

Agricultural Best Management Practices (BMP) Committee

***DRAFT* Meeting Minutes**

Thursday, June 27, 2013; 1:00 p.m.

Arizona Department of Environmental Quality, Conference Room 3175 A&B

1110 W. Washington St., Phoenix, Arizona 85007

Call-in Number: 1-877-820-7829, participant code 311325#

Committee members present: Earl Petznick Jr., Dan Thelander (Chair), Tom Thompson, and Bill Wiley.

Committee members absent: Wade Accomazzo, Glen Curtis, and Mike Terrill.

Additional attendees: Diane Arnst, Danielle Hazeltine, Kazi Haque, Ana Kennedy, Don Gabrielson, Bas Aja, Brett Cameron, Jeanette Fish, Will Rousseau, Emily Bonanni, Rick Lavis, Randy Sedlacek, Nick Simonetta, Patricia Tatum, Shane Burgess, Mike Billotte, Keisha Tatum, Mike Smith, Rusty Van Leuven, Lisa Tomczak, Therman Osgood, Jim Walworth (phone), Colleen McKaughan (phone) and Scott DiBiase (phone).

Welcome

Dan Thelander, Committee Chair, opened the meeting, welcomed everyone, and asked Committee members and additional attendees to identify themselves. Chairman Thelander stated that the first item of action was the discussion of meeting notes on minutes from February 2, 2001, December 9, 2011 and July 17, 2012.

Discussion & Action on Meeting Minutes

Chairman Thelander asked Lisa Tomczak, Arizona Department of Environmental Quality (ADEQ), why there were so many minutes that needed to be discussed. Ms. Tomczak stated that the previous minutes were not approved at prior meetings. Chairman Thelander asked if anyone had any discussion on the minutes. Brett Cameron, Arizona Department of Agriculture (ADA), moved to accept the minutes. Bill Wiley, Maricopa County Air Quality Department and Committee Members, seconded the motion; motion passed. Chairman Thelander skipped item three on the agenda and moved to item four, which was the discussion and possible action on requesting ADEQ to review the crop, animal, and irrigation rules for approvability.

Discussion & Possible Action on Requesting ADEQ to Review the Crop, Animal, and Irrigation Rules for Approvability (Using the Imperial Rule as a Model)

Rick Lavis, Arizona Cotton Growers Association, stated that on April 14, 2010, Chairman Thelander received a letter from Colleen McKaughan, Environmental Protection Agency (EPA), regarding upcoming issues that would require the Committee's attention. The primary issue was the discussion of Best Management Practices (BMP) Program and whether the crop rule would be enforceable and approvable. In addition, Ms. McKaughan raised the question as to how to get these issues before the Committee and

the Department, which in San Joaquin Valley, California, is a submittal and approval process for the Air Quality Control District, which the Committee is trying to avoid.

In September 2010, EPA responded on the Maricopa County 5% Plan and raised numerous questions concerning enforceability and lack of clear narrative for calculating the BMP emissions. As a result, the Committee created a technical committee to review existing BMPs. During that process, the BMP Program for animal operation was authorized and the industry began developing their own BMPs. After many discussions pertaining to crop BMPs, the Committee revised and adopted revisions to crop BMPs along with those related to animal operations. EPA stated that the BMPs were not as specific as they should be and that they would probably not get approved. EPA met with the Committee and stated that if the Committee wanted to avoid reporting, then they should re-think the BMPs, especially along the lines of the Imperial Rule. Mr. Lavis stated that he would like the Committee to endorse a plan by which ADEQ would be asked to look at crop and irrigation BMPs, which are technically not adoptable. The next step would be to determine whether or not those specifics outline an Imperial Rule that works for Arizona or if they provide some erroneous conditions where farmers would have to choose since the Ag program is intended to allow growers to participate on both the production and crop sides.

Ms. McKaughan stated that the Committee could either have more specific BMPs that are enforceable through the definition of the BMP itself as one model, or the Committee could be less specific on the definition and make it more enforceable through other mechanisms. There could be a record, review and approval process similar to the San Joaquin Valley model; however, they do have a reporting program and some do review BMPs. A more specific model is the Imperial model, which does not use a record keeping or approval program. Ms. McKaughan wanted to clarify the different ways a BMP program could be approached and stated that it appears that the Committee would like to look at the Imperial model more closely. However, if the Committee endorses this, the timeline is driven by the PM₁₀ Pinal County Plan, which is due January 2, 2014. Danielle Hazeltine, ADEQ Air Quality, said that she would like to have this rule published by December 2013, but that would depend if an exempt rulemaking is approved. This also depends on whether or not the rule needs to go through the Governor's Regulatory Review Council (GRRC) process. If the GRRC process needs to occur, public hearings will need to be held and will extend the process. Ms. Hazeltine stated that ADEQ could develop a draft in three to four weeks for the Committee to review.

Mike Billotte, United Dairymen of Arizona, stated that the Imperial standards on roads are extremely specific, down to vehicles per day, number of axels, and opacity standards. Ms. Hazeltine stated that the Imperial definitions are more specific than ADEQ's and she would have to summarize and present those differences to the Committee. Ms. Tomczak stated that ADEQ should have a handout that highlights the differences between the Imperial rule and ADEQ's. Ms. Hazeltine continued to say that for the livestock model, the San Joaquin program is different than the Imperial's in that the definitions are not as specific because they have a reporting requirement. ADEQ would need to look at the definitions to add more specificity to limitations. Ms. Tomczak added that the San Joaquin rule is very broad and not very detailed. The reporting forms for the San Joaquin program contain descriptions of the how the practices are implemented and someone at the Air Pollution Control District reviews and approves the application, which does not occur in Arizona. Ms. Hazeltine stated that the Imperial Program does not have a review and approval process either. Tom Thompson, Committee member, moved to request that ADEQ review the crop, animal and irrigation rules for approvability. Will Rousseau, Committee Member, seconded the motion.

Chairman Thelander asked if there was any other discussion. Bas Aja, Arizona Cattle Growers Association, asked the Committee to think about and report on the specificity questions and whether it is designed to garner more emission reductions; if not, the Committee should know what that is because they want to focus on reducing dust emissions. If the Committee gets specific about it, then make sure it

is related to emission reductions that work. Mr. Cameron asked ADEQ if irrigation, animal, or crop operations have different reporting mechanisms. Ms. Tomczak answered that technically it could, but she did not think it would have to be different and it would be better to be consistent across the board especially in regards to Pinal. Chairman Thelander asked Ms. McKaughan if she agreed with Ms. Tomczak's answer to Mr. Cameron's question. Ms. McKaughan answered that it might be easier for people who are administering it, but that option should be talked about before it was written.

Discussion and Possible Action on Pinal County Irrigation District Best Management Practices Committee

Chairman Thelander asked Ms. Tomczak and Ms. Hazeltine for their suggestions on the best way to go through this section. Ms. Hazeltine suggested that the Committee review the BMPs to make sure they understand their options and if it makes sense as well as to look through the definitions to verify it covers what is needed by starting on page 2. Chairman Thelander asked Nick Simonetta, KRB Consulting, Inc, to come forward so people on the phone could hear him. Mr. Simonetta stated that there have been several meetings in the fall, beginning in October and reviewed in January. In the beginning of 2013, there was a conference call to hash out the final changes to the rule and on March 6, the Committee agreed to a version at the end of the day. The technical working group went through all the definitions and did a lot of drafting and re-drafting.

Chairman Thelander asked the Committee to look at letter C of the Pinal County irrigation district's document. Three categories were listed: unpaved, operation, and maintenance roads and he asked if these categories were in statute. Nick Simonetta, Pivotal Consulting, answered that they were out of legislation. Mr. Simonetta stated that their BMPs are similar, especially when it comes to 1) roads including: access restriction, aggregate cover, limited vehicle travel, limiting during high wind events, limiting the speed to 25mph, having signs for authorized use, reducing vehicle speed, having track out control systems, applying suppressants, watering roads, and installing wind barriers during grading and paving of non-district roads; 2) canals including: dredging while much is wet, disposing of it while it is damp, weed management, biological control, aquatic weeds, and applying clean water after major and minor earth-moving activities; and 3) unpaved utility access roads including: access restriction, aggregate cover, limiting activity during windy times, vehicle speeds to 25 miles per hour, posting warning signs, reducing vehicle speed, track-out control system, pavement suppressants, watering and using paved, non-district or public roads to access instead of dirt roads. Mr. Simonetta also stated that for the proposed rule, the irrigation districts would pick one item out of each of the three categories beginning July 31, 2014. Ms. Hazeltine added that the reporting in this rule is similar to what the reporting was before the last change in the rule for crop operations, so the old reporting mechanism is in this rule. Ms. Tomczak added that irrigation districts would retain the BMP form on site. Ms. Hazeltine added that the new record keeping requirements require reports to be sent in for the crop and animal, but we did not do that for this rule.

The question was asked if the technical workgroup used the Imperial rule as a model when they drafted the rule language. Ms. Tomczak and Ms. Hazeltine answered that they did not. The draft rule is similar to the program for Maricopa County. It was also asked if this will have to go through the same vetting process. Ms. Tomczak said that she did not think it would be totally different, the definitions would be reviewed to see if they can be made more specific. Ms. Hazeltine added that we did take a lot of definitions from the crop part and either directly used them or changed them a little bit to go for the irrigation district, so similar changes could be done. Ms. Hazeltine was asked to give an example of such changes so she used the wind barrier as an example adding that an actual height would need to be put on the barriers as well as spacing. Ms. Hazeltine explained to the Committee saying that she has the Imperial rule, and the wind barrier definition is reduced wind erosion by planting or maintaining perennial or

annual plants established in rows or narrow strips interspersed throughout a crop field as close to perpendicular as practicable, as practical, with direction of erosive winds. The effect of the selected plants must create a stand at least three feet tall, with a porosity of 50%, which are the sort of things that would be added for specificity. Ms. Hazeltine added that we could add into the definition the three feet tall or ten feet tall barrier, whichever the Committee believes is a good limit.

Chairman Thelander stated that this illustrates the question about specificity and what Ms. Hazeltine will try and do by coming up with a standard. Diane Arnst, ADEQ, asked whether the heading of the rule right now says PM₁₀ nonattainment area and refers to the regulated area, which refers to statute and wonders if this is going to be a control measure for PM_{2.5}. Ms. Arnst continued to say that in Rule 620, there is an overall definition for Maricopa PM₁₀ nonattainment area, but there is not a definition of Pinal PM₁₀ nonattainment area or Pinal PM_{2.5} nonattainment area. Ms. Hazeltine asked if we defined it as nonattainment? Ms. Arnst said that in the regulated area definition at 40, it means a regulated area as defined in A.R.S. 49-457, page 6. Ms. Hazeltine stated that the definition is regulated for Maricopa County PM₁₀ and any other PM₁₀ nonattainment area established in the state after June 1, 2009, within the statute itself and was never defined in Pinal. Ms. Arnst added that she wanted to raise the PM_{2.5} topic for consideration. Don Gabrielson, Pinal County Air Quality, stated that he had received an email from Ms. McKaughan this morning indicating the clean data finding was signed yesterday for 2.5. Ms. Hazeltine added that the PM_{2.5} issue would probably be a statutory change because the statute refers to only PM₁₀ and PM_{2.5} is a subset of PM₁₀ and she would have to go back and consider the definition of PM_{2.5} if necessary before changing the rule. Chairman Thelander said that he thought it would be appropriate to get a motion to approve the irrigation BMP rule here with the proviso that we are asking ADEQ to review it in light of the meeting to potentially make it more specific. Earl Petznick, Pinal Feeding Company, cattle feed in Maricopa, motioned to approve the irrigation BMP rule.

Summary of Action Items and Next Steps

Chairman Thelander stated the action items:

- ADEQ make the irrigation rule more specific
- ADEQ look at dates for the end of July and into August to set up another Committee meeting and send out emails to everyone.
- ADEQ provide a copy of the crop plan of Imperial County to everyone as well as a copy of the rule itself.

Chairman Thelander asked if there were any additional comments or questions. Ms. Tomczak suggested that Emily Bonanni (ADEQ Air Quality Compliance) introduce Mike Smith to the audience. Ms. Bonanni stated that Mr. Smith is going to be the Ag and dust inspector for Pinal County, but will also cross-over to Maricopa, Pima and Pinal all together. The Committee welcomed Mike and thanked him for coming. Ms. Bonanni stated that they are going to work through the Farm Bureau of Pinal County and have always been good working with the USDA in regards to Maricopa County rules and will make a pest of themselves in the beginning until they get better acquainted with everyone in Pinal County.

Adjournment

Chairman Thelander asked for any final comments. Hearing none, the meeting adjourned at 2:15 p.m.