

**GOVERNOR'S AGRICULTURAL  
BEST MANAGEMENT PRACTICES COMMITTEE**  
1110 West Washington Street, Suite 160  
Phoenix, Arizona 85007  
602-771-2372

April 18, 2025

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

RE: Docket ID, EPA-R09-OAR-2024-0600

Dear Administrator Cook:

The Arizona Agricultural Best Management Practices (AgBMP) Committee (hereafter Committee) appreciates the opportunity to comment on the U.S. Environmental Protection Agency's (EPA) proposed rule "*Air Plan Revisions; Arizona; Arizona Department of Environmental Quality.*"<sup>1</sup> EPA's proposed action pertains to the state implementation plan (SIP) revision submitted on March 3, 2023 by the Pinal County Air Quality Control District through the Arizona Department of Environmental Quality (ADEQ). The March 3, 2023 submittal titled "*West Pinal PM<sub>10</sub> Nonattainment Area Construction and General Fugitive Dust Rules*" was determined to be complete on September 3, 2023.<sup>2</sup> On January 17, 2025, EPA proposed an approval and a limited approval/limited disapproval of the March 3, 2023 submission.<sup>3</sup>

The Committee emphasizes the following timeline. As mentioned above, the SIP revision for the West Pinal PM<sub>10</sub> Serious Nonattainment Area (NAA) was submitted on March 3, 2023 and subsequently determined complete by operation of law on September 3, 2023 under Clean Air Act (CAA) § 110(k)(1)(B). EPA, however, did not act on the plan, revised statute and rules until January 17, 2025. This is well beyond the 18-month timeframe set forth in the CAA.<sup>4</sup> Despite this delay, EPA provided only a 32-day comment period for the public, Arizona Department of Environmental Quality (ADEQ) and the Committee to respond. A 60-day extension was requested, although a more appropriate timeframe would have been 6 to 12 months, especially given the complexity of addressing the issues of the proposed approval and limited approval/limited disapproval.

In addition to the delayed action by EPA on the SIP revision, the Committee was only recently informed of the Technical Support Document (TSD) for EPA's proposed rulemaking. The TSD, which was not published until January 21, 2025, was not brought to the attention of the Committee by EPA, but by another nongovernmental organization.

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<sup>1</sup> See 90 FR 5790; January 17, 2025

<sup>2</sup> Clean Air Act Section 110 (k)(1)(B) – Completeness Finding

<sup>3</sup> See 90 FR 5790; January 17, 2025

<sup>4</sup> Clean Air Act Section 110 (k)(2) – Deadline for Action

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The EPA proposed approval and limited approval/limited disapproval of the SIP revision submitted by ADEQ to address emissions of PM<sub>10</sub> from agriculture operations. It is unclear if 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 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 PM<sub>10</sub> 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 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 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 agricultural BMPs and grower cultural practices. The BMP form that the 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 Committee asserts 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 tith, might be excessive for the West Pinal PM<sub>10</sub> NAA. When several of the BMPs that have been approved by the EPA, stop working 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 221,000 acres of actual farmland, not including the Gila River Indian reservation, within the boundaries of the serious non-attainment area. When you take into consideration that the NAA is about 1325 mi<sup>2</sup> (848,000 acres) and the amount of actual farmland is approximately 345 mi<sup>2</sup> (221,000 acres), only 26% of the NAA is farmland.

Additionally, the Committee has asked EPA about record-keeping and enforcement along with penalties, yet EPA remains silent as to suggestions. We are opposed to any penalties levied back onto growers, especially with continuing weather issues. The Committee asserts that there are not, and factually points out, there are not enough weather stations to report for every acre within the West Pinal Serious PM<sub>10</sub> NAA.

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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."*<sup>5</sup>

EPA continued, *"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."*<sup>6</sup>

EPA also states, *"The EPA intends to work with the State to correct the deficiencies in a timely manner."*<sup>7</sup> Given the consequences, as noted above, of a disapproval the Committee urges 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.

If you have any questions, please contact Hether Krause, Deputy Director, Air Quality Division, at (602) 771-2308 or [airplanning@azdeq.gov](mailto:airplanning@azdeq.gov).

Sincerely,

Signed by:  
  
4D858E29B49B4E2...  
Daniel Czecholinski, CHMM  
Director, Air Quality Division  
On behalf of  
Paul Ollerton, Chair  
Agricultural Best Management Practices Committee

cc: Paul Ollerton, Chair, Agricultural Best Management Practices Committee

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<sup>5</sup> See 90 FR 5790, p. 5793

<sup>6</sup> Ibid

<sup>7</sup> Ibid