

COMMITTEE ON NATURAL RESOURCES, INFRASTRUCTURE AND PUBLIC DEBT
SENATE AMENDMENTS TO S.B. 1225
(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 49-457, Arizona Revised Statutes, is amended to
3 read:

4 49-457. Agricultural best management practices committee:
5 members; powers; permits; definitions

6 A. A best management practices committee for regulated agricultural
7 activities is established.

8 B. The committee shall consist of:

9 1. The director of environmental quality or the director's designee.

10 2. The director of the Arizona department of agriculture or the
11 director's designee.

12 3. The dean of the college of agriculture of the university of Arizona
13 or the dean's designee.

14 4. The state director of the United States natural resources
15 conservation service or the director's designee.

16 5. One person actively engaged in the production of citrus.

17 6. One person actively engaged in the production of vegetables.

18 7. One person actively engaged in the production of cotton.

19 8. One person actively engaged in the production of alfalfa.

20 9. One person actively engaged in the production of grain.

21 10. One soil taxonomist from the university of Arizona college of
22 agriculture.

23 11. ONE PERSON ACTIVELY ENGAGED IN THE OPERATION OF A BEEF CATTLE FEED
24 LOT.

25 12. ONE PERSON ACTIVELY ENGAGED IN THE OPERATION OF A DAIRY.

26 13. ONE PERSON ACTIVELY ENGAGED IN THE OPERATION OF A POULTRY FACILITY.

27 14. ONE PERSON ACTIVELY ENGAGED IN THE OPERATION OF A SWINE FACILITY.

28 C. The governor shall appoint the members designated pursuant to
29 subsection B, paragraphs 5 through ~~10~~ 14 of this section for a term of six

1 years. Members may be reappointed. Members are not entitled to compensation
2 for their services but are entitled to receive reimbursement of expenses
3 pursuant to title 38, chapter 4, article 2.

4 D. The committee shall elect a chairman from the appointed members to
5 serve a two year term.

6 E. The committee shall meet at the call of the chairman or at the
7 request of a majority of the appointed members.

8 F. The department of environmental quality, the Arizona department of
9 agriculture and the college of agriculture of the university of Arizona shall
10 cooperate with and provide technical assistance and any necessary information
11 to the committee. The department of environmental quality shall provide the
12 necessary staff support and meeting facilities for the committee.

13 G. ~~Notwithstanding subsections I, J and K of this section, a person~~
14 ~~engaged in a regulated agricultural activity on August 21, 1998 shall comply~~
15 ~~with the general permit as provided in subsection H of this section by~~
16 ~~December 31, 2001.~~ A person who commences a regulated agricultural activity
17 after December 31, 2000 shall comply with the general permit within eighteen
18 months of commencing the activity.

19 H. ~~By June 10, 2000,~~ The committee shall adopt, by rule, an
20 agricultural general permit specifying best management practices for
21 regulated agricultural activities to reduce PM-10 particulate emissions. A
22 person WHO IS subject to an agricultural general permit pursuant to this
23 section is not subject to a permit issued pursuant to section 49-426 except
24 as provided in subsection K of this section. The committee shall adopt by
25 rule a list of best management practices, at least two of which shall be used
26 to demonstrate compliance with applicable provisions of the general permit ~~no~~
27 ~~later than December 31, 2007.~~ Best management practices may vary within the
28 regulated area, according to regional or geographical conditions or cropping
29 patterns. ~~The director shall submit the rule to the United States~~
30 ~~environmental protection agency as a revision to the applicable~~
31 ~~implementation plan no later than December 31, 2007.~~

32 I. If the director determines that a person WHO IS engaged in a
33 regulated activity is not in compliance with the general permit, and that

1 person has not previously been subject to a compliance order issued pursuant
2 to this section, the director may serve ~~upon~~ ON the person by certified mail
3 an order requiring compliance with the general permit and notifying the
4 person of the opportunity for a hearing pursuant to title 41, chapter 6,
5 article 10. The order shall state with reasonable particularity the nature
6 of the noncompliance and shall specify that the person has a period that the
7 director determines is reasonable, but is not less than six months, to submit
8 a plan to the supervisors of the natural resource conservation district in
9 which the person engages in the regulated activity that specifies the best
10 management practices from among those adopted in rule pursuant to subsection
11 H of this section that the person will use to comply with the general permit.

12 J. If the director determines that a person WHO IS engaged in a
13 regulated activity is not in compliance with the general permit, and that
14 person has previously submitted a plan pursuant to subsection I of this
15 section, the director may serve ~~upon~~ ON the person by certified mail an order
16 requiring compliance with the general permit and notifying the person of the
17 opportunity for a hearing pursuant to title 41, chapter 6, article 10. The
18 order shall state with reasonable particularity the nature of the
19 noncompliance and shall specify that the person has a period that the
20 director determines is reasonable, but is not less than six months, to submit
21 a plan to the department that specifies the best management practices from
22 among those adopted in rule pursuant to subsection H of this section that the
23 person will use to comply with the general permit.

24 K. If a person fails to comply with the plan submitted pursuant to
25 subsection J of this section, the director may revoke the agricultural
26 general permit for that person and require that the person obtain an
27 individual permit pursuant to section 49-426. A revocation becomes effective
28 after the director has provided the person with notice and an opportunity for
29 a hearing pursuant to title 41, chapter 6, article 10.

30 L. The committee may periodically reexamine, evaluate and modify best
31 management practices. Any approved modifications shall be submitted to the
32 United States environmental protection agency as a revision to the applicable
33 implementation plan.

1 M. The committee shall develop and commence an education program ~~by~~
2 ~~June 10, 2000~~. The education program shall be conducted by the director or
3 the director's designee or designees.

4 N. A BEST MANAGEMENT PRACTICE ADOPTED PURSUANT TO THIS SECTION DOES
5 NOT AFFECT ANY APPLICABLE REQUIREMENTS IN AN APPLICABLE IMPLEMENTATION PLAN
6 OR ANY OTHER APPLICABLE REQUIREMENTS OF THE CLEAN AIR ACT, INCLUDING SECTION
7 110(1) OF THE ACT (42 UNITED STATES CODE SECTION 7410(1)).

8 ~~N.~~ O. ~~In~~ FOR THE PURPOSES OF this section, unless the context
9 otherwise requires:

10 1. "Agricultural general permit" means best management practices that:

11 (a) Reduce PM-10 particulate emissions from tillage practices and from
12 harvesting on a commercial farm.

13 (b) Reduce PM-10 particulate emissions from those areas of a
14 commercial farm that are not normally in crop production.

15 (c) Reduce PM-10 particulate emissions from those areas of a
16 commercial farm that are normally in crop production including prior to plant
17 emergence and when the land is not in crop production.

18 (d) REDUCE PM-10 PARTICULATE EMISSIONS FROM THE ACTIVITIES OF A DAIRY,
19 A BEEF CATTLE FEED LOT, A POULTRY FACILITY OR A SWINE FACILITY, INCLUDING
20 PRACTICES RELATING TO THE FOLLOWING:

21 (i) UNPAVED ACCESS CONNECTIONS.

22 (ii) UNPAVED ROADS OR FEED LANES.

23 (iii) ANIMAL WASTE HANDLING AND TRANSPORTING.

24 (iv) ARENAS, CORRALS AND PENS.

25 2. "Applicable implementation plan" means that term as defined in 42
26 United States Code section 7601(q).

27 3. "Best management practices" means techniques that are verified by
28 scientific research and that on a case by case basis are practical,
29 economically feasible and effective in reducing PM-10 particulate emissions
30 from a regulated agricultural activity.

31 4. "Maricopa PM-10 particulate nonattainment area" means the Phoenix
32 planning area as set forth in 40 Code of Federal Regulations section 81.303.

1 5. "Regulated agricultural activities" means commercial farming
2 practices that may produce PM-10 particulate emissions within the regulated
3 area, INCLUDING ACTIVITIES OF A DAIRY, A BEEF CATTLE FEED LOT, A POULTRY
4 FACILITY AND A SWINE FACILITY.

5 6. "Regulated area" means ANY OF THE FOLLOWING:

6 (a) The Maricopa PM-10 PARTICULATE nonattainment area. and

7 (b) Any portion of area A that is located in a county with a
8 population of two million or more persons.

9 (c) ANY OTHER PM-10 PARTICULATE NONATTAINMENT AREA ESTABLISHED IN THIS
10 STATE ON OR AFTER JUNE 1, 2009.

11 Sec. 2. Rule making; compliance

12 A. On or before June 30, 2010, the agricultural best management
13 practices committee established by section 49-457, Arizona Revised Statutes,
14 as amended by this act, shall adopt by rule an agricultural general permit
15 that specifies best management practices for regulated agricultural
16 activities to reduce PM-10 particulate emissions from dairy operations, beef
17 cattle feed lot operations, poultry facility operations and swine facility
18 operations.

19 B. A person who engages in regulated agricultural activity from a
20 dairy, a beef cattle feed lot, a poultry facility or a swine facility shall
21 comply with the general permit within six months after the effective date of
22 the general permit."

23 Amend title to conform

1225sp.doc
06/11/2009
11:02 AM
C: myr