

Review of the Revised Draft Dairy Element of the Kings County General Plan

Section III - Policies for the Location and Siting of Dairies			
Pg.	Policy	Draft Dairy Element Regulation	KCFB Comments
DE-14	DE 1.2a & 1.2b	<u>Limited Agricultural (AL-10) zone districts.</u> <u>Exclusive Agricultural (AX) zone districts.</u>	The language could be more specific to state that only the new portion of an existing facility is subject to site plan review.
DE-14	DE 1.2c	<u>Flood Zones.</u> Dairy facilities, including corals, barn, manure storage areas, feed storage areas, dairy lagoons, etc., shall not be located on any territory designated on the <u>National Flood Insurance Program, Flood Insurance Rate Maps (FIRM)(Community-Panel Numbers 060086 0001-0425) dated August 4, 1988, as Special Flood Hazard Areas Inundated by 100-year Flood, Zones A, AE, AO, and AH, Footway areas in Zone AE, of Other Flood Areas in Zone X.</u>	<p>These maps are subject to change and amendment. To tie all future development to a specific issue date is unreasonable and not beneficial to the County.</p> <p>With proper grading and floodwater exclusion structures it is possible to construct a facility in the 100-year flood zone. The California Regional Water Quality Control Board requires a demonstration that the facility is protected from inundation in the event of a 100-year flood. Title 27, Division 2, Subdivision 1, Chapter 15, 2562, California Code of Regulations.</p>
DE-15	DE 1.2d	<u>High groundwater areas.</u>	Construction and operation of new dairy facilities unless the applicant can demonstrate that the minimum vertical distance between proposed

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<p>lagoon bottoms and highest anticipated groundwater level is at least five feet. This is the Title 27, Division 2, Subdivision 1, Chapter 15, '2562d, California Code of Regulations requirement.</p>			23-10 Cont.
<p>Restriction on slopes over 5% is too severe. Proper grading design will allow drainage system to effectively contain runoff. No restriction on slope so long as facility is able to comply with requirements of California Regional Water Quality Control Board Title 27, Division 2, Subdivision 1, Chapter 15, '2560, California Code of Regulations.</p>	<p><u>Areas of excessive slope.</u></p>	<p>DE-15 DE 1.2f</p>	23-11
<p>As written an existing dairy with no option for expansion other than toward a school is effectively prohibited from growth, even if it pre-existed the school. Suggestion B encroachment be allowed through the Conditional Use Permit. For instance, expansion of the milking barn itself, of conversion of an open lot to a freestall system may well enhance the dairy as a neighbor to a school, even if it were located somewhat closer.</p>	<p><u>Areas in the immediate vicinity of schools.</u></p>	<p>DE-15 DE 1.2g</p>	23-12

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<p>This policy should allow more flexibility, and should recognize the dairy may have been in place before the school existed. Suggestion -- add if such expansion does not further encroach on the school site to the end of the first sentence of the second paragraph relating to existing dairies. Suggestion -- drop the prohibition of the final sentence beginning with: <i>However, under no circumstances . . . etc.</i>, replace with a new sentence as follows: <i>if an existing dairy is to expand its facility in a fashion that will further encroach on the non-conforming separation from the school a Conditional Use Permit will be required.</i></p>		
<p>Too restrictive to dairies that may have pre-existed their neighbor. Suggestion B drop <i>However, under no circumstances and replacing it as follows: The existing separation shall be maintained to the maximum extent feasible. This will allow planning staff to be flexible to evaluate each situation on its merits and to accomplish compromise, while retaining the possibility of appeal.</i></p>	<p><u>Separation of dairy facilities by 3 mile.</u></p>	<p>DE 1.2h</p>

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DE-17	DE 1.2j	<u>Compatibility Zone Boundaries.</u>	Existing dairies need to be protected from restrictions on their ability to grow should -- "compatibility zone" boundary be extended in to conflict with them.	23-14
DE-18	DE 2.1	Streamline the permit process for establishing new dairies or expanding existing dairies. Site Plan Review (SPR)	Additional clarity that the Site Plan Review (SPR) applies only to the new portion of an existing facility is needed. Suggestion B New sentence as follows: <i>All new dairies and any new expansion of existing dairies with previously issued zoning permits shall be required to obtain a site plan review (SPR) of the new portion of the facility before construction or operation begins.</i>	23-15
DE-18	DE 2.1a	... maximum number of animal Units (AUs) ...	The SPR review procedures will calculate the maximum number of animal units (AUs) based on Table 1 of Fact Sheet 4 for Dairies, California Regional Water Control Board, Central Valley Region, the proposed or expanding dairy site can potentially accommodate and establish the dairy's calculated capacity.	23-16
DE-18	DE 2.1b	Fluctuation in the herd size ...	Substitute up to for below in the first sentence.	23-17

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DE-19	DE 2.1c & 2.1d	... initial construction expansions ...	For additional clarity, both of these policies need to add the words <i>on the new portion of the facility, to the end of the first sentence, after (SPR) and SPR consecutively.</i>	23-18
DE-19	DE 2.2	SPR for the expansion of dairies existing prior to 1979	For clarity -- Suggestion -- Any new expansion of dairies which were in existence prior to 1979 will require a Site Plan Review (SPR) on the <i>new portion of the facility</i> , except for dairies in the AL-10 zone district, which will require a conditional use permit on the new portion of the facility.	23-19
DE-19	DE 2.2a	Date of adoption and dairy site capacity	Change July 1, 1988, to: <i>adoption of this amendment to the Kings County General Plan.</i>	23-20

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Section IV - Design Criteria for Individual Dairy Projects

Pg.	Goal	Draft Dairy Element Regulation	KCFB Comments
DE-21	DE 3.1a	C. Air quality, including dust control, during construction and operations, odors, ROG, NOX, hydrogen sulfide, ammonia, and methane,	C. Air quality (during construction and operation), including dust-control PM10, odors, ROG, NOX, hydrogen sulfide, ammonia, and methane. Dust is not regulated; PM10 is -- no sound science available for measurement of the air quality constituents named above.
DE-21	DE 3.1b	Residences that are not associated with the dairy. a 2 mile rule -- ... as far as possible as far as practical as far as possible is too severe and unattainable. Puts undue and impractical restraints on the existing dairies.
DE-22	DE 3.1c	... shall be located so that the separation shall not be reduced.	... shall be maintained in so far as feasible. Puts undue and impractical restraints on existing dairies. Precludes a pre-existing dairy from expanding in certain situations and directions. Could prevent existing dairies from expanding as needed to remain competitive within the industry and to provide the opportunity for younger

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DE-22	DE 3.1d	... Cultural Resources. ...	generations to become involved in the business.
DE-22	DE 3.1e	Archaeological, paleontological or cultural resources.	<p>-- Omit Section -- Include in 3.1e</p> <p>Consultation with local Native American groups should only be required in the event of discovery of Native American cultural artifacts, not for paleontological or other artifacts of antiquity. Suggestion -- add <i>affecting Native American cultural resources</i> at the end of the final sentence of this policy.</p> <p>DE 3.1e -- Simplify to be consistent with intent of 3.1d and 3.1e.</p>
DE-23	DE 3.2a	The zoning administrator shall compare the suitability of a proposed new dairy or the expansion of an existing dairy to the various groundwater and surface water conditions in Kings County.	<p>Change to: <i>The Technical Report should address the following:</i></p> <p>A. Depth to first groundwater suitable for domestic and Ag use. B. Depth to first useable groundwater ... C. <i>Minimum separation from bottom of (lined and unlined) lagoons and corrals to ensure no contamination will occur to the ground water for</i></p>

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		<p><u>ag and domestic uses shall be a minimum of five (5) feet.</u></p> <p><i>D. Proximity to watercourses: identify adjacent watercourses and improvements to protect the watercourse from discharges from the dairy. Simplification and consistency with existing regulations.</i></p>	23-28 Cont.
DE-23	<p>The zoning administrator shall compare the various types of soils in Kings County to the crop requirements of the crops grown using the manure and process water from the dairy facility.</p>	<p>Change to: The Technical Report should address the following:</p> <p>A. The soil type's capacity at the dairy site to assimilate the various nutrients in the dairy process water and manure produced on dairies for crop production.</p> <p>B. The agronomic rates for crop production needs for the nutrients for the various crops that are grown on cropland irrigated with dairy process water and fertilized with solid manure generated by the dairy, with consideration for the soil types and depth of groundwater.</p> <p>Simplification and consistency with existing regulations.</p>	23-29
DE-23	<p>Dairy process water shall not be discharged into</p>	<p>Dairy process water shall not be discharged into</p>	23-30

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	3.2d	any surface water, including rivers, creeks, intermittent streams, canals, reservoirs, lakes, ponds, sloughs, stormwater basins, floodplains, or floodways.	any surface water, including rivers, creeks, intermittent streams, canals, reservoirs, lakes, ponds, sloughs, stormwater basins, groundwater recharge basins floodplains or floodways. To be consist with existing regulations.
DE-24	DE 3.2f	Design, implement and maintain a monitoring program.	- Omit -- Covered under other areas of the element.
DE-24	DE 3.2g	Existing dairy facilities proposing to expand and are located in 100-year flood hazard area.	<p>B. Provide 100-year flood protection for the dairy facilities by construction levees <u>berms</u> or other flood control structures. <u>The applicant must acquire all necessary permits and regulatory approvals.</u></p> <p>C. -- Omit -- With proper grading and floodwater exclusion structures it is possible to construct a facility in the 100-year flood zone. The California Regional Water Quality Control Board requires a demonstration that the facility is protected from inundation in the event of a 100-year flood. Title 27, Division 2, Subdivision 1, Chapter 15, 2562, California Code of Regulations</p>
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DE-24	3.2h	Hydrologic Sensitivity Assessment	— Omit All —
DE-25	DE 3.21	Well inspections	— Omit All — Covered under California Well Standards 74-90 and California Regional Water Quality Control Board Standards. Visual and a downhole camera cannot assess well construction.
DE-25	DE 3.3a	Sensitive biological and wetlands	— Omit: are located within a one-mile radius of an established refuge/preserve, or native areas. — Omit: resources — Omit: preferably Regulated by other agencies.
DE-26	DE 3.6a	Fire protection	— Omit — Covered under general building regulations. Also covered under 3.6b (repetitive)
DE-27	DE 3.6b	Fire protection	All applications for new and expanded dairy approvals shall be submitted to the Kings County Fire Department to ensure conformance of proposed dairy facilities with minimum fire protection standards for dairies.

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Dairy System Design Policy

Pg.	Goal	Draft Dairy Element Regulation	KCFB Comments
DE-27	DE 4	Specific and Comprehensive system	Delete the word system as unnecessary or replace with system and techniques.
DE-27	DE 4.1	Comprehensive Nutrient Management Plan (CNMP)	Use the term Manure Nutrient Management Plan (MNMP) until such time as the Natural Resources Conservation has fully developed the parameters of their official Comprehensive Nutrient Management Plan (CNMP). A core working group has recently been formed by the NRCS and is meeting to create a uniform CNMP for use in California, but a true CNMP is yet to be defined. You may wish to reference this policy to the NRCS plan when it becomes available. A CNMP is expected to go beyond the issues of a MNMP in that it will consider such issues as erosion, crop residues and others. A MNMP is considered to a subset of a CNMP in the recent

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			draft of USEPA's CAFO rule, although they use the term Permit Nutrient Plan (PNP).
DE-28	DE 4.1a	A. Feed Management Evaluate the possibility of modifying diets and feed of the animals to reduce and feed of the animals to reduce the amounts of nutrients in manure	A. -- Omit -- Recent research indicates that it is not beneficial.
DE-28	DE 4.1a	Manure Handling and Storage	B.1. -- Omit -- Covered under the stormwater plan B.2.b. The pits and lagoons shall be maintained so that the integrity of the liners are maintained lesses due to infiltration and minimized. B.2.c. The specific infiltration rate discharge of process water. . . B.2.d. . . . installation and inspection of the construction of the lagoons and of the liner system. B.2.f. --Omit-- B.2.g. At the cereals, naturally occurring or imported clayey soils shall underlie the cereals

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DE-29		and dry manure storage areas. B.2.1. Specify domestic wells change (150 feet) to (100 feet)	
DE-29	DE 4.1a	Provide adequate storage. 3. Delete -- Dry manure shall be stored in production buildings, storage facilities, or otherwise covered to prevent precipitation from coming into direct contact with the manure. Liquid manure storage systems shall be designed and constructed to store, handle, and transport all of the quantity and contents of liquid manure and dairy process water produced, runoff from the dairy facility, and rainfall. Location of manure storage systems shall consider proximity to water bodies, floodplains, and other environmentally sensitive areas.	
DE-29	DE 4.1a	Manure Treatment Management -- manure shall be managed handled & treated to reduce the loss of nutrients to the atmosphere during storage ...	

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DAIRY SYSTEM DESIGN POLICY

SUMMARY OF COMMENTS: This entire section promotes the development of bad public policy and should be reworked in accordance with the comments. By referencing incomplete research and mandate the implementation of otherwise voluntary programs. Kings County appears to agree with conjecture and opinion as opposed to scientific data.

PAGE	POLICY	DESCRIPTION	KCFB COMMENTS
DE-34	GOAL DE 5:	Promote protection of the San Joaquin Valley air quality through the reduction of adverse air emissions from dairies.	Promote protection of the San Joaquin Valley air quality through the reduction of adverse air emissions from dairies. Reason: The goal is to promote the improvement of air quality, from a human health perspective.
DE-34	Objective DE 5.1:	Implement air emissions control practices and technologies at dairies to reduce the potential for degradation of air quality and odor generation.	Implement air emissions control practices and technologies at dairies to reduce the potential for degradation of air quality and odor generation. Develop Voluntary Incentive Based Strategies at dairies that improve air quality. Reason: Scientific research combined with incentives whether in the form of financial

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DE-34	Policy DE 5.1a:	<p>The County shall participate in the efforts of the San Joaquin Valley Unified Air Pollution District (SJVUAPCD) in developing air emissions control guidelines for agricultural uses, including dairy operations.</p>	<p>assistance or other grant/cost sharing programs will promote the industry and simultaneously address environmental concerns. The Voluntary Incentive Based Compliance Program as approved by the United States Department of Agriculture/Natural Resource Conservation Service and noticed in the federal register by the Federal Environmental Protection Agency, provides a mechanism to implement scientifically, economically viable strategies for addressing air quality issues.</p>
		<p>The County shall participate in the efforts of the Agricultural Technical Advisory Committee for the San Joaquin Valley Unified Air Pollution District (SJVUAPCD) in developing air emissions control guidelines for agricultural uses, including dairy operations.</p>	<p>Reason: The Agricultural Technical Advisory Committee was established by the San Joaquin</p>

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DE-34	Policy DE 5.1b:	<p>An "Odor Management Plan" (OMP) shall be required as part of the Technical Report submitted with each application to either establish a new dairy or expand an existing dairy. The Plan shall specifically address standard operating practices for livestock handling, and manure collection, treatment, storage, and land application.</p> <p>The plan shall also identify existing residences located near (at least within a 2-mile radius) the proposed new or expanded dairy. The plan shall</p>	<p>Valley Unified Air Pollution Control District to develop the agricultural production component of the research program administered through the San Joaquin Valley Air Study Agency. A regional, scientific based approach to the air quality issue is necessary. The advisory committee and the air district, in conjunction with the participating agencies (USDANRCS) have developed a program recognizing the unique nature of agriculture.</p> <p>An "Odor Management Plan" (OMP) shall be required as part of the Technical Report submitted with each application to either establish a new dairy or expand an existing dairy. The Plan shall specifically address standard operating practices for livestock handling, and manure collection, treatment, storage, and land application.</p> <p>The plan shall also identify existing residences located near (at least within a 2-mile radius) the proposed new or expanded dairy. The plan shall</p>
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	<p>also provide standard operating procedures/control measures to be implemented to protect these receptors from potential odors that could be generated from dairy operations. At a minimum, standard operating procedures shall include providing advance notification to nearby residences prior to the spreading of manure or dairy process water on cropland adjacent to the residences.</p> <p>In addition, the standard operating practices in the OMP shall include provisions to facilitate the reduction or control of odors from dairy operations, and shall be consistent with the MTMP, required under Policy DE 5.1c of the Dairy Element. The MTMP shall also include quality assurance/quality control protocol to monitor the implementation and effectiveness of the OMP. The OMP shall be revised as necessary, based on the results of the monitoring program, to ensure that standard operating procedures are conducted in a manner that will reduce or control odor from dairy</p>	<p>also provide standard operating procedures/control measures to be implemented to protect these receptors from potential odors that could be generated from dairy operations. At a minimum, standard operating procedures shall include providing advance notification to nearby residences prior to the spreading of manure or dairy process water on cropland adjacent to the residences.</p> <p>In addition, the standard operating practices in the OMP shall include provisions to facilitate the reduction or control of odors from dairy operations, and shall be consistent with the MTMP, required under Policy DE 5.1c of the Dairy Element. The MTMP shall also include quality assurance/quality control protocol to monitor the implementation and effectiveness of the OMP. The OMP shall be revised as necessary, based on the results of the monitoring program, to ensure that standard operating procedures are conducted in a manner that will reduce or control odor from dairy</p>
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DE-36	Policy DE 5.1d:	<p>operations.</p> <p>The owner/operator of a proposed dairy development or expansion shall also comply with the most recently adopted Regulation VIII rules (e.g., rules 8021 and 8081) established by the SJVUAPCD for construction activities, during facility pre-construction, construction, inactive construction period, and post construction, when applicable. In addition, the owner/operator of a proposed dairy development or expansion shall implement the following SJVUAPCD enhanced and additional control measures as deemed necessary by the</p>	<p>operations.</p> <p>Reason: As stated in DE 5.1a, this issue is best left to the recommendations of the Agricultural Technical Advisory Committee of the San Joaquin Valley Unified Air Pollution Control District. A regional, scientific based approach to the air quality issue is necessary. The advisory committee and the air district, in conjunction with the participating agencies (USDA/NRCS) has developed a program recognizing the unique nature of agriculture</p>
000645			<p>The owner/operator of a proposed dairy development or expansion shall also comply with the most recently adopted Regulation VIII rules (e.g., rules 8021 and 8081) established by the SJVUAPCD for construction activities, during facility pre-construction, construction, inactive construction period, and post construction, when applicable. In addition, the owner/operator of a proposed dairy development or expansion shall implement the following SJVUAPCD enhanced and additional control measures as deemed necessary</p>

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	<p>Kings County Planning Agency with consultation, if needed, from the SJVUAPCD:</p> <ol style="list-style-type: none"> 1. Limit traffic speeds on unpaved roads to 15 miles per hour; 2. Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent; 3. Install temporary wind breaks at windward side(s) of the construction areas; 5. Suspend excavation and grading activity when winds exceed 20 miles per hour; and 6. Limit the area of land subject to excavation, grading, and other construction activity at any one time. 	<p>by the Kings County Planning Agency with consultation, if needed, from the SJVUAPCD:</p> <ol style="list-style-type: none"> 1. Limit traffic speeds on unpaved roads to 15 miles per hour; 2. Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent; 3. Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site; 4. Install temporary wind breaks at windward side(s) of the construction areas; 5. Suspend excavation and grading activity when winds exceed 20 miles per hour; and <p>Limit the area of land subject to excavation, grading, and other construction activity at any one time</p>
		<p>Reason: All that is necessary is to reference the control strategies identified in the regulating agencies requirements, i.e. the San Joaquin Valley Unified Air Pollution Control District.</p>

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<p>DE-36</p>	<p>Policy DE 5.1e:</p>	<p>Restatement of the requirements is redundant and unnecessary.</p>
<p>To ensure that potential fugitive dust emissions from cattle movement and maintenance activities at the unpaved corrals, perimeter roadways, and other unpaved areas throughout dairy sites are reduced, unpaved areas shall be effectively stabilized by use of water (expected efficiency of 50 percent) or chemical stabilizer/suppressant (expected efficiency of 75 percent) that is safe for the environment and cattle. Stabilization shall be conducted in a manner that will not result in the potential for breeding of mosquitoes and other vectors. The owner/operator shall also ensure that manure generated in the corrals is removed frequently to prevent the manure from becoming a PM₁₀ source; and removal activities shall be conducted in a manner that will minimize dust emissions.</p>	<p>To ensure that potential fugitive dust emissions from cattle movement and maintenance activities at the unpaved corrals, perimeter roadways, and other unpaved areas throughout dairy sites are reduced, unpaved areas shall be effectively stabilized by use of water (expected efficiency of 50 percent) or chemical stabilizer/suppressant (expected efficiency of 75 percent) that is safe for the environment and cattle. Stabilization shall be conducted in a manner that will not result in the potential for breeding of mosquitoes and other vectors. The owner/operator shall also ensure that manure generated in the corrals is removed frequently to prevent the manure from becoming a PM₁₀ source; and removal activities shall be conducted in a manner that will minimize dust emissions.</p>	<p>Reason: This requirement regulates dust, which is</p>

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DE-37	Policy DE 5.1f:	<p>A "Livestock Management Plan" (LMP) shall be required as part of the Technical Report submitted with each application to either establish a new dairy or expand an existing dairy. The "Livestock Management Plan" will identify practices to reduce methane emissions from ruminant livestock; and shall be consistent with the voluntary practices incorporated in EPA's Ruminant Livestock Efficiency Program.</p>	<p>not a criteria pollutant. Further, the requirement regulates all farm roads. This is unacceptable public policy and in fact institutes a Permit to Farm requirement; the requirement should be deleted.</p> <p>Again, the County is requested follow the recommendations of the Agricultural Technical Advisory Committee of the San Joaquin Valley Unified Air Pollution Control District and the USDA Agricultural Air Quality Task Force.</p> <p>A "Livestock Management Plan" (LMP) shall be required as part of the Technical Report submitted with each application to either establish a new dairy or expand an existing dairy. The "Livestock Management Plan" will identify practices to reduce methane emissions from ruminant livestock; and shall be consistent with the voluntary practices incorporated in EPA's Ruminant Livestock Efficiency Program.</p> <p>Reason: this is another of numerous plan development requirements addressing a non-</p>
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DE-37	Policy DE 5.1g:	<p>The owner/operator of a proposed dairy development or expansion shall ensure that the following measures are implemented to control emissions (ROG, NOx, and PM₁₀) generated from heavy-duty construction equipment:</p> <ol style="list-style-type: none"> 1. The idling time of all construction equipment used at the site shall not exceed ten minutes; 2. Minimize the hours of operation of heavy duty equipment and/or the number of equipment in use at one time; 3. All equipment shall be properly tuned and maintained in accordance with the manufacturer's specifications; 4. When feasible, alternative fueled or electrical 	<p>criteria pollutant for which no regulatory mandate exists in statute. This is a prime candidate for the Agricultural Technical Advisory Committee of the San Joaquin Valley Unified Air Pollution Control District and the USDA Agricultural Air Quality Task Force as part of the Voluntary Incentive Based Program.</p>
			<p>The owner/operator of a proposed dairy development or expansion shall ensure that the following measures are implemented to control emissions (ROG, NOx, and PM₁₀) generated from heavy-duty construction equipment:</p> <ol style="list-style-type: none"> 1. The idling time of all construction equipment used at the site shall not exceed ten minutes; 2. Minimize the hours of operation of heavy-duty equipment and/or the number of equipment in use at one time; 3. All equipment shall be properly tuned and maintained in accordance with the manufacturer's specifications; 4. When feasible, alternative fueled or electrical

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000650	<p>construction equipment shall be used at the project site;</p> <p>5. Use the minimum practical engine size for construction equipment; Gasoline-powered equipment shall be equipped with catalytic converters, where feasible;</p> <p>7. Curtail construction during periods of high ambient pollutant concentrations; this may include ceasing of construction activity during the peak-hour of vehicular traffic on adjacent roadways;</p> <p>8. Implement activity management (e.g., rescheduling activities to reduce short-term impacts).</p>	<p>construction equipment shall be used at the project site;</p> <p>5. Use the minimum practical engine size for construction equipment; Gasoline-powered equipment shall be equipped with catalytic converters, where feasible;</p> <p>7. Curtail construction during periods of high ambient pollutant concentrations; this may include ceasing of construction activity during the peak-hour of vehicular traffic on adjacent roadways; Implement activity management (e.g., rescheduling activities to reduce short-term impacts)</p> <p>Reason: As stated previously all that is necessary is to reference the control strategies identified in the regulating agencies requirements, i.e. the San Joaquin Valley Unified Air Pollution Control District. Restatement of the requirements is redundant and unnecessary.</p>
DE-38	Policy DE 5.1h: All applications for proposed dairies and all dairy expansions requiring a SPR shall include a	All applications for proposed dairies and all dairy expansions requiring a SPR shall include a Fugitive

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000651		<p>Fugitive Dust Emissions Control Plan as part of the Technical Report which describes and demonstrates conformance with Policy DE 5.1e and SJVAPCD requirements for the control of fugitive dust emissions.</p>	<p>Dust Emissions Control Plan as part of the Technical Report which describes and demonstrates conformance with Policy DE 5.1e and SJVAPCD requirements for the control of fugitive dust emissions.</p> <p>Reason: This requirement regulates dust, which is not a regulated criteria pollutant under the federal Clean Air Act or the California Clean Air Act. This is unacceptable public policy and in fact institutes a Permit to Farm requirement; the requirement should be deleted.</p> <p>Again, the County is requested follow the recommendations of the Agricultural Technical Advisory Committee of the San Joaquin Valley Unified Air Pollution Control District and the USDA Agricultural Air Quality Task Force.</p>
DE-38	Policy DE 5.1i:	<p>All dairies shall comply with the Best Available Control Measures (BACM) for fugitive dust emissions from agricultural sources as</p>	<p>All dairies shall comply with the Best Available Control Measures (BACM) for fugitive dust emissions from agricultural sources as</p>

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000652	<p>established by the most recently adopted SJVJAPCD Regulation VIII. The Fugitive Dust Emissions Control Plan, as required by Policy DE 5.1h, shall specify the BACMs that will be implemented during dairy operation.</p>	<p>established by the most recently adopted SJVJAPCD Regulation VIII. The Fugitive Dust Emissions Control Plan, as required by Policy DE 5.1h, shall specify the BACMs that will be implemented during dairy operation.</p> <p>Reason: This requirement regulates dust, which is not a regulated criteria pollutant under the federal Clean Air Act or the California Clean Air Act. This is unacceptable public policy and in fact institutes a Permit to Farm requirement; the requirement should be deleted.</p> <p>Again, the County is requested follow the recommendations of the Agricultural Technical Advisory Committee of the San Joaquin Valley Unified Air Pollution Control District and the USDA Agricultural Air Quality Task Force.</p>
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DE-38	Policy DE 5.1j:	<p>As part of the Technical Report to be submitted with each application to either establish a new dairy or expand an existing dairy, dairy applicants shall be required to estimate the anticipated net increase in ROG, NOx, and PM₁₀ emissions generated from anticipated dairy equipment (including cropland and dairy farm equipment) compared to existing conditions and demonstrate that the net increase will not exceed the SJVUAPCD threshold limits for ROG, NOx, and PM₁₀.</p>	<p>As part of the Technical Report to be submitted with each application to either establish a new dairy or expand an existing dairy, dairy applicants shall be required to estimate the anticipated net increase in ROG, NOx, and PM₁₀ emissions generated from anticipated dairy equipment (including cropland and dairy farm equipment) compared to existing conditions and demonstrate that the net increase will not exceed the SJVUAPCD threshold limits for ROG, NOx, and PM₁₀.</p>
			<p>Reason: Farm Crop production activities are not to be considered in addressing dairy development. This exceeds the scope of this element. This is unacceptable public policy and in fact institutes a Permit to Farm requirement; the requirement should be deleted. The threshold limitations referenced may in fact prohibit the future expansion and/or development of new dairies. It appears that not much thought went into the ramifications, necessity, or public policy implications of such a shortsighted requirement.</p>
			<p>Again, the County is requested follow the</p>

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<p>23-55 Cont.</p>	<p>recommendations of the Agricultural Technical Advisory Committee of the San Joaquin Valley Unified Air Pollution Control District and the USDA Agricultural Air Quality Task Force.</p>	<p>23-56</p>
<p>DE-38</p>	<p>Policy DE 5.1k: Prior to conversion of dairy facilities to other land uses, the operator/owner of the facility shall submit documentation to the Kings County Dairy Monitoring Office that demonstrates that all residual manure and process water has been removed and managed in accordance with the facility's CPWDP and MTMP.</p>	<p>Prior to conversion of dairy facilities to other land uses, the operator/owner of the facility shall submit documentation to the Kings County Dairy Monitoring Office that demonstrates that all residual manure and process water has been removed and managed in a proper manner: accordance with the facility's CPWDP and MTMP.</p>
		<p>Reason: The County seems to request the development of a closure plan. Identify this as such without reference to the previous plans, which have been recommended for deletion. Closure plan requirements may be developed separately outside any other operational permitting requirements.</p>
		<p>For all of Goal 5 and Policies 5.1a through 5.1k The implementation of the Voluntary Incentive Based Reduction Plan would be better suited to</p>

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		achieve this goal (attached)
		Also implementation Dairy Best Available Control Technologies (DBACT) and Dairy Reasonable Available Control Technologies

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Cont.

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V. DAIRY Monitoring Program

The draft Dairy Element, as it stands, is regulatory oppressive with excessive and burdensome monitoring and compliance programs. It creates a paperwork nightmare with little or no environmental benefit. Certification should be the Quality Assurance Program should be considered as equivalent to any program established by Kings County.

PAGE	POLICY	DESCRIPTION	KCFB COMMENTS
000656	GOAL DE 6:	Implement a monitoring program that both demonstrates the Dairy Element's effectiveness in protecting the environment, and the effectiveness of those mitigation measures for each operation dairy facility in Kings County.	<p style="text-align: center;">--Omit --</p> <p>Replace with the Quality Assurance Program and develop an annual reporting protocol that is less oppressive and that accomplishes the same goal.</p> <p>There is no sound, peer reviewed science to determine and measure elements in Policy 6.1d, e, and f.</p> <p>6.1g -- overly intrusive</p> <p>6.1h -- Overseen by other agencies.</p>

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VI. DAIRY Conformance Program – Certification should be the Quality Assurance Program should be considered as equivalent to any program established by Kings County.

PAGE	POLICY	DESCRIPTION	KCFB COMMENTS
DE-46	GOAL DE 8:	Bring all existing non-permit holding dairies in Kings County into voluntary conformance with specific policies for existing dairies by the end of 2006.	<p>Certification should be the Quality Assurance Program should be considered as equivalent to any program established by Kings County.</p> <p>The Quality Assurance Program will accomplish all of the objectives in VI.</p> <p>The time limit is too soon to bring all dairies in to compliance.</p> <p>The animal baseline should be established at the time of adoption of the element.</p> <p>If it is to be voluntary then why the drop dead date of 2006?</p>
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Animal Unit Calculation tables to be included in Section II.

As per California Regional Water Quality Control Board, Central Valley Region, Fact Sheet 4: Animal units shall be calculated (based on a common denominator of one animal unit equals a 1,000 pound animal) as follows:

Table 1

Animal	Factor
Milk Cows	1.00
Dry Cows	0.80
Heifers (2 years and older)	0.73
Heifers (1 year to breeding)	0.73
Calves (3 months to 1 year)	0.35
Baby Calves (<3 months)	0.21

Adjustments for Animal Breed: The AU values above are based on 1,000 pound AU per Title 40 code of Federal Regulations, Section 122, and can be used directly for Jersey cows, for Guernsey's, multiply the Milk Cow and AU values by 1.2 before using them in Table 2; for Holsteins, multiply the Milk Cow and AU values by 1.4 before using them in Table 2.

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Table 2

Animal	Jersey Cows	Guernsey's	Holsteins
Milk Cows	1.00	1.20	1.40
Dry Cows	0.80	0.96	1.12
Heifers (2 years and older)	0.73	0.88	1.02
Heifers (1 year to breeding)	0.73	0.88	1.02
Calves (3 months to 1 year)	0.35	0.42	0.49
Baby Calves (<3 months)	0.21	0.25	0.29

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APPENDIX B

DEFINITIONS OF TERMS USED IN THE *DAIRY ELEMENT*

1. *AFO (or CAFOs)* not consistent with the Federal definition and Federal re-evaluating these definitions.
2. *ANIMAL UNITS (AU)* Source: RWQCB: Fact Sheet 4. See attached from RWQCB.
3. *BASELINE CAPACITY OF A DAIRY:*
8. *DBACT – DAIRY BEST AVAILABLE CONTROL MEASURES* – Dairy practices and/or technology which meet all the following: (a) are economically and technologically feasible, and (b) have been successfully implemented in commercial operations, and (c) which have been proven through scientific, peer reviewed research, to achieve the greatest control of pollutants.
9. *DBARCT: - DAIRY BEST AVAILABLE RETROFIT CONTROL TECHNOLOGY* - Dairy practices and/or technology which meet all the following: (a) are economically and technologically feasible, and (b) have been successfully implemented in commercial operations, and (c) which have been proven through scientific, peer reviewed research, to control pollutants.

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