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Arizona Administrative REGISTER

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From the Publisher

ABOUT THIS PUBLICATION

The paper copy of the *Administrative Register* (A.A.R.) is the official publication for rules and rulemaking activity in the state of Arizona.

Rulemaking is defined in Arizona Revised Statues known as the Arizona Administrative Procedure Act (APA), A.R.S. Title 41, Chapter 6, Articles 1 through 10.

The Office of the Secretary of State does not interpret or enforce rules published in the *Arizona Administrative Register* or *Code*. Questions should be directed to the state agency responsible for the promulgation of the rule as provided in its published filing.

The *Register* is cited by volume and page number. Volumes are published by calendar year with issues published weekly. Page numbering continues in each weekly issue.

In addition, the *Register* contains the full text of the Governor's Executive Orders and Proclamations of general applicability, summaries of Attorney General opinions, notices of rules terminated by the agency, and the Governor's appointments of state officials and members of state boards and commissions.

ABOUT RULES

Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number). Rules activity published in the *Register* includes: proposed, final, emergency, expedited, and exempt rules as defined in the APA.

Rulemakings initiated under the APA as effective on and after January 1, 1995, include the full text of the rule in the *Register*. New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.

WHERE IS A "CLEAN" COPY OF THE FINAL OR EXEMPT RULE PUBLISHED IN THE *REGISTER*?

The *Arizona Administrative Code* (A.A.C) contains the codified text of rules. The A.A.C. contains rules promulgated and filed by state agencies that have been approved by the Attorney General or the Governor's Regulatory Review Council. The *Code* also contains rules exempt from the rulemaking process.

The printed *Code* is the official publication of a rule in the A.A.C. is prima facie evidence of the making, amendment, or repeal of that rule as provided by A.R.S. § 41-1012. Paper copies of rules are available by full Chapter or by subscription. The *Code* is posted online for free.

LEGAL CITATIONS AND FILING NUMBERS

On the cover: Each agency is assigned a Chapter in the *Arizona Administrative Code* under a specific Title. Titles represent broad subject areas. The Title number is listed first; with the acronym A.A.C., which stands for the *Arizona Administrative Code*; following the Chapter number and Agency name, then program name. For example, the Secretary of State has rules on rulemaking in Title 1, Chapter 1 of the *Arizona Administrative Code*. The citation for this chapter is 1 A.A.C. 1, Secretary of State, Rules and Rulemaking

Every document filed in the office is assigned a file number. This number, enclosed in brackets, is located at the top right of the published documents in the *Register*. The original filed document is available for 10 cents a copy.

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Rates: $275 yearly
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This publication is available online for free at www.azsos.gov.

ADMINISTRATIVE CODE
A price list for the *Arizona Administrative Code* is available online. You may also request a paper price list by mail. To purchase a paper Chapter, contact customer service at (602) 364-3223.

PUBLICATION DEADLINES
Publication dates are published in the back of the *Register*. These dates include file submittal dates with a three-week turnaround from filing to published document.

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The Office of the Secretary of State is an equal opportunity employer.

Participate in the Process

Look for the Agency Notice

Review (inspect) notices published in the *Arizona Administrative Register*. Many agencies maintain stakeholder lists and would be glad to inform you when they proposed changes to rules. Check an agency's website and its newsletters for news about notices and meetings.

Feel like a change should be made to a rule and an agency has not proposed changes? You can petition an agency to make, amend, or repeal a rule. The agency must respond to the petition. (See A.R.S. § 41-1033)

Attend a public hearing/meeting

Attend a public meeting that is being conducted by the agency on a Notice of Proposed Rulemaking. Public meetings may be listed in the Preamble of a Notice of Proposed Rulemaking or they may be published separately in the *Register*. Be prepared to speak, attend the meeting, and make an oral comment.

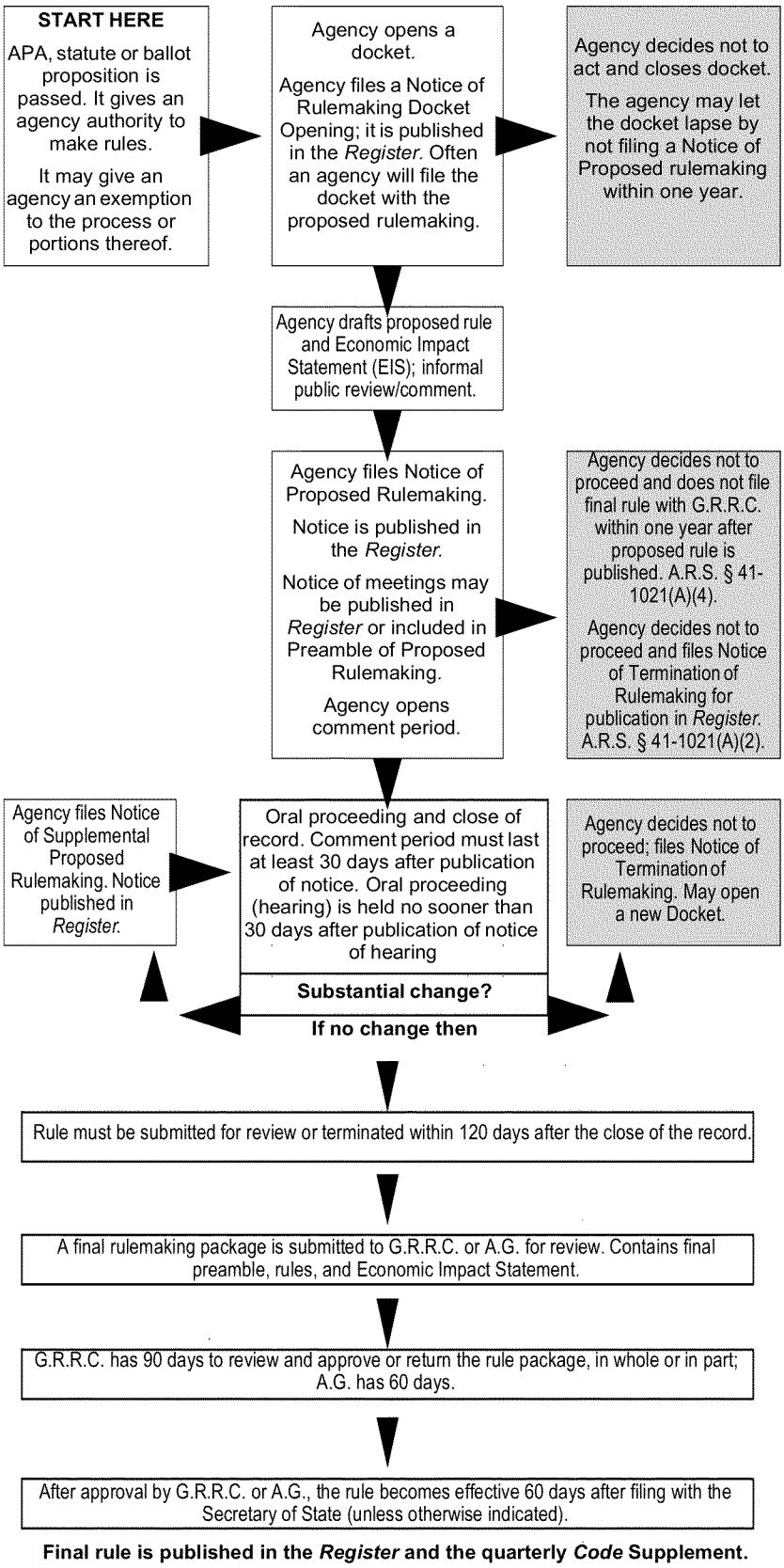
An agency may not have a public meeting scheduled on the Notice of Proposed Rulemaking. If not, you may request that the agency schedule a proceeding. This request must be put in writing within 30 days after the published Notice of Proposed Rulemaking.

Write the agency

Put your comments in writing to the agency. In order for the agency to consider your comments, the agency must receive them by the close of record. The comment must be received within the 30-day comment timeframe following the *Register* publication of the Notice of Proposed Rulemaking.

You can also submit to the Governor's Regulatory Review Council written comments that are relevant to the Council's power to review a given rule (A.R.S. § 41-1052). The Council reviews the rule at the end of the rulemaking process and before the rules are filed with the Secretary of State.

Arizona Regular Rulemaking Process



Definitions

***Arizona Administrative Code* (A.A.C.):** Official rules codified and published by the Secretary of State's Office. Available online at www.azsos.gov.

***Arizona Administrative Register* (A.A.R.)**: The official publication that includes filed documents pertaining to Arizona rulemaking. Available online at www.azsos.gov.

Administrative Procedure Act (APA): A.R.S. Title 41, Chapter 6, Articles 1 through 10. Available online at www.azleg.gov.

Arizona Revised Statutes (A.R.S.): The statutes are made by the Arizona State Legislature during a legislative session. They are complied by Legislative Council, with the official publication codified by Thomson West. Citations to statutes include Titles which represent broad subject areas. The Title number is followed by the Section number. For example, A.R.S. § 41-1001 is the definitions Section of Title 41 of the Arizona Administrative Procedures Act. The "§" symbol simply means "section." Available online at www.azleg.gov.

Chapter: A division in the codification of the *Code* designating a state agency or, for a large agency, a major program.

Close of Record: The close of the public record for a proposed rulemaking is the date an agency chooses as the last date it will accept public comments, either written or oral.

Code of Federal Regulations (CFR): The *Code of Federal Regulations* is a codification of the general and permanent rules published in the *Federal Register* by the executive departments and agencies of the federal government.

Docket: A public file for each rulemaking containing materials related to the proceedings of that rulemaking. The docket file is established and maintained by an agency from the time it begins to consider making a rule until the rulemaking is finished. The agency provides public notice of the docket by filing a Notice of Rulemaking Docket Opening with the Office for publication in the *Register*.

Economic, Small Business, and Consumer Impact Statement (EIS): The EIS identifies the impact of the rule on private and public employment, on small businesses, and on consumers. It includes an analysis of the probable costs and benefits of the rule. An agency includes a brief summary of the EIS in its preamble. The EIS is not published in the *Register* but is available from the agency promulgating the rule. The EIS is also filed with the rulemaking package.

Governor's Regulatory Review (G.R.R.C.): Reviews and approves rules to ensure that they are necessary and to avoid unnecessary duplication and adverse impact on the public. G.R.R.C. also assesses whether the rules are clear, concise, understandable, legal, consistent with legislative intent, and whether the benefits of a rule outweigh the cost.

Incorporated by Reference: An agency may incorporate by reference standards or other publications. These standards are available from the state agency with references on where to order the standard or review it online.

Federal Register (FR): The *Federal Register* is a legal newspaper published every business day by the National Archives and Records Administration (NARA). It contains federal agency regulations; proposed rules and notices; and executive orders, proclamations, and other presidential documents.

Session Laws or "Laws": When an agency references a law that has not yet been codified into the Arizona Revised Statutes, use the word "Laws" is followed by the year the law was passed by the Legislature, followed by the Chapter number using the abbreviation "Ch.", and the specific Section number using the Section symbol (§). For example, Laws 1995, Ch. 6, § 2. Session laws are available at www.azleg.gov.

United States Code (U.S.C.): The Code is a consolidation and codification by subject matter of the general and permanent laws of the United States. The Code does not include regulations issued by executive branch agencies, decisions of the federal courts, treaties, or laws enacted by state or local governments.

Acronyms

A.A.C. – *Arizona Administrative Code*

A.A.R. – *Arizona Administrative Register*

APA – Administrative Procedure Act

A.R.S. – Arizona Revised Statutes

CFR – *Code of Federal Regulations*

EIS – Economic, Small Business, and Consumer Impact Statement

FR – *Federal Register*

G.R.R.C. – Governor's Regulatory Review Council

U.S.C. – *United States Code*

About Preambles

The Preamble is the part of a rulemaking package that contains information about the rulemaking and provides agency justification and regulatory intent.

It includes reference to the specific statutes authorizing the agency to make the rule, an explanation of the rule, reasons for proposing the rule, and the preliminary Economic Impact Statement.

The information in the Preamble differs between rulemaking notices used and the stage of the rulemaking.

NOTICES OF PROPOSED RULEMAKING

This section of the *Arizona Administrative Register* contains Notices of Proposed Rulemakings.

A proposed rulemaking is filed by an agency upon completion and submittal of a Notice of Rulemaking Docket Opening. Often these two documents are filed at the same time and published in the same *Register* issue.

When an agency files a Notice of Proposed Rulemaking under the Administrative Procedure Act (APA), the notice is published in the *Register* within three weeks of filing. See the publication schedule in the back of each issue of the *Register* for more information.

Under the APA, an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for making, amending, or repealing any rule. (A.R.S. §§ 41-1013 and 41-1022)

The Office of the Secretary of State is the filing office and publisher of these rules. Questions about the interpretation of the proposed rules should be addressed to the agency the promulgated the rules. Refer to item #4 below to contact the person charged with the rulemaking and item #10 for the close of record and information related to public hearings and oral comments.

NOTICE OF PROPOSED RULEMAKING

TITLE 8. EMERGENCY AND MILITARY AFFAIRS

CHAPTER 2. DEPARTMENT OF EMERGENCY AND MILITARY AFFAIRS DIVISION OF EMERGENCY MANAGEMENT

[R15-71]

PREAMBLE

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

R8-2-101	Amend
R8-2-102	Amend
R8-2-103	Amend
R8-2-104	Amend
R8-2-105	Amend

2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):

Authorizing statute: A.R.S. §§ 26-306(A)(3), 26-306(A)(8), 35-192(D), 35-192(C)(4)
Implementing statute: A.R.S. § 35-192(G)

3. Citations to all related notices published in the *Register* as specified in R1-1409 (A) that pertain to the record of the proposed rules:

Notice of Docket Opening: 27 A.A.R. 1198, July 24, 2015 (*in this issue*).

4. The agency's contact person who can answer questions about the rulemaking:

Name: Travis Schulte, Legislative Liaison
Address: Department of Emergency and Military Affairs
5636 E. McDowell Rd.
Phoenix, AZ 85008
Telephone: (602) 267-2732
Fax: (602) 267-2549
E-mail: travis.schulte@azdema.gov
Website: www.dema.az.gov

5. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:

The purpose is to make simple technical and conforming changes that update the Arizona Administrative Code to reflect current and future practices. These updates have been requested by Arizona's County Sheriffs, who are statutorily responsible for performing search and rescue activities and request reimbursement for allowable liabilities and expenses from an allocation of the Governor's Emergency Fund.

An exemption from Executive Order 2015-01 was provided for this rulemaking by Ted Vogt, Chief of Operations in the Governor's office, in an e-mail dated May 27, 2015.

6. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to 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:
The agency did not review or rely on any study relevant to the rules.

7. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:
Not applicable

8. The preliminary summary of the economic, small business, and consumer impact:
The agency anticipates the rule changes will have little to no economic impact. The rule changes simply update terms and procedures to reflect current practices.

9. The agency's contact person who can answer questions about the economic, small business and consumer impact statement:

Name:	Anthony Cox, Assistant Deputy Director
Address:	Arizona Division of Emergency Management Operations & Coordination Section 5636 E. McDowell Rd. Phoenix, AZ 85008
Telephone:	(602) 464-6242
Fax:	(602) 464-6501
E-mail:	anthony.cox@azdema.gov
Website:	www.dema.az.gov

10. The time, place, and nature of the proceedings to make, amend, repeal, or renumber the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:
Written comments will be received at the address listed in item 9 for 30 days after the Notice of Proposed Rulemaking is published in the *Register*. An oral proceeding will be scheduled if one is requested; otherwise, the record will be closed at the end of the 30-day period after publication in the *Register*. Should a request for an oral proceeding be received, notice of that proceeding will be published in a future edition of the *Register*.

11. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:
None

a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:
The rules do not require issuance of a regulatory permit or license.

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:
No federal law is 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 analysis was submitted.

12. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:
These rules contain no material incorporated by reference.

13. The full text of the rule follows:

TITLE 8. EMERGENCY AND MILITARY AFFAIRS

CHAPTER 2. DEPARTMENT OF EMERGENCY AND MILITARY AFFAIRS DIVISION OF EMERGENCY MANAGEMENT

ARTICLE 1. SEARCH ~~OR~~ AND RESCUE

Section

R8-2-101. Definitions
R8-2-102. Support of Search ~~or~~ and Rescue Operations
R8-2-103. Reimbursement to County Governments
R8-2-104. Reimbursement to a Department or Agency of the State
R8-2-105. Claimant Procedures and Supporting Documentation

ARTICLE 1. SEARCH ~~OR~~ AND RESCUE

R8-2-101. Definitions

In this Article, for purposes of these rules, and unless the text requires otherwise:

1. "Claim" means documentation of eligible expenses associated with the conduct of a search and rescue mission.
~~1.~~2. "Claimant" means a department of the state or a political subdivision eligible to receive state reimbursement for search or rescue operations.
~~2.~~3. "Emergency Operations Center for Search ~~or~~ and Rescue" means the State Emergency Operations Center provides coordination, communications, ~~technical~~, administrative and support assistance. The center is located in the offices of the State Division of Emergency ~~Services~~ Management.
~~3.~~4. "Mission" means any action required to accomplish that portion of Title 26, Arizona Revised Statutes, relating to the preparation for and conduct of search ~~or~~ and rescue operations.
~~4.~~5. "Mission coordinator" means the county sheriff, or sheriff's designee, excluding federal reservations, where agreements are nonexistent.
~~5.~~6. "Mission identifier" means a number assigned by the State Division of Emergency ~~Services~~ Management to identify a search ~~or~~ and rescue mission.
~~6.~~7. "On-scene coordinator" means the individual SAR Coordinator ~~or team chief~~ designated by the sheriff as the on-scene person in charge of a particular search ~~or~~ and rescue mission.
~~7.~~8. "Political subdivision" means, within the context of this Article, a county ~~government~~ sheriff.
~~8.~~9. "Recovery" means to relocate, under direction of ~~competent~~ the statutory authority, a deceased person from the site of his demise to an appropriate location.
~~9.~~10. "Reimbursement" means the payment of state funds in accordance with A.R.S. § 35-192.01(A) and (B).
~~10.~~11. "Rescue" means to render aid, under the direction of ~~competent authority~~ the county sheriff, to persons whose life or health is threatened by circumstances beyond their control and return them to a place of safety.
~~11.~~12. "Search" means to seek out and locate, by the use of air, surface, and/or subsurface equipment and qualified registered personnel, live persons known or thought to be, by ~~competent authority~~ the county sheriff, in a distress situation and unable to reach a place of safety by their own efforts.

R8-2-102. Support of Search ~~or~~ and Rescue Operations

A. The Director of the Division of Emergency ~~Services~~ Management, in accordance with A.R.S. Title 26, is responsible for supporting search or rescue operations of the state, coordinating the use of state resources or the resources of one or more political subdivisions in support of any other political subdivision in the conduct of search ~~or~~ and rescue operations and for providing the services of a state search or rescue coordinator.

B. The Division of Emergency ~~Services~~ Management shall coordinate activities to include the following:

1. Mission identifiers for search ~~or~~ and rescue operations.
   ~~a. To obtain a mission identifier during business hours, contact the State Division of Emergency Services by telephone~~. Authorized county sheriff search and rescue coordinators may obtain Mission Numbers through the Division of Emergency Management's SAR data collection system.
   ~~b. On weekends, holidays or other than normal business hours, contact the headquarters of the Department of Public Safety by telephone. The name and telephone number of the caller will be relayed to personnel of the Division of Emergency Services who will assist the caller~~.
2. State government personnel and/or equipment, including the Arizona National Guard.
3. United States military personnel and/or equipment.
4. Resources not readily available locally.
5. Resources to support responsible authorities on federal reservations.
6. Specialized personnel and/or equipment from other states.
~~7. A state government search or rescue coordinator to assist the on-scene coordinator~~.
~~8.~~7. Reimbursement of eligible claims.
~~9.~~8. Prescribing forms and/or procedures for acquiring mission identifiers, reporting search or rescue mission activities, claiming reimbursement of eligible expenses and similar administrative matters.

R8-2-103. Reimbursement to County Governments

A. Reimbursement to county governments from the Governor's Emergency Fund is authorized for eligible expenses incurred during the conduct of search or rescue operations. A search ~~or~~ and rescue mission, in order to qualify for reimbursement must fall within the purview of A.R.S. § 35-192(C). Claims should be submitted within ~~21~~ 60 calendar days after the close or suspension of the mission. Eligible and ineligible expenses are itemized below:

1. Eligible:
   a. Salaries or contracts for the services of specialized personnel, provided that prior approval has been obtained from the Director, Division of Emergency ~~Services~~ Management.
   b. Overtime pay for eligible government employees. The claimant's overtime policy must be adhered to when submitting for overtime.
   c. Telephone ~~or telegraph charges~~ and data charges directly related to search or rescue missions.

d. Reimbursement of recovery expenses should the subject of an eligible search ~~or~~ and rescue mission be found deceased. Reimbursement of recovery expenses for a suspected decedent may be authorized with the prior approval of the Director, Division of Emergency ~~Services~~ Management.
e. Cost of materials and supplies procured with public funds or taken from government stocks and consumed, lost, damaged or destroyed during an eligible search ~~or~~ and rescue mission.
f. Rental costs of specialized equipment or aircraft, provided that the rates do not exceed the lowest rates available for the same or similar equipment. The prior approval of the Director, Division of Emergency ~~Services~~ Management is required.
g. Actual costs of fuel or lubricants paid by a county government for the operation of vehicles, equipment, or aircraft.
h. Repairs to surface/subsurface vehicles and equipment damaged during search ~~or~~ and rescue missions. Costs are limited to the restoration of the immediate pre-mission condition.
i. Reimbursements will be made only for equipment specifically required for the conduct of the search and rescue mission.

2. Ineligible:
a. Regular salaries or wages of government employees,
b. Salaries or wages of elected or appointed officials and employees ineligible for overtime pay,
c. Office supplies and equipment,
d. Rental of administrative office space,
e. Purchase of equipment or facilities,
f. Cost of items of personal wearing apparel~~.~~,
g. Firearms.

B. The eligibility of other expenses shall be determined by the Director, Division of Emergency ~~Services~~ Management, within the scope of this guidance, on a case-by-case basis.

R8-2-104. Reimbursement to a Department or Agency of the State

A. Expenses incurred, resulting from participation in search ~~or~~ and rescue missions, shall be borne initially by the state department or agency. Reimbursement shall be governed by A.R.S. § 35-192.01(B). Claims should be submitted within ~~21~~ 60 calendar days after the close or suspension of a mission. Eligible and ineligible expenses are itemized below:

1. Eligible:
a. Salaries or wages of ~~extra~~ employees directly engaged in search or rescue work.
b. Salaries or wages of regular employees who are diverted from their normal duties to engage in search or rescue work.
c. Overtime pay for eligible regular employees.
d. Communications charges directly related to search or rescue operations.
e. Travel directly related to search or rescue operations.
f. Reimbursement of recovery expenses should the subject of an eligible search ~~or~~ and rescue mission be found deceased. Reimbursement of recovery expenses for a suspected decedent may be authorized with the prior approval of the Director, Division of Emergency ~~Services~~ Management.
g. Cost of materials and supplies procured with public funds or taken from government stocks and consumed, lost, damaged or destroyed during an eligible search ~~or~~ and rescue mission.
h. Rental costs of specialized equipment or aircraft, provided that the rates do not exceed the lowest rates available for the same or similar equipment. Sole source providers will be considered. The prior approval of the Director, Division of emergency ~~Services~~ Management is required.
i. Actual cost of fuel or lubricants paid by a state department or agency for the operation of vehicles, equipment or aircraft.
j. Repairs to surface/subsurface vehicles and equipment damaged during search or rescue mission. Costs are limited to the restoration of the immediate ~~premission~~ pre-mission condition.
k. Reimbursements will be made only for equipment specifically required for the conduct of the search and rescue mission.

2. Ineligible:
a. Salaries or wages of elected or appointed officials ~~and employees ineligible for overtime pay~~,
b. Office supplies and equipment,
c. Rental of administrative office space,
d. Costs of items of personal apparel~~.~~,
e. Firearms.

B. The eligibility of other expenses shall be determined by the director, Division of Emergency ~~Services~~ Management, within the scope of this guidance, on a case-by-case basis.

R8-2-105. Claimant Procedures and Supporting Documentation

A. Claims for reimbursement require certification by competent authority. Certification must include:

1. The name of the agency.

2. The date of the claim and the search ~~or~~ and rescue mission identifier.
3. The name of each payee and the date the claimant paid each.
4. The item or service for which each payee received payment.
5. The amount paid each payee.
6. A statement that the documents supporting the claim are available in the claimant agency for review by the State Auditor General and/or the auditor from the Division of ~~emergency Services~~ Emergency Management.
7. The signature of the individual authorized to file claims for the claimant agency.

B. The amounts claimed for reimbursement from the Governor's Emergency Fund must be based on eligible expenditures for a search ~~or~~ and rescue mission to which a mission identifier has been assigned.

C. Appropriate documents, as prescribed by the Director, Division of Emergency ~~Services~~ Management, supporting each claim must be retained by the claimant pending audit by the State Auditor General and/or the Division of Emergency ~~Services~~ Management Auditor. These documents shall be retained following the reimbursement of a claim in accordance with retention schedules established by the Arizona State Library, Archives and Public Records pursuant to A.R.S. § 41-151 et seq.

NOTICES OF FINAL EXEMPT RULEMAKING

This section of the *Arizona Administrative Register* contains Notices of Final Exempt Rulemaking.

The Office of the Secretary of State is the filing office and publisher of these rules. Questions about the interpretation of the final exempt rule should be addressed to the agency proposing them. Refer to Item #5 to contact the person charged with the rulemaking.

NOTICE OF FINAL EXEMPT RULEMAKING

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 2. DEPARTMENT OF ENVIRONMENTAL QUALITY AIR POLLUTION CONTROL

[R15-63]

PREAMBLE

1. Article, Part, or Section Affected (as applicable)

Article, Part, or Section Affected (as applicable)	Rulemaking Action
R18-2-210	Amend
R18-2-610	Amend
R18-2-610.01	Amend
R18-2-610.02	New Section
R18-2-610.03	New Section
R18-2-611	Amend
R18-2-611.01	Amend
R18-2-611.02	New Section
R18-2-611.03	New Section
R18-2-612	Repeal
R18-2-612	New Section
R18-2-612.01	New Section
R18-2-613	Repeal
R18-2-613	New Section
R18-2-613.01	New Section
Appendix 2	Amend

2. Citations to the agency's statutory rulemaking authority to include 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: Senate Bill (SB) 1408 (Forty-ninth Legislature, Second Regular Session, 2010, Chapter 82, § 1)

Statute or Session Law Authorizing the Exemption: House Bill (HB) 2208 (Fiftieth Legislature, First Regular Session, 2011, Chapter 214, § 4)

3. The effective date of the rule and the agency's reason it selected the effective date:

July 2, 2015. HB 2208 (Fiftieth Legislature, First Regular Session, 2011, Chapter 214, § 4) states that the rule shall be effective immediately upon filing with the Secretary of State.

4. A list of all previous notices published in the *Register* as specified in R1-1-409(A) that pertain to the record of the exempt rulemaking:

Not applicable

5. The agency's contact person who can answer questions about the rulemaking.

Name: Heidi M. Haggerty

Address: Arizona Department of Environmental Quality
1110 W. Washington St.
Phoenix, AZ 85007

Telephone: (602) 771-4815 (This number may be reached in-state by dialing 1-800-234-5677 and requesting the seven digit number.)

Fax: (602) 771-2366
E-mail: Haggerty.Heidi@azdeq.gov

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) 1408 (Forty-ninth Legislature, Second Regular Session, 2010, Chapter 82, § 1), signed by former Governor Brewer on April 16, 2010, expands the applicability of agricultural best management practices (BMPs) under A.R.S. § 49-457, to include the activities of irrigation districts in regulated areas established after June 1, 2009, which includes the Pinal County PM nonattainment area. A.R.S. § 49-457 (P)(1)(f). The BMPs are being added to reduce emissions of particulate matter by including practices related to activities of an irrigation district in moderate nonattainment areas designated after June 1, 2009, and includes BMPs from each of the categories: unpaved operation and maintenance roads, canals, and unpaved utility access roads.

In addition, this rulemaking amends the definitions of all the BMPs in order to make them more understandable, specific, and enforceable by ADEQ and the Department of Agriculture. This rulemaking also separates the rules by applicable nonattainment area (Maricopa, Moderate designated after June 1, 2009, and Pinal) for clarity and to further define more specific rules for commercial farmers and commercial animal operators within the Pinal County PM nonattainment area. Lastly, this rulemaking changes the reporting mechanisms for the crop and animal programs. Reports will be kept at the farm or animal operation each year and list the BMPs that are being implemented during the current year. Additionally, in the Pinal County PM nonattainment area, an expanded 3-year report will be turned in every three years by each farmer or animal operator with more specific information about their farms or operations. This information is necessary for an approvable State Implementation Plan (SIP) pursuant to A.R.S. §§ 49-404 and 49-406.

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.

Background.

History and Evolution of the AgBMP Program since 2007

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 PM_{10} in the Maricopa County nonattainment area and the Maricopa County portion of Area A for all contributing sources, including expansion of the AgBMP program. Forty-eighth Legislature, First Regular Session, 2007, Chapter 292, § 14. Section 20 of the bill authorized the exempt rule making that was published on December 7, 2007 (13 A.A.R. 4326). 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. It required that emission reductions occur during the critical winter time stagnant air condition period during which PM_{10} exceedances have historically occurred. This rulemaking was exempt from Title 41, Chapter 6, Article 3, Arizona Revised Statutes, which establishes the procedures and policies for rule making 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, expanded 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 (animal operations). Forty-ninth Legislature, First Regular Session, 2009, Chapter 180, Senate Bill 1225, § 2. The BMPs were added to the rules on January 20, 2012 in order to further reduce emissions of particulate matter by including practices related to unpaved access connections, roads or feed lanes; animal waste handling and transporting; and arenas, corrals and pens. 18 A.A.R. 137. As part of the January 20, 2012 rulemaking, commercial animal operators in the Maricopa County PM_{10} nonattainment area and the Maricopa County portion of Area A were required to choose two BMPs from each category and commercial animal operators in moderate nonattainment areas designated after June 1, 2009, were required to choose one BMP from each category. The EPA designated a new West Pinal PM-10 Moderate Nonattainment Area in a Notice of Final Rulemaking published May 21, 2012 (77 FR 32024), effective July 2, 2012. The current rulemaking, further define BMP requirements for the Pinal County PM nonattainment area. Those animal operators will still have to choose one BMP from each category. In addition, commercial beef cattle feedlots will add water to pen surface on the day of a forecasted high risk day, and commercial dairy operations will apply water as a dust suppressant to roads with more than 20 Vehicle Daily Trips (VDT) on the day of a forecasted high risk day. The AgBMP Committee holds statutory authority under A.R.S.

§49-457 to develop BMPs for commercial animal operations.

Senate Bill 1408

SB 1408, signed by the Governor Brewer on April 16, 2010, expanded the applicability of the BMPs under A.R.S. § 49-457, to include the activities of irrigation districts in regulated areas established after June 1, 2009, which includes the Pinal County PM nonattainment area. Forty-ninth Legislature, Second Regular Session, 2010, Chapter 82, § 1. The current rulemaking adds BMPs to reduce particulate matter emissions from practices related to unpaved operation and maintenance roads, canals, and unpaved utility access roads. The AgBMP Committee holds statutory authority under A.R.S. §49-457 to develop BMPs for the irrigation districts.

Senate Bill 1193

SB 1193, signed by Governor Brewer on April 28, 2010, added new subsection O, which stated that the regulation of PM_{10} produced by regulated agricultural activities is a matter of statewide concern. Forty-ninth Legislature, Second Regular Session, 2010, Chapter 207, § 1. This would preclude any other county, city, town or political subdivision of this State to regulate these activities. This SB also changed the time limit for submitting a plan to the Natural Resources Conservation District (NRCD) or the department from 6 months to 60 days. These plans are only required if the director of ADEQ determines that a person engaged in a regulated activity is not in compliance with a general permit.

House Bill 2208

HB 2208, signed by Governor Brewer on April 25, 2011, added another category, Significant Agricultural Earthmoving Activities, to the crop BMPs. Fiftieth Legislature, First Regular Session, 2011, Chapter 214, § 4. These BMPs were added in the January 20, 2012 rulemaking in order to the rule to reduce particulate matter during these defined activities for Commercial farmers in Maricopa County PM_{10} nonattainment area and the Maricopa County portion of Area A and moderate nonattainment areas designated after June 1, 2009 (which included the Pinal County PM nonattainment area). 18 A.A.R. 137. Farmers in the Maricopa County serious PM_{10} nonattainment area must choose two BMPs to implement from this category. Farmers in moderate PM_{10} nonattainment areas must choose one BMP to implement from this category. In this rulemaking, farmers will need to choose only one BMP from this category for the more defined Pinal County PM_{10} nonattainment area. HB 2208 also gives the authority for the exempt rulemaking. The AgBMP Committee holds statutory authority under A.R.S. §49-457 to develop BMPs for significant agricultural earthmoving activities.

House Bill 2394

HB 2394 also amends A.R.S. § 49-457, was signed by Governor Ducey on April 9, 2015, and the statute as amended is effective from and after December 31, 2015. Fifty-second Legislature, First Regular Session, 2015, Chapter 243, § 1. The bill, in preparation for the exempt rulemaking herein, removes the 18-month delay for compliance with the agricultural general permit and requires immediate compliance with the permit. The bill also made a technical change.

Phoenix Planning area

Portions of Maricopa County were designated nonattainment for PM_{10} 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. The CAA requires state and local authorities to implement stricter particulate matter pollution controls in PM_{10} 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.

On June 6, 2007, at 72 FR 31183, the Environmental Protection Agency made a finding that the Phoenix Planning Area had not attained the National Ambient Air Quality Standard (NAAQS) for PM_{10} 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 PM_{10} standard as required by CAA Section 189(d). The Maricopa Association of Governments (MAG) was been certified under A.A.C. 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 June 12, 2009, ADEQ submitted a negative declaration adopted by the Pinal County Board of Supervisors affirming that agricultural practices are not present in the Township 1 North, Range 8 East portion of this nonattainment area included within Pinal County.

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 PM_{10} in the Maricopa Area.

On January 25, 2011, ADEQ withdrew the 5% Plan from EPA'sconsideration. All air quality rules and statues contained in the Plan remain in effect. MAG, ADEQ, and Maricopa County Air Quality Department (MCAQD) worked on the Plan in a cooperative and collaborative effort with the EPA, and submitted the plan on May 25, 2012. The AgBMP program, however, was not included as a control or contingency measure in the newly submitted 5% Plan. The EPA proposed approval of the Plan on February 6, 2014 at 79 FR 7118, and finalized approval of the 5% Plan on June 10, 2014 at 79 FR 33107. A maintenance plan is required to be submitted and approved by EPA before the area can be re-designated to attainment status.

Pinal County PM Nonattainment Area

The Pinal County PM Nonattainment Area includes both the West Pinal PM_{10} planning area and the West Central $PM_{2.5}$ planning area; the boundaries of the nonattainment areas are listed in 40 CFR § 81.303. On May 31, 2012, the EPA re-designate the area of Western Pinal County from "unclassifiable" to "nonattainment" for the 1987 National Ambient Air Quality Standards (NAAQS) for PM_{10}; the redesignation was effective on July 2, 2012. On February 3, 2011, the EPA re-designated the West Central Pinal $PM_{2.5}$ planning area to nonattainment for the 2006 NAAQS for $PM_{2.5}$, after waiting to collect more monitoring data. 76 FR 6056. On September 3, 2013, the EPA determined that the West Central Pinal $PM_{2.5}$ Nonattainment Area had attained those standards based on three years of monitoring data (clean data finding) and suspended several otherwise applicable requirements for nonattainment area plans. 78 FR 54394. Both a nonattainment plan and a maintenance plan are required to be submitted and approved by EPA before the area can be re-designated to attainment status.

New Sections added specifically to address the Pinal County PM nonattainment area are:

1) 610.03. Agricultural PM General Permit for Commercial Farms; Pinal County PM Nonattainment Area,
2) 611.03 Agricultural PM General Permit for Animal Operations; Pinal County PM Nonattainment Area,
3) R18-2-612. Definitions for R18-2-612.01, and
4) R18-2-612.01.Agricultural PM General Permit For Irrigation Districts; Moderate PM Nonattainment Areas Designated After June 1, 2009.

These sections contain identifiable control measures for the Pinal County PM nonattainment area and will be submitted to the EPA as a revision to the Arizona State Implementation Plan (SIP) along with any other Reasonably Available Control Measures (RACM) implemented to control PM emissions from identified significant sources in the area.

Section by Section Explanation of the Rules

R18-2-210. Attainment, Nonattainment, and Unclassifiable Area Designations

The rulemaking updates Arizona's incorporated by reference designation status in 40 CFR 81.303 as of July 1, 2014.

R18-2-610. Definitions for R18-2-610.01, R18-2-610.02, and R18-2-610.03

The rulemaking makes changes to many of the definitions for R18-2-610.01, R18-2-610.02, and R18-2-610.03 to provide additional clarity, specificity, and enforceability.

R18-2-610.01. Agricultural PM General Permit for Commercial Farms; Maricopa County PM Nonattainment Area

The rulemaking changes this rule to only for the Maricopa County PM nonattainment area and makes changes recordkeeping requirements specific to this area.

R18-2-610.02. Agricultural PM General Permit for Commercial Farms; Moderate PM Nonattainment Areas Designated After June 1, 2009, Except Pinal County PM Nonattainment Area

The rulemaking adds a new section that applies only to commercial farmers implementing AgBMPs in Moderate PM Nonattainment Areas Designated After June 1, 2009 (not including the Pinal County PM nonattainment area) and makes changes recordkeeping requirements specific to these areas.

R18-2-610.03. Agricultural PM General Permit for Commercial Farms; Pinal County PM Nonattainment Area

The rulemaking adds a new section that applies only to commercial farmers implementing AgBMPs in the Pinal

County PM nonattainment area and makes changes recordkeeping requirements specific to this area.

R18-2-611. Definitions for R18-2-611.01, R18-2-611.02, and R18-2-611.03
The rulemaking makes changes to many of the definitions for R18-2-611.01, R18-2-611.02, and R18-2-611.03 to provide additional clarity, specificity, and enforceability.

R18-2-611.01. Agricultural PM General Permit for Animal Operations; Maricopa County PM Nonattainment Areas
The rulemaking changes this rule to apply only to commercial animal operators implementing BMPs in the Maricopa County PM nonattainment area and makes changes recordkeeping requirements specific to this area.

R18-2-611.02. Agricultural PM General Permit for Animal Operations; Moderate PM Nonattainment Areas Designated After June 1, 2009, Except Pinal County PM Nonattainment Area
The rulemaking changes this rule to apply only to commercial animal operators implementing BMPs Moderate PM Nonattainment Areas Designated After June 1, 2009 (not including the Pinal County PM nonattainment area) and makes changes recordkeeping requirements specific to these areas.

R18-2-611.03. Agricultural PM General Permit for Animal Operations; Pinal County PM Nonattainment Area
The rulemaking changes this rule to apply only to commercial animal operators implementing BMPs in the Pinal County PM nonattainment area and makes changes recordkeeping requirements specific to this area.

R18-2-612. Definitions for R18-2-612.01
This rulemaking repealed the Definitions for the Yuma AgBMP rule from R18-2-612, and added a new section R18-2-612 for Definitions for R18-2-612.01.

R18-2-612.01. Agricultural PM General Permit For Irrigation Districts; Moderate PM Nonattainment Areas Designated After June 1, 2009
This rulemaking added a new section R18-2-612.01 for the implementation of BMPs for Irrigation Districts located in moderate nonattainment areas designated after June 1, 2009 (which includes the Pinal County nonattainment area).

R18-2-613. Definitions for R18-2-613.01
This rulemaking repealed the Yuma AgBMP rule at R18-2-613, and added a new section R18-2-613 for Definitions for the Yuma AgBMP rule. No changes were made to the rule text.

R18-2-613.01. Yuma PM_{10} Nonattainment Area; Agricultural Best Management Practices
This rulemaking adds a new Section for the Yuma AgBMP rule, which was repealed from R18-2-613. No changes were made to the rule text.

Appendix 2. Test Methods and Protocols
This rulemaking incorporates by reference the Silt Content Test Method to Appendix 2. This test method is used in the Phoenix Planning Area for PM_{10}.

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 rulemaking 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 to this exempt rule.

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. A list of any incorporated by reference material and its location in the rule:

Incorporation	Location in the rule
40 CFR 81.303 (As of July 1, 2014)	R18-2-210
NRCS Practice Code 609, Surface Roughening, amended through November 2008.	R18-2-610(53)
NRCS National Agronomy Manual, Subpart 503.51, Estimating Crop Residue Cover, amended through February 2011.	R18-2-610(14), (15), (36), (47)
NRCS Estimating Soil Moisture by Feel and Appearance Method, amended through April 1998.	R18-2-610(39), (56), R18-2-610.01(E)(1) and (E)(2), R18-2-610.02(E)(1) and (E)(2), R18-2-610.02(B)(6)(a) and (B)(6)(b)
NRCS Conservation Practice Standard, Code 380, Windbreak/Shelterbelt Establishment, amended through August 21, 2009	R18-2-610(65), R18-2-611(2)(x), (3)(r), and R18-2-612(33)
Silt Content Test Method	Appendix 2, Subsection (N), incorporated into R18-2-610 (51)

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

CHAPTER 2. DEPARTMENT OF ENVIRONMENTAL QUALITY AIR POLLUTION CONTROL

ARTICLE 2. AMBIENT AIR QUALITY STANDARDS; AREA DESIGNATIONS; CLASSIFICATIONS

Section
R18-2-210. Attainment, Nonattainment, and Unclassifiable Area Designations

ARTICLE 6. EMISSIONS FROM EXISTING AND NEW NONPOINT SOURCES

Section
R18-2-610. Definitions for ~~R18-2-611~~ R18-2-610.01, R18-2-610.02, and R18-2-610.03
R18-2-610.01. Agricultural PM_{10} General Permit for ~~Crop Operations~~ Commercial Farms; Maricopa County PM_{10} Nonattainment ~~Areas~~ Area
R18-2-610.02. Agricultural PM General Permit for Commercial Farms; Moderate PM Nonattainment Areas Designated After June 1, 2009, Except Pinal County PM Nonattainment Area
R18-2-610.03. Agricultural PM General Permit for Commercial Farms; Pinal County PM Nonattainment Area
R18-2-611. Definitions for R18-2-611.01, R18-2-611.02, and R18-2-611.03
R18-2-611.01. Agricultural ~~Animal Operations~~ PM_{10} General Permit for Animal Operations; ~~Moderate and~~ ~~Serious~~ Maricopa County PM_{10} Nonattainment Areas ~~Except Yuma County~~
R18-2-611.02. Agricultural PM General Permit for Animal Operations; Moderate PM Nonattainment Areas Designated After June 1, 2009, Except Pinal County PM Nonattainment Area
R18-2-611.03. Agricultural PM General Permit for Animal Operations; Pinal County PM Nonattainment Area
R18-2-612. Definitions for ~~R18-2-613~~ R18-2-612.01

R18-2-612.01. Agricultural PM General Permit For Irrigation Districts; Moderate PM Nonattainment Areas Designated After June 1, 2009, Including Pinal County PM Nonattainment Area
R18-2-613. ~~Yuma PM_{10} Nonattainment Area; Agricultural Best Management Practices~~ Definitions for R18-2-613.01
R18-2-613.01. Yuma PM_{10} Nonattainment Area; Agricultural Best Management Practices
Appendix 2. Test Methods and Protocols

ARTICLE 2. AMBIENT AIR QUALITY STANDARDS; AREA DESIGNATIONS; CLASSIFICATIONS

R18-2-210. Attainment, Nonattainment, and Unclassifiable Area Designations
40 CFR 81.303 as amended as of July 1, ~~2011~~ 2014 (and no future amendments or editions) is incorporated by reference as an applicable requirement and on file with the Department of Environmental Quality. 40 CFR 81.303 is available from the U.S. Government Printing Office, Superintendent of Documents, bookstore.gpo.gov, Mail Stop: SSOP IDCC-SSOM, Washington, D.C. 20402-9328.

ARTICLE 6. EMISSIONS FROM EXISTING AND NEW NONPOINT SOURCES

R18-2-610. Definitions for R18-2-610.01, R18-2-610.02, and R18-2-610.03
The definitions in R18-2-101 and the following definitions apply to R18-2-610.01, R18-2-610.02, and R18-2-610.03:

1. "Access restriction" means reducing PM emissions by reducing the number of trips driven on agricultural aprons and access roads by restricting or eliminating public access to noncropland or commercial farm roads with signs or physical obstruction at locations that effectively control access to the area.
2. "Aggregate cover" means reducing PM emissions and wind erosion and stabilizing soil by applying and maintaining gravel, concrete, recycled road base, caliche, or other similar material ~~applied~~ to noncropland or commercial farm roads ~~to a depth sufficient to reduce dust generated from vehicle movement, wind or other erosive forces~~. The aggregate should be clean, hard and durable, and should be applied and maintained to a depth sufficient to reduce PM emissions.
3. "Area A" means the area delineated according to A.R.S. § 49-541(1).
4. "Best management practice" (BMP) means a technique verified by scientific research, that on a case-by-case basis is practical, economically feasible, and effective in reducing PM_{10} emissions from a regulated agricultural activity.
5. "Cessation of Night Tilling" means the discontinuation of ~~night~~ tillage ~~tilling~~ from sunset to sunrise on a day identified by the Maricopa or Pinal County Dust Control Forecast as being high risk of dust generation.
6. "Chemical irrigation" means reducing a minimum of one ground operation ~~reducing the number of passes~~ across a commercial farm by applying a fertilizer, pesticide, or other agricultural chemical to cropland through an irrigation system, which reduces soil disturbance and increases efficiency of application.
7. "Chips/ mulches" means reducing PM emissions and soil movement and preserving soil moisture by applying and maintaining nontoxic chemical or organic dust suppressants to a depth sufficient to reduce PM emissions. Materials shall meet all specifications required by federal, state, or local water agencies, and is not prohibited for use by any applicable regulations.

~~7~~8. "Combining tractor operations" means reducing soil compaction and ~~the number of passes~~ a minimum of one tillage or ground operation across a commercial farm by using a tractor, implement, harvester, or other farming support vehicle to perform two or more tillage, cultivation, planting, or harvesting operations at the same time. If Equipment modification is also chosen as a BMP, and uses the same practices as described in this BMP, this action is considered one BMP.

~~8~~9. "Commercial farm" means 10 or more contiguous acres of land used for agricultural purposes within the boundary of the Maricopa PM_{10} nonattainment area and Maricopa County portion of Area A, ~~or~~ a PM_{10} nonattainment area designated after June 1, 2009 as stated in A.R.S. § 49-457(P)(1)(f), or the Pinal County PM Nonattainment Area.

10. "Commercial farm road" means a road that is unpaved, owned by a commercial farmer, and is used exclusively to service a commercial farm.

~~9~~11."Commercial farmer" means an individual, entity, or joint operation in general control of a commercial farm.

~~10~~12."Committee" means the Governor's Agricultural Best Management Practices Committee as established by A.R.S. § 49-457.

13. "Conservation Tillage" means a tillage system that reduces a minimum of three tillage operations. This system reduces soil and water loss by planting into existing plant stubble on the field after harvest as well as managing the stubble so that it remains intact during the planting season.

~~11~~14."Cover crop" means establishing cover crops that maintain a minimum of 60 percent ground cover. Native or volunteer vegetation that meets the minimum ground cover requirement is acceptable. Compliance shall be determined by the Line Transect Test Method, NRCS National Agronomy Manual, Subpart 503.51, Estimating Crop Residue Cover, amended through February 2011 (and no future editions). ~~reducing wind erosion and PM_{10} emissions by using plants or a green manure crop seasonally to protect soil surfaces between crops and control soil movement.~~

~~12~~15."Critical area planting" means reducing PM_{10} emissions and wind erosion by planting trees, shrubs, vines, grasses, or other vegetative cover on noncropland in order to maintain at least 60 percent ~~adequate~~ ground cover. Compliance shall be determined by the Line Transect Test Method, NRCS National Agronomy Manual, Subpart 503.51, Estimating Crop Residue Cover, amended through February 2011 (and no future editions).

~~13~~16."Cropland" means land on a commercial farm that:
a. Is within the time-frame of final harvest to plant emergence, but does not include tillage activities;
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~~17."Cross-wind ridges" means stabilizing soil and reducing PM_{10} emissions and wind erosion by creating soil ridges in a commercial farm by tillage or planting operations. Ridges should be at least four inches in height, and be aligned as perpendicular as possible to the prevailing wind direction. ~~Soil should be stable enough to sustain effective ridges.~~

~~15. "Cross-wind strip-cropping" means stabilizing soil and reducing PM_{10} 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.~~

18. "Dust Control Forecast" means a forecast, which shall identify a low, moderate or high risk of dust generation for the next five consecutive days and shall be issued by noon on each day the forecast is generated. When developing these forecasts, the department shall consider all of the following:
a. Projected meteorological conditions, including:
i. Wind speed and direction,
ii. Stagnation,
iii. Recent precipitation, and
iv. Potential for precipitation;
b. Existing concentrations of air pollution at the time of the forecast; and
c. Historic air pollution concentrations that have been observed during meteorological conditions similar to those that are predicted to occur in the forecast.

~~16~~19. "Equipment modification" means reducing PM_{10} emissions and soil erosion during tillage ~~and~~ or ~~harvest~~ ground operations by modifying and maintaining an existing piece of agricultural equipment, ~~purchasing new equipment, increasing equipment size~~, installing shielding equipment, modifying land planting and land leveling, matching the equipment to row spacing, or grafting to new varieties or technological improvements. If combining tractor operations is also chosen as a BMP, and uses the same practices as described in this BMP, this action is considered one BMP.

~~17~~20."Fallow Field" means an area of land that is routinely cultivated, planted and harvested and is unplanted for one or more growing seasons or planting cycles, but is intended to be placed back in agricultural production.

21. "Field Capacity" means the amount of water remaining in the soil two days after having been saturated and after free drainage has ceased.

~~18~~22."Forage Crop" means a product grown for consumption by any domestic animal.

~~19~~23."Genetically Modified" (GMO) means a living organism whose genetic material has been altered, changing one or more of its characteristics.

~~20. "GMO: Genetically Modified Organism" means a plant that has been altered by a genetic exchange with another organism.~~

~~21~~24."GPS: Global Position Satellite System" means using a satellite navigation system on farm equipment to calculate position in the field.

~~22~~25. "Green ~~Chop~~ chop" means reducing soil compaction, soil disturbance and ~~the number of passes~~ a minimum of one ground operation across a commercial farm by harvesting ~~of~~ a Forage Crop without allowing it to dry in the field.

26. "Ground operation" means an agricultural operation that is not a tillage operation, which involves equipment passing across the field. A ground operation includes harvest activities. A pass through the field may be a subset of a ground operation.

27. "Harvest" means the time after planting up through harvest, including gathering mature crops from a commercial farm, as well as all actions taken immediately after crop removal, such as cooling, sorting, cleaning, and packing.

~~23~~28."Integrated Pest Management" means reducing soil compaction and ~~the number of passes in~~ a minimum of one ground operation across a commercial farm for spraying by using a combination of techniques including organic, conventional, and biological farming practices to suppress pest problems.

~~24~~29. ~~"~~Limited harvest activity ~~during a high-wind event"~~ means performing no ~~harvest or soil preparation activity~~ ground operations on a day identified by the Maricopa or Pinal County Dust Control Forecast to be high risk for dust generation. ~~when the measured wind speed as measured by a hand held anemometer is more than 25 miles per hour at the commercial farm site.~~

~~25~~30."Limited tillage activity ~~during a high-wind event~~" means performing no tillage operations ~~or soil preparation activity~~ on a day identified by the Maricopa or Pinal County Dust Control Forecast to be high risk for dust generation. ~~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~~31."Maricopa PM_{10} nonattainment area" means the Phoenix planning area as defined in 40 CFR 81.303, which is incorporated by reference in R18-2-210.

~~27. "Mulching" means reducing PM_{10} 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~~32."Multi-year crop" means reducing PM_{10} emissions from wind erosion ~~or~~ and a minimum of one tillage and ground operation across a commercial farm, 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~~33."Noncropland" means any commercial farm land that:

a. Is no longer used for agricultural production;
b. Is no longer suitable for production of crops;
c. Is subject to a restrictive easement or contract that prohibits use for the production of crops; or
d. Includes a ~~private farm road,~~ ditch, ditch bank, equipment yard, storage yard, or well head.

34. "NRCS" means the Natural Resource Conservation Service.

~~30. "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. "Organic farming practices" means using biological or non-chemical agricultural methods.~~

~~32. "Organic material application" means applying animal waste or biosolids to a soil surface.~~

35. "Organic material cover" means reducing PM emissions and wind erosion and preserving soil moisture by applying and maintaining cover material such as animal waste or plant residue, to a soil surface to reduce soil movement. Material shall be evenly applied and maintained to a depth sufficient to reduce PM emissions and coverage should be a minimum of 70 percent.

~~33~~36."Permanent cover" means reducing PM_{10} emissions and wind erosion by maintaining a long-term perennial vegetative cover on cropland that is temporarily not producing a major crop. Perennial species such as grasses and/or legumes shall be used to establish at least 60 percent cover. Compliance shall be determined by the Line Transect Test Method, NRCS National Agronomy Manual, Subpart 503.51, Estimating Crop Residue Cover, amended through February 2011 (and no future editions).

37. "Pinal County PM Nonattainment Area" means the West Pinal PM_{10} planning area and the West Central $PM_{2.5}$ planning area, as defined in 40 CFR 81.303, and incorporated by reference in R18-2-210.

38. "Plant stubble" means stubble on the soil surface, which insulates soil to reduce evaporation of moisture, and also protects the soil from wind and water erosion.

~~34~~39."Planting based on soil moisture" means reducing PM emissions and wind erosion by applying water or having enough moisture in the soil to germinate the seed prior to planting. Soil must have a minimum soil moisture content of 60% of field capacity at planting depth. Compliance shall be determined by NRCS Estimating Soil Moisture by Feel and Appearance Method, amended through April 1998 (and no future editions).

40. "PM" includes both particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers as measured by a reference method based on 40 CFR 50 Appendix L, or by an equivalent method designated according to 40 CFR 53; and particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by a reference method contained within 40 CFR 50 Appendix J or by an equivalent method designated in accordance with 40 CFR 53, as incorporated by reference in Appendix 2.

~~35~~41."Precision Farming" means reducing ~~the number of passes~~ the number of passes across a commercial farm by at least 12 inches per pass by using GPS to precisely guide farm equipment in the field.

~~36~~42."Reduce vehicle speed" means reducing PM_{10} emissions and soil erosion from the operation of farm vehicles or farm equipment on noncropland or commercial farm roads at speeds not to exceed ~~20~~ 15. This can be achieved through installation of engine speed governors, signage, or speed control devices.

~~37~~43. "Reduced harvest activity" means reducing soil disturbance, soil and water loss, and the number of mechanical harvest passes by a minimum of one ground operation across a commercial farm, by means other than equipment modification or combining tractor operations.

~~38~~44."Reduced tillage system" means reducing soil disturbance, soil and water loss, ~~the number of~~ by using a single piece of equipment that reduces a minimum of three tillage operations, by means other than equipment modification or combining tractor operations.

~~39~~45."Regulated agricultural activity" means a regulated agricultural activity as defined in A.R.S. § 49-457(P)(1)(a) through (P)(1)(d)~~(5)~~.

~~40~~46."Regulated area" means ~~a~~ the regulated area as defined in A.R.S. § 49-457(P)(6).

~~41~~47."Residue management" means reducing PM_{10} emissions and wind erosion by ~~managing the amount and distribution~~ maintaining a minimum of 60 percent ground cover of crop and other plant residues on a soil surface between the time of harvest of one crop and the ~~emergence of a~~ commencement of tillage for a new crop. Compliance shall be determined by the Line Transect Test Method, NRCS National Agronomy Manual, Subpart 503.51, Estimating Crop Residue Cover, amended through February 2011 (and no future editions).

~~42~~48."Sequential cropping" means reducing PM_{10} emissions and wind erosion by growing crops in a sequence or close rotation that limits the amount of time bare soil is exposed on a commercial farm to 30 days or less.

~~43~~49."Shuttle System/Larger Carrier" means reducing ~~the~~ one out of every four ~~number of~~ trips ~~passes~~ across a commercial farm by using multiple or larger bins/trailers ~~per trip~~ to haul commodity from the field.

~~44~~50."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 tillage, ground operations ~~crop preparation, cultivation~~ or harvest.

51. "Silt content test method" means the test method as described in Appendix 2.

~~45~~52."Stabilization of soil prior to plant emergence" means reducing PM_{10} emissions by applying water to soil ~~in between planting and~~ prior to crop emergence in order to cause the soil to form a visible crust.

~~46~~53."Surface roughening" means reducing PM_{10} emissions ~~and~~ or wind erosion by manipulating a soil surface by means such as rough discing or tillage in order to produce or maintain clods on the land surface. Compliance shall be determined by NRCS Practice Code 609, Surface Roughening, amended through November 2008 (and no future editions).

~~47. "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~~54."Synthetic particulate suppressant" means reducing PM_{10} emissions and wind erosion by providing a ~~surface barrier or binding soil particles together~~ stabilized soil surface on noncropland or commercial farm roads with a manufactured product such as lignosulfate, calcium chloride, magnesium chloride, an emulsion of a petroleum product, an enzyme product, or polyacrylamide that is used to control particulate matter.

~~49. "Tillage and harvest" means any mechanical practice that physically disturbs cropland or crops on a commercial farm.~~

55. "Tillage" means any mechanical practice that physically disturbs the soil, and includes preparation for planting, such as plowing, ripping, or discing.

~~50~~56."Tillage based on soil moisture" means reducing PM_{10} emissions by irrigating fields to the depth of the proposed cut prior to soil disturbances or conducting tillage to coincide with precipitation. Soil must have a minimum soil moisture content of 40-60% of field capacity at planting depth. Compliance shall be determined by NRCS Estimating Soil Moisture by Feel and Appearance Method, amended through April 1998 (and no future editions).

~~51~~57."Timing of a tillage operation" means reducing wind erosion and PM emissions by performing tillage operations that minimize the amount of time within 45 days. ~~the soil surface is susceptible to wind erosion resulting in PM_{10}~~.

58. "Tillage operation" means an agricultural operation that mechanically manipulates the soil for the enhancement of crop production. Examples include discing or bedding. A pass through the field may be a subset of a tillage operation.

~~52~~59."Track-out control system" means ~~reducing PM_{10} emissions~~ minimizing any and all material that adheres to and agglomerates on all vehicles and equipment from noncropland or commercial farm roads or and falls onto paved public roads or shoulders to paved public roads by using a device or system to remove mud or soil from a vehicle or equipment before the vehicle enters a paved public road. Devices such as a grizzly, a gravel pad or a wheel wash system can be used.

~~53~~60."Transgenic Crops" means reducing ~~the need~~ a minimum of one ~~for~~ tillage or ~~cultivation~~ ground operation~~s~~, the number of chemical spray applications, or soil disturbances by using plants that are genetically modified.

~~54~~61."Transplanting" means reducing ~~the number of passes in~~ a minimum of one ground operation across a commercial farm and minimizing soil disturbance by utilizing plants already in a growth state as compared to seeding.

62. "VDT" (Vehicle trips per day) means trips per day made by one vehicle, in one direction.

~~55~~63."Watering" means reducing PM_{10} emissions and wind erosion by applying water to noncropland or commercial farm road bare soil surfaces during periods of high traffic until the surfaces are visibly moist.

64. "Watering on a high risk day" means reducing PM emissions and wind erosion by applying water to commercial farm road bare soil surfaces until the surfaces are visibly moist, on a day forecast to be high risk for dust generation by the Maricopa or Pinal County Dust Control Forecast.

~~56~~65."Wind barrier" means reducing PM_{10} 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. For fences and structures, the wind barrier shall have a density of no less than 50% and the height of the wind barrier must be proportionate to the downwind protected area. The downwind protected area is considered ten times the height of the wind barrier. For vegetative barriers, compliance shall be determined by NRCS Conservation Practice Standard, Code 380, Windbreak/Shelterbelt Establishment, amended through August 21, 2009 (and no future editions).

R18-2-610.01. Agricultural PM_{10} General Permit for Crop Operations; Maricopa County PM_{10} Nonattainment Area~~s~~

~~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.** A commercial farmer within the Maricopa County ~~a Serious~~ PM_{10} Nonattainment Area shall implement at least two best management practices from each category to reduce PM_{10} emissions.

~~**D.** A commercial farmer within a Moderate PM_{10} Nonattainment Area shall implement at least one best management practice from each category to reduce PM_{10} emissions.~~

~~**E**~~**B.** A commercial farmer shall implement from the following best management practices, as described in subsection (~~C~~A) ~~or (D)~~, to reduce PM emissions during ~~harvest and~~ tillage, harvest or ground operation 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,
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, or
19. Conservation Tillage.

~~**F**~~**C.** A commercial farmer shall implement from the following best management practices, as described in subsection (~~C~~A) ~~or (D)~~, to reduce PM_{10} emissions from noncropland and commercial farm roads:

1. Access restriction,
2. Aggregate cover,
3. Wind barrier,
4. Critical area planting,
5. Organic material ~~application~~ cover,
6. Reduce vehicle speed,
7. Synthetic particulate suppressant,
8. Track-out control system, or
9. Watering.

~~**G**~~**D.** A commercial farmer shall implement from the following best management practices, as described in subsection (~~C~~A) ~~or (D)~~, to reduce PM_{10} 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~~ Chips/mulches,
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**~~**E.** A commercial farmer shall implement from the following best management practices, as described in subsection (~~C~~A) ~~or (D)~~, to reduce PM emissions 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. Soil must have a minimum soil moisture content of 50% of field capacity. Compliance shall be determined by NRCS Estimating Soil Moisture by Feel and Appearance Method, amended through April 1998 (and no future editions);

2. Apply water during Significant Agricultural Earth Moving Activities. Soil must have a minimum soil moisture content of 30% of field capacity. Compliance shall be determined by NRCS Estimating Soil Moisture by Feel and Appearance Method, amended through April 1998 (and no future editions);
3. Limit activities ~~during high wind events~~ on a day identified by the Maricopa or Pinal County Dust Control Forecast to be high risk for dust generation; or
4. Conduct Significant Agricultural Earth Moving Activities in a manner to ~~minimize the number of passes~~ reduce a minimum of one ground operation across a commercial farm 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.~~

F. From and after December 31, 2015, a commercial farmer who engages in a regulated agricultural activity shall complete and maintain a Best Management Practices Program General Permit Record Form demonstrating compliance with this Section. Thereafter, a new Best Management Practices Program General Permit Record Form shall be completed every year by March 31. The Form shall be provided to the Director within two business days of notice to the commercial farmer. The Best Management Practice Program General Permit Record Form shall include the following information:

1. The name of the commercial farmer, signature, and date signed;
2. The mailing address or physical address of the commercial farm; and
3. The best management practices selected for tillage, harvest, and ground operation activities, cropland, noncropland and commercial farm roads, and significant earth moving activities (if applicable).

~~J. Beginning in Calendar Year 2014, and no more than once every subsequent three calendar years, the Director shall provide 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~~G. 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 by the Director within two business days of notice to the commercial farmer.

~~L~~H. A person may develop ~~petition the Committee to consider~~ different practices to control PM_{10} emissions not contained in ~~either of the categories of subsection~~ subsections (B), (C), (D), or (E) ~~(E), (F), (G), or (H). The Committee may require~~ and may submit such practices that are proven effective through on-farm demonstration trials to ~~be conducted under the conditions established by~~ the Committee. The proposed new practices shall not become effective unless submitted ~~approved by the Committee~~ as described in A.R.S. § 49-457(L).

~~M~~I. 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~~J. The Director shall not assess a fee to a commercial farmer for coverage under the agricultural PM_{10} general permit.

~~O~~K. 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~~L. The Director shall document noncompliance with this Section before issuing a compliance order.

~~Q~~M. 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).

R18-2-610.02. Agricultural PM General Permit for Crop Operations; Moderate PM Nonattainment Areas, Designated After June 1, 2009

A. A commercial farmer within a PM Moderate Nonattainment Area, designated after June 1, 2009, shall implement at least one best management practice from each category to reduce PM emissions.

B. A commercial farmer shall implement from the following best management practices, as described in subsection (A), to reduce PM emissions during tillage, harvest and ground operation activities:

1. Chemical irrigation,

2. Combining tractor operations,
3. Equipment modification,
4. Green Chop,
5. Integrated Pest Management,
6. Limited harvest activity,
7. Limited tillage activity,
8. Multi-year crop,
9. Cessation of Night Tilling,
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, or
19. Conservation Tillage.

C. A commercial farmer shall implement from the following best management practices, as described in subsection (A), to reduce PM emissions from noncropland and commercial farm roads:
1. Access restriction,
2. Aggregate cover,
3. Wind barrier,
4. Critical area planting,
5. Organic material cover,
6. Reduce vehicle speed,
7. Synthetic particulate suppressant,
8. Track-out control system, or
9. Watering.

D. A commercial farmer shall implement from the following best management practices, as described in subsection (A), to reduce PM emissions from cropland:
1. Wind barrier,
2. Cover crop,
3. Cross-wind ridges,
4. Chips/mulches,
5. Multi-year crop,
6. Permanent cover,
7. Stabilization of soil prior to plant emergence,
8. Residue management,
9. Sequential cropping, or
10. Surface roughening.

E. A commercial farmer shall implement from the following best management practices, as described in subsection (A), 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. Soil must have a minimum soil moisture content of 50% of field capacity. Compliance shall be determined by NRCS Estimating Soil Moisture by Feel and Appearance Method, amended through April 1998 (and no future editions);
2. Apply water during Significant Agricultural Earth Moving Activities. Soil must have a minimum soil moisture content of 30% of field capacity. Compliance shall be determined by NRCS Estimating Soil Moisture by Feel and Appearance Method, amended through April 1998 (and no future editions);
3. Limit activities on a day identified by the Maricopa or Pinal County Dust Control Forecast to be high risk for dust generation; or
4. Conduct Significant Agricultural Earth Moving Activities in a manner to reduce a minimum of one ground operation across a commercial farm by using equipment that is the most efficient means of moving the soil.

F. From and after December 31, 2015, a commercial farmer who engages in a regulated agricultural activity shall complete and maintain a Best Management Practices Program General Permit Record Form demonstrating compliance with this Section. Thereafter, a new Best Management Practices Program General Permit Record Form shall be completed every year by March 31. The Form shall be provided to the Director within two business days of notice to the commercial farmer. The Best Management Practice Program General Permit Record Form shall include the following information:
1. The name of the commercial farmer, signature, and date signed;
2. The mailing address or physical address of the commercial farm; and

3. The best management practice selected for tillage, harvest and ground operation activities, cropland, noncropland and commercial farm roads, and significant earth moving activities (if applicable).

G. Records of any changes to the Best Management Practices shall be noted on the Best Management Practices Program General Permit Record Form and shall be kept by the commercial farmer onsite and made available for review by the Director within two business days of notice to the commercial farmer.

H. A person may develop different practices to control PM emissions not contained in subsections (B), (C), (D), or (E) and may submit such practices that are proven effective through on-farm demonstration trials to the Committee. The proposed new practices shall not become effective unless submitted as described in A.R.S. § 49-457(L).

I. 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.

J. The Director shall not assess a fee to a commercial farmer for coverage under the agricultural PM general permit.

K. A commercial farmer shall ensure that the implementation of all selected best management practices does not violate any other local, state, or federal law.

L. The Director shall document noncompliance with this Section before issuing a compliance order.

M. 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).

R18-2-610.03. Agricultural PM General Permit for Crop Operations; Pinal County PM Nonattainment Area

A. On the day before and during the day that is forecast to be high risk for dust generation by the Pinal County Dust Control Forecast, a commercial farmer shall ensure implementation of best management practices as described in sections (B)(1)(b), (B)(2)(b), (B)(3)(b), (B)(4)(b), and (B)(5)(b).

B. On all days, a commercial farmer shall implement at least one best management practice from each category to reduce PM emissions, as described below in subsections (1)(a), (2)(a), (3)(a), (4)(a), and (6), and at least two best management practices from subsection (5)(a). If a commercial farmer implements the Conservation tillage or Reduced tillage system best management practice for the tillage category, they do not have to implement a best management practice from the subsections (2)(a), (2)(b), (5)(a) and (5)(b).

1. Tillage:
   a. A commercial farmer shall implement at least one of the following:
      i. Combining tractor operations,
      ii. Equipment modification,
      iii. Multi-year crop,
      iv. Cessation of night tilling,
      v. Planting based on soil moisture,
      vi. Precision farming,
      vii. Tillage based on soil moisture,
      viii. Timing of a tillage operation,
      ix. Transgenic crops,
      x. Transplanting,
      xi. Reduced tillage system, or
      xii. Conservation tillage.
   b. Unless choosing limited tillage activity (subsection iv, below), on the day before and during the day that is forecast to be high risk for dust generation by the Pinal County Dust Control Forecast, a commercial farmer shall ensure implementation of at least one of the following:
      i. Multi-year crop,
      ii. Planting based on soil moisture,
      iii. Tillage based on soil moisture,
      iv. Limited tillage activity,
      v. Reduced tillage system, or
      vi. Conservation tillage.
2. Ground Operations and Harvest:
   a. A commercial farmer shall implement at least one of the following:
      i. Combining tractor operations,
      ii. Equipment modification,
      iii. Chemical irrigation,
      iv. Green chop,
      v. Integrated pest management,
      vi. Multi-year crop,
      vii. Precision farming,
      viii. Reduced harvest activity,
      ix. Transgenic crops, or
      x. Shuttle System/Larger Carrier.

b. Unless choosing limited harvest activity (subsection iv, below), on the day before and during the day that is forecast to be high risk for dust generation by the Pinal County Dust Control Forecast, a commercial farmer shall ensure implementation of at least one of the following:
   i. Green chop,
   ii. Integrated pest management,
   iii. Multi-year crop, or
   iv. Limited harvest activity.

3. Noncropland:
   a. A commercial farmer shall implement at least one of the following best management practices:
      i. Access restriction,
      ii. Aggregate cover,
      iii. Wind barrier,
      iv. Critical area planting,
      v. Organic material cover,
      vi. Reduce vehicle speed,
      vii. Synthetic particulate suppressant, or
      viii. Watering.
   b. Unless choosing watering on a high risk day (subsection vi, below), on the day before and during a day forecast to be high risk for dust generation by the Pinal County Dust Control Forecast, a on a noncropland area that experiences more than 20 VDT from 2 or more axle vehicles, commercial farmer shall ensure implementation of at least one of the following best management practices:
      i. Aggregate cover,
      ii. Wind barrier,
      iii. Critical area planting,
      iv. Organic material cover,
      v. Synthetic particulate suppressant, or
      vi. Watering on a high risk day.
4. Commercial farm roads:
   a. A commercial farmer shall implement at least one of the following best management practices:
      i. Access restriction,
      ii. Reduce vehicle speed,
      iii. Track-out control system,
      iv. Aggregate cover,
      v. Synthetic particulate suppressant,
      vi. Watering, or,
      vii. Organic material cover.
   b. Unless choosing watering on a high risk day (subsection vi, below), on the day before and during a day forecast to be high risk for dust generation by the Pinal County Dust Control Forecast, on a road that experiences more than 20 VDT from 2 or more axle vehicles, a commercial farmer shall ensure implementation of at least one of the following best management practices:
      i. Aggregate cover,
      ii. Synthetic particulate suppressant,
      iii. Wind barrier,
      iv. Organic material cover,
      v. Roads are stabilized as determined by the silt content test method,
      vi. Watering on a high risk day.
5. Cropland:
   a. A commercial farmer shall implement at least two of the following best management practices, one from subsection (i) through (vii), and one from subsection (viii) through (xi), to reduce PM emissions from cropland:
      i. Wind barrier,
      ii. Cover crop,
      iii. Cross-wind ridges,
      iv. Chips/mulches,
      v. Sequential cropping
      vi. Residue management,
      vii. Surface roughening,
      viii. Multi-year crop,
      ix. Permanent cover, or
      x. Stabilization of soil prior to plant emergence.

b. On the day before and during the day that is forecast to be high risk for dust generation by the Pinal County Dust Control Forecast, a commercial farmer shall ensure implementation of at least one of the following:
   i. Wind barrier,
   ii. Cover crop,
   iii. Cross-wind ridges,
   iv. Chips/mulches,
   v. Surface roughening,
   vi. Multi-year crop,
   vii. Permanent cover,
   viii. Stabilization of soil prior to plant emergence, or
   ix. Residue management.

6. A commercial farmer shall implement at least one of the following best management practices, when conducting Significant Agricultural Earth Moving Activities as defined in R18-2-610:
   a. Apply water prior to conducting Significant Agricultural Earth Moving Activities and/or time Significant Agricultural Earth Moving Activities to coincide with precipitation. Soil must have a minimum soil moisture content of 50% of field capacity. Compliance shall be determined by NRCS Estimating Soil Moisture by Feel and Appearance Method, amended through April 1998 (and no future editions);
   b. Apply water during Significant Agricultural Earth Moving Activities. Soil must have a minimum soil moisture content of 30% of field capacity. Compliance shall be determined by NRCS Estimating Soil Moisture by Feel and Appearance Method, amended through April 1998 (and no future editions);
   c. Limit activities on a day identified by the Maricopa or Pinal County Dust Control Forecast to be high risk for dust generation; or
   d. Conduct Significant Agricultural Earth Moving Activities in a manner to reduce a minimum of one ground operation across a commercial farm by using equipment that is the most efficient means of moving the soil.

C. From and after December 31, 2015, a commercial farmer who engages in a regulated agricultural activity shall complete a Best Management Practices Program General Permit Record Form demonstrating compliance with this rule. Thereafter, a new Best Management Practices Program General Permit Record Form shall be completed every year by March 31. The Form shall be provided to the Director within two business days of notice to the commercial farmer. The Best Management Practice Program General Permit Record Form shall include the following information:
1. The name of the commercial farmer, signature, and date signed;
2. The mailing address or physical address of the commercial farm; and
3. The best management practices selected for tillage, ground operations and harvest, cropland, noncropland, commercial farm roads, and significant earth moving activities (if applicable); and
4. Any additional best management practices selected for high risk days as predicted by the Pinal County Dust Control Forecast.

D. Beginning in calendar year 2017, and no more than once every subsequent three calendar years, the Director, in conjunction with the Arizona Department of Agriculture, shall provide the commercial farmer with a Best Management Practices Program 3-year Survey. The commercial farmer shall complete the Survey with data from the preceding calendar year and submit the Survey to the Arizona Department of Agriculture (ADA) by January 31, 2018, and every three years thereafter. The Survey information submitted to the ADA shall be compiled by the ADA without reference to a commercial farmer's name, shall aggregate the data from the Surveys received, and be submitted to the Department. The 3-year Survey shall include the following information:
1. The name, business address, and phone number of the commercial farmer responsible for the preparation and implementation of the best management practices;
2. The signature of the commercial farmer and the date the form was signed;
3. The acreage of each crop type planted/growing during the calendar year that the survey is conducted;
4. The total miles of commercial farm roads at the commercial farm;
5. The total acreage of the noncropland at the commercial farm;
6. The best management practices selected for tillage, ground operations and harvest, cropland, noncropland, commercial farm roads, and significant earth moving activities (if applicable); and
7. Any additional best management practices selected for high risk days as predicted by the Pinal County Dust Control Forecast.

E. Records of any changes to the Best Management Practices shall be noted on the Best Management Practices Program General Permit Record Form and shall be kept by the commercial farmer onsite and made available for review by the Director within two business days of notice to the commercial farmer.

F. A person may develop different practices to control PM emissions not contained in subsections (B)(1) through (B)(6) and may submit such practices that are proven effective through on-farm demonstration trials to the Committee. The proposed new practices shall not become effective unless submitted as described in A.R.S. § 49-457(L).

G. 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.

H. The Director shall not assess a fee to a commercial farmer for coverage under the agricultural PM general permit.

I. A commercial farmer shall ensure that the implementation of all selected best management practices does not violate any other local, state, or federal law.
J. The Director shall document noncompliance with this Section before issuing a compliance order.
K. 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. Definitions for R18-2-611.01

The definitions in R18-2-101 and the following definitions apply to R18-2-611.01~~:~~, R18-2-611.02, and R18-611.03:

1. The following definitions apply to a commercial dairy operation, a commercial beef feedlot, a commercial poultry facility, and commercial swine facility:
   a. "Animal waste handling and transporting" means the processes by which any animal excretions and mixtures containing animal excretions are collected and transported.
   b. "Arenas, corrals and pens" means areas where animals are confined for the purposes of, but not limited to, feeding, displaying, safety, racing, exercising, or husbandry.
   c. "Commercial animal operation" means a commercial dairy operation, a commercial beef feedlot, a commercial poultry facility, and a commercial swine facility, as defined in this Section.
   d. "Commercial animal operator" means an individual, entity, or joint operation in general control of a commercial animal operation.
   e. "Dust Control Forecast" means a forecast, which shall identify a low, moderate or high risk of dust generation for the next five consecutive days and shall be issued by noon on each day the forecast is generated. When developing these forecasts, the department shall consider all of the following:
      i. Projected meteorological conditions, including:
         (1) Wind speed and direction,
         (2) Stagnation,
         (3) Recent precipitation, and
         (4) Potential for precipitation;
      ii. Existing concentrations of air pollution at the time of the forecast; and
      iii. Historic air pollution concentrations that have been observed during meteorological conditions similar to those that are predicted to occur in the forecast.
   f. "High traffic areas" means areas that experience more than 20 VDT from 2 or more axle vehicles.
   g. "Maricopa PM nonattainment area" means the Phoenix planning area as defined in 40 CFR 81.303, which is incorporated by reference in R18-2-210.
   h. "Paved Public Road" means any paved roadways that are open to public travel and maintained by a City, County, State, or Federal entities.
   i. "Pinal County PM Nonattainment Area" means the West Pinal PM_{10} planning area and the West Central $PM_{2.5}$ planning area, as defined in 40 CFR 81.303, and incorporated by reference in R18-2-210.
   j. "PM" includes both particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers as measured by a reference method based on 40 CFR 50 Appendix L, or by an equivalent method designated according to 40 CFR 53; and particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by a reference method contained within 40 CFR 50 Appendix J or by an equivalent method designated in accordance with 40 CFR 53, as incorporated by reference in Appendix 2.
   k. "Regulated agricultural activity" means a regulated agricultural activity as defined in A.R.S. § 49-457(P)(5).
   l. "Regulated area" means the regulated area as defined in A.R.S. § 49-457(P)(6).
   m. "Track-out control device" means minimizing any and all material that adheres to and agglomerates on all vehicles and equipment from unpaved access connections and falls onto paved public roads or shoulders to paved public roads by using a device or system to remove mud or soil from a vehicle or equipment before the vehicle enters a paved public road. Devices such as a grizzly, a gravel pad or a wheel wash system can be used.
   n. "Unpaved access connections" means any unpaved road connection which connects to a paved public road.
   o. "Unpaved roads or feed lanes" means roads and feed lanes that are unpaved, owned by a commercial animal operator, and used exclusively to service a commercial animal operation.
   p. "VDT" (Vehicle trips per day) means trips per day made by one vehicle, in one direction.

~~1~~2. The following definitions apply to a commercial dairy operation:
   a. "Aggregate cover" means reducing PM emissions, wind erosion and stabilizing soil by applying and maintaining 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~~. The aggregate should be clean, hard and durable, and should be applied and maintained to a minimum of three inches deep.
   b. "Apply a fibrous layer" means reducing PM_{10} emissions and soil movement, and preserving soil moisture by spreading shredded or deconstructed plant materials to cover loose soil in high animal traffic areas. Material shall be consistently applied to a minimum depth of two inches above the soil surface and coverage should be a minimum of 70 percent.

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 PM_{10} emissions by fencing pathways from the corrals to the milking barn, ~~which are~~ restricting dairy cattle to surfaces with concrete floors.
~~f. "Commercial animal operator" means an individual, entity, or joint operation in general control of an animal operation.~~
~~g~~f. "Commercial dairy operation" means a dairy operation with more than 150 dairy cattle within the boundary of the Maricopa PM_{10} nonattainment area and Maricopa County portion of Area A, ~~or~~ a PM_{10} nonattainment area designated after June 1, 2009 as stated in A.R.S. § 49-457(P)(1)(f), or the Pinal County PM Nonattainment Area.
~~h~~g. "Cover manure hauling trucks" means reducing PM_{10} emissions by completely covering the top of the loaded area.
~~i~~h. "Covers for silage" means reducing PM_{10} emissions and wind erosion by using large plastic tarps to completely cover silage.
~~j~~i. "Do not run cattle" means reducing PM_{10} emissions by walking dairy cattle to the milking barn.
~~k~~j. "Feed higher moisture feed to dairy cattle" means reducing PM_{10} emissions by feeding dairy cattle one or ~~a~~ any combination of the following:
   i. Add water to ration mix to achieve a 20% minimum moisture level,
   ii. Add molasses or tallow to ration mix at a minimum of 1%,
   iii. Add silage, or
   iv. Add ~~Green~~ green ~~Chop~~ chop.
~~l~~k. "Feed green chop" means feeding high moisture feed that contains at least 30% moisture directly to dairy cattle.
~~m~~l. "Groom manure surface" means reducing PM_{10} 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~~m. "Hutches" means raised, roofed enclosures that protect the calves from the elements.
~~o~~n. "Pile manure between cleanings" means reducing PM_{10} emissions by collecting loose surface materials within the confines of the surface area of the occupied feed pen every two weeks. ~~to contain the loose manure materials.~~
~~p~~o. "Provide cooling in corral" means reducing PM_{10} emissions by using cooling systems ~~evaporative coolers~~ under the corral shades to reduce the ambient air temperature, thereby increasing stocking density in the cool areas of the corrals.
~~q~~p. "Provide shade in corral" means reducing PM_{10} 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~~q. "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~~r. "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~~s. "Store and maintain feed stock" means reducing PM_{10} 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~~t. "Synthetic particulate suppressant" means reducing PM_{10} emissions and wind erosion by providing a ~~surface barrier or binding soil particles together~~ stabilized soil surface on a commercial dairy operation with a manufactured product such as lignosulfate, calcium chloride, magnesium chloride, an emulsion of a petroleum product, an enzyme product, or polyacrylamide that is used to control particulate matter.
~~x~~u. "Use drag equipment to maintain pens" means reducing PM_{10} emissions by using manure ~~harvesting~~ equipment pulled behind a tractor instead of using push equipment, which avoids dust accumulation in floor depressions.
~~y~~v. "Use free stall housing" means reducing PM_{10} emissions by enclosing one cow per stall, which are outfitted with concrete floors.
~~z~~w. "Water misting systems" means reducing PM_{10} emissions from dry manure by using systems that project a cloud of very small water particles onto the manure surface, keeping the surface visibly moist.
~~aa~~x. "Wind barrier" means reducing PM_{10} 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. For fences and structures, the wind barrier shall have a density of no less than 50% and the height of the wind barrier must be proportionate to the downwind protected area. The downwind protected area is considered ten times the height of the wind barrier. For vegetative barriers, compliance shall be determined by NRCS Conservation Practice Standard, Code 380, Windbreak/Shelterbelt Establishment, amended through August 21, 2009 (and no future editions).

~~2~~3. The following definitions apply to a commercial beef cattle feedlot:

a. "Add moisture to pen surface" means reducing PM_{10} emissions and wind erosion by applying at least three to six gallons of water per head/per day in pens occupied by beef cattle.

b. "Add molasses or tallow to feed" means reducing PM_{10} emissions by adding molasses or tallow so that it equals ~~five~~ three percent of the total ration.

c. "Aggregate cover" means reducing PM emissions, wind erosion and stabilizing soil by applying and maintaining 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~~. The aggregate should be clean, hard and durable, and should be applied and maintained to a minimum of three inches deep.

d. "Apply a fibrous layer in working areas" means reducing PM_{10} emissions and soil movement, and preserving soil moisture by spreading shredded or deconstructed plant materials to cover loose soil in high animal traffic areas. Material shall be consistently applied to a minimum depth of two inches above the soil surface and coverage should be a minimum of 70 percent.

e. "Bulk materials" means reducing PM_{10} emissions by using a closed conveyor system instead of vehicular means to move grain or other feedstuffs via non-vehicular means~~. 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~~f. "Commercial beef cattle feedlot" means a beef cattle feedlot with more than 500 beef cattle within the boundary of the Maricopa PM_{10} nonattainment area and Maricopa County portion of Area A, ~~or~~ a PM_{10} nonattainment area designated after June 1, 2009 as stated in A.R.S. § 49-457(P)(1)(f), or the Pinal County PM Nonattainment Area.

~~h~~g. "Concrete apron" means reducing PM_{10} 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~~h. "Control cattle during movements" means reducing PM_{10} 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~~i. "Cover manure hauling trucks" means reducing PM_{10} emissions by completely covering the top of the loaded area.

~~k~~j. "Feed higher moisture feed to beef cattle" means reducing PM_{10} emissions by feeding beef cattle feed that contains at least 30% moisture.

~~l~~k. "Frequent manure removal" means reducing PM_{10} 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 PM_{10} emissions by feeding beef cattle feed that contains at least 30% moisture.~~

~~n. "Increase manure moisture" means reducing PM_{10} emissions by increasing the fluids consumed and excreted by cattle.~~

~~o~~l. "Pile manure between cleanings" means reducing PM_{10} emissions by collecting loose manure surface materials, by scraping or pushing, within the confines of the surface area of the occupied feed pen at least four times per year. ~~to contain the loose manure materials.~~

~~p~~m. "Provide shade in corral" means reducing PM_{10} 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~~n. "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~~o. "Store and maintain feed stock" means reducing PM_{10} 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~~p. "Synthetic particulate suppressant" means reducing PM_{10} emissions and wind erosion by providing a ~~surface barrier or binding soil particles together~~ stabilized soil surface on a commercial beef feedlot with a manufactured product such as lignosulfate, calcium chloride, magnesium chloride, an emulsion of a petroleum product, an enzyme product, or polyacrylamide that is used to control particulate matter.

~~v~~q. "Use drag equipment to maintain pens" means reducing PM_{10} emissions by using manure harvesting equipment pulled behind a tractor instead of using push equipment, which avoids dust accumulation in floor depressions.

~~w~~r. "Wind barrier" means reducing PM_{10} 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. For fences and structures, the wind barrier shall have a density of no less than 50% and the height of the wind barrier must be proportionate to the downwind protected area. The downwind protected area is considered ten times the height of the wind barrier. For vegetative barriers, compliance shall be determined by NRCS Conservation Practice Standard, Code 380, Windbreak/Shelterbelt Establishment, amended through August 21, 2009 (and no future editions).

~~3~~4. The following definitions apply to a commercial poultry facility:

a. "Add moisture through ventilation systems" means reducing PM_{10} emissions by using a ventilation system that is designed to allow stock to maintain their normal body temperature without difficulty while ~~adding sufficient~~ maintaining a minimum of 20% moisture in ~~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 PM_{10} emissions by adding a minimum of 1% edible oil and/or moisture to feed rations to bind small particles to larger particles.

c. "Aggregate cover" means reducing PM emissions, wind erosion and stabilizing soil by applying and maintaining 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~~. The aggregate should be clean, hard and durable, and should be applied and maintained to a minimum of three inches deep.

d. "Clean aisles between cage rows" means reducing PM_{10} 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 PM_{10} 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 PM_{10} 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~~g. "Commercial poultry facility" means a poultry operation with more than 25,000 egg laying hens within the boundary of the Maricopa PM_{10} nonattainment area and Maricopa County portion of Area A, ~~or~~ a PM_{10} nonattainment area designated after June 1, 2009 as stated in A.R.S. § 49-457(P)(1)(f), or the Pinal County PM Nonattainment Area.

~~i~~h. "Control vegetation on building exteriors" means reducing PM_{10} emissions by removing, cutting, or trimming vegetation that accumulates PM_{10} and restricts ventilation of the building, so as to leave approximately three feet between the vegetation and building.

~~j~~i. "Enclose transfer points" means reducing PM_{10} 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~~j. "House in fully enclosed ventilated buildings" means reducing PM_{10} emissions by utilizing fully enclosed buildings with sufficient ventilation.

~~l~~k. "Maintain moisture in manure solids" means reducing PM_{10} emissions by maintaining a moisture content of a minimum of 15% in the solids sufficient to bind small particles to larger particles.

~~m~~l. "Minimize drop distance" means reducing PM_{10} emissions by designing the feed distribution system ~~to minimize the~~ so that the distance the feed ration drops from the feed distribution system into feeders is approximately 1 foot or less, which reduces air contact with the feed rations during feed conveyance.

~~n~~m. "Poultry" means any domesticated bird including chickens, turkeys, ducks, geese, guineas, ratites and squabs.

~~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~~n. "Remove spilled feed" means reducing PM_{10} emissions by removing spilled feed from the housing facility at least once every 14 days.

~~r~~o. "Stack separated manure solids" means reducing PM_{10} emissions and wind erosion by reducing the amount of exposed surface area of manure solids.

~~s~~p. "Store feed" means reducing PM_{10} emissions by storing feed in a structure that is enclosed and weatherproof, which reduces air contact with the feed rations during feed storage.

~~t~~q. "Synthetic particulate suppressant" means reducing PM_{10} emissions and wind erosion by providing a ~~surface barrier or binding soil particles together~~ stabilized soil surface on a commercial poultry operation with a manufactured product such as lignosulfate, calcium chloride, magnesium chloride, an emulsion of a petroleum product, an enzyme product, or polyacrylamide that is used to control particulate matter.

~~u~~r. "Use enclosed feed distribution system" means reducing PM_{10} 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~~s. "Use a flexible discharge spout" means reducing PM_{10} 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~~t. "Use no bedding in the production facility" means reducing PM_{10} emissions by not using bedding such as wood shavings, sawdust, peanut hulls, straw, or other organic material.

~~4~~5. The following definitions apply to a commercial swine facility:

a. "Add oil and/or moisture to the feed" means reducing PM_{10} emissions by adding a minimum of 0.5% edible oil and/or moisture to feed rations to bind small particles to larger particles.

b. "Add moisture through ventilation systems" means reducing PM_{10} emissions by using a ventilation system that is designed to allow stock to maintain their normal body temperature without difficulty while ~~adding sufficient~~ maintaining minimum of 15% moisture ~~to~~ in the air within the housing system to bind small particles to larger particles.

c. "Aggregate cover" means reducing PM emissions, wind erosion and stabilizing soil by applying and maintaining 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~~. The aggregate should be clean, hard and durable, and should be applied and maintained to a minimum of three inches deep.

d. "Clean aisles between pens and stalls" means reducing PM_{10} 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 PM_{10} emissions by cleaning fans, louvers, and soffit inlets between transfer of animal groups, but in any case, at least every 6 months.

f. "Clean pens, floors and walls in a commercial swine facility" means reducing PM_{10} emissions by cleaning pens, floors, and walls between transfer of animal groups to prevent dried manure, spilled feed, and debris accumulation, but in any case, at least every 6 months.

~~g. "Commercial animal operator" means an individual, entity, or joint operation in general control of a animal operation.~~

~~h~~g. "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 PM_{10} nonattainment area and Maricopa County portion of Area A, ~~or~~ a PM_{10} nonattainment area designated after June 1, 2009 as stated in A.R.S. § 49-457(P)(1)(f), or the Pinal County PM Nonattainment Area. One thousand pounds equals one animal unit.

~~i~~h. "Control vegetation on building exteriors" means reducing PM_{10} emissions by removing, cutting, or trimming vegetation that accumulates PM_{10} and restricts ventilation of the building, so as to leave approximately three feet between the vegetation and the building.

~~j~~i. "Enclose transfer points" means reducing PM_{10} emissions by enclosing the points of transfer between the enclosed, weatherproof storage structure and the enclosed feed distribution system, which reduces air contract with the feed rations during feed conveyance.

~~k~~j. "House in fully enclosed ventilated buildings" means reducing PM_{10} emissions by utilizing fully enclosed buildings with sufficient ventilation.

~~l~~k. "Lagoon" means a liquid manure storage and treatment pond.

~~m~~l. "Maintain moisture in manure solids" means reducing PM_{10} emissions by maintaining a minimum moisture content of 10% in the solids sufficient to bind small particles to larger particles.

~~n~~m. "Minimize drop distance" means reducing PM_{10} emissions by designing the feed distribution system ~~to minimize the~~ so that the distance the feed ration drops from the feed distribution system into feeders is three feet or less, 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~~n. "Remove spilled feed" means reducing PM_{10} emissions by removing spilled feed from the housing facility at least once every 14 days.

~~r~~o. "Slatted flooring" means reducing PM_{10} 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 though the flooring into the liquid pit below, which prevents solids build-up. Slats 4 to 8 inches wide with spacing of about 1 inch in between are recommended.

~~s~~p. "Sloped concrete flooring" means reducing PM_{10} emissions by pouring concrete with a minimum of 0.25% grade inside of the barns which provides drainage and easier cleaning of floor areas.

~~t~~q. "Stack separated manure solids" means reducing PM_{10} emissions and wind erosion by reducing the amount of exposed surface area of manure solids.

~~u~~r. "Store feed" means reducing PM_{10} emissions by storing feed in a structure that is enclosed and weatherproof, which reduces air contact with the feed rations during feed storage.

~~v~~s. "Store separated manure solids" means reducing PM_{10} 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~~t. "Synthetic particulate suppressant" means reducing PM_{10} emissions and wind erosion by providing a ~~surface barrier or binding soil particles together~~ stabilized soil surface on a commercial swine operation with a manufactured product such as lignosulfate, calcium chloride, magnesium chloride, an emulsion of a petroleum product, an enzyme product, or polyacrylamide that is used to control particulate matter.

~~x~~u. "Use a flexible discharge spout" means reducing PM_{10} 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~~v. "Use enclosed feed distribution system" means reducing PM_{10} 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~~w. "Use no bedding in the production facility" means reducing PM_{10} emissions by not using bedding such as wood shavings, sawdust, peanut hulls, straw, or other organic material.

R18-2-611.01. Agricultural ~~Animal Operations~~ PM_{10} General Permit for Animal Operations; ~~Moderate and Serious~~ Maricopa County PM_{10} 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.** A commercial animal operator within a Serious PM_{10} Nonattainment Area shall implement at least two best management practices from each category to reduce PM_{10} emissions.

~~**D.** A commercial animal operator within a Moderate PM_{10} Nonattainment Area shall implement at least one best management practice from each category to reduce PM_{10} emissions.~~

~~**E**~~**B.** A commercial dairy operation shall implement the following best management practices, as described in subsection (~~C~~A) ~~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 (and Feed) 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~~e. Cover manure hauling trucks, or
   ~~g~~f. 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:
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~~**C.** A commercial beef cattle feedlot shall implement the following best management practices, as described in subsection (~~C~~A) ~~or (D)~~, from each of the following categories:
1. Arenas, Corrals, and Pens:
a. Concrete aprons,
b. Provide shade in corral,
c. Add moisture to pen surface,
d. Manure removal,
e. Pile manure between cleanings,
~~f. Increase Manure Moisture,~~
~~g~~f. Feed higher moisture feed to beef cattle,
~~h~~g. Control cattle during movements,
~~i~~h. Use drag equipment to maintain pens,
~~j~~i. Apply a fibrous layer, or
~~k~~j. Wind barrier.
2. Animal Waste (and Feed) 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~~**D.** A commercial poultry facility shall implement the following best management practices, as described in subsection (~~C~~A) ~~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 (and Feed) Handling and Transporting:
a. Remove spilled feed,
b. Store feed,

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,
   e. Apply and maintain aggregate cover,
   f. Apply and maintain synthetic particulate suppressant,
   g. Apply and maintain water, or
   h. Apply and maintain oil on roads or feed lanes.

~~H~~E. A commercial swine facility shall implement the following best management practices, as described in subsection (~~C~~A) ~~or (D)~~, from each of the following categories:

1. Arenas, Corrals, and Pens (Housing):
   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 (and Feed) 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,
   g. Apply and maintain water,

h. Apply and maintain oil on roads or feed lanes, or
i. Wind barrier.

~~I. Beginning March 31, 20132014, 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.~~

F. From and after December 31, 2015, a commercial animal operator who engages in a regulated agricultural activity shall complete a Best Management Practices Program General Permit Record Form. Thereafter, a new Best Management Practices Program General Permit Record Form shall be completed every year by March 31. The Form shall be provided to the Director within two business days of notice to the commercial animal operator. The Best Management Practice Program General Permit Record form shall include the following information:

1. The name of the commercial animal operator, signature, and date signed,
2. The mailing address or physical address of the commercial animal operation, and
3. The best management practices selected for Arenas, Corrals, and Pens, Animal Waste Handling and Transporting, Unpaved Access Connections, and Unpaved Roads or Feed Lanes.

~~J. Beginning in Calendar Year 20142015, 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~~**G.** Beginning ~~March 31, 2013~~January 1, 2016, a commercial animal operator shall maintain records 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 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 by the Director 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~~**H.** A person may develop different practices not contained in subsection (B), (~~E~~C), (~~F~~D), or (~~G~~E), ~~or (H)~~ that reduce PM_{10} and may submit such practices that are proven effective through on-~~farm~~ operation demonstration trials to the Committee. The new best management practices shall not become effective unless ~~approved~~ submitted as described in A.R.S. § 49-457(L).

~~M~~**I.** The Director shall not assess a fee to a commercial animal operator for coverage under the agricultural PM_{10} general permit.

~~N~~**J.** 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~~**K.** The Director shall document noncompliance with this Section before issuing a compliance order.

~~P~~**L.** 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).

R18-2-611.02. Agricultural PM General Permit for Animal Operations; Moderate PM Nonattainment Areas Designated After June 1, 2009, Except Pinal County PM Nonattainment Area

A. A commercial animal operator within a Moderate PM Nonattainment Area, designated after June 1, 2009, shall implement at least one best management practice from each category to reduce PM emissions.

B. A commercial dairy operation shall implement the following best management practices, as described in subsection (A), 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 (and Feed) 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. Cover manure hauling trucks, or
f. 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:
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.

C. A commercial beef cattle feedlot shall implement the following best management practices, as described in subsection (A), from each of the following categories:

1. Arenas, Corrals, and Pens:
a. Concrete aprons,
b. Provide shade in corral,
c. Add moisture to pen surface,
d. Manure removal,
e. Pile manure between cleanings,
f. Feed higher moisture feed to beef cattle,
g. Control cattle during movements,
h. Use drag equipment to maintain pens,
i. Apply a fibrous layer, or
j. Wind barrier.

2. Animal Waste (and Feed) 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.

D. A commercial poultry facility shall implement the following best management practices, as described in subsection (A), 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 (and Feed) Handling and Transporting:
a. Remove spilled feed,
b. Store feed,
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,
e. Apply and maintain aggregate cover,
f. Apply and maintain synthetic particulate suppressant,
g. Apply and maintain water, or
h. Apply and maintain oil on roads or feed lanes.

E. A commercial swine facility shall implement the following best management practices, as described in subsection (A), from each of the following categories:
1. Arenas, Corrals, and Pens (Housing):
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 (and Feed) 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,
   g. Apply and maintain water,
   h. Apply and maintain oil on roads or feed lanes, or
   i. Wind barrier.

F. From and after December 31, 2015, a commercial animal operator who engages in a regulated agricultural activity shall complete a Best Management Practices Program General Permit Record Form. Thereafter, a new Best Management Practices Program General Permit Record Form shall be completed every year by March 31. The Form shall be provided to the Director within two business days of notice to the commercial animal operator. The Best Management Practices Program General Permit Record Form shall include the following information:
1. The name of the commercial animal operator, signature, and date signed,
2. The mailing address or physical address of the commercial animal operation, and
3. The best management practices selected for Arenas, Corrals, and Pens, Animal Waste Handling and Transporting, Unpaved Access Connections, and Unpaved Roads or Feed Lanes.

G. Beginning January 1, 2016, a commercial animal operator shall maintain records 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 and any changes to the best management practices. Records shall be kept by the commercial animal operator onsite and made available for review by the Director within two business days of notice to the commercial animal operator.

H. A person may develop different practices not contained in subsection (B), (C), (D), or (F) that reduce PM and may submit such practices that are proven effective through on-operation demonstration trials to the Committee. The new best management practices shall not become effective unless submitted as described in A.R.S. § 49-457(L).

I. The Director shall not assess a fee to a commercial animal operator for coverage under the agricultural PM general permit.

J. 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.

K. The Director shall document noncompliance with this Section before issuing a compliance order.

L. 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).

R18-2-611.03. Agricultural PM General Permit for Animal Operations; Pinal County PM Nonattainment Area

A. A commercial animal operator within the Pinal County PM Nonattainment Area shall implement at least one best management practice from each category to reduce PM emissions.

B. In addition to subsection (A), on the day that is forecast to be high risk for dust generation by the Pinal County Dust Control Forecast, commercial dairy operations within the Pinal County PM Nonattainment Area shall apply and maintain one of the four following BMPs on unpaved roads that experience more than 20 VDT from 2 or more axle vehicles:
1. Apply and maintain pavement in high traffic areas,
2. Apply and maintain aggregate cover,
3. Apply and maintain synthetic particulate suppressant, or
4. Apply and maintain water as a dust suppressant.

C. In addition to subsection (A), commercial beef feedlots within the Pinal County PM Nonattainment Area, shall add water to pen surface, as defined in R18-2-611(3)(a), on the day that is forecast to be high risk for dust generation by the Pinal County Dust Control Forecast.

D. A commercial dairy operation shall implement the following best management practices, as described in subsection (A), 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 (and Feed) 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. Cover manure hauling trucks, or
f. 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:
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.

E. A commercial beef cattle feedlot shall implement the following best management practices, as described in subsection (A), from each of the following categories:

1. Arenas, Corrals, and Pens:
a. Concrete aprons,
b. Provide shade in corral,
c. Add water to pen surface,
d. Manure removal,
e. Pile manure between cleanings,
f. Feed higher moisture feed to beef cattle,
g. Control cattle during movements,
h. Use drag equipment to maintain pens,
i. Apply a fibrous layer, or
j. Wind barrier.

2. Animal Waste (and Feed) 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.

F. A commercial poultry facility shall implement the following best management practices, as described in subsection (A), 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 (and Feed) Handling and Transporting:
a. Remove spilled feed,
b. Store feed,
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,
e. Apply and maintain aggregate cover,
f. Apply and maintain synthetic particulate suppressant,
g. Apply and maintain water, or
h. Apply and maintain oil on roads or feed lanes.

G. A commercial swine facility shall implement the following best management practices, as described in subsection (A), from each of the following categories:
1. Arenas, Corrals, and Pens (Housing):
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 (and Feed) 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,
   g. Apply and maintain water,
   h. Apply and maintain oil on roads or feed lanes, or
   i. Wind barrier.

H. From and after December 31, 2015, a commercial animal operator who engages in a regulated agricultural activity shall complete a Best Management Practices Program General Permit Record Form. Thereafter, a new Best Management Practices Program General Permit Record Form shall be completed every year by March 31. The Form shall be provided to the Director within two business days of notice to the commercial animal operator. The Best Management Practices Program General Permit Record Form shall include the following information:
1. The name of the commercial animal operator, signature, and date signed,
2. The mailing address or physical address of the commercial animal operation, and
3. The best management practices selected for Arenas, Corrals, and Pens, Animal Waste Handling and Transporting, Unpaved Access Connections, and Unpaved Roads or Feed Lanes.

I. Beginning in calendar year 2017, and no more than once every subsequent three calendar years, the Director shall provide the commercial animal operator with a Best Management Practices Program 3-year Survey. The commercial animal operator shall complete the Survey with data from the preceding calendar year and submit the Survey to the Arizona Department of Agriculture (ADA) by January 31, 2018, and every three years thereafter. The Survey information submitted to the ADA shall be compiled by the ADA in a format that does not refer to a commercial animal operator's name, shall aggregate the data from the Surveys received, and be submitted to the Department. The 3-year Survey shall include the following information:
1. The name, business address, and phone number of the commercial farmer responsible for the preparation and implementation of the best management practices;
2. The signature of the commercial farmer and the date the form was signed;
3. The number of animals in a commercial dairy operation, beef cattle feed lot, poultry facility or swine facility;
4. The total miles of unpaved roads at the commercial dairy operation, beef cattle feed lot, poultry facility or swine facility;
5. 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;
6. The best management practices selected for each category; and
7. For commercial dairy operations and beef cattle feedlots, an acknowledgement that water was applied on the day of a high risk day as predicted by the Pinal County Dust Control Forecast.

J. Beginning January 1, 2016, a commercial animal operator shall maintain records 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 and any changes to the best management practices. Records shall be kept by the commercial animal operator onsite and made available for review by the Director within two business days of notice to the commercial animal operator.

K. A person may develop different practices not contained in subsection (D), (E), (F), or (G) that reduce PM and may sub-

mit such practices that are proven effective through on-operation demonstration trials to the Committee. The new best management practices shall not become effective unless submitted as described in A.R.S. § 49-457(L).

L. The Director shall not assess a fee to a commercial animal operator for coverage under the agricultural PM general permit.

M. 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.

N. The Director shall document noncompliance with this Section before issuing a compliance order.

O. 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).

R18-2-612. Definitions for ~~R18-2-613~~ R18-2-612.01

1. ~~"Access restriction" means 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.~~
3. ~~"Artificial wind barrier" means a physical barrier to the wind.~~
4. ~~"Bed row spacing" means increasing or decreasing the size of a planting bed area to reduce the number of passes and soil disturbance by increasing plant density.~~
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 PM_{10} emissions from a regulated agricultural activity.~~
6. ~~"Chemical irrigation" means applying a fertilizer, pesticide, or other agricultural chemical to cropland through an irrigation system.~~
7. ~~"Combining tractor operations" means performing two or more tillage, cultivation, planting, or harvesting operations with a single tractor or harvester pass.~~
8. ~~"Commercial farm" means 10 or more contiguous acres of land used for agricultural purposes within the boundary of the Yuma PM_{10} nonattainment area.~~
9. ~~"Commercial farmer" means an individual, entity, or joint operation in general control of a commercial farm.~~
10. ~~"Conservation irrigation" means the use of drips, sprinklers, or underground lines to conserve water, and to reduce the weed population, the need for tillage, and soil compaction.~~
11. ~~"Conservation tillage" means types of tillage that reduce the number of passes and the amount of soil disturbance.~~
12. ~~"Cover crop" means plants or a green manure crop grown for seasonal soil protection or soil improvement.~~
13. ~~"Critical area planting" means using trees, shrubs, vines, grasses, or other vegetative cover on noncropland.~~
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.~~
15. ~~"Cross-wind ridges" means soil ridges formed by a tillage operation.~~
16. ~~"Cross-wind strip-cropping" means planting strips of alternating crops within the same field.~~
17. ~~"Cross-wind vegetative strips" means herbaceous cover established in one or more strips within the same field.~~
18. ~~"Equipment modification" means modifying agricultural equipment to prevent or reduce particulate matter generation from cropland.~~
19. ~~"Limited activity during a high-wind event" means performing no tillage or soil preparation activity when the measured wind speed at six feet in height is more than 25 mph at the commercial farm site.~~
20. ~~"Manure application" means applying animal waste or biosolids to a soil surface.~~
21. ~~"Mulching" means applying plant residue or other material that is not produced onsite to a soil surface.~~
22. ~~"Multi-year crop" means a crop, pasture, or orchard that is grown, or will be grown, on a continuous basis for more than one year.~~
23. ~~"Night farming" means performing regulated agricultural activities at night when moisture levels are higher and winds are lighter.~~
24. ~~"Noncropland" means any commercial farmland that:~~
    a. ~~Is no longer used for agricultural production;~~
    b. ~~Is no longer suitable for production of crops;~~
    c. ~~Is subject to a restrictive easement or contract that prohibits use for the production of crops; or~~
    d. ~~Includes a private farm road, ditch, ditch bank, equipment yard, storage yard, or well head.~~
25. ~~"Permanent cover" means a perennial vegetative cover on cropland.~~
26. ~~"Planting based on soil moisture" means applying water to soil before performing planting operations.~~
27. ~~"Precision farming" means use of satellite navigation to calculate position in the field, to reduce overlap during field operations, and allow operations to occur during nighttime and inclement weather, thus generating less PM_{10}.~~
28. ~~"Reduce vehicle speed" means operating farm vehicles or farm equipment on unpaved farm roads at speeds not to exceed 20 mph.~~
29. ~~"Reduced harvest activity" means reducing the number of harvest passes using a mechanized method to cut and remove crops from a field.~~

~~30. "Regulated agricultural activity" means a commercial farming practice that may produce PM_{10} within the Yuma PM_{10} nonattainment area.~~
~~31. "Residue management" means managing the amount and distribution of crop and other plant residues on a soil surface.~~
~~32. "Sequential cropping" means growing crops in a sequence that minimizes the amount of time bare soil is exposed on a field.~~
~~33. "Surface roughening" means manipulating a soil surface to produce or maintain clods.~~
~~34. "Synthetic particulate suppressant" means a manufactured product such as lignosulfate, calcium chloride, magnesium chloride, and polyacrylamide, an emulsion of a petroleum product, and an enzyme product that is used to control particulate matter.~~
~~35. "Tillage and harvest" means any mechanical practice that physically disturbs cropland or crops on a commercial farm.~~
~~36. "Tillage based on soil moisture" means applying water to soil before or during tillage, or delaying tillage to coincide with precipitation.~~
~~37. "Timing of a tillage operation" means performing tillage operations at a time that will minimize the soil's susceptibility to generate PM_{10}.~~
~~38. "Transgenic crops" means the use of genetically modified crops such as "herbicide ready" crops, which reduces the need for tillage or cultivation operations, and reduces soil disturbance.~~
~~39. "Track-out control system" means a device to remove mud or soil from a vehicle before the vehicle enters a paved public road.~~
~~40. "Tree, shrub, or windbreak planting" means providing a woody vegetative barrier to the wind.~~
~~41. "Watering" means applying water to noncropland.~~
~~42. "Yuma PM_{10} nonattainment area" means the Yuma PM_{10} planning area as defined in 40 CFR 81.303, which is incorporated by reference in R18-2-210.~~

The definitions in R18-2-101 and the following definitions apply to R18-2-612.01:

1. "Access restriction" means reducing PM emission by reducing the number of trips driven on unpaved operation and maintenance and unpaved utility roads by restricting or eliminating public access by the used of signs or physical obstruction at locations that effectively control access to roads.
2. "Aggregate cover" means reducing PM emissions, wind erosion and stabilizing soil by applying and maintaining gravel, concrete, recycled road base, caliche, or other similar material to unpaved roads. The aggregate should be clean, hard and durable, and should be applied a depth sufficient to create soil stabilization in accordance with material specifications. A minimum depth of three inches is the standard in the absence of such specifications.
3. "Apply and maintain water" means reducing PM emissions and wind erosion by applying water to bare soil surfaces until the surfaces are visibly moist.
4. "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 PM emissions from a regulated agricultural activity.
5. "Biological control of aquatic weeds" means reducing at least one trip, or to one trip if only one trip is needed, per treatment, made by vehicles for the purposes of removing aquatic weeds from canals by using fish, and other biologic means, within the canal through the use of to control the growth of aquatic weeds that reduce operating capacities and create debris that causes other operational issues.
6. "Canals" means facilities constructed for the sole purpose of the control, conveyance, and delivery of water. These facilities may be either open earthen channels, lined or unlined, or buried pipelines, which are used to convey water uphill and under obstructions, such as roadways and wash and river channels. These facilities include, but are not limited to, gate, inlet, outlet, safety, and measuring structures required to control water along the canals and deliver water to irrigation district customers, as well as compacted earthen banks constructed to protect these facilities from storm runoff events.
7. "Committee" means the Governor's Agricultural Best Management Practices Committee.
8. "Debris" means trash, rubble, and other non-soil materials.
9. "Dredge canals" means reducing PM emissions by mechanically removing muck, debris, and other foreign objects from canals while material is still wet or damp.
10. "Dust Control Forecast" means a forecast, which shall identify a low, moderate or high risk of dust generation for the next five consecutive days and shall be issued by noon on each day the forecast is generated. When developing these forecasts, the department shall consider all of the following:
    a. Projected meteorological conditions, including:
        i. Wind speed and direction,
        ii. Stagnation,
        iii. Recent precipitation, and
        iv. Potential for precipitation;
    b. Existing concentrations of air pollution at the time of the forecast; and

c. Historic air pollution concentrations that have been observed during meteorological conditions similar to those that are predicted to occur in the forecast.

11. "Earth materials" means natural materials covering the ground surface, which includes, but are not limited to, dirt, rocks, or soil.
12. "Grading roadways" means mechanically smoothing and compacting the roadway surface.
13. "Irrigation District" means a political subdivision, governed by title 48, chapter 19.
14. "Limit activity" means performing only critical operational or emergency activity on a day forecast to be high risk for dust generation as forecasted by the Pinal County Dust Control Forecast.
15. "Major earth moving activities" means the mechanical movement of earth materials to reconstruct, relocate, reshape, reconfigure canals, including operation and maintenance roads and utility access roads.
16. "Maricopa PM nonattainment area" means the Phoenix planning area as defined in 40 CFR 81.303, which is incorporated by reference in R18-2-210.
17. "Minor earth moving activities" means the mechanical movement of earth materials to repair and maintain the existing configuration, location, bank slopes, or inclines of canals.
18. "Muck" means water that is saturated with mud, dirt, and soil, which accumulates over time along the bottom of canals.
19. "Paved Public Road" means any paved roadways that are open to public travel and maintained by a City, County, or the State.
20. "Pinal County PM Nonattainment Area" means the West Pinal PM_{10} planning area and the West Central $PM_{2.5}$ planning area, as defined in 40 CFR 81.303, and incorporated by reference in R18-2-210.
21. "PM" includes both particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers as measured by a reference method based on 40 CFR 50 Appendix L, or by an equivalent method designated according to 40 CFR 53; and particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by a reference method contained within 40 CFR 50 Appendix J or by an equivalent method designated in accordance with 40 CFR 53, as incorporated by reference in Appendix 2.
22. "Reduce vehicle speed" means reducing PM emissions and soil erosion from the use of vehicles owned or operated by the irrigation district on unpaved operation, maintenance, and utility access roads, at speeds not to exceed 25 mph. This can be achieved through worker behavior modifications, signage, or any other necessary means.
23. "Regulated agricultural activity" means activities of an irrigation district, which affects those lands and facilities that are under the jurisdiction and control of an irrigation district, as described in § 49-457(P)(1)(f) and A.R.S. § 49-457(P)(5)(b).
24. "Regulated area" means a regulated area as defined in A.R.S. § 49-457(P)(6)(c).
25. "Sediment" means muck that has dried after removal from canals.
26. "Supervisory control system" means a system that allows the irrigation district to control operational structures from a remote computer location in order to reduce at least one trip made by vehicles to access structures for operational purposes.
27. "Synthetic or natural particulate suppressant" means reducing PM emissions and wind erosion by providing a stabilized soil surface with organic material, such as muck, animal waste or biosolids, or with a manufactured product such as lignosulfate, calcium chloride, magnesium chloride, an emulsion of a petroleum product, an enzyme product, or polyacrylamide.
28. "Track-out control system" means minimizing any and all material that adheres to and agglomerates on all vehicles and equipment and falls onto paved public roads or shoulders to paved public roads by using a device or system to remove mud or soil from a vehicle or equipment before the vehicle enters a paved public road. Devices such as a grizzly, a gravel pad or a wheel wash system can be used.
29. "Unauthorized use" means any travel or access by non-district personnel in non-district vehicles along roadways under the control of an irrigation district without the permission of the irrigation district.
30. "Unpaved operation and maintenance roads" means unpaved roadways that lay adjacent to canals, which provide access for irrigation district personnel and equipment for direct operation and maintenance of canals, and are under the control of the irrigation district.
31. "Unpaved utility access roads" means unpaved roadways used to provide access to canals, and also includes office and shop facilities, equipment yards, staging areas and other lands under the control of the irrigation district.
32. "Weed management" means reducing at least one trip made by vehicles for the purposes of removing weeds by using a combination of techniques, including organic, chemical, or biological means, to control weeds along canal banks and land surfaces not used for conveying water, excluding unpaved roadways.
33. "Wind barrier" means reducing PM_{10} 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. For fences and structures, the wind barrier shall have a density of no less than 50% and the height of the wind barrier must be proportionate to the downwind protected area. The downwind protected area is considered ten times the height of the wind barrier. For

vegetative barriers, compliance shall be determined by NRCS Conservation Practice Standard, Code 380, Windbreak/Shelterbelt Establishment, amended through August 21, 2009 (and no future editions).

R18-2-612.01. Agricultural PM General Permit For Irrigation Districts; PM Nonattainment Areas Designated After June 1, 2009

A. An irrigation district within a PM Nonattainment Area, designated after June 1, 2009, shall implement at least one best management practice from each of the following categories to reduce PM emissions:

1. Unpaved operation and maintenance roads:
   a. Access restriction,
   b. Apply and maintain aggregate cover,
   c. Install supervisory control system to limit vehicle travel,
   d. Limit activity,
   e. Install signage to limit vehicle speed to 25 mph,
   f. Post warning signs for unauthorized use at point of entry to roads,
   g. Reduce vehicle speed,
   h. Install and maintain a track-out control system,
   i. Apply and maintain synthetic or natural particulate suppressant,
   j. Apply and maintain water before, during, and after major and minor earth moving activities,
   k. Apply and maintain water when grading roadways,
   l. Use paved non-district or paved public roads to access structures, or
   m. Install wind barriers.
2. Canals:
   a. Dredge canals while muck or debris is still wet,
   b. Dispose of muck or debris while still damp,
   c. Weed management,
   d. Biological control of aquatic weeds, or
   e. Apply and maintain water before, during and after major and minor earth moving activities.
3. Unpaved utility access roads:
   a. Access restriction,
   b. Apply and maintain aggregate cover,
   c. Limit activity,
   d. Install signage to limit vehicle speed to 25 mph,
   e. Post warning signs for unauthorized use at points of entry to roads,
   f. Reduce vehicle speed,
   g. Install and maintain a track-out control system,
   h. Apply and maintain pavement,
   i. Apply and maintain synthetic or natural particulate suppressant,
   j. Apply and maintain water before, during and after major and minor earth moving activities,
   k. Apply and maintain water when grading roadways,
   l. Use paved non-district or paved public roads to access structures, or
   m. Install wind barriers.

B. From and after December 31, 2015, an irrigation district engaged in a regulated agricultural activity shall complete a Best Management Practices Program General Permit Record Form. Thereafter, a new Best Management Practices Program General Permit Record Form shall be completed every year by March 31. The Form shall be provided to the Director within two business days of notice to the irrigation district. The Best Management Practice Program General Permit Record form shall include the following information:

1. The name, business address, and of the of the irrigation district representative responsible for the preparation and implementation of the best management practices;
2. The signature of the irrigation district representative and the date the form was signed; and
3. The best management practice selected for unpaved operation and utility roads, canals, and unpaved utility access roads.

C. Beginning in calendar year 2017, and no more than once every subsequent three calendar years, the Director, in conjunction with the Arizona Department of Agriculture, shall provide the irrigation district with a Best Management Practices Program 3-year Survey. The irrigation district shall complete the Survey with data from the preceding calendar year and submit the Survey to the Arizona Department of Agriculture (ADA) by January 31, 2018, and every three years thereafter. The Survey information submitted to the ADA shall be compiled by the ADA then be submitted to the Department. The 3-year Survey shall include the following information:

1. The name, business address, and phone number of the irrigation district representative responsible for the preparation and implementation of the best management practices;
2. The signature of the irrigation district representative and the date the form was signed;
3. The total miles of canals that the irrigation district controls;
4. The total miles of unpaved operation and maintenance roads;

5. The total miles of the unpaved utility access roads; and
6. The best management practices selected for unpaved operation and utility roads, canals, and unpaved utility access roads.

D. Records of any changes to those Best Management Practices shall be noted on the Best Management Practices Program General Permit Record Form and shall be kept by the irrigation district onsite and made available for review by the Director within two business days of notice to the irrigation district by the Department.

E. An irrigation district may develop different practices not contained in either of the categories of subsection (A)(1), (A)(2), or (A)(3) that reduce PM and may submit such practices that are proven effective through in-district trials. The proposed new practices shall not become effective unless submitted as described in A.R.S. § 49-457(L).

F. An irrigation district 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.

G. The Director shall not assess a fee to an irrigation district for coverage under the agricultural PM general permit.

H. An irrigation district shall ensure that the implementation of all selected best management practices does not violate any other local, state, or federal law.

I. The Director shall document noncompliance with this Section before issuing a compliance order.

J. An irrigation district that is not in compliance with this Section is subject to the provisions in A.R.S. § 49-457(I), (J), and (K).

R18-2-613. ~~Yuma PM_{10} Nonattainment Area; Agricultural Best Management Practices~~ Definitions for R18-2-613.01

~~**A.** A commercial farmer shall comply with this Section by August 1, 2005.~~

~~**B.** A commercial farmer who begins a regulated agricultural activity after August 1, 2005, shall comply with this Section within 60 days after beginning the regulated agricultural activity.~~

~~**C.** A commercial farmer shall implement at least one of the best management practices from each of the following categories at each commercial farm:~~

~~1. Tillage and harvest, subsection (E);~~
~~2. Noncropland, subsection (F); and~~
~~3. Cropland, subsection (G).~~

~~**D.** A commercial farmer shall ensure that the implementation of each selected best management practice does not violate any other local, state, or federal law.~~

~~**E.** A commercial farmer shall implement at least one of the following best management practices to reduce PM_{10} emissions from tillage and harvest:~~

~~1. Bed row spacing,~~
~~2. Chemical irrigation,~~
~~3. Combining tractor operations,~~
~~4. Conservation irrigation,~~
~~5. Conservation tillage,~~
~~6. Equipment modification,~~
~~7. Limited activity during a high-wind event,~~
~~8. Multi-year crop,~~
~~9. Night farming,~~
~~10. Planting based on soil moisture,~~
~~11. Precision farming,~~
~~12. Reduced harvest activity,~~
~~13. Tillage based on soil moisture,~~
~~14. Timing of a tillage operation, or~~
~~15. Transgenic crops.~~

~~**F.** A commercial farmer shall implement at least one of the following best management practices to reduce PM_{10} emissions from noncropland:~~

~~1. Access restriction;~~
~~2. Aggregate cover;~~
~~3. Artificial wind barrier;~~
~~4. Critical area planting;~~
~~5. Manure application;~~
~~6. Reduce vehicle speed;~~
~~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 one of the following best management practices to reduce PM_{10} 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. Manure application;~~
~~7. Mulching;~~
~~8. Multi-year crop;~~
~~9. Permanent cover;~~
~~10. Planting based on soil moisture;~~
~~11. Precision farming;~~
~~12. Residue management;~~
~~13. Sequential cropping;~~
~~14. Surface roughening; or~~
~~15. Tree, shrub, or windbreak planting.~~

~~H. A person may develop different practices not contained in subsections (E), (F), or (G) that reduce PM_{10}. A person may submit practices that are proven effective through on-farm demonstration trials to the Director. The Director shall review the submitted practices.~~

~~I. A commercial farmer shall maintain records demonstrating compliance with this Section. The commercial farmer shall provide the records to the Director within two business days of written notice to the commercial farmer. The records shall contain:~~

~~1. The name of the commercial farmer,~~
~~2. The mailing address or physical location of the commercial farm, and~~
~~3. The best management practices selected for tillage and harvest, noncropland, and cropland by the commercial farmer, and the date each best management practice was implemented.~~

1. "Access restriction" means 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.
3. "Artificial wind barrier" means a physical barrier to the wind.
4. "Bed row spacing" means increasing or decreasing the size of a planting bed area to reduce the number of passes and soil disturbance by increasing plant density.
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 PM_{10} emissions from a regulated agricultural activity.
6. "Chemical irrigation" means applying a fertilizer, pesticide, or other agricultural chemical to cropland through an irrigation system.
7. "Combining tractor operations" means performing two or more tillage, cultivation, planting, or harvesting operations with a single tractor or harvester pass.
8. "Commercial farm" means 10 or more contiguous acres of land used for agricultural purposes within the boundary of the Yuma PM_{10} nonattainment area.
9. "Commercial farmer" means an individual, entity, or joint operation in general control of a commercial farm.
10. "Conservation irrigation" means the use of drips, sprinklers, or underground lines to conserve water, and to reduce the weed population, the need for tillage, and soil compaction.
11. "Conservation tillage" means types of tillage that reduce the number of passes and the amount of soil disturbance.
12. "Cover crop" means plants or a green manure crop grown for seasonal soil protection or soil improvement.
13. "Critical area planting" means using trees, shrubs, vines, grasses, or other vegetative cover on noncropland.
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.
15. "Cross-wind ridges" means soil ridges formed by a tillage operation.
16. "Cross-wind strip-cropping" means planting strips of alternating crops within the same field.
17. "Cross-wind vegetative strips" means herbaceous cover established in one or more strips within the same field.
18. "Equipment modification" means modifying agricultural equipment to prevent or reduce particulate matter generation from cropland.
19. "Limited activity during a high-wind event" means performing no tillage or soil preparation activity when the measured wind speed at six feet in height is more than 25 mph at the commercial farm site.
20. "Manure application" means applying animal waste or biosolids to a soil surface.
21. "Mulching" means applying plant residue or other material that is not produced onsite to a soil surface.
22. "Multi-year crop" means a crop, pasture, or orchard that is grown, or will be grown, on a continuous basis for more than one year.

23. "Night farming" means performing regulated agricultural activities at night when moisture levels are higher and winds are lighter.
24. "Noncropland" means any commercial farmland that:
    a. Is no longer used for agricultural production;
    b. Is no longer suitable for production of crops;
    c. Is subject to a restrictive easement or contract that prohibits use for the production of crops; or
    d. Includes a private farm road, ditch, ditch bank, equipment yard, storage yard, or well head.
25. "Permanent cover" means a perennial vegetative cover on cropland.
26. "Planting based on soil moisture" means applying water to soil before performing planting operations.
27. "Precision farming" means use of satellite navigation to calculate position in the field, to reduce overlap during field operations, and allow operations to occur during nighttime and inclement weather, thus generating less PM_{10}.
28. "Reduce vehicle speed" means operating farm vehicles or farm equipment on unpaved farm roads at speeds not to exceed 20 mph.
29. "Reduced harvest activity" means reducing the number of harvest passes using a mechanized method to cut and remove crops from a field.
30. "Regulated agricultural activity" means a commercial farming practice that may produce PM_{10} within the Yuma PM_{10} nonattainment area.
31. "Residue management" means managing the amount and distribution of crop and other plant residues on a soil surface.
32. "Sequential cropping" means growing crops in a sequence that minimizes the amount of time bare soil is exposed on a field.
33. "Surface roughening" means manipulating a soil surface to produce or maintain clods.
34. "Synthetic particulate suppressant" means a manufactured product such as lignosulfate, calcium chloride, magnesium chloride, and polyacrylamide, an emulsion of a petroleum product, and an enzyme product that is used to control particulate matter.
35. "Tillage and harvest" means any mechanical practice that physically disturbs cropland or crops on a commercial farm.
36. "Tillage based on soil moisture" means applying water to soil before or during tillage, or delaying tillage to coincide with precipitation.
37. "Timing of a tillage operation" means performing tillage operations at a time that will minimize the soil's susceptibility to generate PM_{10}.
38. "Transgenic crops" means the use of genetically modified crops such as "herbicide ready" crops, which reduces the need for tillage or cultivation operations, and reduces soil disturbance.
39. "Track-out control system" means a device to remove mud or soil from a vehicle before the vehicle enters a paved public road.
40. "Tree, shrub, or windbreak planting" means providing a woody vegetative barrier to the wind.
41. "Watering" means applying water to noncropland.
42. "Yuma PM_{10} nonattainment area" means the Yuma PM_{10} planning area as defined in 40 CFR 81.303, which is incorporated by reference in R18-2-210.

R18-2-613.01. Yuma PM_{10} Nonattainment Area; Agricultural Best Management Practices

A. A commercial farmer shall comply with this Section by August 1, 2005.

B. A commercial farmer who begins a regulated agricultural activity after August 1, 2005, shall comply with this Section within 60 days after beginning the regulated agricultural activity.

C. A commercial farmer shall implement at least one of the best management practices from each of the following categories at each commercial farm:
1. Tillage and harvest, subsection (E);
2. Noncropland, subsection (F); and
3. Cropland, subsection (G).

D. A commercial farmer shall ensure that the implementation of each selected best management practice does not violate any other local, state, or federal law.

E. A commercial farmer shall implement at least one of the following best management practices to reduce PM_{10} emissions from tillage and harvest:
1. Bed row spacing,
2. Chemical irrigation,
3. Combining tractor operations,
4. Conservation irrigation,
5. Conservation tillage,
6. Equipment modification,
7. Limited activity during a high-wind event,
8. Multi-year crop,
9. Night farming,

10. Planting based on soil moisture,
11. Precision farming,
12. Reduced harvest activity,
13. Tillage based on soil moisture,
14. Timing of a tillage operation, or
15. Transgenic crops.

F. A commercial farmer shall implement at least one of the following best management practices to reduce PM_{10} emissions from noncropland:
1. Access restriction;
2. Aggregate cover;
3. Artificial wind barrier;
4. Critical area planting;
5. Manure application;
6. Reduce vehicle speed;
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 one of the following best management practices to reduce PM_{10} 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. Manure application;
7. Mulching;
8. Multi-year crop;
9. Permanent cover;
10. Planting based on soil moisture;
11. Precision farming;
12. Residue management;
13. Sequential cropping;
14. Surface roughening; or
15. Tree, shrub, or windbreak planting.

H. A person may develop different practices not contained in subsections (E), (F), or (G) that reduce PM_{10}. A person may submit practices that are proven effective through demonstration trials to the Director. The Director shall review the submitted practices.

I. A commercial farmer shall maintain records demonstrating compliance with this Section. The commercial farmer shall provide the records to the Director within two business days of written notice to the commercial farmer. The records shall contain:
1. The name of the commercial farmer,
2. The mailing address or physical location of the commercial farm, and
3. The best management practices selected for tillage and harvest, noncropland, and cropland by the commercial farmer, and the date each best management practice was implemented.

APPENDIX 2. TEST METHODS AND PROTOCOLS

The following test methods and protocols are approved for use as directed by the Department under this Chapter. These standards are incorporated by reference as applicable requirements revised as of July 1, 2006, and no future editions or amendments. These standards are on file with the Department, and are also available from the U.S. Government Printing Office, Superintendent of Documents, bookstore.gpo.gov, Mail Stop: SSOP IDCC-SSOM, Washington, D.C. 20402-9328.

~~1.~~**A.** 40 CFR 50;
~~2.~~**B.** 40 CFR 50, Appendices A through N;
~~3.~~**C.** 40 CFR 51, Appendix M, Section IV of Appendix S, and Appendix W;
~~4.~~**D.** 40 CFR 52, Appendices D and E;
~~5.~~**E.** 40 CFR 53;
~~6.~~**F.** 40 CFR 58;
~~7.~~**G.** 40 CFR 58, all appendices;
~~8.~~**H.** 40 CFR 60, all appendices;
~~9.~~**I.** 40 CFR 61, all appendices;
~~10.~~**J.** 40 CFR 63, all appendices;
~~11.~~**K.** 40 CFR 75, all appendices.

L. 40 CFR 51.128, Appendix A(1)(B).

M. Silt Content Test Method. The purpose of this test method is to estimate the silt content of the trafficked parts of commercial farm roads, as defined in R18-2-610. The higher the silt content, the more fine dust particles that are released when cars and trucks drive on commercial farm roads.

1. Equipment:
   a. A set of sieves with the following openings: 4 millimeters (mm), 2mm, 1 mm, 0.5 mm and 0.25 mm and a lid and collector pan
   b. A small whisk broom or paintbrush with stiff bristles and dustpan 1 ft. in width. (The broom/brush should preferably have one, thin row of bristles no longer than 1.5 inches in length.)
   c. A spatula without holes A small scale with half ounce increments (e.g. postal/package scale)
   d. A shallow, lightweight container (e.g. plastic storage container)
   e. A sturdy cardboard box or other rigid object with a level surface
   f. Basic calculator
   g. Cloth gloves (optional for handling metal sieves on hot, sunny days)
   h. Sealable plastic bags (if sending samples to a laboratory)
   i. Pencil/pen and paper
2. Step 1: Look for a routinely-traveled surface, as evidenced by tire tracks. [Only collect samples from surfaces that are not wet or damp due to precipitation, dew or watering.] Use caution when taking samples to ensure personal safety with respect to passing vehicles. Gently press the edge of a dustpan (1 foot in width) into the surface four times to mark an area that is 1 square foot. Collect a sample of loose surface material using a whisk broom or brush and slowly sweep the material into the dustpan, minimizing escape of dust particles. Use a spatula to lift heavier elements such as gravel. Only collect dirt/gravel to an approximate depth of 3/8 inch or 1 cm in the 1 square foot area. If you reach a hard, underlying subsurface that is < 3/8 inch in depth, do not continue collecting the sample by digging into the hard surface. In other words, you are only collecting a surface sample of loose material down to 1 cm. In order to confirm that samples are collected to 1 cm. in depth, a wooden dowel or other similar narrow object at least one foot in length can be laid horizontally across the survey area while a metric ruler is held perpendicular to the dowel. At this point, you can choose to place the sample collected into a plastic bag or container and take it to an independent laboratory for silt content analysis. A reference to the procedure the laboratory is required to follow is in subsection (10) below.
3. Step 2: Place a scale on a level surface. Place a lightweight container on the scale. Zero the scale with the weight of the empty container on it. Transfer the entire sample collected in the dustpan to the container, minimizing escape of dust particles. Weigh the sample and record its weight.
4. Step 3: Stack a set of sieves in order according to the size openings specified above, beginning with the largest size opening (4 mm) at the top. Place a collector pan underneath the bottom (0.25 mm) sieve.
   Step 4: Carefully pour the sample into the sieve stack, minimizing escape of dust particles by slowly brushing material into the stack with a whisk broom or brush. (On windy days, use the trunk or door of a car as a wind barricade.) Cover the stack with a lid. Lift up the sieve stack and shake it vigorously up, down and sideways for at least 1 minute.
5. Step 5: Remove the lid from the stack and disassemble each sieve separately, beginning with the top sieve. As you remove each sieve, examine it to make sure that all of the material has been sifted to the finest sieve through which it can pass; e.g. material in each sieve (besides the top sieve that captures a range of larger elements) should look the same size. If this is not the case, re-stack the sieves and collector pan, cover the stack with the lid, and shake it again for at least 1 minute. (You only need to reassemble the sieve(s) that contain material which requires further sifting.)
6. Step 6: After disassembling the sieves and collector pan, slowly sweep the material from the collector pan into the empty container originally used to collect and weigh the entire sample. Take care to minimize escape of dust particles. You do not need to do anything with material captured in the sieves -- only the collector pan. Weigh the container with the material from the collector pan and record its weight.
7. Step 7: If the source is an unpaved road, multiply the resulting weight by 0.38. If the source is an unpaved parking lot, multiply the resulting weight by 0.55. The resulting number is the estimated silt loading. Then, divide by the total weight of the sample you recorded earlier in Step 2 and multiply by 100 to estimate the percent silt content.
8. Step 8: Select another two routinely-traveled portions of the unpaved road or unpaved parking lot and repeat this test method. Once you have calculated the silt loading and percent silt content of the three samples collected, average your results together.
9. Step 9: Examine Results. If the average silt loading is less than 0.33 oz/ft&sup2, the surface is STABLE. If the average silt loading is greater than or equal to 0.33 oz/ft&sup2, then proceed to examine the average percent silt content. If the source is an unpaved road and the average percent silt content is 6% or less, the surface is STABLE. If the source is an unpaved parking lot and the average percent silt content is 8% or less, the surface is STABLE. If your field test results are within 2% of the standard (for example, 4%-8% silt content on an unpaved road), it is recommended that you collect three additional samples from the source according to Step 1 and take them to an independent laboratory for silt content analysis.

10. Independent Laboratory Analysis: You may choose to collect three samples from the source, according to Step 1, and send them to an independent laboratory for silt content analysis rather than conduct the sieve field procedure. If so, the test method the laboratory is required to use comes from the from the following text: *Procedures For Laboratory Analysis Of Surface/Bulk Dust Loading Samples*, (Fifth Edition, Volume I, Appendix C.2.3 "Silt Analysis", 1995), AP-42, Office of air Quality Planning & Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina.

NOTICES OF EXPIRATION OF RULES UNDER A.R.S. § 41-1056(E)

This section of the *Arizona Administrative Register* contains Notices of Expiration of Rules. Under A.R.S. § 41-1056(E), if an agency does not file a five-year rule review report with the Governor's Regulatory Review Council (including a revised report); or if an agency does not file an extension before the due date of the report; or if an agency files an extension but does not submit a report within the extension period; the rules scheduled for review expire.

The Council is required to notify the Secretary of State that the rules have expired and are no longer enforceable. The notice is published in the *Register*, and the rules are removed from the *Code*.

GOVERNOR'S REGULATORY REVIEW COUNCIL
NOTICE OF RULE EXPIRATION

[R15-70]

1. **Agency name:** Department of Revenue
2. **Title and its heading:** 15, Revenue
3. **Chapter and its heading:** 10, Department of Revenue - General Administration
4. **Articles and their headings:** 1, Appeal Procedures
   2, Administration
5. **As required by A.R.S. § 41-1056(J), the Council provides notice that the Department has chosen to allow the following rules to expire:**

R15-10-108.	Amendments and Supplements
R15-10-109.	Memoranda
R15-10-118.	Burden of Proof
R15-10-202.	Extension of time for filing returns; automatic extensions

6. **Signature is of Bret H. Parke**
   /s/
   Bret H. Parke
   G.R.R.C. Chair

   Date of Signing
   July 7, 2015

NOTICES OF RULEMAKING DOCKET OPENING

This section of the *Arizona Administrative Register* contains Notices of Rulemaking Docket Opening.

A docket opening is the first part of the administrative rulemaking process. It is an "announcement" that the agency intends to work on its rules.

When an agency opens a rulemaking docket to consider rulemaking, the Administrative Procedure Act (APA) requires the publication of the Notice of Rulemaking Docket Opening.

Under the APA effective January 1, 1995, agencies must submit a Notice of Rulemaking Docket Opening before beginning the formal rulemaking process. Many times an agency may file the Notice of Rulemaking Docket Opening with the Notice of Proposed Rulemaking.

The Office of the Secretary of State is the filing office and publisher of these notices. Questions about the interpretation of this information should be directed to the agency contact person listed in item #4 of this notice.

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF EMERGENCY AND MILITARY AFFAIRS
DIVISION OF EMERGENCY MANAGEMENT

[R15-72]

1. Title and its heading: 8, Emergency and Military Affairs

Chapter and its heading: 2, Department of Emergency and Military Affairs - Division of Emergency Management

Articles and their headings: 1, Search or Rescue

Section numbers: R8-2-101 through R8-2-105 (*As part of this rulemaking, the Department may add, delete, or modify additional Sections as necessary.*)

2. The subject matter of the proposed rule:

The Arizona Division of Emergency Management (ADEM) is considering amending Article 1 to make simple technical and conforming changes that update the Arizona Administrative Code to reflect current and future practices.

3. A citation to all published notices relating to the proceeding:

Notice of Proposed Rulemaking: 27 A.A.R. 1151 July 24, 2015 (*in this issue*).

4. The name and address of agency personnel with whom persons may communicate regarding the rule:

Name: Anthony Cox, Assistant Deputy Director
Address: Arizona Division of Emergency Management
Operations & Coordination Section
5636 E. McDowell Rd.
Phoenix, AZ 85008
Telephone: (602) 464-6242
Fax: (602) 464-6501
E-mail: anthony.cox@azdema.gov
Website: www.dema.az.gov

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

Comments will be accepted during business hours at the address listed in item 4. Information regarding an oral proceeding will be included in the Notice of Proposed Rulemaking.

6. A timetable for agency decisions or other action on the proceeding, if known:

To be determined.

NOTICES OF ORAL PROCEEDING

If an agency schedules an oral proceeding, a public workshop, or another type of meeting on a proposed rulemaking, a rulemaking docket opening, or a proposed delegation agreement, the agency shall prepare a Notice of Oral Proceeding, a Notice of Public Workshop, or Notice of Meeting (specifying the type of meeting) for publication in the *Register*.

NOTICE OF ORAL PROCEEDING ON PROPOSED RULEMAKING

BOARD OF PSYCHOLOGIST EXAMINERS

[M15-169]

1. Name of the agency: Board of Psychologist Examiners

2. Title and its heading: 4, Professions and Occupations

Chapter and its heading: 26, Board of Psychologist Examiners

Article and its heading: 1, General Provisions
2, Licensure
3, Regulation

3.

Articles, Parts, or Sections (as applicable) being proposed	Rulemaking Action
R4-26-101	Amend
R4-26-102	Amend
R4-26-103	Repeal
R4-26-104	Amend
R4-26-105	Amend
R4-26-106	Amend
R4-26-107	Amend
R4-26-108	Amend
R4-26-201	Amend
R4-26-202	Amend
R4-26-203	Amend
R4-26-203.01	Amend
R4-26-203.02	New Section
R4-26-203.03	New Section
R4-26-204	Amend
R4-26-205	Amend
R4-26-206	Amend
R4-26-207	Amend
R4-26-208	Amend
Table 1	Amend
R4-26-209	Amend
R4-26-210	Amend
R4-26-211	Amend
R4-26-301	Amend
R4-26-302	Amend
R4-26-303	Amend
R4-26-304	Amend
R4-26-305	Amend
R4-26-308	Amend
R4-26-309	New Section
R4-26-310	New Section

4. Citations to all notices published in the *Register* concerning the proposed rulemaking:
Notice of Proposed Rulemaking: 20 A.A.R. 3411, December 12, 2014.

5. The date, time, and location of the oral proceedings:

Date: Thursday, September 10, 2014
Time: 10:00 a.m.
Location: 15 S. 15th Ave.

Basement Conference Room, Side B
Phoenix, AZ 85007

6. The name and address of agency personnel to whom questions and comments on the proposed rules may be addressed:

Name:	Cindy Olvey, Executive Director
Address:	Board of Psychologist Examiners 1400 W. Washington, Suite 240 Phoenix, AZ 85007
Telephone:	(602) 542-8162
Fax:	(602) 542-8279
E-mail:	Cindy.Olvey@psychboard.az.gov
Website:	www.psychboard.az.gov

GOVERNOR EXECUTIVE ORDERS

The Administrative Procedure Act (APA) requires the full-text publication of Governor Executive Orders.

With the exception of egregious errors, content (including spelling, grammar, and punctuation) of these orders has been reproduced as submitted.

In addition, the *Register* shall include each statement filed by the Governor in granting a commutation, pardon or reprieve, or stay or suspension of execution where a sentence of death is imposed.

EXECUTIVE ORDER 2015-01

Internal Review of Administrative Rules; Moratorium to Promote Job Creation and Customer-Service-Oriented Agencies

Editor's Note: This Executive Order is being reproduced in each issue of the Administrative Register until its expiration on December 31, 2015, as a notice to the public regarding state agencies' rulemaking activities.

[M15-02]

WHEREAS, Arizona has lost more jobs per capita than any other state and has yet to recover all of those jobs;

WHEREAS, burdensome regulations inhibit job growth and economic development;

WHEREAS, each agency of the State of Arizona should promote customer-service-oriented principles for the people that it serves;

WHEREAS, each State agency should undertake a critical and comprehensive review of its administrative rules and take action to reduce the regulatory burden, administrative delay, and legal uncertainty associated with government regulation;

WHEREAS, overly burdensome, antiquated, contradictory, redundant, and nonessential regulations should be repealed;

WHEREAS, Article 5, Section 4 of the Arizona Constitution and Title 41, Chapter 1, Article 1 of the Arizona Revised Statutes vests the executive power of the State of Arizona in the Governor;

NOW, THEREFORE, I, Douglas A. Ducey, by virtue of the authority vested in me by the Constitution and laws of the State of Arizona hereby declare the following:

1. A State agency, subject to this Order, shall not conduct any rulemaking except as permitted by this Order.
2. A State agency, subject to this Order, shall not conduct any rulemaking, whether informal or formal, without the prior written approval of the Office of the Governor. In seeking approval, a State agency shall address one or more of the following as justification for the rulemaking:
   a. To fulfill an objective related to job creation, economic development, or economic expansion in this State.
   b. To reduce or ameliorate a regulatory burden while achieving the same regulatory objective.
   c. To prevent a significant threat to the public health, peace or safety.
   d. To avoid violating a court order or federal law that would result in sanctions by a court or the federal government against an agency for failure to conduct the rulemaking action.
   e. To comply with a federal statutory or regulatory requirement if such compliance is related to a condition for the receipt of federal funds or participation in any federal program.
   f. To fulfill an obligation related to fees or any other action necessary to implement the State budget that is certified by the Governor's Office of Strategic Planning and Budgeting.
   g. To promulgate a rule or other item that is exempt from Title 41, Chapter 6, Arizona Revised Statues, pursuant to section 41-1005, Arizona Revised Statutes.
   h. To address matters pertaining to the control, mitigation or eradication of waste, fraud, or abuse within an agency or wasteful, fraudulent, or abusive activities perpetrated against an agency.
3. Paragraphs 1 and 2 apply to all State agencies, except for: (a) any State agency that is headed by a single elected State official, (b) the Corporation Commission, or (c) any State agency whose agency head is not appointed by the Governor. Those State agencies to which Paragraphs 1 and 2 do not apply are strongly encouraged to voluntarily comply with this Order in the context of their own rulemaking processes.
4. Pursuant to Article 5, Section 4 of the Arizona Constitution and Arizona Revised Statutes Section 41-101(A)(1), the State agencies identified in Paragraph 3 must provide the Office of the Governor with a written report for each proposed rule 30 days prior to engaging in any rulemaking proceeding and must also provide the Office of the

Governor with a written report within 15 days of any rulemaking. The reports required by this Paragraph shall explain, in detail, how the rulemaking advances the priorities and principles set forth in this Order.

5. No later than September 1, 2015, each State agency shall provide to the Office of the Governor an evaluation of their rules, with recommendations for which rules could be amended or repealed consistent with the priorities and principles set forth in this Order. The evaluation shall also include a summary of licensing time frames and describe how those time frames compare to real processing time, and whether or not they can be reduced. Additionally, each agency shall identify any existing licenses or permits in which a general permit could be used in lieu of an individual permit, pursuant to Arizona Revised Statutes Section 41-1037.
6. No later than July 1, 2015, each State agency shall provide to the Office of the Governor an update on divisions where electronic reporting and payment are not implemented and a suggested plan for how to implement this customer-service-oriented service.
7. This Order does not confer any legal rights upon any persons and shall not be used as a basis for legal challenges to rules, approvals, permits, licenses or other actions or to any inaction of a State agency. For the purposes of this Order, "person," "rule" and "rulemaking" have the same meanings prescribed in Arizona Revised Statutes Section 41-1001.
8. This Executive Order expires on December 31, 2015.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

Douglas A. Ducey
G O V E R N O R

DONE at the Capitol in Phoenix on this fifth day of January in the year Two Thousand and Fifteen and of the Independence of the United States of America the Two Hundred and Thirty-ninth.

ATTEST:
Michele Reagan
Secretary of State

GOVERNOR PROCLAMATIONS

The Administrative Procedure Act (APA) requires the publication of Governor proclamations of general applicability, and ceremonial dedications issued by the Governor.

* BUFFALO SOLDIERS DAY *

[M15-183]

WHEREAS, African-Americans have fought with distinction in all of this country's military engagements; and

WHEREAS, on July 28, 1866, Congress established a peacetime army founding six new African-American units, the 9th and 10th Cavalry, and the 38th, 39th, 40th and 41st Infantry. Later on, the 38th and 41st reorganized as the 25th Infantry, and the 39th and 40th reorganized as the 24th Infantry; and

WHEREAS, these soldiers were nicknamed Buffalo Soldiers by the Native Americans because of their reputation for fighting ferociously to the end in battle; and

WHEREAS, Buffalo Soldiers were responsible for escorting settlers, cattle herds and railroad crews, exploring and mapping vast areas of the Southwest, stringing hundreds of miles of telegraph lines, and helping in the expansion of the West; and

WHEREAS, throughout the era of the Indian Wars, Buffalo Soldiers were posted from Montana in the Northwest to Texas, New Mexico, and Arizona in the Southwest making up approximately 20 percent of the United States Cavalry troopers; and

WHEREAS, it is important for the citizens of Arizona to preserve the history of the Buffalo Soldiers and commemorate the sacrifices they have made to the State and to this Nation.

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim June 19, 2015 as

*** BUFFALO SOLDIERS DAY ***

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

Douglas A. Ducey
GOVERNOR

DONE at the Capitol in Phoenix on this ninth day of April in the year Two Thousand and Fifteen, and of the Independence of the United States of America the Two Hundred and Thirty-ninth.
ATTEST:
Secretary of State
Michele Reagan

* FOSTER CARE AWARENESS MONTH *

[M15-184]

WHEREAS, all children deserve to grow up safe, loved and well-cared for; and

WHEREAS, the family, serving as the primary source of love, identity, self-esteem and support, is the very foundation of our communities and our State; and

WHEREAS, Foster Care Awareness Month is a time for all Arizonans to show their support in ensuring a bright future for Arizona's children in foster care by recognizing the people who take on the joys and responsibilities of caring for children who cannot remain safely in their homes; and

WHEREAS, in Arizona, there are nearly seventeen thousand children living safely in foster care; and

WHEREAS, there is a desperate need for additional families to answer the call to become a foster and adoptive parents in Arizona.

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim May 2015 as

*** FOSTER CARE AWARENESSMONTH ***

and I further urge all citizens to come forward and do something positive that will help change a lifetime for children in foster care.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

Douglas A. Ducey
G O V E R N O R

DONE at the Capitol in Phoenix on this thirty-first day of March in the year Two Thousand and Fifteen, and of the Independence of the United States of America the Two Hundred and Thirty-ninth.
ATTEST:
Secretary of State
Michele Reagan

*** HEPATITIS AWARENESSMONTH ***

[M15-185]

WHEREAS, an estimated 4.4 million Americans are living with chronic viral hepatitis, which includes an estimated 80,000 Arizonans living with hepatitis C, and with 75 percent of these unaware of their infection; and

WHEREAS, viral hepatitis is one of the most common infectious diseases in Arizona with over 1,000 cases of hepatitis B and over 10,000 cases of hepatitis C reported each year; and

WHEREAS, viral hepatitis is the leading cause of liver cancer and liver transplants and more people die from hepatitis C than HIV; and

WHEREAS, the Centers for Disease Control and Prevention and the United States Preventive Services Task Force recommend all people born in Asia and the Pacific Islands get tested for hepatitis B and all people born between 1945 and 1965 get tested for hepatitis C; and

WHEREAS, the national action plan for the prevention, care and treatment of viral hepatitis includes preventing hepatitis A and B through vaccination and reducing the spread of viral hepatitis; and

WHEREAS, hepatitis B and C are common bloodborne infections in the United States and can be prevented by not sharing needles, syringes and other personal items such as razors or toothbrushes; and

WHEREAS, the burden of viral hepatitis may be reduced through public and provider education, including promotion of early diagnosis; and

WHEREAS, advances in hepatitis C treatments offer simpler dosing, shorter treatment durations, fewer side effects, and most importantly, a cure for most patients; and

WHEREAS, the public health agencies, health centers, behavioral health clinics, and community organizations are united to educate the public and healthcare providers about viral hepatitis in Arizona.

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim May 2015 as

*** HEPATITIS AWARENESSMONTH ***

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

Douglas A. Ducey
G O V E R N O R

DONE at the Capitol in Phoenix on this thirty-first day of March in the year Two Thousand and Fifteen, and of the Independence of the United States of America the Two Hundred and Thirty-ninth.
ATTEST:
Secretary of State
Michele Reagan

*** ICE CREAM MONTH ***

[M15-186]

WHEREAS, ice cream is a delicious and cool summertime snack and has earned a reputation as the perfect desert food; and

WHEREAS, July temperatures will reach over 100 degrees in Arizona; and

WHEREAS, the production of ice cream contributes substantial amounts of business to Arizona's dairy industry; and

WHEREAS, the average American eats 48 pints of ice cream each year; and

WHEREAS, the United States produces more ice cream than any other country in the world.

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim July 2015 as

*** ICE CREAM MONTH ***

and I further encourage Arizona citizens and visitors to indulge in a tasty scoop of ice cream in an effort to stay cool during the hot month of July.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

Douglas A. Ducey
G O V E R N O R

DONE at the Capitol in Phoenix on this first day of July in the year Two Thousand and Fifteen, and of the Independence of the United States of America the Two Hundred and Thirty-ninth.
ATTEST:
Secretary of State
Michele Reagan

*** IMMIGRANT HERITAGE MONTH ***

[M15-187]

WHEREAS, America is a nation founded and built by immigrants; and

WHEREAS, generations of immigrants from every corner of the globe have built our country's economy and created the unique character of our nation; and

WHEREAS, immigrants continue to grow businesses, innovate, strengthen our economy, and create American jobs in Arizona; and

WHEREAS, immigrants have provided the United States with unique social and cultural influence, fundamentally enriching the extraordinary character of our nation; and

WHEREAS, immigrants have been tireless leaders not only in securing their own rights and access to equal opportunity, but have also campaigned to create a fairer and more just society for all Americans.

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim June 2015 as

*** IMMIGRANT HERITAGE MONTH ***

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

Douglas A. Ducey
G O V E R N O R

DONE at the Capitol in Phoenix on this ninth day of April in the year Two Thousand and Fifteen, and of the Independence of the United States of America the Two Hundred and Thirty-ninth.
ATTEST:
Secretary of State
Michele Reagan

*** LAKES APPRECIATION MONTH ***

[M15-188]

WHEREAS, lakes and reservoirs are among Arizona's most valuable natural resources; and

WHEREAS, lakes and reservoirs provide drinking water, irrigation, energy, recreation, scenic beauty, and habitat for wildlife; and

WHEREAS, these beneficial uses have been of vital importance to Arizona's history, growth, and financial health; and

WHEREAS, our lakes and reservoirs improve the quality of life for all of Arizona's residents and their importance should not go unnoticed; and

WHEREAS, the State of Arizona recognizes the need to manage these lakes and reservoirs for future generations.

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim July 2015 as

*** LAKES APPRECIATION MONTH ***

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

Douglas A. Ducey
G O V E R N O R

DONE at the Capitol in Phoenix on this twenty-second day of June in the year Two Thousand and Fifteen, and of the Independence of the United States of America the Two Hundred and Thirty-ninth.
ATTEST:
Secretary of State
Michele Reagan

*** SMART IRRIGATION MONTH ***

[M15-189]

WHEREAS, the State of Arizona recognizes that water is a finite resource that is vital to human life; and

WHEREAS, well-maintained green spaces are important to the health and well being of communities and individuals; and

WHEREAS, abundant supplies of affordable food and fiber raise the standard of living for all citizens; and

WHEREAS, appropriate irrigation technology, combined with best practices, can significantly reduce water usage and runoff while creating healthy lawns, landscaping, and sports turf; and

WHEREAS, appropriate irrigation technology, combined with best practices, can significantly improve water-use efficiency and reduce runoff while achieving greater agricultural yields per acre foot of water used; and

WHEREAS, July is a peak month for the use of water for irrigation; and

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim July 2015 as

*** SMART IRRIGATION MONTH ***

and I further encourage citizens to recognize the advances in irrigation technology and practices that help raise healthy plants and increase crop yields while using water more efficiently; and to encourage the adoption of smart irrigation practices to further improve water-use efficiency in agriculture, residential and commercial activities.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

Douglas A. Ducey
G O V E R N O R

DONE at the Capitol in Phoenix on this thirtieth day of June in the year Two Thousand and Fifteen, and of the Independence of the United States of America the Two Hundred and Thirty-ninth.
ATTEST:
Secretary of State
Michele Reagan

*** WORLD CLUBFOOT DAY ***

[M15-190]

WHEREAS, the late Dr. Ignacio Ponseti developed the low-cost, non-surgical, highly effective Ponseti Method which is now the globally recognized standard of care for treating clubfoot deformity; and

WHEREAS, hundreds of thousands of individuals, from every country, suffer lives of disability when not receiving proper treatment for this deformity; and

WHEREAS, serious impediments to the delivery of the Ponseti Method for treating clubfoot include stigma and lack of awareness that clubfoot is treatable using Dr. Ponseti's Method; and

WHEREAS, the Ponseti International Association was established in 2006 to realize the vision of a "world free of untreated clubfoot deformity"; and

WHEREAS, June 3rd is the anniversary of the birth of Dr. Ignacio Ponseti.

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim June 3, 2015 as

*** WORLD CLUBFOOT DAY ***

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

Douglas A. Ducey
G O V E R N O R

DONE at the Capitol in Phoenix on this twenty-ninth day of May in the year Two Thousand and Fifteen, and of the Independence of the United States of America the Two Hundred and Thirty-ninth.
ATTEST:
Secretary of State
Michele Reagan

REGISTER INDEXES

The *Register* is published by volume in a calendar year (See "Information" in the front of each issue for a more detailed explanation).

Abbreviations for rulemaking activity in this Index include:

PROPOSED RULEMAKING
PN = Proposed new Section
PM = Proposed amended Section
PR = Proposed repealed Section
P# = Proposed renumbered Section

SUPPLEMENTAL PROPOSED RULEMAKING
SPN = Supplemental proposed new Section
SPM = Supplemental proposed amended Section
SPR = Supplemental proposed repealed Section
SP# = Supplemental proposed renumbered Section

FINAL RULEMAKING
FN = Final new Section
FM = Final amended Section
FR = Final repealed Section
F# = Final renumbered Section

SUMMARY RULEMAKING
PROPOSED SUMMARY
PSMN = Proposed Summary new Section
PSMM = Proposed Summary amended Section
PSMR = Proposed Summary repealed Section
PSM# = Proposed Summary renumbered Section
FINAL SUMMARY
FSMN = Final Summary new Section
FSMM = Final Summary amended Section
FSMR = Final Summary repealed Section
FSM# = Final Summary renumbered Section

EXPEDITED RULEMAKING
PROPOSED EXPEDITED
PEN = Proposed Expedited new Section
PEM = Proposed Expedited amended Section
PER = Proposed Expedited repealed Section
PE# = Proposed Expedited renumbered Section
SUPPLEMENTAL EXPEDITED
SPEN = Supplemental Proposed Expedited new Section
SPEM = Supplemental Proposed Expedited amended Section
SPER = Supplemental Proposed Expedited repealed Section
SPE# = Supplemental Proposed Expedited renumbered Section
FINAL EXPEDITED
FEN = Final Expedited new Section
FEM = Final Expedited amended Section
FER = Final Expedited repealed Section
FE# = Final Expedited renumbered Section

EXEMPT RULEMAKING
EXEMPT PROPOSED
PXN = Proposed Exempt new Section
PXM = Proposed Exempt amended Section
PXR = Proposed Exempt repealed Section
PX# = Proposed Exempt renumbered Section
EXEMPT SUPPLEMENTAL PROPOSED
SPXN = Supplemental Proposed Exempt new Section
SPXR = Supplemental Proposed Exempt repealed Section
SPXM= Supplemental Proposed Exempt amended Section
SPX# = Supplemental Proposed Exempt renumbered Section
FINAL EXEMPT RULMAKING
FXN = Final Exempt new Section
FXM = Final Exempt amended Section
FXR = Final Exempt repealed Section
FX# = Final Exempt renumbered Section

EMERGENCY RULEMAKING
EN = Emergency new Section
EM = Emergency amended Section
ER = Emergency repealed Section
E# = Emergency renumbered Section
EEXP = Emergency expired

RECODIFICATION OF RULES
RC = Recodified

REJECTION OF RULES
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A.R.S. § 41-1032(A), as amended by Laws 2002, Ch. 334, § 8 (effective August 22, 2002), states that a rule generally becomes effective 60 days after the day it is filed with the Secretary of State's Office. The following table lists filing dates and effective dates for rules that follow this provision. Please also check the rulemaking Preamble for effective dates.

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Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date
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1/2	3/3	2/2	4/3	3/2	5/1	4/2	6/1	5/2	7/1	6/2	8/1
1/3	3/4	2/3	4/4	3/3	5/2	4/3	6/2	5/3	7/2	6/3	8/2
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1/16	3/17	2/16	4/17	3/16	5/15	4/16	6/15	5/16	7/15	6/16	8/15
1/17	3/18	2/17	4/18	3/17	5/16	4/17	6/16	5/17	7/16	6/17	8/16
1/18	3/19	2/18	4/19	3/18	5/17	4/18	6/17	5/18	7/17	6/18	8/17
1/19	3/20	2/19	4/20	3/19	5/18	4/19	6/18	5/19	7/18	6/19	8/18
1/20	3/21	2/20	4/21	3/20	5/19	4/20	6/19	5/20	7/19	6/20	8/19
1/21	3/22	2/21	4/22	3/21	5/20	4/21	6/20	5/21	7/20	6/21	8/20
1/22	3/23	2/22	4/23	3/22	5/21	4/22	6/21	5/22	7/21	6/22	8/21
1/23	3/24	2/23	4/24	3/23	5/22	4/23	6/22	5/23	7/22	6/23	8/22
1/24	3/25	2/24	4/25	3/24	5/23	4/24	6/23	5/24	7/23	6/24	8/23
1/25	3/26	2/25	4/26	3/25	5/24	4/25	6/24	5/25	7/24	6/25	8/24
1/26	3/27	2/26	4/27	3/26	5/25	4/26	6/25	5/26	7/25	6/26	8/25
1/27	3/28	2/27	4/28	3/27	5/26	4/27	6/26	5/27	7/26	6/27	8/26
1/28	3/29	2/28	4/29	3/28	5/27	4/28	6/27	5/28	7/27	6/28	8/27
1/29	3/30			3/29	5/28	4/29	6/28	5/29	7/28	6/29	8/28
1/30	3/31			3/30	5/29	4/30	6/29	5/30	7/29	6/30	8/29
1/31	4/1			3/31	5/30			5/31	7/30		

July		August		September		October		November		December	
Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date
7/1	8/30	8/1	9/30	9/1	10/31	10/1	11/30	11/1	12/31	12/1	1/30
7/2	8/31	8/2	10/1	9/2	11/1	10/2	12/1	11/2	1/1	12/2	1/31
7/3	9/1	8/3	10/2	9/3	11/2	10/3	12/2	11/3	1/2	12/3	2/1
7/4	9/2	8/4	10/3	9/4	11/3	10/4	12/3	11/4	1/3	12/4	2/2
7/5	9/3	8/5	10/4	9/5	11/4	10/5	12/4	11/5	1/4	12/5	2/3
7/6	9/4	8/6	10/5	9/6	11/5	10/6	12/5	11/6	1/5	12/6	2/4
7/7	9/5	8/7	10/6	9/7	11/6	10/7	12/6	11/7	1/6	12/7	2/5
7/8	9/6	8/8	10/7	9/8	11/7	10/8	12/7	11/8	1/7	12/8	2/6
7/9	9/7	8/9	10/8	9/9	11/8	10/9	12/8	11/9	1/8	12/9	2/7
7/10	9/8	8/10	10/9	9/10	11/9	10/10	12/9	11/10	1/9	12/10	2/8
7/11	9/9	8/11	10/10	9/11	11/10	10/11	12/10	11/11	1/10	12/11	2/9
7/12	9/10	8/12	10/11	9/12	11/11	10/12	12/11	11/12	1/11	12/12	2/10
7/13	9/11	8/13	10/12	9/13	11/12	10/13	12/12	11/13	1/12	12/13	2/11
7/14	9/12	8/14	10/13	9/14	11/13	10/14	12/13	11/14	1/13	12/14	2/12
7/15	9/13	8/15	10/14	9/15	11/14	10/15	12/14	11/15	1/14	12/15	2/13
7/16	9/14	8/16	10/15	9/16	11/15	10/16	12/15	11/16	1/15	12/16	2/14
7/17	9/15	8/17	10/16	9/17	11/16	10/17	12/16	11/17	1/16	12/17	2/15
7/18	9/16	8/18	10/17	9/18	11/17	10/18	12/17	11/18	1/17	12/18	2/16
7/19	9/17	8/19	10/18	9/19	11/18	10/19	12/18	11/19	1/18	12/19	2/17
7/20	9/18	8/20	10/19	9/20	11/19	10/20	12/19	11/20	1/19	12/20	2/18
7/21	9/19	8/21	10/20	9/21	11/20	10/21	12/20	11/21	1/20	12/21	2/19
7/22	9/20	8/22	10/21	9/22	11/21	10/22	12/21	11/22	1/21	12/22	2/20
7/23	9/21	8/23	10/22	9/23	11/22	10/23	12/22	11/23	1/22	12/23	2/21
7/24	9/22	8/24	10/23	9/24	11/23	10/24	12/23	11/24	1/23	12/24	2/22
7/25	9/23	8/25	10/24	9/25	11/24	10/25	12/24	11/25	1/24	12/25	2/23
7/26	9/24	8/26	10/25	9/26	11/25	10/26	12/25	11/26	1/25	12/26	2/24
7/27	9/25	8/27	10/26	9/27	11/26	10/27	12/26	11/27	1/26	12/27	2/25
7/28	9/26	8/28	10/27	9/28	11/27	10/28	12/27	11/28	1/27	12/28	2/26
7/29	9/27	8/29	10/28	9/29	11/28	10/29	12/28	11/29	1/28	12/29	2/27
7/30	9/28	8/30	10/29	9/30	11/29	10/30	12/29	11/30	1/29	12/30	2/28
7/31	9/29	8/31	10/30			10/31	12/30			12/31	3/1

REGISTER PUBLISHING DEADLINES

The Secretary of State's Office publishes the Register weekly. There is a three-week turnaround period between a deadline date and the publication date of the Register. The weekly deadline dates and issue dates are shown below. Council meetings and Register deadlines do not correlate. Also listed are the earliest dates on which an oral proceeding can be held on proposed rulemakings or proposed delegation agreements following publication of the notice in the Register.

Deadline Date (paper only) Friday, 5:00 p.m.	*Register* Publication Date	Oral Proceeding may be scheduled on or after
April 17, 2015	May 8, 2015	June 8, 2015
April 24, 2015	May 15, 2015	June 15, 2015
May 1, 2015	May 22, 2015	June 22, 2015
May 8, 2015	May 29, 2015	June 29, 2015
May 15, 2015	June 5, 2015	July 6, 2015
May 22, 2015	June 12, 2015	July 13, 2015
May 29, 2015	June 19, 2015	July 20, 2015
June 5, 2015	June 26, 2015	July 27, 2015
June 12, 2015	July 3, 2015	August 3, 2015
June 19, 2015	July 10, 2015	August 10, 2015
June 26, 2015	July 17, 2015	August 17, 2015
July 3, 2015	July 24, 2015	August 24, 2015
July 10, 2015	July 31, 2015	August 31, 2015
July 17, 2015	August 7, 2015	September 8, 2015 (Tuesday)
July 24, 2015	August 14, 2015	September 14, 2015
July 31, 2015	August 21, 2015	September 21, 2015
August 7, 2015	August 28, 2015	September 28, 2015
August 14, 2015	September 4, 2015	October 5, 2015
August 21, 2015	September 11, 2015	October 13, 2015 (Tuesday)
August 28, 2015	September 18, 2015	October 19, 2015
September 4, 2015	September 25, 2015	October 26, 2015
September 11, 2015	October 2, 2015	November 2, 2015
September 18, 2015	October 9, 2015	November 9, 2015
September 25, 2015	October 16, 2015	November 16, 2015
October 2, 2015	October 23, 2015	November 23, 2015
October 9, 2015	October 30, 2015	November 30, 2015
October 16, 2015	November 6, 2015	December 7, 2015
October 23, 2015	November 13, 2015	December 14, 2015
October 30, 2015	November 20, 2015	December 21, 2015

GOVERNOR'S REGULATORY REVIEW COUNCIL DEADLINES

The following deadlines apply to all Five-Year-Review Reports and any adopted rule submitted to the Governor's Regulatory Review Council. Council meetings and *Register* deadlines do not correlate. We publish these deadlines as a courtesy.

All rules and Five-Year Review Reports are due in the Council office by 5:00 p.m. of the deadline date. The Council's office is located at 100 N. 15th Ave., Suite 402, Phoenix, AZ 85007. For more information, call (602) 542-2058 or visit www.grrc.state.az.us.

DEADLINE TO BE PLACED ON COUNCIL AGENDA	FINAL MATERIALS DUE FROM AGENCIES	DATE OF COUNCIL STUDY SESSION	DATE OF COUNCIL MEETING
November 17, 2014	December 17, 2014	December 30, 2014	January 6, 2015
December 15, 2014	January 14, 2015	January 27, 2015	February 3, 2015
January 20, 2015	February 11, 2015	February 24, 2015	March 3, 2015
February 17, 2015	March 18, 2015	March 31, 2015	April 7, 2015
March 16, 2015	April 15, 2015	April 28, 2015	May 5, 2015
April 20, 2015	May 13, 2015	May 28, 2015	June 2, 2015
May 18, 2015	June 17, 2015	June 30, 2015	July 7, 2015
June 15, 2015	July 15, 2015	July 28, 2015	August 4, 2015
July 20, 2015	August 12, 2015	August 25, 2015	September 1, 2015
August 17, 2015	September 16, 2015	September 29, 2015	October 6, 2015
September 21, 2015	October 14, 2015	October 27, 2015	November 3, 2015
October 19, 2015	November 12, 2015	November 24, 2015	December 1, 2015
November 16, 2015	December 16, 2015	December 29, 2015	January 5, 2016

GOVERNOR'S REGULATORY REVIEW COUNCIL
NOTICE OF ACTION TAKEN AT THE JULY 7, 2015 MEETING

[M15-198]

CONSIDERATION OF FIVE –YEAR-REVIEW REPORTS:

ARIZONA DEPARTMENT OF REVENUE (F-15-0603)

Title 15, Chapter 10, Article 1, Appeal Procedures; Article 2, Administration; Article 3, Authorized Transmission of Funds; Article 4, Reimbursement of Fees and Other Costs Related to an Administrative Proceeding; Article 5, Electronic Filing Program

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY (F-15-0701)

Title 18, Chapter 11, Article 1, Water Quality Standards for Surface Waters; Article 4, Aquifer Water Quality Standards; Article 5, Aquifer Boundary and Protected Use Classification

ARIZONA STATE BOARD OF DENTAL EXAMINERS (F-15-0702)

Title 4, Chapter 11, Article 11, Advertising; Article 12, Continuing Dental Education and Renewal Requirements; Article 14, Dispensing Drugs and Devices; Article 15, Complaints, Investigations, Disciplinary Actions; Article 18; Business Entities

ARIZONA DEPARTMENT OF REVENUE - PROPERTY TAX OVERSIGHT COMMISSION (F-15-0703)

Title 15, Chapter 12, Article 1, General Provisions; Article 2, Property Tax Levy Limits; Article 3, Hearing and Appeal Procedure

RULES:

ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM ADMINISTRATION (R-15-0703)

Title 9, Chapter 28, Article 2, Covered Services

Amend: R9-28-202

Amend: R9-28-206

NOTE: This rulemaking contains an immediate effective date.

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY (R-15-0704)

Title 18, Chapter 8, Article 2, Hazardous Wastes

Amend: R18-8-260, R18-8-261, R18-8-262, R18-8-263, R18-8-264

Amend: R18-8-265, R18-8-266, R18-8-268, R18-8-270, R18-8-271

Amend: R18-8-273

ARIZONA STATE BOARD OF DENTAL EXAMINERS (R-15-0601)

Title 4, Chapter 11, Article 12, Continuing Dental Education and Renewal Requirements

Amend: R4-11-1202

COUNCIL ACTION: ALL OF THE ABOVE ITEMS WERE APPROVED IN CONSENT AGENDA

CONSIDERATION AND APPROVAL OF RULES:

ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM ADMINISTRATION (R-15-0701)

Title 9, Chapter 22, Article 2, Scope of Services; Article 12, Behavioral Health Services

Amend: R9-22-202

Amend: R9-22-1202

NOTE: This rulemaking contains an immediate effective date.

COUNCIL ACTION: APPROVED

ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM ADMINISTRATION (R-15-0705)
Title 9, Chapter 22, Article 10, First and Third Party Liability Recoveries
Amend: R9-22-1001
Amend: R9-22-1002
Amend: R9-22-1003
NOTE: This rulemaking contains an immediate effective date.

COUNCIL ACTION: APPROVED

ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM ADMINISTRATION (R-15-0706)
Title 9, Chapter 22, Article 14, AHCCCS Medical Coverage for Families and Individuals
Repeal: R9-22-1431
COUNCIL ACTION: APPROVED