

October 17, 2013

TO: Members of the MAG Air Quality Technical Advisory Committee

FROM: Philip McNeely, Phoenix, Chair

SUBJECT: MEETING NOTIFICATION AND TRANSMITTAL OF TENTATIVE AGENDA

Thursday, October 24, 2013 - 1:30 p.m.  
MAG Office, Suite 200 - Saguaro Room  
302 North 1<sup>st</sup> 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 McNeely 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 August 22, 2013 Meeting Minutes

4. Update on the MAG 2012 Five Percent Plan for PM-10 and Exceptional Events

On August 28, 2013, the Environmental Protection Agency (EPA) published a proposed consent decree to address a lawsuit filed by the Arizona Center for Law in the Public Interest against EPA for failure to take action on the MAG 2012 Five Percent Plan for PM-10 by the mandatory deadline of February 14, 2013. According to the consent decree, EPA would publish a notice of proposed action by January 14, 2014 to either approve the plan, promulgate a federal implementation plan, or approve the plan in part with the promulgation of a partial federal implementation plan. EPA would publish the notice of final action by June 2, 2014. In addition, on August 23, 2013, EPA proposed approval of additional statutes for measures in the Five Percent Plan for PM-10.

2. For information.

3. Review and approve the August 22, 2013 meeting minutes.

4. For information and discussion.

To date, there have been six exceptional event days in 2013 due to regional dust storms, thunderstorms, and high winds. Please refer to the enclosed material.

5. Update on the MAG 2013 State Implementation Plan Revision for the Removal of Stage II Vapor Recovery Controls

The Maricopa Association of Governments has been preparing a Draft MAG 2013 State Implementation Plan Revision for the Removal of Stage II Vapor Recovery Controls through a coordinated effort among the Arizona Department of Weights and Measures, Arizona Department of Environmental Quality, and Maricopa County Air Quality Department. The plan revision would request that the Environmental Protection Agency (EPA) remove the requirement for Stage II vapor recovery in this area for new gasoline dispensing facilities in 2014 and for existing facilities beginning in 2016, before a regional disbenefit begins to occur in 2018. In September 2013, EPA reevaluated the approaches for the region to remove Stage II, just as the draft plan revision was nearing completion. A federal government shutdown also occurred, beginning on October 1, 2013. It now appears that the submission of the plan revision by December 2013 will be delayed. Please refer to the enclosed material.

6. Status Report on the Eight-Hour Ozone Monitoring Data

The Maricopa ozone nonattainment area is currently classified as a Marginal Area for the eight-hour ozone standard established by EPA in 2008 (0.075 parts per million). The region has a December 31, 2015 attainment date. A status report on the ozone monitoring data will be provided.

5. For information and discussion.

6. For information and discussion.

7. Winter Holiday No Burn Campaign

The Arizona Department of Environmental Quality and Maricopa County Air Quality Department are developing a Winter Holiday No Burn Campaign designed to reduce concentrations of PM-2.5 during the winter holiday season. Historically, the Valley has exceeded EPA's 24-hour PM-2.5 standard over weekends and on holidays during the time period between late November and early January. The principal cause has been wood smoke from fires that are lit at gatherings or in celebration of the season. A presentation will be given.

8. Call for Future Agenda Items

The next meeting of the Committee has been tentatively scheduled for **Tuesday, December 3, 2013 at 1:30 p.m.** The Chair will invite the Committee members to suggest future agenda items.

7. For information and discussion.

8. For information and discussion.

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

Thursday, August 22, 2013  
MAG Office  
Phoenix, Arizona

MEMBERS ATTENDING

Philip McNeely, Phoenix, Chairman	* Steve Trussell, Arizona Rock Products Association
William Mattingly, Peoria, Vice Chair	* Amy Bratt, Greater Phoenix Chamber of Commerce
Daniel Culotta, Avondale	# Amanda McGennis, Associated General Contractors
John Minear, Buckeye	* Spencer Kamps, Homebuilders Association of Central Arizona
# Jim Weiss, Chandler	# Mannie Carpenter, Valley Forward
* Jamie McCullough, El Mirage	* Kai Umeda, University of Arizona Cooperative Extension
Jessica Koberna, Gilbert	Beverly Chenausky, Arizona Department of Transportation
Doug Kukino, Glendale	Diane Arnst, Arizona Department of Environmental Quality
* Cato Esquivel, Goodyear	* Environmental Protection Agency
# Kazi Haque, Maricopa	Thomas Ekren, Maricopa County Air Quality Department
* Scott Bouchie, Mesa	Michelle Wilson, Arizona Department of Weights and Measures
Sam Brown for Tim Conner, Scottsdale	Ed Stillings, Federal Highway Administration
# Antonio DeLaCruz, Surprise	* Judi Nelson, Arizona State University
Oddvar Tveit, Tempe	Stan Belone, Salt River Pima-Maricopa Indian Community
* Youngtown	
Ramona Simpson, Queen Creek	
* American Lung Association of Arizona	
Barbara Cenalmov for Kristin Watt, Salt River Project	
* Rebecca Hudson, Southwest Gas Corporation	
* Ann Carlton, Arizona Public Service Company	
* Gina Grey, Western States Petroleum Association	
Robert Forrest, 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	Corky Martinkovic, Maricopa County Air Quality Department
Dean Giles, Maricopa Association of Governments	Joonwon Joo, Arizona Department of Transportation
Matt Poppen, Maricopa Association of Governments	Andy Smith, Maricopa County Air Quality Department
Julie Hoffman, Maricopa Association of Governments	Joe Gibbs, City of Phoenix
Kara Johnson, Maricopa Association of Governments	Heather Hodgman, City of Apache Junction
Feng Liu, Maricopa Association of Governments	
Adam Xia, Maricopa Association of Governments	
Patrick Shaw, Maricopa Association of Governments	
Cathy Arthur, Maricopa Association of Governments	
Taejoo Shin, Maricopa Association of Governments	

1. Call to Order

A meeting of the Maricopa Association of Governments (MAG) Air Quality Technical Advisory Committee (AQTAC) was conducted on August 22, 2013. Phil McNeely, City of Phoenix, Chair, called the meeting to order at approximately 1:30 p.m. Jim Weiss, City of Chandler; Amanda McGennis, Associated General Contractors; Antonio DeLaCruz, City of Surprise; Mannie Carpenter, Valley Forward; and Kazi Haque, City of Maricopa, attended the meeting via telephone conference call.

Chair McNeely welcomed Mr. Haque to the Committee. The City of Maricopa is a new MAG member agency.

Chair McNeely indicated that copies of the handouts for the meeting are available. He noted for members attending through audio conference, the presentations for the meeting will be posted on the MAG website under Resources for the Committee agenda, whenever possible. If it is not possible to post them before the meeting, they will be posted after the meeting.

2. Call to the Audience

Chair McNeely 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. Chair McNeely noted that no public comment cards had been received.

3. New Committee Chair and Vice Chair

Lindy Bauer, Maricopa Association of Governments, stated that on June 17, 2013 the MAG Regional Council Executive Committee appointed Philip McNeely as the Chair and Bill Mattingly, City of Peoria, as the Vice Chair of the MAG Air Quality Technical Advisory Committee. According to the MAG Committee Operating Procedures, the term of office is two years.

Chair McNeely thanked Oddvar Tveit, City of Tempe, for his service as former Chair. Mr. Tveit congratulated Mr. McNeely on his appointment as Chair.

Chair McNeely thanked Mr. Mattingly for serving as the new Vice Chair. Mr. Mattingly also thanked Mr. Tveit for his service as Chair.

4. Approval of the May 23, 2013 Meeting Minutes

The Committee reviewed the minutes from the May 23, 2013 meeting. Mr. Tveit moved and Doug Kukino, City of Glendale, seconded, and the motion to approve the May 23, 2013 meeting minutes carried unanimously.

5. Update on the MAG 2012 Five Percent Plan for PM-10 and Exceptional Events

Ms. Bauer provided an update on the MAG 2012 Five Percent Plan for PM-10 and exceptional events. She stated that the 2012 Five Percent Plan contains a wide variety of existing control measures to reduce PM-10, as well as, one new measure: the Dust Action General Permit. Ms. Bauer indicated that on May 23, 2012, the MAG Regional Council adopted the Plan. The Environmental Protection Agency (EPA)

issued a completeness determination on July 20, 2012 for the Plan that stopped the 18 month and 24 month sanctions clocks. On April 19, 2013, EPA proposed approval of several statutes for measures in the Plan. Ms. Bauer mentioned the lawsuit filed on April 30, 2013 by the Arizona Center for Law in the Public Interest against EPA for failure to take action on the MAG 2012 Five Percent Plan for PM-10 by February 14, 2013. She stated that on July 1, 2013, EPA completed its review of the 2011-2012 exceptional events documentation submitted by the Arizona Department of Environmental Quality (ADEQ). Ms. Bauer indicated that collectively, EPA has concurred with 17 of the 18 packages of exceptional events documentation. EPA took no action on one package. She noted that the exceptional events approved by EPA will no longer count as exceedances against this region. Ms. Bauer explained that the region needs three years of clean data in order for EPA to find that the standard has been met. She stated that this is a major milestone.

Ms. Bauer discussed the exceptional events. She indicated that there were no exceptional events in 2010; it was a clean year. Ms. Bauer noted that there were several exceptional events, consisting of haboobs, thunderstorms, and dust storms, in 2011 and 2012. She mentioned that collectively 2011 and 2012 had 31 days of exceptional events that needed documentation. Ms. Bauer presented a photo of a haboob that occurred in July of 2011. She displayed another photo of the exceptional event documentation. Ms. Bauer stated that the purpose of showing these pictures is to demonstrate that the exceptional events are still an issue. The EPA Exceptional Events Rule is still flawed. Ms. Bauer noted that EPA has released some draft guidance documents and a Final Interim Draft Guidance on the EER. She commented that some improvements have been made, however the exceptional event documentation is still very resource intensive. ADEQ has indicated that the exceptional event documentation work has cost \$550,000, which does not include the work performed by Maricopa County or MAG staff. Ms. Bauer noted that 2013 has had four exceptional events that will require documentation. She commented that currently MAG staff will be preparing the documentation for two of the four days.

Ms. Bauer reported the next steps regarding the MAG 2012 Five Percent Plan for PM-10 and exceptional events. She stated that EPA is continuing to review the Plan in light of these exceptional event approvals. The results appear to indicate that there were no violations of the PM-10 standard during 2010-2012. Ms. Bauer indicated that EPA needs to take approval action on the Five Percent Plan to avoid the imposition of a federal implementation plan. She added that the lawsuit filed by the Arizona Center for Law in the Public Interest is still out there and tied to EPA action on the plan. The EPA Exceptional Events Process is still resource intensive and needs to be streamlined. Ms. Bauer discussed that EPA intends to revise the EER. The proposed timeframe for finalizing the revision is late 2014 or early 2015. Ms. Bauer stated that the proposed revisions will likely be released sooner than this date. She noted the tremendous workload for EPA to review the exceptional event documentation submitted by ADEQ. Ms. Bauer indicated that EPA had to review all of the documentation provided and prepare technical support documents. She mentioned that EPA had dedicated a full time staff person to this effort. EPA has informally indicated that further streamlining of the exceptional event process may be possible.

Ms. Bauer thanked the Committee for all the work done on the Five Percent Plan, as well as, preventing exceedances. She stated that Maricopa County has done an excellent job with implementing the \$90,000 worth of improvements to receive real time data. Ms. Bauer discussed that everyone, member agencies, private sector, and MAG, worked together to prevent exceedances throughout the region. Chair McNeely thanked MAG for its hard work as well.

Jeanette Fish, Maricopa County Farm Bureau, asked if the next step would be to create a maintenance plan for PM-10 assuming EPA approval of the plan and staying clean at the monitors. Ms. Bauer replied that is correct. Ms. Fish inquired about the timeframe on a maintenance plan. Ms. Bauer responded that first EPA would need to approve the MAG 2012 Five Percent Plan for PM-10. She stated that the typical steps following would include: EPA issuing a clean data finding and then a maintenance plan could be prepared that outlines how the standard will be maintained for ten years after redesignation with existing measures. Ms. Bauer noted that a maintenance plan could be started once the Plan is approved and a clean data finding is issued. She explained that the region needs to stay clean at the monitors; violating monitors could result in nonattainment.

Ed Stillings, Federal Highway Administration, asked about the one exceptional event package in which no action was taken by EPA. Ms. Bauer replied that EPA did not indicate why they did not take action on the one exceptional event package. She discussed that the no action was indicated in a footnote; the footnote did not state disapproval of the package or that the event was not considered an exceptional event. Ms. Bauer noted that EPA has limited resources and perhaps they only approved the documents that they felt were necessary.

Mr. Haque inquired about PM-2.5. Ms. Bauer responded that Maricopa County is not a nonattainment area for the PM-2.5 standard. She commented that EPA has proposed a clean data finding for the PM-2.5 nonattainment area in Pinal County. However, the clean data finding has not yet been finalized by EPA. Ms. Bauer reported that the proposed clean data finding is good news. Mr. Haque agreed with Ms. Bauer and stated that he was unsure if the finding was not yet finalized because of the exceptional event documentation. He thanked Ms. Bauer for her response.

Diane Arnst, Arizona Department of Environmental Quality, stated that recommendations by the Governor on the designation of the 2012 PM-2.5 standard for Arizona are due to EPA by December 13, 2013. She stated that ADEQ has opened a public comment period on the PM-2.5 designation. Ms. Arnst indicated that more information is available on the ADEQ website.

6. Update on the MAG 2013 State Implementation Plan Revision for the Removal of Stage II Vapor Recovery Controls

Matt Poppen, Maricopa Association of Governments, provided an update on the MAG 2013 State Implementation Plan Revision for the Removal of Stage II Vapor Recovery Controls. He stated that on May 16, 2012, EPA published a final rule indicating that Onboard Refueling Vapor Recovery (ORVR) on passenger vehicles was in widespread use. States may now evaluate the removal of Stage II controls at gasoline dispensing stations since ORVR and Stage II vapor recovery are redundant control systems. Mr. Poppen discussed that on August 7, 2012, EPA released guidance on removing Stage II from a state implementation plan (SIP). He indicated that the Arizona Department of Weights and Measures has been coordinating with ADEQ and MAG on the implications of removing Stage II controls in the Maricopa area.

Mr. Poppen reviewed the history of Stage II controls. He stated that Section 182(b)(3) of the Clean Air Act requires gasoline dispensing facilities located in ozone nonattainment areas classified as Serious and above to implement Stage II controls. In response, the State of Arizona passed legislation in 1992 that mandated the implementation of Stage II controls in ozone nonattainment areas classified as Moderate and above. The Arizona Department of Weights and Measures first adopted Stage II rules in August 1993 that were initially approved into the Arizona SIP by EPA in 1994. Mr. Poppen noted that Section

202(a)(6) of the Clean Air Act, which gives EPA authority to waive Stage II requirements once ORVR systems are in widespread use, now applies to the Maricopa area.

Mr. Poppen presented the difference between Stage I and Stage II controls. He discussed that Stage I controls occur when tanker trucks dispense gasoline to a facility, capturing the gasoline vapors that are pushed out while the trucks fill up the underground storage tanks. Mr. Poppen noted that Stage I controls are not addressed in the MAG 2013 State Implementation Plan Revision for the Removal of Stage II Vapor Recovery Controls. He explained that Stage II controls are designed to capture vapors that occur during the refueling of a vehicle. The vapors captured from the vehicle fuel tank are put back into the underground storage tank. Mr. Poppen commented that the Onboard Refueling Vapor Recovery systems and Stage II controls are redundant technologies. ORVR is a cannister onboard vehicles that captures vapors during the refueling process that are then burned as fuel in the engine. Mr. Poppen mentioned that incompatibility issues can occur between ORVR and Stage II controls. The incompatibility issues occur when Stage II systems utilize vacuum pumps. Over 80 percent of gasoline dispensing facilities in the Maricopa area have vacuum pumps. Mr. Poppen stated that there is a conflict when both systems are trying to pull the vapor in from the refueling process. When the two systems are both capturing the vapors, fresh air is pulled into the underground storage tanks that increases the vapor pressure of the tank which then vents out as excess emissions. Mr. Poppen discussed that it is a disbenefit to have a vehicle with ORVR and a gasoline dispensing facility with vacuum-assisted Stage II controls because it causes more emissions.

Mr. Poppen discussed the EPA requirements for the removal of Stage II controls from the SIP. He stated that the submitted SIP revision must meet the following requirements of Clean Air Act Section 110(l): the removal of Stage II controls will not interfere with attainment of the National Ambient Air Quality Standards (NAAQS), in particular the ozone standard; removal will not interfere with reasonable further progress; and the removal will not violate any other applicable Clean Air Act requirement. EPA recommends two different options for a section 110(l) demonstration: a planned removal of Stage II controls that does not increase emissions (a phased removal of Stage II to avoid any increase of emissions into the atmosphere) or if a planned removal increases emissions, offsets for the increase are required.

Mr. Poppen provided an overview of the MAG 2013 SIP Revision to remove Stage II controls. Based upon equations provided in the EPA guidance for removing Stage II controls, Stage II controls no longer provide areawide emission reductions beginning in 2018. If Stage II controls are kept in place, emissions into the atmosphere will increase in 2018. Mr. Poppen noted that the removal of Stage II controls is proposed for new stations beginning in 2014 and for all stations beginning in 2016. Excess emissions from the closure of a point source facility, Penn Racquet Sports, are used as offsets for the increase in emissions from 2014 through 2017. Mr. Poppen noted that when the Penn Racquet Sports closed they were prepared to submit the excess emissions as credits into the ADEQ emissions bank. However, according to ADEQ it appears that those credits have not been issued or completed. Mr. Poppen added that this is still under review; if the credits were issued, another offset would need to be used for the SIP revision. Mr. Poppen stated that the total mobile source emissions still decline each year after 2013 despite removal of Stage II controls, which demonstrates reasonable further progress is maintained. The statute and rule revisions removing requirements to implement Stage II controls are anticipated to be submitted to EPA in 2014 and 2015. Additionally, the revision is effective upon approval by EPA.

Mr. Poppen presented the results of the areawide emission reduction benefits of Stage II controls based upon the equations provided by EPA. He presented a table that displays the following results for the

Maricopa area for years 2013 through 2020: the percent of vehicles with ORVR; percent of vehicle miles traveled with ORVR vehicles; percent of gas dispensed to vehicles with ORVR; a compatibility factor and increment score based on EPA equations; and the volatile organic compound (VOC) emission reductions from Stage II. Mr. Poppen explained that based upon the increment equations, the increment result is negative beginning in 2018. In 2018, Stage II controls no longer provide areawide emission reduction benefits. He noted that the increment result, coupled with the gasoline throughput, provides the number of kilograms per day of VOC reduced by Stage II controls. Mr. Poppen commented that in 2017, 60 kilograms per day (kg/day) of VOC will be reduced, however starting in 2018 a negative benefit occurs in which 108 kg/day of VOC are released.

Mr. Poppen discussed emission offsets. He stated that emissions from new stations need to be offset for years 2014 and 2015. Additionally, emissions from all stations need to be offset for years 2016 and 2017. Mr. Poppen indicated that the credit provided by the closure of Penn Racquet Sports Facility is 349 kg/day which is enough to offset the emissions for years 2014 through 2017.

Mr. Poppen reviewed the mobile source emission trends with and without Stage II controls. He provided another demonstration showing that: mobile source emissions will continue to decline in the area even with the removal of Stage II controls. Mr. Poppen indicated that this demonstration utilized the NONROAD model, which calculates VOC emissions from various equipment that are gasoline fueled. He added that the same was done for the onroad model which calculates emissions from road vehicles. Emissions were developed with Stage II controls and without Stage II controls. Mr. Poppen commented that even with removing Stage II, mobile source emissions continue to decrease. This demonstrates that reasonable further progress in attaining the standard will not be impeded with the removal of Stage II. Mr. Poppen presented a graph depicting the downward trend of the mobile source emissions with and without Stage II controls.

Mr. Poppen provided the tentative schedule for the MAG 2013 State Implementation Plan Revision for the Removal of Stage II Vapor Recovery Controls. He indicated that draft revision will likely be available for public review on September 10, 2013. A public hearing is anticipated for October 10, 2013. The SIP revision will be brought to the MAG Air Quality Technical Advisory Committee for recommendation on October 24, 2013. The recommendation would be brought to the MAG Management Committee on November 6, 2013 and then to the MAG Regional Council on December 4, 2013 for adoption. Mr. Poppen indicated that the submission of the revision to ADEQ and EPA is scheduled to occur December 6, 2013.

Michelle Wilson, Arizona Department of Weights and Measures, thanked MAG for their work on the SIP revision. She stated that the Department of Weights and Measures will be holding a public workshop on the decommissioning of Stage II and notification will be sent out prior to the workshop. Ms. Wilson indicated more information is available on their website: [www.azdwm.gov](http://www.azdwm.gov).

Chair McNeely asked about the removal of Stage II controls. Mr. Poppen replied that it is a physical removal process. Ms. Wilson responded that the statutes and rules will have to be revised to ensure that the equipment is decommissioned properly. She stated that there will be a process to remove controls and cap vapor lines. Chair McNeely inquired about cost of removal and potential compliance issues. Ms. Wilson replied that this will have to go through the rulemaking process, however there will be an initial cost for removal. She noted that the facilities will be notified in advance that the decommissioning would be happening over a two year period of 2016 and 2017.

Mr. Mattingly inquired about the equipment for new facilities and existing facilities. Mr. Poppen responded that currently only new facilities, beginning in 2014, are proposed to be constructed without the Stage II controls.

7. Analysis of Rising Ozone Concentrations in Maricopa County in 2011-2012

Mr. Poppen reviewed the Environ analysis of rising ozone concentrations in Maricopa County for years 2011 and 2012. He stated that Environ, the MAG Air Quality On-Call Consultant, has conducted an analysis in order to evaluate recent ozone trends and identify the cause of the rising ozone concentrations. He indicated that the slides presented to the Committee are Environ's findings.

Mr. Poppen stated that the purpose of the analysis was to determine causes of rising ozone in Maricopa County for years 2011 and 2012, which are elevated from years 2009 and 2010. Environ was asked to look at both local and regional factors, as well as, long-range transport of ozone. Mr. Poppen discussed the first hypothesis was to look at changes in emissions. This is important because 2011 was the first year that gasoline blended with 10 percent ethanol (E10) was used during the summertime. Mr. Poppen noted that ethanol blended gasoline is associated with the production of aldehydes, in particular acetaldehydes, which can be more reactive in the atmosphere. He commented that Environ also analyzed: local and regional anthropogenic emissions; local biogenic emissions (plant based emissions); and local and regional wildfire activity. Additionally, the following hypotheses were also analyzed: changes in VOC-limited ozone reactions in the urban core and the role of NO<sub>x</sub> (nitrogen oxides) emissions; changes in local and regional meteorological and climatic conditions; and changes in background ozone concentrations or transport into the region.

Mr. Poppen reported the conclusions to the analysis. He stated that Environ found that Maricopa ozone trends for 2008-2012 were similar to other large metro areas in the southwest United States. This suggests that regional-scale factors are important. One apparent regional-scale factor was that cloudiness was consistent with ozone trends. The Phoenix data reflected that there was an unusually large amount of cloud cover in May-June 2009 which was consistent with lower ozone concentrations. Conversely, there was a small amount of cloud cover in May-June 2011-2012 in which higher ozone concentrations were reported. Mr. Poppen added that 2012 had unusually high temperatures. He stated that another conclusion was that there was more potential wildfire impacts in 2012 as opposed to other years. Mr. Poppen noted that local anthropogenic emissions generally decreased during 2008-2011 among all emission categories. He discussed that vehicle emissions did increase due to the switching of fuels in 2011, however the overall trend in vehicle emissions is down. Another conclusion presented is that there is no evidence of changes in transport patterns.

Ms. Arnst inquired about the decrease in vehicle emissions. Mr. Poppen replied that the overall vehicle emissions trend line is down for years 2008-2012, however there was a little bump up for 2011.

Mr. Poppen discussed a question that was posed to Environ: does the use of E10 fuel, with a particular interest in aldehydes due to their reactivity, in 2011 and 2012 cause an increase to on-road mobile VOC emissions. He indicated that Environ ran the MOVES model for Maricopa County with and without 10 percent ethanol fuel blends. Mr. Poppen presented the affects on emissions from zero ethanol blended gasoline to E10 for years 2011 and 2012. Both VOC and NO<sub>x</sub> increase due to the switch to E10, while CO decreases. Acetaldehyde has the largest percent increase, up to 45 percent in some cases. However, since the acetaldehyde makes up less than one percent of the VOC emissions total, it is unlikely to have

an impact on ozone concentrations. Other aldehydes shown on the graphs also represent a small percentage of VOC emissions.

Mr. Poppen provided the overall ozone season VOC trend line. He noted the VOC emissions increase in 2011 was due to the fuel change. The overall 2008-2012 downward trend for VOC is due to fleet turnover, where new cleaner cars replace older cars.

Mr. Poppen stated that Environ also examined evaporative emissions from vehicles. He presented data that displays high temperatures can lead to high emissions. To test this phenomenon in our region, Environ analyzed isopentane which is a marker for evaporative emissions. Mr. Poppen reported that there was a lack of correlation between isopentane emissions and temperature, which suggests that there is no evidence of fuel volatility affecting VOC ambient levels. He noted that the sampling was done over a 24 hour duration. Environ suggested sampling from 6-9 a.m. would be more useful for isolating and evaluating on-road mobile emissions.

Mr. Poppen discussed regional emission trends. Environ looked at regional data to determine if the increase in concentrations in 2011-2012 in the region was due to an increase in emissions statewide. Data from EPA's National Emissions Trends Report show decreases or flat lines for major anthropogenic categories from 2008-2012. It does not appear that there is an increase in anthropogenic emissions that would have caused an increase in ozone concentrations on a statewide level. Mr. Poppen stated that the same is seen locally when data from the 2008 Periodic Emissions Inventory is compared to the 2011 Periodic Emissions Inventory prepared by Maricopa County. Anthropogenic emissions of NO<sub>x</sub> and VOC decreased overall in 2011 relative to 2008.

Mr. Poppen reported on biogenic emissions. MAG biogenic emissions modeling indicates that 2009 was the peak emissions year for biogenics during the 2008-2012 period, which was the lowest year for ozone concentrations within the same time period. Mr. Poppen commented that biogenics and ozone concentrations do not appear to be linked. However, uncertainty in the biogenic modeling does not rule out biogenic emissions altogether as a possible contributor to higher ozone concentrations in 2011-2012. Biogenics are the largest VOC source. Mr. Poppen mentioned that biogenic modeling could be improved by using specific land use data, especially regional land use data.

Ms. Arnst asked if the modeling domain for biogenic modeling was the same as the nonattainment area boundary. Mr. Poppen replied that the modeling domain is larger.

Mr. Poppen stated that Environ did extensive research on fire data. Fire emissions data was used from the National Center for Atmospheric Research (NCAR). NCAR uses satellite fire detections for the fire inventory in which fires are measured using a 1 kilometer resolution. Overall, 2010 had the lowest fire emissions in the western half of the United States, with 2009 being the second lowest. Mr. Poppen presented NO<sub>x</sub> emissions from large fires in Arizona. He indicated that 2011 and 2012 had large wildfires near the Maricopa area. Mr. Poppen stated that when the scale is changed to show emissions from smaller fires, the differences between the years are less apparent, however 2011 and 2012 are still active fire years.

Mr. Poppen reviewed Environ's fire research on high ozone days. He indicated that Environ reviewed all days where a Maricopa monitor exceeded the 8-hour ozone standard of 75 parts per billion (ppb). For each high ozone day, Environ prepared a HYSPLIT back trajectory to determine if the back trajectories crossed where a fire was occurring to see if the fire could have impacted ozone concentrations on those days. Mr. Poppen provided the May 14, 2012 example of a back trajectory at the time of a peak 1-hour

ozone concentration that had possible fire impacts. Mr. Poppen presented a fire impacts graph by year. Year 2012 had the largest number of potential fire impact days, however 2011 had a relatively low number of fire impact days.

Mr. Poppen reported on ozone trends for the Maricopa urban core and suburban ozone monitors. He indicated that the trend line for both urban and suburban ozone concentrations is decreasing from 2000-2012. The suburban area ozone concentrations are decreasing faster than the urban area concentrations.

Mr. Poppen discussed NO<sub>x</sub>-limited and VOC-limited monitors. He mentioned that ozone is formed in the presence of both NO<sub>x</sub> and VOC. A monitor that is NO<sub>x</sub>-limited means that the amount of NO<sub>x</sub> is controlling the amount of ozone produced at that monitor. Therefore, NO<sub>x</sub> reductions assist in lowering ozone concentrations at that monitor. However, NO<sub>x</sub> reductions at a VOC-limited monitor may not help reduce concentrations and could possibly increase emissions. Mr. Poppen noted that it is important to know if monitors are NO<sub>x</sub> or VOC-limited with regard to ozone controls. Environ analyzed the urban JLG Supersite monitor for the weekday/weekend effect with regard to ozone data from April-September for years 2008-2012. The weekday/weekend analysis not only displays the ozone and NO<sub>x</sub> concentrations during the week and weekend, but also gives indication if a monitor is NO<sub>x</sub> or VOC-limited. Mr. Poppen provided an example that ozone concentrations can determine NO<sub>x</sub> and VOC-limited monitors. He pointed out that in 2009, despite the lower NO<sub>x</sub> concentrations on Sunday, the Sunday ozone is higher which suggest this monitor is a VOC-limited monitor. In this particular case, a reduction of NO<sub>x</sub> emissions will not decrease ozone emissions.

Mr. Poppen summarized the analysis of the JLG Supersite monitor. Overall there is a large reduction in NO<sub>x</sub> between Wednesdays to Sundays for all years. At this monitor, the ozone response from Wednesdays to Sundays is inconsistent over the years 2008-2012. In response to this inconsistency, Environ analyzed downwind monitors to determine whether ozone response is or is not NO<sub>x</sub>-limited. Mr. Poppen commented that suburban monitors are commonly NO<sub>x</sub>-limited, thus NO<sub>x</sub> reductions will continue to help lower concentrations at these monitors. He noted that urban monitors fluctuate between NO<sub>x</sub> and VOC-limited monitors, however they usually behave in a uniform fashion. Mr. Poppen gave the example that in 2009 all urban monitors were VOC-limited, but in 2011 they are all NO<sub>x</sub>-limited. In summary, Mr. Poppen stated that the suburban sites northeast of the urban core are NO<sub>x</sub>-limited, except in 2009. The Buckeye monitor is unique in that it is always VOC-limited. Mr. Poppen noted that the urban core monitors behave as a block except in 2008. In 2011, the urban core monitors are NO<sub>x</sub>-limited, however the nonattainment area emissions inventory (an emissions ratio of VOC/NO<sub>x</sub> = 6.2) suggests them to be VOC-limited. Mr. Poppen commented that this could mean this is a transition period or there is a possibility that the inventory could be underestimating VOC emissions.

Mr. Poppen reported that Environ tested for meteorological influences on ozone in Maricopa County from 2002-2012. He stated that the temperature in 2011 was near normal, however 2012 was a hot year. Year 2012 was the 112<sup>th</sup> highest year out of the 118 year record for Arizona. Mr. Poppen indicated that data from Phoenix Sky Harbor International Airport were used for the subsequent meteorological analyses. He presented a graph of daily maximum temperatures with ozone concentrations, however there was no correlation. Mr. Poppen noted that the comparison of daily maximum temperatures with light afternoon winds and ozone concentrations yields a strong correlation coefficient of 0.8 for years 2008-2012. However, this strong correlation breaks down in years prior to 2008. Mr. Poppen discussed that perhaps meteorological factors are more important in recent years 2008-2012, as compared to 2002-2008 where more local influences, beyond meteorology, played a larger role.

Mr. Poppen discussed that Environ also analyzed wind reversal as a variable with regard to high temperatures and ozone concentrations. Wind reversal analysis showed winds frequently from the east in the first part of the day and winds from the west in the later portion of the day. Mr. Poppen commented that the correlation was not strong.

Mr. Poppen reviewed high ozone days in the Maricopa area. May, June, and August had the most high ozone days, however July has lower number of days due to the monsoon onset. Mr. Poppen commented that precipitation analysis uncovered no patterns; years 2011 and 2012 were not especially dry. He presented the average cloud cover, in which there is minimum cloudiness in June and a maximum in July and August. Mr. Poppen noted that 2009 was an especially cloudy year, however 2011 and 2012 have had less than usual cloudiness in May through June. He commented that 2009 was unusually cloudy during June which is typically a month with a high frequency of high ozone days.

Mr. Poppen reported on transport patterns. Environ produced three sets of HYSPLIT back trajectory plots for the central Phoenix monitor: high ozone days (> 75 ppb), moderately high ozone (between 65 ppb and 75 ppb), and low ozone (60 ppb). The back trajectories for high ozone days show similar back trajectories of mixed pattern, except for 2009. Mr. Poppen commented that it is difficult to distinguish back trajectories between the moderately high ozone days and low ozone days. Environ concluded that clean days are similar to high ozone days with regard to transport patterns, except that wind speeds are generally higher. The HYSPLIT conclusions suggest that it is not transport changes that cause higher ozone in 2011 and 2012.

Mr. Poppen discussed background ozone. The EPA defines North American background ozone as coming from anthropogenic sources outside North America and all natural sources: biogenic, fires, lightning, and stratospheric intrusion events. Mr. Poppen stated that the estimations for background ozone is 25-50 ppb, however this is variable by year, season, elevation, and latitude/longitude. Evidence suggest that background ozone in the west coast is increasing 3-5 ppb/decade. Mr. Poppen presented data from Mount Bachelor in Oregon that shows approximately a 1 ppb increase in the spring from 2004-2012. Airplane and weather balloon observations also indicate a 0.63 ppb/year increase from 1995-2008. Mr. Poppen stated that background ozone is very difficult to identify for the region. ADEQ forecasters have suggested that stratospheric intrusion events could be a factor with background ozone. Stratospheric intrusion is where ozone from the stratosphere is sucked down and causes increased ozone concentrations during storms. Mr. Poppen also indicated that monsoon clouds can get high enough to bring in ozone from the stratosphere. He commented that it is difficult to get the data for stratospheric intrusions. Mr. Poppen mentioned that there is stronger evidence for the summertime fire influence, however overall it is difficult to identify background ozone in the Maricopa area.

Mr. Poppen presented the 2008-2012 ozone trends in large metro areas in the western United States. All of the metros displayed have the similar reduction of ozone in 2009 relative to 2008, as well as, the increasing trend from 2009-2012. This suggests that regional factors are impacting ozone concentrations. Mr. Poppen displayed the ozone concentrations for major Arizona areas from 2002-2012. The trends are similar after 2007 for most areas. However, there was a drop in ozone concentrations in Flagstaff, Tucson, and Sierra Vista between 2011 and 2012. Conversely, Yuma, Payson, Prescott and Show Low showed increasing ozone between 2011 and 2012.

Mr. Poppen displayed ozone trend graphs for other western states. He indicated that data displayed in gray show areas that are similar to the Phoenix area. Colored lines show divergences as compared to the region, which are mainly comprised of rural areas. Mr. Poppen presented the ozone trends for: New

Mexico, Colorado, Utah, and Nevada. He commented that the ozone trends are no longer similar to the Maricopa area when analyzing the large coastal metro areas in California due to its unique meteorology. The California coastal cities show an overall significant decrease in ozone. However, southeastern California cities display a pattern that is more similar to the Maricopa area. Mr. Poppen summarized the Environ regional ozone trend analysis. He stated that ozone has similar trends at many monitors throughout the southwestern United States for the same time frame. There is variability in ozone concentrations at California monitors in large coastal metro areas as compared to monitors east of the Sierra Nevada mountains.

Environ investigated other meteorological factors that could make conditions conducive to ozone formation. Mr. Poppen commented that Environ analyzed regional high pressure anomalies during high ozone years that would tend to cause sunny skies, hot temperatures, and light winds. He noted that utilizing the National Climate Data Center's climate summaries and the National Center for Environmental Prediction Reanalysis, a June high pressure anomaly with a 500 millibar height was further analyzed. Mr. Poppen presented graphs for high pressure anomalies in June. Years 2008, 2010, and 2012 had high pressure anomaly conditions. Year 2009 was a low ozone concentration year and the pressure tables show this year had lower pressure conditions. This data analysis is only useful for May and June months due to monsoon effects in the months of July and August. Mr. Poppen noted that this analysis in the months of May and June, when most of the ozone exceedances occur, is a good indicator of regional patterns.

Mr. Poppen discussed outgoing longwave radiation. Graphs displaying radiation reflected back to satellites were presented. Mr. Poppen commented that 2009 had little radiation reflection, 2008 and 2010 had higher radiation reflections, and 2011 and 2012 had high levels of radiation reflection. He stated that this is another indicator that regional factors were occurring. However, when analyzing years 2002-2007, not all high ozone years can be explained by longwave radiation. For example, 2004 was a low ozone concentration year, yet there was higher outgoing longwave radiation. Mr. Poppen mentioned that not every year can be explained using meteorology, however in 2008-2012 meteorology does seem to be a large factor. He stated that it is possible in some years, that large scale meteorological factors such as cloudiness are important in creating conditions conducive to ozone formation, but in other years local factors can dominate.

Mr. Poppen reported Environ conclusions based on the initial hypotheses. He indicated that ozone trend data for the Maricopa area in 2008-2012 was similar to other large metro areas in the southwest United States. Local Phoenix data showed: unusually large amount of cloud cover in May-June 2009; small amount of cloud cover in May-June 2011-2012; and unusually high temperatures in 2012. The following conclusions were also made: more potential wildfire impacts occurred in 2012; local anthropogenic NOx and VOC emissions generally decreased during 2008-2011; and there is no evidence of changes in transport patterns.

Mr. Poppen discussed avenues for further research. Mr. Poppen stated that MAG has discussed meteorological factors with the ADEQ meteorologist. The meteorologist talked about the specific meteorological patterns and conditions that allow them to forecast high ozone concentration days. An avenue of future research could be to review high ozone days and concentrate on the conditions of the days. Another option could be to evaluate meteorological data for sites other than Phoenix Sky Harbor Airport.

Mr. Poppen reviewed the recommendations made by Environ. He indicated that shorter duration of canister sampling at the JLG Supersite during 6-9 a.m. would help to determine ambient VOC/NOx ratio and isolate on-road mobile evaporative emission changes. Environ also recommends investigating the role of a possible biogenic hot spot near the North Phoenix monitor, which usually records the highest ozone concentrations. Mr. Poppen stated that the utilization of more detailed land use data could aid in determining biogenic emissions.

Beverly Chenausky, Arizona Department of Transportation, commented that the 2009 low ozone year corresponded to the economic downturn and lower vehicle miles traveled. Mr. Poppen responded that there were many meteorological anomalies in 2009 including high cloud cover and low pressure. He stated that the economic downturn could have been a factor, however the meteorological anomalies were also a factor. Ms. Bauer replied that there was less vehicle miles traveled in every year of the economic downturn, not exclusively 2009. Prior to 2009, a gradual decrease in ozone concentrations was present even with a robust economy. Ms. Bauer indicated that Environ was investigating the change in pattern for 2011 and 2012. She mentioned that air quality can be counterintuitive, this is why MAG enlisted the help of Environ to investigate the higher levels of ozone. Ms. Bauer noted that the presentation displays how tricky it can be to analyze air quality trends. Mr. Poppen added that if 2013 stays on the current course it will be a similar year to 2010 in terms of ozone concentrations and exceedance days. It appears that ozone exceedances will be decreasing in 2013 from 2011 and 2012.

Chair McNeely thanked Mr. Poppen for the presentation.

#### 8. Tentative MAG Air Quality Project Schedule

Ms. Bauer presented the tentative, two year MAG Air Quality Project Schedule. She indicated that there are a few new air quality activities on the schedule. Ms. Bauer commented that the first item, the analysis of air quality measures, is ongoing. She stated that the Carbon Monoxide Maintenance Plan has been completed and was submitted to ADEQ and EPA in April. Due to the low concentrations of carbon monoxide well below the standard and the submission of the second maintenance plan, EPA indicated that the region may not need to prepare another plan for this pollutant. Ms. Bauer mentioned the Congestion Mitigation and Air Quality Improvement (CMAQ) Annual Report and Project Evaluations. She noted that the Committee plays an important role with the CMAQ Annual Report and Project Evaluations.

Ms. Bauer discussed the next project on the list: Conformity on the New MAG Transportation Improvement Program (TIP) and Plan. She commented that conformity will be increasing in complexity. Ms. Bauer noted that the Metropolitan Planning Area (MPA) boundary is an important boundary in that MAG is the Metropolitan Planning Organization (MPO) for transportation and it is linked to the air quality work MAG does as well. MAG analyzes the Transportation Plan and Regional Transportation Plan (RTP) to make sure they do not contribute to violations of the air quality standards. Ms. Bauer indicated that when the 2010 Census information was released, the urbanized area had changed. Based upon the results of the 2010 Census, the MAG MPA boundary was expanded into Pinal County. The MAG Regional Council has welcomed three new MAG member agencies: City of Maricopa, Town of Florence, and Pinal County. Casa Grande reached the threshold to become an MPO for transportation as well, thus the Sun Corridor MPO was formed. Ms. Bauer mentioned that there are two particulate matter nonattainment area boundaries in Pinal County; the expanded MAG MPA boundary now covers a portion of those nonattainment areas. The Sun Corridor MPO also covers a portion of the two particulate matter nonattainment areas. Ms. Bauer noted that there are two particulate matter

nonattainment areas covered by two Metropolitan Planning Organizations. She stated that MAG has been working closely with the Sun Corridor MPO, the Arizona Department of Transportation (ADOT), ADEQ, and the new member agencies on conformity. The next conformity analysis on the MAG TIP and RTP will need to demonstrate conformity against the two nonattainment areas in Pinal County. Ms. Bauer noted that this is new. She commented that MAG will be assisting the Sun Corridor MPO in the preparation of the Initial Pinal County PM-10 and PM-2.5 Conformity Analysis which is listed later in the schedule. She explained that the approach will be to demonstrate conformity for MAG Plans and the Sun Corridor projects for the two nonattainment areas. Ms. Bauer stated that MAG is happy to assist in this and to work cooperatively with ADOT and the Sun Corridor MPO on these issues.

Ms. Bauer reviewed additional schedule items. She indicated that the Contract Management schedule lines up with CMAQ Project Evaluations. Ms. Bauer discussed the Eight-Hour Ozone Plan for the 2008 standard of 0.075 parts per million (ppm); the region has an attainment date of December 31, 2015 with a Marginal Area classification. Ms. Bauer commented that the region will need to be clean over the three year period of 2013-2015, which makes this summer and the next two years crucial in attaining the standard. EPA has proposed that the plan will have a due date of July 20, 2014, however EPA has not yet finalized their guidance. Ms. Bauer noted that this plan should be less dense than previous plans and consist mainly on the Periodic Emissions Inventory and an Emissions Statement as provided by Maricopa County. She stated that MAG will be finalizing their schedule once the EPA schedule is released.

Ms. Bauer indicated that the Evaluation and Implementation of New Moves Model and the General Plan Review are two ongoing air quality activities. She commented that the Greenhouse Gas Reduction Requirements item is listed on the schedule for ongoing monitoring of federal legislation. Ms. Bauer reported that fortunately the region has measures that reduce greenhouse gas emissions; Since there is renewed interest in the subject due to Hurricane Sandy, it is an ongoing activity on the schedule. The PM-10 Exceptional Event section is an ongoing cooperative activity with ADEQ. Ms. Bauer mentioned that the PM-10 Pave Unpaved Road Projects Evaluations and the PM-10 Street Sweeper Project Evaluations keep the region in conformance and continue to implement the measures in the PM-10 Plan. Ms. Bauer reported that the final activity in the schedule is the Stage II Vapor Recovery Removal SIP Revision which is scheduled to be completed by January 2014.

Chair McNeely thanked Ms. Bauer for the overview.

#### 9. Call for Future Agenda Items

Chair McNeely requested suggestions for future agenda items. He indicated that the next meeting of the Committee has been tentatively scheduled for Tuesday, September 24, 2013.

Ms. Arnst inquired if the Congestion Mitigation Score Methodology Study had been presented to this Committee. Ms. Bauer replied that the study has been completed. She noted that this Committee does not usually address congestion issues. She stated that the transportation page on the MAG website would have more information. Ms. Arnst stated that she was interested in the methodology determined for CMAQ funding. Ms. Bauer indicated that she would check with MAG transportation staff on where it is located on the MAG website and report back to Ms. Arnst. She commented that the MAG transportation committees address congestion.

With no further comments, the meeting was adjourned at approximately 2:50 p.m.

Dated: August 21, 2013.

Linda Arrington,

Acting Director, Pesticide Re-Evaluation  
 Division, Office of Pesticide Programs.

[FR Doc. 2013-21021 Filed 8-27-13; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

### Proposed Consent Decree, Clean Air Act Citizen Suit

**AGENCY:** Environmental Protection  
 Agency (EPA).

**ACTION:** Notice of proposed consent  
 decree; request for public comment.

**SUMMARY:** In accordance with section 113(g) of the Clean Air Act, as amended (“CAA” or the “Act”), notice is hereby given of a proposed consent decree to address a lawsuit filed by Sandra L. Bahr and David Matusow in the United States District Court for the District of Arizona: *Bahr, et al. v. McCarthy*, No. 2:13-cv-00872 SMM (D. AZ). On April 30, 2013, Plaintiffs filed a complaint alleging that EPA failed to perform a mandatory duty under CAA section 110(c)(1) to promulgate a federal implementation plan for the State of Arizona that arose as a result of EPA’s February 14, 2011, finding of failure to submit a revision to the state implementation plan required under CAA section 189(d), by the required deadline. The proposed consent decree establishes deadlines for EPA to take action.

**DATES:** Written comments on the proposed consent decree must be received by September 27, 2013.

**ADDRESSES:** Submit your comments, identified by Docket ID number EPA-HQ-OGC-2013-0609, online at [www.regulations.gov](http://www.regulations.gov) (EPA’s preferred method); by email to [oei.docket@epa.gov](mailto:oei.docket@epa.gov); by mail to EPA Docket Center, Environmental Protection Agency, Mailcode: 2822T, 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001; or by hand delivery or courier to EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC, between 8:30 a.m. and 4:30 p.m. Monday through Friday, excluding legal holidays. Comments on a disk or CD-ROM should be formatted in Word or ASCII file, avoiding the use of special characters and any form of encryption, and may be mailed to the mailing address above.

**FOR FURTHER INFORMATION CONTACT:** Geoffrey L. Wilcox, Air and Radiation Law Office (2344A), Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW.,

Washington, DC 20460; telephone: (202) 564-5601; fax number (202) 564-5603; email address: [wilcox.geoffrey@epa.gov](mailto:wilcox.geoffrey@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Additional Information About the Proposed Consent Decree

The proposed consent decree would resolve a lawsuit filed by Sandra L. Bahr and David Matusow (“Plaintiffs”) seeking to compel the Administrator to take actions under CAA section 110(c)(1) to promulgate a federal implementation plan (“FIP”) for the State of Arizona. A portion of Arizona, including Maricopa County and a part of Pinal County, is designated nonattainment for the National Ambient Air Quality Standard (“NAAQS”) for particulate matter ten microns in diameter or less (“PM<sub>10</sub>”). This area is classified as a “serious” PM<sub>10</sub> nonattainment area. Because the area had not attained the NAAQS by the applicable statutory attainment date, Arizona was required to submit a revision to its state implementation plan (“SIP”) to meet the requirements of CAA section 189(d). On February 14, 2011, EPA found that Arizona failed to make the SIP submission required under CAA section 189(d) by the required deadline. This finding of failure to submit started a 2-year clock under CAA section 110(c)(1) for EPA to promulgate a FIP to meet the obligations of CAA section 189(d). EPA did not promulgate the required FIP by the statutory deadline and this is the basis for the Plaintiffs’ mandatory duty lawsuit at issue in the proposed consent decree.

The proposed consent decree provides that no later than January 14, 2014, a notice or notices of the Agency’s proposed action or actions to either approve a SIP, promulgate a FIP, or approve a SIP in part with the promulgation of a partial FIP to address the requirements of CAA section 189(d). The proposed consent decree also provides that no later than June 2, 2014, a notice or notices of the Agency’s final action or actions to either approve a SIP, promulgate a FIP, or approve a SIP in part with the promulgation of a partial FIP to address the requirements of CAA section 189(d). The proposed consent decree requires that no later than 15 business days following signature of each notice, EPA shall send the notice or notices to the Office of the Federal Register for review and publication in the **Federal Register**. After EPA fulfills its obligations under the proposed consent decree, the consent decree shall be terminated and the case dismissed with prejudice.

For a period of thirty (30) days following the date of publication of this

notice, the Agency will accept written comments relating to the proposed consent decree from persons who are not named as parties or intervenors to the litigation in question. EPA or the Department of Justice may withdraw or withhold consent to the proposed consent decree if the comments disclose facts or considerations that indicate that such consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act. Unless EPA or the Department of Justice determines that consent to this consent decree should be withdrawn, the decree will be affirmed.

##### II. Additional Information About Commenting on the Proposed Consent Decree

###### A. How can I get a copy of the consent decree?

The official public docket for this action (identified by Docket ID No. EPA-HQ-OGC-2013-0609) contains a copy of the proposed consent decree. The official public docket is available for public viewing at the Office of Environmental Information (OEI) Docket in the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the OEI Docket is (202) 566-1752.

An electronic version of the public docket is available through [www.regulations.gov](http://www.regulations.gov). You may use [www.regulations.gov](http://www.regulations.gov) to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Once in the system, key in the appropriate docket identification number then select “search”.

It is important to note that EPA’s policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing online at [www.regulations.gov](http://www.regulations.gov) without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. Information claimed as CBI and other information whose disclosure is restricted by statute is not included in the official public docket or in the electronic public docket. EPA’s policy is that copyrighted material, including copyrighted material contained in a public comment, will not be placed in EPA’s electronic public

docket but will be available only in printed, paper form in the official public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the EPA Docket Center.

*B. How and to whom do I submit comments?*

You may submit comments as provided in the **ADDRESSES** section. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked "late." EPA is not required to consider these late comments.

If you submit an electronic comment, EPA recommends that you include your name, mailing address, and an email address or other contact information in the body of your comment and with any disk or CD ROM you submit. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. Any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

Use of the *www.regulations.gov* Web site to submit comments to EPA electronically is EPA's preferred method for receiving comments. The electronic public docket system is an "anonymous access" system, which means EPA will not know your identity, email address, or other contact information unless you provide it in the body of your comment. In contrast to EPA's electronic public docket, EPA's electronic mail (email) system is not an "anonymous access" system. If you send an email comment directly to the Docket without going through *www.regulations.gov*, your email address is automatically captured and included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket.

Dated: August 20, 2013.

**Lorie J. Schmidt,**

*Associate General Counsel.*

[FR Doc. 2013-21023 Filed 8-27-13; 8:45 am]

BILLING CODE 6560-50-P

**ENVIRONMENTAL PROTECTION AGENCY**

[FRL-9900-45-OA]

**Request for Nominations of Experts To Augment the Science Advisory Board Chemical Assessment Advisory Committee for the Review of the EPA's Draft Toxicological Assessments for Ammonia, Trimethylbenzenes and the Evaluation of Inhalation Carcinogenicity of Ethylene Oxide**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** The EPA Science Advisory Board (SAB) Staff Office requests public nominations of scientific experts to augment the SAB Chemical Assessment Advisory Committee (CAAC) to form three panels for the review of: (1) The EPA's draft Toxicological Review of Ammonia; (2) the EPA's draft Toxicological Review of Trimethylbenzenes; and (3) the EPA's draft Evaluation of the Inhalation Carcinogenicity of Ethylene Oxide In Support of Summary Information on the Integrated Risk Information System (IRIS).

**DATES:** Nominations should be submitted by September 18, 2013 per the instructions below.

**FOR FURTHER INFORMATION CONTACT:** Any member of the public wishing further information regarding this Notice and Request for Nominations may contact the appropriate Designated Federal Officer for the specific review, as identified below. Nominators unable to submit nominations electronically as described below may contact the Designated Federal Officers for assistance. General information concerning the EPA SAB can be found at the EPA SAB Web site at <http://www.epa.gov/sab>.

**SUPPLEMENTARY INFORMATION:**

*Background:* The SAB (42 U.S.C. 4365) is a chartered Federal Advisory Committee that provides independent scientific and technical peer review, advice, consultation, and recommendations to the EPA Administrator on the technical basis for EPA actions. As a Federal Advisory Committee, the SAB conducts business in accordance with the Federal Advisory Committee Act (FACA) (5 U.S.C. App. 2) and related regulations. The SAB Chemical Assessment Advisory Committee (CAAC) is a subcommittee of the SAB that provides advice through the chartered SAB regarding assessments of environmental chemicals available on EPA's Integrated

Risk Information System (IRIS). The SAB and the CAAC, augmented with additional experts, will comply with the provisions of FACA and all appropriate SAB Staff Office procedural policies.

The National Center for Environmental Assessment (NCEA) in the EPA's Office of Research and Development (ORD) develops toxicological reviews/assessments for various chemicals for EPA's Integrated Risk Information System (IRIS). NCEA has developed two separate draft IRIS assessments for ammonia and trimethylbenzenes, and a draft evaluation of the inhalation carcinogenicity for ethylene oxide for IRIS. NCEA has asked the SAB to peer review draft documents for ammonia, trimethylbenzenes, and ethylene oxide. The SAB Staff Office is seeking experts to augment the SAB CAAC to form three separate panels to conduct the peer reviews.

(1) NCEA's draft *Toxicological Review of Ammonia* (August 2013) represents a reassessment of the toxicity of ammonia. The assessment and proposed charge questions may be found at the following URL: [http://yosemite.epa.gov/sab/sabproduct.nsf/fedrgstr\\_activites/IRIS%20Ammonia?OpenDocument](http://yosemite.epa.gov/sab/sabproduct.nsf/fedrgstr_activites/IRIS%20Ammonia?OpenDocument). The ammonia assessment currently posted to the IRIS database includes an inhalation reference concentration (RfC, posted in 1991). For the 2013 draft review, NCEA evaluated epidemiological data, experimental animal data, and other relevant data from studies of the noncancer and cancer effects of ammonia. This reassessment includes an inhalation RfC and a qualitative cancer descriptor. The assessment does not include an oral reference dose (RfD) or a quantitative cancer assessment because NCEA considered that adequate information was not available.

(2) NCEA's draft *Toxicological Review of Trimethylbenzenes* (August 2013) is the first IRIS assessment developed for trimethylbenzenes (TMBs), including 1,2,3-TMB; 1,2,4-TMB; 1,3,5-TMB. The assessment and proposed charge questions may be found at the following URL: [http://yosemite.epa.gov/sab/sabproduct.nsf/fedrgstr\\_activites/IRIS%20Trimethylbenzenes?OpenDocument](http://yosemite.epa.gov/sab/sabproduct.nsf/fedrgstr_activites/IRIS%20Trimethylbenzenes?OpenDocument). NCEA has evaluated experimental animal data and other relevant noncancer data in this assessment. The assessment includes an inhalation RfC, oral RfD, and qualitative cancer descriptor for each isomer. The assessment does not include a quantitative cancer assessment.

(3) NCEA has developed a draft *Evaluation of the Inhalation Carcinogenicity of Ethylene Oxide* (July 2013 Draft). The draft evaluation and

significantly to nonattainment in, or interfere with maintenance by, any other state, and (D)(i)(II), with respect to visibility requirements for the 2006 PM<sub>2.5</sub> NAAQS as EPA is acting separately on these elements.

### VII. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable federal regulations (42 U.S.C. 7410(k), 40 CFR 52.02(a)). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this proposed action merely approves some state law as meeting federal requirements and disapproves other state law because it does not meet federal requirements; this proposed action does not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999); is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and,
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have Tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on Tribal governments or preempt Tribal law.

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Intergovernmental relations, Greenhouse gases, Incorporation by reference, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds, Incorporation by reference.

Dated: August 8, 2013.

Shaun L. McGrath,

Regional Administrator, Region 8.

[FR Doc. 2013-20662 Filed 8-22-13; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R09-OAR-2013-0576; FRL-9900-25-Region 9]

#### Revisions to the Arizona State Implementation Plan, Maricopa County Area

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve revisions to the Maricopa County Area portion of the Arizona State Implementation Plan (SIP). These revisions concern particulate matter (PM) emissions from fugitive dust sources. We are approving local statutes that regulate these emission sources under the Clean Air Act as amended in 1990 (CAA or the Act). We are taking comments on this proposal and plan to follow with a final action.

**DATES:** Any comments must arrive by September 23, 2013.

**ADDRESSES:** Submit comments, identified by docket number [EPA-R09-OAR-2013-0576], by one of the following methods:

1. *Federal eRulemaking Portal:* [www.regulations.gov](http://www.regulations.gov). Follow the on-line instructions.
2. *Email:* [steckel.andrew@epa.gov](mailto:steckel.andrew@epa.gov).
3. *Mail or deliver:* Andrew Steckel (Air-4), U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901.

**Instructions:** All comments will be included in the public docket without change and may be made available online at [www.regulations.gov](http://www.regulations.gov), including any personal information provided, unless the comment includes Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and should not be submitted through [www.regulations.gov](http://www.regulations.gov) or email. [www.regulations.gov](http://www.regulations.gov) is an "anonymous access" system, and EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send email directly to EPA, your email address will be automatically captured and included as part of the public comment. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

**Docket:** Generally, documents in the docket for this action are available electronically at [www.regulations.gov](http://www.regulations.gov) and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California. While all documents in the docket are listed at [www.regulations.gov](http://www.regulations.gov), some information may be publicly available only at the hard copy location (e.g., copyrighted material, large maps), and some may not be publicly available in either location (e.g., CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

**FOR FURTHER INFORMATION CONTACT:** Nancy Levin, EPA Region IX, (415) 942-3848, [levin.nancy@epa.gov](mailto:levin.nancy@epa.gov).

**SUPPLEMENTARY INFORMATION:** Throughout this document, "we," "us" and "our" refer to EPA.

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## I. The State's Submittal

### A. What rules did the State submit?

Table 1 lists the statutes addressed by this proposal with the dates that they

were signed into law by the Governor and submitted by the Arizona Department of Environmental Quality.

TABLE 1—SUBMITTED RULES

Arizona statute	Statute title	Signed	Submitted	Revised submittal
9–500.27 .....	Off-road vehicle ordinance; applicability; violation; classification .....	July 2, 2007 .....	May 25, 2012 ...	May 21, 2013.
11–871 .....	Emissions control; no burn; exemptions; penalty .....	July 2, 2007 .....	May 25, 2012 ...	May 21, 2013.
28–1098 .....	Vehicle loads; restrictions; civil penalties .....	July 2, 2007 .....	May 25, 2012 ...	May 21, 2013.
49–457.03 .....	Off-road vehicles; pollution advisory days; applicability; penalties .....	July 2, 2007 .....	May 25, 2012 ...	May 21, 2013.
49–457.04 .....	Off-highway vehicle and all-terrain vehicle dealers; informational material; outreach; applicability.	July 2, 2007 .....	May 25, 2012 ...	May 21, 2013.
49–501 .....	Unlawful open burning; exceptions; fine; definition .....	July 2, 2007 .....	May 25, 2012 ...	May 21, 2013.

On July 20, 2012, EPA determined that the May 25, 2012 submittal of Arizona Revised Statutes (ARS) 9–500.27, 11–871, 28–1098, 49–457.03, 49–457.04 and 49–501 met the completeness criteria in 40 CFR part 51 Appendix V, which must be met before formal EPA review. On May 21, 2013 ADEQ identified several statute subsections included in the May 25, 2012 submittal for which Arizona no longer requested EPA SIP approval and provided a revised submittal.

### B. Are there other versions of these rules?

There are no previous versions of these statutes in the SIP, although the Maricopa Association of Governments submitted them with the 2007 Five Percent Plan for PM–10, which was subsequently withdrawn.

### C. What is the purpose of the submitted rules?

PM contributes to effects that are harmful to human health and the environment, including premature mortality, aggravation of respiratory and cardiovascular disease, decreased lung function, visibility impairment, and damage to vegetation and ecosystems. Section 110(a) of the CAA requires States to submit regulations that control PM emissions. These statutes regulate PM emissions from off-highway vehicles, all-terrain vehicles, off-road recreational motor vehicles, residential wood burning and vehicle loads. EPA's technical support documents (TSDs) have more information about these statutes. The State is not taking emission reduction credits for these statutes.

## II. EPA's Evaluation and Action

### A. How is EPA evaluating the rules?

Generally, SIP rules must be enforceable (see section 110(a) of the

Act) and must not relax existing requirements (see sections 110(l) and 193).

Guidance and policy documents that we use to evaluate these requirements consistently include the following:

1. "Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations; Clarification to Appendix D of November 24, 1987 **Federal Register Notice**," (Blue Book), notice of availability published in the May 25, 1988 **Federal Register**.

2. "Guidance Document for Correcting Common VOC & Other Rule Deficiencies," EPA Region 9, August 21, 2001 (the Little Bluebook).

3. "State Implementation Plans; General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990," 57 FR 13498 (April 16, 1992); 57 FR 18070 (April 28, 1992).

4. "State Implementation Plans for Serious PM–10 Nonattainment Areas, and Attainment Date Waivers for PM–10 Nonattainment Areas Generally; Addendum to the General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990," 59 FR 41998 (August 16, 1994).

5. "PM–10 Guideline Document," EPA 452/R–93–008, April 1993.

6. "Fugitive Dust Background Document and Technical Information Document for Best Available Control Measures," EPA 450/2–92–004, September 1992.

### B. Do the rules meet the evaluation criteria?

We believe these statutes are consistent with the relevant policy and guidance regarding enforceability and SIP relaxations. The TSDs have more information on our evaluation.

### C. EPA Recommendations to Further Improve the Rules

The TSDs describes additional rule revisions that we recommend for the next time Arizona modifies the rules but are not currently the basis for rule disapproval.

### D. Public Comment and Proposed Action

Because EPA believes the submitted statutes fulfill all relevant requirements, we are proposing to fully approve them as described in section 110(k)(3) of the Act. We will accept comments from the public on this proposal for the next 30 days. Unless we receive convincing new information during the comment period, we intend to publish a final approval action that will incorporate these rules into the federally enforceable SIP.

## III. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve State choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this proposed action merely proposes to approve State law as meeting Federal requirements and does not impose additional requirements beyond those imposed by State law. For that reason, this proposed action:

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 et seq.);
- Is certified as not having a significant economic impact on a

substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.);

- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- Does not provide EPA with the discretionary authority to address disproportionate human health or environmental effects with practical, appropriate, and legally permissible methods under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this proposed action does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the State, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

**Authority:** 42 U.S.C. 7401 et seq.

Dated: August 8, 2013.

**Jared Blumenfeld,**

*Regional Administrator, Region IX.*

[FR Doc. 2013-20654 Filed 8-22-13; 8:45 am]

**BILLING CODE 6560-50-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 635

[Docket No. 130402317-3707-01]

RIN 0648-XC611

#### Atlantic Highly Migratory Species; 2014 Atlantic Shark Commercial Fishing Season

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** This proposed rule would establish opening dates and adjust quotas for the 2014 fishing season for the Atlantic commercial shark fisheries. Quotas would be adjusted as allowable based on any over- and/or underharvests experienced during 2013 and previous fishing seasons. In addition, NMFS proposes season openings based on adaptive management measures to provide, to the extent practicable, fishing opportunities for commercial shark fishermen in all regions and areas. The proposed measures could affect fishing opportunities for commercial shark fishermen in the northwestern Atlantic Ocean, including the Gulf of Mexico and Caribbean Sea.

**DATES:** Written comments will be accepted until September 23, 2013.

**ADDRESSES:** You may submit comments on this document, identified by NOAA-NMFS-2013-0112, by any of the following methods:

- **Electronic Submission:** Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to [www.regulations.gov/#/docketDetail;D=NOAA-NMFS-2013-0112](http://www.regulations.gov/#/docketDetail;D=NOAA-NMFS-2013-0112), click the "Comment Now!" icon, complete the required fields, and enter or attach your comments.
- **Mail:** Submit written comments to 1315 East-West Highway, Silver Spring, MD 20910. Please mark the outside of the envelope "Comments on the Proposed Rule to Establish Quotas and Opening Dates for the 2014 Atlantic Shark Commercial Fishing Season."
- **Fax:** 301-427-8503, Attn: Karyl Brewster-Geisz or Guý DuBeck.

**Instructions:** Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record

and will generally be posted for public viewing on [www.regulations.gov](http://www.regulations.gov) without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter "N/A" in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF file formats only.

**FOR FURTHER INFORMATION CONTACT:** Guý DuBeck or Karyl Brewster-Geisz at 301-427-8503.

#### SUPPLEMENTARY INFORMATION:

##### Background

The Atlantic commercial shark fisheries are managed under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The 2006 Consolidated Highly Migratory Species (HMS) Fishery Management Plan (FMP) and its amendments are implemented by regulations at 50 CFR part 635. For the Atlantic commercial shark fisheries, the 2006 Consolidated HMS FMP and its amendments established, among other things, commercial quotas for species and management groups, accounting measures for under- and overharvests for the shark fisheries, and adaptive management measures such as flexible opening dates for the fishing season and inseason adjustments to shark trip limits, which provide management flexibility in furtherance of equitable fishing opportunities, to the extent practicable, for commercial shark fishermen in all regions and areas.

##### Accounting for Under- and Overharvests

This proposed rule would adjust the quota levels for the different shark stocks and management groups for the 2014 Atlantic commercial shark fishing season based on over- and underharvests that occurred during 2013 and previous fishing seasons, consistent with existing regulations at 50 CFR 635.27(b)(2). Over- and underharvests are accounted for in the same region and/or fishery in which they occurred the following year or, for overharvests, spread over a number of subsequent fishing years to a maximum of 5 years. Shark stocks or management groups that contain one or more stocks that are overfished, have overfishing occurring, or that have an unknown status, will not have underharvest carried over in the following year. Stocks that are not overfished and have

**2013 Exceedances of the 24-Hour PM-10 Standard by Date**  
(Preliminary Data Through October 9, 2013)

Date	Monitor	24-Hour Avg. PM-10 Concentration in $\mu\text{g}/\text{m}^3$	Additional Information
April 8, 2013	Buckeye	299.2	Regional dust storm. The maximum west wind speed reached 36 mph with a maximum gust of 43 mph.
	Central Phoenix	184.7	
	Durango	209.9	
	Glendale	172.7	
	Greenwood	207.7	
	Higley	211.6	
	Supersite	165.9	
	West Chandler	234.9	
	West 43rd Ave.	301.6	
	West Phoenix	189.4	
Zuni Hills	165.7		
June 30, 2013	Central Phoenix	329.2	Regional dust storm. The maximum south wind speed reached 37 mph with a maximum gust of 48 mph.
	Durango	303.4	
	Glendale	210.8	
	Greenwood	274.2	
	South Phoenix	294.6	
	South Scottsdale	195.8	
	Supersite	262.1	
	Tempe	227.7	
	West Chandler	189.3	
	West 43rd Ave.	281.3	
July 2, 2013	Durango	193.2	Outflow winds in the morning and late evening from thunderstorms in Pinal County. The maximum south wind speed reached 32 mph with a maximum gust of 43 mph. Three Pinal County PM-10 monitors also recorded exceedances on July 2, 2013.
	West 43rd Ave.	193.8	
August 17, 2013	Buckeye	193.5	Thunderstorms from the north and northeast collapsed sending an outflow boundary toward the southwest. Winds in excess of 50 mph generated dust primarily across the western part of the region.
August 26, 2013	Durango	191.4	Regional dust storm. The maximum south wind speed reached 47 mph with a maximum gust of 56 mph.
	Greenwood	203.9	
	West 43rd Ave.	209.5	
	West Phoenix	255.6	
October 9, 2013	West Chandler	189.2	Widespread blowing dust associated with a strong upper level low pressure system. The maximum south wind speed reached 25 mph with a maximum gust of 37 mph. Six Pinal County PM-10 monitors also recorded exceedances on October 9, 2013.

**2013 Exceedances of the 24-Hour PM-10 Standard by Monitor**  
(Preliminary Data Through October 9, 2013)

Monitor	Date	24-Hour Avg. PM-10 Concentration in $\mu\text{g}/\text{m}^3$	Additional Information
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Central Phoenix	April 8, 2013	184.7	Regional dust storm. The maximum west wind speed reached 36 mph with a maximum gust of 43 mph.
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Durango	April 8, 2013	209.9	Regional dust storm. The maximum west wind speed reached 36 mph with a maximum gust of 43 mph.
	June 30, 2013	303.4	Regional dust storm. The maximum south wind speed reached 37 mph with a maximum gust of 48 mph.
	July 2, 2013	193.2	Outflow winds in the morning and late evening from thunderstorms in Pinal County. The maximum south wind speed reached 32 mph with a maximum gust of 43 mph. Three Pinal County PM-10 monitors also recorded exceedances on July 2, 2013.
	August 26, 2013	191.4	Regional dust storm. The maximum south wind speed reached 47 mph with a maximum gust of 56 mph.
Glendale	April 8, 2013	172.7	Regional dust storm. The maximum west wind speed reached 36 mph with a maximum gust of 43 mph.
	June 30, 2013	210.8	Regional dust storm. The maximum south wind speed reached 37 mph with a maximum gust of 48 mph.
Greenwood	April 8, 2013	207.7	Regional dust storm. The maximum west wind speed reached 36 mph with a maximum gust of 43 mph.
	June 30, 2013	274.2	Regional dust storm. The maximum south wind speed reached 37 mph with a maximum gust of 48 mph.
	August 26, 2013	203.9	Regional dust storm. The maximum south wind speed reached 47 mph with a maximum gust of 56 mph.
Higley	April 8, 2013	211.6	Regional dust storm. The maximum west wind speed reached 36 mph with a maximum gust of 43 mph.
South Phoenix	June 30, 2013	294.6	Regional dust storm. The maximum south wind speed reached 37 mph with a maximum gust of 48 mph.
South Scottsdale	June 30, 2013	195.8	Regional dust storm. The maximum south wind speed reached 37 mph with a maximum gust of 48 mph.
Supersite	April 8, 2013	165.9	Regional dust storm. The maximum west wind speed reached 36 mph with a maximum gust of 43 mph.
	June 30, 2013	262.1	Regional dust storm. The maximum south wind speed reached 37 mph with a maximum gust of 48 mph.
Tempe	June 30, 2013	227.7	Regional dust storm. The maximum south wind speed reached 37 mph with a maximum gust of 48 mph.
West Chandler	April 8, 2013	234.9	Regional dust storm. The maximum west wind speed reached 36 mph with a maximum gust of 43 mph.
	June 30, 2013	189.3	Regional dust storm. The maximum south wind speed reached 37 mph with a maximum gust of 48 mph.
	October 9, 2013	189.2	Widespread blowing dust associated with a strong upper level low pressure system. The maximum south wind speed reached 25 mph with a maximum gust of 37 mph. Six Pinal County PM-10 monitors also recorded exceedances on October 9, 2013.

Monitor	Date	24-Hour Avg. PM-10 Concentration in $\mu\text{g}/\text{m}^3$	Additional Information
West 43rd Ave.	April 8, 2013	301.6	Regional dust storm. The maximum west wind speed reached 36 mph with a maximum gust of 43 mph.
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	July 2, 2013	193.8	Outflow winds in the morning and late evening from thunderstorms in Pinal County. The maximum south wind speed reached 32 mph with a maximum gust of 43 mph. Three Pinal County PM-10 monitors also recorded exceedances on July 2, 2013.
	August 26, 2013	209.5	Regional dust storm. The maximum south wind speed reached 47 mph with a maximum gust of 56 mph.
West Phoenix	April 8, 2013	189.4	Regional dust storm. The maximum west wind speed reached 36 mph with a maximum gust of 43 mph.
	August 26, 2013	255.6	Regional dust storm. The maximum south wind speed reached 47 mph with a maximum gust of 56 mph.
Zuni Hills	April 8, 2013	165.7	Regional dust storm. The maximum west wind speed reached 36 mph with a maximum gust of 43 mph.



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October 17, 2013

TO: Members of the MAG Air Quality Technical Advisory Committee

FROM: Lindy Bauer, Environmental Director

SUBJECT: STATUS REPORT ON THE DRAFT MAG 2013 STATE IMPLEMENTATION PLAN REVISION FOR THE REMOVAL OF STAGE II VAPOR RECOVERY CONTROLS

The Maricopa Association of Governments (MAG) has been preparing a Draft MAG 2013 State Implementation Plan Revision for the Removal of Stage II Vapor Recovery Controls in the Maricopa Eight-Hour Ozone Nonattainment Area through a coordinated effort among the Arizona Department of Weights and Measures, Arizona Department of Environmental Quality, and Maricopa County Air Quality Department. The plan revision would request that the Environmental Protection Agency (EPA) remove the requirement for Stage II vapor recovery in this area for new gasoline dispensing facilities in 2014 and for existing facilities beginning in 2016, before a regional disbenefit begins to occur in 2018. In September 2013, EPA reevaluated the approaches for the region to remove Stage II, just as the draft plan revision was nearing completion. A federal government shutdown also occurred, beginning on October 1, 2013. It now appears that submission of the plan revision by December 2013 will be delayed.

#### BACKGROUND INFORMATION

In accordance with the 1990 Clean Air Act Amendments, Stage II gasoline vapor recovery systems have been a required emissions control measure in Serious, Severe, and Extreme ozone nonattainment areas. The Clean Air Act also required that beginning with model year 1998, onboard refueling vapor recovery (ORVR) equipment be phased in for new vehicles. It has been a required control on nearly all new highway vehicles since 2006. Since the two systems are duplicative, Clean Air Act Section 202 (a)(6) provided EPA with the authority to waive the Stage II requirements, after EPA determines that ORVR is in widespread use throughout the motor vehicle fleet.

On May 16, 2012, EPA published a final rule determining that the onboard refueling vapor recovery technology was in widespread use throughout the motor vehicle fleet for controlling motor vehicle refueling emissions. By this action, EPA waived the requirement for states to implement Stage II vapor recovery systems at gasoline dispensing facilities in nonattainment areas classified as Serious and above for the federal ozone standard. EPA determined that the emissions reductions from ORVR are essentially equal to and will soon surpass the emissions reductions achieved by Stage II alone. The rule indicated that EPA is eliminating the largely redundant Stage II requirement in order to ensure that refueling vapor

control regulations are beneficial without being unnecessarily burdensome to American business. States may now evaluate the removal of Stage II vapor recovery at gasoline dispensing facilities, since they are redundant systems.

Consequently, MAG, in cooperation with the Arizona agencies, began the preparation of a plan revision to remove Stage II vapor recovery controls in the Maricopa Eight-Hour Ozone Nonattainment Area. Based upon the calculation methods in the EPA guidance issued on August 7, 2012, the emission reduction benefits of Stage II vapor recovery from 2006-2020 continue to decline in this area as the market penetration for the onboard refueling vapor recovery systems increases in the motor vehicle fleet. In 2018, there is a disbenefit that begins to occur due to the incompatibility of the Vacuum Assist Stage II systems used in this area, with the onboard vehicle equipment. The incompatibility causes emissions to be released during vehicle refueling at gasoline dispensing facilities. This results in a regionwide increase of volatile organic compound emissions that contribute to ozone formation (see Table 1).

To avoid the disbenefit of Stage II that begins in 2018 and unnecessary economic burden to local businesses, the Arizona agencies began to evaluate approaches for removing Stage II vapor recovery in the Maricopa area. Since EPA had already made the widespread use determination, the Stage II requirements should be removed for new gasoline dispensing facilities in 2014. For existing facilities, the Arizona Department of Weights and Measures estimated that it would take two years to decommission the over 1,000 gasoline dispensing facilities in the area. If half of the existing stations are decommissioned in 2016 and half in 2017, the disbenefit would not occur in 2018.

Based upon the EPA calculation methods, there would be temporary increases in emissions during the removal of Stage II for new facilities beginning in 2014 and existing facilities in 2016 and 2017 that would be too small to interfere with attainment or progress toward attainment. Emission reduction credits from businesses that have closed and federal measures with continuing air quality benefits were also evaluated for possible off-sets for the temporary small increase in emissions from removing Stage II from new and existing facilities.

During the process of evaluating approaches to remove Stage II, the Arizona Department of Weights and Measures, in coordination with the Arizona Department of Environmental Quality and MAG, conducted stakeholder meetings to obtain feedback on November 30, 2012 and September 5, 2013. The Arizona agencies also coordinated with staff from the Environmental Protection Agency. By September 2013, the preparation of the draft plan revision was nearing completion. In the revision, it would be requested that EPA remove the requirement for Stage II vapor recovery in this area for new gasoline dispensing facilities in 2014 and for existing facilities beginning in 2016, before a regional disbenefit begins to occur in 2018. EPA had indicated that the emissions benefits from the federal gas can rule could be used to provide off-sets for the temporary increase in emissions in 2014-2017.

However, on September 17, 2013, EPA indicated that it had reevaluated the approach and provided clarification. EPA suggested that agencies keep in mind that the Maricopa area has not yet attained the 2008 eight-hour ozone standard of 0.075 parts per million and has a 2015 attainment date as a Marginal Area. The focus should be on attaining the ozone standard by 2015, rather than on using off-sets for temporary emission increases during the same time period that the area should be attaining the standard. In 2016, EPA would be reviewing air quality monitoring data to determine if Marginal Areas have attained the ozone standard.

EPA then described four options keeping in mind that the 2008 eight-hour ozone standard and a 2015 attainment date is the biggest challenge. To justify the 2014 date for Stage II removal for new facilities and the 2016-2017 dates for existing facilities, the Arizona agencies could: (1) Do a technical demonstration that the area will attain the 2008 ozone standard of 0.075 parts per million by 2015 and the increase in emissions will not impact attainment. (2) Pass a new control measure to off-set the increase in emissions. (3) Request a voluntary bump-up of the nonattainment area to Moderate, which has a later attainment date. (4) As an alternative, the Arizona agencies could keep the 2014 date for new facilities and switch to later 2017-2018 dates for existing facilities, then document how the emissions differences are small and temporary. EPA suggested this option since the later 2017-2018 dates for existing facilities will significantly reduce the increase in volatile organic compound emissions. In addition to the four options, if the concern is the nearer deadline for new facilities, EPA suggested that separate actions could be taken for new and existing facilities, pushing forward the 2014 new facility date more quickly.

The Arizona agencies discussed and considered the EPA suggested options. A new analysis was then prepared for three scenarios to remove Stage II to demonstrate to EPA that the increase in emissions is smaller for all scenarios, compared to retaining the current Stage II requirements. The scenarios for Stage II removal were: (1) New facilities in 2014 and existing facilities in January 2016-December 2017. (2) New facilities in 2014 and existing facilities January 2017-December 2018 (EPA suggestion). (3) New facilities in 2014 and existing facilities October 2016-September 2018 (decommissioning after the 2016 ozone season). These scenarios were then compared to retaining the current Stage II controls (see Table 2).

On September 27, 2013, the Arizona agencies conducted a conference call with EPA Region IX staff to discuss the scenarios and the temporary small increases in emissions. The Arizona agencies indicated that their preference for Stage II removal was still the original timeframe of new facilities in 2014 and existing facilities beginning in January 2016-December 2017. EPA explained its concern with increases in emissions during the time period when the area was to be attaining the standard. Positive comments from EPA were expressed for Stage II removal for new facilities in 2014 and existing facilities beginning after the 2016 ozone season (October 2016-September 2018). The Arizona agencies reiterated that they would prefer the original timeframe to provide stakeholders with relief as soon as possible due to the expense of installing, operating, and maintaining Stage II systems, which are redundant. The Arizona agencies also inquired about the possibility of enforcement discretion. EPA indicated that it would consider the questions posed by the agencies.

On October 1, 2013, the Arizona agencies were in the process of scheduling a follow-up conference call with EPA when the federal government shutdown went into effect. While MAG was nearing the completion of the draft plan revision in September and on schedule for a December 2013 submission to EPA, it appears that the submission will be delayed due to the reevaluation by EPA on the approaches to remove Stage II and the federal government shutdown that began on October 1, 2013.

If you have any questions, please do not hesitate to contact me at (602) 254-6300.

TABLE I

REGIONWIDE VOLATILE ORGANIC COMPOUND EMISSION REDUCTION  
BENEFITS OF STAGE II CONTROLS

Year	Percent Vehicle Population with Onboard Refueling Vapor Recovery	Percent Vehicle Miles Traveled with Onboard Refueling Vapor Recovery	Percent Gasoline Used by Vehicles with Onboard Refueling Vapor Recovery	Compatibility Factor*	Increment (EPA Equation)	Emission Reduction Benefits from Stage II Controls (metric tons/day)
2006	42.6	51.2	49.2	0.0382	0.2936	4.549
2007	48.4	57.3	55.5	0.0431	0.2492	3.960
2008	53.3	62.3	60.5	0.0470	0.2140	3.286
2009	57.7	66.8	64.8	0.0503	0.1837	2.659
2010	62.4	71.6	69.5	0.0540	0.1506	2.168
2011	67.1	76.0	73.9	0.0574	0.1196	1.740
2012	71.4	80.0	77.7	0.0604	0.0928	1.379
2013	75.3	83.4	81.0	0.0629	0.0695	1.041
2014	78.7	86.3	84.0	0.0653	0.0484	0.725
2015	81.8	88.8	86.5	0.0672	0.0308	0.462
2016	84.5	90.9	88.6	0.0688	0.0160	0.238
2017	86.8	92.5	90.3	0.0702	0.0040	0.600
2018	88.8	93.9	91.9	0.0714	-0.0073	-0.108
2019	90.5	95.0	93.2	0.0724	-0.0164	-0.244
2020	92.0	95.9	94.3	0.0733	-0.0242	-0.359

\*Larger values of this factor denote increased incompatibility between onboard refueling vapor recovery systems and Vacuum Assist Stage II systems.

TABLE 2

SMALL AND TEMPORARY REGIONWIDE INCREASE IN OZONE SEASON DAY  
VOLATILE ORGANIC COMPOUND EMISSIONS FROM THE  
REMOVAL OF STAGE II CONTROLS

Stage II Removal Schedule at New and Existing Gasoline Dispensing Facilities	Emission Increase from New Facilities (metric tons/day)		Emission Increase from New and Existing Facilities (metric tons/day)				2014-2019 Summed Emission Increase (metric tons/day)
	2014	2015	2016	2017	2018	2019	
New Facilities in 2014, Existing Facilities in 2016-2017	0.015	0.019	0.094	0.054	0	0	0.182
EPA Suggested Schedule: New Facilities in 2014, Existing Facilities in 2017-2018	0.015	0.019	0.015	0.024	0.036	0	0.108
New Facilities in 2014, Existing Facilities in Oct. 2016-Sept. 2018 (after the 2016 ozone season)	0.015	0.019	0.015	0.031	0.023	0	0.102
Retain Stage II Controls	0	0	0	0	0.108	0.244	0.352

Note: The Arizona Department of Weights and Measures estimates that it will take two years to decommission existing gasoline dispensing facilities in the Maricopa area. Emission increases in years 2014-2017 result from removal of Stage II controls. Emission increases in years 2018-2019 result from retaining Stage II controls.