

Agricultural Best Management Practices (BMP) Committee
***DRAFT* Meeting Minutes**
Thursday, November 13, 2014; 01:30 p.m.
Arizona Department of Environmental Quality, Conference Room 3175
1110 W. Washington St., Phoenix, Arizona 85007
Call-in Number: (877) 820-7829, Pin: 228497#

Committee members present: Dan Thelander (Chair), Eric Massey, Kevin Rogers, Tom Thompson, Brett Cameron, Keisha Tatem, Will Rousseau (phone), Jeff Silvertooth (phone), and Jim Walworth (phone).

Committee members absent: Shane Burgess, Wade Accomazzo, Marguerite Tan, Glen Curtis, Glenn Hickman, and Earl Petznick Jr.

Additional attendees: Emily Bonanni, Jo Crumbaker, Danielle Hazeltine, Ryan Templeton, Brendan Haugh, Ana Kennedy, Robert Shuler, Mike Billotte, Mike Sundblom, Greg Wuertz, Scott DiBiase, Mike Sundblom. Joseph Sigg, Randy Sedlacuk, Jessica Rainbow, Lisa Tomczak, Cheryl Bore, Rick Lavis, Rusty VanLeuven, and Colleen McKaughan (phone).

Welcome

Chairman Thelander opened the meeting, welcomed everyone, and asked all attendees to introduce themselves and indicate their organization. Following introductions, Chairman Thelander made note that a quorum was present.

Discussion & Possible Action on Revisions to the Proposed Best Management Practices Rule

Chairman Thelander introduced the topic and requested that Danielle Hazeltine, ADEQ, provide an update. Danielle stated that, subsequent to the last committee meeting, the EPA had made several comments on the rule. Changes were made based on the EPA's comments. Changes have been made throughout entire rule, as indicated in the latest copy of the rule (either highlighted or denoted via comment). At this point, Chairman Thelander requested that Rick Lavis, Arizona Cotton Growers Association, stand before the committee to give a synopsis of the rule changes. Greg stated that as a result of the comments made by EPA on April 25th, 2014, the Ag Technical Committee met three times with ADEQ to discuss the comments and work out the rule changes. Greg stated that the latest version, if adopted, will basically become the Ag BMP rule, but still subject to further review by EPA.

Chairman Thelander remarked that the rule revisions were too abundant and in-depth to discuss, and he then asked the floor if there were any questions regarding any specific revision. Rick Lavis inquired whether or not two items that he had brought up previously regarding the three year surveys had been incorporated in latest rule revision. Danielle Hazeltine asserted that these items had been incorporated. A discussion of the effective date of the rule ensued, with Ms. Hazeltine and Mr. Thelander establishing that this date would be January 1st, 2016. Colleen McKaughan interjected, saying the EPA has not seen the new language, to which Ms. Hazeltine replied that EPA has not yet been sent the latest

version, but that it is very similar to the current version which EPA possesses.

Chairman Thelander then questioned the choice of years for the three year survey, with the first survey being due in January 2018 for the year of 2017 per the rule. Eric Massey, ADEQ, replied that the years for the survey were chosen to align with the 3-year cycle of the EPA's National Emissions Inventory (NEI).

Chairman Thelander opened the floor to questions, and Tom Thompson asked if the rule was still a work in progress that would still be subject to modifications following the meeting. Ms. Hazeltine responded that, if voted on by committee, this would be the final version of the rule (barring a decision by the committee to entertain any further comments by EPA).

Robert Shuler asked Danielle Hazeltine to summarize the changes to the November 04, 2014 rule version that appear on the current November 13, 2014 version, and if the comments that he submitted were adopted into the rule revision. Ms. Hazeltine informed Mr. Shuler that his comments regarding swine and poultry had been adopted, but not his comments regarding aggregate cover. Robert Shuler inquired about some typos in the document, to which Ms. Hazeltine stated that she would be conducting a final proofread. Mr. Shuler called attention to Page 11, Paragraph G, and suggested that the verbiage regarding who has the authority to request records be amended to add the specific parties who have such authority. A discussion of who may request said records ensued. It was determined that any area in the rule where there is a discussion of who may request records, the Director of ADEQ will be specified as said authority. This change will be completed by Danielle Hazeltine.

Robert Shuler stood before the committee to discuss several changes which he had submitted. Chairman Thelander, Tom Thompson, Robert Shuler, and Danielle Hazeltine engaged in a discussion of said changes/comments. Upon completion of that discussion, Mr. Shuler was satisfied that his concerns had been addressed.

It was clarified that Danielle Hazeltine has the authority to make grammatical and punctuation changes without the committee's approval. Ms. Hazeltine stated that she would highlight every change that she makes, so the committee may determine if they deem it substantial or not.

Tom Thompson voiced concern over the fact that modifications had been made to the proposed rule for which he had not been granted time to review prior to the meeting. Mr. Thompson had apparently been omitted from the email by which the proposed rule was distributed. Mr. Thompson asserted that he did not feel comfortable voting on the proposed rule at this time. Chairman Thelander and Danielle Hazeltine were in agreement with Mr. Thompson's point. Chairman Thelander suggested that the voting be tabled at this time to give the committee members an appropriate review period, which would then be followed by a conference call where the members would conduct the vote. Eric Massey assured that ADEQ could make the changes to the proposed rule and redistribute it to the committee in a timely manner. Keisha Tatem echoed Tom Thompson's concerns at this time, stating that she would also like more time to review the proposed rule. A brief discussion ensued regarding each committee member's availability, and it was ultimately determined that the conference call/vote would take place the following Friday, November 21, 2014 at 10:30 am.

Chairman Thelander asked if there was any further discussion on the proposed rule change. Hearing none, he moved on to the next item on the agenda.

Discussion & Possible Action on the Annual Report / Third Year Survey Report Forms

Danielle Hazeltine provided copies of all of the reporting/survey forms for Pinal County at the meeting, and stated that she can provide copies of the remaining forms (not Pinal County) subsequent to the meeting via email.

Tom Thompson suggested that a technical committee be assembled to review the forms. Jessica Rainbow, speaking on behalf of the Irrigation District, stated that they had no issue with the forms as they are currently arranged.

Chairman Thelander noted that substantial differences exist between the forms that were prepared by ADEQ and those by the Farm Bureau. He stated that the forms would need to be reviewed by the technical workgroup. Robert Shuler expressed his desire for the technical workgroup to review the forms concerned with poultry and swine. Mr. Shuler let it be known that he had some suggestions regarding changes to the verbiage on the forms.

Chairman Thelander asserted that he would direct the technical workgroup to continue working on said forms, and that a motion to do so was not necessary. Tom Thompson sought clarification on several points of the forms, and a discussion around these points ensued. The discussion focused on the legality of some of the modifications made to the forms.

Chairman Thelander inquired about a projected timeline for the completion of the forms. Danielle Hazeltine stated that she would be putting together a timeline. Tom Thompson posed a few more questions regarding clarification on what information should be entered on the forms, and discussion ensued.

Chairman Thelander asked how much time would be needed for guidance, outreach, etc. following completion of the forms. Chairman Thelander then decreed that a timeline did not need to be worked out at the present time, as a better understanding of what the actual timeline will be will emerge once the technical workgroup convenes and discusses said matters.

Chairman Thelander opened the floor to any further comments on this matter. Keisha Tatem stated that she and the U.S. Natural Resources Conservation Service would like to be involved in the future outreach efforts. This concluded the discussion.

Discussion & Possible Action on Language for the Three Year Survey

Chairman Thelander decreed that this subject has already been covered and asked the floor if anyone had anything to add on this subject. No one spoke, and Chairman Thelander moved on to the next item on the agenda.

Discussion on Appointment of County Representative

Following the departure of William Wiley, formerly of Maricopa County Air Quality, the committee is looking add a member in his stead. The committee is in need of a “person who is employed by a county air quality department or agency” (49-457-(B)(15)). Chairman Thelander asked Rick Lavis to address the committee at this time. Mr. Lavis gave a brief explanation / historical account of why a

county representative is now appointed to the committee. Mr. Lavis stated that the initial intent was to replace William Wiley with his successor, being the newly appointed Director of the Maricopa County Air Quality Department. Mr. Lavis then went on to suggest the Mike Sundblom of Pinal County Air Quality be the one to assume this role, as the majority of the proposed rule affects Pinal County. Rick Lavis concluded by giving Mike Sundblom a strong endorsement as a prospective committee member.

Chairman Thelander asked Mike Sundblom if he would be willing to serve on the committee. Mike Sundblom expressed his interest to join the committee. Chairman Thelander opened discussion the the floor, and Eric Massey motioned to nominate Mike Sundblom for the vacant county representative chair on the committee. Kevin Rogers seconded the motion. Chairman Thelander conducted the vote to nominate Mike Sundblom for the position, a nomination which requires the governor's approval. There were no objections, and the motion passed.

Call to the Public

Chairman Thelander made the call to the public. Hearing none, Chairman Thelander moved on to the next agenda item.

Summary of Action Items and Next Steps

Chairman Thelander stated that he was about to adjourn, and asked for details regarding the subsequent meeting. Eric Massey stated that the next meeting will be the conference call to vote on the proposed rule, and it will take place the following Friday, November 21, 2014 at 10:30 am. Mr. Massey further stated that ADEQ will be disseminating all of the essential materials for that conference call to the committee members and others involved, and be taking care of the public notice requirements for said call. Danielle Hazeltine added that she had distributed EPA's latest comments on the rule earlier that day, and emphasized the need for the committee to review said comments.

Tom Thompson mentioned that the technical workgroup would need to iron out the differences between what ADEQ wants on the forms and what the committee / stakeholders want on the form. Keisha Tatem added a comment that the forms need to properly reflect the rule.

Adjournment

Chairman Thelander adjourned the meeting at 02:45 p.m.