Senate Engrossed House Bill

FILED

JANICE K. BREWER
SECRETARY OF STATE

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

CHAPTER 81

HOUSE BILL 2487

AN ACT

REPEALING SECTION 41-3007.01, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 27, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-3012.17; AMENDING SECTIONS 49-202.01, 49-247 AND 49-248, ARIZONA REVISED STATUTES; RELATING TO THE AGRICULTURAL BEST MANAGEMENT PRACTICES ADVISORY COMMITTEE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Repeal

Section 41-3007.01, Arizona Revised Statutes, is repealed.

Sec. 2. Title 41, chapter 27, article 2, Arizona Revised Statutes, is amended by adding section 41-3012.17, to read:

41-3012.17. Agricultural best management practices advisory committee; termination July 1, 2012

A. THE AGRICULTURAL BEST MANAGEMENT PRACTICES ADVISORY COMMITTEE TERMINATES ON JULY 1, 2012.

B. SECTION 49-248 IS REPEALED ON JANUARY 1, 2013.

Sec. 3. Section 49-202.01, Arizona Revised Statutes, is amended to read:

49-202.01. Surface water quality general grazing permit; best management practices for grazing activities; definition

A. As part of the duties established pursuant to section 49-203, subsection A, paragraph 3, the director shall implement a surface water quality general grazing permit consisting of voluntary best management practices for grazing activities. The implementation shall begin within one hundred eighty days after rule adoption by the ~~grazing~~ AGRICULTURAL best management practices advisory committee established pursuant to section ~~49-202.02~~ 49-248.

B. The terms and conditions of the surface water quality general grazing permit shall be voluntary best management practices which have been determined by the committee to be the most practical and effective means of reducing or preventing the nonpoint source discharge of pollutants into navigable waters by grazing activities.

C. In adopting voluntary grazing best management practices, the committee shall consider:

1. The availability and effectiveness of alternative technologies.

2. The economic and social impacts of alternative technologies on grazing and associated industries.

3. The institutional considerations of alternative technologies.

4. The potential nature and severity of discharges from grazing activities and their effect on navigable waters.

D. For purposes of this section, "grazing activities" means the feeding of all classes of domestic ruminant and nonruminant animals upon grasses, forbs and shrubs in Arizona watersheds.

Sec. 4. Section 49-247, Arizona Revised Statutes, is amended to read:

49-247. Agricultural general permits; best management practices for regulated agricultural activities

A. The director shall adopt by rule pursuant to the requirements of this section, agricultural general permits consisting of best management practices for regulated agricultural activities. Agricultural general permits are not subject to section 49-245 or 49-246. Except as provided in

subsection G of this section, a person is not required to obtain an individual permit for a regulated agricultural activity.

B. The terms and conditions of agricultural general permits adopted pursuant to this section shall be agricultural best management practices which have been determined by the director to be the most practical and effective means of reducing or preventing the discharge of pollutants by regulated agricultural activities. Agricultural best management practices may vary within the state, according to regional and hydrogeologic conditions. The director may waive the use of best management practices in a designated region if ~~he~~ THE DIRECTOR determines that existing regulated agricultural activities will not cause or contribute to a violation of the adopted water quality standards.

C. ~~Not later than July 1, 1989,~~ The director shall adopt, by rule, agricultural best management practices, and in doing so shall consider any recommendation of the agricultural best management practices advisory ~~committees~~ COMMITTEE established under section 49-248.

D. In adopting agricultural best management practices, the director shall consider:

1. The availability, the effectiveness and the economic and institutional considerations of alternative technologies.

2. The potential nature and severity of discharges from regulated agricultural activities and their effect on public health and the environment.

E. In adopting best management practices for regulated agricultural activities, the director shall require the application of all economically feasible best management practices which have been determined by the director to be the most practical and effective means of reducing or preventing the discharge of pollutants by regulated agricultural activities but shall not require application of more stringent practices if such a requirement would result in cessation of the regulated activity.

F. Compliance with best management practices adopted pursuant to this section constitutes compliance with this article.

G. If the director, after providing a person with notice and an opportunity for a hearing determines that the person has violated the applicable best management practices, the director may revoke the agricultural general permit for that person and require that the person obtain a permit pursuant to section 49-241.

H. The director may periodically reexamine, evaluate and propose any modification to or waiver of agricultural best management practices necessary to meet the requirements of this article after considering any recommendation submitted by the advisory ~~committees~~ COMMITTEE established under section 49-248.

Sec. 5. Section 49-248, Arizona Revised Statutes, is amended to read:

49-248. Agricultural best management practices advisory committee

A. ~~Two~~ THE agricultural best management practices advisory ~~committees are~~ COMMITTEE IS established~~, one~~ to develop and recommend best management practices for ~~applying nitrogen fertilizer and the other~~ GRAZING ACTIVITIES AS DEFINED IN SECTION 49-202.01 AND to develop and recommend best management practices for concentrated animal feeding operations. The directors, or the directors' designees, from the department of environmental quality, the Arizona department of agriculture and the department of water resources and the dean of the college of agriculture of the university of Arizona, or the dean's designee, shall serve on ~~both~~ THE advisory ~~committees~~ COMMITTEE.

~~B. The governor shall appoint seven members to the advisory committee on nitrogen fertilizer as follows:~~

~~1. One person actively engaged in the production of citrus.~~

~~2. One person actively engaged in the production of vegetables.~~

~~3. One person actively engaged in the production of cotton.~~

~~4. One person actively engaged in the production of alfalfa.~~

~~5. One person actively engaged in the production of grain.~~

~~6. One hydrologist from the university of Arizona college of agriculture.~~

~~7. One person representing an irrigation district.~~

~~C.~~ B. The governor shall appoint ~~eight~~ TEN members to the advisory committee ~~on concentrated animal feeding operations~~ as follows:

1. Two persons WHO ARE actively engaged in dairying.

2. Two persons WHO ARE actively engaged in commercial livestock operations.

3. One person WHO IS actively engaged in the production of swine.

4. One person WHO IS actively engaged in the production of poultry.

5. One hydrologist from the university of Arizona college of agriculture.

6. TWO PERSONS WHO ARE ACTIVELY ENGAGED IN CATTLE GRAZING.

~~6.~~ 7. One person WHO IS actively engaged in ~~the aquaculture industry~~ SHEEP GRAZING.

~~D.~~ C. Appointive members shall be appointed to terms of six years and may be reappointed to one additional term. ~~No more than four appointive members of each advisory committee may belong to the same political party.~~ Members are not entitled to compensation for their services as such but are entitled to reimbursement for expenses as provided by law for travel on, and attending, official business. ~~Each~~ THE committee shall elect a ~~chairman~~ CHAIRPERSON from among the appointive members to serve a two year term as ~~chairman~~ CHAIRPERSON. The ~~chairman~~ CHAIRPERSON may be reelected. ~~Each~~ THE committee shall meet on the call of its ~~chairman~~ CHAIRPERSON or at the request of a majority of its appointive members. The department of environmental quality, the Arizona department of agriculture, the department

of water resources and the college of agriculture of the university of Arizona shall cooperate with, provide technical and expert assistance TO and supply data and other necessary information to the advisory ~~committees~~ COMMITTEE. The department of environmental quality shall furnish necessary staff support and meeting facilities to the advisory ~~committees~~ COMMITTEE.

~~E.~~ D. The advisory ~~committees~~ COMMITTEE shall develop and recommend to the director best management practices for discharges from a regulated agricultural activity considering the requirements of section 49-247.

~~F.~~ E. The advisory ~~committees~~ COMMITTEE may appear or be represented at any administrative proceeding for adopting the agricultural best management practices.

~~G.~~ F. The advisory ~~committees~~ COMMITTEE shall periodically reexamine, evaluate and propose any modification to agricultural best management practices necessary to meet the requirements of this article. ~~An~~ THE advisory committee may recommend modifications to agricultural best management practices at any time on its own initiative.

Sec. 6. Purpose

Pursuant to section 41-2955, subsection B, Arizona Revised Statutes, the legislature continues the agricultural best practices management committee for the purpose of making recommendations to the director of environmental quality regarding the management of grazing activities and concentrated animal feeding operations.

Sec. 7. Retroactivity

Sections 1, 2, 3, 4 and 5 of this act are effective retroactively to July 1, 2007.

APPROVED BY THE GOVERNOR ARPIL 16, 2007.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 16, 2007.

Passed the House February 5, 2007

by the following vote: 40 Ayes,

18 Nays, 2 Not Voting

Speaker of the House

Chief Clerk of the House

Passed the Senate April 3, 2007

by the following vote: 26 Ayes,

2 Nays, 2 Not Voting

President of the Senate

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

_____ day of _____, 20_____

at _____ o'clock _____M.

Secretary to the Governor

Approved this _____ day of

_____

at _____ o'clock _____M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this _____ day of _____, 20_____

at _____ o'clock _____M.

Secretary of State

H.B. 2487

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

April 10, 2007,

by the following vote: 58 Ayes,

0 Nays, 2 Not Voting

Speaker of the House

Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

10th day of April, 2007,

at 11:25 o'clock a. M.

Secretary to the Governor

Approved this 16 day of

April, 2007,

at 2:00 o'clock P. M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 16 day of April, 2007,

at 4:56 o'clock p. M.

Secretary of State

H.B. 2487