To: Sara Seuberling - AQDX[SSeuberling@mail.maricopa.gov]
From: Todd Martin - AQDX
Sent: Wed 5/11/2011 7:35:26 PM
Subject: FW: Questions - Agricultural Exemptions

From: Costello Kevin [mailto:costellk@mcao.maricopa.gov]
Sent: Wednesday, May 11, 2011 12:20 PM
To: Todd Martin - AQDX
Subject: RE: Questions - Agricultural Exemptions

Todd:

I agree with your analysis of question 1.

On question 2 I do not believe the site is covered. In addition to the exemption you point out in 310.01, section 103.1, the applicability section 102.2 states that the rule applies to open areas and vacant lots not defined as agricultural land and not used for an agricultural purpose and cites to A.R.S. 12-12151. That statute defines agricultural land to include land and improvements devoted to high density use for producing commodities. Other sections of A.R.S. title 12 refer to Title 7 of the US Code for the definition of commodity. 7 USC 1a defines commodity to include eggs. Therefore, land and improvements used for the production of eggs would be considered agricultural land under A.R.S. 12-12151 and would not be covered by Rule 310.01.

I agree with your analysis of question 3.

Let me know if you need anything else.

Kevin

From: Todd Martin - AQDX [mailto:TMartin@mail.maricopa.gov]

Sent: Wednesday, May 11, 2011 8:37 AM
To: Costello Kevin
Subject: Questions - Agricultural Exemptions

Hi Kevin,

Hickman's Egg Ranch (Permit #040136) currently operates under a Non-Title V permit due to the presence of emergency generators and a crematory. Several complaints have been made from residents regarding dust and odor nuisances.

Q1: Does the facility require an air permit?

They do currently have an air permit for the crematory and engines, but I'm wondering whether they qualify for an exemption under Rule 200 Section 308.3. The facility is not a major source.

EXEMPTIONS: Notwithstanding Sections 301, 302, and 303 of this rule, the following sources shall not require a permit, unless the source is a major source, or unless operation without a permit would result in a violation of the Act:

308.3 Agricultural equipment used in normal farm operations. Agricultural equipment used in normal farm operations, for the purposes of this rule, does not include equipment that would be classified as a source that would require a permit under Title V of the Act, or would be subject to a standard under 40 CFR parts 60 or 61.

Analysis: A crematory would not be considered normal agricultural equipment, therefore an air permit is required.

Q2: Are dust generating activities regulated at this facility? If so, which ones?

The following dust generating activities are performed on site:

- Unpaved parking lots, Trackout onto paved public roads, Unpaved internal roads, Feed handling, On-site manure/compost handling, Hauling manure off-site, Composting operations, Earthmoving

Analysis:

1. Normal farm cultural practices are exempt from the requirements of Rule 310 per Section 103.1 and Rule 310.01 per Section 103.1. On the surface, an egg ranch appears to qualify for these exemptions.
2. Rule 310.01 includes dust control requirements for “livestock operations” and activities involving “animal waste”. It’s not clear to me when these provisions would be triggered given the blanket farm exemption above.

Q3: Do the odor requirements of Rule 320 apply to this source?

Analysis: I assume they would, since there are no exemptions to be found in the rule.

Aerial photo of Hickman’s Egg Ranch

Todd Martin

Non-Title V Permit Division Supervisor

Maricopa County Air Quality Department
602.506.7248 - phone
602.506.6985 - fax
1001 N. Central Avenue

Phoenix, AZ 85004

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