

JAN 20 2012

Mike Tollstrup, Chief
Project Assessment Branch
Stationary Source Division
California Air Resources Board
PO Box 2815
Sacramento, CA 95812-2815

RE: Notice of Final Action - Authority to Construct
Project Number: S-1104423

Dear Mr. Tollstrup:

The Air Pollution Control Officer has issued an Authority to Construct permit to Demler Enterprises to modify the existing solid manure handling permit, S-4908-2-1, to allow composing of 711 tons per week (37,000 tons per year) of chicken manure generated onsite by the hen egg laying operation, at 28720 Garces Highway in Delano.

Enclosed are copies of the Authority to Construct permits and a copy of the notice of final action to be published approximately three days from the date of this letter.

Notice of the District's preliminary decision to issue this Authority to Construct was published on November 11, 2011. The District's analysis of the proposal was also sent to CARB on November 16, 2011. No comments were received following the District's preliminary decision on this project.

Upon further review, the District amended the Best Available Control Technology (BACT) cost effectiveness for Thermal/Catalytic oxidizers. These changes were minor and did not trigger additional public notification requirements, nor did they have any impact upon the BACT determination.

Thank you for your cooperation in this matter. If you have any questions, please contact Mr. Jim Swaney at (559) 230-5900.

Sincerely,



David Warner
Director of Permit Services

DW:jy

Enclosures

Seyed Sadredin
Executive Director/Air Pollution Control Officer

Northern Region
4800 Enterprise Way
Modesto, CA 95356-8718
Tel: (209) 557-6400 FAX: (209) 557-6475

Central Region (Main Office)
1990 E. Gettysburg Avenue
Fresno, CA 93726-0244
Tel: (559) 230-6000 FAX: (559) 230-6061

Southern Region
34946 Flyover Court
Bakersfield, CA 93308-9725
Tel: 661-392-5500 FAX: 661-392-5585

JAN 20 2012

David Demler
Demler Enterprises
PO Box 207
Wasco, CA 93280

**RE: Notice of Final Action - Authority to Construct
Project Number: S-1104423**

Dear Mr. Demler:

The Air Pollution Control Officer has issued an Authority to Construct permit to Demler Enterprises to modify the existing solid manure handling permit, S-4908-2-1, to allow composing of 711 tons per week (37,000 tons per year) of chicken manure generated onsite by the hen egg laying operation, at 28720 Garces Highway in Delano.

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Notice of the District's preliminary decision to issue this Authority to Construct was published on November 11, 2011. The District's analysis of the proposal was also sent to CARB on November 16, 2011. No comments were received following the District's preliminary decision on this project.

Upon further review, the District amended the Best Available Control Technology (BACT) cost effectiveness for Thermal/Catalytic oxidizers. These changes were minor and did not trigger additional public notification requirements, nor did they have any impact upon the BACT determination.

Also enclosed is an invoice for the engineering evaluation fees pursuant to District Rule 3010. Please remit the amount owed, along with a copy of the attached invoice, within 60 days.

Thank you for your cooperation in this matter. If you have any questions, please contact Mr. Jim Swaney at (559) 230-5900.

Sincerely,



David Warner
Director of Permit Services

DW:jy

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In a telephone conversation, Air Resources Board (ARB) requested the following clarifications:

- The evaluation has been clarified to state that Demler Enterprises and Grimmway Farms are separate stationary sources.
- The evaluation has been clarified to state that public notification is not required due to NOx emissions surpassing the offset threshold.
- The evaluation has been clarified to state that TMECC Method 05.08-C (In-Situ Oxygen Refresh Rate) shall be used to measure the oxygen concentration.
- The District received three complaints in 2010 due to odors coming from the facility. The District confirmed the odors, at the time chicken manure was not composted at the facility. However, with the implementation of Best Available Control Technology (BACT) and required monitoring, no nuisance odors are expected.
- The District had contacted the following manufacturers for information in the development of the BACT guideline: Engineering Control System (ECS), Gore, and Managed Organic Recycling (MOR) Inc.
- The District amended the BACT cost effectiveness for Thermal/Catalytic oxidizers; thermal/catalytic oxidizers are not cost effective for this operation.
- The District reviewed the BACT cost effectiveness for a carbon adsorption control system and confirmed that this type of control technology is not effective for this operation.
- The District reviewed the cost of the mobile cover control system and confirmed that this type of control technology is not effective for this operation.
- The District only required Achieved-in-Practice controls because there is no cost effective threshold for NH3 emissions; a cost analysis cannot be performed. A surrogate value is not appropriate for use since a direct relationship is not available for any of the other pollutants.

Bakersfield Californian
Bakersfield Californian

**NOTICE OF FINAL ACTION
FOR THE ISSUANCE OF AUTHORITY
TO CONSTRUCT PERMITS**

NOTICE IS HEREBY GIVEN that the Air Pollution Control Officer has issued an Authority to Construct permit to Demler Enterprises to modify the existing solid manure handling permit, S-4908-2-1, to allow composting of 711 tons per week (37,000 tons per year) of chicken manure generated onsite by the hen egg laying operation, at 28720 Garces Highway in Delano.

No comments were received following the District's preliminary decision on this project.

The application review for Project #S-1104423 is available for public inspection at http://www.valleyair.org/notices/public_notices_idx.htm and the **SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT, 1990 EAST GETTYSBURG AVENUE, FRESNO, CA 93726.**

AUTHORITY TO CONSTRUCT

PERMIT NO: S-4908-2-2

ISSUANCE DATE: 01/20/2012

LEGAL OWNER OR OPERATOR: DEMLER ENTERPRISES

MAILING ADDRESS: PO BOX 207
WASCO, CA 93280

LOCATION: 28720 GARCES HIGHWAY
DELANO, CA 93215

EQUIPMENT DESCRIPTION:

MODIFICATION OF SOLID MANURE HANDLING SYSTEM CONSISTING OF MANURE STACK BELTS WITH SOLID MANURE HAULED OFFSITE: ALLOW DRYING AND COMPOSTING OF CHICKEN MANURE ONSITE

CONDITIONS

1. Upon presentation of appropriate credentials, a permittee shall allow an authorized representative of the District to have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit. [District Rule 1070]
2. Upon presentation of appropriate credentials, a permittee shall allow an authorized representative of the District to enter the permittee's premises where a permitted source is located or emissions related activity is conducted, or where records must be kept under condition of the permit. [District Rule 1070]
3. If a licensed veterinarian or a certified nutritionist determines that any VOC mitigation measure will be required to be suspended as a detriment to animal health or necessary for the animal to molt, the owners/operators must notify the District in writing within forty-eight (48) hours of the determination including the duration and the specific health condition requiring the mitigation measure to be suspended. If the situation is expected to exist longer than a thirty-day (30) period, the owner/operator shall submit a new emission mitigation plan designating a mitigation measure to be implemented in lieu of the suspended mitigation measure. [District Rule 4570]
4. This permit does not authorize the violation of any conditions established for this facility in the Conditional Use Permit (CUP), Special Use Permit (SUP), Site Approval, Site Plan Review (SPR), or other approval documents issued by a local, state, or federal agency. [District Rules 2070 and 2080, and Public Resources Code 21000-21177: California Environmental Quality Act]

CONDITIONS CONTINUE ON NEXT PAGE

YOU **MUST** NOTIFY THE DISTRICT COMPLIANCE DIVISION AT (661) 392-5500 WHEN CONSTRUCTION IS COMPLETED AND PRIOR TO OPERATING THE EQUIPMENT OR MODIFICATIONS AUTHORIZED BY THIS AUTHORITY TO CONSTRUCT. This is NOT a PERMIT TO OPERATE. Approval or denial of a PERMIT TO OPERATE will be made after an inspection to verify that the equipment has been constructed in accordance with the approved plans, specifications and conditions of this Authority to Construct, and to determine if the equipment can be operated in compliance with all Rules and Regulations of the San Joaquin Valley Unified Air Pollution Control District. Unless construction has commenced pursuant to Rule 2050, this Authority to Construct shall expire and application shall be cancelled two years from the date of issuance. The applicant is responsible for complying with all laws, ordinances and regulations of all other governmental agencies which may pertain to the above equipment.

Seyed Sadredin, Executive Director / APCO



DAVID WARNER, Director of Permit Services

S-4908-2-2 Jan 20 2012 2:53PM -- YOSHIMUJ Joint Inspection NOT Required

5. Within seventy two (72) hours of removal of solid manure from housing, permittee shall either 1) remove all litter/manure from the facility, or 2) cover litter/manure outside the housing with a weatherproof covering from October through May, except for times when wind events remove the covering, not to exceed twenty-four (24) hours per event. [District Rule 4570]
6. Permittee shall keep records of dates when litter/manure is removed from the facility; manure hauling invoices may be used to meet this requirement, or permittee shall maintain records to demonstrate that litter/manure piles outside the pens are covered with a weatherproof covering from October through May. [District Rule 4570]
7. If weatherproof coverings are used, permittee shall maintain records, such as manufacturer warranties or other documentation, demonstrating that the weatherproof covering over dry manure are installed, used, and maintained in accordance with manufacturer recommendations and applicable standards listed in NRCS Field Office Technical Guide Code 313 or 367, or any other applicable standard approved by the APCO, ARB, and EPA. [District Rule 4570]
8. Permittee shall keep and maintain all records for a minimum of five (5) years and shall make records available to the APCO and EPA upon request. [District Rule 4570]
9. No air contaminant shall be released into the atmosphere which causes a public nuisance. [District Rule 4102]
10. Visible emissions shall not exceed 5% opacity. [District Rules 2201 and 4101]
11. Water sprays shall be used, as needed, to ensure visible emissions do not exceed 5% opacity. [District Rules 2201 and 4101]
12. When composting, the permittee shall scrape or sweep, at least once a day, all areas where compostable material is mixed, screened, or stored such that no compostable material greater than one inch (1") in height is visible in the areas scraped or swept immediately after scraping or sweeping, except for compostable material in process piles or storage piles. [District Rule 2201]
13. When composting, the permittee shall maintain a minimum oxygen concentration of at least five percent (5%), by volume, in the free air space of every active and curing compost pile. [District Rule 2201]
14. The following test method shall be used to measure the oxygen concentration: TMECC Method 05.08-C (In-Situ Refresh rate). [District Rule 2201]
15. When composting, the permittee shall cover all active compost piles within 3 hours of each turning with one of the following: a waterproof covering; at least six (6) inches of finished composting; or at least six (6) inches of soil. [District Rule 2201]
16. When composting, the permittee shall cover all curing compost piles within 3 hours of each turning with one of the following: a waterproof covering; at least six (6) inches of finished composting; or at least six (6) inches of soil. [District Rule 2201]
17. Weekly production rate of compost shall not exceed 711 ton/week. [District Rule 2201]
18. Annual production rate of compost shall not exceed 37,000 ton/year. [District Rule 2201]
19. All compost shall meet at least one of the following stability criteria prior to leaving the cure-phase piles: 1) The compost emits no more than four (4) mg CO₂-C per gram of organic material per day (per TMECC Method 05-08-B), 2) The compost has a Solvita Maturity Index of 7 or greater (per TMECC Method 05-08-E), or 3) The material has been composted at least 40 consecutive calendar days after the active-phase composting period. [District Rule 2201]
20. The permittee shall keep records to verify all finished compost meets the required stability criterion [District Rule]
21. All records shall be maintained and retained on-site for a period of at least 5 years and shall be made available for District inspection upon request. [District Rule 1070]