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**Arizona Loses To EPA on Farm Dust**

Posted on February 25, 2011 at 9:08 AM

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According to a February Federal Register notice, EPA is taking final action to find that Arizona failed to make a State Implementation Plan (SIP) submittal...for the Maricopa County non-attainment area for particulate matter (farm dust). This dust standard is called PM-10. EPA claims the Maricopa area, which includes Phoenix, has a serious air quality standard violation.

EPA's decisions in Arizona simply defy credulity and common sense.

In my November 8, 2010, blog on the Arizona dust dispute, I cited the fact that Maricopa County's monitors demonstrated EPA's PM-10 dust standard was being met 99.73% of the time.

Keep this fact in mind, because EPA is on track to lower the PM-10 dust standard so it can regulate even more agricultural activity in more sections of the U.S.!

EPA's determination on farm dust can cost the Arizona area nearly \$2 billion in direct highway funds and possibly billions more in cancelled transportation projects - all because EPA relies on one monitor to measure PM-10 particulate matter: dust.

Arizona state and county officials are quoted as saying EPA is basing its decision on a flawed rule and monitor. EPA will not listen to the state officials but has worked closely with the Tucson based Arizona Center for Law in the Public Interest, which accused EPA of failing to act on a dust plan.

As usual, EPA worked out a settlement with the Sierra Club and other groups, which required EPA to make a final decision on Maricopa County in 2011. EPA has now made that decision and may impose its own plan to regulate farm dust and take control away from local authorities.

**Just the facts**

Arizona and Maricopa County argue that there is one monitoring site, the West 43rd and Broadway site, which has measured 4 exceedances (amount by which something, especially a pollutant, exceeds a standard or permissible measurement) of the 24-hour PM-10 standard within three years.

The PM-10 standard is 150 ug/m<sup>3</sup>. Arizona presented evidence to EPA that the high readings of 251, 173, 279, and 194 ug/m<sup>3</sup> were all caused by transport of dust to the monitor due to high winds or "Exceptional Events."

According to the *Arizona Republic* newspaper, "...the monitor sits just south of the Salt River in an industrial area near Broadway Road and 43rd Avenue..." According to the newspaper, "...the setting - a dry river bed, a landfill, a sand and gravel operation, a row of industrial machinery lots - almost guarantees high (dust) pollution readings..."

And guess what? The location of the monitor is controlled by EPA!

This is a game Arizona cannot win.

Arizona officials have tried to point out to EPA that this one monitor is particularly sensitive to dust storms because of its inappropriate location near the river. There are 1,500 acres upwind of 43rd Avenue with no cover, that generated dust when the wind blows.

None of this of course makes any difference to EPA.

Arizona officials have urged EPA to classify the dust at the monitor as being brought on by high winds or exceptional events. EPA looked at the winds and the facts and determined it did not need to move the monitor and that Arizona should be punished because of the readings from one monitor located in a spot nearly guaranteed to provide violations of the PM-10 standard more than three times in three years.

EPA has analyzed four of the readings from the 43rd Avenue monitor and of course concluded that none of the disputed readings could be attributed to wind dust storms. Yet, that is exactly what Arizona officials claimed, but their evidence is not sufficient for EPA.

EPA, in its analysis, did admit "...there appears to be elevated wind speeds in various locations throughout the Phoenix area..." EPA declares that Arizona has the wrong approach because it looks at the wind data from a yearly basis. EPA says that Arizona should rely on the season during which the events occurred. In fact, EPA says that taking the unusual annual Arizona approach would have unusual winds occurring approximately "100 days a year".

Moreover, EPA claims "...there are numerous anthropogenic (man-made) sources located in upwind areas..." Of course, EPA will want to seek regulation of these sources. Because one monitor provides high readings, EPA can now step in and impose its own limits on dust generated from construction, farming and power plants.

This is not fair regulation. This is bureaucracy abusing its power!

Farmers are already involved in reducing dust in Arizona. I listed some of the best management practices in my November 2010 article. Because EPA is seeking to make the PM-10 standard even more stringent, I list additional practices which may well be required in the future, such as dust shrouds around tillage implements and harvesters, spray bars that emit a mist to knock down dust, modifying existing tillage equipment to prevent dust from becoming airborne during tillage and harvesting operations, reducing harvest activity by reducing the number of harvest passes, timing a tillage operation to a time that will minimize soil movement, and reduce the number of trips in to and out of a farm field.

EPA can take over and dictate how farmers may run their operations, all because of one dust PM-10 monitor located in a dry river bed near a sand and gravel operation. And, 99.73% of the time, the area is in compliance with EPA's PM-10 rule.

Maybe you can see from this one minor example why Congress is attempting to take steps to control EPA's actions against agriculture.

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Posted by Len on February 25 at 10:29 AM

EPA is intent on making sure that the price of food grown in this country goes high enough that we will move it totally offshore. THEN see what happens! As for this travesty in Arizona, and the scary implications for the rest of US agriculture, do you suppose that it is JUST POSSIBLE that Arizona's stand on illegal immigration and the embarrassment that it caused the Administration could be a "tiny part" also? Regardless, it is time that EPA went back to doing what it was intended to do when you helped form it, Gary! Good report! SHOULD be required reading for all of us in agriculture! LEN

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