hickman is also the board of supervisor representative for this county, which supervises the family's -- the area where his family's industry is located. That's another issue. But I did want to make t hat point, that he is on the best management committee.

RESPONSE: Comment noted. Mr. Glenn Hickman is not on the Maricopa County Board of Supervisors.

92. COMMENT: However, the fact that a DRAFT Approved Permit has been created prior to any public comment or hearing, seems to indicate that the "fix" is in, as predicted.

RESPONSE: MCAQD does not agree with the comment. See response to Comment #88.

93. COMMENT: There is no attempt to update the permit condition for odors, despite numerous complaints to the agency about the illegal stench emanating from the facility and offensive for miles, which violates Rule 320 and its Section 302. Section 302 clearly lists fertilizer and manure as things that shall be regulated to prevent odors from escaping. By refusing to require the equal application of this to people unfortunate enough to live within smelling distance of Hickman's facilities is a violation of the Equal Protection Clause of the US Constitution, and is per se evidence of agency fraud and racketeering.

RESPONSE: See response to Comments #20 and #151.

94. ***COMMENT: This unequal treatment of Hickman's also constitutes an unfair business practice in that other permittees were required to complete their air permit applications, and, in most cases, actually obey the air quality regulations.***

RESPONSE: MCAQD requires all permittees to complete their air permit applications before they may be processed. See response to Comment #89.

95. ***COMMENT: MCAQD has been consistently misleading the public about the odor issues involving Hickman's facilities. This includes MCAQD staff making claims to have been in meetings with ADEQ and Hickman's to resolve the issues, when these meetings indeed never occurred.***

RESPONSE: MCAQD does not agree with t he comment. MCAQD staff has met with Hickman's as is normal practice for any permit applicant to address permitting issues and have met with ADEQ to address delineating responsibilities for agricultural activities. The result is a memorandum from ADEQ dated September 25, 2015 that establishes ADEQ's jurisdiction over agricultural issues and the the January 14, 2016 adoption of the agricultural BMP for poultry farms.

96. ***COMMENT: …That the MCAQD is permitting it [rotary dryer] now while simply allowing it to operate is …evidence of favoritism and collusion with Hickman's to allow violations of the Clean Air Act. So the MCAQD's failure to enforce is just another reason for EPA intervention. DWAZ requests EPA remove the delegation agreement with MCAQD and/or overfile and penalize the company, at a minimum.***

RESPONSE: MCAQD does not agree with the comment.

97. ***COMMENT: It appears that many MCAQD staff and administrators are involved in the Hickman's scandal, and it is suggested that all seek their own legal counsel in these matters. It is DWAZ's understanding that to conspire to break air pollution laws that are part of the federal ly-approved SIP is criminal activity, and if agency staff is complicit, that makes the situation worse for all defendants, and opens the door for a racketeering and fraud case. This constitutes formal notice.***

RESPONSE: MCAQD does not agree with the comment.

98. ***COMMENT: … look at where both chicken factories are. Arlington and Tonopah. Both towns that are incorporated. Plus with Clint Hickman being on the County Board it made it easy to get the OK from the County Board to build in Tonopah and get the Agricultural Permit. The thing I don't understand is they actually sit back and expect the People of Tonopah not to say or do anything. To them it's strictly business, and what they say about being a good neighbor is, if you don't like the smell then mo ve or just sit there and do nothing.***

RESPONSE: Hickman's Egg Ranch at 41625 W. Indian School Rd. is statutorily exempted from the county's zoning, drainage and construction safety codes per LU20140004See also response to Comment #8.

99. ***COMMENT: Why would we go with anything he (Eric Massey) said? He's tried to say that the Rosemont Mine was not a Title V permit source. Instead -- but the miners stepped in. That got thrown out of court. And then he tried to say ASARCO didn't require a special kind of permit that makes it filter out its extra pollution. And he was wrong there. The EPA conducted an enforcement action on that one. So, when he says that this is an agricultural facility, so what?***

RESPONSE: The references toRosemont Mine and ASARCOare not related to this permit.

100. ***COMMENT: … And he would consistently mislead the public about the -- about all of this, including the fake meetings you claim to have had wi th ADEQ staff and with Hickman's about this that (the MCAQD***

Ombudsman) talked about on camera.

RESPONSE: See response to Comment #95.

101. COMMENT: We have asked EPA to intervene. I think they need to rescind the Agency's permitting authority. They tried to do that back in 2002, when your Agency was caught with complete fraud. They fired all the top staff of this Agency. I think they need to do it again. Okay? Someone has to protect the public. It certainly won't be your Agency.

RESPONSE: MCAQD does not agree with the comment. The EPA has never attempted to rescind the Department's permitting authority, fire any County Air Quality employees, or accused the Department of fraud. It is assumed that the year 2002 quoted above is in reference to a Notice of Deficiency issued to the Department on May 17, 2005 by the EPA regarding the Title V Permitting program. The notice set into motion a compliance schedule wherein the County submitted to the EPA a work plan and subsequently corrected the deficiencies to avoid possible sanctions. On November 9, 2006, the EPA announced that Maricopa County had corrected the deficiencies in its clean air permitting program. Note that similar clean air programs nationwide received Notices of Deficiency from the EPA during this time period. http://www.gpo.gov/fdsys/pkg/FR-2005-06-02/html/05-10995.htm

102. COMMENT: Besides being vastly incomplete, this is reminiscent of the scandalous permitting and handling by MCAQD of the Fisher Sand and Gravel asphalt plant that operated in South Phoenix. It was a synthetic minor by reason of limiting its production of asphalt, but the agency never asked for any records to show compliance despite hundreds of complaints from inundated local ethnic minority citizens. When the records were finally requested by the agency and produced for public inspection, it led to an assessed $1 million fine, which was negotiated down from a potential $6.7 million fine. (If there had been no public inquiry and appeals to EPA, the agency would have done nothing in its oversight role. There was no penalty for the agency in its negligence in the matter, but a civil rights complaint with the EPA Office of Civil Rights is still open and pending.) There needs to be a federal level investigation of the current agency regarding Hickman's need for a Title V permit. The last time EPA audited the county air agency, when it was the MCESD, it found criminal activity, issued a rare Notice of Deficiency, and forced a change in staff and even required a new agency be created. DWAZ assisted in the research that led to calss to the EPA to conduct the audit. It seems that this sort of EPA audit and response is now called for again. Given the history of the county air agency and its propensity to issue permits without intending to conduct due diligence and issue sham or fake permits, along with its consistent failure to train its employees, it appears a deliberate activity is involved. The baghouse at Fisher was also not the proper type to prevent PM emissions, and it took an outside independent expert contracted by MCAQD to inform the agency of its error.

RESPONSE: The references to Fisher Sand and Gravel in this comment are not related to this permit. See also response to Comment #101.

RECORD AVAILABILITY

103. COMMENT: Not only has the Board failed to examine the Hickman application thoroughly for discrepancies and omissions, they have also failed to properly provide the public with all the complete current documentation that is pertinent to this Permit. What has been provided is inconsistent and incomplete.

RESPONSE: All requests for information have been fulfilled.

104. COMMENT: An example would be the current equipment listing of items on-site, and the new equipment to be added. The application should be denied until this Equipment List can be reconciled so

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that the public can understand the ramifications of these point source i tems. These equipment lists were not even available from your website, and had to be obtained through a public record request.

RESPONSE: The equipment list has not traditionally been considered part of the permit. However, on September 22, 2015, interested members of the public requested a copy of the equipment list and was provided to them the same day. The equipment list was also added to the draft permit posted on the website within one day of the request, September 23, 2015. The date on the equipment list is the date the permit was originally issued. This date is automatically generated out of our permitting system and does not allow the Department to manipulate revision numbers or revision dates on the equipment list. The equipment list that was provided to the public and included in the draft permit was the current version. It included all revisions and listed as item #1, "DRYER – PROPANE, ROTARY DRYER WITH BAGHOUSE; INSTALLED 07/15." As a result of the requests, the Department has begun including the equipment list to the draft permits that are posted on the website for all publicly noticed permits.

105. COMMENT: A current example would be the equipment list of items that are on site and that are proposed to be added to this permit. You've h eard a couple of people comment about that already. And the equipment list was not included on your web pages. It had to be obtained through public records. So not all the documentation that is necessary for us to make a decision in our comments to you were made available to us… the two sheets of equipment lists that I was able to obtain, one of them was dated clear back to 2005. And it does not state what is applicable to this permit and what is just something that was thrown in from that department through public records.

RESPONSE: See response to Comment #104.

106. COMMENT: The permit and hearing notices are incomplete and legally insufficient.

RESPONSE: Pursuant to Rule 220 § 407 Public Participation, the Notice of Proposed Air Quality Permit and Public Hearing was legally sufficient. Regarding Rule 220 § 407.2, a list of all permit applications received was posted on the website, at the Department's main office, and included all information required in subparts a through g. Regarding Rule 220 § 40 7.4 through 407.6, the Department decided to hold a public hearing before any requests for hearing were made. Upon this decision, the public hearing was scheduled. Fulfilling the requirements in 407.4, the notice was published "once each week for two consecutive weeks in two newspapers of general circulation in the county where the source is or will be located." The Department posted the Notice in three newspapers once each week for two consecutive weeks, as well as posted it on the website for 38 days beginning the first day of the comment period.

107. COMMENT: The equipment list for the proposed permit is not on the county website, and even when the equipment list is obtained, it is incomplete.

RESPONSE: See response to Comment #104.

108. COMMENT: The permit has been improperly noticed, with not all of the documents required posted on the MCAQD website, and even what has been provided is inconsistent and incomplete. Similarly, despite repeated records requests, the MCAQD persists in not supplying all records.

RESPONSE: See response to Comment #104 and #106.

109. COMMENT: The permit has been improperly noticed. Not all the documents are there.

RESPONSE: See response to Comment #106.

110. COMMENT: Through public records requests, MCAQD has provided Equipment List (Date 12/23/2014

Revision 2.0.1.3) for current Air Quality Permit to Operate and/or Construct Permit #040136 and the Equipment List for the requested modification. The equipment on the two lists are inconsistent with the permit modification permit. The application must be denied until the Equipment Lists can be reconciled so the public can understand the entire scope of the modification and operation of the air pollution source.

RESPONSE: See response to Comment #104.

VIOLATION FOR OPERATING DRYER WITHOUT PERMIT/NON-SPECIFIC VIOLATION

111. ***COMMENT: "DRYER - PROPANE ROTARY DRYER WITH BAGHOUSE; INSTALLED 07/15" is clearly an error and misleads the public. MCAQD has multiple documents demonstrating that the rotary dryer was in operation prior to and since February 25, 2015.***

Response: The dryer referenced in the comment was a temporary dryer used for a pilot study at the Arlington facility. The permanent dryer listed on the equipment list was installed in July, 2015.

112. ***The Rotary Dryer that is requested to be added to the permit is already in use and needs to cited as such, operating without a permit.***

RESPONSE: See response to Comment #111.

113. ***COMMENT: ARS 49-481. Grant or denial of applications:***
The control officer shall deny a permit or revision if the applicant does not show that every such source is so designed, controlled, or equipped with such air pollution control equipment that it may be expected to operate without emitting or without causing to be emitted air contaminants in violation of the provisions of this article and the rules adopted by the board of supervisors.

RESPONSE: See response to Comments #48 and #49.

114. ***COMMENT: The Hickman facility should be shut down until they can bring their operations under control and live within the rules of EPA emission standards.***

RESPONSE: See response to Comment #48.

115. ***COMMENT: Additionally, ADEQ has assumed jurisdiction of the adequacy of the rotary dryer. In fact, the rotary dryer has been in operation without a permit for some time and is only now seeking to be permitted because of numerous citizens' complaints.***

RESPONSE: See response to Comment #111.

116. ***COMMENT: The original date of the rotary dryer installation must appear on the Equipment List and MCAQD should issue a Notice of Violation.***

RESPONSE: See response to Comments #111. It was determined that the original dryer for the pilot study was subject to the agricultural exemption and no permit was required. As part of this current permit action, the jurisdictional issues have been clarified in the September 25, 2015 letter from ADEQ. Consequently, the new dryer and its installation date are included on the equipment list.

117. ***COMMENT: The facility has been illegally using the propane-fueled rotary dryer for manure processing for quite some time, and until and unless a proper permit is applied for with the application actually complete, the use of it must be prohibited immediately. Citizens filed numerous complaints about the***

illegal use of this equipment and the extraordinary emissions that violated opacity regulations from this unpermitted equipment, including video tapes of the activity, and yet this corrupt agency first tried to deny its existence, and still allows it even though the equipment is not permitted. That makes the agency culpable and complicit in violations of the Clean Air Act, which DWAZ believes is a crime. Obviously, a criminal investigation must be conducted by EPA and the Department of Justice.

RESPONSE: MCAQD does not agree with the comment. Also, see response to Comment #116.

118. COMMENT: The rotary dryer has been operating for quite some time, and is now the subject of this minor permit modification to allow its "inst allation." After ignoring numerous citizens' complaints about it and even denying its existence, the agency is now planning to permit it. But where is the NOV for operating it illegally? Where is the order of abatement? That the MCAQD is permitting it now while simply allowing it to operate is an admission that the rotary dryer requires a permit,..

RESPONSE: See response to Comment #116.

119. COMMENT: In addition to the gaseous and odorous emissions from the Arlington facility I have also observed on numerous occasions plumes of manure dust rising hundreds of feet into the air when the chicken manure is being turned and loaded into the rotary dryer hopper at the manure p rocessing plant in the Arlington Complex. This dust regularly drifts over my home and settles on my roof and vehicle.

RESPONSE: ADEQ has exercised jurisdiction over dust (i.e., PM10) through the agricultural BMP and is therefore the regulator of record. MCAQD recommends contacting Emily Bonanni of ADEQ at 602 -771-2324 or bonanni.emily@azdeq.gov for additional information about the enforcement of agricultural BMPs. See also response to Comment #20.

120. COMMENT: This industrial Title V facility has been illegally using a propane -fueled rotary dryer for manure processing for quite some time now, and until and unless a prop er permit is applied for or the application is actually complete, the use of this should be prohibited immediately. There is no legal authority for this thing to be operating at this time without a permit. And citizens have, additionally, filed numerous co mplaints over this illegal use of this equipment and have displayed, to the County, extraordinary emissions that violate capacity regulations, again, from this un -permitted equipment, including videotapes of activity. And yet the Agency has, instead, tried to even deny its existence and still allows it, even though the equipment is not currently permitted.

RESPONSE: See response to Comment #116.

121. COMMENT: The rotary dryer has been operating and is now the subject of the minor permit modification to allow its installation. Well, it's already been installed. The ship sailed on that. S o you're way behind the eight ball on that.

RESPONSE: For minor permit revisions, a facility is allowed to install the subject equipment upon filing an application.

122. COMMENT: After ignoring citizens' complaints about it, even denying its existence, the A gency is now planning to permit it. Okay. Great. That's a good start. Way too late. But where is the NOV for operating illegally? Where is that? So one of the questions we want to pose here is why no NOVs were issued for this piece of equipment that has be en operating illegally? Why is it being permitted now to operate without NOVs for operating in the past?

RESPONSE: See response to Comment #116.

123. ***COMMENT: By the Agency's permitting it now, are we simply allowing it to operate with its emissions that requires a permit, as well as evidence, really, of favoritism and collusion, because there is no -- again, no legal authority for this to be happening. And, again, this is an industrial facility.***

RESPONSE: See response to Comments #57 and #116.

124. ***COMMENT: So, again, my question is why are these people allowed to operate in violation of law? Why is this continuing? Why are you allowing this?***

RESPONSE: See response to Comment #116.

125. ***COMMENT: Unfortunately, as indicated prior to me stepping up tonight, the drum dryer has been installed well longer -- way longer than a year. So Hickman's is asking me, as a citizen and a resident, to trust them and that, if Maricopa County does their job and permits this, that they'll comply. Well, they haven't done that already. So what will a piece of paper make them do?***

RESPONSE: Comment noted.

126. ***COMMENT: I think this permit should be denied. In fact, I think their permit should be revoked. The general conditions, under the Rule 200, number 309, and 220 and 406.3, it says, "the issuance of any permit or permit revision shall not relieve the permittee from compliance with any federal laws, Arizona laws, or the county or SIP rules, nor does any other law, regulation, or permit relieve the permittee from obtaining a permit or a permit revision required under the county rules. The permittee shall comply with all conditions of this permit, including all applicable requirements of federal laws, Arizona laws, and Maricopa County Air Pollution Control rules and regulations now in effect and as amended in the future. Any permit not in compliance is grounds for enforcement action, permit termination, or revocation or for a denial of a renewal application. In addition, noncompliance with any federally enforceable requirements constitutes a violation of the clean air act."***

RESPONSE: See response to Comment #48.

FEDERAL REGULATIONS – CO-LOCATION, EPCRA, TITLE V, PSD, SIP

127. ***COMMENT: In addition, we raise concerns that the aforementioned operations are not properly reporting under the Emergency Planning and Community Right to Know Act (EPCRA), Sections 304, 42 U.S.C. §11004, and 313, 42 U.S.C. §11023.***

RESPONSE: The Emergency Planning and Community Right-to-Know Act (EPCRA) is a federal program designed to help communities plan for emergencies involving hazardous substances. MCAQD has not been granted the authority to implement, oversee or enforce regulations pertaining to EPCRA.

Co-Location

128. ***COMMENT: Both Arlington and Tonopah Hickman Operations should be Considered as One Source Under the Clean Air Act***

Even though these two sites are not contiguous, we believe that both of these CAFOs should be considered as one source per the definition of a CAFO under the federal Clean Water Act. The Act defines a CAFO as:

> ***"Two or more AFO's under common ownership are considered one operation if, among other things, they adjoin each other (including facilities that are separated only by a right-of-way or a public road) or if they use a common area or system for managing wastes" [emphasis added] 40 CFR § 122.23(b)(2).***

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For example, operations generally meet the criterion where manure, litter, or process wastewater are commingled (e.g., stored in the same pond, lagoon, or pile) or are applied to the same cropland [EPA-833-F-12-001]. Manure from the facility in Tonopah is being transported to the Arlington facility where it is then being stored in rows on the ground unprotected from the elements. The manure handling details for the Tonopah facility are found in the facility's Nutrient Management Plan.

With regards to our argument that the Tonopah and Arlington Hickman operations should be considered one source, it should be noted that EPA Region 3 undertook the following considerations in determining whether two CAFO sites were a single source in a case that came before them under the Clean Air Act [Trinity Consultants, Control #342, 7/26/04]. EPA based its determination on the following items: contractual agreements, adjacent location, financial interest based upon conversations with both facility owners, Dun and Bradstreet reports, common employees, shared equipment, and process/production codependency.

In the case at hand, both of Hickman's Arlington and Tonopah sites meet several of the above criteria for a "single source" determination. For example, both sites share equipment, feed, waste management systems, employees, process and production codependency, and financial interests. Therefore, based upon the same criteria that EPA Region 3 considered in making a "single source" determination, we suggest that Region 9 consider these two sites as one source. As such, when both of the Hickman facilities are considered together as one source, the operation would far exceed the threshold for emissions of VOCs. Our estimates are as follows:

NEET = 100 tpy

Arlington facility VOCs = 288 tpy

Tonopah facility VOCs (Currently) = 103 tpy

Total VOCs = 391 tpy

Therefore, we believe both Hickman CAFOs should be considered as one source and operating under one Clean Air Act Title V permit

RESPONSE: The following definitions are pertinent to this comment:

- SOURCE [as defined by MCAQD Rule 100 § 200.101]: Any building, structure, facility, or installation that may cause or contribute to air pollution.
- STATIONARY SOURCE [as defined by MCAQD Rule 100 §200.105]: Any source that operates at a fixed location and that emits or generates regulated air pollutants.
- BUILDING, STRUCTURE, FACILITY, OR INSTALLATION [as defined by MCAQD Rule 100 §200.26]: All the pollutant emitting equipment and activities that belong to the same industrial grouping, that are located on one or more contiguous or adjacent properties, and that are under the control of the same person or persons under common control, except the activities of any vessel. Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same "Major Group" as described in the "Standard Industrial Classification Manual, 1987".

The primary factors used to determine whether multiple operations are considered a single source include:

1. The activities must be located on contiguous or adjacent property.
2. The activities must be under common control.
3. The activities must belong to the same industrial group.

The Hickman's Egg Ranch facilities located in Arlington and Tonopah are under common control (each is owned and operated by Hickman Family Farms), and they belong to the same industrial group (egg production). Therefore the determination of common control hinges on whether the facilities are contiguous or adjacent.

The concepts of "contiguous" and "adjacent" are two distinctly different concepts. Contiguous means to have contact with, to be touching, or to be connected throughout in an unbroken sequence. Adjacent means nearby. The key is that contiguous implies that sources are all part of the same site, pad, facility, or within the same site boundary. Adjacent implies nearness or being next to one another. Therefore, facilities that are separated only by a road, river, railroad, or other right-of-way may or may not to be considered adjacent.

Contiguous or adjacent property determinations are resolved on a case-by-case basis and may take shared equipment or physical connections between facilities into account.

The two Hickman's Egg Ranch facilities are located at:

- 41625 W Indian School Rd, Tonopah, AZ 85354
- 32425 W Salome Hwy, Arlington, AZ 85322

The locations are approximately 18 miles distant from one another and no physical connection exists between the businesses.

Given this information the department does not believe that the two facilities are part of the same source and therefore that they should be permitted as two separate operations.

129. COMMENT: There is also evidence of processing and production codependency between the Tonopah and Arlington sites, which means they should be considered one source.

RESPONSE: See response to Comment #128.

EPCRA

130. COMMENT: We also have additional concerns that the Hickman operations are not properly reporting under EPCRA. Section 304 of EPCRA, 42 U.S.C. §11004, requires that Ammonia (NH3) emissions greater than 100 lbs/day be reported.

Based on findings from the NAEMS IN2B study, any manure belt layer operation with over 157,000 birds should be reporting their Ammonia emissions. With regards to Hickman's Tonopah facility, our estimates are as follows:

a. Ammonia emissions at Tonopah facility: (Currently - 4.3 million birds)- (70.6 kg/day/hen)
0.0002824 kg/day/hen x 4.3 million birds = 1214.32 kg/day 1 x 2.20462 lbs = 2,677 lb/day

b. Maximum daily Ammonia emissions at Tonopah facility: (12 million birds) - (70.6/day/hen)
0.0002824 kg/day/hen x 12 million birds = 3,388.8kg/day- 1 x 2.20462 lbs = 7,471 lbs/day

Also, our analysis of Hickman's Arlington facility shows that with the 12 million birds currently housed at this site, Ammonia emissions are 7,471 lbs/day.

Because of the different types of significant industrial manufacturing, processing and commercial activities taking place at these facilities, it is quite possible that Section 313 of EPCRA, 42 U.S.C. §11023, also applies. This Section requires that if a facility manufactures or processes more than 25,000 lbs of Ammonia (NH3) in a calendar year, or otherwise uses more than 10,000 lbs of Ammonia in a calendar year, it must report the releases of Ammonia to the Toxics Release Inventory using a Form R report. While it is unknown whether the egg or fertilizer processing, manufacturing or commercial activities contribute

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to over 50% of the revenues generated from the Arlington and Tonopah facilities to trigger Toxic Release Reporting under EPCRA (per the Form R report ins tructions), we believe this issue warrants an investigation by EPA.

Section 325 of EPCRA, 42 U.S.C. § 11045, allows civil and administrative penalties ranging up to $10,000 - $75,000 per violation or per day per violation when facilities fail to comply wi th the reporting requirements. There is no evidence that Hickman Family Farms is meeting EPCRA reporting requirements and our research suggests these requirements should be met.

RESPONSE: Ammonia is not a regulated air pollutant under federal or local rules and is not regulated as such by MCAQD. In addition , MCAQD has not been granted the authority to implement, oversee or enforce regulations pertaining to EPCRA.

131. ***COMMENT: Furthermore, we believe that there has been a failure by both Hickman Arlington and Tonopah operations to report Ammonia emissions under EPCRA. This is also evidence of a disregard for the rule of law and the community.***

RESPONSE: See response to Comment #127.

132. ***COMMENT: We urge EPA Region 9 to investigate and ultimately revoke the Non -Title V Air Quality Permits for both the Tonopah and Arlington facilities, prevent further construction until a new source review has been conducted at both facilities, and require a Title V permit issued. We also request that EPA invoke any justifiable fines and penalties applicable under both the Clean Air Act and EPCRA.***

RESPONSE: Comment noted. MCAQD believes the permits have been issued in accordance to all federal, state and local rules and is committed to working with EPA Region 9 to resolve any issues should EPA determine the permits have been issued improperly.

TITLE V STATUS

133. ***COMMENT: Also the facility is actually a Title V major source, and the current permit should be rescinded. Before any permit is issued a new Title V permit should be applied for, along with a New Source Review.***

RESPONSE: MCAQD considers VOC emissions from hen houses to be fugitive and per MCAQD Rule 100 §200.60.c:

> The fugitive emissions of a stationary source shall not be considered in determining whether it is a major stationary source.

See response to Comment #73.

134. ***COMMENT: The facility is masquerading as a non -Title V facility, with the obvious collusion of the poorly trained agency staff. The permit needs to be rescinded, New Source Review conducted, and a Title V permit applied for. In fact, the two Hickman's facilities are so interconnected, that per regulation, they should be considered one facility.***

RESPONSE: MCAQD does not agree that its employees are poorly trained. See responses to Comments #73 and #133.

135. ***COMMENT: The Hickman operations exceed allowable VOC emission thresholds in the 8 -hour ozone nonattainment area and should be required to have a Title V permit.***

RESPONSE: See responses to Comments #128 and #133.

136. ***COMMENT: The facility is actually a Title V major source, and the current permit should be rescinded, and a new, Title V permit should be applied for. There should also be a New Source Review before any permit is issued.***

RESPONSE: See responses to Comments #128 and #133.

8-HR OZONE STANDARD

137. ***COMMENT: The operations are both located in an 8 -hour Non-Attainment Area for Ozone. In 2008, the EPA revised the eight-hour ozone standard to 0.075 parts per million (ppm). More recently, on October 1, 2015, the Agency lowered the standard to 0.070 ppm. 1 On May 21, 2012, EPA published a final rule to designate the Maricopa nonattainment area as a Marginal Area with a December 31, 2015 attainment date. Because both facilities are located in the non-attainment area, the major source permit threshold for Volatile Organic Compound (VOC) emissions from each facility is 100 tons per year (tpy) and we assume will soon be lower when the new federal standard for ozone is required to be implemented in Arizona.***

RESPONSE: Comment noted.

138. ***COMMENT: The Arlington plant is already within a federally designated "8 -hour Non-Attainment Area for Ozone" which puts it in direct conflict with existing EPA air pollution control regulations.***

RESPONSE: There is no regulatory prohibition on a facility operating within a non-attainment area.

ARIZONA REVISED STATUTES (ARS)

139. ***COMMENT: ...the proposed permit conditions are not sufficient under A.R.S. § 49-480(F) and A.R.S. §480.03 and 480.04, because of the increased air pollution.***

RESPONSE: MCAQD believes that a Title V permit is not required and the conditions in the permit reflect all applicable requirements. No Hazardous Air Pollutants have been identified that are subject to regulation.

STATE IMPLEMENTATION PLAN (SIP)

140. ***COMMENT: MCAQD violates its own rules under the federally enforceable SIP in all permits issued to Hickman's.***

RESPONSE: See response to Comment #5.

141. ***COMMENT: ARS 49-457 (0), a state law, is superseded by the federally recognized SIP for Maricopa County. Until and unless EPA Region 9 allows changes in the SIP for Maricopa County, the SIP is the controlling document.***

In the SIP's definitions, we find odors listed as a separate thing than other air contaminants:

> ***200.9 AIR CONTAMINANT***
>
> ***Includes smoke, vapors, charred paper, dust, soot, grime, carbon, fumes, gases, sulfuric acid mist aerosols, aerosol droplets, odors, particulate matter, windborne matter, radioactive materials, noxious chemicals, or any other material in the outdoor atmosphere.***

Also, air pollution is defined broadly:

200.10 AIR POLLUTION

The presence in the outdoor atmosphere of one or more air contaminants, or combinations thereof, in sufficient quantities, which either alone or in connection with other substances, by reason of their concentration and duration, are or tend to be injurious to human, plant, or animal life, or causes damage to property, or unreason ably interferes with the comfortable enjoyment of life or prope1ty of a substantial part of a community, or obscures visibility, or which in any way degrades the quality of the ambient air below the standards established by the Board of Supervisors.

RESPONSE: Comment noted.

142. COMMENT: The baghouse has the potential to exceed the opacity limit, so the compliance requirements in SIP Regulation 1 - General Provisions, Rule 3 Air Pollution Prohibited and Regulation 3 - Control of Air Contaminants, Rule 300 - Visible and Maricopa County Rule 300 - Visible Emissions should be added to the permit section for Fuel Burning Equipment.

RESPONSE: State statutes preclude MCAQD from regulating PM10 emissions generated by agricultural activities. ADEQ has exercised jurisdiction for all PM10 from agricultural activities.

MCAQD RULE 323

143. COMMENT: MCAQD Rule 323 exempts kilns per §103.2 and although the rotary kiln may be considered an indirect-fired process heater with a heat input greater than 10 MMBtu/hr in §102.4, it is e xcluded by definition in §214: "…A process heater is not an oven or kiln used for drying, curing, baking, cooking, calcining, or vitrifying."

RESPONSE: The Department never proposed that the dryer was subject to Rule 323. The requirements for the dryer are based on Rule 220.

RULE 320 ODOR VIOLATION/ENFORCEMENT

144. COMMENT: It appears they are violating state and federal air quality regulations on many levels but most certainly by not containing the odors.

RESPONSE: See response to Comment #151.

145. COMMENT: I would like to request that the permit revision be denied and the current permit be revoked for the following reasons:

The compliance investigator, "[redacted]", has no knowledge or ignores the general conditions of the permit specifically Rule 320.

ODOR CONTROL
3. Standards:

a. No person shall emit gaseous or odorous air contaminants from equipment, operations or premises under his control in such quantities or concentrations as to cause air pollution. [Rule 320 §300]

b. Material Containment Required: Materials including, but not limited to, solvents or other volatile compounds, paints, acids, alkalies, pesticides, fertilizer and manure s hall be processed, stored, used and transported in such a manner and by such means that they will

not unreasonably evaporate, leak, escape or be otherwise discharged into the ambient air in such quantities or concentrations as to cause air pollutions smell s, aromas or stenches commonly recognized as offensive, obnoxious or objectionable to a substantial part of a community. Where means are available to reduce effectively the contribution to air pollution from evaporation, leakage or discharge, the installat ion and use of such control methods, devices or equipment shall be mandatory.

[Rule 320 §302]

ODORS - Smells, aromas or stenches commonly recognized as offensive, obnoxious or objectionable to a substantial part of a community.

RESPONSE: See response to Comment #20.

146. ***COMMENT: On several occasions including today I spoke to him [Compliance Inspector] about manure transportation and the fact that it is not contained while in the transport trucks. The tarp used doesn't provide for full coverage and manure i s observed falling out of the truck and discharged into the ambient air in such quantities or concentrations as to cause air pollutions smells, aromas or stenches commonly recognized as offensive, obnoxious or objectionable to a substantial part of a community. [The Compliance Inspector] has admitted to observing this condition but refuses to write a citation based on Rule 320 sec 300(b).***

RESPONSE: On 10/23/2015, the Tonopah facility and the trucking company were issued violations for allowing spillage of manure onto areas accessable to the public (County Rule 310 Section 305.1.a(2)).

147. ***COMMENT: There are open piles of manure that are very large at the Arlington facility that are uncontained, causing it to be discharged into the ambient air in such quantiti es or concentrations as to cause air pollutions smells, aromas or stenches commonly recognized as offensive, obnoxious or objectionable to a substantial part of a community. [The Compliance Inspector] has observed this and has failed to cite the facility.***

RESPONSE: See response to Comment #20.

148. ***COMMENT: The compliance investigator, "[redacted]", admittedly has no knowledge of the air monitoring equipment for the detection of Hydrogen Sulfide gas. I called in an odor complaint and he stated that he was heading out to observe the monitoring. I questioned his training on the monitoring equipment, he stated he had none or any knowledge about the calibration of the equipment. How can he investigate something for which he has no training? If a compliance officer doesn't have training in the area he's assigned how can he be expected to carry out his duties of investigator?***

RESPONSE: The training of the inspector will be evaluated and if deficiencies are identified, appropriate training will be provided.

149. ***COMMENT: Since the county is unable to verify compliance standards the permit revision should be denied and the original permit should be revoked until such time as to provide competent means of investigating violations of the terms of the permit.***

RESPONSE: The basis for the Control Officer to issue or deny a permit must be made from a determinationas to whether the facility is designed to meet the provisions of the applicable air quality rules. H ydrogen sulfide monitoring witnessed by a Compliance Inspector has repeatedly shown compliance with the standards in Rule 320. MCAQD lacks the authority to impose more stringent requirements than what is in the Rules and proposed permit.

150. COMMENT: The use of a rotary dryer is in violation of Rule 320 sec 300 as it pertains to reduction. Compliance of Rule 320 sec 300 is a condition of this permit.

> ***SECTION 300 - STANDARDS: No person shall emit gaseous or odorous air contaminants from equipment, operations or premises under his control in such quantities or concentrations as to cause air pollution.***
>
> ***301 ANIMAL AND VEGETABLE MATTER REDUCTION: No person shall operate or use any machine, equipment or other contrivance for the reduction of animal or vegetable matter, separately or in combination, unless all gases, vapors and gas -entrained effluents have b een incinerated to destruction at a temperature of not less than 1,300 degrees fahrenheit or processed in a manner determined by the Control Officer to be equally or more effective for the control of air pollution.***
>
> ***204 REDUCTION - Any heated process, incl uding rendering, cooking, drying, dehydrating, digesting, evaporating and protein concentrating.***

RESPONSE: A nimal and vegetative matter referenced in Rule 320 refers to the remains (or tissues) of dead animals and dead plants. Manure is a waste product excreted by live animals and is not tissue from or the remains of dead animals. Chicken carcasses are bagged and transported to a separate fertilizer plant unrelated to Hickman's Egg Ranch..

151. COMMENT: It is also my opinion that the existing permit # 040136 be revoked as there are unresolved violations of the permit conditions. Permit condition 1 of the permit is being violated. Odor violations with complaints filed are recorded in 2003 and continue to this day. A reasonable period of time to get in compliance is allowed, I think 12 plus years to be beyond reasonable.

RESPONSE: County Rule 320, Section 302 requires manure to be processed, stored, used and transported in such a manner and by such means that they will not *unreasonably* evaporate, leak, escape or be otherwise discharged into the ambient air so as to cause or contribute to air pollution. While there are odors coming from the manure handling, MCAQD believes the source has taken reasonable measures to control the odors.

152. COMMENT: The Odor issues need to be addressed also.

RESPONSE: See response to Comment #151.

153. COMMENT: Potential for odors from manure handling and composting operations.
The Technical Support Document for the proposed permit states:

> ***"Conditions 3-5 were taken from Rule 320 and were included due to the potential for odors from manure handling and composting operations."***

On page 1 of 9 of the proposed permit, section 3 regarding odor control states:

> ***"(3)(a) No person shall emit gaseous or odorous air contaminants from equipment, oper ations or premises under his control in such quantities or concentrations as to cause air pollution."***
>
> ***"(3)(b) Material Containment Required: Materials including, but not limited to, solvents or other volatile compounds, paints, acids, alkalies, pesticides, fertilizer, and manure shall be processed, stored, used and transported in such a manner and by such means that they will not unreasonably evaporate, leak, escape or be otherwise discharged into the ambient air in such quantities or concentrations as to cause air pollutions smells, aromas or stenches commonly recognized as offensive, obnoxious or objectionable to a substantial part of a community.***

Where means are available to reduce effectively the contribution to air pollution from evaporation, leakage or discharge, the installation and use of such control methods, devices or equipment shall be mandatory."

The agency fails to address the distinctive odor of "stinky feet" or isovaleric acid and other malodors and dusts that currently emanate from the Hickman Egg Ranch, Inc. Arlington property. This foul odor travels beyond the boundary of the facility and invades the homes and properties in the nearby community.

RESPONSE: See response to Comment #151.

154. COMMENT: There is no attempt to update the permit condition for odors, despite numerous complaints to the agency about the illegal stench emanating from the facility and offensive for miles, which violates Rule 320 and its Section 302. Section 302 clearly lists fer tilizer and manure as things that shall be regulated to prevent odors from escaping.

RESPONSE: See response to Comment #151.

155. COMMENT: The MCAQD rule regarding o dors, which incidentally none of the agency's staff have been trained about, is promulgated in light of the SIP definitions.

REGULATION III - CONTROL OF AIR CONTAMINANTS RULE 320
ODORS AND GASEOUS AIR CONTAMINANTS SECTION 100 - GENERAL
101 PURPOSE: To limit the emissions of odors and other gaseous air contaminants into the atmosphere.

SECTION 200 - DEFINITIONS: For the purpose of this rule, the following definitions shall apply:

203 ODORS - Smells, aromas or stenches commonly recognized as offensive, obnoxious or objectionable to a substantial part of a community.

SECTION 300 - STANDARDS:
No person shall emit gaseous or odorous air contaminants from equipment, operations or premises under his control in such quantities or concentrations as to cause air pollution.

What is notable here is that there is no footnote about H2S. Yet somehow, MCAQD's untrained staff and the agency have been incorrectly asserting that all odors are regulated by an H2S standard. Since the staff has not been trained about the odor rule, it is obvious that someone has been telling them to say this.

RESPONSE: Rule 320 is not part of the SIP. No footnote regarding hydrogen sulfide is necessary since there is a specific limitation for this pollutant in Rule 320, Section 304. The language for that limitiation is quoted in Comment #161. While there may be multiple odorous compounds in addition to hydrogen sulfide produced by the facility, only hydrogen sulfide is subject to quantifiable emission limits

156. COMMENT:

301 ANIMAL AND VEGETABLE MATTER REDUCTION:
No person shall operate or use any machine, equipment or other contrivance for the reduction of animal or vegetable matter, separately or in combination, unless all gases, vapors and gas - entrained effluents have been incinerated to destruction at a temperature of n ot less than 1,300 degrees Fahrenheit or processed in a manner determined by the Control Officer to be equally or more effective for the control of air pollution.

Despite the rule, MCAQD has ignored this when applying it to Hickman's permits.

RESPONSE: See response to Comment #150.

157. COMMENT:

> ***302 MATERIAL CONTAINMENT REQUIRED:***
> ***Materials including, but not limited to, solvents or other volatile compounds, paints, acids, alkalies, pesticides, fertilizer and manure shall be processed, stored, used and transported in such a manner and by such means that they will not unreasonably evaporate, leak, escape or be otherwise discharged in to the ambient air so as to cause or contribute to air pollution. Where means are available to reduce effectively the contribution to air pollution from evaporation, leakage or discharge, the installation and use of such control methods, devices or equipment shall be mandatory.***

Section 302 clearly lists fertilizer and manure as things that shall be regulated to prevent odors from escaping. By refusing to require the equal application of this to people unfortunate enough to live within smelling distance of Hickman's facilities is a violation of the Equal Protection Clause of the US Constitution, a nd is evidence of agency fraud and racketeering. MCAQD even issued permits to the Hickman's facilities that mention the rule and controlling odors, yet claims the limitations on H2S, Hydrogen Sulfide, in the ambient air are the only way to measure and dete rmine compliance. This is scientifically challenged, as not all odors are caused by H2S. And there is a separate and distinct section of the rule under the SIP that deals with H2S, which would not be needed if H2S were the only thing that causes odors that are regulated under the SIP.

RESPONSE: See responses to Comments #20 and #155.

158. COMMENT: The other intense odors emanating from the Hickman's facilities from poultry manure also include aliphatic fatty acids, amines, ammonia, aromatics, and inorganic and organic sulfur. When anaerobic conditions occur methane, carbon dioxide, ammonia, acetic, propionic and butyric are produced. The decomposition of amino acids by bacteria produces amines, such as cadaverine and putresine. The very offensive smelling compound methyl mercaptan is a product of amino acid decomposition, and can be oxidized to the unpleasant smelling compounds dimethyl disulfide or dimethyl sulfide. Nitrous oxide, mono-methane volatile organic carbon, dust, and microbial and endotoxin aerosols will be produced. And other chemicals causing odors are Dimethyl sulfide, Butyric, isobutryic acid, Valerie acid, Isovaleric acid, Skatole and Indole.

RESPONSE: Comment noted.

159. COMMENT: By not requiring monitoring for or controlling these odors other than hydrogen sulfide from Hickman's, the MCAQD is n egligent, and has been. If any injury or death occurs as a result, this will become gross negligence. Loss of life or health or quality of life, property devaluation, stress caused by the agency's refusal to enforce the law, all are actionable due to the MCAQD's negligence.

RESPONSE: MCAQD does not agree with the comment. See response to Comment #155.

160. COMMENT: And obviously, if the odor rule did not apply to agriculture in any way, there would and could not be any mention of manure in the rules and SIP definitions. This is more evidence of the pattern of behavior at MCAQD in asserting that Hickman's is exempt.

RESPONSE: Facilities classified as agricultural are not the only facilities that handle manure.

161. COMMENT:

304 LIMITATION - HYDROGEN SULFIDE:
No person shall emit hydrogen sulfide from any location in such a manner or amount that the concentration of such emissions into the ambient air at any occupied place beyond the premises on which the source is located exceeds 0.03 parts per million by volume for any averaging period of 30 min utes or more.

RESPONSE: Comment noted.

162. COMMENT:

SPECIFIC CONDITIONS 4. Compliance Demonstration
The Compliance Demonstration is too limiting to effectively demonstrate compliance with the odor control standards. The permit needs to be modified to inclu de comprehensive demonstration of odor control to protect the environment and public health. Currently t he per mittee frequently violates this permit condition and SIP Regulation 1 - General Provisions, Rule 3 Air Pollution Prohibited and Regulation 3 - Control of Air Contaminants Rule 32 Odors and Gaseous Emissions.

RESPONSE: Without definitive concentrations and rule language regarding odorous pollutants, MCAQD does not have a basis for requiring this demonstration.

163. COMMENT: MCAQD is required to enforce its federally mandated SIP. The Department can only do this by establishing a comprehensive Compliance Demonstration requirements for "air pollutants, smells, aromas or stenches commonly recognized as offensive, obnoxious, or objectionable" in thi s permit so they can be enforced.

SPECIFIC CONDITIONS 4. Compliance Demonstration
Sampling for hydrogen sulfide within any 12 -month period after the receipt of three odor complaints is inadequate and does not protect the environment or public health. Fir st, the per mittee can continue to violate the odor control standards at will. Second, the permittee can choose to conduct the testing within 90 days during favorable conditions and falsely demonstrate compliance. Third, it does not compel the permittee to take immediate corrective action to cease generation of the stench. Fourth, the compliance demonstration allows the permittee to continue to pollute and in a way encourages it. This Compliance Demonstration violates SIP Regulation 8 -Validity and Opera tion, Rule 81 Operation because this Compliance Demonstration creates and maintains a nuisance. Additionally, this Compliance Demonstration violates SIP Regulation 7 -Ambient Air Quality Standards, Rule 71 by allowing degradation of air quality that is preventable.

SPECIFIC CONDITIONS 5. Compliance Plan
There is a Compliance Plan for the hydrogen sulfide limitation, but not for "air pollutants, smells, aromas or stenches commonly recognized as offensive, obnoxious, or objectionable". Consequently, the per mit is insufficient and must be modified to include a Compliance Plan for the event of "air pollutants, smells, aromas or stenches commonly recognized as offensive, obnoxious, or objectionable" exceedances.

18. SPECIFIC CONDITIONS 5. Compliance Plan
The Technical Support Document for the proposed permit states: "Conditions 3 -5 were taken from Rule 320 and were included due to the potential for odors from manure handling and composting operations."

RESPONSE: See response to Comment #162.

164. COMMENT: On page 1 of 9 of the proposed permit, Section 3 regarding odor control states:

> ***"(3) (a) No person shall emit gaseous or odorous air contaminants from equipment, operati ons or premises under his control in such quantities or concentrations as to cause air pollution."***
>
> ***"(3)(b) Material Containment Required: Materials including, but not limited to, solvents or other volatile compounds, paints, acids, alkalies, pesticides, f ertilizer, and manure shall be processed, stored, used and transported in such a manner and by such means that they will not unreasonably evaporate, leak, escape or be otherwise discharged into the ambient air in such quantities or concentrations as to cau se air pollutions smells, aromas or stenches commonly recognized as offensive, obnoxious or objectionable to a substantial part of a community. Where means are available to reduce effectively the contribution to air pollution from evaporation, leakage or discharge, the installation and use of such control methods devices or equipment shall be mandatory."***

There is a Compliance Plan for the hydrogen sulfide limitation, but the Agency fail to address the distinctive odor of "stinky feet" or isovaleric acid, as wells as other malodors and dusts that currently emanate from the Hickman Egg Ranch, Inc. Arlington property. This foul odor travels beyond the boundary of the facility and invades the homes and properties of the nearby community.

Near the transfer station across from the Hickman concentrated animal feeding operation (CAFO). I have encountered emissions smelling like a stinky feet stench or isovaleric acid, strong fecal odor or skatole, and rotting vegetables or dimethyl sulfide. This is a violat ion of the Hickman's Egg Ranch Air Quality Standard, and Maricopa County's SIP, Regulation 3 -Control of Air Contaminants Rule 32 Odors and Gaseous Emissions.

This problem is not adequately addressed in the draft permit. Consequently, the permit is insuff icient and must be modified to include a Compliance Plan for the event of "air pollutants, smells, aromas or stenches commonly recognized as offensive, obnoxious, or objectionable" exceedances.

RESPONSE: See response to Comment #162.

165. COMMENT: According to the current operating air quality permit issued to H ickman's Egg Ranch by Maricopa County this facility is supposed to abide by many constraints and rules in reg ards to air quality. For the purposes of simplicity I will focus my observations of violations in regards to the following part of Hickman's Air Quality Permit 040136; Specific Conditions 3 (Odor Control).

> ***Part A. No person shall emit gaseous or odorous a ir contaminants from equipment, operations or premises under his control in such quantities or concentrations as to cause air pollution.***
>
> ***Part B. Material Containment Required: Materials including, but not limited to, solvents or other volatile compounds, paints, acids, alkalies, pesticides, fertilizer and manure shall be processed, stored, used and transported in such a manner and by such means that they will not unreasonably evaporate, leak, escape or be otherwise discharged into the ambient air in such q uantities or concentrations as to cause air pollutions smells, aromas or stenches commonly recognized as offensive, obnoxious or objectionable to a substantial part of a community. Where means are available to reduce effectively the contribution to air pol lution from evaporation, leakage or discharge, the installation and use of such control methods, devices or equipment shall be mandatory.***

For the record, I have been filing air quality complaints against the Arlington facility for years. From August of 2014 to September 28th of 2015 alone I have filed 25 air quality complaints against Hickman's Egg Ranch with both Maricopa County Air Quality Dept and ADEQ. The bulk of these complaints dealt

with noxious odors of chicken manure and gaseous vapor emissions from the lagoons. My home is exactly 2.5 miles west of the Arlington facility. The fact that I had to file such complaints means that by definition the Arlington facility has continuously violated parts A and B of Specific Conditions Number 3, which specifically deals with odor control and material containment.

My home is off the grid. I have to generate my own electrical power. This is do ne with solar in the daytime and stored battery power at night. Unfortunately, I do not have the power capacity to run a large air conditioning unit to cool my home in the summer. This means that I have to leave my windows open for ventilation, especially at night during the summer months. Many of my complaints were for noxious odors and gases invading my home through my open windows, mainly in the middle of the night waking me from a sound sleep. These instances occur at least once a week, and sometimes as much as 5 times a week. This gaseous and odorous invasion of my home is clearly a violation of both parts A and B of Specific Conditions Number 3 of Hickman's Permit which clearly states that materials, including manure, cannot be allowed to escape and cause air pollution. Noxious, foul smelling air entering my home from the outside is clearly air pollution.

RESPONSE: See response to Comment #155.

166. COMMENT: When these chemicals enter my home and cause detrimental effects on my health, such as burning throat, nose bleeds and painful breathing or swallowing, this is another clear violation of part B of Specific Conditions Number 3 which clearly states that volatile organics must be contained.

RESPONSE: See response to Comment #151.

AGRICULTURAL BEST MANAGEMENT PRACTICES COMMENTS

167. COMMENT: Under Arizona's Title 18 Environmental Quality, Chapter 2 Department of Environmental Quality Air Pollution Control, the definition for "Best Management Practice" can be found. The definition states; "Best Management Practice means a technique verified by scientific research, that on a case -by-case basis is practical, economically feasible, and effective in reducing PM10 emissions from regulated agricultural activity". I believe, since the county is the agency that makes the final decision on approving an air quality permit, it has the ultimate responsibility to make sure that any technique handed down to the state Ag BMP qualifies as a BMP, is actually addressed on the BMP list and verified by scientific research.

RESPONSE: See responses to Comments #119 and #142.

168. COMMENT: When it comes to making industrial fertilizer, MANURE DRYING is not listed under any Ag BMP. In fact, the Ag BMP's suggest increasing the moisture of stored manure as a control for particulate emissions under R18-2-611.01(G)(2)(K) "Maintain moisture in manure solids". Therefore, I feel, when it comes to manure drying by using industrial equipment like an incinerator, rotary dryer and bag houses, that do not qualify as Ag BMPs, it, b y definition, legally should fall under the county's responsibility and regulations.

RESPONSE: See response to Comment #119.

169. COMMENT: The very operation of a ro tary dryer is in direct conflict with ADEQ Best Management Practices that require moisture to be added to manure to control dust and odors.

RESPONSE: See response to Comment #119.

170. COMMENT: One of their requests is to have their "grain silo requirements removed." They would rather be under the jurisdiction of Agricultural emission regulations than their current INDUS TRIAL

classification, which is much more stringent. The current permit for the Hickman's contains requirements from MCAQD Rules 300 and 311. These conditions limit the opacity from the silos to no more than 20% and limit throughput of grain. This is the equivalent of cigarette smoke.

RESPONSE: See response to Comment #142.

171. ***COMMENT: You can see, from these pictures, there's a whole lot more smoke and emissions going than just the 20 percent cigarette smoke volume.***

RESPONSE: Comment noted.

172. ***COMMENT: According to the Non-Title V Technical Support Document it states that: Particulate Matter is produced from an on-site feed mill, manure drying, composting, feed delivery, paved and unpaved roads, HOWEVER ..... ONE MAN, Mr. Eric Massey, the director of the AZ Air Quality Division, HAS DECIDED that, in HIS OPINION, this industry should be under Agricultural Rules instead of the current County Rules 310 and 311.***

Why wasn't there a public COMMENT period allowed to consider this change? How can Mr. Massey make that determination that this is now an agricultural -- under -- under agricultural best management practices control?

This ONE MAN'S OPINION has now excluded some equipment, odors, pollutants, and emissions from being enforced. (Emission Calculations for Hickman's Egg Ranch, paragraph 9)

This one man [Eric Massey] now puts the CAFO industry under control of best agricultural management practices... That transfer from county to state control should be denied.

If this tactic is accepted by this Board, their emission standards would be reduced and their current pollution issues would become increasingly worse.

RESPONSE: Comments or concerns regarding the procedure for the adoption of agricultural best management practices are best addressed to ADEQ. See also response to Comment #142.

173. ***COMMENT: On page 2 of 7 of their Technical Support Document, Item C it states:***

"Corn Grinder (I) The grinder is self-contained to reduce particulate emissions. It is regulated by ADEQ under agricultural BMPs rather than the Control Officer."

"Feed Mixer (I) The feed mixer is self-contained to reduce particulate emissions. It is regulated by ADEQ under agricultural BMPs rather than the Control Officer."

The AgBest Management Practices were written to focus on the distribution of the feed within the animal feeding operation itself, and did not envision the application to apply to a large scale feed manufacturing facility. (see (D)(2) AgBMPs)

The U.S. Environmental Protection Agency (EPA) defines point source pollution as "any single identifiable source of pollution from which pollutants are discharged. The corn grinder and feed mixer are definitely a Point Source item, as is also, the rotary dryer and baghouse that is listed in this Air Permit. These items need to be monitored with stringent emission and pollution regulations.

RESPONSE: See response to Comment #142.

174. ***COMMENT: The reliance upon AgBest Management Practices to limit particulate emissions from the rotary dryer and the feed mill processes appears to be crafted to ignore the agency's responsibilities under the Maricopa County SIP***

RESPONSE: See response to Comment #172.

175. ***COMMENT: And, in this case, the Control Officer has abdicated responsibility for emission controls to a system that has no identifiable method of identifying, quantifying, or contro lling those emissions, including particulates and volatile organic compounds…This transfer of responsibility should be denied***

RESPONSE: See response to Comment #172.

176. ***COMMENT: They have already stated their facility has both agriculture and manufacturing/processing, but now they want to be regulated under agricultural BMP rules which don't even fit the manufacturing activities of this industry. This appears to be fraud! The Hickman's primary revenue sources are not agriculture; they are selling processed foods and manufacturing organic manure from dead chickens, and making pellets. (SIC code 2015 and 2875)***

RESPONSE: See responses to Comments #57 and #189.

177. ***COMMENT: As to the "Best Management Practices" cited by ADEQ, two well-known experts in this area, David B. Bilby, an Agribusiness Analyst with CF Industries, and Professor Paul N. Wilson with the University of Arizona 's Department of Agricultural and Resource Economics, concluded that the best management pra ctices only "satisfy the objectives of agricultural interests, meet the rule making expediency of the regulators, [but] likely failed to significantly mitigate dust pollution" thus "minimizing the operational practices." (See Attachment D)***

RESPONSE: MCAQD writes its air permits so that the rules are applied to the maximum extent of our authority.

178. ***COMMENT: ADEQ does not regulate the rotary dryer. MCAQD regulates the rotary dryer as evidenced by MCSIP, MCAQD rules, inclusion in this permit with per mit conditions, and included on the associated Equipment List. There is no exemption or shield for rotary dryers in the revised Arizona Administrative Code agricultural best management practices and associated regulations.***

RESPONSE: MCAQD regulates the e mission of combustion by -products frm the rotary dryer burner while ADEQ regulates PM10 emissions from the dryer.

179. ***COMMENT: Relying upon Agricultural Best Management Practices.***
On page 2 of 7 of the Technical Support Document, Item C includes this statement:

> ***"Rotary Dryer Baghouse (1) Controls particulate emissions from the rotary dryer. It is regulated under agricultural BMPs rather than the Control Officer."***

There are no AgBMPsthat specifically address the use of baghouses, rotary dryers, or any type of poultry manure drying for that matter. In fact, the AgBMPs suggest increasing the moisture of stored manure as a control for particulate emissions. The July 24, 2015 Notice ofiFnal Exempt Rulemaking related to AgBMPs does not list rotary dryers, baghouses, or manure drying systems under R12-611.01(D) for commercial poultry facilities as follows:

> ***(D)(2) Animal waste (and Feed) Handling and Transporting:***
> ***(a) Remove spilled feed,***

(b) Store feed,
(c) Add oil and/or moisture to the feed,
(d) Use enclosed feed distribution system,
(e) Use flexible discharge spout,
(f) Minimize drop distance,
(g) Enclose transfer points,
(h) Clean floors and walls in a commercial poultry facility,
(i) Clean aisles between cage rows,
(j) Stack separated manure solids, or
(k) Maintain moisture in manure solids.

RESPONSE: On January 14, 2016 the Agricultural Best Management Practices Committee adopted an AgBMP for Commercial Poultry Facilities Animal Waste (and Feed) Handling and Transporting that establishes control measures for therotary dryer.

180. COMMENT: On page 2 of 7 of the Technical Support Document, Item C also includes:

"Corn Grinder (1) The grinder is self-contained to reduce particulate emissions. It is regulated by ADEQ under agricultural BMPs rather than the Control Officer." "Feed Mixer (1) The feed mixer is self - contained to reduce particulate emissions. It is regulated by ADEQ under ag ricultural BMPs rather than the Control Officer."

As shown in the list of (D)(2) AgBMPs, it is clear that the BMPs were not written envisioning the application to a large -scale feed manufacturing facility but rather focuses on the distribution of the feed within the animal feeding operation itself.

RESPONSE: Comment noted.

181. COMMENT: The reliance upon AgBMPs to limit particulate emissions from the rotary dryer and the feed mill processes appears to be a poorly considered hand -off of responsibility [DWAZ: … appears to be crafted to ignore the agency's responsibilities under the Maricopa County SIP]. In this case, the Control Officer has abdicated responsibility for emission controls to a system (AgBMPs) that has no readily identifiable method of identifyin g, quantifying, or controlling those emissions, including particulates and volatile organic compounds.

RESPONSE: See response to Comment #142.

182. COMMENT: It is understood that the existing emissions related to the rotary dryer would be zero because it is the first rotary dryer to be installed in the manure handling area of the facility and that the emissions from current manure handling processes are purportedly regulated under Agricultural Best Management Practices (AgBMPs). However, the AgBMPs do not add ress rotary dryer emissions specifically and thus cannot be relied upon to control particulate emissions during the operation of the rotary dryer.

RESPONSE: See response to Comment #179.

183. COMMENT: On page 6 of the permit application, Item 9 states:
"It is noted that MCAQD views the rotary dryer as part of the facility's waste management operations for purposes of manure dryi ng, of which, such operations are regulated by ADEQ. The associated baghouse (and its fines) for the rotary dryer will be regulated by the ADEQ through Agricultural Best Management Practices (BMPs). The ADEQ will establish BMPs for the baghouse outside of this permit."

RESPONSE: See response to Comment #179.

184. COMMENT: Arizona Statute A.RS. §49 -457 (Agricultural Best Management Practices Committee) describes the rule-making process as follows

> ***H. The committee shall adopt, by rule, an agricultural general permit specifying best management practices, including record keeping and reporting requirements, for regulated agricultural activities to reduce PM-10 particulate emissions. A person who is subject to an agricultural general permit pursuant to this section is not subject to a permit issued pursuant to section 49 -426 except as provided in subsection K of this section. The committee shall adopt by rule a list of b est management practices, at least one of which shall be used in areas designated as moderate nonattainment for PM -10 particulate matter and at least two of which shall be used in areas designated as serious nonattainment for PM - 10 particulate matter, to demonstrate compliance with applicable provisions of the general permit. Best management practices may vary within the regulated area, according to regional or geographical conditions or cropping patterns.***

First, it must be understood that the air polluti on generated during the drying of manure is not limited to "fines" but can include other air pollutants, such as ammonia, volatile organic compounds, pathogens, sulfide compounds, and malodors. These pollutants, especially volatile gases, are generated dur ing the transfer of the manure from storage to the rotary dryer and while the rotary dryer is in operation where moisture and thus volatile gases are driven off of the manure solids by sustained high temperatures.

Secondly, the AgBMPs are part of the ADEQ rule making and if the ADEQ "established" BMPs for the rotary dryer baghouse, there would be a rule-making procedure to follow. The casual statement that ADEQ would resolve the baghouse emissions does not explain the complexity of the actual process.

RESPONSE: On January 14, 2016 the Agricultural Best Management Practices Committee adopted an AgBMP for Commercial Poultry Facilities Animal Waste (and Feed) Handling and Transporting that addresses the rotary dryer. Comments or concerns regarding the proced ure for the adoption of agricultural best management practices are best addressed to ADEQ.

185. COMMENT: The facility has both agriculture and manufacturing/processing, by its own admissions, but the MCAQD is hiding the facts about that and perpetrating a fraud that Hickman's is just agriculture, claiming it is regulated under agricultural BMPs. Even those ag ricultural BMPs don't fit the facility, but the agency ignores this and creates a fiction.

RESPONSE: MCAQD does agree with the comment. See response to Comment #57.

186. COMMENT: Illegally relies on agricultural BMPs:

RESPONSE: See response to Comment #142.

INDUSTRIAL VS AGRICULTURAL DESIGNATION, SIC CODE

187. COMMENT: Eggs are washed, broken and further processed into liquid, hard -boiled and made into dehydrated products at the Arlington facility, so it is not an agricultural site, but in fact is an industrial food processing facility [DWAZ: as well as an industrial fertilizer and manure pellet processing and manufacturing facility]. Calculation of VOCs from the egg processing facility at Arlington has not been included in this complaint, but it should be as the egg processing facility is on the same property as the CAFO.

RESPONSE: The main product from this facility consists of fresh eggs. Cleaning eggs is necessary for all egg production facilities for sanitation purposes and is therefore considered part of the normal farm

operations. To avoid waste, a fraction of the eggs are boiled and shelled while another portion is processed to drain the albumen and yoke from the egg shell s, pasteurized and packaged in liquid form. Egg boiling, draining, pasteurizing and packaging are mechanical processes and do not result in significant emissions. Manure processing is considered part of the manure handling operation.

188. ***COMMENT: ADEQ and M aricopa County have failed to acknowledge the industrial and commercial activities taking place at both sites such that they should not be categorized as primarily "agricultural" operations. This is despite the fact that Hickman's even sought a zoning change for the Arlington site from the County to give it an "industrial" land use designation, due to the egg and fertilizer processing and manufacturing taking place there.***

RESPONSE: See responses to Comments #57 and #187.

189. ***COMMENT: We surmise that the operations should be categorized under SIC Code 2015 for Poultry Slaughtering and Processing under Division D: Manufacturing, Major Group 20: Food And Kindred Products, 7 SIC 5144 for Poultry and Poultry Products under Division F: Wholesale Trade, Major Group 51: Wholesale Trade -non-durable Goods, as well as SIC 2873 for Nitrogenous Fertilizers or 2875 for Fertilizers, Mixing Only under Manufacturing Major Group 28: Chemicals and Allied Products. The assignment of these categories to the operations are appropriate for the following reasons.***

RESPONSE: Egg production is the primary activity at this facility (SIC 0252). All other ancilliary activities may be present, but are secondary to egg production.

190. ***COMMENT: First, poultry processing manufacturing is taking place at both sites. According to local knowledge and belief, the Arlington facility has an egg -packaging plant and liquid-egg processing facility for the production of egg substitutes on site and there is an egg washing and packaging plant at the Tonopah site. It is also believed that egg product s from the Tonopah site are being processed at the Arlington site. According to the company's website, 500,000 eggs per day are boiled, peeled and packaged and 100,000 eggs per day are broken, pasteurized, and packaged.***

RESPONSE: From the product information on the referenced website and inspections conducted by MCAQD, there is no indication that egg substitutes are being manufactured at the facility. See response to Comment #187.

191. ***COMMENT: In addition, fe rtilizer manufacturing with waste from both sites is taking place. There is a fe1tilizer plant on the Arlington site and, according to the Tonopah site's NMP, all manure is being transported off-site to a fertilizer plant. According to local knowledge and belief, the fertilizer plant at Arlington is accepting all of the waste from the Tonopah facility where manure, dead chickens, and other feedstocks are manufactured into fertilizer pellets, which would also emit significant amounts of ammonia. According to the Company's website, 800,000 pounds of chicken waste is processed into fertilizer per day. The fertilizer is dried, pelletized, bagged and shipped throughout Arizona and southern California. Since waste from both Arlington and Tonopah sites is being manufactured into fertilizer at Arlington, an additional SIC/NAICS code of 2873 or 2875 should be assigned.***

RESPONSE: Chicken carcasses are not currently composted at either facilit y. They are collected, bagged and transported to a separate fertilizer plant unrelated to Hickman' s Egg Ranch. To reduce fugitive dust and odors at the Tonopah site, chicken manure is stored at the Arlington facility. Manure processing is considered part of the manure handling operation.

Ammonia is not a regulated air pollutant under federal or local rules and is not regulated as such by MCAQD.

192. ***COMMENT: I will not call either the Arlington nor Tonopah location a Farm. I come from Illinois, a***

rural area 2 hrs southwest of Chicago, from a long line of True Farmers. All enjoying different farming environments. What Hickman is claiming to be and what they actually are is quite different. They are commercial, they are industrial, they are a plant operation but they will never be a Farm operation.

RESPONSE: See response to Comment #57.

193. ***COMMENT: I recently when back to Illinois to attend my aunt's funeral. Gathered around were many of my farming relatives. I told them about the operation that invaded our community and all agree Hickman is not a farm operation and wondered why the local governmen t gave them an agricultural exemption. I could only shake my head and say, "don't think they care". I hope that I am wrong and you do care.***

RESPONSE: See response to Comment #57.

194. ***COMMENT: Hickman's call themselves a Farm. I, like my wife disagree. I was brought up on a rural community and this is not what a Farm looks like. They are what I would call a commercia l/industrial operation, they have all the markings of such, egg, feed & manure processing, the sheer number of chickens, magnitude of concrete used, structures themselves that include a shipping/receiving terminal, the number of trucks coming and going. These do not create a Farm operation.***

RESPONSE: See response to Comment #57.

195. ***COMMENT: If anything, agricultural status stops with the hen house at the dividing wall, for I believe the forced air drying manure room design should be classified as industrial because manure drying is part of Hickman's industrial fertilizer process.***

RESPONSE: In ADEQ's letter to the Department dated September 25, 2015, ADEQ determin ed that operation of the dryer (and by extension, all drying operations) is integrated with the facility's waste handling operations and subject to requiremets under ADEQ's sole authority to regulate particulate emissions from agricultural activities.

196. ***COMMENT: ONE MAN, Mr. Eric Massey, the director of the AZ Air Quality Division, has decided that, in HIS OPINION, this industry should be under Agricultural Rules instead of the current County Rules 310 and 311. This ONE MAN'S OPINION has now excluded equipm ent, odors, pollutants, and emissions from being enforced. This decision by ONE MAN now puts this industry under the control of Ag Best Management Practices. If this is accepted, the Arlington pollution will increase, property rights of the neighbors will diminish, health issues and quality of life is at stake, and this is all because of the OPINION of ONE MAN. This cannot be accepted! Nor is it the democratic process.***

RESPONSE: Comment noted. Comments or concerns regarding the procedure for the adop tion of agricultural best management practices are best addressed to ADEQ.

197. ***COMMENT: This appears to be an attempt by the Hickman's to have their CAFO escape regulations that now identify them as an industry rather than a family farm. A 12 -million bird egg-laying operation, egg processing plant and fertilizer manufacturing facility no -doubt constitute an industrial concentrated animal feeding operation (CAFO), according to federal regulations.***

RESPONSE: See response to Comment #73.

198. ***COMMENT: By seeking to remove CAFO -related air pollution control requirements in their permit application, they are trying to escape legitimate regulation by misrepresenting their massive p ollution-generating operation as a purely "agricultural" and subject to lesser pollution standards.***

RESPONSE: Comment noted. See response to Comment #57.

199. ***COMMENT: As a matter of fact, this exceptionally large CAFO should be considered as a stationary source of air pollution and issue a permit worthy of its true generation of air pollution.***

RESPONSE: See response to Comment #57.

200. ***COMMENT: The facility in Arlington is NOT an agricultural operation. It's a massive INDUSTRY!***

RESPONSE: See response to Comment #57.

201. ***COMMENT: By the Hickman's own admission, they should remain Industrial, and not be classified as Agricultural. On their website they state:***
   - ***Our buildings now cover 2 million square feet (equivalent to 7 football fields.***
   - ***Our processing capacity for shell eggs is 3/4 million eggs per hour***
   - ***We're able to break, pasteurize and package 100,000 eggs per hour***
   - ***We can boil, peel and package 50,000 eggs per hour***
   - ***We have hens and pullets in Arizona a nd Colorado, egg processing and distribution in Iowa, and distribution warehouses in Las Vegas, and El Centro, and Colorado***
   - ***Our fertilizer division ships organic, dried , pelletize, bagged or bulk fertilizer throughout the states and southern California***
   - ***Our feed mill makes a 26-ton semi-load of feed every 18 minutes***
   - ***We consume the production of approximately 50,000 acres of grain products a year. (that's 78 square miles)... another way to think of it is we use a train of grain, one mile long every month***

Even these statics contain OLD information ..... they have now increased this multiple time by adding their new Tonopah facility.

Does this sound like 'general farming' to you? This reclassification under AgBMP needs to be denied

RESPONSE: See response to Comment #57.

202. ***COMMENT: One definition of 'Industry" is the production of goods or services within an economy. When a large group has multiple sources of revenue generation, it is considered to be working in different "INDUSTRIES"***

RESPONSE: See response to Comment #57.

203. ***COMMENT: Poultry CAFO's of this size are referred to as 'industrial livestock farming' and this Egg Factory is definitely an Industry as admitted by the Hickman's themselves. Not only are they raising hens and pullets, they are packing eggs, processing liquid and dehydrated products, have a feed mill operation, and they process and sell organic manure.***

RESPONSE: See response to Comment #57.

204. ***COMMENT: These are multiple INDUSTRIES and thus by their own submission to the Maricopa County Planning and Development Department (in 2009) the Hickman's stated, "This application is submitted to amend the existing Rural Residential land use designation on the subject property to an industrial land use designation in order to preserve and protect the existing land uses: 1) chicken egg production and processing and 2) relatedfeed and fertilizer manufacturing." This is an admission by Hickman's that these processes are industrial in nature, not agriculture!***

RESPONSE: See response to Comment #57.

205. ***COMMENT: They go on to state "The Hickman's agri -industrial operations also require the use of heavy machinery, outdoor storage, composting fields, and warehouse structures. Organic fertilizer is manufactured on -site and eggs are homogenized and processed to create liquid and hard -cooked egg products. The Hickman's distribute their products from the Arlington site to 7 states. These agri -industrial uses are not consistent with a Rural Residential land use. The Hickman's existing and proposed uses require an Industrial land use designation".***

RESPONSE: See response to Comment #57.

206. ***COMMENT: They say they've spent millions of dollars constructing several new processing and manufacturing plants . ... An organic fertilizer pelletizing mill ....a breaking plant facility ...several feeding silos, ...and that they are composting chicken manure into organic fertilizer.***

RESPONSE: See response to Comment #57.

207. ***COMMENT: They further state "The Hickman's operation is more than an agricultural use. It is an agri - industrial business that warrants an Industrial land use designation. Only an Indust rial designation will truly preserve and protect all elements of the Hickman's agri -industrial business." ....The Area Plan defines appropriate uses within the Industrial land use category as "general warehousing, storage, distribution activities, and gene ral manufacturing." ... Hickman's agri -industry operations encompass all of these activities and uses.***

RESPONSE: See response to Comment #57.

208. ***COMMENT: The Hickman's themselves have proven their point that they are to be considered INDUSTRIAL and therefore should not be allowed to escape regulation by claiming it should be regulat ed as an "agricultural" operation.***

RESPONSE: See response to Comment #57.

209. ***COMMENT: The plans to deregulate the on -site feed mill and grain silos are inappropriate and illegal because these are part of their on-site industrial processes.***

RESPONSE: See response to Comment #57.

210. ***COMMENT: This is not general farm ing. This is an industry, and they have begged to be classified as industry. I say they should stay as industry. They should also be removed from the non -Title V and go into more stringent emission requirements and go with the Title V designation.***

RESPONSE: See response to Comment #57, #73 and #133.

211. ***COMMENT: Plans to deregulate the on -site feed mill and grain silos are inappropriate and illegal, as these are part of on-site industrial processes.***

RESPONSE: See response to Comment #57.

212. ***COMMENT: And part of the materials that I have submitted shows where they admitted themselves, in the zoning application, that it's an industrial facility, at least some of the facility is. So the -- this Agency is hiding the facts about that and perpetrating a fra ud that this is just agriculture, claiming it is regulated by***

the ADEQ when it's not.

RESPONSE: See response to Comment #57.

213. ***COMMENT: The SIC/NAICS codes have not been filled in on the application, or on any of the Hickman's air pollution permit applications, which is necessary for the agency to determine what type of operations are actually occurring at the facility. In over 20 years of reviewing pe rmit applications, DWAZ has not seen this before, and it appears to indicate collusion between the regulatory agency and Hickman's to perpetrate a fraud that the facilities are not industrial but agriculture, part of a scheme to avoid proper regulation and illegally allow the stenches emanating from the facility. Yet the proper, primary SIC codes would be 2015 and 2875, because the primary revenue sources for Hickman's are not agriculture, they are selling processed foods and manufactured manure/dead chicke n pellets. Attached is Hickman's own submission to the Maricopa County Planning and Development Department which states, "This application is submitted to and the existing Rural Residential land use designation on the subject property to an industrial land use designation in order to preserve and protect the existing land uses: 1) chicken egg production and processing and 2) related feed and fertilizer manufacturing." This is an admission by Hickman's that these processes are industrial in nature, not agriculture.***

RESPONSE: MCAQD does not rely on self -reported SIC/NAICS codes to make permitting decisions. For regulations that affect a specific industry, the Permit Engineer determines the appropriate code on a case -by-case basis. See response to Comments #57 and #189.

214. ***COMMENT: Now, the SIC code, NAICS codes that are suppos ed to be found on their application have never been filled out for any of these Hickman's places, because then they would have to admit what they really are. The primary SIC code for this facility is 2015, which is processing of egg materials. It's not laying eggs. And the fertilizer pellet production, those have SIC code 2875. That's the major industrial -- the major revenue source, which makes it an industrial, not an agricultural, facility. It won't stop any of your other pollutants from just putting a cow out back and calling it agriculture. The way they're arbitrary and capricious about granting this.***

RESPONSE: See response to Comments #57 and #189.

215. ***COMMENT: Further, if an arbitrary and capricious "agricultural exemption" equates to no pollution limits, what would prevent any industrial facility from putting sheep or cattle on the back lot and claiming the same?***

RESPONSE: The agricultural exemption under County Rule 200, Section 308.3 applies to agricultural equipment used for normal farm operations.

216. ***COMMENT: The baghouse is connected to an industrial process. There is no exemption or shield for rotary dryers and baghouse in the revised Arizona Administrative Code agricultural best management practices and associated regulations.***

RESPONSE: See response to Comment #184.

217. ***COMMENT: As Linda Butler just said, on Hickman's own filing, a conference plan amendment, through their own attorney, Frank Slavin, they state in here that they want … industrial zoning, and they want to be an industrial -- agroindustrial business. That's how the forms are being requested in their own filings. So …that needs to be brought to everybody's attention.***

RESPONSE: Comment noted.

218. ***COMMENT: The other question I have is that, as this facility in Tonopah grows, it's currently at -- ten buildings were e rected. There's seven that have currently got chickens in them. But as it goes to 28 henhouses of -- with over 8 and a half to 10 million chickens and that manure keeps coming over here, as they said that it would, does this permit ever reach a level where it will be out of compliance with your department?***

RESPONSE: See response to to Comments #57 and #73.

219. ***COMMENT: I just was wondering if -- will they monitor it as it goes from -- from 3 million chickens to 10 million chickens, and will -- and will that be an opportunity for us to say, hey, this -- obviously emissions over here are going to go, that the generators would have to go more, the burners would have to go more to process the amount of pollutant coming off there. That's the only statement I wanted to make.***

RESPONSE: See response to Comment # 57. Emissions from the generators and dryer ar e based on enforceable operating limits. Actual emissions might increase if more generators are installed or the dryer is used more often but potential emissions based on the enforceable operating limits will remain roughly the same.

220. ***COMMENT: Look, I gre w up on a farm -- okay -- in Southern Minnesota. We might have had 50 chickens. Okay? We had pigs, cows, horses. Nobody in that area would call this a farm. You know, 10 to 12 million chickens or 8 million or whatever you call it, that is not a farm. That -- it just isn't. A two-year-old could look at that and go, no, this isn't a farm; it's an industrial facility.***

RESPONSE: See response to Comment #57.

INCOMPLETE APPLICATION

221. ***COMMENT: ...neither the Tonopah or Arlington operations provided SIC/NAICS codes in their original Non Title V Air Quality Permit applications. Not only would these o missions make these applications technically incomplete,***

RESPONSE: See response to Comment #213.

222. ***COMMENT: Good evening gentleman, my name is [redacted] and I live in Tonopah, AZ. This air quality permit revision should not be granted because the equipment list is incomplete and items included have incomplete or contain contradictory information.***

RESPONSE: See response to Comment #89.

223. ***COMMENT: Emergency generator G-3 has been removed from the equipment list and is not referenced in the permit application or on the list of pollution emissions.***

RESPONSE: See response to Comment #273.

224. ***COMMENT: Emergency generator FM -1 and G -39 have been added to the equipment list and not recorded on the permit application or on the list of pollution emissions.***

RESPONSE: The request to add emergency generator G -39 to the permit was submitted after the minor modification application was received by the Department but before issuance of the permit revision so it was processed with the minor modification. Generator FM-1 has been on the equipment list since 05/23/2012. That engine was requested to be installed a s part of a minor modification application. Emissions for both of theses engines were calculated in the TSD.

225. ***COMMENT: Above ground Propane storage tank has been added but the rated capacity is contradicted throughout the application.***

RESPONSE: Propane tanks are not subject to regulation by MCAQD.

226. ***COMMENT: Propane Rotary Dryer with Baghouse listed as installed 7/2015 clearly misleads the public. A records request shows that piece of equipment having been in use prior to February 25, 2015. The original date of installation must appear on the equipment list.***

RESPONSE: See response to Comment #111.

227. ***COMMENT: REGULATION II - PERMITS AND FEES RULE 220 NON -TITLE V PERMIT PROVISIONS sec 301.6 Action On Application:***

c. The Control Officer may issue a notice of revocation of a permit issued under this rule if:

(1) The Control Officer has reasonable cause to believe that the permit was obtained by fraud or misrepresentation.

(2) The person applying for the permit failed to disclose a material fact required by the permit application form or the regulation applicable to the permit, of which the applicant had or should have had knowledge at the time the application was submitted.

(3)The terms and conditions of the permit have been or are being violated and the violation has not been corrected within a reasonable period of time as specified by the Control Officer.

RESPONSE: The Control Officer does not have reason to believe that a notice of revocation is warranted per Rule 220 Section 301.6.c.

228. ***COMMENT: And it's my bet the control officer hasn't even given them any kind of time, because we just get excuses when we make a complaint.***

RESPONSE: See response to Comment #49.

229. ***COMMENT: This Air Quality Permit shouldn't be granted because there are missing Material Safety Data Sheets and process drawings and it has several errors and omissions. The application isn't even complete and should be denied until it is.***

RESPONSE: See response to Comment #89.

230. ***COMMENT: I'd like to point out that the very first section of page two makes reference to attachments, yet there are none. Either that's said in error or they're missing, thus making the application incomplete. The next three sections of the same page have at least six omissions as well as numerous mistakes. Some of which are pretty important and necessary so that we know what's happening in our community and how this factory will be monitored ... if it even gets monitored. ...On page three, there is a whole column of information missing regarding the emissions of pollutants. The permit must be denied until accurate pollutant emissions information is provided. I n Section Z -M it talks about "calculating bag house efficiency"; however, no calculations are shown. MCAQD's own requirements say, "If supporting calculations are not included with the application. the application will be deemed incomplete.' '***

RESPONSE: See response to Comment #89.

231. ***COMMENT: I could be very specific regarding the errors, going line by line, section by section, pointing out the list of omissions and all the mistakes that are made in each one. I could go on regarding the incompleteness of this permit appl ication, but really, only one error, omission or mistake is necessary to deny this permit.***

RESPONSE: See response to Comment #89.

232. ***COMMENT: The application, equip ment lists, and TSD, show that it's an incorrect and incomplete submission to the County. According to the County's own requirements it states "If supporting calculations are not included with the application, the application will be deemed incomplete." This application must be deemed incomplete and therefore denied.***

RESPONSE: See response to Comment #89.

233. ***COMMENT: Upon review you'll see that this application i s missing important statistics and information, and should be considered 'incomplete' and therefore deny the Permit, or at the very least, have them completely fill it out properly and then resubmit their application.***

RESPONSE: See response to Comment #89.

234. ***COMMENT: Because of the evasive and incomplete information supplied by the Hickman's on their application, I respectfully submit to you, their Application to Modify Permit #040136 should be denied.***

RESPONSE: See response to Comment #89.

235. ***COMMENT: This Application is deficient as delineated in the attached Written comments by Daniel E. Blackson. (See Attachment A) The Written comments of Kathy J . Martin, a Professional Engineer, also specifically speaks to each of the statements set forth in the Permit Application to show the deficiencies in the Application. (See Attachment B)***

RESPONSE: See response to Comment #89.

236. ***COMMENT: For all of the above reasons, the present permit should be denied, or at least subject to further investigation. There is sufficient reason to believe that the modifications requested are in violation of the requirements for an acceptable application under A.R.S. § 49 -426(C) and the proposed permit conditions are not sufficient under A.R.S. § 49 -480(F) and A.R.S. § 480.03 and 480.04, because of the increased air pollution.***

RESPONSE: See response to Comments #89 and #139.

237. ***COMMENT: Page 2, Section 1***
There is reference to "Also, please see attachments". There are not any attachments that refer to Section 1. Either there is an error or the application is incomplete.

RESPONSE: Section 1 of the application requests a narrative description of the proposed modification. Items 7-9 of the application attachment include arguments made by the applicant for how the y feel the equipment should be regulated. See also response to Comment #89.

238. ***COMMENT: Page 2, Section 2***
The "Assigned Equipment Number" is blank making the application incomplete. It is important at equipment numbers be assigned so the permittee can be properly inspected.

RESPONSE: Assigned equipment numbers are helpful when inspecting sites that have multiple pieces of similar equipment. However, equipment numbers are not mandatory. Also, propane tanks are n ot subject to regulation by MCAQD so it was not mandatory for the tank to be listed in the application.

239. ***COMMENT: Page 2, Section 2***
Elsewhere in the application the propane tank is identified as 63,600 gallons and 15,000 lbs. To represent it as 15,000 gallons in this section is very misleading. Because of this and other errors the application must be denied.

RESPONSE: Propane tanks are not subject to regulation by MCAQD.

240. ***COMMENT: Page 2, Section 2***
A rating of "15MMBTU" seems to be an error. Propane may be rated in BTU, but not a tank. This should be corrected before the application is approved.

RESPONSE: See response to Comment #239.

241. ***COMMENT: Page 2, Section 2***
Clarify if the propane tank has an exhaust vent to a baghouse as indicated in this section. Literature supports that the rotary dryer vents to the baghouse. The application must be denied until this is clarified.

RESPONSE: The propane tank is not vented to a baghouse. See also response to Comment #89.

242. ***COMMENT: Page,2, Section 2***
The rotary dryer and baghouse are not listed on the "list of equipment and emission control devices, which will be installed or modified", making the application incomplete. The application must be denied until it is complete.

RESPONSE: See response to Comment #89.

243. ***COMMENT: Note that the air pollutant emissions are included in Section Z-M and the Equipment List, so the rotary dryer and baghouse must be additions to the permit and the reason for the modification.***

RESPONSE: The propane burner is subject regulation my MCAQD and the reason for the modification. The dryer and baghouse are subject to AgBMPs.

244. ***COMMENT: Page 2, Section 3***
The application is incomplete because the "Equipment Number in Which Used" for the Propane HD-5 is blank.

RESPONSE: See response to Comment #239.

245. ***COMMENT: Page 2, Section 3***
The application is incomplete because the MSDS for propane HD -5 is not attached. The application must be denied until it is provided. Without the proper MSDS pro vided, on-line MSDS shows that the chemical composition is 90-95%, not 96.7%.

RESPONSE: Comment noted. Safety data sheets for common fuels are not typically requested by the Department, particularly if standard AP -42 factors are used to calculate emissi ons, as was the case for this Permit.

246. COMMENT: Page 2, Section 3
The application is incomplete because the baghouse "Name/ID" is not identified and the flow rate through the baghouse is not identified ("Gas Flow Rate SCFW")

RESPONSE: The baghouse is not regulated under the Air Quality Permit.

247. COMMENT: Page 3, Section Z-M, Pollutant Table
Columns (i) & (iii) record "negligible" for Oxides of Sulfur, Particulates of 10 Microns, and Total Suspended Particulates, which are an opinions, rather than quantifi able values that are on the Emissions Calculations attachment.

RESPONSE: The Permit engineer calculated emissions of SOx and PM10, as shown in the TSD. See also response to Comment #253.

248. COMMENT: Page 3, Section Z-M Table
No documentation or calculations were provided to account for the baghouse efficiency, so with this incomplete application, no credit should be awarded to reduction for Particulates of 10 Microns or Smaller and Total Suspended Particulates and the value of "0.12 tpy" should be entered for both pollutants.

RESPONSE: Emission calculations provided in the TSD for the propane burner assume that the emissions are uncontrolled.

249. COMMENT: The application does not provide a process drawing to understand the location of the baghouse. It probably is on the output of the rotary dryer and not on the propane burner discharge (Vulcan Systems paperwork identifies it as a "15 MMBtu/hr Fired Boiler - which implies indirect heating). This makes a difference when calculating emissions.

RESPONSE: See response to Comments #246 and #248.

250. COMMENT: Page 3, Section Z-M, Poll utant Table
Column (ii) is blatantly left blank rather than providing the regulated pollutant emissions from the regulated equipment on the Permit's Equipment List. Which also falsifies the entire site's emissions in Column (iii). The permit application must be denied until accurate pollutant emissions information is provided.

RESPONSE: See response to Comment #89.

251. COMMENT: Attachment: Emissions Calculations, Item 4
The PTE has an error. (24/7/265) does not equal 8,760 hours. If the intent is to estimate the maximum hours it would be (24/7/365) or 61,320 hours. Note that the operational days for "5 days week" is 260 days.

RESPONSE: PTE calculations can be based on enforc eable permit limits rather than assuming continuous operation at maximum capacity. Permit Condition 21 limits the combustion of propane in the rotary dryer to 341,120 gallons per twelve consecutive month period . Recordkeeping requirements in Permit Condi tion 22 make the propane limit enforceable.

252. COMMENT: Attachment: Emissions Calculations, Item 5, bullet
The applicant claims that "Emissions are negligible after calculating baghouse efficiency and are reported as such on Section Z -M of the Minor Permit Modification Form." However, there is no calculation to support this opinion. The permit application in SECTION Z-M states: "If supporting calculations are not included with the application, the application will be deemed incomplete." By MCAQD's own

requirements, this application must be deemed incomplete.

RESPONSE: See response to Comments #89 and #253.

253. ***COMMENT: Attachment: Emissions Calculations, Item 9***
Item 9 is a statement of the applicant's opinion and should be removed from the permit application.

RESPONSE: Applicants are not prohibited from including opinions in their permit application. It is at the discretion of the Control Officer to verify the validity of the comment and regul ate the emission source accordingly.

254. ***COMMENT: Propane-fueled rotary dryer specifications.***
The one page information sheet from Vulcan Systems attached to the permit application does not specify a particular model of rotary dryer. According to their website, Vulcan Systems manufacturers several models of rotary dryers that differ in diameter, length, and throughput (tons per hour).1 The equipment list in the proposed permit claims the rotary dryer and baghouse were installed July 2015, thus the exact model is known. It is important to identify the exact piece(s) of equipment that are going to b e regulated under this permit modification so that the public and the agency understand the intended use, maximum throughput, and justification for the emission factors used.

RESPONSE: Comment noted. Only on e dryer is located at this facility, EPA emission factors were used to calculate potential emissions, no specific local or federal regulations apply, and an enforceable usage limit on propane is included in the permit. Therefore, since all calculations and operating requirements are independent of the dryer size and age, the exact model is not necessary at this time.

255. ***COMMENT: Baghouse efficiency and manufacturer's specifications.***
The permit application does not state how much poultry manure will be process ed using the rotary dryer nor does it make any attempt to identify and quantify the air pollution generated from the process. On page 2 of 4 of the permit application, the applicant claims a control efficiency of 99.5% for the baghouse but does not provid e information such as manufacturer's model and specifications. No mention is made on acceptable pressure drop across the baghouse filter materials. The permit application does not describe the quantity of emissions expected to be controlled by the baghouse.

RESPONSE: Manure drying, including the use of a baghouse on the rotary dryer, is not regulated under this permit. See also response to Comment #248.

256. ***COMMENT: This permit application serves two purposes: to increase the number of backup generators and to identify the new use of a rotary dryer in the manure handling process. On page 3 of 4 of the permit application, the applicant did not provide information regarding the existing emissions as described on the form:***

> ***"Provide a summary of the actual air emissions on an annual basis for the following three columns:***
>
> ***(i) Emissions to be released from only the equipment and affected processes described on this notification.***
>
> ***(ii) The entire site prior to the modifications of the equipment and processes described in (i) above.***
>
> ***(iii) The entire site including the emissions identified in (i) above. Normally, this column will be the sum of (i) and (ii)."***

RESPONSE: The facility did not request an increase in emissions. Enforceable limits on engine operating hours and propane combustion were included/amended to keep the facility from exceeding any applicable threshold, most notably the BACT threshold for annual NOx emissions.

257. ***COMMENT: The emissions for the entire site prior to the backup generator modification should have included the emissions from the existing six (6) diesel powered stationary engines (backup generators). Instead, the application claims zero emissions from the existing backup generators.***

RESPONSE: See response to Comment #256.

258. ***COMMENT: The application is incomplete and should have not been processed. In fact, all of the applications for air permits submitted by Hickman's at both locations have been incomplete and should never have been processed.***

RESPONSE: See response to Comment #89.

259. ***COMMENT: Emergency Generator G-3 has been removed from the Equipment List and it is not recorded on the minor permit modification application or reflected in Section Z-M Air Pollution Emissions.***

RESPONSE: The request to add an emergency diesel generator to the permit was submitted after the minor modification application was received by the Department but before issuance of the permit revision so it was processed with the minor modification. The TSD for the proposed modification explains that one of the purposes of the modification was to replace a 1998 model year generator with a 2015 model year generator.

260. ***COMMENT: TANK ABOVEGROUND STORAGE -PROPANE has been added and the Rated Capacity appears to be incorrect. The applicant has provided conflicting information and 63,600 gallons is probably the correct value.***

RESPONSE: Comment noted. The propane tank is not regulated under the Air Quality Permit.

261. ***COMMENT: This Air Quality Permit shouldn't be granted because the Application is incomplete. Information is missing such as:***

> ***Page 3, Section Z -M, Table : Column (i) and (iii) record "Negligible" for Oxides of Sulfur, Particulates of 10 Microns and Total Suspended Particulates, which are opinions, rather than quantifiable values that are on the Emissions Calculations attachment.***

RESPONSE: The applicant submitted emission calculations for products of combustion, including SOx, PM10 and PM. The Permit Engineer also calculated emissions of SOx and PM10 from the dryer burner, as shown in the TSD. See also responses to Comments #89 and #253.

262. ***COMMENT: Page 3, Section Z-M, Federal Hazardous Air Pollutants Table***
This section was left Blank for whatever reasons I don't know, because there are Hazardous Pollutants Released into the air everyday 24 hours a Day 7 days a week. What comes out of the Smoke Stack is Arsenic hundreds of thousands of pounds of Sulfuric, and Hydrochloric acid, and thousands of pounds of hydrofluoric acid. You mix this with moisture in the air and it eventually condenses out as Acid Rain. According to the EPA, Arsenic isn't one of the basic food groups. It is bad for you, and chronic exposure causes things like Kidney Damage, and Failure, adverse Liver and respiratory effects including lung cancer, skin lesions, and also causing a higher risk of diabetes along with a few others. If you look on the Back page of Page 3, you will find a whole list of Hazardous Materials listed. You also will find these Chemicals I have mentioned here on that list. It is stated in this Application that if supporting calculations are not submitted that the application will be Deemed incomplete. The Hazardous Material section is left Blank which should be just cause to deem this Application incomplete.

RESPONSE: Based on safety data sheets provided by the facility, MCAQD does not believe that HAPs are released in any significatnt quantity at this facility. See also responses to Comments #80 and #89.

263. ***COMMENT: The Permit has not been completed and information is missing. An incomplete pe rmit should not be accepted for review until it has been filled in completely.***

RESPONSE: See response to Comment #89.

PERMIT CONDITIONS/TSD COMMENTS

264. ***COMMENT: Limit of propane burned per 12 consecutive month period.***
Condition 21 states:

> ***"The Permittee shall burn no more than 341,120 gallons of propane in the rotary dryer per twelve consecutive month period."***

The Technical Support Document states on page 3 of 7:

> ***"Conditions 21 -22 regulate the manure dryer and were included to keep the facility from exceeding any applicable threshold, such as BACT."***

In the Emissions Calculations table provided on page 5 of the permit application, the propane tank is described as capable of holding 15,000 lbs or 63,600 gallons of propane. The information in the table states that the 15 MMBtu/hr dryer can operate for 388 hours per tank of propane.

Using the permit limit of 341,120 gallons, the capacity of the propane tank, and the hours of use per tank, the following can be calculated:

> ***(341,120 gallons/12 cons mo)/63,600 gal/tank = 5.4 tanks of propane/12 cons mo***
> ***5.4 tanks/12 cons mo x 388 hours of operation/tank = 2,081 hrs of op/12 cons mo***

The permit application claims a limit of 2,080 hours of operation assuming a 5 day work week, 8 hours per day, and 52 weeks per year. The potential to emit assuming 24 hrs per day and 7 days per week would be based on 8,760 hours per 12 cons mo or four times the permitted operating time (8,760/2,080 = 4.2).

RESPONSE: See response to Comment #251.

265. ***COMMENT: What is not explained is whether 2,081 hours of operation is sufficient to dry the poultry manure generated at both the Arlington and Tonopah egg laying facilities. The permit application fails to explain how this limited time is sufficient to process the combined poultry manure. The missing information includes the throughput (tons per hour) of the rotary dryer and the total tons of poultry manure intended to be processed through the dryer in any twelve consecutive month period (12 cons mo).***

For example, if the rotary dryer throughput was 20 tons per hour and is limited to 2,081 hours then the facility could only process 41,620 tons per 12 cons mo.

Table 6 of Midwest Plan Services MWPS -18 Waste Characteristics includes a design factor of 0.15 lbs manure per bird per day for layers. The Arlington facility has 8 million layers and 4 million pullets. The Tonopah facility has 4.3 million layers and a maximum capacity planned at 10 -12 million layers.5 The tons of manure produced by 16.3 million layers can be calculated as follows:

> ***16.3 million layers x 0.15 lbs/hr/day x 365 days/yr = 892,425,000 lbs or 446,212 tons of manure***

> ***219,000 tons/41,620 tons = 10.7 times more manure generated than can be treated with one rotary***

dryer.

Using the limiting factors of the proposed permit, the single rotary dryer can only treat nine percent (9%) of the poultry manure generated by 16.3 million layers in any twelve consecutive month period.

RESPONSE: The source neither stated nor impliedto MCAQD that all manure will be processed in the dryer.

266. COMMENT: Emission factors used in calculating emissions for new backup generators. The manufacturer's specification for QSL9 -67 NR3 is available online, including exhaust emission information. The Compliance Statement says the horsepower rating for the Cummins QSL9 -G7 NR3 is 464 hp, which is less than the 600 hp trigger to use Table 3.4-1 emission factors. In the table on page 5 of 7 of the Technical Support Document, the horsepower ratings for the 19 new diesel engines shows that only one of the engines is rated higher than 600 hp (G-1 at 755 hp and designated Tier 2).

RESPONSE: See response to Comment #267.

267. COMMENT: The emissions estimates for the old backup generators (G -2, G-4, G-5, G-6, G-7, and G-9) were made using AP-42 Table 3.3-1 for CO, NOx, PM10, PM, and VOC. The emission factor for SOx was based on Table 3.4-1.

The EPA emission factor for SOx in AP -42 Table 3.3-1 is 2.05 x 10·3 or 0.00205 lbs/hp- hr, but the draft permit worksheet shows 0.0001 lbs/hp-hr for both the new diesel an d old diesel engines. That value comes from Table 3.4-1 which is the emission factor for SOx for diesel engines with greater than 600 hp. All of the old backup generators are rated for 380 hp, which is far below the trigger to use Table 3.4-1.

RESPONSE: The SOx emission factor from AP-42 Table 3.4-1 was utilized because it is more accurate than the factor from AP-42 Table 3.3-1, not because it is less conservative. The factor from Table 3.4 -1 is based on a mass balance equation that assumes all sulfur inthe fuel is combusted to form SOx in the exhaust gas. Since the facility is only permitted to burn diesel fuel with a maximum sulfur content of 15 ppm in the generators, it is appropriate to calculate SOx emissions based on that limit.

268. COMMENT: The Technical Support Document does not explain the use of the equation from Table 3.4 -1 to determine SOx based on percent sulfur in the diesel fuel. Nor does it explain why the emissions estimate for the existing backup generators was made using AP -42 Tables rathe r than actual emissions measured during usage.

RESPONSE: Comment noted. The TSD has been updated to explain why it is ina ppropriate to use a SOx factor that is not based on the regulated fuel sulfur limit. AP-42 factors were used for engines that pre-date 40 CFR 60 Subpart IIII since those engines are not required to be certified to meet higher emission standards. See response to Comment #267.

269. COMMENT: BACT for NOx emission reduction. On page 3 of 7 of the proposed permit, the NOx emissions for the backup generators and the rotary dryer are shown to add up to 24.5 tons per year, just shy of the BACT trigger of 25 tons per year. The Technical Support Document states:

> ***"Except as noted, CO, NOx and PM10 emission factors are set at the appropriate emission standards for non-road diesel engines specified in 40 CFR 89.112."***

40 CFR 89.112 includes the following requirements:

> ***(a) Exhaust emission from nonroad engines to which this subpart is applicable shall not exceed the***

applicable exhaust emission standards contained in Table 1, as follows: [Table 1 - Emission Standards (g/kW-hr)].

(b) Exhaust emissions of oxides of nitrogen, carbon monoxide, hydrocarbon, and nonmethane hydrocarbon are measured using the procedures set forth in subpart E of this part.

(c) Exhaust emissions of particulate matter is measured using the California Regulat ions for New 1996 and Later Heavy-Duty Off-Road Diesel Cycle Engines. This procedure is incorporated by reference. See §89.6."

At no point does 40 CFR 89.112 allow or otherwise condone the substitution of the emission standard as a replacement for determi ning the actual emissions from the diesel engine. The Technical Support Document assumes the diesel engines will not exceed the emission standard by merely saying so - rather than requiring monitoring and recordkeeping of the actual emissions to assure com pliance with the standard.

RESPONSE: Comment noted. 40 CFR 89 regulates nonroad engines, not stationary engines, and does not dictate how actual emissions, on a time basis, are to be determined.

270. COMMENT: This becomes most worrisome when considering MCAQD determined NOx emissions to be just slightly less than the amount that would trigger BACT (using an assumed emission value of 4 g/kw-hr) when the Cummins exhaust emission data sheet for QSL9 - G7 NR3 diesel engine has NOx emission of up to 5.25 g/hp-hr (7.0 g/kw-hr) when the engine is on full stand-by.

Where: 5.25 g/hp-hr x 1.341 hp/kw = 7.0 g/kw-hr

RESPONSE: The Exhaust Emission Data Sheet for the Cummins 250DQDAA diesel generator with Cummins QSL9-G7 NR3 engine indicates that maximum emission are 3.42 g/hp-hr at full standby power of 382 HP. The Data Sheet described in Comment # 270 appears to be for a Cummins model 300DQDAC generator with the same engine. Generators G-20, G-21, G-22, G-23, G-24, G-25, and G-39 are model 250DQDAA so the data sheet for that model was used to calculate potential emissions, as shown in the TSD.

271. COMMENT: LPG Combustion Emissions Calculator.
The permit application includes three pages titled "Liquefied Petroleum Gas (LPG) Combustion Emissions Calculator - Revision D 2/1/201O - Output Screen." The form does not include the name of the facility, the facility ID number, the facility location, or the name of the person that prep ared the spreadsheet. The form itself has the logo for North Carolina Department of the Environment and Natural Resources (NCDENR) and can be found on the NCDENR website as an interactive spreadsheet. There is no explanation for why this particular form/ spreadsheet was used and the purpose for including the spreadsheet outputs in an Arizona air permit application.

RESPONSE: MCAQD based emissions from the propane -fueled dryer on factors from AP -42. The applicant's choice to include NCDENR spreadsheets d id not affect any permitting decisions made by the Control Officer.

272. COMMENT: Number of backup generators and when they were installed.
The Technical Support Document permit history indicates the first generators (number unknown) were included in the 2004 new permit application. Since that time, the Hickman Egg Ranch, Inc. has submitted minor permit modifications to include more emergency generators in 2011 (number unknown), 2013 (3 additional generators), and 2014 (3 additional generators). The permit history dated 7/20/2015 includes the statement:

'The Permittee also requested the equipment list to be updated with a replacement emergency generator."

RESPONSE: Comment noted.

273. ***COMMENT: The Technical Support Document includes a page titled "Emission Worksheet for New Diesel Engines" and includes manufacturer's NOx and VOC specifications for Cummins QSL9 -G7 NR3 engine. The page includes a table with nineteen (19) engines listed with unique identification numbers (G-1, G-10, G-11, G-12, G-13, G-14, G-15, G-16, G-17, G-18, G-19, G-20, G-21, G-22, G-23, G-24, G-25, G-39, FM1). The next page in the Technical Support Document is titled "Emission Worksheet for Old Diesel Engines" and includes six (6) engines with unique identification numbers (G -2, G-4, G-5, G-6, G-7, and G-9). It should be noted that there is not a G-3 or G-8 on either list.***

RESPONSE: Generator G-3 was removed from service and Generator G -8 is deminimis since it's power rating is less than 50 HP. Please note that when equipment is removed from service, facilities do not typically renumber the remaining equipment.

274. ***COMMENT: The proposed permit includes an Equipment List with items 1 to 20, where item 1 is the rotary dryer with baghouse, item 2 is the aboveground gasoline storage tank, and the remaining 18 items are emergency diesel powered generators - some of which represent more than one generator of a particular horsepower rating - for a total of 25 emergency generators. The list of emergency generators includes dates, one described as "installed", others as "manufactured" and the remaining dates are without description. When comparing the dates from the proposed permit Equipment List to the Technical Support Document, one can surmise that the dates without description are the date of manufacture, which is important when applying emissions standards.***

RESPONSE: Comment noted.

275. ***COMMENT: In order for the Equipment List to be consistent, the date of manufacture for FM-1 should be 2010. It would also be helpful to include the date of installation for all of the emergency generators rather than just one of them (ie., FM -1). It would be helpful to the general public if the Technical Support Document explained the difference between "old" and "new" generators as a dividing line of date of manufacture used to determine which emissions standards apply. Otherwise, it looks like this permit is allowing the facility to add 19 generators that just happened to be manufactured at various times.***

RESPONSE: Comment Noted.

276. ***COMMENT: The permit application does not include a facility map that shows where any or all of these generators are/will be located.***

RESPONSE: Comment noted.

277. ***COMMENT: Permit Resolution regarding Notice of Violation for compost fire.***
The permit modification includes Specific Condition 2 that refers to "mulching" and the requirement to get a burn permit as a reaction to the Notice of Violation for a "mulch" fire on March 7, 2014. The facility is not "mulching" but is composting poultry manure and dead chickens not only from the Arlington egg laying operation, but also the new Tonopah egg laying operation. The fire is/was not from a "burn event" but most likely from the overheating of manure/mortality compost causing spontaneous ignition.

It is not enough to prohibit open burning without a Burn Permit when the cause of the fire is due to the improper operation and maintenance of the manure and dead animal compost piles. The MCAQD must acknowledge that the compost burning is in violation of Rule 314, paragraph 305.1 that states:

> ***Prohibited materials cannot be burned in open outdoor fires except as provided in Sections 303.2***

and 303.4.

RESPONSE: The purpose of the Permit Condition is to require appropriate actions be taken in the event of a mulch fire. Fires are not prohibited entirely since, per County Rule 314 §302.1(a) and ARS 49-501.B.3, fires set by or permitted by the County Agricultural Agent for the purpose of disease and pest prevention are allowed to occur from May 1 throught September 30 if a burn permit is obtained

278. ***COMMENT: Neither Rule 303.2 nor 303.4 relates to the Hickman Egg Ranch. Rule 303.2 refers to 'fires prohibited during restricted-burn periods in Maricopa County' and the requirement to call the hotline. The only exemptions listed in the subparagraphs are for fire extinguisher training and disposal of dangerous materials conducted in compliance with ADEQ's regulations. Rule 303.4 refers to 'testing of potentially explosive-containing products during restricted-burn periods'.***

RESPONSE: See response to Comment #277.

279. ***COMMENT: The definition of 'prohibited materials' in Rule 314 Section 211 includes "animal wastes and carcasses". Thus Hickman Egg Ranch should be prohibited from burning the compost material that contains both poultry manure and poultry carcasses. The idea that they should get a "burn permit" belies the purpose of regulating the proper handling and disposal of millions of cubic feet of poultry manure per year.***

Arlington facility: 8 million egg layers and 4 million pullets
Tonopah facility: 4,300,800 egg layers

Using Midwest Plan Services MWPS -18 Waste Characteristics design factors for manure production, the combined manure can be estimated as follows:

12.3 million layers x 0.002 ft3/hr/day x 365 days/yr = 8.98 million ft3/yr
4 million pullets x 0.002 ft3/hr/day x 365 days/yr = 2,920,000 ft3/yr
Total: 11.9 million ft3/yr

RESPONSE: See response to Comment #277.

280. ***COMMENT:***
On page 2 of 4 of the permit application, the narrative description of the proposed modification includes the following statement:

Addition of Rotary Dryer with Baghouse for manure drying operation, and the installation of a 15,000 gallons propane tank. A request for the removal of the animal feeding production operations requirements from the Air Quality permit. The animal feeding operations are cover by the ADEQ BMPs:'

Note: The narrative does not include an emergency diesel engine generator.

RESPONSE: See response to Comment #259.

281. ***COMMENT: The proposed permit does not include strikeout/underline to show what language was removed related to "animal feeding production operations requirements".***

RESPONSE: Permit drafts with edit marks are not typically created for public record. Conditions 21 -24 of the prior permit (Revision 1.0.1.0), contained the requirements for animal feed production operations. A copy of that permit may be obtained at the Maricopa A ir Quality Department located at 1001 N. Central Avenue, Phoenix, Arizona 85004, by contacting the Department at 602-506-6010 or submitting a public record request

online at: http://www.maricopa.gov/aq/contact_us/public_records/Default.aspx

282. COMMENT: The Technical Support Document does not identify applicable AgBMPs that would apply to any or all of the operations that were removed from the permit.

RESPONSE: MCAQD is not responsible for identifying or enforcing applicable AgBMPs.