

# AGENDA

## Agricultural Best Management Practices Committee Meeting

**April 10, 2025 at 11:00 a.m. - 12:00 p.m. MST**

### **Zoom Information:**

#### **Join Meeting:**

<https://us02web.zoom.us/j/81497520060?pwd=j8AW5pSylwYe8bcRK5kAJlQkiXzGPW.1>

**Meeting ID:** 814 9752 0060

**Passcode:** 361048

#### **I. CALL TO ORDER**

- A. Introduction of Committee Members and Roll Call - *Paul Ollerton, AgBMP Committee Chair*

#### **II. ELECTION OF COMMITTEE CHAIR PERSON**

- A. Nomination and election of Committee Member to Serve as Committee Chair Person - *Paul Ollerton, AgBMP Committee Chair*

#### **III. REVIEW AND APPROVE PRIOR MEETING MINUTES**

- A. Review and approve February 7, 2025 meeting minutes - *Paul Ollerton, AgBMP Committee Chair*

#### **IV. DISCLOSURE OF CONFLICTS OF INTEREST - *Paul Ollerton, AgBMP Committee Chair***

#### **V. AGENDA ITEMS FOR CONSIDERATION AND DISCUSSION**

- A. Review and consider approval of the Agricultural Best Management Practices Committee's comments to the U.S. Environmental Protection Agency (EPA) regarding the proposed SIP-related rules published on January 17, 2025 - *Paul Ollerton, AgBMP Committee Chair*

#### **VI. 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*

VII. ADJOURNMENT - *Paul Ollerton, AgBMP Committee Chair*

For additional information about this meeting, contact Lisa Tomczak at 602-771-4450 or [airplanning@azdeq.gov](mailto: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](mailto: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](mailto:Marruffo.Joaquin@azdeq.gov). Para un TTY u otro dispositivo, los servicios de retransmisión de telecomunicaciones están disponible llamando al 711.

## Meeting Minutes

### Agricultural Best Management Practices (AgBMP) Committee Meeting

Friday, February 7, 2025, 2:00 p.m.

Zoom Link:

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

Meeting ID: 812 9567 4655 Passcode: 096696

#### **COMMITTEE MEMBERS PRESENT:**

Paul Ollerton, Grain Producer  
Kimberly Butler, Maricopa, County Air Quality Department  
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  
Daniel Czecholinski, AZ Department of Environmental Quality Director or Designee  
Dr. Shane Burgess, Dean of the College of Agriculture at U of A or Designee

#### **COMMITTEE MEMBERS ABSENT:**

Sheldon Jones, AZ Department of Agriculture  
Jamilah McCoy, USDA NRCS Director or Designee  
Harold Payne, Citrus Producer  
Robert Boyle, Alfalfa Producer  
Vacant, Cotton Producer  
Vacant, Vegetable Producer

#### **OTHER MEETING ATTENDEES:**

Robert Phalen, Hickman's Family Farms  
Ana Otto, Yuma County Farm Bureau  
Harold Maxwell, Yuma County Farm Bureau  
Hether Krause, AZ Department of Environmental Quality  
Kelly MacKenzie, AZ Department of Environmental Quality  
Steven Burr, AZ Department of Environmental Quality  
Tara Ousley, AZ Department of Environmental Quality

#### **CALL TO ORDER:**

At 2:05 p.m., Chairman Ollerton called the meeting to order. Hether Krause called roll and a quorum was established.

#### **DISCLOSURE OF CONFLICTS OF INTEREST:**

There was no disclosure of conflicts of interest.

## **REVIEW AND APPROVE MINUTES:**

Chairman Ollerton asked for a motion to approve the July 28, 2021 meeting minutes and the September 27, 2023 meeting minutes.

James Boyle made a motion for the Committee to approve the July 28, 2021 meeting minutes, seconded by Glenn Hickman and the motion passed.

James Boyle made a motion for the Committee to approve the September 27, 2023 meeting minutes, seconded by Glenn Hickman and the motion passed.

## **AGENDA ITEMS FOR CONSIDERATION AND DISCUSSION:**

- A. Discussion on EPA's Limited Approval/Limited Disapproval proposed action on the AgBMP rules

Chairman Ollerton said that he has drafted a letter to the U.S. Environmental Protection Agency (EPA) asking for a 60-day extension to their February 18, 2025 deadline requesting comments on EPA's limited approval/limited disapproval proposed action on the Agricultural Best Management Practices (AgBMP) rules. The draft letter would be submitted by the Arizona Department of Environmental Quality (ADEQ) on behalf of the AgBMP Committee. Kimberly Butler asked if this State Implementation Plan (SIP) was granted an automatic extension to March 31, 2025, because the decision was made late in President Biden's administration. Chairman Ollerton said that this SIP was not granted the automatic extension to March 31, 2025; therefore, the Committee's submittal of the extension letter is required. Chairman Ollerton said that the letter will be addressed to EPA Administrator Zeldin with a copy to Michael Mayfield, Christine Vineyard and Alina Batool in EPA.

- 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

Chairman Ollerton asked for a motion to approve mailing the letter to the EPA asking for a 60-day extension to their February 2025 deadline requesting comments on EPA's limited approval/limited disapproval proposed action on the AgBMP rules. Glenn Hickman made a motion for the Committee to approve mailing the letter to the EPA asking for a 60-day extension to their February 2025 deadline requesting comments on EPA's limited approval/limited disapproval proposed action on the AgBMP rules, seconded by Alfredo Sotomayor and the motion passed.

- C. Discussion and possible formation of an Ad Hoc Committee for preparing comments on the Limited Approval/Limited Disapproval

Chairman Ollerton asked for Committee members to volunteer to join the Ad Hoc Committee for preparing comments on the Limited Approval/Limited Disapproval.



Glenn Hickman said that he would like to appoint Robert Phalen to the Ad Hoc Committee. Chairman Ollerton said that Committee members can let him know at a later time if they would like to join the Ad Hoc Committee.

**CALL TO THE PUBLIC:**

No members of the public spoke.

**ADJOURNMENT:**

Chairman Ollerton made a motion to adjourn the meeting. The meeting adjourned at 2:38 p.m.

Draft

April 8, 2025

Josh F.W. Cook, Regional Administrator  
U.S. Environmental Protection Agency, Region 9  
75 Hawthorne Street  
San Francisco, CA 94105

RE: EPA 40 CPR Part 52, EPA-R09-OAR-2024-0600: FRL-12508-01-R9

Dear Administrator Cook:

On September 3, 2023, the State Implementation Plan (SIP) submittal was deemed complete by operation of law. However, the U.S. Environmental Protection Agency (EPA) did not publish a response in the Federal Register until January 17, 2025- well beyond the 12 to 18 month timeline. Despite this delay, the EPA provided only a 32-day comment period for the public, Arizona Department of Environmental Quality (ADEQ) and the Governor's Agriculture Best Management Practices (AgBMP) Committee to respond. Although a 60-day extension was requested, a more appropriate timeframe would have been 6 to 12 months, especially given the complexity of addressing the issues of the proposed Limited Approval/Limited Disapproval.

The AgBMP Committee was recently informed of the Technical Support Document for the EPA Rulemaking, which was not published until January 21, 2025. This information was not brought to us by the EPA, but by another nongovernmental organization.

The EPA proposed a Limited Approval/Limited Disapproval of Arizona's SIP made by the State of Arizona to address emissions of PM10 matter from agriculture operations. It is unclear if the EPA, because of this submission, will or will not evaluate those rules for the Best Available Control Measures (BACM) and the Reasonably Available Control Measures (RACM) that the states must adopt. These will be instead, part of future attainment planning actions. Deficiencies in the crop and animal operations rules, and the list of information is very clear for the producers and growers as to what is necessary. The economics for the production of crops and livestock dictate the reduction of operations and feeding that are feasible. Reduced field passes or the feed pen operations affects the growers' bottom line to stay in business. Personally, the AgBMP Committee believes that the lack of understanding as to what is happening is with the lack of visual observations of the 3-year annual actual BMP being implemented on the part of the EPA and ADEQ. The BMP forms were modified to include multiple BMPs for the knowledge of the EPA and ADEQ and those forms are available upon request to the department. These forms are a part of the business plan as to what producers are doing and very effective with the new tillage tools in reducing PM10 emissions today compared to what our fathers did in their day or even 20 years ago.

The 3-Year BMP survey is a summary of the crops by the growers, and the AgBMP Committee feel it gives a good idea to ADEQ of the history from the previous year and might be misread. It takes a fair amount of time to put the information together by the growers. The AgBMP Committee feel that maybe an educational period for the staff at the ADEQ Air Quality Division by growers and demonstrations of the practices might help with the understanding of the AgBMP's and grower cultural practices. The BMP form that the AgBMP Committee has developed, and modified two times, is a record of our BMP practices. Penalties for growers, the AgBMP Committee would be open to some suggestions as to what the EPA definition of penalty is. ADEQ has the ability to contact the grower and ask to meet to review and get access to records of all crop production of what the grower was actually doing on the day of said violation. Most of the violations are on days with exceptional wind events. The issue is that the serious non-attainment area is a very large area that is very geographically different and that 10 to 15 miles away from an air monitor the wind is totally different. I can be on one farm and the wind will be blowing at 20 plus MPH and 25 miles away on the other farm, it is barely blowing 5 MPH.

The AgBMP Committee also believe that the 25 MPH level of wind speed, for exceedances for the soil types that we have along with the amount of desert land with no tilth, might be excessive for the Pinal PM 10 non-attainment area. When several of the BMP's that have been approved by the EPA, stop work if the wind is over 15 MPH, the other is to reduce speed on farm roads to 15 MPH. Seems like there should be a connection here on these items and the excessive wind or exceptional events at 25 MPH. There are approximately 245,000 acres of actual farmland, not including the Gila River Indian reservation, within the boundaries of the serious non-attainment area. The AgBMP Committee has asked about record keeping and enforcement along with penalties, yet the EPA remains silent as to suggestions. We are opposed to any penalties back to growers with these continued weather issues and also the fact that there are not enough weather stations to report for every acre within the Serious non-attainment area of the West Pinal.

EPA notes, "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." Further on they say, "The EPA intends to work with the State to correct the deficiencies in a timely manner." The AgBMP Committee urges the EPA to not finalize this action until more information is provided to the State that clarifies what EPA is asking for, not just correcting deficiencies.