

October 20, 2011

TO: Members of the MAG Air Quality Technical Advisory Committee

FROM: Oddvar Tveit, Tempe, Chair

SUBJECT: MEETING NOTIFICATION AND TRANSMITTAL OF TENTATIVE AGENDA

Thursday, October 27, 2011 - 1:30 p.m.
MAG Office, Suite 200 - Saguaro Room
302 North 1st Avenue, Phoenix

A meeting of the MAG Air Quality Technical Advisory Committee has been scheduled for the time and place noted above. Members of the Air Quality Technical Advisory Committee may attend the meeting either in person, by videoconference or by telephone conference call. Those attending by videoconference must notify the MAG site three business days prior to the meeting. If you have any questions regarding the meeting, please contact Chair Tveit or Lindy Bauer at 602-254-6300.

Please park in the garage underneath the building, bring your ticket, and parking will be validated. For those using transit, Valley Metro/Regional Public Transportation Authority will provide transit tickets for your trip. For those using bicycles, please lock your bicycle in the bike rack in the garage.

In 1996, the Regional Council approved a simple majority quorum for all MAG advisory committees. If the MAG Air Quality Technical Advisory Committee does not meet the quorum requirement, members who arrived at the meeting will be instructed a legal meeting cannot occur and subsequently be dismissed. Your attendance at the meeting is strongly encouraged. If you are unable to attend the meeting, please make arrangements for a proxy from your entity to represent you.

Pursuant to Title II of the Americans with Disabilities Act (ADA), MAG does not discriminate on the basis of disability in admissions to or participation in its public meetings. Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting Jason Stephens at the MAG office. Requests should be made as early as possible to allow time to arrange the accommodation.

TENTATIVE AGENDA

COMMITTEE ACTION REQUESTED

1. Call to Order

2. Call to the Audience

An opportunity will be provided to members of the public to address the Air Quality Technical Advisory Committee on items not scheduled on the agenda that fall under the jurisdiction of MAG, or on items on the agenda for discussion but not for action. Members of the public will be requested not to exceed a three minute time period for their comments. A total of 15 minutes will be provided for the Call to the Audience agenda item, unless the Air Quality Technical Advisory Committee requests an exception to this limit. Please note that those wishing to comment on action agenda items will be given an opportunity at the time the item is heard.

3. Approval of the September 22, 2011 Meeting Minutes

4. Evaluation of Proposed PM-10 Certified Street Sweeper Projects for FY 2012 CMAQ Funding

An evaluation of proposed PM-10 Certified Street Sweeper Projects for Federal Fiscal Year 2012 Congestion Mitigation and Air Quality Improvement (CMAQ) Funds has been conducted. The deadline for submitting projects was September 15, 2011.

The FY 2012 Unified Planning Work Program and Annual Budget and FY 2011-2015 MAG Transportation Improvement Program contain \$900,000 in FY 2012 CMAQ funding to encourage the purchase and utilization of PM-10 certified street sweepers. An additional \$421,196 in CMAQ is available from sweeper projects that have been requested to be deleted and from savings on sweepers that have cost less than anticipated, for a total

2. For information.

3. Review and approve the September 22, 2011 meeting minutes.

4. For information, discussion, and recommendation of a prioritized list of proposed PM-10 Certified Street Sweeper Projects for FY 2012 CMAQ funding and to retain the prioritized list for any additional FY 2012 CMAQ funds that may become available due to closeout, including any redistributed obligation authority, or additional funding received by this region.

amount of \$1,321,196. A minimum local cash match of 5.7 percent is required.

Nine projects requesting federal funds were evaluated. The MAG Air Quality Technical Advisory Committee is requested to recommend a prioritized list of proposed PM-10 Certified Street Sweeper Projects for FY 2012 CMAQ funding to the MAG Management Committee. Please refer to the enclosed material.

5. Update on the MAG Five Percent Plan for PM-10

An update will be provided on the MAG Five Percent Plan for PM-10 and the activities to prevent PM-10 exceedances at the monitors and throughout the region. On July 8, 2011, EPA indicated that the region may take emissions reductions credit for the PM-10 measures that have already been implemented since 2007. It appears that additional control measures will not be necessary to meet the requirements for the five percent reductions in emissions and reasonable further progress. The region will still need to demonstrate attainment and address other items. Work is underway on the attainment demonstration for the new Five Percent Plan for PM-10.

To date in 2011, there have been 86 exceedances due to exceptional events caused by haboobs, dust storms, thunderstorms, and residual dust. The Arizona Department of Environmental Quality is preparing the documentation for the 2011 exceptional events with technical assistance from Maricopa County and MAG staff. Due to the requirements that must be met and the number of exceptional events that have occurred, the documentation effort is resource intensive. MAG is researching legislative remedies regarding the amount of documentation for the exceptional events. Please refer to the enclosed information.

5. For information and discussion.

6. Upcoming Ozone Designations

On September 2, 2011, President Obama directed the Environmental Protection Agency to withdraw its proposed new eight-hour ozone standards and delay any new rules until at least 2013, when the standard is next due for a formal review. On September 22, 2011, EPA issued a memorandum indicating that the agency will proceed with the initial designations under the 2008 standard of .075 parts per million starting with the recommendations states made in 2009 and updating them with the most current, certified air quality data. EPA expects to issue their proposed changes to the states recommendations (120-day letters) in mid-December, and finalizing the designations in mid- April 2012. Please refer to the enclosed material.

7. Court Order in the Lawsuit Filed Against the State for the Repeal of the Lottery Funds for Transit

On September 2, 2011, the U.S. District Court for the District Court of Arizona issued a court order in the lawsuit filed by the Arizona Center for Law in the Public Interest against the State regarding the repeal of the Local Transportation Assistance Fund (LTAF) by the Legislature in 2010. On September 30, 2011, the court issued the final order to reinstate the funding. A copy of the September 30, 2011 court order is provided. Please refer to the enclosed material.

8. EPA Will Propose to Retain the Current PM-10 Standard

On October 14, 2011, the Environmental Protection Agency indicated that the agency will propose retention-with no revision-of the current PM-10 standard. Please refer to the enclosed material.

6. For information and discussion.

7. For information and discussion.

8. For information and discussion.

9. Call for Future Agenda Items

The next meeting of the Committee has been tentatively scheduled for **Tuesday, November 29, 2011** at 1:30 p.m. The Chairman will invite the Committee members to suggest future agenda items.

9. For information and discussion.

MINUTES OF THE
MARICOPA ASSOCIATION OF GOVERNMENTS
AIR QUALITY TECHNICAL ADVISORY COMMITTEE MEETING

Thursday, September 22, 2011
MAG Office
Phoenix, Arizona

MEMBERS ATTENDING

Oddvar Tveit, Tempe, Chairman	*Steve Trussell, Arizona Rock Products Association
Elizabeth Biggins-Ramer, Buckeye, Vice Chair	Amy Bratt, Greater Phoenix Chamber of Commerce
# Shirley Gunther for Kristen Sexton, Avondale	#Amanda McGennis, Associated General Contractors
# Jon Sherrill for Jim Weiss, Chandler	*Spencer Kamps, Homebuilders Association of Central Arizona
Jamie McCullough, El Mirage	*Mannie Carpenter, Valley Forward
Kurt Sharp, Gilbert	*Erin Taylor, University of Arizona Cooperative Extension
Doug Kukino, Glendale	Beverly Chenausky, Arizona Department of Transportation
Cato Esquivel, Goodyear	Diane Arnst, Arizona Department of Environmental Quality
Scott Bouchie, Mesa	*Environmental Protection Agency
William Mattingly, Peoria	Jo Crumbaker, Maricopa County Air Quality Department
Phil McNeely, Phoenix	*Duane Yantorno, Arizona Department of Weights and Measures
Tim Conner, Scottsdale	*Ed Stillings, Federal Highway Administration
Antonio DeLaCruz, Surprise	Mary Springer for Judi Nelson, Arizona State University
* Mark Hannah, Youngtown	Christopher Horan, Salt River Pima-Maricopa Indian Community
# Ramona Simpson, Queen Creek	
* American Lung Association of Arizona	
Grant Smedley, Salt River Project	
Brian O'Donnell, Southwest Gas Corporation	
Mark Hajduk, Arizona Public Service Company	
* Gina Grey, Western States Petroleum Association	
# Dawn M. Coomer, Valley Metro/RPTA	
* Dave Berry, Arizona Motor Transport Association	
Jeannette Fish, Maricopa County Farm Bureau	

*Members neither present nor represented by proxy.
#Participated via telephone conference call.
+Participated via video conference call.

OTHERS PRESENT

Lindy Bauer, Maricopa Association of Governments	Rusty Van Leuven, Arizona Department of Agriculture
Dean Giles, Maricopa Association of Governments	# Wendy Crites, Salt River Project
Taejoo Shin, Maricopa Association of Governments	Joonwon Joo, Arizona Department of Transportation
Matt Poppen, Maricopa Association of Governments	Dan Catlin, Fort McDowell Indian Community
Julie Hoffman, Maricopa Association of Governments	Scott DiBiase, Pinal County Air Quality
Kara Johnson, Maricopa Association of Governments	Michelle Wilson, City of Glendale
# Matt Busby, City of Apache Junction	Doris McClay, City of Scottsdale
Joe Gibbs, City of Phoenix	Matt Tsark, Strand Associates, Inc.
Denise Lacey, Maricopa County Department of Transportation	
Bruce Campbell, Arizona State Land Department	

1. Call to Order

A meeting of the Maricopa Association of Governments (MAG) Air Quality Technical Advisory Committee (AQTAC) was conducted on September 22, 2011. Oddvar Tveit, City of Tempe, Chair, called the meeting to order at approximately 1:30 p.m. Shirley Gunther, City of Avondale; Jon Sherrill, City of Chandler; Ramona Simpson, Town of Queen Creek; Dawn M. Coomer, Valley Metro/RPTA; Amanda McGennis, Associated General Contractors; Matt Busby, City of Apache Junction; and Wendy Crites, Salt River Project, attended the meeting via telephone conference call.

2. Call to the Audience

Mr. Tveit stated that according to the MAG public comment process, members of the audience who wish to speak are requested to fill out comment cards, which are available on the tables adjacent to the doorways inside the meeting room. Citizens are asked not to exceed a three minute time period for their comments. Public comment is provided at the beginning of the meeting for nonagenda items and nonaction agenda items. He noted that no public comment cards had been received.

3. New Chair and Vice Chair of the MAG Air Quality Technical Advisory Committee

On June 13, 2011, the MAG Regional Council Executive Committee appointed Oddvar Tveit, Tempe, as the new Chair of the MAG Air Quality Technical Advisory Committee. Elizabeth Biggins-Ramer, Buckeye, was appointed as the new Vice Chair. Lindy Bauer, MAG, congratulated them on their appointments. She also thanked Doug Kukino, City of Glendale, on behalf of the MAG staff for his flexibility and knowledge as the prior Chair of the Committee.

4. Approval of the May 24, 2011 Meeting Minutes

The Committee reviewed the minutes from the May 24, 2011 meeting. Ms. Biggins-Ramer moved and William Mattingly, City of Peoria, seconded, and the motion to approve the May 24, 2011 meeting minutes carried unanimously.

5. Update on CMAQ Projects for the Federal Fiscal Year 2011 Interim Year End Closeout

Dean Giles, MAG, provided an update on the Congestion Mitigation and Air Quality Improvement (CMAQ) projects for the Federal Fiscal Year 2011 Interim Year End Closeout. Mr. Giles stated that on May 24, 2011 the AQTAC made a recommendation to forward the CMAQ evaluation ranked by PM-10 emission reductions to the Transportation Review Committee (TRC) for use in prioritizing proposed CMAQ projects for the closeout funds. When the evaluation was presented to this Committee there was only one paving project on the list. As mentioned at that time, one of the scenarios to be considered by the TRC was to reallocate CMAQ funding from deleted air quality projects back to other air quality projects. Mr. Giles stated that on May 26, 2011 the TRC made a recommendation to the MAG Management Committee to program \$ 1.9 million in fiscal year 2011 CMAQ closeout funds to PM-10 pave unpaved road projects. The MAG Management Committee concurred with the recommendation. The projects are sponsored by Maricopa County, City of El Mirage, City of Chandler, City of Phoenix and City of Surprise and will pave 72 miles of alleys and 8.1 miles of roads. In addition to those projects, there were several pedestrian and bicycle and intelligent transportation system projects that were funded. On June 29, 2011, the MAG Regional Council approved the CMAQ Interim Closeout.

6. MAG Video “Prevent Dust: Do Your Part”

Ms. Bauer introduced a new video produced by MAG titled “Prevent Dust: Do Your Part.” She thanked those who participated in the video, which features the dust reducing activities that are being implemented by the local governments, the state, business, and industry. The video also indicates that citizens need to do their part to mitigate dust pollution. The video was played for the Committee.

Phil McNeely, City of Phoenix, thanked MAG for producing the “Prevent Dust: Do Your Part” video. He noted that in March 2011 the City of Phoenix created a Dust Reduction Task Force which recommended the creation of three videos for the city. The first video was slated to be a training video for the Police Department. The second video was proposed for internal staff utilization. He indicated that the third video was to address the citizenry and what they can do to prevent dust. Mr. McNeely explained that the video that was just presented to the Committee has a lot of the elements that the city was looking to include in their videos. He stated that MAG created two shortened videos for the city. The first video is for staff training and the other is for the public. Mr. McNeely also noted that the Police Force is using the shortened citizen awareness video for neighborhood watch meetings, planning meetings and other applicable settings. He indicated that he has copies of the videos for those who are interested. Mr. McNeely added that the City of Phoenix has also created a city specific outreach brochure titled “Dust Hurts”, accessible in English and Spanish, to aid in dust pollution awareness. The brochure was provided to the Committee.

7. Update on the MAG Five Percent Plan for PM-10

Ms. Bauer provided an update on the Five Percent Plan for PM-10. She began by thanking Jeannette Fish, Maricopa County Farm Bureau. She indicated that the Maricopa County Farm Bureau invited a delegation of mayors from the Southwest Valley to come to their meeting on June 29, 2011 and discuss the dust issue in the Valley. Ms. Bauer commented that the mayors really appreciated the opportunity to speak with the agricultural community and join together in reducing PM-10 pollution.

Ms. Bauer reported that on July 8, 2011 the Environmental Protection Agency (EPA) indicated that credit could be taken for the measures that have been implemented as part of the Five Percent Plan for PM-10, which has been withdrawn. The current measures in place by the cities, county, and private sector have been effective and EPA is recognizing the value of these measures. She stated that it appears that the region will not need additional measures to demonstrate the five percent reductions in emissions. Ms. Bauer continued in stating that this should also result in enough contingency and the reasonable further progress requirements. She noted that the region will still have to demonstrate attainment at the monitors. Sierra Research, MAG consultant, has been working diligently with the MAG staff on the attainment demonstration modeling. She stated that they have recently developed a conceptual model that EPA is responding well to with regard to the attainment demonstration. Ms. Bauer mentioned that she will keep the Committee updated on these matters.

Ms. Bauer discussed the 2011 PM-10 exceedances. To date, the region has had 85 exceedances of the PM-10 standard, 84 of which appear to be a result of exceptional events that are natural in origin. This translates into 18 days of exceptional events and a tremendous workload for the Arizona Department of Environmental Quality (ADEQ). Ms. Bauer explained that ADEQ has to compile documents with a great deal of data to be submitted to EPA. EPA then needs to concur that these were exceptional events. According to the San Joaquin Valley United Air Pollution Control District, it is estimated that approximately 453 staff hours are required to prepare one high wind exceptional event report. Based on this information, the documentation of the 18 exceptional event days equates to approximately

1,019 work days of staff time. The region also experienced exceptional events in 2009; however, ADEQ, and MAG agrees, that the 2011 exceptional events should be addressed first since it is critical that the region is clean at the monitors this year. Ms. Bauer announced that ADEQ has created a tentative date of October 1, 2011 in which they will have a draft for the first few events in July, from July 2, 2011 through July 7, 2011. EPA has agreed to review the draft informally and provide comments to the State. Ms. Bauer stated that MAG and Maricopa County are assisting ADEQ in preparing the exceptional events documentation.

Matt Poppen, MAG, provided an introduction to the draft exceptional events documentation being prepared by MAG. He emphasized that these draft documents require a great deal of high level information despite being categorized as basic events by the EPA. Mr. Poppen explained that one of the required elements of an exceptional events demonstration is a presentation showing a clear causal connection between the event and the exceedance. A clear causal connection must establish that the event, whether it be a thunderstorm, haboob, or micro burst, directly caused the high PM-10 concentrations at the monitor. EPA requires several pieces of evidence in order to determine the clear causal connection including: geographic extent of the event, the transport of the emissions, spatial relationship between the event and the emissions, the source of the emissions, and EPA also requests to see how the whole event is played out through time. Mr. Poppen presented a set of exceptional event demonstration maps for the July 4, 2011 event that chronicled the impact of thunderstorm outflow from 6:30 p.m. to 12:00 a.m. The event lead to two exceedances of the PM-10 standard at the Higley and West Chandler monitors. He explained that these maps are designed to show all of the evidence in one place that EPA requires in a clear causal connection demonstration. The maps present sustained wind speed and gusts, wind direction, PM-10 concentrations, visibility, meteorological conditions, and monitoring stations all in one regional format. Mr. Poppen noted that these exceptional event demonstration maps should aid in explaining where the events originated and how dust from the events impacted Maricopa County monitors.

Ms. Bauer commented that while EPA aimed to streamline the exceptional event documentation when it released the guidance in May, it is a tremendous work effort. Currently, ADEQ is considering hiring a consultant to help with the exceptional event documentation. She added that it causes one to think about whether it would be better for states to make the determination on exceptional events, in consultation with EPA. Ms. Bauer stated that this is a thought, an idea at MAG. She mentioned that the MAG legal counsel is looking at the issue. She noted that EPA also has a tremendous work load due to the exceptional event documentation. Ms. Bauer explained that there is no official position from MAG; however it is an idea being explored.

Mark Hajduk, Arizona Public Service Company, asked about how the process would be different. Ms. Bauer replied that currently under the exceptional events language in the Clean Air Act and the EPA Exceptional Events Rule, EPA has the primary authority to concur or not concur. The idea mentioned would give the state authority to make the determination of an exceptional event since the state is closer to their own unique circumstances, meteorology, and conditions. The determination would be made in consultation with EPA.

8. Comments on the Draft EPA Guidance Documents on the Implementation of the Exceptional Events Rule

Mr. Poppen gave an update about the Draft EPA Guidance Document on the Implementation of the Exceptional Events Rule (EER). Mr. Poppen stated that on June 29, 2011 MAG submitted comments

to EPA on the draft guidance documents. He also noted that ADEQ and the Western States Air Resources Council (WESTAR) also submitted comments. Mr. Poppen stated that MAG comments included the following: EPA should provide that implementation of Reasonably Available Control Measures (RACM) and Best Available Control Measures (BACM) will be considered to meet EER requirements related to “reasonably controllable or preventable;” EPA should not specify a minimum wind speed for definition of an exceptional event or create a regulatory presumption as to minimum wind speed; EPA should not link the “recurrence” criteria in the statutory exceptional event definition to requirements for additional controls or to otherwise establish a “more than once a year” definition of recurrence; if EPA decides to allow for voluntary High Wind Action Plans, the Agency should not require continual revision and updating of the plans; EPA should recognize that exceptional events can and do occur a one monitor while other monitors in the same area may not violate an air quality standard; EPA should accelerate the contemplated timeframe for review and decisions on exceptional events and not require up to 18 months for Agency review of complete requests for treatment of data as an exceptional event; and EPA should consider additional technical information with regard to wind speed and aerodynamic entrainment and correct errors in its analysis of these matters.

Mr. Poppen pointed out that EPA has received comments from several agencies and are currently in the process of reviewing the comments. Mr. Poppen noted that in a June 6, 2011 teleconference presentation by EPA Region IX, EPA indicated that a finalized version of the guidance document would be available in November. Ms. Biggins-Ramer inquired if MAG was going to follow up the comments provided to EPA with the exceptional event demonstration maps from the earlier presentation. She commented that the maps were well communicated and would be a great partner to the comments provided to EPA. Mr. Poppen responded that the visuals will be included in the draft exceptional event demonstration to be submitted to EPA by ADEQ in October covering the July 2, 2011 to July 8, 2011 exceedance days.

Mr. Hajduk asked if Mr. Poppen expected a lot of changes with the upcoming Draft Exceptional Event Guidance that may result in corrections to the documents and materials that have already been prepared. Mr. Poppen responded that he was unsure how EPA will respond to the comments, but ADEQ, MAG, and the Maricopa County Air Quality Department have been working on preparing the best available documentation to thoroughly explain that local exceedances are natural, exceptional events. Mr. Poppen explained that it is unknown if EPA will change their guidance in a way that would affect the current documentation.

9. Court Order in the Lawsuit Filed Against the State for the Repeal of the Lottery Funds for Transit

Ms. Bauer explained that on September 2, 2011 the U.S. District Court for the District Court of Arizona issued a court order in the lawsuit filed by the Arizona Center for Law in the Public Interest against the State regarding the repeal of the Local Transportation Assistance Fund (LTAF) by the Legislature in 2010. The court found that the deposit of lottery funds into the LTAF as required in the air quality plans remains in full force and effect. The court intends to enter an appropriate injunction to reinstate the deposit and disbursement of the lottery funds into and from LTAF as required by the air quality plans. The court also ordered the parties by September 23, 2011 to jointly come to an agreement on exactly what the court injunction should indicate. If the parties cannot come to an agreement, then they are to submit memoranda setting forth their positions on an appropriate injunction.

10. Withdrawal of the EPA Proposed New Eight-Hour Ozone Standards

Ms. Bauer announced that on September 2, 2011 President Barack Obama directed EPA to withdraw its proposed new eight-hour ozone standards. She stated that MAG had just received an email from Colleen McKaughan, EPA Region IX, regarding the withdrawal. The email included a memorandum from EPA indicating that the current ozone standard of .075 parts per million (ppm) will remain the standard until at least the next scheduled review in 2013. The memorandum also indicates that EPA will be designating areas as in attainment, nonattainment, or unclassifiable. A copy of this memorandum was provided at each place. The email from Ms. McKaughan also stated that most likely the Phoenix Metropolitan area is the only nonattainment area in Arizona for the .075 ppm standard, which was established by EPA in 2008. According Ms. McKaughan, the region would be classified as a marginal ozone nonattainment area with a design value of .077 ppm for 2008 to 2010.

Ms. Bauer updated the Committee on where the region stands with regard to the .075 ppm ozone standard. She referred to a table provided to the Committee and stated that the eight-hour ozone standard is calculated by taking the three year average of the annual fourth high. Based on preliminary data through September 20, 2011, the region has one violating monitor for the 2009-2011 time period. The North Phoenix monitor is currently at .077 ppm. She added that the same is true for 2008-2010 in which the North Phoenix monitor violated with the same value of .077 ppm. Based on the information from Ms. McKaughan, the .077 ppm value will be the region's design value which would categorize the area as a marginal nonattainment under the Clean Air Act. Ms. Bauer stated that MAG staff will review the requirements for a marginal nonattainment area in preparation; however, the EPA memorandum indicates that marginal nonattainment areas have the least amount of mandatory requirements to meet. Ms. Bauer noted that perhaps by the time the plan is submitted, the area would be in attainment of the ozone standard. Ms. Bauer also indicated that the EPA memorandum mentions several federal control measures that the region will be able to take advantage of which would lessen the economic burden on the State, business, and local governments in the effort of reaching attainment.

Grant Smedley, Salt River Project, inquired if the State will now have to reevaluate the appropriate boundary for the marginal nonattainment area. Ms. Bauer responded that the memorandum indicates that EPA is going to review the boundaries that the states have already submitted. Ms. Bauer noted that the boundary has already been submitted by the Governor to EPA. Once EPA notifies the State of the designations, the State will have an opportunity to provide comment to EPA.

Diane Arnst, Arizona Department of Environmental Quality, commented on the current procedure under the Clean Air Act which states that EPA will issue a 120 day letter if EPA intends to modify the recommendations of the Governor. The Governor would then have another opportunity to submit additional information in response.

Mr. Hajduk requested a time schedule and inquired about opportunities to comment. He noted that even if the region is marginal nonattainment, there are still impacts on the regulated community. Ms. Bauer replied that MAG staff would be happy to comply with his request.

11. Call for Future Agenda Items

Mr. Tveit requested suggestions for future agenda items. Mr. Tveit stated that he looks forward to updates with regard to the Exceptional Events Rule. Ms. Fish commented on The Arizona Republic article that was included with the agenda and pointed out that the article refers to dryland farming

which is not a current farming method in the region. With no further comments, Mr. Tveit moved to adjourn the meeting and Mr. McNeely seconded the motion. The meeting was adjourned at 2:38 p.m.

October 20, 2011

TO: Members of the MAG Air Quality Technical Advisory Committee

FROM: Dean Giles, Air Quality Planning Program Specialist

SUBJECT: EVALUATION OF PROPOSED PM-10 CERTIFIED STREET SWEEPER PROJECTS FOR FY 2012 CMAQ FUNDING

The Maricopa Association of Governments staff has evaluated proposed PM-10 Certified Street Sweeper Projects for emission reductions and corresponding cost-effectiveness for FY 2012 Congestion Mitigation and Air Quality Improvement (CMAQ) Funds. Nine projects requesting approximately \$1.8 million in federal funds were evaluated. The evaluation of these projects and supplemental information are included in the attachment. The proposed projects have been listed in order of cost-effectiveness based on the amount of CMAQ funding requested. Following consideration of this information, the MAG Air Quality Technical Advisory Committee will be requested to recommend a prioritized list of PM-10 Certified Street Sweeper Projects for FY 2012 CMAQ funding to the MAG Management Committee.

BACKGROUND

The purchase of PM-10 certified street sweeper projects supports the measure "PM-10 Efficient Street Sweepers" in the Serious Area PM-10 Plan. In addition, while the MAG 2007 Five Percent Plan for PM-10 has been withdrawn, the measures in the plan including the measure "Sweep Street with PM-10 Certified Street Sweepers", continue to be implemented to reduce PM-10. The FY 2012 Unified Planning Work Program and FY 2011-2015 MAG Transportation Improvement Program contain \$900,000 in FY 2012 CMAQ funding to encourage the purchase and utilization of PM-10 certified street sweepers. An additional \$421,196 in CMAQ is available from sweeper projects that have been requested to be deleted and from savings on sweepers that have cost less than anticipated, for a total amount of \$1,321,196. The purpose of the CMAQ program is to fund projects and programs in nonattainment and maintenance areas that assist in achieving air quality standards. A minimum local cash match of 5.7 percent on the CMAQ eligible portion of the project is required.

On August 1, 2011, MAG solicited PM-10 certified street sweeper projects in the Maricopa County PM-10 Nonattainment Area from member agencies. Eligible street sweepers are defined as those which have been certified by the South Coast Air Quality Management District as meeting that agency's Rule 1186 certification standards. Project requests were due by September 15, 2011.

EVALUATION AND PROJECT RANKING

According to the Draft FY 2010 MAG Federal Fund Programming Principles, project applications are to be reviewed by the MAG Street Committee. On October 11, 2011, the Street Committee conducted a review of the PM-10 Certified Street Sweeper project applications. The attachment contains a summary of the discussion from the October 11, 2011 Street Committee meeting.

MAG staff estimated the emission reductions and cost-effectiveness using the CMAQ funding requested, based on the September 30, 2011 CMAQ Methodologies. Federal CMAQ guidance requires that the estimated emission reductions for each project submitted for CMAQ funding be considered during project selection. The FY 2012 PM-10 Certified Street Sweeper Project requests, evaluation, and supplemental information are provided in the attachment. The proposed projects have been listed in descending order of cost-effectiveness based on the amount of CMAQ funding requested.

Following consideration of this information, the MAG Air Quality Technical Advisory Committee will be requested to make a recommendation on a prioritized list of proposed projects for FY 2012 CMAQ funding to the MAG Management Committee. After the MAG Regional Council approval of projects for funding, MAG will issue a formal authorization to proceed with the purchase of the proposed street sweepers in a letter to the project sponsor. To assist MAG in reducing the amount of obligated federal funds, MAG is requesting that street sweepers be purchased and reimbursement be requested by the project sponsor within one year plus ten calendar days from the date of the MAG authorization letter.

If you have any questions or need additional information, please contact me at (602) 254-6300.

Attachment

List of Proposed PM-10 Certified Street Sweeper Projects for FY 2012 CMAQ Funding

\$1,321,196 in CMAQ Funding is Available for Sweeper Projects

										Supplemental Information			
Agency	Federal Cost	Local Cost	Total Cost *	Daily Emission Reduction (Kilograms/day)	Cost-Effectiveness (CMAQ dollar cost per annual metric ton reduced)	The requested certified street sweeper will:				Have local resources been committed for additional staff or equipment to support the sweeper project?		Please indicate in what geographical area(s) the requested certified street sweeper will operate	Number of certified street sweepers owned and operated by your agency. ++
						Replace non-certified sweeper	Expand	Increase Frequency	Replace older certified sweeper	Yes	No		
Tempe +	\$203,976	\$12,329	\$216,305	212	\$376				✓		✓	Ray Rd to Continental Dr., Evergreen to Priest Dr.	6
El Mirage +	\$200,162	\$12,099	\$212,261	126	\$622				✓		✓	Northern Ave north to Thompson Ranch Rd; Dysart Rd to the Agua Fria River	2
Scottsdale	\$177,656	\$10,739	\$188,395	95	\$726				✓	✓		Shea Blvd north to Cave Creek Rd. At city limits, 56 th St east to 148 th St.	7
Surprise +	\$176,355	\$10,660	\$187,015	91	\$757				✓		✓	Within City limits	9
Phoenix +	\$223,258	\$13,495	\$236,753	93	\$936				✓	✓		Area bounded by 111 th Ave to 1 st Ave, West Bethany Home Rd to West Pecos Rd	34
Surprise +	\$176,355	\$10,660	\$187,015	64	\$1,075				✓		✓	Within City limits.	9
Subtotal	\$1,157,762												
Carefree	\$203,852	\$12,322	\$216,174	26	\$3,077		✓				✓	Within Town limits.	0
Tempe +	\$203,976	\$12,329	\$216,305	25	\$3,158				✓		✓	Ray Rd to Continental Dr., Evergreen to Priest Dr.	6
Chandler +	\$232,546	\$14,056	\$246,602	22	\$4,084				✓	✓		Alma School south of the Western Canal to Germann Rd, Germann Rd east of Alma School to Gilbert Rd, Gilbert Rd north of Germann Rd to Gilbert boundary	10
Total	\$1,798,136												

* Total cost for the CMAQ eligible portion of the project, excludes ineligible equipment.

+ Proposed sweeper projects for Chandler, El Mirage, Phoenix, Surprise and Tempe indicate sweeping within four miles of a PM-10 monitor.

++ The total number of certified street sweepers owned and operated by the agency, regardless of funding source.

October 20, 2011

TO: Members of the MAG Air Quality Technical Advisory Committee

FROM: Stephen Tate, Transportation Planner III

Subject: MAG STREET COMMITTEE REVIEW OF STREET SWEEPER APPLICATIONS

On Tuesday, October 11, 2011, the MAG Street Committee reviewed data submitted for PM-10 Certified Street Sweeper funding. A total of eleven applications were reviewed, with the following breakdown of applications:

- Carefree – one application to provide expanded service
- Chandler – one application to replace a PM-10 Certified Street Sweeper
- El Mirage – one application to replace a PM-10 Certified Street Sweeper
- Mesa – two applications to replace two PM-10 Certified Street Sweepers. Data sheets for these applications were noted as having eligibility issues.
- Phoenix - one application to replace a PM-10 Certified Street Sweeper
- Scottsdale - one application to replace a PM-10 Certified Street Sweeper
- Surprise - two applications to replace two PM-10 Certified Street Sweepers
- Tempe - two applications to replace two PM-10 Certified Street Sweepers

It was confirmed that the data in the applications is complete and that the Town of Carefree service area was to be expanded. Also, it was confirmed that all replacement requests other than one received from the City of Tempe and the two received from the City of Mesa were or would be at their eight-year life spans by the date of their replacement. The Tempe street sweeper did not meet the eight-year replacement rule, but had a downtime of forty-seven percent.

The two Mesa applications were deemed as ineligible as they were less than eight-years old and were experiencing downtimes of only about ten percent. Considerable discussion of this issue arose in the Committee as it was pointed out by the City of Mesa representative:

- That the costs of maintaining the two street sweepers, particularly for replacement parts is excessive that they could not be maintained in service, and
- That the eight-year replacement rule failed to adequately address the actual usage level of sweepers as the sweeping schedules could vary considerably from city to city.

It was noted by one member that the data submitted by the City of Mesa did not indicate usage levels that exceeded that in the other applications, however, it was noted by the Chairman with the general concurrence of the Committee, that the eight year replacement rule may need to be re-examined in light of different usage levels by different cities. It is the intent of the Committee to review this issue in the future.

If you have any questions, please contact Stephen Tate or Eileen Yazzie at (602) 254-6300.

2011 Exceedances of the 24-Hour PM-10 Standard by Date
(Preliminary Data Through October 4, 2011)

Date	Monitor	24-Hour Avg. PM-10 Concentration in ug/m ³	Additional Information
February 19, 2011	West Chandler	167.9	Frontal system winds from the south. Five continuous Pinal County PM-10 monitors recorded exceedances on February 19, 2011.
March 12, 2011	South Phoenix	168.5	
July 3, 2011	Buckeye	385.6	Regional dust storm
	Central Phoenix	279.8	
	Durango	278.1	
	Dysart	240.0	
	Glendale	242.8	
	Greenwood	254.6	
	Higley	196.8	
	South Phoenix	280.7	
	Supersite	229.0	
	West Chandler	199.2	
	West 43rd Ave.	250.7	
	West Phoenix	244.2	
Zuni Hills	260.8		
July 4, 2011	Higley	198.5	Localized thunderstorm outflow winds from the south. Five continuous Pinal County PM-10 monitors recorded exceedances on July 4, 2011.
July 5, 2011	Buckeye	164.2	Regional dust storm
	Central Phoenix	277.5	
	Durango	156.9	
	Dysart	220.0	
	Glendale	168.3	
	Greenwood	156.0	
	Higley	375.7	
	South Phoenix	207.4	
	Supersite	331.8	
	West Chandler	360.6	
	West Phoenix	267.0	
July 7, 2011	Higley	266.9	Localized thunderstorm outflow winds late in the evening along with residual dust from the July 5, 2011 regional dust storm. Five continuous Pinal County PM-10 monitors recorded exceedances on July 7, 2011.
	West Chandler	205.8	
July 8, 2011	Apache Junction	194.2	Localized thunderstorm outflow winds
July 18, 2011	Buckeye	196.7	Regional dust storm
	Central Phoenix	211.2	
	Durango	268.2	
	Dysart	163.9	
	Greenwood	209.3	
	South Phoenix	303.7	
	West 43rd Ave.	245.3	
West Phoenix	159.7		
August 3, 2011	West Chandler	249.3	Localized thunderstorm outflow winds early in the morning. Four continuous Pinal County PM-10 monitors recorded exceedances on August 3, 2011.

Date	Monitor	24-Hour Avg. PM-10 Concentration in ug/m ³	Additional Information
August 5, 2011	Buckeye	158.7	Residual dust from August 4 evening thunderstorms-under investigation
August 18, 2011	Buckeye	296.8	Regional dust storm
	Central Phoenix	232.2	
	South Phoenix	179.0	
	West Chandler	186.1	
August 25, 2011	Buckeye	235.9	Regional dust storm
	Central Phoenix	308.7	
	Durango	437.5	
	Dysart	273.7	
	Glendale	241.2	
	Greenwood	388.6	
	South Phoenix	421.5	
	Supersite	242.2	
	West Chandler	278.6	
	West 43rd Ave.	370.3	
	West Phoenix	212.6	
Zuni Hills	212.8		
August 26, 2011	Apache Junction	169.0	Localized thunderstorm outflow winds. Four other continuous Pinal County PM-10 monitors recorded exceedances on August 26, 2011.
August 27, 2011	Buckeye	226.3	Regional dust storm
	Central Phoenix	234.0	
	Durango	261.4	
	Glendale	220.4	
	Greenwood	208.2	
	South Phoenix	301.5	
	West Chandler	229.3	
	West 43rd Ave.	292.6	
West Phoenix	164.6		
August 28, 2011	Apache Junction	282.7	Carryover from August 27, 2011 regional dust storm. Four other continuous Pinal County PM-10 monitors recorded exceedances on August 28, 2011.
	Higley	175.8	
September 2, 2011	Apache Junction	217.4	Regional dust storm
	Buckeye	169.8	
	Central Phoenix	308.0	
	Durango	255.4	
	Greenwood	198.1	
	Higley	213.5	
	South Phoenix	339.3	
	Supersite	208.9	
	West Chandler	387.5	
	West 43rd Ave.	219.7	
September 6, 2011	Apache Junction	172.6	Localized thunderstorm outflow
September 11, 2011	North Phoenix	184.1	Regional dust storm
	Supersite	178.7	
	West Phoenix	168.8	
September 12, 2011	Durango	229.8	Regional dust storm
	West 43rd Ave.	162.2	
	West Phoenix	200.6	
October 4, 2011	Higley	157.8	Regional dust storm. Six continuous Pinal County PM-10 monitors recorded exceedances on October 4, 2011.
	West Chandler	251.5	

2011 Exceedances of the 24-Hour PM-10 Standard by Monitor
(Preliminary Data Through October 4, 2011)

Monitor	Date	24-Hour Avg. PM-10 Concentration in ug/m ³	Additional Information
Apache Junction	July 8, 2011	194.2	Localized thunderstorm outflow winds
	August 26, 2011	169.0	Localized thunderstorm outflow winds. Four other continuous Pinal County PM-10 monitors recorded exceedances on August 26, 2011.
	August 28, 2011	282.7	Carryover from August 27, 2011 regional dust storm. Four other continuous Pinal County PM-10 monitors recorded exceedances on August 28, 2011.
	September 2, 2011	217.4	Regional dust storm
	September 6, 2011	172.6	Localized thunderstorm outflow
Buckeye	July 3, 2011	385.6	Regional dust storm
	July 5, 2011	164.2	Regional dust storm
	July 18, 2011	196.7	Regional dust storm
	August 5, 2011	158.7	Residual dust from August 4 evening thunderstorms-under investigation
	August 18, 2011	296.8	Regional dust storm
	August 25, 2011	235.9	Regional dust storm
	August 27, 2011	226.3	Regional dust storm
	September 2, 2011	169.8	Regional dust storm
Central Phoenix	July 3, 2011	279.8	Regional dust storm
	July 5, 2011	277.5	Regional dust storm
	July 18, 2011	211.2	Regional dust storm
	August 18, 2011	232.2	Regional dust storm
	August 25, 2011	308.7	Regional dust storm
	August 27, 2011	234.0	Regional dust storm
	September 2, 2011	308.0	Regional dust storm
Durango	July 3, 2011	278.1	Regional dust storm
	July 5, 2011	156.9	Regional dust storm
	July 18, 2011	268.2	Regional dust storm
	August 25, 2011	437.5	Regional dust storm
	August 27, 2011	261.4	Regional dust storm
	September 2, 2011	255.4	Regional dust storm
	September 12, 2011	229.8	Regional dust storm
Dysart	July 3, 2011	240.0	Regional dust storm
	July 5, 2011	220.0	Regional dust storm
	July 18, 2011	163.9	Regional dust storm
	August 25, 2011	273.7	Regional dust storm
Glendale	July 3, 2011	242.8	Regional dust storm
	July 5, 2011	168.3	Regional dust storm
	August 25, 2011	241.2	Regional dust storm
	August 27, 2011	220.4	Regional dust storm
Greenwood	July 3, 2011	254.6	Regional dust storm
	July 5, 2011	156.0	Regional dust storm
	July 18, 2011	209.3	Regional dust storm
	August 25, 2011	388.6	Regional dust storm
	August 27, 2011	208.2	Regional dust storm
	September 2, 2011	198.1	Regional dust storm

Monitor	Date	24-Hour Avg. PM-10 Concentration in ug/m ³	Additional Information
Higley	July 3, 2011	196.8	Regional dust storm
	July 4, 2011	198.5	Localized thunderstorm outflow winds from the south. Five continuous Pinal County PM-10 monitors recorded exceedances on July 4, 2011.
	July 5, 2011	375.7	Regional dust storm
	July 7, 2011	266.9	Localized thunderstorm outflow winds late in the evening along with residual dust from the July 5, 2011 regional dust storm. Five continuous Pinal County PM-10 monitors recorded exceedances on July 7, 2011.
	August 28, 2011	175.8	Carryover from August 27, 2011 regional dust storm. Five continuous Pinal County PM-10 monitors recorded exceedances on August 28, 2011.
	September 2, 2011	213.5	Regional dust storm
	October 4, 2011	157.8	Regional dust storm. Six continuous Pinal County PM-10 monitors recorded exceedances on October 4, 2011.
North Phoenix	September 11, 2011	184.1	Regional dust storm
South Phoenix	March 12, 2011	168.5	
	July 3, 2011	280.7	Regional dust storm
	July 5, 2011	207.4	Regional dust storm
	July 18, 2011	303.7	Regional dust storm
	August 18, 2011	179.0	Regional dust storm
	August 25, 2011	421.5	Regional dust storm
	August 27, 2011	301.5	Regional dust storm
	September 2, 2011	339.3	Regional dust storm
Supersite	July 3, 2011	229.0	Regional dust storm
	July 5, 2011	331.8	Regional dust storm
	August 25, 2011	242.2	Regional dust storm
	September 2, 2011	208.9	Regional dust storm
	September 11, 2011	178.7	Regional dust storm
West Chandler	February 19, 2011	167.9	Frontal system winds from the south. Five continuous Pinal County PM-10 monitors recorded exceedances on February 19, 2011.
	July 3, 2011	199.2	Regional dust storm
	July 5, 2011	360.6	Regional dust storm
	July 7, 2011	205.8	Localized thunderstorm outflow winds late in the evening along with residual dust from the July 5, 2011 regional dust storm. Five continuous Pinal County PM-10 monitors recorded exceedances on July 7, 2011.
	August 3, 2011	249.3	Localized thunderstorm outflow winds early in the morning. Four continuous Pinal County PM-10 monitors recorded exceedances on August 3, 2011.
	August 18, 2011	186.1	Regional dust storm
	August 25, 2011	278.6	Regional dust storm
	August 27, 2011	229.3	Regional dust storm
	September 2, 2011	387.5	Regional dust storm
October 4, 2011	251.5	Regional dust storm. Six continuous Pinal County PM-10 monitors recorded exceedances on October 4, 2011.	
West 43rd Avenue	July 3, 2011	250.7	Regional dust storm
	July 18, 2011	245.3	Regional dust storm
	August 25, 2011	370.3	Regional dust storm
	August 27, 2011	292.6	Regional dust storm
	September 2, 2011	219.7	Regional dust storm
	September 12, 2011	162.2	Regional dust storm

Monitor	Date	24-Hour Avg. PM-10 Concentration in ug/m ³	Additional Information
West Phoenix	July 3, 2011	244.2	Regional dust storm
	July 5, 2011	267.0	Regional dust storm
	July 18, 2011	159.7	Regional dust storm
	August 25, 2011	212.6	Regional dust storm
	August 27, 2011	164.6	Regional dust storm
	September 11, 2011	168.8	Regional dust storm
	September 12, 2011	200.6	Regional dust storm
Zuni Hills	July 3, 2011	260.8	Regional dust storm
	August 25, 2011	212.8	Regional dust storm



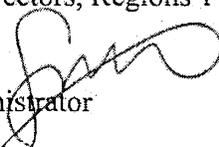
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

September 22, 2011

OFFICE OF
AIR AND RADIATION

MEMORANDUM

TO: Air Division Directors, Regions 1 – 10

FROM: Gina McCarthy
Assistant Administrator 

SUBJECT: Implementation of the Ozone National Ambient Air Quality Standard

The purpose of this memorandum is to clarify for state and local air agencies the status of the ozone National Ambient Air Quality Standard (NAAQS) and to outline implementation steps moving forward. With the recent decision on the reconsideration of the ozone NAAQS, the current ozone NAAQS is 0.075 ppm. This standard will provide additional public health and welfare protection until the next regular review is completed, and EPA fully intends to implement this current standard as required under the Clean Air Act.¹

As I will describe below in more detail, EPA is moving ahead with certain required actions to implement the 2008 standard, but will do so mindful of the President's and Administrator's direction that in these challenging economic times EPA should reduce uncertainty and minimize the regulatory burdens on state and local governments. EPA is also continuing to implement and develop federal rules and other programmatic actions to reduce emissions that contribute to smog and improve air quality and public health across the nation.

Area Designations

EPA is proceeding with initial area designations under the 2008 standard, starting with the recommendations states made in 2009 and updating them with the most current, certified air quality data. We expect to issue our proposed changes to the states' recommendations (the "120-day letters") later this fall. We will quickly initiate and complete a rulemaking to establish nonattainment area classification thresholds so that we can finalize the designations. While we intend to take into consideration all comments we receive on the proposed rule, we note that we used a "percent above the standard" approach for classification under the 1997 ozone standard and believe that remains a reasonable approach.

¹ Note that the 2008 standard is under legal challenge. EPA has recently indicated to the Court that it does not object to the establishment of a briefing schedule in that litigation and has provided a schedule for the Court to consider.

Based on our initial review of ozone air quality data from 2008-2010, 52 areas monitor air quality that exceeds the 0.075 ppm standard. This preliminary review shows considerably fewer areas not meeting the 2008 standard than the number identified in 2009 when states made their recommendations. Using the "percent above the standard" classification approach, 43 of the 52 areas would fall into the Marginal category. As you know, many of the mandatory measures under the Clean Air Act are not required for Marginal areas since they are expected to achieve attainment within 3 years. In addition, EPA's modeling indicates that approximately half of the 52 areas would attain the 0.075 ppm standard by 2015 (the expected attainment deadline for Marginal areas) as a result of the emission-reducing rules already in place.

Because we have states' 2009 recommendations and quality assured ozone data for 2008-2010, there is nothing that state or local agencies need to do until we issue the 120-day letters later this year, though of course, states are welcome to contact us to discuss specific issues at any time. We expect to finalize initial area designations for the 2008 ozone NAAQS by mid-2012. However, we note that EPA currently faces litigation with respect to the timing of the designations and expects that the resolution of the litigation may well affect the precise timing of the schedule for designations.

Planning Requirements and Other Required Submissions

We will begin an expedited rulemaking to outline the implementation requirements for the 2008 standard in the very near future. The rule will be as straightforward and simple as we can make it. As you know, the Clean Air Act provides several years for states to develop their State Implementation Plans (SIPs) and to implement any mandatory measures. However, several deadlines for some state submissions have already passed, including the infrastructure SIPs and interstate transport SIPs. There are few requirements for Marginal areas beyond those SIPs.

EPA does not intend to penalize states for the passage of time, but we may also face litigation on these issues. In negotiating schedules for expeditious completion of required elements, we will seek to minimize any administrative burden on states associated with these requirements. To the extent that states are already engaged or would like to get started with clean air programs to address the standard, we will provide assistance with guidance and model language on rules or other programs, such as energy efficiency.

Federal Actions to Reduce Emissions

EPA will continue to move forward with implementation and development of federal rules that reduce emissions of pollutants that contribute to smog and threaten public health. These actions include recently promulgated rules that lower NO_x and VOC emissions such as the Cross-State Air Pollution Rule (CSAPR), the Portland Cement Rule, and Light and Heavy Duty Vehicle standards. They also include rules under development such as the Maximum Achievable Control Technology (MACT) standards for Boilers, the Mercury and Air Toxics Standards (MATS) for power plants, the New Source Performance Standards (NSPS) for Commercial Incinerators/Solid Waste Incinerators (CISWI) and the Oil/Gas sector, and the Tier 3 vehicle and fuel standards. These federal actions will ensure steady forward progress to clean up the nation's air and protect the health of American families, while minimizing and in many cases eliminating the need for states to use their scarce resources on local actions.

The Next Ozone Review

The next regular review of the health and welfare science is well underway. EPA will propose any appropriate revisions in the fall of 2013 and finalize any revisions to the standard in 2014. Attached to this memorandum is a schedule that lays out the upcoming steps in that review.

I hope this memorandum has answered some of the most immediate questions. Please distribute this memo to state and local air agencies in your Region. We will be providing opportunities for further discussion and questions with state and local officials in the coming weeks.

Attachment

Ozone NAAQS Review Schedule

Stage of review	Major milestones	Schedule
Integrated Science Assessment (ISA)	1 st Draft ISA	Mar 2011
	CASAC and public review 1 st Draft ISA	May 19-20, 2011
	2 nd Draft ISA	Sept 2011
	CASAC and public review of 2 nd Draft ISA	Dec 15-16, 2011
	Final ISA	Feb/Mar 2012
Risk/Exposure Assessments (REAs)	Scope and Methods Plans	Apr 2011
	CASAC consultation and public review of Scope and Methods Plans	May 19-20, 2011
	1 st Draft REAs	Feb/Mar 2012
	CASAC and public review 1 st Draft REAs	May 2012
	2 nd Draft REAs	Nov 2012
	CASAC and public review 2 nd Draft REAs	Jan/Feb 2013
Policy Assessment (PA) and Rulemaking	Final REAs	Apr 2013
	1 st Draft PA	Apr 2012
	CASAC and public review 1 st Draft PA	May 2012
	2 nd Draft PA	Dec 2012
	CASAC and public review 2 nd Draft PA	Jan/Feb 2013
	Final PA	May 2013
	Proposed Rule	Oct 2013
Final Rule	July 2014	

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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Kelly Paisley and Sandra Bahr,

Plaintiffs,

vs.

**Henry R. Darwin, in his capacity as
Director of the Arizona Department of
Environmental Quality; and Doug Ducey,
in his capacity as Treasurer of the State of
Arizona,**

Defendants.

Case No: CV10-1253-PHX DGC

ORDER

Pursuant to and for the reasons stated in this Court's Order in this case dated September 2, 2011, Defendant Doug Ducey, in his capacity as Treasurer of the State of Arizona, is hereby ordered to reinstate funding for public transportation in Maricopa County from the proceeds of the Powerball lottery game, as set forth in the March 1994 Addendum to the Maricopa Association of Governments 1993 Carbon Monoxide Plan for the Maricopa County Area, and as set forth in Sections

1 2, 9 and 10 of House Bill 2001, 41st Leg., 6th Sp. Sess. (Ariz. 1993).

2 To reinstate this funding, from and after the date of this Order, Defendant
3
4 Ducey (“Treasurer”), in his capacity as Treasurer, shall, each calendar month, take
5 the following actions:

6 1. Obtain from the Arizona State Lottery information, for the preceding
7
8 calendar month, as to the percentage of Arizona State Lottery ticket sales in the
9
10 State of Arizona which result from ticket sales in Maricopa County;

11 2. Obtain information from the Arizona State Lottery determining the
12
13 dollar amount of Powerball proceeds, calculated by multiplying the percentage
14
15 described in Paragraph 1 above by 31.5 percent of the State-wide proceeds of the
16
17 Powerball game for the preceding calendar month;

18 3. Take the amount of Powerball proceeds calculated pursuant to
19
20 Paragraph 2, to the extent such proceeds are deposited with the Treasurer by the
21
22 Arizona State Lottery, and transmit those funds to the public transportation fund
23
24 for Maricopa County established pursuant to A.R.S. Section 48-5103, for
25
26 expenditure for public transportation operating and related capital purposes.

27 Before transmitting any funds pursuant to Paragraph 3, the Treasurer shall
28
29 first determine, by information obtained from the Arizona State Lottery, whether
30
31 45 million dollars in proceeds from State Lottery games will be available for

1 deposit to the State General Fund within the fiscal year. If the Treasurer receives
2 information that such proceeds may not equal 45 million dollars, the Treasurer
3 shall not transmit any funds as set forth in Paragraph 3 until deposits to the Arizona
4 State General Fund from Lottery revenues that fiscal year equal 45 million dollars.
5

6 The Treasurer is ordered to establish such fund accounts as necessary to
7 perform the foregoing actions.
8

9 The amount of funds transmitted each fiscal year under this Order shall not
10 exceed the total resulting from the following calculation: 18 million dollars
11 multiplied by the percentage of Arizona State Lottery ticket sales State-wide that
12 year resulting from ticket sales in Maricopa County.
13
14

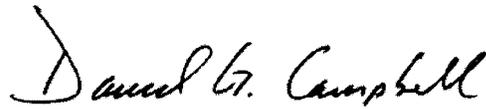
15 If during the pendency of this Order the Powerball game is eliminated in
16 Arizona, or revenues from the Powerball to the Treasurer are reduced by State
17 legislative or administrative action, the provisions of this Order shall apply to any
18 remaining Arizona State Lottery multistate games, and the Treasurer shall take the
19 above actions accordingly.
20
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22 This injunction shall terminate upon the effective date of any State
23 legislation restoring the above funding, or upon publication in the Federal Register
24 of a decision by the U.S. Environmental Protection Agency that the funding
25 commitment described above has been approved for removal from the State of
26

1 Arizona State Implementation Plan promulgated under the Clean Air Act, pursuant
2 to the provisions of that Act. Upon the occurrence of either of the above events,
3
4 any party may make an application to this Court for an order memorializing the
5 termination of this injunction.

6
7 The Court retains jurisdiction to enforce this Order.

8 Dated this 30th day of September, 2011.

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12 _____
13 David G. Campbell
14 United States District Judge
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OCT 14 2011

THE ADMINISTRATOR

The Honorable Debbie Stabenow
United States Senate
Washington, D.C. 20510

Dear Senator Stabenow:

Thank you for your inquiry on the status of EPA's Review of the National Ambient Air Quality Standards (NAAQS) for particulate matter. Particulate matter includes fine particles (known as PM_{2.5}) and coarse particles (known as PM₁₀). PM_{2.5} can come from fossil-fuel combustion, including power plants and motor vehicles, and wildfires and PM₁₀ can come from construction and demolition activities, industrial operations, wildfires, and dust from unpaved roads. It is well established that particulate matter emissions are linked to premature death and numerous adverse health impacts.

We have been making steady progress in reducing emissions of particulate matter—both fine and coarse—in this country for more than two decades, improving the public health of Americans while the economy has continued to grow.

It is important that a standard for particulate matter be protective of the health of the public. Based on my consideration of the scientific record, analysis provided by EPA scientists, and advice from the Clean Air Science Advisory Council, I am prepared to propose the retention – with no revision - of the current PM₁₀ standard and form when it is sent to OMB for interagency review.

This rulemaking package will also consider the latest scientific evidence and assessments for PM_{2.5}. Again, thank you for the inquiry. It is EPA's responsibility to protect the health of all Americans – rural and urban - from known pollutants, including particulate matter. Please feel free to contact me if you have any questions, or your staff can contact Arvin Ganesan, Associate Administrator for the Office of Congressional and Intergovernmental Relations at (202) 564 – 4741.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa P. Jackson", is written over a horizontal line.

Lisa P. Jackson



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OCT 14 2011

THE ADMINISTRATOR

The Honorable Amy Klobuchar
United States Senate
Washington, D.C. 20510

Dear Senator Klobuchar:

Thank you for your phone call regarding the status of EPA's Review of the National Ambient Air Quality Standards (NAAQS) for particulate matter. Particulate matter includes fine particles (known as PM_{2.5}) and coarse particles (known as PM₁₀). PM_{2.5} can come from fossil-fuel combustion, including power plants and motor vehicles, and wildfires and PM₁₀ can come from construction and demolition activities, industrial operations, wildfires, and dust from unpaved roads. It is well established that particulate matter emissions are linked to premature death and numerous adverse health impacts.

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Sincerely,

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Lisa P. Jackson