

8/2/11

~~(2) Deny any permit or notice of intent that would cause the fumigant limit to be exceeded.~~

~~(3) Condition permit to prohibit or require any of the methods allowed by sections 6447.3(a), 6448(c), 6449.1(a), 6450.1(d), or 6452 during the May 1 through October 31 time period.~~

~~(e) No person may apply a field fumigant during the May 1 through October 31 time period in an ozone nonattainment area for which a fumigant emission limit has been established pursuant to this section, unless their restricted material permit includes conditions specified in (c) or (d), or notice of intent is approved in writing.~~

~~NOTE: Authority cited: Sections 11456, 12976, 14005, and 14102, Food and Agricultural Code. Reference: Sections 11501, 14006, and 14102, Food and Agricultural Code.~~

~~**6452.3 Field Fumigant Volatile Organic Compound Emission Allowances.**~~

~~(a) To obtain a field fumigant emission allowance, a permittee shall request an emission allowance by submitting information to the commissioner by a date designated by the commissioner. The information must include but is not limited to the following:~~

- ~~(1) restricted materials permit number;~~
- ~~(2) crop;~~
- ~~(3) number of acres to be fumigated; and~~
- ~~(4) identification of each site to be fumigated.~~

~~NOTE: Authority cited: Sections 11456, 12976, 14005, and 14102, Food and Agricultural Code. Reference: Sections 11501, 14006, and 14102, Food and Agricultural Code.~~

**6452.4. Annual Volatile Organic Compound Emissions Inventory Report.**

(a) The Director shall issue an annual emissions inventory report for the Sacramento Metro, San Joaquin Valley, South Coast, Southeast Desert, and Ventura ozone nonattainment areas. The emission inventory report must:

(1) report the total agricultural and structural (fumigant and nonfumigant) pesticide volatile organic compound (VOC) emissions for the previous years. Nonfumigant pesticide product emissions will be the summation of the pounds of each pesticide product used multiplied by the VOC content (emission potential) for the specific product. Fumigant product emissions will be the summation of the pounds of each pesticide product used multiplied by the emission potential for that specific product and VOC emission rating for the application method, as specified in (5);

(2) evaluate compliance with the total pounds of agricultural and structural VOC emissions specified in section 6452.2;

(3) establish fumigant emissions limits pursuant to section 6452.2 for the upcoming year;

(4) establish an emission rating for each field fumigation method described in sections 6446.1, 6447.3, 6448.1, 6449.1, 6450.1, 6450.2, 6451.1, or 6452. The emission rating will be expressed as a percentage of the amount of fumigant applied. The Director shall base the emission rating upon available scientific data documenting the VOC emissions.

(b) A draft emission report shall be made available to the public for comment. A 45-day public comment period will be provided to allow for submission of written statements or arguments to the Director for review before finalizing the Annual Volatile Organic Compound Emission Report. The emission report will be posted on the Department's Web site.

NOTE: Authority cited: Sections 11456, 12976, 14005, and 14102, Food and Agricultural Code.  
Reference: Sections 11501, 14006, and 14102, Food and Agricultural Code.

~~6624. Pesticide Use Records~~

- (a) The following persons shall maintain records of pesticide use:
- (1) Any person who uses a pesticide for an agricultural use as defined in Food and Agricultural Code section 11408, other than use on livestock as defined in Food and Agricultural Code section 18663;
  - (2) Any person who uses a pesticide listed in section 6400;
  - (3) Any person engaged for hire in the business of pest control;
  - (4) Any person who uses a pesticide for industrial post-harvest commodity treatment; and
  - (5) Any person who uses a pesticide listed in section 6800(b) for any outdoor institution or outdoor industrial use.
- (b) The records shall include the following information for each pest control operation:
- (1) Date of application;
  - (2) Name of the operator of the property treated;
  - (3) Location of property treated;
  - (4) Crop commodity, or site treated;
  - (5) Total acreage or units treated at the site; and
  - (6) Pesticide, including the U.S. Environmental Protection Agency (U.S. EPA) or State registration number which is on the pesticide label, and amount used.
- (c) In addition to the information required in subsection (b), the operator of the property which is producing an agricultural commodity, and an agricultural pest control business applying pesticides to such property, shall include in the records the following information for each pest control operation:
- (1) Location of the property treated, by county, section, township, range, base and meridian;
  - (2) Hour the treatment was completed;
  - (3) The operator identification number issued to the operator of the property treated;
  - (4) The site identification number issued to the operator of the property treated;
  - (5) Total acreage (planted) or units at the site; and
  - (6) Name or identity of the person(s) who made and supervised the application, if the pesticide application was made by an agricultural pest control business.
- (d) The operator of the property which is producing an agricultural commodity shall maintain records of pesticides applied by an agricultural pest control business to such property, by site.
- (e) In addition to the information required in (b), effective January 1, 2002, persons engaged for hire in the business of pest control at a school site [defined in Education Code section 17609(e)] shall include in the records the following information for each pest control operation:
- (1) Time application was completed;