



COMPLIANCE ADVISORY

December 15, 2010

ATTENTION OWNERS/OPERATORS OF GRAIN, NUT, OR SEED PROCESSING FACILITIES:

BACKGROUND: The Yolo-Solano Air Quality Management District (District) is the local regulatory agency responsible for regulating non-vehicular sources of air pollution in Yolo County and the Northeastern portion of Solano County. Post harvest processing facilities for grain, nut, or seeds are a source of air pollution, mainly Particulate Matter (PM) and Particulate Matter less than 10 microns (PM10), but also sometimes combustion contaminants from driers.

Our District has permitted some larger processing facilities since the late 1980s and early 1990s, but because of exemption provisions in State law and District Rule 3.2, other facilities have not been previously permitted, but should have been. The District has prepared this advisory to clarify the specific permit requirements for post harvest processing facilities.

AGRICULTURAL EXEMPTION: District Rule 3.2 defines specific operations which are exempt from the need to obtain District Authority to Construct (ATCs) and Permits to Operate (PTOs). Section 107 of Rule 3.2 defines that “equipment used **exclusively in the growing** of agricultural crops...” is exempt from the need to have District permits. This exemption has been extended to not only the growing, but also the post process harvesting, but not to activities carried on “incidentally or in conjunction with” the growing of such crops.

Based on legal precedence, processing on a farm of commodities produced by other farmers is not “incidental to or in conjunction with” the farming operations of the farmer on whose premises the processing is done. Therefore, if you own or operate a post harvest processing facility, and you process products from other growers or other property, your operation is not exempt from District permitting.

ACTION REQUIRED: If you own or operate grain, nut, or seed (or other similar product) processing equipment, the District requires that you submit either a permit exemption form (copy attached) or an ATC application form within 30 days. If you are subject to permit requirements, a separate permit is required for each independent operation (for more information on independent operations, we recommend you schedule a meeting with District staff to discuss). The ATC form can be found off the District’s home page (www.yaqmd.org), by clicking on the “Forms and Applications” link, and then scrolling down to the Engineering section.

Any facilities found operating after 30 days without a required permit (or an exemption on file) may be subject to enforcement action.

ADDITIONAL INFORMATION: For additional information, please contact Bob Dovi at (530) 757-3650 or toll-free in the (530), (916), and (707) area codes at (800) 287-3650.