

**Agricultural Best Management Practices Committee Meeting
February 7, 2025 at 2:00 - 3:00 p.m.**

Zoom Information:

Join Zoom Meeting

<https://us02web.zoom.us/j/81295674655?pwd=ASqiYrioibimmU8yG9NvUgf9KderjW.1>

Meeting ID: 812 9567 4655

Passcode: 096696

- I. CALL TO ORDER
 - A. Introduction of Committee Members and Roll Call - *Paul Ollerton, AgBMP Committee Chair*
- II. REVIEW AND APPROVE MINUTES
 - A. Review and approval of July 28, 2021 meeting minutes - *Paul Ollerton, AgBMP Committee Chair*
 - B. Review and approval of September 27, 2023 meeting minutes - *Paul Ollerton, AgBMP Committee Chair*
- III. DISCLOSURE OF CONFLICTS OF INTEREST - *Paul Ollerton, AgBMP Committee Chair*
- IV. AGENDA ITEMS FOR CONSIDERATION AND DISCUSSION
 - A. Discussion on EPA's Limited Approval/Limited Disapproval proposed action on the AgBMP rules- *Paul Ollerton, AgBMP Committee Chair*
 - B. Discussion and possible approval to send letter requesting an extension to the EPA's public comment period for the Limited Approval/Limited Disapproval proposed action on the AgBMP rules- *Paul Ollerton, AgBMP Committee Chair*
 - C. Discussion and Possible Formation of an Ad Hoc Committee for Preparing Comments on the Limited Approval/Limited Disapproval-*Paul Ollerton, AgBMP Committee Chair*
- V. CALL TO THE PUBLIC
 - A. This is the time for the public to comment. Members of the Committee may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. § 38-431.01 (H), action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism, or scheduling the matter for further consideration and decision at a later date. - *Paul Ollerton, AgBMP Committee Chair*
 - B. Two minute limit per speaker. - *Paul Ollerton, AgBMP Committee Chair*
- VI. ADJOURNMENT - *Paul Ollerton, AgBMP Committee Chair*

For additional information about this meeting, contact Lisa Tomczak at 602-771-4450 or airplanning@azdeq.gov. At least 24 hours prior to any meeting, a copy of the agenda will be available for public inspection at the Arizona Department of Environmental Quality (ADEQ), 1110. W. Washington Street, Phoenix, AZ 85007, and at the ADEQ's Southern Regional Office, 400 W. Congress Street, Suite 433, Tucson, AZ 85701, or online at <https://www.azdeq.gov/Events>.

ADEQ will take reasonable measures to provide access to department services to individuals with limited ability to speak, write or understand English and/or to those with disabilities. Requests for language translation, ASL interpretation, CART captioning services or disability accommodations must be made at least 48 hours in advance by contacting the Title VI Nondiscrimination Coordinator, Joaquin Marruffo Ruiz, at 520-628-6744 or Marruffo.Joaquin@azdeq.gov. For a TTY or other device, Telecommunications Relay Services are available by calling 711.

ADEQ tomará las medidas razonables para proveer acceso a los servicios del departamento a personas con capacidad limitada para hablar, escribir o entender inglés y/o para personas con discapacidades. Las solicitudes de servicios de traducción de idiomas, interpretación ASL (lengua de signos americano), subtítulo de CART, o adaptaciones por discapacidad deben realizarse con al menos 48 horas de anticipación comunicándose con el Coordinador de Anti-Discriminación del Título VI, Joaquin Marruffo Ruiz, al 520-628-6744 o Marruffo.Joaquin@azdeq.gov. Para un TTY u otro dispositivo, los servicios de retransmisión de telecomunicaciones están disponible llamando al 711.

Meeting Minutes Accepted by Chairman Ollerton on 8/31/2021

Agricultural Best Management Practices (AgBMP) Committee Meeting

Wednesday, July 28, 2021, 10:00 a.m.

Zoom (Virtual)

<https://us02web.zoom.us/j/81022258627?pwd=RTB2K2INbkgzSzZzRS92QkhQVXVgdz09>

Meeting ID: 810 2225 8627

Passcode: 697778

COMMITTEE MEMBERS PRESENT:

Paco Ollerton, Grain Producer
Kevin Rogers, Cotton Producer
Rob Boyle, Alfalfa Producer
Michael Sundblom, Pinal County Air Quality
Keisha Tatem, USDA NRCS
Paul Heiden, Beef Cattle
Susan Chase, AZ Department of Agriculture
Glenn Hickman, Poultry

AnnaMarie Knorr, Vegetable Producer
Jim Boyle Jr., Dairy
Jeff Silvertooth, University of Arizona
Daniel Czecholinski, ADEQ
Alfredo Sotomayor, Swine

COMMITTEE MEMBERS ABSENT:

Harold Payne, Citrus Producer

OTHER ATTENDEES OF NOTE:

Rusty VanLeuven, AZ Department of Agriculture
Danielle Hazeltine, Clark Hill
Bas Aja, AZ Cattlemen's Association
Johanna Kuspert, MCAQD
Kimberly Butler, MCAQD
Chelsea McGuire, AZ Farm Bureau
Hao Zhou, ADEQ
Jeremy Gerlach, Veridus LLC
Lindy Bauer, MAG
Matt Poppen, MAG
Megan Sheldon, City of Glendale
Scott Woodall, NRCS

Joey Blankinship, University of Arizona
Katrina Gerster, City of Phoenix
Sarah Reitmeyer, Pima County
Steve Burr, ADEQ
Luke Messer, ADEQ
Joe Martini, ADEQ
Tawnya Cook, ADEQ
Erika Boyland, USDA NRCS
Ana Otto, AZ Farm Bureau

WELCOME:

At 10:12 a.m., Paco Ollerton called the meeting to order. Chairman Ollerton welcomed everyone and Tawnya Cook called roll and a quorum was established.

REVIEW AND APPROVAL OF JUNE 22, 2021 MEETING MINUTES:

Mr. Rob Boyle moved to approve the June 22, meeting minutes, seconded by Mr. Kevin Rogers. The Committee unanimously approved the minutes.

SWINE REPRESENTATIVE VACANCY:

Mr. Alfredo Soto-Mayer submitted all of his information to the Office of Boards and Commissions; however, because his Oath of Office paperwork still needs to be finalized he cannot participate in Committee votes at this time.

AMENDMENTS TO AGRICULTURAL BEST MANAGEMENT PRACTICES COMMITTEE RULES:

Mr. Steve Burr presented on the AgBMP Committee rules – a new draft version of the proposed amendments was distributed in advance. The new draft version considers feedback received from Chairman Ollerton after consultation with the Pinal County Adhoc Workgroup.

Mr. Rob Boyle moved, seconded by Mr. Kevin Rogers to approve the amendments to the AgBMP Committee Rules. The motion carried unanimously.

RESOLUTION FOR IMPLEMENTING MEASURES FOR THE REDUCTION OF PM10 IN THE WEST PINAL COUNTY NONATTAINMENT AREA:

Mr. Steve Burr reviewed the resolution document. Mr. Burr referenced A.R.S. § 49-406 (G) that relates to nonattainment area plans and the requirement of the implementing agency (the AgBMP Committee) to adopt a resolution that commits to the control measures that will be implemented in the nonattainment area and identifies the funding source. The resolution confirms that the AgBMP Committee is going to implement the measures identified in the Trinity report for agricultural sources, other than the bulk materials.

There was discussion regarding costs, specifically should a line be added to the resolution regarding them. At Chairman Ollerton's request, a "whereas" clause was added to the document regarding costs. Mr. Kevin Rogers moved, seconded by Mr. Rob Boyle to accept the resolution as amended. The motion carried unanimously.

NATURAL RESOURCES CONSERVATION SERVICE AIR QUALITY INITIATIVE:

Ms. Keisha Tatem gave a presentation on the USDA Natural Resources Conservation Service (NCRS) Air Quality Initiative.

REVIEW AND CONSIDER FUTURE AGENDA ITEMS:

Chairman Ollerton asked for any future agenda items and there was no further discussion.

ADJOURNMENT:

Mr. Glenn Hickman moved, seconded by Mr. Kevin Rogers to adjourn the meeting. The meeting adjourned at 11:29 a.m.

Meeting Minutes Accepted by Chairman Ollerton on 1/14/2025

Agricultural Best Management Practices (AgBMP) Committee Meeting

Wednesday, September 27, 2023, 10:00 a.m.

Arizona Rock Products Association (ARPA)

916 W. Adams Street, Phoenix, 85007

ARPA Board Room

Zoom Link:

<https://us02web.zoom.us/j/83486442540?pwd=NmpLTFUvbXZmcS93dkQ0T2lyeIMzd09>

Meeting ID: 834 8644 2540 Passcode: 044614

COMMITTEE MEMBERS PRESENT:

Paul Ollerton, Grain Producer

Anu Jain, Pinal, County Air Quality Department

Robert Boyle, Alfalfa Producer

Dr. Joseph Blankinship, Soil Taxonomist

James Boyle Jr., Dairy Operations

Paul Heiden, Beef Cattle Feedlot

Alfredo Sotomayor, Swine Facilities

Glenn Hickman, Poultry Facilities

William Heiden - Beef Cattle Feedlots

Harold Payne, Citrus Producer

Jamilah McCoy, USDA NRCS Director or Designee

Russell VanLeuven, AZ Department of Agriculture Director of Designee

Daniel Czecholinski, AZ Department of Environmental Quality Director or Designee

COMMITTEE MEMBERS ABSENT:

Ethan Orr, Dean of College of Agriculture at UofA or Designee

Vacant, Cotton Producer

Vacant, Vegetable Producer

OTHER MEETING ATTENDEES:

Bas Aja, AZ Cattlemen's Association

Jeremy Gerlach, Veridus LLC

Jeff Sandquist, Veridus LLC

Timothy Franquist, Maricopa Association of Governments

Elias Toon, Maricopa Association of Governments

Ana Otto, AZ Farm Bureau

Jadee Rohner, AZ Cotton Growers Association

Hether Krause, AZ Department of Environmental Quality

Kelly MacKenzie, AZ Department of Environmental Quality

Steven Burr, AZ Department of Environmental Quality

Lauren Allison, AZ Department of Environmental Quality
Tara Ousley, AZ Department of Environmental Quality

WELCOME:

At 10:04 a.m., Chairman Paul Ollerton called the meeting to order. Paul Ollerton welcomed everyone and Hether Krause called roll and a quorum was established.

REVIEW AND DISCUSS THE DRAFT 2023 FIVE PERCENT PARTICULATE PLAN FOR PM-10 FOR THE WEST PINAL COUNTY NONATTAINMENT AREA:

Elias Toon, Air Quality Project Manager, with the Maricopa Association of Governments (MAG) gave a presentation titled, "Five Percent Particulate Plan for PM-10 for the West Pinal County Nonattainment Area". Paul Ollerton asked Elias Toon what is the difference between unpaved road dust in public roads versus private roads? Mr. Ollerton said that previously, they were just listed as roads and did not differentiate between a public or private road. Elias Toon said that about 70% of the emissions are attributed to unpaved road dust within the nonattainment area. Elias Toon said that as for the classification of those individual roads, that he would have to consult with MAG's emissions inventory team to see how the different roads were delineated within the attainment model and provide a response to the Governor's Agricultural Best Management Practices Committee (Committee) after the meeting. Bas Aja asked Elias Toon what is the difference between the annual overall PM-10 emissions and the annual controlled PM-10 emissions inventory. Elias Toon said that the 2017 inventory reflects the emissions inventory in the area before any of the back-up control measures were put in place. Elias Toon said that MAG has modelers on staff who work with the development of the emissions inventory and the attainment modeling; however, for this particular project, MAG used an outside contractor that performed some of the attainment modeling for this plan. Paul Ollerton asked if anyone involved in agriculture was consulted for input on this plan. Paul Ollerton's second question was if the consultant that MAG used for this plan, Trinity Consultants, is from Arizona or from out-of-state. Elias Toon said that extensive outreach on this plan has been previously conducted by MAG and the Arizona Department of Environmental Quality (ADEQ). Paul Ollerton said that one irrigation district that he is farming in right now has lost 18,000 to 20,000 acres of farmland to new housing communities in the last 10 years. Paul Ollerton said he is also concerned about all of the new solar farms that are being built in Pinal County, which also reduces agricultural lands. Jadee Rohner asked where solar is included on this chart. Elias Toon said that this report does not quantify earth moving activities from the installation of solar farms in a particular area. Elias Toon said that the Pinal County Air Quality Department (PCAQD) is responsible for the enforcement of fugitive dust regulations as they relate to solar farm construction sites and after-installation of the solar farms. Paul Ollerton said that solar farms should be considered moving forward due to the increasing number of solar farms being installed in Pinal County.

Daniel Czecholinski said that ADEQ, MAG, and PCAQD will take a possible action item to find out the acreage of solar farms in Pinal County to see how the acreage of solar farms compare to the acreage of other sectors and will report back to the Committee. Steve Burr asked if he could confirm he understood what Daniel Czecholinski was asking and he asked if this question is correct: Is there significant dust emissions from both completed solar installation and the construction of solar installation? Steve Burr said that he agrees with Elias Toon that construction is the same whether it is the construction of a house or a solar panel and it would be subject to PCAQD's fugitive dust rules for construction activities. Steve Burr said that he is unsure for completed solar installations whether there is a regulation that would apply. Steve Burr said he thinks that the vacant land rules would still apply to an area with solar panels but there may be a hole in the regulations and ADEQ should probably consult with PCAQD about the solar panel installations related to fugitive dust emissions.

Robert Boyle asked if the section on private roads is a new category for the 2023 5% particulate plan and if the emission inventory had included private dirt roads and Pinal County dirt roads before. Robert Boyle further questioned whether such a change in methodology eliminated the 30% of dust emissions that Pinal County is responsible for. Robert Boyle asked if PCAQD regulates the percentage of private roads because that is the largest portion now. Elias Toon said that PCAQD has unpaved dust rules that apply to private, agricultural, and public roads. Paul Ollerton asked MAG for an example of what is a private road versus a public County road in the inventory. Elias Toon said that an example of a private unpaved road could be a resident's driveway on private property and he said that he would take this question back to the modelers and get back to the Committee. Elias Toon said the modeling has already been conducted in this area and shows attainment by 2026, so there would not be any future modeling done for this area as long as the area continues to show at the monitor what is in the model and continues to attain the standard.

Elias Toon said that based on the 5% annual reductions at the end of 2026, there would still be 911 tons of excess emissions; however, that is not a large enough increment to provide another 5% for this area. Elias Toon said the U.S. Environmental Protection Agency (U.S. EPA) will be reviewing the design value of 2024 through 2026. Elias Toon said if the area does not attain the standard within that time period, then MAG would need to submit an additional plan that would need to provide that additional 5% increment for 2027 if the area continues to not attain and that excess emissions is not 5%. Elias Toon said that potential additional regulations would be needed in this area to quantify more emission reductions and could potentially be a requirement if Pinal County does not attain over the next three years.



REVIEW AND DISCUSS THE PREPARATION OF COMMENTS ON THE DRAFT 2023 FIVE PERCENT PARTICULATE PLAN FOR PM-10 FOR THE WEST PINAL COUNTY NONATTAINMENT AREA:

Paul Ollerton said he would like the Committee to draft a letter to MAG with the Committee's specific questions and concerns with Jadee Rohner leading that effort. Robert Boyle moved for the Committee to draft a letter by October 5, 2023, to MAG on behalf of the Committee to question the existing inventories in the Plan, seconded by Harold Payne and the motion passed. Bas Aja said he advises against the Committee asking for MAG to conduct a public hearing on October 13, 2023, because it may attract attention by others who want to make changes to the Plan and also due to the short timeframe before the public hearing date. Paul Ollerton said that he agrees with Bas Aja on that issue.

REVIEW AND DISCUSS HEARING REQUEST FOR THE DRAFT 2023 FIVE PERCENT PARTICULATE PLAN FOR PM-10 FOR THE WEST PINAL COUNTY NONATTAINMENT AREA:

REVIEW AND CONSIDER FUTURE AGENDA ITEMS:

Paul Ollerton said an agenda item for the next meeting should be to elect a new Chairman of the Committee.

ADJOURNMENT:

Paul Ollerton moved to adjourn the meeting. The meeting adjourned at 11:35 a.m.

CFR 46.215 that would require further analysis under NEPA.

Effects on the Energy Supply (E.O. 13211)

This proposed rule is not a significant energy action under the definition in E.O. 13211; the proposed rule is not likely to have a significant adverse effect on the supply, distribution, or use of energy, and the proposed rule has not otherwise been designated by the Administrator of Office of Information and Regulatory Affairs as a significant energy action. A statement of energy effects is not required.

Clarity of This Rulemaking

The NPS is required by E.O.s 12866 (section 1(b)(12)) and 12988 (section 3(b)(1)(B)), and 13563 (section 1(a)), and by the Presidential memorandum of June 1, 1998, to write all rules in plain language. This means that each rule the NPS publishes must:

- (a) Be logically organized;
- (b) Use the active voice to address readers directly;
- (c) Use common, everyday words and clear language rather than jargon;
- (d) Be divided into short sections and sentences; and
- (e) Use lists and tables wherever possible.

If you feel that the NPS has not met these requirements, send us comments by one of the methods listed in the **ADDRESSES** section. To better help the NPS revise the rule, your comments should be as specific as possible. For example, you should identify the numbers of the sections or paragraphs that you find unclear, which sections or sentences are too long, the sections where you feel lists or tables would be useful, etc.

Public Participation

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments regarding this proposed rule by one of the methods listed in the **ADDRESSES** section of this document.

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time.

List of Subjects in 36 CFR Part 7

National parks, Reporting and Recordkeeping requirements.

For the reasons stated in the preamble, and under the authority of 16 U.S.C. 363 and 54 U.S.C. 100751, the National Park Service proposes to amend 36 CFR part 7, as set forth below:

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

■ 1. The authority citation for part 7 continues to read as follows:

Authority: 54 U.S.C. 100101, 100751, 320102; Sec. 7.96 also issued under DC Code 10–137 and DC Code 50–2201.07.

■ 2. Amend § 7.65 by removing paragraph (b)(1)(iv) and revising paragraph (b)(2)(ii)(D) to read as follows:

§ 7.65 Assateague Island National Seashore.

- * * * * *
- (b) * * *
- (2) * * *
- (i) * * *
- (D) Which has more than two axles on vehicles and trailers towed by any vehicle.
- * * * * *

Shannon Estenoz,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2025–01210 Filed 1–16–25; 8:45 am]

BILLING CODE 4312–52–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2024–0600; FRL–12508–01–R9]

Air Plan Revisions; Arizona; Arizona Department of Environmental Quality

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing an approval and a limited approval and limited disapproval of a State Implementation Plan (SIP) submission made by the State of Arizona to address emissions of particulate matter 10 micrometers in diameter or smaller (PM₁₀) from agricultural operations. The SIP submission includes an amended statute, two definition rules, and two rules regulating crop and animal operations in Pinal County, Arizona. We are proposing action on local rules to regulate these emission sources under the Clean Air Act (CAA or “Act”). We are taking comments on this proposal and plan to follow with a final action.

DATES: Comments must be received on or before February 18, 2025.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R09–OAR–2024–0600 at <https://www.regulations.gov>. For comments submitted at [Regulations.gov](https://www.regulations.gov), follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from [Regulations.gov](https://www.regulations.gov). The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). For additional submission methods, please contact one of the people identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>. If you need assistance in a language other than English or if you are a person with a disability who needs a reasonable accommodation at no cost to you, please contact one of the people identified in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: For general inquiries and inquiries related to the Arizona Administrative Code: Christine Vineyard, EPA Region IX, 75 Hawthorne St., San Francisco, CA 94105. By phone: (415) 947–4125; email at vineyard.christine@epa.gov. For inquiries related to the Arizona Revised Statutes: Alina Batool, EPA Region IX, 75 Hawthorne St., San Francisco, CA 94105. By phone (415) 972–3345; email at batool.alina@epa.gov.

SUPPLEMENTARY INFORMATION: Throughout this document, “we,” “us,” and “our” refer to the EPA.

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I. The State’s Submittal

A. What did the State submit?

Table 1 lists the statute and rules addressed by this proposal with the

dates that they were adopted and submitted to the EPA by the Arizona Department of Environmental Quality (ADEQ or “State”).

TABLE 1—SUBMITTED STATUTE AND RULES

Arizona revised statutes (ARS)	Statute title	Amended	Submitted
ARS section 49–457	Agricultural best management practices committee; members; powers; permits; definitions.	03/26/2021	03/03/2023
Arizona administrative code (AAC)	AAC Title	Amended	Submitted
AAC R18–2–610	Definitions for R19–2–610.01, R18–2–610.02, and R18–2–610.03	11/26/2021	03/03/2023
AAC R18–2–610.03	Agricultural PM General Permit for Crop Operations; Pinal County PM Nonattainment Area.	11/26/2021	03/03/2023
AAC R18–2–611	Definitions for R18–2–611.01, R18–2–611.02, and R18–2–611.03	11/26/2021	03/03/2023
AAC R18–2–611.03	Agricultural PM General Permit for Animal Operations; Pinal County PM Nonattainment Area.	11/26/2021	03/03/2023

On September 3, 2023, the SIP submittal containing the documents listed in Table 1 was deemed complete by operation of law.

B. Are there other versions of the statute and rules?

We approved an earlier version of ARS 49–457 into the SIP on June 29, 1999 (64 FR 34726). We also approved earlier versions of AAC R18–2–610 and R18–2–610.03 into the SIP on May 1, 2017 (82 FR 20267). If we finalize this proposal to approve the submitted version of ARS 49–457 and AAC R18–2–610 and to issue a limited approval and limited disapproval of the submitted version of AAC R18–2–610.03, then these versions will replace the versions of this statute and these rules in the SIP.

We note that on October 11, 2001, we approved AAC R18–2–611, “Agricultural PM–10 General Permit; Maricopa PM₁₀ Nonattainment Area” into the Arizona SIP, which applies to Maricopa County commercial farmers (crop operations). See 66 FR 51869 (October 11, 2001). The March 3, 2023 submittal of rule AAC R18–2–611, “Definitions for R18–2–611.01, R18–2–611.02, and R18–2–611.03” is a separate rule that was not submitted to replace the existing SIP-approved rule AAC R18–2–611, “Agricultural PM–10 General Permit; Maricopa PM₁₀ Nonattainment Area.” If the EPA approves the new rule AAC R18–2–611, “Definitions for R18–2–611.01, R18–2–611.02, and R18–2–611.03” into the Arizona SIP, there will be two different rules in the SIP with the same number, but they would be differentiated by their different titles and dates.

C. What is the purpose of the submitted rule and statutory revisions?

Emissions of PM, including PM₁₀, contribute to effects that are harmful to human health and the environment, including premature mortality, aggravation of respiratory and cardiovascular disease, decreased lung function, visibility impairment, and damage to vegetation and ecosystems. The CAA requires states to have SIPs that provide for attainment, maintenance, and enforcement of the PM₁₀ NAAQS, including the adoption and implementation of regulations to control PM emissions in designated PM₁₀ nonattainment areas. ADEQ’s submission addresses emissions from certain sources of PM₁₀ emissions through a statutory provision and several regulations.

First, this submission would revise the existing SIP-approved version of ARS section 49–457 by, among other things, expanding the definition of “regulated agricultural activities” to include activities of dairies, beef feedlots, poultry facilities, and swine facilities. It would also expand the definition of “regulated area” to apply to any PM₁₀ nonattainment areas designated by the EPA on or after June 1, 2009, which includes the West Pinal County PM₁₀ nonattainment area.

Second, this submission would revise existing regulations in the Arizona SIP. AAC R18–2–610 makes largely administrative updates to the existing crop operations definitions rule and adds a definition for “unpaved vehicle or equipment traffic area.” AAC R18–2–610.03 amends the existing crop operations rule applicable to the West

Pinal County PM₁₀ nonattainment area, primarily adding a requirement for operators to implement two, as opposed to one, best management practices (BMPs) from the list of options for different areas.

Third, this submission would add a new regulation to the Arizona SIP. AAC R18–2–611.03 requires that commercial dairy operations, beef cattle feedlots, poultry facilities, and swine facilities implement BMPs to reduce PM₁₀ emissions from those sources. The new AAC R18–2–611 provides definitions for AAC R18–2–611.03 and other animal operations BMP rules in the State.

The EPA’s technical support documents (TSDs) have more information about the statute and rules.

II. The EPA’s Evaluation and Action

A. How is the EPA evaluating the statute and rules?

SIP rules must meet applicable substantive requirements, e.g., must be sufficiently stringent (see CAA sections 172(c)(1) and 189(a)(1)(C)), must be enforceable (see CAA section 110(a)(2)), must not interfere with applicable requirements concerning attainment and reasonable further progress or other CAA requirements (see CAA section 110(l)).

States must adopt and implement reasonably available control measures (RACM), including reasonably available control technology (RACT), in Moderate PM₁₀ nonattainment areas (see CAA section 189(a)(1)(C)). Nonattainment areas that are classified as Serious must also demonstrate that they have implemented best available control measures (BACM). (see CAA section 189(b)(1)(B)). In addition, each

attainment plan must “provide for the implementation of all reasonably available control measures as expeditiously as practicable (including such reductions in emissions from existing sources in the area as may be obtained through the adoption, at a minimum, of reasonably available control technology) and shall provide for attainment of the national primary ambient air quality standards.” (see CAA section 172(c)(1)). RACM and BACM findings are generally made in the context of an overall attainment demonstration. Because this submission is not being evaluated at this time as part of an attainment plan submission, we will not evaluate these rules for RACM and BACM in this action and will instead do so as part of a future attainment planning action.

Guidance and policy documents that we use to evaluate control rules submitted for PM₁₀ nonattainment areas, including enforceability, revision/relaxation, and rule stringency requirements, include the following:

1. “State Implementation Plans; General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990,” 57 FR 13498 (April 16, 1992); 57 FR 18070 (April 28, 1992).
2. “Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations,” EPA, May 25, 1988 (the Bluebook, revised January 11, 1990).
3. “Guidance Document for Correcting Common VOC & Other Rule Deficiencies,” EPA Region 9, August 21, 2001 (the Little Bluebook).
4. “State Implementation Plans for Serious PM-10 Nonattainment Areas, and Attainment Date Waivers for PM-10 Nonattainment Areas Generally; Addendum to the General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990,” 59 FR 41998 (August 16, 1994).
5. “PM-10 Guideline Document,” EPA 452/R-93-008, April 1993.

B. Do the statute and rules meet the evaluation criteria?

The EPA is proposing to conclude that the submitted statute, ARS § 49-457 meets the evaluation criteria. We note that ARS § 49-457 is not intended to regulate agricultural activities in isolation. Although it establishes a number of substantive requirements (for example, the requirement that a person who commences a regulated agricultural activity must comply with the permit), it does not specify, in detail, the requirements for regulated entities. As a result, our evaluation of enforceability is not an evaluation of whether the statute in isolation establishes specific

enforceable requirements on agricultural activities, but is instead an evaluation of whether the requirements of the statute are sufficiently clear and enforceable that, when combined with specific local rules implementing the statute (which also have been or will be submitted into the SIP), these rules can be enforced. We propose to find that the rule provisions regarding applicability, BMPs, recordkeeping, reporting and other requirements in the statute are clear. These and other provisions are sufficient to establish a framework under which, in combination with local rules, affected sources and regulators can evaluate and determine compliance with ARS § 49-457 consistently as required by CAA section 110(a).

The EPA is proposing to conclude that the submitted regulations, AAC R18-2-610, R18-2-610.03, AAC R18-2-611, and R18-2-611.03 largely meet the evaluation criteria. The provisions of the rule are generally clear and mostly specify requirements in a manner that sufficiently specifies what is necessary in order to comply. The updated regulations also strengthen the SIP, adding additional control requirements for both animal and crop operations. Rule provisions that do not meet the evaluation criteria are summarized below and discussed further in the TSD.

C. What are the deficiencies?

EPA is proposing to conclude that R18-2-610.03 and R18-2-611.03 do not satisfy the requirements of section 110 and part D of title I of the Act, because they are not sufficiently enforceable and therefore prevent full approval of the SIP revision.

The crop and animal operation rules require operators to complete a Best Management Practices Program General Permit Record Form annually. This form is not submitted to the Director but must instead be provided to the Director within two business days of notice to the operator. The form must contain the name of the operator, signature, date signed, and the mailing or physical address of the operation. For animal operations, the form must contain a specification of the BMPs selected for each category. For crop operations the requirement is less clear. Paragraph C.3 of R18-2-610.03 states that the form shall include “The following information for each best management practice selected for tillage, ground operations and harvest, cropland, noncropland, commercial farm roads, and significant earth moving activities (if applicable).” However, there is no list of “following information” so it is not clear what, if anything, must be included pursuant to this requirement.

The rules also require operators to maintain records demonstrating compliance for three years. The records must include a copy of the BMP Program General Permit Record Form, but the rules do not otherwise specify any records that must be maintained or reported. Finally, the rules require operators to complete a survey every three years that includes the number of animals for each type of operation, the total miles of unpaved roads, the total acreage of access connections and equipment areas, the chosen BMPs, and, for some operators, whether water was applied on a high risk day. The survey is sent out by ADEQ and responses are submitted to the Arizona Department of Agriculture (ADA). The survey results are aggregated by the ADA and reported to ADEQ. The rules prohibit the report from including any operator’s name (that is, the results are anonymous).

Under Rules R18-2-610.03 and R18-2-611.03, absent a specific request from the Director (upon which an operator would have two business days to provide records), source-specific compliance information is only obtained through the survey. This process is not enforceable because compliance information is only available if ADEQ sends out the survey and the ADA subsequently reports the information to ADEQ or the ADEQ exercises its discretion to request records. Further, because the report from ADA to ADEQ is aggregated so that the individual operators remain anonymous, it is not clear whether the survey results would be sufficient to verify or incentivize compliance. Moreover, because these rules require operators to select from a menu of compliance options, it is not clear how compliance could be determined without knowing the chosen compliance options. While it may be possible to verify whether a particular BMP is being implemented, for example, cessation of night tilling, access restrictions, reduced vehicle speeds, or watering, if there is no record of which BMPs have been selected, a determination of noncompliance with the rules would essentially require an exhaustive demonstration that none of the BMPs are being implemented. In the absence of the Director exercising their discretion to request records, it becomes nearly impossible to enforce the requirements in these rules.

D. The EPA’s Recommendations to Further Improve the Statute and Rules

The TSDs include recommendations for the next time the State modifies the statute and rules.

E. Proposed Action and Public Comment

The EPA is proposing to approve the statute, ARS § 49–457, and the definition rules, AAC R18–2–610 and R18–2–611. The statute sets out the basic framework of the statewide agricultural BMP program, strengthening the program by expanding its geographic scope and strengthening its substantive requirements, particularly in nonattainment areas classified as Serious. The crop operations definitions rule, AAC R18–2–610 updates a number of definitions, largely with administrative updates. The animal operations definitions rule, AAC R18–2–611 does not itself contain substantive requirements but lays out definitions to support animal operation BMP rules in Arizona. The statute and definitions rules do not contain deficiencies that prevent our approval, and we therefore propose to approve them as authorized in section 110(k)(3) of the Act.

The EPA is also proposing a limited approval and limited disapproval of the submitted Pinal County crop operation, AAC R18–2–610.03, and animal operation, AAC R18–2–611.03, rules. The EPA is proposing a limited approval because the EPA’s analysis demonstrates that the rules would strengthen the SIP. The crop operations rule strengthens existing requirements, and the animal operations rule establishes new requirements for agricultural PM₁₀ sources in Pinal County. The EPA is proposing a simultaneous limited disapproval for these rules based on the enforceability issues identified in section II.C. of this notice and described in detail in the rule TSD.

If we finalize this approval and limited approval and limited disapproval as proposed, we will replace the existing version of ARS § 49–457 and AAC R18–2–610 and AAC R18–2–610.03 in the SIP, as well as add the new AAC R18–2–611 and AAC R18–2–611.03 to the SIP. We will accept comments from the public on this proposal until February 18, 2025. If finalized, this action would incorporate the submitted rules into the SIP, including those provisions identified as deficient. This approval is limited because the EPA is simultaneously proposing a limited disapproval. If we finalize this disapproval as proposed, CAA section 110(c) would require the EPA to promulgate a federal implementation plan within 24 months unless we approve subsequent SIP revisions that correct the deficiencies identified in our final action.

In addition, final disapproval would trigger the offset sanction in CAA section 179(b)(2) 18 months after the effective date of a final disapproval, and the highway funding sanction in CAA section 179(b)(1) six months after the offset sanction is imposed. A sanction would not be imposed if the EPA determines that a subsequent SIP submission corrects the deficiencies identified in our final action before the applicable deadline. The EPA intends to work with the State to correct the deficiencies in a timely manner.

Note that the submitted rules have been adopted as Arizona State law, and the EPA’s final limited disapproval would not prevent the State from enforcing them. The limited disapproval also would not prevent any portion of the rules from being incorporated by reference into the federally enforceable SIP as discussed in a July 9, 1992 EPA memo found at: <https://www.epa.gov/sites/production/files/2015-07/documents/procsip.pdf>.

III. Incorporation by Reference

In this rule, the EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference ARS § 49–457, “Agricultural best management practices committee; members; powers; permits; definitions” revised on March 26, 2021, which establishes a framework for an agricultural best management practice permit in Arizona, and AAC R18–2–610, “Definitions for R19–2–610.01, R18–2–610.02, and R18–2–610.03,” AAC R18–2–610.03, “Agricultural PM General Permit for Crop Operations; Pinal County PM Nonattainment Area,” AAC R18–2–611, “Definitions for R18–2–611.01, R18–2–611.02, and R18–2–611.03,” and AAC R18–2–611.03, “Agricultural PM General Permit for Animal Operations; Pinal County PM Nonattainment Area,” which establish agricultural best management practice permits for crop and animal operations in Pinal County. The EPA has made, and will continue to make, these materials available through www.regulations.gov and at the EPA Region IX Office (please contact one of the people identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

IV. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable federal regulations.

42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA’s role is to review state choices, and approve those choices if they meet the minimum criteria of the Act. Accordingly, this proposed action is proposing an approval, limited approval, and limited disapproval of state law as meeting federal requirements and does not impose additional requirements beyond those imposed by state law.

Additional information about these statutes and Executive Orders can be found at <https://www.epa.gov/laws-regulations/laws-and-executive-orders>.

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review.

B. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA because this action does not impose additional requirements beyond those imposed by state law.

C. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. This action will not impose any requirements on small entities beyond those imposed by state law.

D. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. This action does not impose additional requirements beyond those imposed by state law. Accordingly, no additional costs to state, local, or tribal governments, or to the private sector, will result from this action.

E. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

F. Executive Order 13175: Coordination with Indian Tribal Governments

This action does not have Tribal implications, as specified in Executive Order 13175, because the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian Tribe has demonstrated that a Tribe has jurisdiction, and will not impose substantial direct costs on Tribal governments or preempt Tribal law. Thus, Executive Order 13175 does not apply to this action.

G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of “covered regulatory action” in section 2–202 of the Executive Order. Therefore, this action is not subject to Executive Order 13045 because it is merely proposing a limited approval and limited disapproval of state law as meeting federal requirements. Furthermore, the EPA’s Policy on Children’s Health does not apply to this action.

H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211, because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act (NTTAA)

Section 12(d) of the NTTAA directs the EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. The EPA believes that this action is not subject to the requirements of section 12(d) of the NTTAA because application of those requirements would be inconsistent with the CAA.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Population and Executive Order 14096: Revitalizing Our Nation’s Commitment to Environmental Justice for All

Executive Order 12898 (Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations, 59 FR 7629, February 16, 1994) directs Federal agencies to identify and address

“disproportionately high and adverse human health or environmental effects” of their actions on communities with environmental justice (EJ) concerns to the greatest extent practicable and permitted by law. Executive Order 14096 (Revitalizing Our Nation’s Commitment to Environmental Justice for All, 88 FR 25251, April 26, 2023) builds on and supplements Executive Order 12898 and defines EJ as, among other things, “the just treatment and meaningful involvement of all people, regardless of income, race, color, national origin, Tribal affiliation, or disability, in agency decision-making and other Federal activities that affect human health and the environment.”

The State did not evaluate EJ considerations as part of its SIP submittal; the CAA and applicable implementing regulations neither prohibit nor require such an evaluation. The EPA did not perform an EJ analysis and did not consider EJ in this action. Due to the nature of the action being taken here, this action is expected to have a neutral to positive impact on the air quality of the affected area. Consideration of EJ is not required as part of this action, and there is no information in the record inconsistent with the stated goal of Executive Orders 12898 and 14096 of achieving EJ for communities with EJ concerns.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

Dated: January 2, 2025.

Martha Guzman Aceves,

Regional Administrator, Region IX.

[FR Doc. 2025–00115 Filed 1–16–25; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[EPA–HQ–OAR–2024–0358; FRL–12031–03–OAR]

RIN 2060–AW35

Reconsideration of Standards of Performance for New, Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources: Oil and Natural Gas Sector Climate Review; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; correction.

SUMMARY: The Environmental Protection Agency (EPA) is modifying proposed amendments to the New Source Performance Standards and Emission Guidelines for Existing Sources for the Crude Oil and Natural Gas Source Category in response to petitions for reconsideration. This action corrects information collection estimates in the January 15, 2025 notice of proposed rulemaking.

DATES: Comments on this proposed correction must be received by March 3, 2025.

You may send comments, identified by Docket ID No. EPA–HQ–OAR–2024–0358, by any of the following methods:

- *Federal eRulemaking Portal:* <https://www.regulations.gov> (our preferred method). Follow the online instructions for submitting comments.

- *Email:* a-and-r-docket@epa.gov. Include Docket ID No. EPA–HQ–OAR–2024–0358 in the subject line of the message.

- *Mail:* U.S. Environmental Protection Agency, EPA Docket Center, Docket ID No. EPA–HQ–OAR–2024–0358, Mail Code 28221T, 1200 Pennsylvania Avenue NW, Washington, DC 20460.

- *Hand/Courier Delivery:* EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20004. The Docket Center’s hours of operation are 8:30 a.m.–4:30 p.m., Monday–Friday (except Federal Holidays).

Instructions: All submissions received must include the Docket ID No. for this rulemaking. Comments received may be posted without change to <https://www.regulations.gov>, including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Frank Benjamin-Eze, Sector Policies and Programs Division (E143–05), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, 109 T.W. Alexander Drive P.O. Box 12055 RTP, North Carolina 27711; telephone number: (919) 541–3753; and email address: benjamineze.frank@epa.gov. Additional questions may be directed to the following email address: O&GMethaneRule@epa.gov.

SUPPLEMENTARY INFORMATION: On January 15, 2025, EPA published a notice of proposed rulemaking (NPRM) entitled “Reconsideration of Standards of Performance for New, Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources: Oil and Natural Gas Sector Climate Review” (RIN 2060–AW35) (90 FR 3734). EPA revises section VI.B. (Paperwork Reduction Act) of the January 15, 2025, NPRM as described below.

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX AIR AND RADIATION DIVISION**

Technical Support Document
for
EPA's Rulemaking
for the
Arizona State Implementation Plan

Arizona Revised Rules
AAC R18-2-610
AAC R18-2-610.03
AAC R18-2-611
AAC R18-2-611.03

Christine Vineyard

2024

RULE IDENTIFICATION

Agency	Arizona Department of Environmental Quality (ADEQ)
SIP Approved Rule	<p>AAC R18-2-610 – Definitions for R19-2-610.01, R18-2-610.02, and R18-2-610.03.</p> <p>AAC R18-2-610.03 – Agricultural PM General Permit for Crop Operations; Pinal County PM Nonattainment Area.</p> <p>Effective: July 02, 2015</p> <p>Submitted: December 21, 2015</p> <p>Approved: May 1, 2017 (82 FR 20267)</p> <p>There are no SIP approved versions of AAC R18-2-611 – Definitions for R18-2-611.01 and, R18-2-611.02, and R18-2-611.03 AAC R18-2-611.03 – Agricultural PM General Permit for Animal Operations: Pinal County PM Nonattainment Area.¹</p>
Subject of this TSD	<p>AAC R18-2-610 – Definitions for R18-2-610.01, R18-2-610.02, and R18-2-610.03.</p> <p>AAC R18-2-610.03 – Agricultural PM General Permit for Crop Operations; Pinal County PM Nonattainment Area.</p> <p>AAC R18-2-611 – Definitions for R18-2-611.01, R18-2-611.02, and R18-2-611.03</p> <p>AAC R18-2-611.03 – Agricultural PM General Permit for Animal Operations; Pinal County PM Nonattainment Area.</p> <p>Effective: November 3, 2021</p> <p>Amended: November 26, 2021 (Amended by final exempt rulemaking at 27 A.A.R. 2747 (November 26, 2021), with an immediate effective date of November 3, 2021 (Supp. 21-4))</p> <p>Submitted: March 3, 2023</p>

¹ On October 11, 2001, we approved AAC R18-2-611, “Agricultural PM-10 General Permit; Maricopa PM₁₀ Nonattainment Area” into the Arizona SIP, which applies to Maricopa County commercial farmers (crop operations). See [66 FR 51869](#) (October 11, 2001). The March 3, 2023 submittal of rule AAC R18-2-611, “Definitions for R18-2-611.01, R18-2-611.02, and R18-2-611.03” is a separate rule that applies to certain animal operations in Maricopa County and West Pinal County PM₁₀ nonattainment areas, among other areas, and was not submitted to replace the existing SIP-approved rule AAC R18-2-611, “Agricultural PM-10 General Permit; Maricopa PM₁₀ Nonattainment Area.” If the EPA approves the new rule AAC R18-2-611, “Definitions for R18-2-611.01, R18-2-611.02, and R18-2-611.03” into the Arizona SIP, there will be two different rules in the SIP with the same number, but they would be differentiated by their different titles and dates.

Completeness Finding	Complete by operation of law: September 3, 2023
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BACKGROUND – The Arizona Agricultural Best Management Practices (AgBMP) Program was originally adopted into the Arizona SIP in 1999 and has since been expanded. The program consists of a state statute, ARS Title 49-457, which sets out the general framework of the program and, and local rules that lay out the specific requirements applicable to operators in the different regional jurisdictions. The AgBMP program establishes a general permit which lists a menu of best management practices (BMPs) for regulated agricultural activities. Farmers with operations subject to the permit are able to select controls that are most appropriate for their operations. Pinal County has a SIP approved AgBMP program for crop operations. In this submission, the EPA is evaluating a revised and strengthened version of this crop operation BMP program, and a new (to the SIP) animal operation BMP program. Both rules now require the implementation of two BMPs per regulated agricultural activity in response to Pinal County being reclassified to serious PM₁₀ nonattainment.² The submission consists of a “definitions” rule for each category (crop and animal operations), and Pinal County AgBMP rule that apply to each of the two categories.

Part of the western portion of Pinal County was designated as nonattainment for PM₁₀ effective July 2, 2012, and classified as moderate (77 FR 32024, May 31, 2012). The EPA approved an earlier version of A.A.C. R18-2-610 and R18-2-610.03 into the SIP on May 1, 2017 (82 FR 20267). On February 26, 2021, the EPA proposed a limited approval and limited disapproval of an update to ARS §49-457 and AAC R18-2-611 and AAC R18-2-611.03 (86 FR 11681), but this submission was withdrawn before the action was finalized.

On June 24, 2020, EPA determined that the West Pinal PM₁₀ nonattainment area had not attained the PM₁₀ NAAQS by the December 31, 2018, deadline for a moderate area (85 FR 37756). This determination automatically resulted in reclassification of the area to serious. Under the CAA, Arizona was required submit a SIP meeting all requirements for a serious PM₁₀ nonattainment area, including an attainment demonstration and the imposition of best available control measures (BACM), by January 24, 2022.

The current versions of A.A.C. R18-2-610 and R18-2-610.03 approved into the SIP were submitted as part of the 2015 moderate area plan for the West Pinal PM₁₀ nonattainment area. These versions only require one BMP to be implemented per agricultural activity in the West Pinal PM₁₀ nonattainment area. They also do not include any BMPs related to unpaved vehicle and equipment traffic areas, which were added in the 2021 amendments to the regulation.

The purpose of this revision to Arizona’s State Implementation Plan (SIP) is to provide updated versions of the Agricultural Best Management Practices (AgBMP) statute and rules for inclusion into the SIP. In particular, the AgBMP Committee amended Arizona Administrative Code

² R18-2-610.03.B, R18-2-611.03.A.

(A.A.C.), rules R18-2-610, R18-2-610.03, R18-2-611, and R18-2-611.03 in 2021 to require increased numbers of AgBMPs to be implemented, added measures to the list of approved AgBMPs, and made other changes intended to meet attainment planning needs and the serious PM10 nonattainment area plan requirements.

RULE CHANGES

Changes to the Crop Operations definitions and rules include:

R18-2-610. Definitions for R18-2-610.01, R18-2-610.02, and R18-2-610.03:

1. **(R18-2-610) (9)** -The definition of “commercial farm” is revised to update the cross reference to the state statute A.R.S. § 49-457 from (P)(1)(f) to (O)(1)(f), or the Pinal County PM Nonattainment Area.
2. **(R18-2-610) (45)** - The definition of “Regulated agricultural activity” is revised to update the cross reference to the state Statue A.R.S. § 49-457 from (P)(1)(a) through (P)(1)(d) to (O)(1)(a) through (O)(1)(d).
3. **(R18-2-610) (46)** - The definition of “Regulated area” is revised to update the cross reference to the state statute A.R.S. § 49-457 from (P)(6) to (O)(6).
4. **(R18-2-610) (62)** - A new definition is added. “Unpaved vehicle or equipment traffic area” means any area of noncropland that is used for the fueling servicing receiving transfer, parking, or storing of equipment or vehicles.

The remainder of the definitions in this section are renumbered because of the addition of the “unpaved vehicle or equipment traffic area” definition.

R18-2-610.03. Agricultural PM General Permit for Crop Operations; Pinal County PM Nonattainment Area:

1. **(R18-2-610) (B)** – On all days, a commercial farmer shall implement **at least two (2) best management practices (BMPs)** instead of one (1) from each category to reduce PM emissions, as described in subsections (1)(a), (2)(a), (3)(a), (4)(a), (5)(a), and (6) from each category to reduce PM emissions, **instead of just one (1) BMP**, as described in existing subsections:
 - (1)(a)** - Tillage;
 - (2)(a)** - Ground Operations and Harvest,
 - (3)(a)** - Noncropland **added (c)** On each day that traffic accounts for 50 or more vehicle daily trips, or 20 or more vehicle daily trips with 3 or more axels, within an unpaved vehicle or equipment traffic area, the opacity of emissions shall be limited to no more than 20% measured according to 40 CFR 80, Appendix A, Reference Method 9;
 - (4)(a)** - Commercial farm roads shall implement two (2) BMPs instead of one (1);
 - (5)(a)** – Cropland;
 - (6)** – Renamed section to: Significant Agricultural Earth Moving Activities.
2. **(R18-2-610) (F)** – Removed the following sentence: “The proposed new practices shall not become effective unless submitted as described in A.R.S. § 49-457(L).”
3. **(R18-2-610) (K)** - This section is revised to update the cross reference A.R.S. § 49-457 (J), (K), and (L).

RULE SUMMARY

This section summarizes the Animal Operation rule and definitions, which are newly-submitted for SIP approval.

R18-2-611. Definitions for R18-2-611.01, R18-2-611.02, and R18-2-611.03:

Rule R18-2-611, “Definitions for R18-2-611.01,” provides definitions to guide implementation and enforcement of the general permits for animal operations established in R18-2-611.01, R18-2-611.02, and R18-2-611.03.³ Rule R18-2-611 provides 17 general definitions, 24 definitions for dairy BMPs, 18 definitions for beef feedlot BMPs, 20 definitions for poultry BMPs, and 23 definitions for swine BMPs. Most definitions in new rule R18-2-611 include specific standards and requirements that animal operations must meet when implementing the AgBMPs they selected for compliance with the general permit rules for animal operations. For example, R18-2-611 defines “wind barrier” as:

“Reducing PM10 emissions and wind erosion by constructing a fence or structure, or providing a woody vegetative barrier by planting a row of trees or shrubs, perpendicular or across the prevailing wind direction to reduce wind speed by changing the pattern of air flow over the land surface. For fences and structures, the wind barrier shall have a density of no less than 50% and the height of the wind barrier must be proportionate to the downwind protected area. The downwind protected area is considered ten times the height of the wind barrier. For vegetative barriers, compliance shall be determined by NRCS Conservation Practice Standard, Code 380, Windbreak/Shelterbelt Establishment, amended through August 21, 2009 (and no future editions).”

R18-2-611.03. Agricultural PM General Permit for Animal Operations; Pinal County PM Nonattainment Area:

R18-2-611.03 requires that commercial dairy operations and beef feedlots implement at least one BMP from each category in paragraphs D(5) and E(5) (unpaved vehicle or equipment traffic areas); and requires all commercial animal operators (commercial beef cattle feedlots, commercial poultry facilities, commercial swine facilities) to implement at least two BMPs for all other categories. In addition, on days predicted by the Pinal County Dust Control Forecast to be high risk for dust generation, Section B requires commercial dairy operators to implement at least one of four specified BMPs on unpaved roads with more than 20 vehicle daily trips (VDT) from two or more axle vehicles, and Section C requires commercial beef feedlots to add water to the pen surface. Sections D, E, F, and G list the AgBMP options that operators can select to achieve PM emissions reductions from dairies, beef cattle feedlots, poultry facilities, and swine facilities within each of the four categories (i) “Arenas, Corrals, and Pens,” (ii) “Animal Waste

³ We note that while this new definitions rule applies to R18-2-611.01, R18-2-611.02 and R18-2-611.03, ADEQ has submitted only R18-2-611.03, “Agricultural PM General Permit for Animal Operations: Pinal County PM Nonattainment Area” to the EPA for SIP approval.

(and Feed) Handling and Transporting,” (iii) “Unpaved Access Connections,” and (iv) “Unpaved Roads or Feed Lanes.”

EVALUATION CRITERIA – The following criteria were used to evaluate the submitted rules:

1. **Enforceability** – CAA §110(a)(2)(A) requires SIPs to “include enforceable emission limitations and other control measures, means, or techniques . . . as may be necessary or appropriate to meet the applicable requirements of [the CAA].” In addition, CAA §172(c)(6) requires that nonattainment area SIPs “include enforceable emission limitations, and such other control measures means or techniques . . . as well as schedules and timetables for compliance, as may be necessary or appropriate to provide for attainment of such standard in such area by the applicable attainment date . . .”. The Bluebook (Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations, EPA, May 25, 1988) and the Little Bluebook (Guidance Document for Correcting Common VOC & Other Rule Deficiencies, EPA Region 9, August 21, 2001) were used to help evaluate compliance with the CAA §110(a)(2)(A) requirement for enforceability in control measures and other SIP limitations.

2. **Stringency** – Nonattainment areas that are classified as Moderate or greater are required to demonstrate that they have implemented RACM. CAA 189(a)(1)(C). Nonattainment areas that are classified as Serious are required to demonstrate that they have implemented BACM. CAA 189(b)(1)(B). In addition, each attainment plan “provide for the implementation of all reasonably available control measures as expeditiously as practicable (including such reductions in emissions from existing sources in the area as may be obtained through the adoption, at a minimum, of reasonably available control technology) and shall provide for attainment of the national primary ambient air quality standards.” CAA 172(c)(1). RACM and BACM findings are generally made in context of an overall attainment demonstration. Because this submission is not being evaluated at this time as part of an attainment plan submission, we will not evaluate these rules for RACM and BACM at this time and will instead do so as part of a future attainment planning action.

3. **SIP Revisions** – CAA §110(l) prohibits EPA from approving any SIP revision that would interfere with any applicable requirement concerning attainment or reasonable further progress (RFP) or any other applicable requirement of the CAA.

EPA EVALUATION –A summary of our evaluation of the three criteria follows:

1. **Enforceability** – To help ensure enforceability, the Arizona Revised Statute § 49-457 Statue requires an agricultural general permit specifying best management practices to include recordkeeping and reporting requirements. Rules R18-2-610.03 and R18-2-611.03 general permit requirements specify best management practices for crop and animal operations, respectively, in Pinal County, including monitoring, record keeping and other requirements, to reduce Fugitive PM-10 particulate emissions. The provisions of the rules are clear, but do not contain sufficient provisions to ensure that the rules are enforceable. The rules require operators to complete a Best Management Practices Program General Permit Record Form annually. This form is not automatically submitted but must instead be provided to the Director

within two business days of notice to the operator. The form must contain the name of the operator, signature, date signed, and the mailing or physical address of the operation. For animal operations, the form must contain a specification of the BMPs selected for each category. For crop operations the requirement is less clear. Paragraph C.3 of R18-2-610.03 states that the form shall include “The following information for each best management practice selected for tillage, ground operations and harvest, cropland, noncropland, commercial farm roads, and significant earth moving activities (if applicable).” However, there is no list of “following information” so it is not clear what, if anything, must be included pursuant to this requirement. The crop rule also provides that any additional BMPs selected for high risk dust days must be included.

The rules also require operators to maintain a record demonstrating compliance for three years. The records must include a copy of the BMP Program General Permit Record Form to confirm implementation of each BMP. R18-2-610.03.G, R18-2-611.03.J. There is not a requirement to submit these records, absent a request from the Director. Finally, the rules require operators to complete a triennial survey regarding their choices of BMPs. The survey results are anonymized and reported to ADEQ.

Reporting is an important tool for ensuring accountability and compliance. Under Rules R18-2-610.03 and R18-2-611.03, absent a specific request from the Director (upon which an operator would have two business days to provide records), source-specific compliance information is only obtained through the survey. These survey results are anonymized in a report from ADA to ADEQ and it is not clear whether such results would be sufficient to verify or incentivize compliance.⁴ Moreover, in addition to the lack of compliance reporting, operators are not required to report which BMPs they are selecting to implement (again, absent a specific request from the Director). As a result, it is not clear how compliance can be verified when it is not clear which practices the operator has selected for compliance with the rule. For example, while it may be possible to verify whether a particular BMP is being implemented, for example, cessation of night tilling, access restrictions, reduced vehicle speeds, or watering, if there is no record of which BMPs have been selected, a determination of noncompliance with the rule would require an exhaustive demonstration that none of the BMPs are being implemented (or more precisely, all but one). The need to make an exhaustive showing of non-implementation across a menu of BMPs makes the rule functionally very difficult to enforce. In the absence of the Director exercising their discretion to request records, it becomes nearly impossible. This lack of reporting, both *ex ante* and *ex post*, renders the Rules insufficiently enforceable.

2. Stringency – The submitted rules are more stringent than the current SIP. The amended AgBMP crop rules require the implementation of two BMPs per category, instead of one, and can be expected to result in some degree of emission reductions. As explained above, we are not evaluating these rules for RACM, BACM, or attainment purposes in this rulemaking, but if they are relied upon in attainment plan submissions, we would conduct such an analysis in

⁴ Moreover, it is not clear whether these surveys have taken place or whether any reports have been generated.

those future actions.

3. SIP Revisions – We propose to determine that our approval of the submittal would comply with CAA §110(l) because (1) the proposed SIP revision would not interfere with any CAA requirements, including requirements for RFP and attainment of the NAAQS, and (2) the emission limits in the submitted rule are at least as stringent as or more stringent than the existing SIP-approved control requirements that they would replace.

ADDITIONAL RECOMMENDATIONS FOR THE NEXT RULE REVISION

Rule R18-2-610.03:

1. We recommend adding stabilization and 20% opacity requirements to R18-2-610.03 for high traffic unpaved roads/feed lanes and equipment/traffic areas and adopting appropriate stabilization and opacity test methods.
2. R18-2-610(19): The Crop BMP definitions specify an associated reduction in activity (e.g., reduce one tillage operation), but this language is lacking in the Equipment Modification BMP. Please consider specifying in the Equipment Modification BMP definition the minimum amount of tillage or ground/harvest operations reduced. In addition, we recommend that the farmer be required to describe on the BMP Form and Survey the type of equipment and how it was modified to reduce PM10 emissions.
3. R18-2-610(54): We recommend that the rule define the term "stabilized soil surface."
4. R18-2-610.03(G): We recommend that the rule require that records be maintained for five years instead of three.
5. R18-2-610: We recommend that the rule define the term "Director" and "Department."
6. R18-2-610(45): Please correct the cross-reference to ARS 49-457.

Rule R18-2-611.03:

1. We recommend adding stabilization standards and 20% opacity requirements to R18-2-611.03 for high-traffic unpaved roads and feed lanes, unpaved access connections, and other unpaved traffic areas, with appropriate test methods.
2. R18-2-611(3)(k) "Frequent manure removal" – Research supports a minimum 20-25% manure moisture content in corrals as a means to significantly decrease PM10 emissions from feedlots, and that increasing the frequency of manure harvesting (scraping) is highly recommended, particularly in drought conditions.⁵ The USDA's Natural Resources Conservation Service (NRCS) has a work practice standard (for funding purposes) of 25% moisture content through frequent manure removal and watering to control feedlot PM emissions.⁶ Consider increasing the frequency of manure removal from once every six months to such frequency that would result in a 20-25% moisture content.

⁵ Manure Harvesting Frequency – The Key to Feedyard Dust Control in a Summer Drought, Brent W. Auvermann, David B. Parker and John M. Sweeten, Texas Agricultural Extension Services, The Texas A & M University System, November 2000. Feedyard Dust Control in an Epic Panhandle Drought, 2010-2011, Brent W. Auvermann and Kenneth D. Casey, Texas AgriLife Extension Service/Texas AgriLife Research, 6500 Amarillo Blvd., West Amarillo, TX, July 2011. See also: <http://beefmagazine.com/cowcalfweekly/0909-drought-feedyard-dust-management>.

⁶ Dust Control from Animal Activity on Open Lot Surfaces, Code 375, September 2010.

3. R18-2-611: We recommend that the rule define the term “Apply and maintain water as a dust suppressant” and “Apply and maintain oil on roads or feedlanes” with a minimum standards and test methods, as appropriate.
4. R18-2-611(t): We recommend that the rule define the term “stabilized soil surface,” with a test method, as appropriate.
5. R18-2-611(2)(b) and (3)(d): We recommend that the rule define the term “high-traffic animal areas.”
6. R18-2-611.03(B): On a day that is forecast to be high risk for dust generation, a dairy must apply and maintain one of four BMPs on unpaved roads that experience more than 20 VDT (vehicle trips per day) from 2 or more axle vehicles. R18-2-611(1)(q) defines VDT as trips per day made by one vehicle, in one direction. Please clarify how the operator would determine which roads the standard would apply to, and how the number of trips would be determined.
7. R18-2-611.03(D)(4), (E)(4), (F)(4), and (G)(4) “Unpaved roads or feed lanes”: The term “Unpaved roads or feed lanes” suggests that the category allows the operator a choice to control emissions from either unpaved roads or from feed lanes, but not a requirement to control emissions from both. We note that the definition of “Unpaved roads or feed lanes” states that “Unpaved roads or feed lanes” means roads and feed lanes that are unpaved...” See R18-2-611(1)(o). We recommend that the term be changed from “Unpaved roads or feed lanes” to “Unpaved roads and feed lanes.”
8. R18-2-611.03(I)(7): We recommend that ADEQ resolve an apparent inconsistency between I.7 and B. Although the requirement to add water on high-risk days applies to beef feedlots (section C), the high-wind requirement for dairies (section B) allows for dust control options other than water application (and only applies to unpaved roads with > 20 VDT). For the survey requirements in I.7, we also recommend that the operator provide information that specifies which high-wind measure(s) was used to meet B.
9. R18-2-611.03: We recommend that the rule require that records be maintained for five years instead of three.
10. R18-2-611.03: We recommend that the rule define the term “Director” and “Department.”
11. R18-2-611.03(I)(1) and (I)(2): We recommend replacing the term “farmer” with “animal operator.”

EPA ACTION

The rules generally fulfill the relevant CAA §110 requirements for nonattainment areas. Because the definitions rule submissions, R18-2-610 and R18-2-611, add or correct existing definitions for use in other rules and do not, themselves, contain substantive requirements, we are proposing to approve these rules into the SIP. However, as described above, the BMP rules, R18-2-610.03 and R18-2-611.03, contain deficiencies regarding enforceability. Because the submitted rules strengthen the SIP by adding new control measures, and revising and improving existing requirements, it would be beneficial to air quality in the area to include the submitted rules in the SIP. Accordingly, we are proposing a limited approval and limited disapproval of the submitted BMP rules.

REFERENCES

1. "Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations," (a.k.a., Bluebook) EPA OAQPS, May 25, 1988.
2. "Guidance Document for Correcting Common VOC & Other Rule Deficiencies," (a.k.a., Little Bluebook), EPA Region 9, August 21, 2001.
3. Arizona Administrative Code: AAC R18-2-610 – Definitions for R19-2-610.01, R18-2-610.02, and R18-2-610.03.
4. AAC R18-2-610.03 – Agricultural PM General Permit for Crop Operations; Pinal County PM Nonattainment Area.
5. AAC R18-2-611 – Definitions for R18-2-611.01.
6. AAC R18-2-611.03 – Agricultural PM General Permit for Animal Operations: Pinal County PM Nonattainment Area.
7. ARS §49-457 (1998), Agricultural best management practices commit; members; powers; permits; definitions. 64 FR 34726 (June 29, 1999).
8. ARS §49-426 (2014), Permits; duties of director; exceptions; applications; objections; fees. 79 FR 56655 (September 23, 2014).
9. Submittal, Appendix D.



Katie Hobbs
Governor

Arizona Department of Environmental Quality



Karen Peters
Deputy Director

Submitted online via <https://www.regulations.gov/>

February xx, 2025

U.S. Environmental Protection Agency

EPA Docket Center

Docket ID Number: EPA-R09-OAR-2024-0600

Mail Code 28221T

1200 Pennsylvania Avenue NW

Washington, DC 20460

Re: U.S. Environmental Protection Agency's "Air Plan Revisions; Arizona; Arizona Department of Environmental Quality",
Docket ID Number: EPA-R09-OAR-2024-0600

Dear Mr. Zeldin:

ADEQ appreciates the opportunity to comment on EPA's proposed "Air Plan Revisions; Arizona; Arizona Department of Environmental Quality " 90 FR 5790 (January 17, 2025).

EPA's proposed rule established a deadline of February 18, 2025 for public comment. ADEQ, on behalf of the Arizona Agriculture Best Management Practices (AgBMP) Committee, is requesting that EPA extend the comment period because developing a response to this notice requires consultation among the AgBMP Committee which is a public body and has requirements to meet and deliberate. Since more than one meeting may be required to consider the proposal and develop a reasoned response, the time provide by EPA is not adequate. The AgBMP Committee is requesting that EPA extend the public comment period by 60 days and notify the public of the extension as soon as possible and well in advance of the February 18, 2025 deadline so commenters may make full use of the additional time.

The AgBMP Committee appreciates EPA's need for adequate time to consider comments, conduct any additional analyses, develop the final rule package, and complete agency and interagency reviews. However, this need should also be balanced against the public's interest to have adequate time to consider and respond to EPA's complex proposal with more thorough and detailed comments. The AgBMP Committee believes that 31 days is insufficient time for public comment.

The AgBMP Committee appreciates the opportunity to provide these comments on EPA's proposed action. If you have any questions, please contact Daniel Czecholinski, Air Quality Division Director, at 602-771-4684 or czecholinski.daniel@azdeq.gov.

Sincerely,

Daniel Czecholinski, CHMM
Director, Air Quality Division

Phoenix Office

1110 W. Washington St. | Phoenix, AZ 85007
602-771-2300

Southern Regional Office

400 W. Congress St. | Suite 433 | Tucson, AZ 85701
520-628-6733

azdeq.gov