

DRAFT

Agricultural Best Management Practices (AgBMP) Committee Meeting

Friday, July 21, 2017, 1:00 p.m.

AZ Department of Agriculture Building, Room 206

1688 W. Adams St., Phoenix, AZ 85007

Call in number: 1-877-820-7831 | Passcode: 578741

Committee Members Present:

AnnaMarie Knorr, Vegetable Producer
Paul Heiden, Beef Cattle
Harold Payne, Citrus Producer
Marguerite Tan, Swine (via conference phone)
Paco Ollteron, Grain Producer
Kevin Rogers, Cotton Producer
Jim Boyle Jr., Dairy
Rob Boyle, Alfalfa Producer

Michael Sundblom, Pinal County Air Quality
Jim Walworth, Soil Taxonomist, University of
Arizona
Steve Smarik, USDA, Natural Resources
Conservation Service (official delegate for
Keisha Tatum)
Brett Cameron, AZ Department of Agriculture
Tim Franquist, AZ Department of Environmental
Quality

Committee Members Absent:

Glenn Hickman, Poultry
Jeff Silvertooth, University of Arizona

Other Attendees of Note:

Bas Aja, AZ Cattlemen's Association
Ana Kennedy, AZFB
Cheryl Goar, Arizona Nursery Association
Brittany Van Goda, Federal Policy Consulting,
representing irrigation district
Kevin Costello, Pinal County Attorney's Office
Nancy Levin, EPA Region 9 (via conference
phone)
Rusty VanLeuven, AZ Department of Agriculture
Liz Foster, MCFB
Greg Wuertz, AZ Cotton
Susan Chase, ADA
Hether Krause, MCAQD
Lindy Bauer, MAG
Stephanie Whitney, MCAQD
Randy Sedlacek, MAG
Phil McNeely, MCAQD

Scott Tallin, MCAQD
Mike Sonenberg, AZ Department of
Environmental Quality
Emily Bonanni, AZ Department of
Environmental Quality
Jamie Abbott, AZ Department of Environmental
Quality
Brian Parkey, AZ Department of Environmental
Quality
Len Drago, AZ Department of Environmental
Quality
Steve Burr, AZ Department of Environmental
Quality
Natalie Muilenberg, AZ Department of
Environmental Quality
Matt Ivers, AZ Department of Environmental
Quality

Adam Ross, AZ Department of Environmental Quality (via conference phone)

Welcome

At 1:00 p.m., Kevin Rogers called the meeting to order. Mr. Rogers welcomed everyone and asked all committee members to introduce themselves.

Nomination of Chair

Jim Boyle nominated Paco Ollerton and AnnaMarie Knorr seconded. The Committee nominated Paco Ollerton as Chair.

Approving January 2016 Meeting Minutes

New Chairman Paco Ollerton began to lead the meeting and moved on to the next agenda item, which was approving the January 2016 meeting minutes. Mr. Ollerton moved to approve the minutes. Kevin Rogers seconded. The Committee approved the minutes.

Conflict of Interest Presentation

Matt Ivers from ADEQ gave a brief overview of Conflicts of Interest, referring to a PowerPoint from the Attorney General's office. Mr. Ivers explained that a conflict of interest is any public officer who has or whose relative has a substantial interest in any conflict or in any decision of a public agency and they shall make known that interest to the official records and shall refrain from participating in any manner as an officer in such a decision.

New members will need to visit the Boards and Commissions website to disclose any conflicts of interest.

Proposed Changes to the Department of Agriculture's Air Quality Booklet

Jamie Abbott, ADEQ, briefly presented the current Air Quality Booklet created by the AZ Department of Agriculture. Ms. Abbott proposed to the Committee to have their permission to move forward with the updating of the booklet. Committee members can refer to a table of recommended changes to the booklet handed out at the meeting along with the current booklet.

Brett Cameron moved to update the booklet. AnnaMarie Knorr seconded.

Kevin Rogers mentioned the technical workgroup in the past that was involved with the booklet. Mr. Rogers recommended that the technical workgroup be included in the development of the updated version, and he referred to the booklet as the guidebook, which had the technical workgroup's input. Rusty VanLeuven from the AZ Department of Agriculture clarified that the booklet is not the guidebook. The Air Quality booklet is meant for educational purposes for the public and is not legally binding. Mr. Rogers said he was referring to the guidebook, not the booklet.

Mr. Rogers said that the Committee will get the past technical workgroup contact information to Jamie Abbott at ADEQ so that they can work on updating the booklet.

Ms. Knorr asked Chairman Ollerton who received the booklet. Mr. VanLeuven said it is for the general public and for informational purposes and also used at outreach events.

Chairman Ollerton called for the vote and the Committee approved the motion to update the Air Quality Booklet, as long as the technical workgroup is involved in the process.

EPA's Letter to ADEQ on Statute and Rule Changes Pertaining to the West Pinal PM10 State Implementation Plan (dated May 11, 2017, pertaining to A.R.S. § 49-457; A.A.C. R18-2-611 and R18-2-611.03)

Tim Franquist, ADEQ, introduced the letter from Region 9 of the U.S. Environmental Protection Agency (EPA) regarding its recommended changes to certain AgBMP-related statutes and rules. Mr. Franquist apologized for not getting the letter to the Committee earlier. Mr. Franquist summarized the letter. Mr. Franquist introduced Steve Burr, Principal Scientist and attorney for ADEQ, to discuss the rule and statute changes.

Mr. Burr explained the State Implementation Plan (SIP) requirements under the Clean Air Act and how Arizona Revised Statutes (A.R.S.) Section 49-457 is included in the SIP and establishes the AgBMP program. The SIP and the AgBMP regulations help an area not meeting EPA's National Ambient Air Quality Standards to comply, by lessening PM10 emissions.

Mr. Burr continued that A.R.S. Section 49-457(H) states that a person who is subject to A.R.S. Section 49-457 does not need the permit required under A.R.S. Section 49-426, which is the regular stationary source permit program. Recent amendments to A.R.S. Section 49-457 now expands the reach of the agricultural program to animal operations and provides another pre-emption provision in subsection (O) which basically states that if you are an operation regulated under the AgBMP program, then that operation is not subject to regulation by a county or any other political subdivision of the state. It basically pre-empts the counties from regulating agricultural sources under their programs. These new amendments to A.R.S. Section 49-457 are of concern to EPA. In its letter to ADEQ, EPA expresses concern regarding how ADEQ did not provide an analysis to show that those new amendments would not cause a violation of the Clean Air Act and of the National Ambient Air Quality Standards (NAAQS).

Mr. Burr continued to say that ADEQ has started working on such analysis [referred to as an "anti-backsliding analysis" under CAA section 110(I)]. Mr. Burr explained that EPA also included suggested amendments to the AgBMP rules (A.A.C. R18-2-611 and R18-2-611.03, specifically), but that the suggested amendments will not cause a SIP-approval issue and are just recommendations for the next time the rules are opened for amending. Mr. Burr said these rule suggestions are for the Committee to consider the next time the rules are to be amended.

Brett Cameron asked if ADEQ needs to get the analysis done by January 2018. Steve Burr said he was unaware of a deadline, but ADEQ would like to get it done before January.

Bas Aja mentioned that the Committee has written comments in response to EPA's letter. Mr. Aja explained that EPA's suggestion that animal operations are not permitted as stationary sources under A.R.S. Section 49-426 is incorrect, and in fact, each animal operation does have a permit. Mr. Aja said that between the Committee and ADEQ, a strong analysis can be submitted to EPA that demonstrates that there's a strong AgBMP Program.

Paco Ollerton asked if ADEQ needs anything from the Committee. Steve Burr said nothing at this time, but should ADEQ need anything or if anything comes up, ADEQ will contact the Committee.

Kevin Rogers said that in the past, they worked closely with ADEQ, Dept of Ag, and EPA to work on the statute and rule language currently codified. If there are any tweaks to the language, the Committee most certainly wants to be involved. Tim Franquist said that ADEQ would most definitely, whether or not if it's required, include the Committee in any changes.

Discussion on Recent Hidden Valley PM10 Exceedances

Mike Sundblom presented a PowerPoint on the Hidden Valley PM10 air quality monitoring exceedances. Mr. Sundblom explained that the Hidden Valley monitor is a replacement for the Cowtown monitor. The new Hidden Valley monitor started in January 2016.

Mr. Sundblom continued to explain that 2016 data shows 30 exceedances at the site, both wind and stagnation and combination. So far this year, there have been 12 exceedances. May, June, July, and August tend to have the most exceedances due to the dry conditions. Daily peaks in PM10 values happen in the early morning (6:00 – 8:00 a.m.). In 2016, there were also five exceedances of PM2.5, and so far in 2017, there have been five PM2.5 exceedances.

Kevin Rogers asked if any of the PM10 exceedances coincide with high wind events. Mike Sundblom said that was the case in a portion of the 2016 data. Kevin Rogers said that high wind events would be something to consider when figuring out what caused the exceedances.

Jim Boyle asked how the Hidden Valley monitor is comparing to the Cowtown monitor in the previous years. Mr. Sundblom replied that in 2015, the Cowtown monitor had 20 exceedances but that 2015 had a strange spring that saw lots of rain and PM10 values across the state's monitoring network were very low. In 2014, there were 64 exceedances, in 2013 there were 65 and in 2012, there were 49.

Mr. Aja asked about the morning spike seen in the Hidden Valley monitor during the day and Mr. Sundblom said there were years of understanding the data with the Cowtown monitor, but now that its removed, and the Hidden Valley monitor has only been in for a year and a half, ADEQ and Pinal County are still trying to understand the data.

Tim Franquist said that ADEQ is working on an emissions inventory of the area to look at specific emission sources to develop solutions for the PM10 exceedances.

Chairman Ollerton asked if anything has changed in the monitoring area since the Hidden Valley monitor was installed. A cattle operation on the west side between the maintenance yard and Smith Road broke ground a month after the monitor was installed. Jamie Abbott mentioned that Smith Road, a dirt road that the dairy operations uses a lot, did try to use dust suppressants to see it would impact the monitoring results. The dust suppressants were mostly applied to a mile or so stretch of the southern part of the road, and then a two-mile stretch on the north side where the heavy traffic is. But the road is so heavily used, a topical solution does not last long, and farming operations were occurring when the dust suppressant was applied to the road so it was hard to tell if it made a difference. ADEQ is still testing out some options.

Mike Sundblom offered Pinal County's email distribution list that alerts you when there's a PM10 exceedance; if interested, contact Mike Sundblom.

Mandatory 3-Year Crop Survey

Tim Franquist, ADEQ, then introduced the mandatory 3-year crop survey. Mr. Franquist explained that right now, there is a gap of information between the Committee's version of the survey, and the draft survey ADEQ created (provided at the meeting). Mr. Franquist offered ADEQ's team to help facilitate the survey development with the Committee.

Mike Sonenberg, ADEQ, clarified that there's two versions of the survey, one passed out last year developed by the Committee and one that was developed by ADEQ. The main difference between the surveys is that ADEQ's version is asking what specific BMPs are being used on what crops and acreage, whereas the Committee's version of the survey just provides a list of BMPs, but not the crops and acreage they are being applied to. ADEQ needs this information to take the most control credit for the BMPs being applied.

Chairman Ollerton asked if Mr. Sonenberg could go more into detail on ADEQ's version of the survey. Mr. Sonenberg explained that the surveys are submitted to the AZ Department of Agriculture, and then the survey data is given to ADEQ with no contact information from the farmer. The farmer can check the boxes as they apply to them for the BMPs and identify the crops they apply to and provide the acreage.

AnnaMarie Knorr said she understands the value of the survey, but pointed out that vegetable growers can have 30-40 different crops, and there must be a way to capture that information without having to fill out pages and pages of the survey for all of the different crops. Jamie Abbott, ADEQ, pointed out on the survey that "vegetables" is an option all on its own in ADEQ's survey and so you wouldn't have to differentiate between the different types of vegetables.

Kevin Rogers mentioned that Anna Kennedy would be available to go over the Committee's version of the survey that the working group put together and the Committee discussed last year, considering there were new Committee members and the survey has been discussed a few years now with the Committee. Ms. Kennedy went over the Committee's version of the survey (also supplied at the meeting). Ms. Kennedy said the biggest difference between the two surveys is that the Committee's survey is asking the farmer to identify the BMP and the crop acreage. It is also shorter, easier to use, and

maintains confidentiality. The survey also resembles closely the annual survey the farmers already have to fill out for other compliance programs. Ms. Kennedy emphasized the amount of forms that farmers already have to fill out and so simplifying this mandatory 3-year crop survey would be beneficial to them. Ms. Kennedy said she understands ADEQ's need for matching the BMP with the crop and acreage, so she suggested that some interviews or meetings with a group of farmers and ADEQ could help with that.

Mr. Sonenberg said that ADEQ understands the farmer's need for confidentiality and ADEQ's version of the survey still supplies confidentiality. He also said that ADEQ is open to editing the survey to make it easier to fill out. He reiterated that the survey is mandatory and only needs to be completed once every three years, but ADEQ understands the amount of forms farmers have to fill out and ADEQ wants this survey to be as simple as possible for them, but also provide the necessary data.

Chairman Ollerton began to explain the amount of surveys and paperwork in his filing cabinets and how reporting requirements and paperwork is increasing over the years. He expressed his thanks to ADEQ for its willingness to work with the Committee.

Mr. Rogers explained that any farmer with 10 acres or larger must participate in the survey. Mr. Rogers reiterated the Committee's overall suggestion of keeping the survey to one page and very easy to fill out to not add to the form workload for growers.

Tim Franquist brought up the idea of grabbing the information ADEQ needs from other forms that the farmers are already filled out. Chairman Ollerton offered to have ADEQ to do some site visits of farms to get to know the operations. He said that the Committee is concerned with air quality and farmers most certainly don't want to contribute to the bad air quality. The Committee wants to work with ADEQ to get this taken care of, but make sure it's reasonable because the survey is a huge burden.

Matt Ivers from ADEQ also presented a timeline. By law, the surveys are due to the Department of Agriculture by January 31, 2018. Ms. Knorr suggested making the survey similar to the annual survey the farmers already do to make it easier to fill out and also give ADEQ more accurate data each time. Kevin Rogers asked if ADEQ's deadline of 8/31/17 to finalize the survey is a firm deadline. Matt Ivers said the timeline has the statutory required deadline of 1/31/18 and the other dates are developed around that. Mr. Ivers said the only "hard deadline" on the timeline is 1/31/18.

Brett Cameron suggested that the technical workgroup from the Committee get together with members of ADEQ to work on the survey. Chairman Ollerton asked Mike Sonenberg if it would be worth it if ADEQ met with a few growers to get to know the operations more and supplement the data needed from the survey. Mr. Sonenberg said ADEQ would be happy to take some tours and meet with farmers to see how the survey can work better for them.

Kevin Rogers moved to approve the survey, with the understanding that the farmers will work with ADEQ through some on-site tours as well as the technical workgroup to get the information ADEQ needs. Mr. Rogers said the Committee would have to meet again to approve the survey and so this

option may be the best route given the timeline. AnnaMarie Knorr motioned that the survey development start from the Committee's draft version of the survey and the Committee approved. For the technical workgroup, Jamie Abbott said she will help the new committee members connect with Cheryl Goar to get contact information for the past technical workgroup members. Mike Sonenberg recapped the plan, stating that after this meeting, ADEQ will work with the technical workgroup to develop the survey, and if the technical workgroup approves the survey, then the Committee will not need to meet again. But if the technical workgroup did not approve the survey, then the Committee would need to meet again. The Committee agreed with the plan.

Before adjourning, Chairman Ollerton asked if there was anything else and made a call to the public. There were no new items and no members of the public who wanted to make comments. Chairman Ollerton adjourned the meeting at 2:23 pm.

Action Items:

- ADEQ will coordinate farm tours to better develop the mandatory 3-year crop survey due from farmers on January 1, 2018 (by law)
 - ADEQ to also coordinate meetings with AgBMP Technical Workgroup to finalize survey
 - ADEQ plans to finalize survey by end of August 2017
- ADEQ work with AgBMP Technical Workgroup to update the Dept of Ag's Air Quality Booklet
- If interested in getting PM10 exceedance alerts from Pinal County on your phone or email, contact Mike Sundblom: Michael.Sundblom@pinalcountyz.gov or subscribe to ADEQ's alerts at: <https://public.govdelivery.com/accounts/AZDEQ/subscriber/new>
- New members should visit the Governor's Boards and Commissions website to take the online Public Service Orientation course required for members in Governor-appointed positions: <https://bc.azgovernor.gov/>