



**San Joaquin Valley**

**AIR POLLUTION CONTROL DISTRICT**

**Amendments  
Rule 4570  
(Confined Animal Facilities)**

**(District Project CEQA # 20100164)**

**Initial Study and  
Negative Declaration**

**May 2010**

**SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT  
GOVERNING BOARD 2010**

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SEYED SADREDIN



**A. PROJECT BACKGROUND INFORMATION**

**1. Project Title:**

Draft Amendments to Rule 4570 (Confined Animal Facilities)

**2. Lead Agency Name and Address:**

San Joaquin Valley Unified Air Pollution Control District  
1990 E. Gettysburg Avenue  
Fresno CA 93726-0244

**3. Contact Person:**

CEQA: Debbie Johnson  
(559) 230-6000

Planning: Sandra Lowe-Leseth and Nichole Corless  
(559) 230-6100

**4. Project Location:**

This rule applies to any confined animal facilities located within the boundaries of the San Joaquin Valley Unified Air Pollution Control District (see Exhibit 1, Map of District boundaries).

**5. Project Sponsor's Name and Address:**

San Joaquin Valley Unified Air Pollution Control District  
1990 E. Gettysburg Avenue  
Fresno CA 93726-0244

**6. Assessor's Parcel Number:**

Not applicable to this project.

**7. General Plan Designation/Zoning:**

Not applicable to this project.



**Exhibit 1**  
**San Joaquin Valley Unified Air Pollution Control District Boundaries**





## 8. Project Description:

The proposed project is a rule development project. The purpose of this rule project is amending Rule 4570 (Confined Animal Facilities), a control measure in the San Joaquin Valley Air Pollution Control District's (District) 2007 Eight-Hour Ozone Plan, which is subject to Code of Federal Regulations (CFR), Clean Air Act (CAA), and California Health and Safety Code (CH&SC) requirements. This rulemaking project is intended to support the attainment goals of the District's 2007 Eight-Hour Ozone Plan. The proposed amendments to Rule 4570 (Confined Animal Facilities) will seek to obtain as much reduction of volatile organic compounds (VOCs) from confined animal facilities as is expeditiously practicable, technologically feasible, and economically reasonable, as determined by the District's Governing Board. Furthermore, the rule is intended to satisfy the ozone plan commitments as identified in following table:

**Ozone Plan Commitments**

Subject	Reference	Requirement
Timeline	CAA Section 172(c)(1)	Ozone attainment plans shall implement control measures as expeditiously as practicable, and provide for attainment.
RACT	CAA Sections 182(b)(2) and 182(f)	Ozone attainment plans shall assure that reasonable available control technology (RACT) for NO <sub>x</sub> and volatile organic compounds (VOC) is in use at sources and on source categories at or above the RACT threshold.
BARCT	CH&SC 40919(a)(3)	Ozone attainment plans should provide for best available retrofit technology (BARCT) for existing permitted sources.
All Feasible Controls	CH&SC 40914(b)(2)	Ozone attainment plans should include "all feasible control measures."
Deadline	District 2007 Eight-Hour Ozone Plan	Rule adoption by the second quarter of 2010.
Reductions	District 2007 Eight-Hour Ozone Plan	The plan commits to 6.7 tons per day of VOC reductions in 2012.

The majority of VOC emissions from confined animal operations are fugitive (evaporation of VOC from feed or waste, for example) or related to gaseous emissions from the livestock. The fugitive nature of the emissions from agricultural sources and their great land area impose challenges and limitations to the type of controls that can



be feasibly applied to reduce emissions. Unlike other stationary sources, where the majority of emissions are collected and released through a chimney, pipe, vent, or stack, emissions from agricultural sources are spread out over large areas and are very dilute at the point of release. These emissions cannot reasonably be captured at the point of release since capture of these emissions would entail monumental changes, which have not yet been developed and are likely infeasible, to the methods that are currently used for agricultural production. Rule 4570 groups Confined Animal Facilities (CAFs) emission sources into five areas: feed/feed storage, animal housing, solid waste handling, liquid waste handling, and land application of animal wastes. In this way, all of the major emission sources within a given CAF are included in the control requirements. Within each area, rather than capture fugitive emissions at the point of release, Rule 4570 provides for management practices that minimize the formation of VOCs or control VOCs by moving the VOC-forming material to a controlled situation. Some examples of management practice type mitigation measures are feed manipulation, frequent scraping of animal housing, and covering of silage piles.

Management practices are not the only way that VOC emissions can be controlled. Owner/operators may have installed control technology to meet water standards or to reduce nuisance complaints from neighbors. These controls are expensive, both in terms of capital outlay and in terms of on-going operating and maintenance costs. However, they provide a high level of VOC control. Rather than penalize an operator who installs these controls by requiring that the management practice types of mitigation measure be implemented in addition to the costly control technology, Rule 4570 allows the owner/operator to replace a management practice mitigation measure with the advanced control technology. In this way the emissions from the facility are reduced beyond what is required in the rule, and the operator is not penalized for making the more economically challenging choice of control.

#### **9. Other Agencies Whose Approvals Are Required and Permits Needed:**

This project is a rule development project and does not require permits from any agency. The United States Environmental Protection Agency must approve the rule for inclusion into California's State Implementation Plan.

#### **10. Name of Person Who Prepared Initial Study:**

Debbie Johnson  
Air Quality Specialist

#### **B. FINDINGS**

District staff has prepared a Final Draft Staff Report for the proposed amendments to the rule, incorporated herein by reference, which demonstrates that the proposed amendments to the rule would not have an adverse impact on air quality. Pursuant to CEQA Guidelines §15063(a), District staff prepared an Initial Study for the proposed project. The District finds that there is no substantial evidence that the



project may have a significant effect on the environment. District staff has prepared a Draft Negative Declaration for the project. Upon approval of the proposed rule by the District's Governing Board, District staff will file a Notice of Determination with each County Clerk within the boundaries of the District, CEQA Guidelines §15075(d).



**C. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED**

The environmental factors checked below would be potentially affected by the proposed project, involving at least one impact that is a "Potentially Significant Impact" or "Potentially Significant Unless Mitigated", as indicated by the checklist on the following pages.

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Aesthetics               | <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Air Quality                        |
| <input type="checkbox"/> Biological Resources     | <input type="checkbox"/> Cultural Resources                 | <input type="checkbox"/> Geology/Soils                      |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials      | <input type="checkbox"/> Hydrology/Water Quality            |
| <input type="checkbox"/> Land Use/Planning        | <input type="checkbox"/> Mineral Resources                  | <input type="checkbox"/> Noise                              |
| <input type="checkbox"/> Population/Housing       | <input type="checkbox"/> Public Services                    | <input type="checkbox"/> Recreation                         |
| <input type="checkbox"/> Transportation/Traffic   | <input type="checkbox"/> Utilities/Service Systems          | <input type="checkbox"/> Mandatory Findings of Significance |

**D. DETERMINATION**

I certify that this project was independently reviewed and analyzed and that this document reflects the independent judgment of the District.

- I find that the proposed project is exempt from CEQA requirements under Public Resource Code 15061 (b)(3), and a Notice of Exemption has been prepared.
- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION was prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a significant effect(s) on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a "potentially significant impact" or "potentially significant unless mitigated." An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

Signature: Tony Barba

Date: 10/21/10

Printed name: Tony Barba  
 Title: Chair



**E. ENVIRONMENTAL IMPACT CHECKLIST**

<b>I. AESTHETICS</b> Would the proposal:	<b>Potentially Significant Impact</b>	<b>Potentially Significant Impact Unless Mitigated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Affect a scenic vista or scenic highway?				X
b) Have a demonstrable negative aesthetic effect?				X
c) Create light or glare?				X
<b>Discussion:</b> The proposed project is a rule development project. The proposed amendments to Rule 4570 limits VOC emissions from large Confined Animal Facilities (CAFs) through management practices.				
<p>There will be no significant adverse aesthetic impacts from proposed amendments to Rule 4570 (Confined Animal Facilities) because potentially affected sites are already developed as confined animal facilities and any aesthetic impact would already exist. New sites subject to the provisions of Proposed Rule 4570 would incorporate any necessary equipment into the design to minimize potential aesthetic impacts in accordance with local agency standards. Proposed amendments to Rule 4570 would not create aesthetically offensive sites visible to the public. Proposed amendments to Rule 4570 (Confined Animal Facilities) would not create a new source of substantial light or glare, which would have a significant adverse effect on day or nighttime views in potentially effected sites. No significant adverse aesthetic impacts are anticipated as identified above (a-c).</p>				
<b>Mitigation:</b> None				
<b>Reference:</b> Proposed Rule 4570 and supporting Staff Report.				
<b>II. AGRICULTURE AND FOREST RESOURCES</b> In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the states inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:	<b>Potentially Significant Impact</b>	<b>Potentially Significant Impact Unless Mitigated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X



<b>II. AGRICULTURE AND FOREST RESOURCES</b> (Continued)	<b>Potentially Significant Impact</b>	<b>Potentially Significant Impact Unless Mitigated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220 (g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104 (g))?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
e) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				X
<p><b>Discussion:</b> The proposed project is a rule development project. The proposed amendments to Rule 4570 limits VOC emissions from large Confined Animal Facilities (CAFs) through management practices. Proposed amendments to Rule 4570 (Confined Animal Facilities) will not result in a substantive conversion of prime or unique farmland to non-agricultural use. Because confined animal facilities are an agricultural use, there will be no impact on or conflict with existing zoning for agricultural use, or Williamson Act contract. The project does not impose requirements that would affect agricultural and forest resources, as identified above (a-e).</p>				
<p><b>Mitigation:</b> None</p>				
<p><b>Reference:</b> Proposed Rule 4570 and supporting Staff Report.</p>				
<b>III. AIR QUALITY</b> Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	<b>Potentially Significant Impact</b>	<b>Potentially Significant Impact Unless Mitigated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Conflict with or obstruct implementation of the applicable air quality plan?				X
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?				X
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?				X



III. AIR QUALITY (Continued)	Potentially Significant Impact	Potentially Significant Impact Unless Mitigated	Less Than Significant Impact	No Impact
d) Expose sensitive receptors to substantial pollutant concentrations?				X
e) Create objectionable odors affecting a substantial number of people?				X
<p><b>Discussion:</b> Air monitoring data in the San Joaquin Valley Air Basin (Valley) indicates ozone levels exceed the eight-hour ozone National Ambient Air Quality Standards (NAAQS) set by the federal government to protect public health and welfare. As a result, the United States Environmental Protection Agency (EPA) has classified the Valley as serious nonattainment for the federal 8-hour ozone standard. In accordance with the requirements of the federal Clean Air Act, nonattainment areas must develop plans to achieve attainment of the NAAQS. Consequently, the San Joaquin Valley Unified Air Pollution Control District (District), adopted the 2007 Ozone Plan. That plan is comprised of regulatory and incentive-based measures to reduce emissions of nitrogen oxides (NOx) and volatile organic compounds (VOC), which are the precursors to ground-level ozone.</p> <p>Amending Rule 4570 is a control measure in the District's 2007 Eight-Hour Ozone Plan, and it is subject to Code of Federal Regulations (CFR), Clean Air Act (CAA), and California Health and Safety Code (CH&amp;SC) requirements. This rule development project is intended to support the attainment goals of the District's 2007 Eight-Hour Ozone Plan.</p> <p>The proposed amendments to Rule 4570 limits VOC emissions from large Confined Animal Facilities (CAFs) through management practices. Each of the following aspects of CAF operations is subject to the amendments of Rule 4750: feed/feed storage, animal housing, solid waste handling, liquid waste handling, and land application of animal wastes. Within each area, Rule 4570 provides for management practices that minimize the formation of VOCs or control VOCs by moving the VOC-forming material to a controlled situation. Some examples of management practice type mitigation measures are feed manipulation, frequent scraping of animal housing, and covering of silage piles. Operators must choose a certain number of management practices from a limited menu of options for each operation.</p> <p>District staff has prepared a Final Draft Staff Report for the proposed rule, incorporated herein by reference, which demonstrates that the proposed amendments to the rule would result in annual VOC emission reductions currently estimating 13.3 tons per day. Thus, the District concludes that the project would have a positive impact on air quality. The project does not impose requirements that the project could have a significant effect on air quality as identified above (a-e).</p>				
<p><b>Mitigation:</b> None</p>				
<p><b>Reference:</b> Proposed Rule 4570 and supporting Staff Report.</p>				
IV. BIOLOGICAL RESOURCES Would the project:	Potentially Significant Impact	Potentially Significant Impact Unless Mitigated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X



IV. BIOLOGICAL RESOURCES (Continued)	Potentially Significant Impact	Potentially Significant Impact Unless Mitigated	Less Than Significant Impact	No Impact
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?				X
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

**Discussion:** The proposed project is a rule development project. The proposed amendments to Rule 4570 limits VOC emissions from large Confined Animal Facilities (CAFs) through management practices. The project does not impose requirements affecting biological resources, as identified above (a-f).

**Mitigation:** None

**Reference:** Proposed Rule 4570 and supporting Staff Report.

V. CULTURAL RESOURCES Would the project:	Potentially Significant Impact	Potentially Significant Impact Unless Mitigated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in '15064.5?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to '15064.5?				X



<b>V. CULTURAL RESOURCES</b> (Continued)	<b>Potentially Significant Impact</b>	<b>Potentially Significant Impact Unless Mitigated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
d) Disturb any human remains, including those interred outside of formal cemeteries?				X
<b>Discussion:</b> The proposed project is a rule development project. The proposed amendments to Rule 4570 limits VOC emissions from large Confined Animal Facilities (CAFs) through management practices. The project does not impose requirements affecting cultural resources, as identified above (a-d).				
<b>Mitigation:</b> None				
<b>Reference:</b> Proposed Rule 4570 and supporting Staff Report.				
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<b>VI. GEOLOGY/SOILS</b> Would the project:	<b>Potentially Significant Impact</b>	<b>Potentially Significant Impact Unless Mitigated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				X
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
ii) Strong seismic ground shaking?				X
iii) Seismic-related ground failure, including liquefaction?				X
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?				X
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X



<b>VI. GEOLOGY/SOILS</b> (Continued)	<b>Potentially Significant Impact</b>	<b>Potentially Significant Impact Unless Mitigated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				X
<b>Discussion:</b> The proposed project is a rule development project. The proposed amendments to Rule 4570 limits VOC emissions from large Confined Animal Facilities (CAFs) through management practices. The project does not impose requirements affecting geology/soils, as identified above (a-e).				
<b>Mitigation:</b> None				
<b>Reference:</b> Proposed Rule 4570 and supporting Staff Report.				
<b>VII. GREENHOUSE GAS EMISSIONS</b> Would the project:	<b>Potentially Significant Impact</b>	<b>Potentially Significant Impact Unless Mitigated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?				X
b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?				X
<p><b>Discussion:</b> Global Climate Change is the cumulative change in the average weather of the earth that can be measured by changes in temperature, precipitation, storms, and wind. Greenhouse Gases (GHG) are gases that trap heat in the atmosphere. A substantial body of scientific evidence has indicated that increasing concentrations of GHG in the atmosphere are causing Global Climate Change. Both the Federal EPA and the legislature of California have determined that increasing levels of GHG will result in potentially serious adverse effects to the environment.</p> <p>To combat the adverse affects of Global Climate Change, the California legislature passed Assembly Bill 32 (AB 32), the "California Global Warming Solutions Act of 2006". AB 32 created a comprehensive, multi-year program to reduce GHG emissions in California, with the goal of restoring GHG emissions to 1990 levels by 2020. In the coming years, the California Air Resources Board (ARB) and the Legislature will be developing policies and programs to implement AB 32. The District also recently began implementing its Climate Change Action Plan to address the long-term adverse affects of Global Climate Change resulting from emissions of GHG.</p> <p>As presented in the Draft Staff Report, this rule development project proposes to amend existing Rule 4570 (Confined Animal Facilities). Proposed amendments would change certain existing mitigation measures and would lower applicability thresholds for dairies. The District has examined the proposed amendments to determine their potential to have a cumulatively significant impact on global climate change.</p> <p>Rule 4570 applies to any facility where animals are corralled, penned, or otherwise caused to remain in restricted areas for commercial purposes and primarily fed by a means other than grazing for at least forty-five</p>				



(45) days in any twelve (12) month period. Given that the diversity of facilities subject to the rule, and that the rule allows producers to select which management practices will be employed, the District concludes that quantifying potential changes in greenhouse gas emissions is too speculative for evaluation. Because rule revisions will primarily affect dairy facilities, the District conducted a qualitative assessment, taking into consideration cost effectiveness and feasibility of specific management practices available to dairy producers. Management practices determined to have no potential to result in a direct increase in GHG emissions were not given further consideration. Management practices that were determined to have the potential to result in a direct increase in GHG emissions, and management practices that were determined to have the potential to reduce direct emissions of GHG were given further consideration.

The District determined that usage of an anaerobic treatment lagoon is a management practice option that could result in increased GHG emissions. However, because of the expense and stringent regulatory requirements for water quality associated with installing a new lagoon or modifying existing lagoons, the District concludes that only CAFs with an existing anaerobic manure management system are likely to select this option. Continued operation of an existing anaerobic manure management system would not result in increased GHG emissions.

Management practice options which could result in decreased GHG emissions include the following:

1. Feed changes, such as feeding to National Research Council (NRC) guidelines, which will reduce the amount of nitrogen fed and/or increase feed efficiency thereby reducing nitrogen excretion and N<sub>2</sub>O emissions;
2. Limiting the depth of manure in corrals, which will potentially reduce anaerobic decomposition of organic material and CH<sub>4</sub> emissions;
3. Utilizing a solids separator or limiting the organic loading of lagoons, which can result in decreased anaerobic decomposition and CH<sub>4</sub> emissions;
4. Use of an anaerobic digester, which will capture and ultimately destroy some of the methane that would have been emitted from open anaerobic lagoons
5. Using a naturally aerobic lagoon (though choosing this option would not be common because of the extensive space requirements)

The District determined that the following management practices measures would be most likely selected by dairy producers:

1. Feed Practices: 1) Feeding animals according to NRC guidelines, 2) Cleaning feed lanes every 14 days, 3) Removing spilled feed every 14 days, 4) Feeding rations within 48 hours of mixing, 4) Pushing feed within three feet of fence, 5) Maintaining minimum moisture content in TMR that contains silage
2. Silage Practices: 1) Completely covering silage piles, 2) Adjusting silage pile parameters to achieve minimum bulk density, 3) Limiting size of silage pile working faces, 4) Maintaining smooth silage faces
3. Milking Parlor Practice: 1) Flushing milking parlor after every milking
4. Freestall Practice: 1) Removing wet manure from bedding every 14 days
5. Coral Practices: 1) Cleaning corrals four times per year, 2) Limiting height of manure in corrals, 3) Flushing or scrape feed apron every seven days, 4) Installing shade structures in a specified configuration
6. Liquid Waste Practice: 1) Removing solids from the liquid waste handling system
7. Land Application Practice: 1) Applying solid animal waste with a moisture content no greater than 50%

The District considered the management practices identified above and determined that none of these management practices would result in direct increases in GHG emissions. In fact, practices such as feeding animals according to NRC guidelines, limiting the height of manure in the corrals, and removing solids from the liquid waste handling system should result in decreased GHG emissions. Additionally, silage management practices may also reduce GHG emissions by preserving a larger amount of the organic matter in feed that would otherwise be lost to the atmosphere as CO<sub>2</sub> and VOCs and increasing the efficiency of the feeding operation.



Certain proposed amendments to Rule 4570 would lower the applicability thresholds, resulting in more CAFs being subject to the rule. It is conceivable that making more dairies subject to Rule 4570 could result in changes in existing management practices that would potentially decrease GHG emissions, as compared to the status quo. Collectively, the proposed rule amendments could result in reductions in GHG emissions from CAF, however out of an abundance of caution the District concludes that this rule development project would not result in a change in existing GHG emissions from CAFs. The District further concludes that the project would have a less than cumulatively significant impact on global climate change. District staff finds that there is no substantial evidence, in light of the whole record before the District, that the project would have a significant effect on the environment as identified above (a-b).

**Mitigation:** None

**Reference:** Proposed Rule 4570 and supporting Staff Report.

VIII. HAZARDS & HAZARDOUS MATERIALS Would the project:	Potentially Significant Impact	Potentially Significant Impact Unless Mitigated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X



VIII. HAZARDS & HAZARDOUS MATERIALS (Continued)	Potentially Significant Impact	Potentially Significant Impact Unless Mitigated	Less Than Significant Impact	No Impact
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X
<p><b>Discussion:</b> The proposed project is a rule development project. The proposed amendments to Rule 4570 limits VOC emissions from large Confined Animal Facilities (CAFs) through management practices. Owners/Operators may elect to install and operate VOC emissions control systems. These systems would most likely consist of ductwork used to collect emissions and transport them to an emissions control device. These are established technologies and employed in other industries. The project does not impose requirements affecting hazards and hazardous materials, as identified above (a-h).</p>				
<p><b>Mitigation:</b> None</p>				
<p><b>Reference:</b> Proposed Rule 4570 and supporting Staff Report.</p>				
IX. HYDROLOGY/WATER QUALITY Would the project:	Potentially Significant Impact	Potentially Significant Impact Unless Mitigated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?			X	
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			X	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on- or off-site?				X
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?				X



IX. HYDROLOGY/WATER QUALITY (Continued)	Potentially Significant Impact	Potentially Significant Impact Unless Mitigated	Less Than Significant Impact	No Impact
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?				X
f) Otherwise substantially degrade water quality?			X	
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
<p><b>Discussion:</b> The proposed project is a rule development project. The proposed amendments to Rule 4570 limits VOC emissions from large Confined Animal Facilities (CAFs) through management practices. The project does not impose requirements affecting hydrology/water quality. Some of the proposed alternative management will increase generation of wastewater which could affect storage and disposal needs for wastewater and solid manure, which could contribute to water quality degradation. Dairymen who chose to implement a management strategy which could impact wastewater and contribute to water quality degradation are subject to California Regional Water Quality Control Board (RWQCB) wastewater discharge requirements (WDR) and are encouraged to contact the RWQCB to ensure that the change would be consistent with their WDR. Compliance with RWQCB wastewater discharge requirements is expected to reduce project specific impacts to less than significant, as identified above (a-i).</p>				
<p><b>Mitigation:</b> None</p>				
<p><b>Reference:</b> Proposed Rule 4570 and supporting Staff Report.</p>				
X. LAND USE/PLANNING Would the project:	Potentially Significant Impact	Potentially Significant Impact Unless Mitigated	Less Than Significant Impact	No Impact
a) Physically divide an established community?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X



<b>X. LAND USE/PLANNING</b> (Continued)	<b>Potentially Significant Impact</b>	<b>Potentially Significant Impact Unless Mitigated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X
<b>Discussion:</b> The proposed project is a rule development project. The proposed amendments to Rule 4570 limits VOC emissions from large Confined Animal Facilities (CAFs) through management practices. The project does not impose requirements affecting land use/planning as identified above (a-c).				
<b>Mitigation:</b> None				
<b>Reference:</b> Proposed Rule 4570 and supporting Staff Report.				
<b>XI. MINERAL RESOURCES</b> Would the project:	<b>Potentially Significant Impact</b>	<b>Potentially Significant Impact Unless Mitigated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X
<b>Discussion:</b> The proposed project is a rule development project. The proposed amendments to Rule 4570 limits VOC emissions from large Confined Animal Facilities (CAFs) through management practices. The project does not impose requirements affecting mineral resources, as identified above (a-b).				
<b>Mitigation:</b> None				
<b>Reference:</b> Proposed Rule 4750 and supporting Staff Report.				
<b>XII. NOISE</b> Would the project result in:	<b>Potentially Significant Impact</b>	<b>Potentially Significant Impact Unless Mitigated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				X
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				X
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?				X



XII. NOISE (Continued)	Potentially Significant Impact	Potentially Significant Impact Unless Mitigated	Less Than Significant Impact	No Impact
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X
<b>Discussion:</b> The proposed project is a rule development project. The proposed amendments to Rule 4570 limits VOC emissions from large Confined Animal Facilities (CAFs) through management practices. The project does not impose requirements affecting noise, as identified above (a-f).				
<b>Mitigation:</b> None				
<b>Reference:</b> Proposed Rule 4570 and supporting Staff Report.				
XIII. POPULATION/HOUSING Would the project:	Potentially Significant Impact	Potentially Significant Impact Unless Mitigated	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X
<b>Discussion:</b> The proposed project is a rule development project. The proposed amendments to Rule 4570 limits VOC emissions from large Confined Animal Facilities (CAFs) through management practices. The project does not impose requirements affecting population/housing, as identified above (a-c).				
<b>Mitigation:</b> None				
<b>Reference:</b> Proposed Rule 4570 and supporting Staff Report.				



<b>XIV. PUBLIC SERVICES</b> Would the project:	<b>Potentially Significant Impact</b>	<b>Potentially Significant Impact Unless Mitigated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				<b>X</b>
Fire protection?				<b>X</b>
Police protection?				<b>X</b>
Schools?				<b>X</b>
Parks?				<b>X</b>
Other public facilities?				<b>X</b>
b) Cumulatively exceed official regional or local population projections?				<b>X</b>
c) Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?				<b>X</b>
d) Displace existing housing, especially affordable housing?				<b>X</b>
<b>Discussion:</b> The proposed project is a rule development project. The proposed amendments to Rule 4570 limits VOC emissions from large Confined Animal Facilities (CAFs) through management practices. The project does not impose requirements affecting public services, as identified above (a-d).				
<b>Mitigation:</b> None				
<b>Reference:</b> Proposed Rule 4570 and supporting Staff Report.				
<b>XV. RECREATION</b> Would the project:	<b>Potentially Significant Impact</b>	<b>Potentially Significant Impact Unless Mitigated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				<b>X</b>



<b>XV. RECREATION</b> (Continued)	<b>Potentially Significant Impact</b>	<b>Potentially Significant Impact Unless Mitigated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				<b>X</b>
<b>Discussion:</b> The proposed project is a rule development project. The proposed amendments to Rule 4570 limits VOC emissions from large Confined Animal Facilities (CAFs) through management practices. The project does not impose requirements affecting recreation, as identified above (a-b).				
<b>Mitigation:</b> None				
<b>Reference:</b> Proposed Rule 4570 and supporting Staff Report.				
<b>XVI. TRANSPORTATION/TRAFFIC</b> Would the project:	<b>Potentially Significant Impact</b>	<b>Potentially Significant Impact Unless Mitigated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?				<b>X</b>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?				<b>X</b>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				<b>X</b>



<b>XVI. TRANSPORTATION/TRAFFIC</b> (Continued)	<b>Potentially Significant Impact</b>	<b>Potentially Significant Impact Unless Mitigated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
e) Result in inadequate emergency access?				X
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities				X
<b>Discussion:</b> The proposed project is a rule development project. The proposed amendments to Rule 4570 limits VOC emissions from large Confined Animal Facilities (CAFs) through management practices. The project does not impose requirements affecting transportation/traffic, as identified above (a-f).				
<b>Mitigation:</b> None				
<b>Reference:</b> Proposed Rule 4570 and supporting Staff Report.				
<hr/>				
<b>XVII. UTILITIES/SERVICE SYSTEMS</b> Would the project:	<b>Potentially Significant Impact</b>	<b>Potentially Significant Impact Unless Mitigated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X



XVII. UTILITIES/SERVICE SYSTEMS (Continued):	Potentially Significant Impact	Potentially Significant Impact Unless Mitigated	Less Than Significant Impact	No Impact
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X
g) Comply with federal, state, and local statutes and regulations related to solid waste?				X
<b>Discussion:</b> The proposed project is a rule development project. The proposed amendments to Rule 4570 limits VOC emissions from large Confined Animal Facilities (CAFs) through management practices. The project does not impose requirements affecting utilities/service systems, as identified above (a-g).				
<b>Mitigation:</b> None				
<b>Reference:</b> Proposed Rule 4570 and supporting Staff Report.				
XVIII. MANDATORY FINDINGS OF SIGNIFICANCE	Potentially Significant Impact	Potentially Significant Impact Unless Mitigated	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				X
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively Considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?				X
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?				X
<b>Discussion:</b> The proposed project is a rule development project. The proposed amendments to Rule 4570 limits VOC emissions from large Confined Animal Facilities (CAFs) through management practices. This project does not impose requirements that would have adverse environmental impacts as identified above (a-c).				
<b>Mitigation:</b> None				
<b>Reference:</b> Proposed Rule 4570 and supporting Staff Report.				



# APPENDIX A

## Response to Comments



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District Response to Comments Received for the  
**Amendments Rule 4570 (Confined Animal Facilities)**

The following party provided written comment on the proposed Initial Study/Mitigated Negative Declaration:

- California Regional Water Quality Control Board, Central Valley Region (RWQCB)

A copy of the comment letter is incorporated into this document as Attachment A. A summary of salient comments and associated responses follow.

**California Regional Water Quality Control Board, Central Valley Region**

**Comment:** The proposed alternative management practices will increase the generation of wastewater and affect storage and disposal needs for the wastewater and solid manure, which could contribute to water quality degradation unless the need for additional and appropriate storage and disposal of these wastes is addressed.

**Response:** The District has amended its discussion of potential impacts on Hydrology/Water Quality to reflect that although the project does not impose requirements affecting hydrology/water quality, some of the proposed alternative management practices will increase generation of wastewater which could affect storage and disposal needs for wastewater and solid manure. Furthermore, the District has revised the Initial Study Checklist to reflect that dairymen are subject to California RWQCB wastewater discharge requirements. Compliance with RWQCB WDRs is expected to reduce project specific impacts to less than significant.



## Attachment A



Linda S. Adams  
Secretary for  
Environmental  
Protection

**California Regional Water Quality Control Board  
Central Valley Region**

Katherine Hart, Chair

1885 J Street, Fresno, California 93706  
(559) 445-8116 • Fax (559) 445-3910  
<http://www.waterboards.ca.gov/cvrc/>



Arnold  
Schwarzenegger  
Governor

Received

MAY 14 2010

Permits Srvc  
SJVAPCD

13 May 2010

Ms. Debbie Johnson  
San Joaquin Valley Air Pollution Control District  
1990 E. Gettysburg Ave  
Fresno, CA 93726

**REVIEW OF INITIAL STUDY AND PROPOSED NEGATIVE DECLARATION FOR THE  
PROPOSED AMENDMENT OF RULE 4570; SCH # 20100042045, SAN JOAQUIN VALLEY  
AIR BASIN**

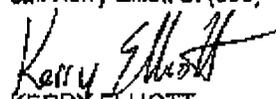
Thank you for the opportunity to provide comments on the Initial Study and proposed Negative Declaration. We have reviewed the proposed Negative Declaration with reference to our water quality requirements and concerns.

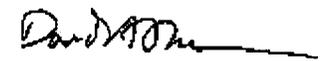
We understand that the San Joaquin Valley Air Pollution Control District (SJVAPCD) is intending to amend Rule 4570 (Confined Animal Facilities) to support the attainment goals of the 2007 eight-hour ozone plan. The proposed project is a rule development project and seeks to limit VOC emissions from large Confined Animal Operations.

Section VII (Greenhouse Gas Emissions) of the environmental impacts checklist form discusses management practices to reduce green house gasses, some of which may increase water usage (e.g. an increase in the frequency of milk parlor flushing).

Section IX (Hydrology / Water Quality) of the environmental impacts checklist form finds "no impact" with respect to hydrology and water quality. Some of the proposed alternative management practices will increase the generation of wastewater and affect storage and disposal needs for the wastewater and solid manure, which could contribute to water quality degradation unless the need for additional and appropriate storage and disposal of these wastes is addressed.

We hope our comments are helpful. If you have any questions regarding this matter, please call Kerry Elliott at (559) 445-8126.

  
KERRY ELLIOTT  
Engineering Geologist

  
DAVID SHOLES  
Senior Engineering Geologist  
CEG No. 1687

cc: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044

California Environmental Protection Agency

