

NOTICES OF EXEMPT RULEMAKING

The Administrative Procedure Act requires the *Register* publication of the rules adopted by the state's agencies under an exemption from all or part of the Administrative Procedure Act. Some of these rules are exempted by A.R.S. §§ 41-1005 or 41-1057; other rules are exempted by other statutes; rules of the Corporation Commission are exempt from Attorney General review pursuant to a court decision as determined by the Corporation Commission.

NOTICE OF EXEMPT RULEMAKING

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 2. DEPARTMENT OF ENVIRONMENTAL QUALITY

AIR POLLUTION CONTROL

Editor's Note: The following Notice of Exempt Rulemaking was reviewed per Executive Order 2011-05 as issued by Governor Brewer. (See the text of the executive order on page 157

.) The Governor's Office authorized the notice to proceed through the rulemaking process on February 9, 2010.

[R11-218]

PREAMBLE

- 1. Article, Part, or Section Affected (as applicable) Rulemaking Action**

R18-2-610	Amend
R18-2-610.01	New Section
R18-2-611	Repeal
R18-2-611	New Section
R18-2-611.01	New Section
- 2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the implementing statute (specific), and the statute or session law authorizing the exemption:**

Authorizing Statutes: A.R.S. §§ 49-104(A)(10) and 49-404(A)

Implementing Statutes: A.R.S. § 49-457

Implementing Legislative Action: 49th Legislature, First Regular Session, Laws 2009, Ch. 180 (Senate Bill 1225), § 2 and 50th Legislature, 1st Regular Session, Laws 2011, Ch. 214 (House Bill 2208), § 4

Statute or Session Law Authorizing the Exemption: 50th Legislature, 1st Regular Session, Laws 2011, Ch. 214 (House Bill 2208), § 4
- 3. The effective date of the rule and the agency's reason it selected the effective date:**

December 29, 2011

House Bill 2208 (50th Legislature, 1st Regular Session, Laws 2011, Ch. 214, § 4) states that the rule shall be effective immediately upon filing with the Secretary of State.
- 4. A list of all previous notices appearing in the Register as specified in R1-1-409(A) that pertain to the record of the exempt rulemaking:**

Notice of Rulemaking Docket Opening: 16 A.A.R. 659, April 23, 2010
- 5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name:	Danielle M. Dancho
Address:	Department of Environmental Quality 1110 W. Washington St. Phoenix, AZ 85007
Telephone:	(602) 771-4210 (This number may be reached in-state by dialing 1-800-234-5677 and requesting the seven digit number.)
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6. An agency's justification and reason why a rule should be made, amended, repealed, or renumbered to include an explanation about the rulemaking:

Summary. This rulemaking, under the authority of Senate Bill (SB) 1225 (49th Legislature, 1st Regular Session, Laws 2009, Ch. 180, § 2), signed by Governor Brewer on July 13, 2009, expands the applicability of agricultural best management practices (BMPs) under A.R.S. § 49-457, to include activities of dairy, beef cattle feedlot, and poultry or swine facilities. A.R.S. § 49-457(F) gives rulemaking authority to the Agricultural Best Management Practices Committee (AgBMP Committee) and tasks ADEQ and the Department of Agriculture to provide technical assistance to the Committee. House Bill (HB) 2208 (50th Legislature, 1st Regular Session, Laws 2011, Ch. 214, § 4) adds another category, Significant Agricultural Earthmoving Activities, to the crop BMPs. The BMPs are being added to further reduce emissions of particulate matter 10 or smaller micrometers in aerodynamic diameter (PM₁₀) by including practices related to significant earth moving activities, unpaved access connections, roads or feed lanes; animal waste handling and transporting; and arenas, corrals and pens for the Maricopa County PM₁₀ nonattainment area and the Maricopa County portion of Area A.

Background. The portions of Maricopa County were designated nonattainment for PM₁₀ on November 15, 1990, under section 107(d)(4)(B) of the amended Clean Air Act (CAA). The boundaries of the nonattainment area are listed in 40 CFR 81.303 and a map exists on ADEQ's web site; at <http://www.azdeq.gov/enviro/air/prevent/pcp.html#bmp>. The CAA requires state and local authorities to implement stricter particulate matter pollution controls in PM₁₀ nonattainment areas. To that end, ADEQ and the Maricopa Association of Governments (MAG), acting under delegated authority, developed a state implementation plan for the area. The original plan and subsequent revisions failed to bring the area into attainment.

Five Percent Annual Reasonable Further Progress Plan

On June 6, 2007, at 72 FR 31183, the Environmental Protection Agency made a finding that the Maricopa PM₁₀ Nonattainment Area and Maricopa County Portion of Area A had not attained the National Ambient Air Quality Standard (NAAQS) for PM₁₀ by the December 31, 2006, deadline mandated pursuant to the CAA. EPA based its finding on monitored air quality data from 2004 through 2006.

ADEQ was required to submit by December 31, 2007, a five percent annual Reasonable Further Progress plan (5% Plan) that provides for attainment of the PM₁₀ standard as required by CAA Section 189(d). The Maricopa Association of Governments (MAG) was been certified under A.R.S. § 49-406 as the agency responsible for the development of the 5% Plan. The plan demonstrated three years of 5% annual reductions, which is expected to be sufficient for attainment. ADEQ submitted R18-2-610 and R18-2-611 as the agricultural community's contribution to the 5% Plan, as one of the Plan's contingency measures.

On September 9, 2010, at 75 FR 54806, the Environmental Protection Agency (EPA) published a proposed rule to approve in part and disapprove in part, the 5% Plan. EPA found, among other things, that the contingency measures did not meet the requirements of Clean Air Act (CAA) section 189(c). EPA proposed a limited approval and disapproval of R18-2-610 and R18-2-611 as submitted. EPA argued that the regulations strengthened the 5% Plan, but do not fully meet the requirements of CAA sections 100(a) and 189(b)(1)(B) for enforceable Best Available Control Measures (BACM) for agricultural sources of PM₁₀ in the Maricopa Area.

On January 25, 2011, ADEQ withdrew the 5% Plan from EPA's consideration. All air quality rules and statues contained in the Plan remain in effect. MAG, ADEQ, and Maricopa County Air Quality Department (MCAQD) are all working on the Plan in a cooperative and collaborative effort with the EPA in order to re-submit the plan as soon as possible.

Senate Bill 1552

Senate Bill (SB) 1552, which was signed by Governor Napolitano on July 2, 2007, mandated enactment of a variety of programs for reduction of PM₁₀ in the Phoenix nonattainment area for all contributing sources, including expansion of the AgBMP program. Section 20 of the bill authorized the exempt rulemaking. The exempt rule had an immediate effective date in compliance with section 41-1032, Arizona Revised Statutes, in order to comply with the December 31, 2007, deadline imposed by the EPA for submittal of the 5% Plan, and required that emission reductions occur during the critical winter time stagnant air condition period during which PM₁₀ exceedances have historically occurred. This rule was exempt from Title 41, Chapter 6, Article 3, Arizona Revised Statutes that establishes the procedures and policies for rulemaking within the state agencies. Senate Bill 1552 also recognized the statutory authority, A.R.S. § 49-457, of the Governor's Agriculture Best Management Practices Committee (AgBMP Committee) to develop best management practices (BMPs) and, with the assistance of ADEQ, submit rules for publication in the *Arizona Administrative Register*.

Senate Bill 1225

SB 1225, signed by Governor Brewer on July 13, 2009, expands the applicability of agricultural best management practices (BMPs) under A.R.S. § 49-457 and A.A.C. R18-2-610, to include activities of dairy, beef cattle feedlot, and poultry or swine facilities (animal operations). The BMPs are being added to further reduce emissions of PM₁₀ by including practices related to unpaved access connections, roads or feed lanes; animal waste handling and transporting; and arenas, corrals and pens for the Maricopa County PM₁₀ nonattainment area and the Maricopa County portion

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of Area A. The AgBMP Committee continues to hold statutory authority under A.R.S. § 49-457 to develop BMPs for the animal operations.

House Bill 2208

HB 2208 adds another category, Significant Agricultural Earthmoving Activities, to the crop BMPs. Commercial farmers will need to choose two BMPs to implement from this category. HB 2208 also gives the authority for the exempt rulemaking.

Section by Section Explanation of the Rules

R18-2-610 Definitions for R18-2-610.01. The rulemaking makes changes to some of the definitions for R18-2-610.01 to provide additional clarity.

R18-2-610.01 Agricultural PM₁₀ General Permit for Crop Operations; PM₁₀ Nonattainment Areas. The rulemaking rennumbers R18-2-611 to R18-2-610.01, and, in accordance with SB 1225 and HB 2208, adds the BMP category for Significant Agricultural Earthmoving Activities and refines recordkeeping requirements.

R18-2-611 Definitions for R18-2-611.01. The rulemaking adds definitions for the new animal operations BMPs.

R18-2-611.01 Animal Operations PM₁₀ General Permit, PM₁₀ Nonattainment Area. The rulemaking adds new BMPs for animal operations in accordance with SB 1225.

7. A reference to any study relevant to the rule that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

None

8. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

The rule does not diminish a previous grant of authority of a political subdivision of this state.

9. The summary of the economic, small business, and consumer impact, if applicable:

Not applicable

10. A description of any changes between the proposed rulemaking, including any supplemental proposed rulemaking, and the final rulemaking package (if applicable):

Not applicable

11. An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments, if applicable:

Not applicable

12. Any other matters as prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules. When applicable, matters shall include, but not be limited to:

a. Whether the rule requires a permit, whether the general permit is used and if not, the reasons why a general permit is not used:

A general permit is used as described in A.R.S. § 49-457(H).

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than the federal law and if so, citation to the statutory authority to exceed the requirements of federal law:

Not applicable

c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:

No such analysis was submitted.

13. Incorporation by reference and their location in the rule:

There are no incorporations by reference in the rulemaking.

14. Whether the rule was previously made, amended, repealed, or renumbered as an emergency rule. If so, the agency shall state where the text changed between the emergency and exempt rulemaking packages:

Not applicable

15. The full text of the rule follows:

TITLE 18. ENVIRONMENTAL QUALITY

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AIR POLLUTION CONTROL

ARTICLE 6. EMISSIONS FROM EXISTING AND NEW NONPOINT SOURCES

Section

R18-2-610. Definitions for ~~R18-2-611~~ R18-2-610.01

R18-2-610.01. Agricultural PM₁₀ General Permit for Crop Operations; PM₁₀ Nonattainment Areas

~~R18-2-611. Agricultural PM₁₀ General Permit; Maricopa PM₁₀ Nonattainment Area and Maricopa County Portion of Area A~~ Definitions for R18-2-611.01

R18-2-611.01. Animal Operations PM₁₀ General Permit, PM₁₀ Nonattainment Area

ARTICLE 6. EMISSIONS FROM EXISTING AND NEW NONPOINT SOURCES

R18-2-610. Definitions for ~~R18-2-611~~ R18-2-610.01

The definitions in ~~Article 1 of this Chapter R18-2-101~~ and the following definitions apply to R18-2-611:

1. "Access restriction" means reducing the number of trips driven on agricultural aprons and access roads by restricting or eliminating public access to noncropland with signs or physical obstruction.
2. "Aggregate cover" means gravel, concrete, recycled road base, caliche, or other similar material applied to noncropland to a depth sufficient to reduce dust generated from vehicle movement, wind or other erosive forces.
3. "Area A" means the area delineated according to A.R.S. § 49-541(1).
4. "Artificial wind barrier" means a physical barrier to the wind.
- ~~4.5.~~ "Best management practice" means a technique verified by scientific research, that on a case-by-case basis is practical, economically feasible, and effective in reducing PM₁₀ emissions from a regulated agricultural activity.
- ~~5.6.~~ "Chemical irrigation" means applying a fertilizer, pesticide, or other agricultural chemical to cropland through an irrigation system. "Cessation of Night Tilling" means the discontinuation of night tilling on a day identified by the Maricopa County Dust Control Forecast as being high risk of dust generation.
- ~~6.7.~~ "Cessation of Night Tilling" means the discontinuation of night tilling on high pollution advisory days during stagnant air conditions. "Chemical irrigation" means reducing the number of passes across a commercial farm by applying a fertilizer, pesticide, or other agricultural chemical to cropland through an irrigation system.
- ~~7.8.~~ "Combining tractor operations" means reducing soil compaction and the number of passes across a commercial farm by using a tractor, implement, harvester, or other farming support vehicle to perform performing two or more tillage, cultivation, planting, or harvesting operations with a single tractor or harvester pass at the same time.
- ~~8.9.~~ "Commercial farm" means 10 or more contiguous acres of land used for agricultural purposes within the boundary of the Maricopa PM₁₀ nonattainment area and Maricopa County portion of Area A or a PM₁₀ nonattainment area designated after June 1, 2009 as stated in A.R.S. § 49-457(P)(1)(f).
- ~~9.10.~~ "Commercial farmer" means an individual, entity, or joint operation in general control of a commercial farm.
- ~~10.11.~~ "Committee" means the Governor's Agricultural Best Management Practices Committee.
- ~~11.12.~~ "Cover crop" means reducing wind erosion and PM₁₀ emissions by using plants or a green manure crop seasonally to protect soil surfaces between crops and control soil movement grown for seasonal soil protection or soil improvement.
- ~~12.13.~~ "Critical area planting" means reducing PM₁₀ emissions and wind erosion by planting using trees, shrubs, vines, grasses, or other vegetative cover on noncropland in order to maintain adequate ground cover.
- ~~13.14.~~ "Cropland" means land on a commercial farm that:
 - a. Is within the time-frame of final harvest to plant emergence;
 - b. Has been tilled in a prior year and is suitable for crop production, but is currently fallow; or
 - c. Is a turn-row.
- ~~14.15.~~ "Cross-wind ridges" means soil ridges formed by a tillage operation stabilizing soil and reducing PM₁₀ emissions and wind erosion by creating soil ridges in a commercial farm by tillage or planting operations. Ridges should be aligned as perpendicular as possible to the prevailing wind direction. Soil should be stable enough to sustain effective ridges.
- ~~15.16.~~ "Cross-wind strip-cropping" means planting strips of alternating crops within the same field stabilizing soil and reducing PM₁₀ emissions by growing strips of at least two crops: herbaceous cover or managing crop or herbaceous residue as a protective cover within the same field. Strips should be aligned as perpendicular as possible to the prevailing wind directions.
- ~~17.~~ "Cross wind vegetative strips" means herbaceous cover established in one or more strips within the same field.
- ~~16.18.~~ "Equipment modification" means agricultural equipment to prevent or reduce particulate matter generation from cropland reducing PM₁₀ emissions and soil erosion during tillage and harvest operations by modifying and maintaining an existing piece of agricultural equipment, purchasing new equipment, increasing equipment size, modifying land planting and land leveling, matching the equipment to row spacing, or grafting to new varieties or technological improvements.
17. "Fallow Field" means an area of land that is routinely cultivated, planted and harvested and is unplanted for one or

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- more growing seasons or planting cycles, but is intended to be placed back in agricultural production.
- ~~18.19.~~ “Forage Crop” means a product grown for consumption by any domestic animal.
- ~~19.20.~~ “Genetically Modified” means a living organism whose genetic material has been altered, changing one or more of its characteristics.
- ~~20.21.~~ “GMO: Genetically Modified Organism” means a plant that has been altered by a genetic exchange with another organism.
- ~~21.22.~~ “GPS: Global Position Satellite System” means using a satellite navigation system on farm equipment to calculate position in the field.
- ~~22.23.~~ “Green Chop” means reducing soil compaction, soil disturbance and the number of passes across a commercial farm by the harvesting of a forage crop Forage Crop without allowing it to dry in the field.
- ~~24.~~ “High Pollution Advisory” means a public notification issued by the Department when the ambient concentrations of PM₁₀ may exceed the federal health standard.
- ~~23.25.~~ “Integrated Pest Management” means reducing soil compaction and the number of passes in a commercial farm for spraying by using the use of a combination of techniques including organic, conventional, and biological farming practices to suppress pest problems.
- ~~24.26.~~ “Limited harvest activity during a high-wind event” means performing no ~~tillage~~ harvest or soil preparation activity when the measured wind speed as measured by a hand held anemometer at 6 feet in height is more than 25 mph miles per hour at the commercial farm site.
- ~~25.~~ “Limited tillage activity during a high-wind event” means performing no tillage or soil preparation activity when the measured wind speed as measured by a hand held anemometer is more than 25 miles per hour at the commercial farm site.
- ~~26.28.~~ “Maricopa PM₁₀ nonattainment area” means the Phoenix planning area as defined in 40 CFR 81.303, which is incorporated by reference in R18-2-210.
- ~~27.29.~~ “Mulching” means reducing PM₁₀ emissions and wind erosion and preserving soil moisture by applying a protective layer of plant residue or other material that is not produced onsite to a soil surface to reduce soil movement.
- ~~28.30.~~ “Multi-year crop” means reducing PM₁₀ emissions from wind erosion or tillage by protecting the soil surface by growing a crop, pasture, or orchard that is grown, or will be grown, on a continuous basis for more than one year.
- ~~29.31.~~ “Noncropland” means any commercial farm land that:
- Is no longer used for agricultural production;
 - Is no longer suitable for production of crops;
 - Is subject to a restrictive easement or contract that prohibits use for the production of crops; or
 - Includes a private farm road, ditch, ditch bank, equipment yard, storage yard, or well head.
- ~~30.32.~~ “Night Tilling” means preparing the land for the raising of crops between the hours of 2:00 a.m. and 8:00 a.m.
- ~~31.33.~~ “Organic farming practices” means using biological or non-chemical agricultural methods.
- ~~32.27.~~ “Organic material Manure application” means applying animal waste or biosolids to a soil surface.
- ~~33.34.~~ “Permanent cover” means reducing PM₁₀ emissions and wind erosion by maintaining a long-term a perennial vegetative cover on cropland that is temporarily not producing a major crop.
- ~~34.35.~~ “Planting based on soil moisture” means applying water to soil before performing planting operations or having enough moisture in the soil to germinate the seed prior to planting.
- ~~35.36.~~ “Precision Farming” means reducing the number of passes across a commercial farm by using GPS to precisely guide farm equipment in the field.
- ~~36.37.~~ “Reduce vehicle speed” means reducing PM₁₀ emissions and soil erosion from the operation of operating farm vehicles or farm equipment on unpaved private farm roads at speeds not to exceed 20 mph.
- ~~37.38.~~ “Reduced harvest activity” means reducing the number of ~~harvest passes using a mechanized method to cut and remove crops from a field.~~ mechanical harvest passes.
- ~~38.39.~~ “Reduced tillage system” means reducing the number of tillage operations used to produce a crop.
- ~~39.40.~~ “Regulated agricultural activity” means a ~~commercial farming practice that may produce PM₁₀ within the Maricopa PM₁₀ nonattainment area and Maricopa County portion of Area A.~~ regulated agricultural activity as defined in A.R.S. § 49-457(P)(5).
- ~~40.~~ “Regulated area” means a regulated area as defined in A.R.S. § 49-457(P)(6).
- ~~40.~~ “Regulated agricultural activity” means a commercial farming practice that may produce PM₁₀ within the Maricopa PM₁₀ nonattainment area and Maricopa County portion of Area A.
- ~~41.41.~~ “Residue management” means reducing PM₁₀ emissions and wind erosion by managing the amount and distribution of crop and other plant residues on a soil surface between the time of harvest of one crop and the emergence of a new crop.
- ~~42.42.~~ “Sequential cropping” means reducing PM₁₀ emissions and wind erosion by growing crops in a sequence or close rotation that limits that minimizes the amount of time bare soil is exposed on a field commercial farm to 30 days or less.
- ~~43.~~ “Shuttle System/Larger Carrier” means reducing the number of passes in a commercial farm by using multiple or

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- larger bins/trailers per trip to haul commodity from the field.
44. “Significant Agricultural Earth Moving Activities” means either leveling activities conducted on a commercial farm that disturb the soil more than 4 inches below the surface, or the creation, maintenance and relocation of: ditches, canals, ponds, irrigation lines, tailwater recovery systems (agricultural sumps) and other water conveyances, not to include activities performed on cropland for crop preparation, cultivation or harvest.
45. “Stabilization of soil prior to plant emergence” means reducing PM₁₀ emissions by applying water to soil in between planting and crop emergence in order to cause the soil to form a crust.
- 46.43- “Surface roughening” means reducing PM₁₀ emissions and wind erosion by manipulating a soil surface in order to produce or maintain clods.
- 47.44- “Stagnant Air Conditions” means a meteorological regime where warm air aloft overlies cooler air near the surface and little if any vertical mixing occurs.
- 48.45- “Synthetic particulate suppressant” means reducing PM₁₀ emissions and wind erosion by providing a surface barrier or binding soil particles together on noncropland with a manufactured product such as lignosulfate, calcium chloride, magnesium chloride, an emulsion of a petroleum product, an enzyme product, or ~~and~~ polyacrylamide that is used to control particulate matter.
- 49.46- “Tillage and harvest” means any mechanical practice that physically disturbs cropland or crops on a commercial farm.
- 50.47- “Tillage based on soil moisture” means reducing PM₁₀ emissions by irrigating fields to the depth of the proposed cut prior to soil disturbances or conducting applying water to soil before or during tillage, or delaying tillage to coincide with precipitation.
- 51.48- “Timing of a tillage operation” means performing tillage operations at a time that will minimize the soil’s susceptibility to generate PM₁₀ that minimize the amount of time the soil surface is susceptible to wind erosion resulting in PM₁₀.
- 52.49- “Track-out control system” means reducing PM₁₀ emissions by using a device or system to remove mud or soil from a vehicle or equipment before the vehicle enters a paved public road.
- 53.50- “Transgenic Crops” means reducing the need for tillage or cultivation operations, the number of chemical spray applications, or soil disturbances by using the use of plants that are genetically modified.
54. “Transplanting” means reducing the number of passes in a commercial farm and minimizing soil disturbance by utilizing plants already in a growth state as compared to seeding.
- 51- “Tree, shrub, or windbreak planting” means providing a woody vegetative barrier to the wind.
- 55.52- “Watering” means reducing PM₁₀ emissions and wind erosion by applying water to noncropland bare soil surfaces during periods of high traffic until the surfaces are visibly moist.
56. “Wind barrier” means 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.

R18-2-610.01. Agricultural PM₁₀ General Permit for Crop Operations; PM₁₀ Nonattainment Areas

- A.** A commercial farmer shall comply with this Section by January 1, 2012. Until the end of the transition period on March 31, 2013, a commercial farmer shall maintain a record demonstrating compliance with this Section. The record shall be provided to the Director within two business days of notice to the commercial farmer. The record shall contain:
1. The name of the commercial farmer;
 2. The mailing address or physical address of the commercial farm; and
 3. The best management practices selected for tillage and harvest, noncropland, and cropland.
- B.** A commercial farmer, who begins a regulated agricultural activity after January 1, 2012, shall comply with this Section within three months of beginning the regulated agricultural activity.
- C.** A commercial farmer within a Serious PM₁₀ Nonattainment Area shall implement at least two best management practices from each category to reduce PM₁₀ emissions.
- D.** A commercial farmer within a Moderate PM₁₀ Nonattainment Area shall implement at least one best management practice from each category to reduce PM₁₀ emissions.
- E.** A commercial farmer shall implement from the following best management practices, as described in subsection (C) or (D), during harvest and tillage activities:
1. Chemical irrigation.
 2. Combining tractor operations.
 3. Equipment modification.
 4. Green Chop.
 5. Integrated Pest Management.
 6. Limited harvest activity during a high-wind event.
 7. Limited tillage activity during a high-wind event.
 8. Multi-year crop.
 9. Cessation of Night Tilling.

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10. Planting based on soil moisture.
 11. Precision Farming.
 12. Reduced harvest activity.
 13. Reduced tillage system.
 14. Tillage based on soil moisture.
 15. Timing of a tillage operation.
 16. Transgenic Crops.
 17. Transplanting, or
 18. Shuttle System/Larger Carrier.
- F.** A commercial farmer shall implement from the following best management practices, as described in subsection (C) or (D), to reduce PM₁₀ emissions from noncropland:
1. Access restriction.
 2. Aggregate cover.
 3. Wind barrier.
 4. Critical area planting.
 5. Organic material application.
 6. Reduce vehicle speed.
 7. Synthetic particulate suppressant.
 8. Track-out control system, or
 9. Watering.
- G.** A commercial farmer shall implement from the following best management practices, as described in subsection (C) or (D), to reduce PM₁₀ emissions from cropland:
1. Wind barrier.
 2. Cover crop.
 3. Cross-wind ridges.
 4. Cross-wind strip-cropping.
 5. Integrated Pest Management.
 6. Organic material application.
 7. Mulching.
 8. Multi-year crop.
 9. Permanent cover.
 10. Stabilization of soil prior to plant emergence.
 11. Precision Farming.
 12. Residue management.
 13. Sequential cropping, or
 14. Surface roughening.
- H.** A commercial farmer shall implement from the following best management practices, as described in subsection (C) or (D), when conducting Significant Agricultural Earth Moving Activities as defined in R18-2-610:
1. Apply water prior to conducting Significant Agricultural Earth Moving Activities and/or time Significant Agricultural Earth Moving Activities to coincide with precipitation;
 2. Apply water during Significant Agricultural Earth Moving Activities;
 3. Limit activities during high wind events;
 4. Conduct Significant Agricultural Earth Moving Activities in a manner to minimize the number of passes by using equipment that is the most efficient means of moving the soil; or
 5. Conduct Significant Agricultural Earth Moving Activities as close to possible to planting or otherwise stabilize the soil, except for emergency maintenance purposes.
- I.** Beginning March 31, 2013, or within 90 days after the start of a new regulated agricultural activity, whichever is later, the commercial farmer shall complete and submit a Best Management Practices Program General Permit Record Form to the Arizona Department of Agriculture. Thereafter, the commercial farmer shall also complete and submit a Best Management Practices Program General Permit Record Form to the Arizona Department of Agriculture on March 31 of each calendar year. The Best Management Practice Program General Permit Record form shall include the following information:
1. At least the required number of best management practices as described in subsection (C) or (D) that the commercial farmer implemented during the previous calendar year;
 2. At least the required number of best management practices as described in subsection (C) or (D) that the commercial farmer intends to implement during the current calendar year;
 3. The name, business address, and phone number of the commercial farmer responsible for the preparation and implementation of the best management practices;
 4. The signature of the commercial farmer and the date the form was signed.
- J.** Beginning in Calendar Year 2014, and no more than once every subsequent three calendar years, the Director shall pro-

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vide the commercial farmer with a Best Management Practices Program Periodic Survey. The commercial farmer may complete and submit the survey to the Arizona Department of Agriculture. The Periodic Survey shall include the following information:

1. The type and acreage of each crop type planted during the calendar year that the survey is conducted.
2. The total miles of unpaved roads at the commercial farm, and
3. The total acreage of the unpaved equipment and traffic areas at the commercial farm.

- K.** Records of any changes to the Best Management Practices identified in the most recently submitted Best Management Practices Program General Permit Record Form shall be kept by the commercial farmer onsite and made available for review within two business days of notice to the commercial farmer.
- L.** A person may petition the Committee to consider different practices to control PM₁₀ emissions not contained in either of the categories of subsection (E), (F), (G), or (H). The Committee may require on-farm demonstration trials to be conducted under the conditions established by the Committee. The proposed new practices shall not become effective unless approved by the Committee.
- M.** A commercial farmer shall maintain a record demonstrating compliance with this Section for three years. Records shall include a copy of the complete Best Management Practice Program General Permit Record Form to confirm implementation of each best management practice.
- N.** The Director shall not assess a fee to a commercial farmer for coverage under the agricultural PM₁₀ general permit.
- O.** A commercial farmer shall ensure that the implementation of all selected best management practices does not violate any other local, state, or federal law.
- P.** The Director shall document noncompliance with this Section before issuing a compliance order.
- Q.** A commercial farmer who is not in compliance with this Section is subject to the provisions in A.R.S. § 49-457(I), (J), and (K).

R18-2-611. Agricultural PM₁₀ General Permit; Maricopa PM₁₀ Nonattainment Area and Maricopa County Portion of Area A Definitions for R18-2-611.01

- A.** A commercial farmer shall comply with this Section by December 31, 2007.
- B.** A commercial farmer, who begins a regulated agricultural activity after December 31, 2000, shall comply with this Section within 18 months of beginning the regulated agricultural activity.
- C.** A commercial farmer shall implement at least two best management practices from each of the following categories:
1. Tillage and harvest, subsection (E);
 2. Noneroiland, subsection (F); and
 3. Cropland, subsection (G). A commercial farmer may implement more than one best management practice for one or more of the categories.
- D.** A commercial farmer shall ensure that the implementation of all selected best management practices does not violate any other local, state, or federal law.
- E.** A commercial farmer shall implement at least two of the following best management practices to reduce PM₁₀ emissions during tillage and harvest activities:
1. Chemical irrigation;
 2. Combining tractor operations;
 3. Equipment modification;
 4. Green Chop;
 5. Integrated Pest Management;
 6. Limited activity during a high wind event;
 7. Multi-year crop;
 8. Cessation of Night Tilling;
 9. Planting based on soil moisture;
 10. Precision Farming;
 11. Reduced harvest activity;
 12. Reduced tillage system;
 13. Tillage based on soil moisture;
 14. Timing of a tillage operation, or
 15. Transgenic Crops.
- F.** A commercial farmer shall implement at least two of the following best management practices to reduce PM₁₀ emissions from noneroiland:
1. Access restriction;
 2. Aggregate cover;
 3. Artificial wind barrier;
 4. Critical area planting;
 5. Manure application;
 6. Reduce vehicle speed;

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7. Synthetic particulate suppressant;
 8. Track-out control system;
 9. Tree, shrub, or windbreak planting; or
 10. Watering.
- G.** A commercial farmer shall implement at least two of the following best management practices to reduce PM₁₀ emissions from cropland:
1. Artificial wind barrier;
 2. Cover crop;
 3. Cross-wind ridges;
 4. Cross-wind strip cropping;
 5. Cross-wind vegetative strips;
 6. Integrated Pest Management;
 7. Manure application;
 8. Mulching;
 9. Multi-year crop;
 10. Permanent cover;
 11. Planting based on soil moisture;
 12. Precision Farming;
 13. Residue management;
 14. Sequential cropping;
 15. Surface roughening; or
 16. Tree, shrub, or windbreak planting.
- H.** A person may develop different practices not contained in subsections (E), (F), or (G) that reduce PM₁₀. A person may submit practices that are proven effective through on-farm demonstration trials to the Committee. The Committee may meet to review the submitted practices.
- I.** A commercial farmer shall maintain a record demonstrating compliance with this Section. The record shall be provided to the Director within two business days of notice to the commercial farmer. The record shall contain:
1. The name of the commercial farmer;
 2. The mailing address or physical address of the commercial farm; and
 3. The best management practices selected for tillage and harvest, noncropland, and cropland.
- J.** The Director shall not assess a fee to a commercial farmer for coverage under the agricultural PM₁₀ general permit.
- K.** The Director shall document noncompliance with this Section before issuing a compliance order.
- L.** A commercial farmer who is not in compliance with this Section is subject to the provisions in A.R.S. § 49-457(I), (J), and (K).

The definitions in R18-2-101 and the following definitions apply to R18-2-611.01:

1. The following definitions apply to a commercial dairy operation:
 - a. “Aggregate cover” means gravel, concrete, recycled road base, caliche, or other similar material applied to unpaved roads or feed lanes to a depth sufficient to reduce dust generated from vehicle movement, wind or other erosive forces.
 - b. “Apply a fibrous layer” means reducing PM₁₀ emissions by spreading shredded or deconstructed plant materials to cover loose soil in high animal traffic areas.
 - c. “Bunkers” means below ground level storage systems for storing large amount of silage, which is covered with a plastic tarp.
 - d. “Calves” means young dairy stock under two months of age.
 - e. “Cement cattle walkways to milk barn” means reducing PM₁₀ emissions by fencing pathways from the corrals to the milking barn, which are surfaces with concrete floors.
 - f. “Commercial animal operator” means an individual, entity, or joint operation in general control of a animal operation.
 - g. “Commercial dairy operation” means a dairy operation with more than 150 dairy cattle within the boundary of the Maricopa PM₁₀ nonattainment area and Maricopa County portion of Area A or a PM₁₀ nonattainment area designated after June 1, 2009 as stated in A.R.S. § 49-457(P)(1)(f).
 - h. “Cover manure hauling trucks” means reducing PM₁₀ emissions by completely covering the top of the loaded area.
 - i. “Covers for silage” means reducing PM₁₀ emissions and wind erosion by using large plastic tarps to completely cover silage.
 - j. “Do not run cattle” means reducing PM₁₀ emissions by walking dairy cattle to the milking barn.
 - k. “Feed higher moisture feed to dairy cattle” means reducing PM₁₀ emissions by feeding dairy cattle one or a combination of the following:
 - i. Add water to ration mix to achieve a 20% minimum moisture level.

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- ii. Add molasses or tallow to ration mix at a minimum of 1%.
- iii. Add silage, or
- iv. Add Green Chop.
- l. "Feed green chop" means feeding high moisture feed that contains at least 30% moisture directly to dairy cattle.
- m. "Groom manure surface" means reducing PM₁₀ emissions and wind erosion by:
 - i. Flushing or vacuuming lanes daily.
 - ii. Scraping and harrowing pens on a weekly basis, and
 - iii. Removing manure every four months with equipment that leaves an even corral surface of compacted manure on top of the soil.
- n. "Hutches" means raised, roofed enclosures that protect the calves from the elements.
- o. "Pile manure between cleanings" means reducing PM₁₀ emissions by collecting loose surface materials within the confines of the surface area of the occupied feed pen to contain the loose manure materials.
- p. "Provide cooling in corral" means reducing PM₁₀ emissions by using evaporative coolers under the corral shades to reduce the ambient air temperature, thereby increasing stocking density in the cool areas of the corrals.
- q. "Provide shade in corral" means reducing PM₁₀ emissions by increasing stocking density and reducing animal movement by using a permanent structure, which provides at least 16 square feet per animal of shaded pen surface.
- r. "Push equipment" means manure harvesting equipment pushed in front of a tractor.
- s. "Regulated agricultural activity" means a regulated agricultural activity as defined in A.R.S. § 49-457(P)(5).
- t. "Regulated area" means a regulated area as defined in A.R.S. § 49-457(P)(6).
- u. "Silage" means fermented, high-moisture fodder that can be fed to ruminants, such as cattle and sheep; usually made from grass crops including corn, sorghum or other cereals, by using the entire green plant.
- v. "Store and maintain feed stock" means reducing PM₁₀ emissions and wind erosion by storing feed stock in a covered area where the commodity is surrounded on at least three sides by a structure so that the feed stock is adequately contained.
- w. "Synthetic particulate suppressant" as defined in R18-2-610.
- x. "Use drag equipment to maintain pens" means reducing PM₁₀ emissions by using manure harvesting equipment pulled behind a tractor instead of using push equipment.
- y. "Use free stall housing" means reducing PM₁₀ emissions by enclosing one cow per stall, which are outfitted with concrete floors.
- z. "Water misting systems" means reducing PM₁₀ emissions from dry manure by using systems that project a cloud of very small water particles onto the manure surface.
- aa. "Wind barrier" means 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.
- 2. The following definitions apply to a commercial beef cattle feedlot:
 - a. "Add moisture to pen surface" means reducing PM₁₀ emissions and wind erosion by applying at least three to six gallons per head/per day in pens occupied by beef cattle.
 - b. "Add molasses or tallow to feed" means reducing PM₁₀ emissions by adding molasses or tallow so that it equals five percent of the total ration.
 - c. "Aggregate cover" means gravel, concrete, recycled road base, caliche, or other similar material applied to unpaved roads or feed lanes to a depth sufficient to reduce dust generated from vehicle movement, wind or other erosive forces.
 - d. "Apply a fibrous layer in working areas" means reducing PM₁₀ emissions by spreading shredded or deconstructed plant materials to cover loose soil.
 - e. "Bulk materials" means reducing PM₁₀ emissions by distributing or hauling grain, supplements, or mixed feeds via motorized vehicle.
 - f. "Commercial animal operator" means an individual, entity, or joint operation in general control of an animal operation.
 - g. "Commercial beef cattle feedlot" means a beef cattle feedlot with more than 500 beef cattle within the boundary of the Maricopa PM₁₀ nonattainment area and Maricopa County portion of Area A or a PM₁₀ nonattainment area designated after June 1, 2009 as stated in A.R.S. § 49-457(P)(1)(f).
 - h. "Concrete apron" means reducing PM₁₀ emissions by using solidly formed concrete surface, at least 4 inches thick on top of the soil surface, inside the feed pen for 8 feet approaching the feed bunk or water trough.
 - i. "Control cattle during movements" means reducing PM₁₀ emissions by suppressing the animal's ability to run by driving them forward while intruding on their "flight zones" or restraining the animal's movement.
 - j. "Cover manure hauling trucks" means reducing PM₁₀ emissions by completely covering the top of the loaded area.
 - k. "Feed higher moisture feed to beef cattle" means reducing PM₁₀ emissions by feeding beef cattle feed that con-

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- tains at least 30% moisture.
- l. "Frequent manure removal" means reducing PM₁₀ emissions and wind erosion by harvesting loose manure on top of the pen surface at least once every six months.
 - m. "Higher moisture feeds" means reduce PM₁₀ emissions by feeding beef cattle feed that contains at least 30% moisture.
 - n. "Increase manure moisture" means reducing PM₁₀ emissions by increasing the fluids consumed and excreted by cattle.
 - o. "Pile manure between cleanings" means reducing PM₁₀ emissions by collecting loose manure surface materials, by scraping or pushing, within the confines of the surface area of the occupied feed pen to contain loose manure materials.
 - p. "Provide shade in corral" means reducing PM₁₀ emissions by increasing stocking density and reducing animal movement by using a permanent structure, which provides at least 16 square feet per animal of shaded pen surface.
 - q. "Push equipment" means manure harvesting equipment pushed in front of a tractor.
 - r. "Regulated agricultural activity" means a regulated agricultural activity as defined in A.R.S. § 49-457(P)(5).
 - s. "Regulated area" means a regulated area as defined in A.R.S. § 49-457(P)(6).
 - t. "Store and maintain feed stock" means reducing PM₁₀ emissions and wind erosion by storing feed stock in a covered area where the commodity is surrounded on at least three sides by a structure so that the feed stock is adequately contained.
 - u. "Synthetic particulate suppressant" as defined in R18-2-610.
 - v. "Use drag equipment to maintain pens" means reducing PM₁₀ emissions by using manure harvesting equipment pulled behind a tractor instead of using push equipment.
 - w. "Wind barrier" means 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.
3. The following definitions apply to a commercial poultry facility:
- a. "Add moisture through ventilation systems" means reducing PM₁₀ emissions by using a ventilation system that is designed to allow stock to maintain their normal body temperature without difficulty while adding sufficient moisture to the air within the housing system to bind small particles to larger particles.
 - b. "Add oil and/or moisture to the feed" means reducing PM₁₀ emissions by adding edible oil and/or moisture to feed rations to bind small particles to larger particles.
 - c. "Aggregate cover" means gravel, concrete, recycled road base, caliche, or other similar material applied to unpaved roads or feed lanes to a depth sufficient to reduce dust generated from vehicle movement, wind or other erosive forces.
 - d. "Clean aisles between cage rows" means reducing PM₁₀ emissions by cleaning the aisles between cage rows at least twice every 14 days to prevent dried manure, spilled feed, and debris accumulation.
 - e. "Clean fans, louvers, and soffit inlets in a commercial poultry facility" means reducing PM₁₀ emissions by cleaning fans, louvers, and soffit inlets when the facility is empty between depopulating and populating the facility.
 - f. "Clean floors and walls in a commercial poultry facility" means reducing PM₁₀ emissions by cleaning floors and walls to prevent dried manure, spilled feed, and debris accumulation when the facility is empty between depopulating and populating the facility.
 - g. "Commercial animal operator" means an individual, entity, or joint operation in general control of an animal operation.
 - h. "Commercial poultry facility" means a poultry operation with more than 25,000 egg laying hens within the boundary of the Maricopa PM₁₀ nonattainment area and Maricopa County portion of Area A or a PM₁₀ nonattainment area designated after June 1, 2009 as stated in A.R.S. § 49-457(P)(1)(f).
 - i. "Control vegetation on building exteriors" means reducing PM₁₀ emissions by removing, cutting, or trimming vegetation that accumulates PM₁₀ and restricts ventilation of the building.
 - j. "Enclose transfer points" means reducing PM₁₀ emissions by enclosing the points of transfer between the enclosed, weatherproof storage structure and the enclosed feed distribution system, which reduce air contact with the feed rations during feed conveyance.
 - k. "House in fully enclosed ventilated buildings" means reducing PM₁₀ emissions by utilizing fully enclosed buildings with sufficient ventilation.
 - l. "Maintain moisture in manure solids" means reducing PM₁₀ emissions by maintaining moisture in the solids sufficient to bind small particles to larger particles.
 - m. "Minimize drop distance" means reducing PM₁₀ emissions by designing the feed distribution system to minimize the distance the feed ration drops from the feed distribution system into feeders, which reduces air contact with the feed rations during feed conveyance.
 - n. "Poultry" means any domesticated bird including chickens, turkeys, ducks, geese, guineas, ratites and squabs.

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- o. "Regulated agricultural activity" means a regulated agricultural activity as defined in A.R.S. § 49-457(P)(5).
 - p. "Regulated area" means a regulated area as defined in A.R.S. § 49-457(P)(6).
 - q. "Remove spilled feed" means reducing PM₁₀ emissions by removing spilled feed from the housing facility at least once every 14 days.
 - r. "Stack separated manure solids" means reducing PM₁₀ emissions and wind erosion by reducing the amount of exposed surface area of manure solids.
 - s. "Store feed" means reducing PM₁₀ emissions by storing feed in a structure that is enclosed and weatherproof, which reduces air contact with the feed rations during feed storage.
 - t. "Synthetic particulate suppressant" as defined in R18-2-610.
 - u. "Use enclosed feed distribution system" means reducing PM₁₀ emissions by using an enclosed feed conveyance system that distributes feed rations throughout the housing facility, which reduces air contact with the feed rations during feed conveyance.
 - v. "Use a flexible discharge spout" means reducing PM₁₀ emissions and wind erosion at the time of bulk feed deliveries to the housing units by using a flexible discharge spout on the end of the feed truck transfer auger.
 - w. "Use no bedding in the production facility" means reducing PM₁₀ emissions by not using bedding such as wood shavings, sawdust, peanut hulls, straw, or other organic material.
4. The following definitions apply to a commercial swine facility:
- a. "Add oil and/or moisture to the feed" means reducing PM₁₀ emissions by adding edible oil and/or moisture to feed rations to bind small particles to larger particles.
 - b. "Add moisture through ventilation systems" means reducing PM₁₀ emissions by using a ventilation system that is designed to allow stock to maintain their normal body temperature without difficulty while adding sufficient moisture to the air within the housing system to bind small particles to larger particles.
 - c. "Aggregate cover" means gravel, concrete, recycled road base, caliche, or other similar material applied to unpaved roads or feed lanes to a depth sufficient to reduce dust generated from vehicle movement, wind or other erosive forces.
 - d. "Clean aisles between pens and stalls" means reducing PM₁₀ emissions by cleaning the aisles between pens and stalls at least twice every 14 days to prevent dried manure, spilled feed, and debris accumulation.
 - e. "Clean fans, louvers, and soffit inlets in a commercial swine facility" means reducing PM₁₀ emissions by cleaning fans, louvers, and soffit inlets between transfer of animal groups.
 - f. "Clean pens, floors and walls in a commercial swine facility" means reducing PM₁₀ emissions by cleaning pens, floors, and walls between transfer of animal groups to prevent dried manure, spilled feed, and debris accumulation.
 - g. "Commercial animal operator" means an individual, entity, or joint operation in general control of a animal operation.
 - h. "Commercial swine facility" means a swine operation with more than 50 animal units for more than 30 consecutive days within the boundary of the Maricopa PM₁₀ nonattainment area and Maricopa County portion of Area A or a PM₁₀ nonattainment area designated after June 1, 2009 as stated in A.R.S. § 49-457(P)(1)(f). One thousand pounds equals one animal unit.
 - i. "Control vegetation on building exteriors" means reducing PM₁₀ emissions by removing, cutting, or trimming vegetation that accumulates PM₁₀ and restricts ventilation of the building.
 - j. "Enclose transfer points" means reducing PM₁₀ emissions by enclosing the points of transfer between the enclosed, weatherproof storage structure and the enclosed feed distribution system, which reduces air contact with the feed rations during feed conveyance.
 - k. "House in fully enclosed ventilated buildings" means reducing PM₁₀ emissions by utilizing fully enclosed buildings with sufficient ventilation.
 - l. "Lagoon" means a liquid manure storage and treatment pond.
 - m. "Maintain moisture in manure solids" means reducing PM₁₀ emissions by maintaining moisture in the solids sufficient to bind small particles to larger particles.
 - n. "Minimize drop distance" means reducing PM₁₀ emissions by designing the feed distribution system to minimize the distance the feed ration drops from the feed distribution system into feeders, which reduces air contact with the feed rations during feed conveyance.
 - o. "Regulated agricultural activity" means a regulated agricultural activity as defined in A.R.S. § 49-457(P)(5).
 - p. "Regulated area" means a regulated area as defined in A.R.S. § 49-457(P)(6).
 - q. "Remove spilled feed" means reducing PM₁₀ emissions by removing spilled feed from the housing facility at least once every 14 days.
 - r. "Slatted flooring" means reducing PM₁₀ emissions by using flooring that is a slotted concrete or wire-mesh floor set above a liquid manure collection pit, which allows the excrement to fall through the flooring into the liquid pit below.
 - s. "Sloped concrete flooring" means reducing PM₁₀ emissions by pouring concrete with a minimum of 0.25%

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- t. grade inside of the barns which provides drainage and easier cleaning of floor areas.
- t. “Stack separated manure solids” means reducing PM₁₀ emissions and wind erosion by reducing the amount of exposed surface area of manure solids.
- u. “Store feed” means reducing PM₁₀ emissions by storing feed in a structure that is enclosed and weatherproof, which reduces air contact with the feed rations during feed storage.
- v. “Store separated manure solids” means reducing PM₁₀ emissions by storing manure solids in a wind-blocked area behind a wall, structure, or area with natural wind protection to minimize blowing air movement over the manure stack.
- w. “Synthetic particulate suppressant” as defined in R18-2-610.
- x. “Use a flexible discharge spout” means reducing PM₁₀ emissions and wind erosion at the time of bulk feed deliveries to the housing units by using a flexible discharge spout on the end of the feed truck transfer auger.
- y. “Use enclosed feed distribution system” means reducing PM₁₀ emissions by using an enclosed feed conveyance system that distributes feed rations throughout the housing facility, which reduces air contact with the feed rations during the feed conveyance.
- z. “Use no bedding in the production facility” means reducing PM₁₀ emissions by not using bedding such as wood shavings, sawdust, peanut hulls, straw, or other organic material.

R18-2-611.01. Animal Operations PM₁₀ General Permit: Moderate and Serious PM₁₀ Nonattainment Areas Except Yuma County

- A.** A commercial animal operator in a regulated area shall comply with this Section by March 1, 2013.
- B.** A commercial animal operator, who begins a regulated agricultural activity after January 1, 2012, shall comply with this Section within 18 months of beginning the regulated agricultural activity.
- C.** A commercial animal operator within a Serious PM₁₀ Nonattainment Area shall implement at least two best management practices from each category to reduce PM₁₀ emissions.
- D.** A commercial animal operator within a Moderate PM₁₀ Nonattainment Area shall implement at least one best management practice from each category to reduce PM₁₀ emissions.
- E.** A commercial dairy operation shall implement the following best management practices, as described in subsection (C) or (D), from each of the following categories:
 - 1. Arenas, Corrals, and Pens:
 - a. Use free stall housing.
 - b. Provide shade in corral.
 - c. Provide cooling in corral.
 - d. Cement cattle walkways to milk barn.
 - e. Groom manure surface.
 - f. Water misting systems.
 - g. Use drag equipment to maintain pens.
 - h. Pile manure between cleanings.
 - i. Feed green chop.
 - j. Keep calves in barns or hutches.
 - k. Do not run cattle.
 - l. Apply a fibrous layer, or
 - m. Wind barrier.
 - 2. Animal Waste Handling and Transporting:
 - a. Feed higher moisture feed to dairy cattle.
 - b. Store and maintain feed stock.
 - c. Covers for silage.
 - d. Store silage in bunkers.
 - e. Increase manure moisture.
 - f. Cover manure hauling trucks, or
 - g. Do not load manure trucks with dry manure when wind exceeds 15 mph.
 - 3. Unpaved Access Connections:
 - a. Install signage to limit vehicle speed to 15 mph.
 - b. Install speed control devices.
 - c. Restrict access to through traffic.
 - d. Install and maintain a track-out control device.
 - e. Apply and maintain pavement in high traffic areas.
 - f. Apply and maintain aggregate cover.
 - g. Apply and maintain synthetic particulate suppressant, or
 - h. Apply and maintain water as a dust suppressant.
 - 4. Unpaved Roads or Feed Lanes:

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- a. Install engine speed governors on feed truck to 15 mph.
 - b. Install signage to limit vehicle speed to 15 mph.
 - c. Install speed control devices.
 - d. Restrict access to through traffic.
 - e. Apply and maintain pavement in high traffic areas.
 - f. Apply and maintain aggregate cover.
 - g. Apply and maintain synthetic particulate suppressant.
 - h. Apply and maintain water as a dust suppressant.
 - i. Use appropriate vehicles such as electric carts or small utility vehicles instead of trucks, or
 - j. Apply and maintain pavement or cement feed lanes.
- F.** A commercial beef cattle feedlot shall implement the following best management practices, as described in subsection (C) or (D), from each of the following categories:
- 1. Arenas, Corrals, and Pens:
 - a. Concrete aprons.
 - c. Provide shade in corral.
 - d. Add moisture to pen surface.
 - e. Manure removal.
 - f. Pile manure between cleanings.
 - g. Increase manure moisture.
 - h. Feed higher moisture feed to beef cattle.
 - i. Control cattle during movements.
 - j. Use drag equipment to maintain pens.
 - k. Apply a fibrous layer, or
 - l. Wind barrier.
 - 2. Animal Waste Handling and Transporting:
 - a. Feed higher moisture feed to beef cattle.
 - b. Add molasses or tallow to feed.
 - c. Store and maintain feed stock.
 - d. Bulk materials.
 - e. Use drag equipment to maintain pens.
 - f. Cover manure hauling trucks, or
 - g. Do not load manure when wind exceeds 15 mph.
 - 3. Unpaved Access Connections:
 - a. Install and maintain a track-out control device.
 - b. Apply and maintain pavement in high traffic areas.
 - c. Apply and maintain aggregate cover.
 - d. Apply and maintain synthetic particulate suppressant, or
 - e. Apply and maintain water as a dust suppressant.
 - 4. Unpaved Roads or Feed Lanes:
 - a. Install engine speed governors on feed truck to 15 mph.
 - b. Install signage to limit vehicle speed to 15 mph.
 - c. Install speed control devices.
 - d. Restrict access to through traffic.
 - e. Apply and maintain pavement in high traffic areas.
 - f. Apply and maintain aggregate cover.
 - g. Apply and maintain synthetic particulate suppressant.
 - h. Apply and maintain water as a dust suppressant, or
 - i. Apply and maintain oil on roads or feed lanes.
- G.** A commercial poultry facility shall implement the following best management practices, as described in subsection (C) or (D), from each of the following categories:
- 1. Arenas, Corrals, and Pens (Housing):
 - a. Clean fans, louvers, and soffit inlets in a commercial poultry facility;
 - b. Use no bedding;
 - c. Control vegetation on building exteriors;
 - d. Add moisture through ventilation systems; or
 - e. House in fully enclosed ventilated buildings.
 - 2. Animal Waste Handling and Transporting:
 - a. Remove spilled feed.
 - b. Store feed.

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- c. Add oil and/or moisture to the feed.
 - d. Use enclosed feed distribution system.
 - e. Use flexible discharge spout.
 - f. Minimize drop distance.
 - g. Enclose transfer points.
 - h. Clean floors and walls in a commercial poultry facility.
 - i. Clean aisles between cage rows.
 - j. Stack separated manure solids, or
 - k. Maintain moisture in manure solids.
 - 3. Unpaved Access Connections:
 - a. Install speed control devices.
 - b. Restrict traffic access.
 - c. Install and maintain a track-out control system, or
 - d. Install signage to limit vehicle speed to 15 mph.
 - 4. Unpaved Roads or Feed Lanes:
 - a. Install engine speed governors on feed trucks to 15 mph.
 - b. Install signage to limit vehicle speed to 15 mph.
 - c. Install speed control devices.
 - d. Restrict traffic access.
 - f. Apply and maintain aggregate cover.
 - g. Apply and maintain synthetic particulate suppressant.
 - h. Apply and maintain water, or
 - i. Apply and maintain oil on roads or feed lanes.
- H.** A commercial swine facility shall implement the following best management practices, as described in subsection (C) or (D), from each of the following categories:
- 1. Arenas, Corrals, and Pens:
 - a. House in fully enclosed ventilated buildings;
 - b. Use no bedding;
 - c. Use a slatted floor system;
 - d. Use sloped concrete flooring;
 - e. Clean fans, louvers, and soffit inlets in a commercial swine facility;
 - f. Control vegetation on building exteriors; or
 - g. Add moisture through ventilation systems.
 - 2. Animal Waste Handling and Transporting:
 - a. Remove spilled feed;
 - b. Store feed;
 - c. Add oil and/or moisture to feed;
 - d. Use enclosed feed distribution system;
 - e. Use flexible discharge spout;
 - f. Minimize drop distance;
 - g. Enclose transfer points;
 - h. Clean pens, floors, and walls in a commercial swine facility;
 - i. Clean aisles between pens and stalls;
 - j. Store separated manure solids in a wind-blocked area;
 - k. Stack separated manure solids;
 - l. Maintain moisture in manure solids; or
 - m. Maintain liquid lagoon level.
 - 3. Unpaved Access Connections:
 - a. Install speed control devices.
 - b. Restrict traffic access.
 - c. Install and maintain a track-out control system.
 - d. Install signage to limit vehicle speed to 15 mph.
 - 4. Unpaved Roads or Feed Lanes:
 - a. Install engine speed governors on feed trucks to 15 mph.
 - b. Install signage to limit vehicle speed to 15 mph.
 - c. Install speed control devices.
 - d. Restrict traffic access.
 - e. Apply and maintain aggregate cover.
 - f. Apply and maintain synthetic particulate suppressant.

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- g. Apply and maintain water.
 - h. Apply and maintain oil on roads or feed lanes, or
 - i. Wind barrier.
- I.** Beginning March 31, 2013, or within 90 days after the start of a new regulated agricultural activity, whichever is later, the commercial animal operator shall complete and submit a Best Management Practices Program General Permit Record Form to the Arizona Department of Agriculture. Thereafter, the commercial animal operator shall complete and submit the Best Management Practices Program General Permit Record Form by March 31st of each subsequent year. The Best Management Practices Program General Permit Record Form shall include the following information:
 - 1. At least the required number of best management practices as described in subsection (C) or (D) that the commercial animal operator implemented during the previous calendar year;
 - 2. At least the required number of best management practices as described in subsection (C) or (D) that the commercial animal operator intends to implement during the current calendar year;
 - 3. The name, business address, and phone number of the commercial animal operator responsible for the preparation and implementation of the best management practices;
 - 4. The signature of the commercial animal operator and the date the form was signed.
- J.** Beginning in Calendar Year 2014, and no more than once every subsequent three calendar years, the Director shall provide the commercial animal operator with a Best Management Practices Program Periodic Survey. The commercial animal operator may complete and submit the survey to the Arizona Department of Agriculture. The Periodic Survey shall include the following information:
 - 1. The number of animals in a commercial dairy operation, beef cattle feed lot, poultry facility or swine facility;
 - 2. The total miles of unpaved roads at the commercial dairy operation, beef cattle feed lot, poultry facility or swine facility; and
 - 3. The total acreage of the unpaved access connections and equipment areas at the commercial dairy operation, beef cattle feed lot, poultry facility or swine facility.
- K.** Beginning March 31, 2013, a commercial animal operator shall maintain records demonstrating compliance with this Section and any changes to the best management practices identified in the most recently submitted Best Management Practices Program General Permit Record Form. Records shall be kept by the commercial animal operator onsite and made available for review within two business days of notice to the commercial animal operator. A commercial animal operator shall maintain a record demonstrating compliance with this Section for three years.
- L.** A person may develop different practices not contained in subsection (E), (F), (G), or (H) that reduce PM₁₀ and may submit such practices that are proven effective through on-farm demonstration trials to the Committee. The new best management practices shall not become effective unless approved as described in A.R.S. § 49-457(L).
- M.** The Director shall not assess a fee to a commercial animal operator for coverage under the agricultural PM₁₀ general permit.
- N.** A commercial animal operator shall ensure that the implementation of all selected best management practices does not violate any other local, state, or federal law.
- O.** The Director shall document noncompliance with this Section before issuing a compliance order.
- P.** A commercial animal operator who is not in compliance with this Section is subject to the provisions in A.R.S. § 49-457(I), (J), and (K).