

State of California  
AIR RESOURCES BOARD

**Notice of Public Availability of Modified Text  
and Additional Supporting Documents and Information**

**PUBLIC HEARING TO CONSIDER THE ADOPTION OF A REGULATION  
ESTABLISHING A DEFINITION FOR “LARGE CONFINED ANIMAL FACILITY”**

Public Hearing Date: June 23, 2005  
Public Availability of Modified Text: September 7, 2005  
Deadline for Public Comment: September 22, 2005

At a public hearing on June 23, 2005, the Air Resources Board (the Board or ARB) approved adoption of a definition of “large confined animal facilities” as required by Senate Bill 700. Those facilities that fall under the definition of large confined animal facilities (large CAFs) are required to develop emission mitigation plans to comply with district rules that must be adopted by July 1, 2006. Implementation of the mitigation plans is required by July 1, 2008. The staff report describing the large CAF definition and the rationale for developing the definition and all other regulatory documents for this rulemaking are available on ARB’s website at:

<http://www.arb.ca.gov/regact/lcaf05/lcaf05.htm>

**The Board’s action.** At the conclusion of the hearing, the Board adopted Resolution 05-35 (appended to this notice as Attachment 1), which approved adoption of Sections 86500 and 86501, Title 17, Division 1, Chapter 1, of the California Code of Regulations (CCR), to define large confined animal facilities for California. At the hearing, the Board directed staff to a) make an adjustment, if appropriate, to the large confined animal facility (large CAF) definition for beef feedlots to more accurately reflect the size distribution of cattle at beef feedlots consistent with methods used to establish the other large CAF definitions, b) to make any modified text available for a supplemental comment period, and then to take appropriate final action adopting the regulations.

**Modified text being made available.** Attachment 2 to this notice contains proposed regulatory language reflecting a modification to the originally proposed large CAF definition for beef feedlots. Deletions of and additions to the originally proposed language are shown in ~~strike-out~~ and underline format, respectively.

**Additional Supporting Documents and Information Being Made Available.** In accordance with Government Code section 11347.1, the staff has added to the rulemaking file the additional document provided in Attachment 3. A copy of this document, which pertains to the regulatory modification being made available in connection with this notice, may also be requested from the Clerk of the Board. The Clerk of the Board may be contacted at (916) 322-5594, or at the postal and electronic mail addresses identified for the Clerk of the Board below. The regulatory documents

for this rulemaking, including this notice and its attachments, are available online at: <http://www.arb.ca.gov/regact/lcaf05/lcaf05.htm>

**Reasons for modification.** The proposed change to the large CAF beef feedlot definition is based on new beef feedlot manure output data. The change makes the beef feedlot definition more consistent with other large CAF definitions. For specified ozone nonattainment areas in California, the revised large CAF definition for beef feedlots is proposed to be 3,500 head, versus the 2,500 head in the original proposal. For other regions of the State, the large CAF definition for beef feedlots is proposed to be 7,000 head, versus 5,000 head in the original proposal.

The proposed change for beef feedlots was made because new data provided by the California Cattlemen's Association (Attachment 3) shows that a substantial number of beef feedlot cattle in California (nearly 80%) are brought into the feedlots as young calves weighing about 300 pounds. These animals produce an average daily manure output of about 44 pounds per day during their stay in the feedlot. The original ARB staff calculations were based on national feedlot data, which assumed most of the animals entered the beef feedlots at about 800 pounds and produced an average of 64 pounds of manure per day.

Because the airborne emissions for feedlot facilities are estimated based on animal manure output, accounting for the smaller animals entering the feedlots has the effect of lowering the overall feedlot facility emission estimates. Using current estimates, a 3,500 head beef feedlot equates to 7.2 tons per year of reactive organic gas emissions. This is equivalent to emissions from other confined animal facilities, such as dairies, at the large CAF definition threshold.

**Comments and subsequent action.** In accordance with Section 11246.8 of the Government Code, the Board directed the Executive Officer to adopt Sections 86500 and 86501, Title 17, Division 1, Chapter 1, of the California Code of Regulations (CCR), after making them available to the public for comment for a period of at least 15 days. The Board further provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make such modifications as may be appropriate in light of the comments received, and shall present the regulations to the Board for further consideration if warranted.

Written comments on the 15-day modifications approved by the Board may be submitted by postal mail, electronic mail, or facsimile as follows:

Postal mail is to be sent to:  
Clerk of the Board  
Air Resources Board  
1001 I Street, 23rd Floor  
Sacramento, California 95814

Electronic mail is to be sent to: [lcaf05@listserv.arb.ca.gov](mailto:lcaf05@listserv.arb.ca.gov).

Facsimile transmissions are to be transmitted to the Clerk of the Board at (916) 322-3928.

In order to be considered by the Executive Officer, comments must be directed to the ARB in one of the three forms described above and received by the ARB by the 5:00 p.m. on the deadline date for public comment listed at the beginning of this notice. Only comments relating to the above-described modifications to the text of the regulations or to the information provided in Attachment 3 shall be considered by the Executive Officer.

Attachments

Attachment 2

**MODIFICATIONS TO THE PROPOSED REGULATION ORDER  
FOR THE DEFINITION OF LARGE CONFINED ANIMAL FACILITY**

**Adopt new Subchapter 2.7, commencing with section 86500, title 17  
California Code of Regulations, division 1, chapter 1, to read as follows:**

**Note:** This document is printed in a style to indicate changes from the originally proposed language released on May 6, 2005, with the Public Hearing Notice and Initial Statement of Reasons. All originally proposed language is indicated by plain type. The proposed modifications are shown in underline to indicate additions to the original proposal and ~~strikeout~~ to indicate deletions. These proposed modifications are available to the public for a 15-day comment period.

**Title 17  
Division 1  
Chapter 1  
Subchapter 2.7  
Large Confined Animal Facilities**

**§86500. Large Confined Animal Facility.**

A large confined animal facility shall mean:

- (a) In any area designated as a federal ozone nonattainment area for ozone as of January 1, 2004, any confined animal facility that maintains on any one day:
- 1,000 or more milk-producing dairy cows;
  - 3,500~~2,500~~ or more beef cattle;
  - 7,500 or more calves, heifers, or other cattle;
  - 100,000 or more turkeys;
  - 650,000 or more chickens other than laying hens
  - 650,000 or more laying hens
  - 3,000 or more swine;
  - 15,000 or more sheep, lambs, or goats;
  - 2,500 or more horses;
  - 650,000 or more ducks;
  - 30,000 or more rabbits or other animals.
- (b) In any area other than an area described in subsection (a) above, any confined animal facility that maintains on any one day:
- 2,000 or more milk-producing dairy cows;
  - 7,000~~5,000~~ or more beef cattle;

- 15,000 or more calves, heifers, or other cattle;
- 200,000 or more turkeys;
- 1,300,000 or more chickens other than laying hens
- 1,300,000 or more laying hens
- 6,000 or more swine;
- 30,000 or more sheep, lambs, or goats;
- 5,000 or more horses;
- 1,300,000 or more ducks;
- 60,000 or more rabbits or other animals.

NOTE: Authority cited: Sections 39600, 39601, 40724.6 Health and Safety Code. Reference: Sections 39011.5 and 40724.6.

**§86501. Recordkeeping and Reporting Requirements.**

Beginning January 1, 2006, the owner or operator of a large confined animal facility under Section 86500 shall be required to keep records that specify the numbers of animals maintained daily and such other information as may be required by air pollution control district or air quality management district rules. Such records shall be maintained at a central place of business for a period of not less than three years and shall be made available upon request to the Executive Officer or Air Pollution Control Officer or their representative.

NOTE: Authority cited: Sections 39600, 39601, 40724.6 Health and Safety Code. Reference: Sections 39011.5 and 40724.6.