7. **This question pertains to Request 12.** We asked whether Hickman believes that the Facilities are subject to the Ag BMP requirements, and to explain the legal and factual basis for this position. Hickman provided DOC # 21. EPA understands that there was an inspection conducted by ADEQ on June 13, 2016, and that the Ag BMP procedures were reviewed with Hickman staff, and an Ag BMP permit was provided to Hickman on the same day. Provide a map situating the Hickman facilities in relation to the areas where the Ag BMP requirements apply under the Arizona SIP. In a narrative, explain the legal and factual basis for Hickman's coverage under the Ag BMP requirements.

Narrative:

It has been Hickman's understanding that both its Arlington and Tonopah locations were subject to the Agricultural Best Management Practices (Ag BMP) requirements found in Arizona Revised Statutes: Title 49, Chapter 3 and Arizona Administrative Code: Title 18, Chapter 2.

The Hickman understanding was based on interactions with state officials operating as though both locations were subject to the Ag BMP requirements. The Hickman understanding was further supported and evidenced by the inspections of both locations by the Arizona Department of Environmental Quality (ADEQ) to determine compliance with the Ag BMP requirements.

Hickman in DOC #21 has provided documentation of the inspections of both of locations. Note that each of the ADEQ inspection forms provided in DOC #21 indicates that the purpose of the inspection was to determine compliance with Arizona Revised Statutes: Title 49, Chapter 3 and Arizona Administrative Code: Title 18, Chapter 2.

Tonopah:

Hickman now understands that ADEQ may no longer be of the opinion that the Tonopah location is subject to the Ag BMP requirements.

Arlington:

It is Hickman's understanding that ADEQ has determined that the Arlington location is subject to the Ag BMP requirements because:

(a) it is engaged in "Regulated agricultural activities" as defined in ARS 49-457 (P)(5), and

(b) is located within the Maricopa County portion of area A and therefore falls within the "Regulated area" as defined in ARS 49-457 (P)(6).

See the relevant statutory sections below:

49-457. Agricultural best management practices committee; members; powers; permits; enforcement; preemption; definitions

P. For the purposes of this section, unless the context otherwise requires:

5. "Regulated agricultural activities" means:

(a) Commercial farming practices that may produce PM-10 particulate emissions within the regulated area, including activities of a dairy, a beef cattle feed lot, a poultry facility and a swine facility.

6. "Regulated area" means any of the following:

(a) The Maricopa PM-10 particulate nonattainment area.

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

(c) Any other PM-10 particulate nonattainment area established in this state on or after June 1, 2009.

"Hickman's has followed all guidance, regulations, and suggestions provided by ADEQ and the Maricopa County Air Quality Department to ensure that all applicable air quality standards are met at both the Arlington and Tonopah locations. These include, but are not limited to: increased engineering controls, monthly Hydrogen Sulfide and Ammonia level monitoring, as well as dust control measures enforced throughout each facility. Based upon the additional measures taken, Hickman's believes that it has complied with any additional applicable regulations that may exist outside the scope of the Ag BMP requirements."