

April 1, 2014

TO: Members of the MAG Management Committee

FROM: Dr. Spencer Isom, City of El Mirage, Chair

SUBJECT: MEETING NOTIFICATION AND TRANSMITTAL OF TENTATIVE AGENDA

Wednesday, April 9, 2014 - 12:00 noon  
MAG Office, Suite 200 - Saguaro Room  
302 North 1<sup>st</sup> Avenue, Phoenix

The next Management Committee meeting will be held at the MAG offices at the time and place noted above. Members of the Management Committee may attend the meeting either in person, by videoconference or by telephone conference call. The agenda and summaries also are being transmitted to the members of the Regional Council to foster increased dialogue between members of the Management Committee and Regional Council. You are encouraged to review the supporting information enclosed. Lunch will be provided at a nominal cost.

Please park in the garage under the building, bring your ticket, parking will be validated. For those who purchased a transit ticket to attend the meeting, Valley Metro/RPTA will provide transit tickets for your trip. For those using bicycles, please lock your bicycle in the bike rack in the garage.

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 Valerie Day at the MAG office. Requests should be made as early as possible to allow time to arrange the accommodation.

Members are reminded of the importance of attendance by yourself or a proxy. Any time that a quorum is not present, we cannot conduct the meeting. Please set aside sufficient time for the meeting, and for all matters to be reviewed and acted upon by the Management Committee. Your presence and vote count.

**MAG MANAGEMENT COMMITTEE  
TENTATIVE AGENDA  
April 9, 2014**

**COMMITTEE ACTION REQUESTED**

1. Call to Order

2. Pledge of Allegiance

3. Call to the Audience

An opportunity is provided to the public to address the Management Committee ON ITEMS THAT ARE NOT ON THE AGENDA THAT ARE WITHIN THE JURISDICTION OF MAG, or non-action agenda items that are on the agenda for discussion or information only. Citizens 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 Management Committee requests an exception to this limit. Please note that those wishing to comment on agenda items posted for action will be provided the opportunity at the time the item is heard.

4. Executive Director's Report

The MAG Executive Director will provide a report to the Management Committee on activities of general interest.

5. Approval of Consent Agenda

Prior to action on the consent agenda, members of the audience will be provided an opportunity to comment on consent items that are being presented for action. Following the comment period, Committee members may request that an item be removed from the consent agenda. Consent items are marked with an asterisk (\*).

3. Information.

4. Information.

5. Recommend approval of the Consent Agenda.

**ITEMS PROPOSED FOR CONSENT\***

**MINUTES**

\*5A. Approval of the March 12, 2014, Meeting Minutes

5A. Review and approval of the March 12, 2014, meeting minutes.

**TRANSPORTATION ITEMS****\*5B. On-Call Consulting Services Selection for Travel Survey - Data Application**

The fiscal year (FY) 2014 MAG Unified Planning Work Program and Annual Budget, approved by the MAG Regional Council in May 2013, includes \$4,500,000 for a three-year project, On-call Consulting Services for Travel Survey - Data Application. The main purpose of the project is to collect regional travel survey data from residential households and non-residential establishments within the same time frame for the purpose of re-calibrating and improving regional travel forecasting models, updating regional travel forecast, and providing information required for a variety of planning applications at MAG and MAG member agencies. A request for qualifications was advertised on January 30, 2014, for technical assistance in three areas of expertise: (A) Regional Travel Surveys, (B) Data Application, Data Analysis and Model Development and (C) Traffic and Infrastructure Data Collection and Data Management. Ten proposals were received by the February 28, 2014, deadline. On March 18, 2014, the multi-agency evaluation team met and recommended consultants to MAG to perform the technical assistance. Please refer to the enclosed material.

5B. Recommend approval of the list of on-call consultants for Area of Expertise A (Regional Travel Surveys): Cambridge Systematics, Inc., Parsons Brinckerhoff, Inc., Texas A&M Transportation Institute, Westat Inc. For Area of Expertise B (Data Application, Data Analysis and Model Development): Arcadis U.S., Inc., Caliper Corporation, Cambridge Systematics, Inc., Parsons Brinckerhoff, Inc., Westat Inc. . For Area of Expertise C (Traffic and Infrastructure Data Collection and Data Management): American Transportation Research Institute, Cambridge Systematics, Inc., Midwestern Software Solutions, LLC, Traffic Research & Analysis, Inc., for a total amount not to exceed \$4,500,000.

**AIR QUALITY ITEMS****\*5C. Status of Remaining MAG Approved PM-10 Certified Street Sweeper Projects That Have Not Requested Reimbursement**

Currently, all of the PM-10 certified street sweeper projects that have received authorization to proceed, have submitted a request for reimbursement. To assist MAG in reducing the amount of obligated federal funds carried forward in the MAG Unified Planning Work Program and Annual Budget, MAG has requested that street sweepers be purchased and reimbursement be requested by the agency within one year plus ten calendar days from the date of the MAG authorization letter.

5C. Information and discussion.

## ITEMS PROPOSED TO BE HEARD

6. USDOT TIGER Grant Round 6 - FY 2014

On March 3, 2014, the federal government issued a notice of funding availability (NOFA) for the sixth round of Transportation Investment Generating Economic Recovery (TIGER) discretionary grant funding. A total of \$600 million is available through a multimodal, merit-based competitive grant program. There is a set aside of \$120 million for rural areas and \$35 million for planning grants, which leaves \$445 million dedicated for projects in urban areas, such as the MAG region. MAG member agencies were requested to submit non-transit and planning projects by March 20, 2014. On March 27, 2014, the Transportation Review Committee (TRC) reviewed and discussed the projects that were submitted. The TRC recommended supporting the City of Phoenix TIGER application. Please refer to the enclosed material.

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

On February 6, 2014, the Environmental Protection Agency (EPA) published a notice proposing to approve the MAG 2012 Five Percent Plan for PM-10. The plan includes a wide variety of existing control measures and projects that have been implemented to reduce PM-10 and a new measure designed to reduce PM-10 during high risk conditions, including high winds. The plan demonstrated that the measures will reduce emissions by five percent per year and demonstrated attainment of the standard by December 31, 2012. EPA is also proposing to make a determination that the region has met the standard based upon three years of clean data for 2010-2012, as measured by the air quality monitors. Comments were due by March 10, 2014. The Arizona Center for Law in the Public Interest submitted comments urging EPA to reconsider its proposal to approve the plan as submitted. As a supplement to the comment letter, the Arizona Center for Law in the Public Interest submitted an independent analysis of the July 18, 2011 exceptional events submission.

6. Recommend approval to support the Phoenix capital project on Central Avenue between Jefferson Street and Baseline Road and the Phoenix planning project in the same area, either as a joint project or a separate project, based on the feedback between the City of Phoenix and the U. S. Department of Transportation.

7. Information and discussion.

Several letters in support of the EPA proposed approval of the MAG 2012 Five Percent Plan were also submitted. In 2013, there were six exceptional event days due to regional dust storms, thunderstorms and high winds. Documentation for the exceptional event days has been prepared and submitted to EPA for concurrence. Please refer to the enclosed material.

8. Legislative Update

An update will be provided on legislative issues of interest.

9. Development of the FY 2015 MAG Unified Planning Work Program and Annual Budget

Each year, the MAG Unified Planning Work Program and Annual Budget is developed incrementally in conjunction with member agency and public input. The Work Program is reviewed each year by the federal agencies and approved by the Regional Council in May. This presentation and review of the draft FY 2015 MAG Unified Planning Work Program and Annual Budget represents the budget document development to date. The elements of the budget document are approximately 60 percent complete. Staff will report on the comments from our federal transportation partners (Federal Highway Administration and the Federal Transit Administration) who attended the Intermodal Planning Group meeting that was held on March 28, 2014. Final approval of the Draft MAG Unified Planning Work Program and Annual Budget is scheduled for the May meetings of the Management Committee, Executive Committee and Regional Council. Please refer to the enclosed material.

10. MAG Human Services Provider Inventory Update

MAG staff will provide an update on the Human Services Transportation Provider Inventory, which is available on the MAG website. MAG is tasked with inventorying agencies that provide human services transportation resources to the community. The provider inventory is a document

8. Information, discussion, and possible action.

9. Information and discussion.

10. Information and discussion.

included in the MAG Human Services Coordination Transportation Plan which is required to receive Federal Transportation Administration funding for the Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities program. Through input from community stakeholders, MAG staff has developed a webpage to offer easier access by the public to transportation resources. The Human Services Provider Inventory can be found at the following link:

[http://www.azmag.gov/human\\_services/human\\_services\\_transportation\\_inventory.asp](http://www.azmag.gov/human_services/human_services_transportation_inventory.asp). A

demonstration of the website will be provided at the meeting.

11. Request for Future Agenda Items

Topics or issues of interest that the Management Committee would like to have considered for discussion at a future meeting will be requested.

12. Comments from the Committee

An opportunity will be provided for Management Committee members to present a brief summary of current events. The Management Committee is not allowed to propose, discuss, deliberate or take action at the meeting on any matter in the summary, unless the specific matter is properly noticed for legal action.

Adjournment

11. Information.

12. Information.

MINUTES OF THE  
MAG MANAGEMENT COMMITTEE MEETING  
March 12, 2014  
MAG Office, Saguaro Room  
Phoenix, Arizona

MEMBERS ATTENDING

Dr. Spencer Isom, El Mirage, Chair	Gregory Rose, City of Maricopa
Miranda DeWitt for Christopher Brady, Mesa	* Jim Bacon, Paradise Valley
# Matt Busby for George Hoffman, Apache Junction	Jeff Tyne for Carl Swenson, Peoria
David Fitzhugh, Avondale	Ed Zuercher, Phoenix
Stephen Cleveland, Buckeye	# Greg Stanley, Pinal County
* Gary Neiss, Carefree	* Tracy Corman for John Kross, Queen Creek
Peter Jankowski, Cave Creek	* Bryan Meyers, Salt River Pima-Maricopa Indian Community
Rich Dlugas, Chandler	Brad Lundahl for Fritz Behring, Scottsdale
Charles Montoya, Florence	* Chris Hillman, Surprise
Alfonso Rodriguez for Phil Dorchester, Fort McDowell Yavapai Nation	Andrew Ching, Tempe
Ken Buchanan, Fountain Hills	# Chris Hagen for Reyes Medrano, Tolleson
Rick Buss, Gila Bend	Joshua Wright, Wickenburg
* David White, Gila River Indian Community	Jeanne Blackman, Youngtown
Patrick Banger, Gilbert	Brent Cain for John Halikowski, ADOT
Cathy Colbath for Brenda S. Fischer, Glendale	John Hauskins for Tom Manos, Maricopa County
Brian Dalke, Goodyear	Wulf Grote for Steve Banta, Valley Metro/RPTA
# Rosemary Arellano, Guadalupe	
Darryl Crossman, Litchfield Park	

\* Those members neither present nor represented by proxy.  
# Participated by telephone conference call.      + Participated by videoconference call.

1. Call to Order

The meeting of the MAG Management Committee was called to order by Chair Dr. Spencer Isom, El Mirage, at 12:00 p.m.

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

Ms. Rosemary Arellano, Mr. Greg Stanley, Ms. Tracy Corman, Ms. Chris Hagen, and Mr. Matt Busby joined the meeting via teleconference.

Chair Isom congratulated Mr. Ed Zuercher on being named Phoenix City Manager. Chair Isom introduced a new member, David Fitzhugh, Acting City Manager of the City of Avondale.

Chair Isom noted that a legislative summary was at each place for agenda item #8.

Chair Isom announced that public comment cards were available to members of the public who wish to comment. Parking validation for those who parked in the MAG parking garage was available from staff and transit tickets were available from Valley Metro/RPTA for those who purchased transit tickets to come to the meeting.

3. Call to the Audience

Chair Isom stated that Call to the Audience provides an opportunity to the public to address the Management Committee on items that are not on the agenda that are within the jurisdiction of MAG, or non-action agenda items that are on the agenda for discussion or information only. Those wishing to comment on agenda items posted for action will be provided the opportunity at the time the item is heard. Public comments have a three minute time limit. A total of 15 minutes will be provided for the Call to the Audience agenda item, unless the Committee requests an exception to this limit.

Chair Isom recognized public comment from Ms. Dianne Barker, a resident of Phoenix. She encouraged speakers to speak into the microphones. Ms. Barker stated that she enjoyed living in the diverse area of downtown Phoenix and there are significant efforts to bring more people downtown. She noted that there was a request for proposals for predominantly senior living, and she added that unfavorable comments were made questioning the wisdom of bringing old people downtown. Ms. Barker remarked that if this had been a government, it would be subject to an age discrimination complaint. She said that she had spoken in favor of the senior living proposal. Ms. Barker noted that the downtown plan also includes a microbrewery. She commented that seniors do not want to be old, and she announced that she had won a dance contest over other contestants who were in their twenties and thirties. Ms. Barker spoke of riding bicycles when she was a child, and she said that with bicycles, people can go whenever they want and do not have to wait for someone to take them. Ms. Barker encouraged more options to reduce expense, improve the economy, and create healthier people. Chair Isom thanked Ms. Barker for her comments.

Chair Isom recognized public comment from Mr. John Rusinek, who resides in Phoenix at 2930 E. Turney Avenue. He said that no one cares about his dust problem that has been ongoing for 9.5 years that he has been logging. Mr. Rusinek stated that the City advised him to speak to his Phoenix City Councilman, Sal DiCiccio. Mr. Rusinek stated that he had a meeting scheduled, but Councilman DiCiccio was a no-show and did not call to cancel the meeting. He reported that Councilman DiCiccio said in a Council meeting that Mr. Rusinek has a vendetta against his neighbor and that this was a civil matter, but it is not. Mr. Rusinek noted that the Phoenix City ordinance says there will be no parking or maneuvering on surfaces that are not dustproofed. Chair Isom thanked Mr. Rusinek for his comments.

Chair Isom recognized public comment from Mr. Pat Vint, who referenced *The Arizona Republic* article about Ed Zuercher that said the previous two city managers knew from the beginning that he was extraordinary. Mr. Vint said that he had promised the detectives he would behave at the meeting. He stated that every new manager has to correct the problems of the previous manager, such as the budget deficit facing Phoenix that is estimated at \$26 million to \$52 million. Mr. Vint stated that the citizens are considered enemies by Phoenix employees. He noted that the newspaper article reported that Mr. Zuercher indicated that his job is to engage employees and motivate them. Mr. Vint stated that they do not do their jobs and they destroyed his private property. Chair Isom thanked Mr. Vint for his comments.

4. Executive Director's Report

Mr. Dennis Smith, MAG Executive Director, reported that the 2014 Desert Peaks Awards will be held June 25, 2014. He noted that the call for nominations has been sent to member agencies, and the deadline for submission is March 14, 2014. Mr. Smith encouraged submitting entries for the awards.

Mr. Smith stated that the study for the I-10/I-17 (Spine) Corridor Master Plan kicked off on February 21, 2014. He said that the study is a joint effort of the Arizona Department of Transportation, Federal Highway Administration, and MAG. He called attention to the fact that the project team's work experience totals more than 500 years. Mr. Smith stated that funding for improvements to the Spine totals \$1.47 billion, and is estimated to create 41,160 direct and indirect jobs. He added that every \$1 billion adds 28,000 jobs. Mr. Smith stated that the South Mountain Freeway has a \$1 billion construction budget, and added to the Spine budget, these two projects represent the addition of 72,240 jobs. He expressed his support for working together on these two projects.

Mr. Smith noted that economic development is an element included in federal transportation law. He said that studies show there are economic opportunities to the south, toward Mexico. Mr. Smith noted that on February 28, 2014, MAG and the Arizona Hispanic Chamber sponsored business-to-business events at the NASCAR race. He added that the City of Avondale sponsored delegates from Mexico and the Mexico Consulate in Phoenix to promote better relationships between the two countries.

Mr. Smith stated that MAG is sponsoring a tour for the Sonoran Institute of Technology (ITSON) that involves the Arizona Mexico Commission, and the Phoenix Consul General of Mexico. He said locations on the tour include the Phoenix Biomedical Campus, Greater Phoenix Economic Council, Arizona State University, Arizona Center for Algae Technology, United Dairymen of Arizona, Ponderovey Dairy, Central Arizona Project, Arizona Municipal Water Users Association and Valley Incubators. Mr. Smith noted that the MAG staff contact for this project is Alana Chavez-Langdon.

Mr. Smith stated that the *Don't Trash Arizona* lenticular display is available for 30-day displays at member agency facilities. He said that members could contact MAG staff members Ms. Kelly Taft or Ms. Leila Gamiz if they would like to use the display.

Mr. Smith stated that Southeastern Arizona Governments Organization is the most recent agency to sign the Resolution to expand the border zone to the entire state of Arizona. He reported that other agencies who have signed the Resolution include the Flagstaff Metropolitan Planning Organization, the Pima Association of Governments, the Intertribal Council, the Western Arizona Council of Governments, the Yuma Metropolitan Planning Organization, and MAG.

Mr. Smith stated that MAG is hosting the All Ages, One Region Conference on March 27, 2014, at the Glendale Civic Center. He noted that the winner and finalists of Age-Friendly Competition will be recognized and the MAG region will receive the national Best Intergenerational Community Award. Mr. Smith advised that the conference is no-cost to attend. He added that Amy St. Peter is the MAG staff contact.

5. Approval of Consent Agenda

Chair Isom stated that agenda items #5A, #5B, #5C, #5D, and #5E were on the Consent Agenda.

Chair Isom recognized public comment from Ms. Barker, who filled out a comment card for agenda items 5A and 5E. Ms. Barker expressed that the quality of MAG's minutes is very good. She said that you know what is happening at MAG when you read the minutes. Ms. Barker stated that Mr. Vint and Mr. Rusinek have been speaking about their plights and she thought their issues were solvable. She commented that even though MAG does not do ordinances, it could have an agenda item that reports how each jurisdiction's ombudsman deals with issues. Ms. Barker stated that Mr. Vint and Mr. Rusinek are nice family men who served their country but are not being served themselves. She said that there is a higher calling besides patting people on the back and giving awards. Ms. Barker stated that citizens also have a duty to take an oath also. She expressed that she felt blessed to be in this country and that she was a 13<sup>th</sup> generation American. Ms. Barker expressed her belief that there could be government that serves the people to avoid chaos. She said that she believed in the freedom of speech. Ms. Barker stated that Phoenix is diverse and she supported its partnership with Mexico, but all cultures need to be remembered. She requested again discussion of how municipal ombudsmen solve problems.

Chair Isom thanked Ms. Barker for her comments. He requested that public comments taken during the Consent Agenda focus on Consent Agenda items. Chair Isom requested that the next speakers requesting public comment on the Consent Agenda items confine their comments to Consent Agenda items.

Chair Isom recognized public comment from Mr. Rusinek, who filled out a comment card for agenda item 5A. He said that staff does a wonderful job on the minutes. He said he had complained one time that not all of his remarks were reflected in the minutes. Mr. Rusinek spoke of an article on the Tempe citizens' request, which caught his attention. He expressed that he wondered if he and Mr. Vint were on the interest list at the City of Phoenix or MAG. Chair Isom thanked Mr. Rusinek for his comments.

Chair Isom recognized public comment from Mr. Vint, who filled out a comment card for Consent Agenda item 5E. He said that certain organizations can be out of conformity depending on who

thinks they are God. Mr. Vint expressed his appreciation to Detective Tony and Detective Rick for guarding him. He recalled the car bomb set by bad people that killed reporter Don Bolles of *The Arizona Republic*. Mr. Vint encouraged that everyone should receive the same rights, not just those who complain. He expressed his appreciation to *The Arizona Republic*, which was considered done for, and it is not because it is not beneficial, but because there are easier ways to get the news. Mr. Vint spoke of the time he was in a restroom that was out of toilet paper and he pushed buttons on SmartPhone and out came toilet paper. He stated that the Phoenix City Manager needs to take care of the citizens and he requested a meeting with him. Mr. Vint remarked that he should believe not just what city employees say and a city cannot be run one-sided.

Chair Isom thanked Mr. Vint for his comments. He requested that in the future, general comments be made at Call to the Audience and he would appreciate it if comments during the public comment periods for agenda items pertain to the agenda items that are before the committee.

Chair Isom asked members if they had questions or requests to hear a presentation on any of the Consent Agenda items. None were noted. He asked if there were any requests to remove an item from the Consent Agenda. None were noted. Chair Isom called for a motion.

Mr. Darryl Crossman moved to recommend approval of the Consent Agenda. Mr. Josh Wright seconded, and the motion passed unanimously.

5A. Approval of the February 12, 2014, Meeting Minutes

The MAG Management Committee, by consent, approved the February 12, 2014, meeting minutes.

5B. ADOT Red Letter Process

In June 1996, the MAG Regional Council approved the Arizona Department of Transportation (ADOT) Red Letter process, which requires MAG member agencies to notify ADOT of potential development activities in freeway alignments. Development activities include actions on plans, zoning, and permits. ADOT has forwarded a list of notifications from July 1, 2013 to December 13, 2013. None of the 144 notices received had an impact to the state highway system.

5C. Job Access and Reverse Commute Programming Goals and Objectives

The MAG Management Committee, by consent, recommended approval of the Job Access and Reverse Commute Programming Goals and Objectives and updates to the Regional Programming Guidelines for Federal Transit Administration funding. On March 27, 2013, the MAG Regional Council approved the MAG Transit Programming Guidelines for the Phoenix-Mesa Urbanized Area. In Section 703 of the Guidelines, it was recommended that Job Access and Reverse Commute (JARC) receive a suballocation of Federal Transit Administration funds to be utilized for a regional competitive process. On October 23, 2013, per Regional Council approval, MAG assumed the role of programming JARC funds. On January 9, 2014, the MAG Transit Committee received a presentation by MAG staff on the draft programming goals and objectives for review

and input. MAG staff was requested to host additional working group discussions to review the draft recommendations. The draft programming goals and objectives for the JARC program were recommended for approval on February 13, 2014, by the MAG Transit Committee and on February 27, 2014, by the MAG Transportation Review Committee. Upon Regional Council approval, the draft programming goals and objectives for the JARC program will be incorporated into the MAG Transit Programming Guidelines.

5D. Approval of Transit Planning Agreement

The MAG Management Committee, by consent, recommended approval of the transit planning agreement (MOU) to be forwarded to the Federal Transit Administration and included in the FY 2015 MAG Unified Planning Work Program and Annual Budget. The current Transit Planning Agreement was approved by the MAG Regional Council in March 2010 and signed by all parties in April 2010. Since then, a new federal transportation authorization bill, Moving Ahead for Progress in the 21st Century (MAP-21) was signed into law in July 2012, which has changed requirements for regional transportation planning. Valley Metro, MAG, and the City of Phoenix have been working on revising the Transit Planning Agreement to meet the new federal requirements since August 2013. The revisions include clarifications regarding transit representation on MAG committees, regional transit planning coordination roles, inclusion of the Regional Programming Guidelines for Federal Transit Formula Funds in the programming process, acknowledgment of new funding sources, inclusion of the public hearing requirements, and new sections on performance measurement, safety plans, asset management, and Title VI.

5E. Conformity Consultation

The Maricopa Association of Governments is conducting consultation on a conformity assessment for an amendment and administrative modification to the FY 2014-2018 MAG Transportation Improvement Program (TIP). The amendment and administrative modification involve several projects, including the addition of transit projects. The amendment includes projects that may be categorized as exempt from conformity determinations. The administrative modification includes minor project revisions that do not require a conformity determination.

6. Second Deferral Request on the Construction Phase of the Bicycle and Pedestrian Improvements on the Arizona Canal from Chaparral Road to Indian Bend Wash by the City of Scottsdale

Mr. Steve Tate, MAG staff, stated that the MAG Regional Council approved the MAG Federal Fund Programming Guidelines and Procedures in October 2011. He explained that the Guidelines and Procedures provide guidelines for the deferrals of federally funded projects, and says that requests for a second deferral must be presented to MAG committees with final approval considered by the Regional Council.

Mr. Tate stated that the decision concerning the deferral request is to be based on four factors: 1) Identification and explanation of specific, nonfinancial problems and issues beyond the sponsoring agency's control that has led to the delay of the project. 2) Demonstration of financial and staff commitment by the sponsoring agency prior to the decision to request the project deferral. 3) A

revised schedule and plan that address the specific issues that have caused the delay. 4) If the project has been previously deferred, demonstration that the cause of the prior deferral has been addressed or explanation of the reason the revised approach will address the problem causing the delay.

Mr. Paul Basha, Transportation Director for the City of Scottsdale, continued the presentation on the City of Scottsdale's request to defer the construction phase of the Bicycle and Pedestrian Improvements on the Arizona Canal from Chaparral Road to Indian Bend Wash project from 2014 into 2015. He expressed his appreciation for the Committee for hearing the City's request. Mr. Basha noted that the request for a second deferral was unanimously recommended for approval on February 11, 2014, by the MAG Bicycle and Pedestrian Committee and on February 27, 2014, by the MAG Transportation Review Committee.

Mr. Basha displayed an aerial photograph of the project area and he said this project is very important to the City's multi use path system, as is Indian Bend Wash and the Crosscut Canal. He stated that the City has been paving portions of the canal banks for 15 years to provide a ten-foot wide concrete path. Mr. Basha stated that the portion paved this year is being done by a private developer. He noted that the portion being discussed today is approximately 1.8 miles long.

Mr. Basha stated that this section provides project connectivity with Phoenix, Tempe, and the Salt River Pima-Maricopa Indian Community. He reported that upon completion of this project, Scottsdale will have eight miles of paved paths adjacent to canals and 49 miles of connected paved paths in Scottsdale.

Mr. Basha reviewed the project's approval history. He said that the first deferral, which was necessitated by combining two projects into one, was granted by the MAG Regional Council in February 2012. Mr. Basha noted that the City simultaneously advanced a project on the Arizona Canal, which was paved last fall. He displayed a map of the projects.

Mr. Basha reviewed the pre-design process. In January 2012, ADOT advised that no reimbursement could be approved until FHWA authorization. In March 2012, ADOT approved the design request for proposals, which was then advertised in April 2012. Mr. Basha stated that 20 proposals were received in May 2012, three consultants were interviewed in June 2012, the consultant selected in July 2012 and the contract authorized in August 2012. He noted that design began in September 2012, the FHWA authorized reimbursement, and the first public hearing was held in December 2012.

Mr. Basha stated that the project is consistent with the portions already completed on the Arizona Canal and Crosscut Canal. He noted that the current project designs exceed the AASHTO design width and clearance guidelines.

Mr. Basha stated that when the preferred alignment on the east side of the canal bank was presented to the public in December 2012, it was met with opposition. He said that they presented the preferred alignment six months later, hoping that the opposition had dissipated, but they were met with more intense opposition. Mr. Basha stated that they revisited the issue in the summer

of 2013, and then presented a west side alternative, not a recommendation, to the public in September 2013. He stated that the difficulty with the west side alignment is that one percent of the project length does not conform to project goals.

Mr. Basha stated that in October 2013, the City presented the west side alternative to the public as the recommended alignment. He noted that sixty to eighty members of the public attended the public meetings early in the process and most of them opposed the project. At the Transportation Commission meeting in October 2013, when the west side alignment was discussed, the number of public had decreased to fifteen people – twelve of them speaking in favor of the project.

Mr. Basha pointed out on pictures the difficulty with the east side alignment is that the canal is at a higher level than the adjacent yards. He said that even though the bank is 30 feet wide and the path would begin five feet of clearance from the canal, the residents felt there would still be visibility into their back yards.

Mr. Basha described the west bank as narrow with close poles. He reported that the Transportation Review Committee (TRC) asked two questions about the west bank alternative. Mr. Basha stated that the TRC asked if the west bank residents know about the project and support it. He said that the west bank residents do know about the project – they were at the public meetings that took place in December 2012 to October 2013 – and most of them support the project. Mr. Basha stated that the TRC also asked if SRP was comfortable having a canal path next to its utility poles. He said SRP has attended meetings, is aware of the design, and supports the project. Mr. Basha added that the design provides clearance for utility vehicles.

Mr. Basha noted that the final alignment on the west side of the canal conforms to AASHTO standards. He stated that 500 feet is an eight-foot path with four-foot canal clearance, but they would prefer a ten-foot path with five-foot clearance. Mr. Basha stated that 400 feet of this project would have one-direction six-foot sidewalks instead of a ten-foot, two-direction sidewalks. He added that there are five-foot and eight-foot canal clearances on this segment.

Mr. Basha stated that the project schedule is on-track. He noted that the consultant, Olson Associates, submitted 30 percent design plans in February 2014 and is currently preparing 60 percent design plans for submittal to the City. Mr. Basha stated that a second deferral would require that the City submit plans to ADOT and FHWA in June 2015, but they anticipate submitting the plans in December 2014, six to seven months earlier than required. He added that the City anticipates completion of construction in December 2015.

Mr. Basha stated that funding for the project includes \$2.2 million in Congestion Mitigation and Air Quality Improvement funds and \$1.9 million in City of Scottsdale Capital Improvement Program funds. Mr. Basha stated that this project has been in the City of Scottsdale Capital Improvement Program for six years and the City Council has indicated support for the project and its funding.

Mr. Basha summarized the deferral timeline, which began with the first deferral when the City combined two adjacent projects and advanced a third project. He noted that there was a nine-

month delay to receive approval from FHWA for reimbursement, followed by an eleven-month delay to gain public acceptance. Mr. Basha noted that all of the aspects of the project are acceptable to guidelines and are on schedule.

Chair Isom thanked Mr. Basha for his report. He expressed his appreciation for the illustrations and he asked for clarification of the project map. Mr. Basha explained that the blue area indicated the segments already constructed or to be constructed this year, and the pink area indicated the segment that is the topic of the deferral. Chair Isom stated that it looked like a good project. He asked members if they had questions. None were noted.

Mr. Darryl Crossman moved to recommend approval of a second deferral for the construction phase of the bicycle and pedestrian improvements on the Arizona Canal from Chaparral Road to Indian Bend Wash project. Mr. Josh Wright seconded.

Chair Isom asked Mr. Smith to report on whether the deferral process that has been in place since 2011, had been effective. Mr. Smith replied that the process has been very effective. He said that no one wants to come before the MAG committees and explain why their project has not been completed. Mr. Smith stated that with the new process, the \$40 million to \$50 million in deferrals are down to zero.

With no further questions, the vote on the motion passed unanimously.

Mr. Brad Lundahl stated that this is an important project for the City of Scottsdale and he thanked members for their support.

7. Evaluation of Federal Fiscal Year 2014 Funding Levels and Tier II and Tier III Proposals - Amendment and Administrative Modification to the FY 2014-2018 MAG Transportation Improvement Program and the 2035 Regional Transportation Plan

Mr. Eric Anderson, MAG staff, stated that there is a “use it or lose it” provision from ADOT and FHWA in regard to the obligation of federal funds. He explained that ADOT in the past had an inventory of projects to which federal funds could be applied, but that no longer is the situation because the state no longer has state funds to advance construct projects. Mr. Anderson stated that MAG strives to ensure it has obligated all of its federal funds by the end of the federal fiscal year.

Mr. Anderson advised that there is a lot of uncertainty with federal funds, and a situation might sometimes occur, such as right-of-way, environmental issues, utility relocations, etc., that cause delays in a project. He said that MAG manages more than 100 projects at any given time – the most in the state.

Mr. Anderson stated that final project vouchers add unspent funds for completed projects to the region’s total. He said that sometimes when projects are closed out a small amount of funds remains and is left in MAG’s account. Mr. Anderson noted that the amount last year was \$8 million. He added that the redistribution of unobligated federal funds nationally adds to the funds that MAG can utilize.

Mr. Anderson reviewed the federal fiscal year 2014 ledger report for January. He noted that the total estimated funding for 2014 is approximately \$111 million. There is a small negative carry forward of approximately a half-million dollars and MAG received approximately \$4 million in final project vouchers. Mr. Anderson noted that \$114.5 million in projects are due to obligate, leaving a positive balance of approximately \$486,000.

Mr. Anderson stated that there are two forms of requests for Congestion Mitigation and Air Quality (CMAQ) funding: Tier II and Tier III.

Mr. Anderson explained that Tier II projects are projects scheduled for the next fiscal year that could obligate this fiscal year. Mr. Anderson advised that \$445,000 in projects were identified for the Tier II category.

Mr. Anderson stated that Tier III projects are projects that require additional federal funds, due to such things as increased costs or scopes. He noted that \$3.5 million in requests were received in this category.

Mr. Anderson stated that two options were developed and presented to the Transportation Review Committee. Option One was to use the funds on Tier II projects; approximately \$41,000 remains with this option. Option Two was to use the funds on Tier II and Tier III projects. Mr. Anderson noted that the projects in Option Two total approximately \$3.9 million, leaving a negative balance of \$3.5 million. He noted that the Transportation Review Committee recommended approval of Option Two.

Mr. Anderson noted that the question is why select the option that would result in a negative balance. He explained that there are always funds received through final vouchers and projects that are unexpectedly deferred, and they feel comfortable that the region is highly likely to receive additional funds and the \$3.5 million negative balance will be extinguished through the project completion process. Mr. Anderson noted that there is also the redistributed obligation authority at the end of the federal fiscal year.

Chair Isom thanked Mr. Anderson for his report and asked members if they had questions.

Mr. John Hauskins noted that the Transportation Review Committee discussed the likelihood that more funds would be available. He moved to recommend approval to proceed with Option Two: FY 2014 Tier II federal funding advancement of projects, and the FFY 2014 Tier III increased federal funding for projects that submitted requests for additional Congestion Mitigation and Air Quality (CMAQ) funding for FFY 2014 in the Bicycle/Pedestrian, Intelligent Transportation System (ITS), and Air Quality programs and of the associated amendments and administrative modifications to the FY 2014-2018 MAG Transportation Improvement Program, and as appropriate, to the 2035 Regional Transportation Plan. Mr. Stephen Cleveland seconded, and the motion passed unanimously.

8. Legislative Update

Mr. Nathan Pryor, MAG staff, provided an update on legislative issues of interest. He noted that a legislative summary was at each place. Mr. Pryor called attention to House Bill (HB) 2069 that would exclude future employees of political subdivisions, such as the state's metropolitan planning organizations, councils of governments, the League of Arizona Cities and Towns, the County Supervisors Association, and the Arizona Municipal Water Users Association, from qualifying for the Arizona State Retirement System (ASRS).

Mr. Pryor stated that participation in ASRS is a recruitment and retention issue. Mr. Pryor stated that activities in opposition of the bill have been taking place and he thanked member agencies for their outreach to legislators. He said the bill is pending a third read in the House and staff will continue to monitor its status. Mr. Pryor noted that the bill's passage would result in a \$23 million impact to ASRS and an increase of .03 percent to the contribution rate.

Chair Isom thanked Mr. Pryor for his report and asked members if they had questions.

Mr. Rick Buss said that he had read HB 2069 and he asked the public value or purpose of this legislation. Mr. Pryor replied that some legislators feel that those agencies are not government agencies even though they fulfill government functions and requirements. He expressed that they hope education efforts will increase legislators' understanding of the government functions these organizations fulfill and that they belong in ASRS.

Mr. Buss stated that MAG staff's work is exceptional and they clearly are public servants. He asked if they are not public servants, who do they serve? Mr. Buss moved to strongly oppose HB 2069 and to support the letter that was included in the agenda packet for this agenda item. Mr. Crossman seconded, and the motion passed unanimously.

9. Project Changes - Amendment and Administrative Modification to the FY 2014-2018 MAG Transportation Improvement Program and, as Appropriate, to the 2035 Regional Transportation Plan

Mr. Anderson stated that the project changes agenda item is to ensure the projects contained in the Fiscal Year (FY) 2014-2018 MAG Transportation Improvement Program (TIP) are reflected accurately. He pointed out that changes include requests by ADOT for deferrals. Mr. Anderson explained that more time is needed for transportation enhancement projects because of changes to the program resulting from MAP-21.

Mr. Anderson noted that requested changes also include a couple of CMAQ project deferrals, increasing the federal match on transit projects from 80 percent to 85 percent, and the projects included in Table B, which were the Tier II and Tier III projects recommended under agenda item #7.

Chair Isom thanked Mr. Anderson for his report. No questions from the Committee were noted.

Mr. Crossman moved to recommend approval of amendments and administrative modifications to the FY 2014-2018 MAG Transportation Improvement Program and, as appropriate, to the 2035 Regional Transportation Plan. Mr. Cleveland seconded, and the motion passed unanimously.

10. Resolution by the Maricopa Association of Governments Regional Council Supporting Inclusion of: MAG Adopted, Illustrative Corridors; Independent Segments for Environmental Assessment; and Further Study of the Alternative C Through Eastern Pima County as Identified as Part of the Interstate 11 and Intermountain West Corridor Study

Mr. Bob Hazlett, MAG staff, reported on the resolution that has been developed in support of Interstate 11. He said that Interstate 11 is envisioned to run from the metro Phoenix area north, and eventually to Canada. Mr. Hazlett stated that the Intermountain West Corridor Study has been underway by the Arizona and Nevada Departments of Transportation for 18 months. He stated that the study includes detailed corridor planning between Phoenix and Las Vegas, Nevada, and high-level visioning from Las Vegas to Canada and the Phoenix metro area to Mexico. Mr. Hazlett stated that the study also includes multimodal elements besides highways, such as freight, passenger rail, and public transportation.

Mr. Hazlett noted that the study is in Phase II. Mr. Hazlett stated that alternatives for the location of Interstate 11 were screened in Level One and then further screened in Level Two. He stated that potential alternatives for Interstate 11 in the MAG region were divided into those north of Interstate 10 and those south of Interstate 10.

Mr. Hazlett stated that two alternatives for north of Interstate 10 are being brought forward for further study: (1) a corridor that is approximately in the Hassayampa Freeway corridor and (2) a corridor that is approximately in the Turner Parkway area.

Mr. Hazlett stated that five alternatives for south of Interstate 10 are being brought forward for further study: (1) a corridor that is approximately the Hassayampa Freeway corridor; (2-5) Corridors that utilize portions of the existing MAG Freeway System, including portions of SR-85, SR-30, and Loop 303.

Mr. Hazlett stated that the alternatives screening process utilized 22 criteria. He stated that staff went back and reviewed the approved MAG framework studies to see how they would overlay the potential alternatives. Mr. Hazlett noted that the alternatives deviated from those corridors determined by a rigorous process and were approved as illustrative corridors by the MAG Regional Council. He said they have requested that MAG has requested that ADOT more accurately represent these corridors on future plans.

Mr. Hazlett summarized overall concerns and comments. He noted that there is support for the route of Interstate 11 to be on US-93 from Wickenburg to the Colorado River. Mr. Hazlett remarked that the emphasis should be on how Interstate 11 is built rather than on why it should be built, because Congress has already made the case. Mr. Hazlett stated that there are numerous distractions for north and south segments outside the congressionally designated route from the metro Phoenix area to Las Vegas. He urged increasing the accuracy by ADOT of the Hassayampa

Freeway corridor, which has been adopted by the MAG Regional Council as an illustrative corridor, and he noted that too many alternatives are moving forward.

Mr. Hazlett noted that MAG staff has met with ADOT staff on these concerns and they have agreed and incorporated them into their process, especially the parts about establishing independent utility. Mr. Hazlett stated that there has been a focus on narrow goals versus broader goals for construction of Interstate 11.

Mr. Hazlett reported that Pima Association of Governments sent a letter to MAG requesting support for the continued study of alternatives in Southern Arizona. He noted that Interstate 11 to Mexico is extremely important to consider. Mr. Hazlett stated that a Resolution urging further study was approved by PAG and they also request support from MAG. He noted that the draft Resolution that has been prepared was included in the agenda packet. Mr. Hazlett noted that the draft Resolution incorporates information from the PAG region and reiterates MAG's concerns about the planning process to honor the planning already done at considerable time and expense.

Chair Isom thanked Mr. Hazlett for his report and asked members if they had questions.

Mr. Hauskins stated that the draft Resolution is requesting that the Interstate 11 alternatives not deviate from the corridors that have been studied. He noted that there is an additional reason to support no deviation, and that is that there are large development agreements in place in these areas. Mr. Hauskins stated that some of the developments are in the range of 20,000 acres. He remarked that changing the alignments at this time would be difficult and affects a lot of planning work. Mr. Hauskins indicated that he thought the planning community had moved forward and spent a lot of money based on the framework studies.

Mr. Hauskins moved to recommend adoption of a resolution to support Interstate 11. Mr. Cleveland seconded the motion and made a statement that Maricopa County also has made efforts to aid in identifying Turner Parkway and other alignments that should not be considered for Interstate 11. He added that he felt it was important to acknowledge this and the great job by staff to bring this forward.

Mr. Zuercher stated that Interstate 11 is important to the region and the State, and the city of Phoenix supports it, but it is also very important to remember the needs of existing corridors of Interstate 10 and Interstate 17 and to continue moving forward the framework studies in the Central Valley.

Mr. Brian Dalke expressed support for the draft Resolution and to keep the framework studies as a part of the process. He remarked that many cities have included these studies in their general plans.

Mr. Smith stated that the Arizona Department of Transportation (ADOT) and Federal Highway Administration have a federal process they are required to follow to look at alternatives, but this region has already conducted an extensive planning effort and spent \$500,000 and that should be recognized in their planning process. Mr. Smith remarked that the public would assume the

frameworks would be incorporated into ADOT's study. He added that it appears there is now agreement with ADOT and we are on the right path with the Resolution.

With no further discussion, the vote on the motion passed, with Mr. Brent Cain abstaining.

11. Discussion of the Development of the FY 2015 MAG Unified Planning Work Program and Annual Budget

Becky Kimbrough, MAG staff, provided a report on the development of the FY 2015 MAG Unified Planning Work Program and Annual Budget. She noted that this month, the draft budget documents, including the detailed Work Program and the Programs in Brief summary of new proposed projects, were sent to members. Ms. Kimbrough stated that the detailed draft budget is about 60 percent complete.

Ms. Kimbrough stated that the draft MAG FY 2015 budget includes the program narratives, the estimated budget amounts for each of our projects and programs, and estimated carry forward amounts. She reported that in this draft, the estimated indirect cost rate for FY 2015 has been added to project costs. Ms. Kimbrough noted that since the draft budget was presented last month, one new project, the Onboard Survey of Transit Users, has been added for \$200,000.

Ms. Kimbrough reported that due to reauthorization of the federal surface transportation law, Moving Ahead for Progress in the 21st Century (MAP-21), the transit agreement signed a couple of years ago needed to be revised. She said that the revised draft agreement was presented under a separate item on the Management Committee agenda and will be included in the draft budget document.

Ms. Kimbrough stated that the draft FY 2015 budget will be reviewed at the Intermodal Planning Group meeting on March 28, 2014. This budget review is conducted by the Federal Highway Administration and the Federal Transit Administration. Other partners that might also attend the review include the Environmental Protection Agency, City of Phoenix, RPTA, Valley METRO, and the Arizona Department of Environmental Quality. Ms. Kimbrough added that any comments from this meeting will be presented back to the Management Committee.

Chair Isom thanked Ms. Kimbrough for her report. No questions from the Committee were noted.

12. Soft Launch of Building an International Economic Network

Mr. Anubhav Bagley, MAG staff, reported on the new website, Building an International Economic Network, or BIEN, developed at MAG. He explained that BIEN came about as a result of the MAG Freight Transportation Framework Study, studies by the Thunderbird School of Global Management Study on the importance of Arizona/Mexico trade relations, and the reauthorization of the federal surface transportation law, named Moving Ahead for Progress in the 21st Century (MAP-21). Mr. Bagley stated that MAP-21 includes a number of provisions to improve the condition and performance of the national freight network and to support investment of freight-related transportation projects.

Mr. Bagley stated that Mexico and Canada are Arizona's top trading partners and moving freight more efficiently between Mexico and Arizona and Arizona and Canada were factors that led to the development of the BIEN website.

Mr. Russell Miles, MAG staff, continued the presentation with a demonstration of the BIEN website. Mr. Miles stated that searches can be made by keyword, business activity, or distance. He explained that the Business Search page takes a user to the profile of a business, and when the user finds a business of interest, the user can send an email message to the business. Mr. Miles stated that the business who was contacted can reply directly to the email and at this point communication moves beyond the BIEN website and is between the two parties only. Mr. Miles noted that the website is being translated into Spanish. He stated that the website was developed entirely in-house by MAG staff. He acknowledged the assistance of Jon Christiansen and Jason Cheney. Mr. Miles stated that the website's address is [www.connectbien.com](http://www.connectbien.com).

Mr. Bagley stated that the trade region for the BIEN website is Arizona, Canada, and Mexico. He stated that businesses can come onto the website and self report their business activities. Mr. Bagley stated that there are about 900 different business classifications on BIEN. He explained that searches can be made with maps or key words. Mr. Bagley stated that BIEN has been presented to such agencies as the Arizona Commerce Authority, Greater Phoenix Chamber of Commerce, the Canada Arizona Business Council, and the Arizona Chamber of Commerce. Mr. Bagley stated that BIEN is a way to connect businesses in Arizona with businesses in Canada and Mexico, and provide additional opportunities for small and medium businesses to connect with each other.

Chair Isom thanked Mr. Bagley and Mr. Miles for their reports and asked if there were questions.

Mr. Smith asked if BIEN is mobile-friendly. Mr. Bagley replied yes, and additional enhancements are planned. He stated that their greatest goal right now is to increase the number of businesses, and they plan to take the MAG employer database and launch a direct email marketing to approximately 50,000 employers.

Mr. Smith stated that the Hispanic Chamber of Commerce is planning on taking the materials to Mexico next week. He stated that BIEN is a far more robust platform than other websites they studied, such as the Made in New York City site developed by the mayor's staff. Mr. Smith noted that the Canada Arizona Business Council representative referred to BIEN as the Lamborghini version. He acknowledged the efforts by MAG Information Services and Information Technology divisions on this project. Mr. Smith stated that the City of Phoenix is included and he encouraged other economic development divisions and companies to participate and they will populate the database.

### 13. Enhanced Online Mapping and Reporting Tools

Mr. Bagley stated that at the last Management Committee meeting, staff provided a report on the tools and data sets available to MAG. He then presented a report on the interactive mapping tool

set that is available on the MAG website. Mr. Bagley stated that seven interactive mapping tools are available.

Mr. Bagley stated that the idea behind the tool was based on census data and to provide a one-stop-shop for all data sets. He said that users can look at maps of such things as median income, poverty, and educational attainment. Mr. Bagley stated that data sets are updated on an ongoing basis. He demonstrated how a user can create maps for any MAG data or geography, and he noted that the summary report can be downloaded to PDF or Excel formats for insertion into Powerpoint presentations.

Mr. Bagley stated that in addition to the demographic viewer he demonstrated, MAG has employment, land use, landmark, projections, and bikeways, and domestic violence victim services viewers. He noted that they are currently working on a jobs center viewer due to requests heard during the economic development roadshows. Mr. Bagley demonstrated how the viewers can compare one city to another city and aerial views.

Mr. Smith noted that this can be an invaluable tool in grant writing. He noted that interest has been expressed by the brokerage community and staff will provide them a presentation. Mr. Smith noted that people will be able to access information in the field using a tablet.

Mr. Bagley stated that comparisons of jurisdictions can be made and the data downloaded on site.

Mr. Cleveland asked if staff would be providing roadshows to all of the jurisdictions. Mr. Bagley replied that staff has met with 17 jurisdictions and had detailed discussions of job centers. They presented where people live and work. Mr. Bagley stated that they are in the process of developing labor force and skill viewer and staff has met with Arizona State University, Maricopa Community Colleges, East Valley Institute of Technology, and WESTMARC to discuss how they can collaborate and build this data set. Mr. Bagley stated that knowledge of the current and future work forces helps to keep and attract businesses.

14. Request for Future Agenda Items

Topics or issues of interest that the Management Committee would like to have considered for discussion at a future meeting were requested.

No requests were noted.

15. Comments from the Committee

An opportunity was provided for Management Committee members to present a brief summary of current events. The Management Committee is not allowed to propose, discuss, deliberate or take action at the meeting on any matter in the summary, unless the specific matter is properly noticed for legal action.

No announcements were noted.

Adjournment

There being no further business, the meeting was adjourned at 1:30 p.m.

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Chair

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Secretary

# MARICOPA ASSOCIATION OF GOVERNMENTS

## INFORMATION SUMMARY... for your review

**DATE:**

April 1, 2014

**SUBJECT:**

On-Call Consulting Services Selection for Travel Survey - Data Application

**SUMMARY:**

The fiscal year (FY) 2014 MAG Unified Planning Work Program and Annual Budget, approved by the MAG Regional Council in May 2013, includes \$4,500,000 for On-Call Consulting Services for Travel Survey - Data Application. The main purpose of the three-year project is to collect regional travel survey data from residential households and non-residential establishments. The data collection efforts include a household travel survey, an establishment survey and complementary specialized travel surveys and traffic data collections. The survey data will be used to re-calibrate and improve regional travel forecasting models, update regional travel forecasts, and provide information required for a variety of planning applications at MAG and MAG member agencies. A request for qualifications was advertised on January 30, 2014 for technical assistance in three areas of expertise: (A) Regional Travel Surveys, (B) Data Application, Data Analysis and Model Development, and (C) Traffic and Infrastructure Data Collection and Data Management. Ten proposals were received by the February 28, 2014, deadline. On March 18, 2014, the multi-agency evaluation team met and recommended consultants to MAG to perform the technical assistance.

Ten Statements of Qualifications (SOQs) were received from Arcadis U.S., Inc., American Transportation Research Institute, Caliper Corporation, Cambridge Systematics, Inc., Midwestern Software Solutions, LLC, Parsons Brinckerhoff, Inc., Texas A&M Transportation Institute, Traffic Research & Analysis, Inc., Westat Inc., and Wilson & Company, Inc. A multi-agency evaluation team reviewed the SOQs and recommended to MAG that the following firms be included on a MAG on-call consulting list for Travel Survey - Data Application:

Area of Expertise A (Regional Travel Surveys): Cambridge Systematics, Inc., Parsons Brinckerhoff, Inc., Texas A&M Transportation Institute, Westat Inc.

Area of Expertise B (Data Application, Data Analysis and Model Development): Arcadis U.S., Inc., Caliper Corporation, Cambridge Systematics, Inc., Parsons Brinckerhoff, Inc., Westat Inc.

Area of Expertise C (Traffic and Infrastructure Data Collection and Data Management): American Transportation Research Institute, Cambridge Systematics, Inc., Midwestern Software Solutions, LLC, Traffic Research & Analysis, Inc.

**PUBLIC INPUT:**

No public input has been received.

**PROS & CONS:**

PROS: This project will enable MAG and MAG member agencies to ensure that emerging planning and travel forecasting needs are addressed in a timely manner, and proper data and transportation modeling tools are available to support future transportation policy decisions and transportation project evaluations. An equally important outcome of the project is availability to the MAG member agencies of the new updated travel survey data sets. The previous data set for a household survey was collected in 2008-2009 and fell on the economic downturn years. Collection of the new data sets is planned for 2015-2016 and will provide a better base for the future planning decisions. There is no recent regional establishment survey data available for the region and the survey has not been conducted at MAG in the past decade. Delaying the work element could compromise the efficiency of the transportation planning and forecasting work required for ongoing and future highway and transit projects and transportation policy decision evaluation.

CONS: None.

**TECHNICAL & POLICY IMPLICATIONS:**

TECHNICAL: This project will ensure that MAG can continue to provide high quality travel forecasts to MAG member agencies and MAG stakeholders. The surveys will collect the main data sets required for transportation system analysis and forecasting. The data must be collected periodically in order to keep regional travel forecasts relevant and sensitive to various policy scenarios.

POLICY: The project will improve the ability of the MAG regional travel demand model and data analysis efforts to provide information to policy decision makers regarding regional travel patterns and overall regional highway and transit travel demand.

**ACTION NEEDED:**

Recommend approval of the list of on-call consultants for Area of Expertise A (Regional Travel Surveys): Cambridge Systematics, Inc., Parsons Brinckerhoff, Inc., Texas A&M Transportation Institute, Westat Inc. For Area of Expertise B (Data Application, Data Analysis and Model Development ): Arcadis U.S., Inc., Caliper Corporation, Cambridge Systematics, Inc., Parsons Brinckerhoff, Inc., Westat Inc. For Area of Expertise C (Traffic and Infrastructure Data Collection and Data Management): American Transportation Research Institute, Cambridge Systematics, Inc., Midwestern Software Solutions, LLC, Traffic Research & Analysis, Inc., for a total amount not to exceed \$4,500,000.

**PRIOR COMMITTEE ACTIONS:**

On March 18, 2014, a multi-agency evaluation team reviewed the SOQs and recommended to MAG approval of the list of on-call consultants:

Area of Expertise A (Regional Travel Surveys): Cambridge Systematics, Inc., Parsons Brinckerhoff, Inc., Texas A&M Transportation Institute, Westat Inc.

Area of Expertise B (Data Application, Data Analysis and Model Development ): Arcadis U.S., Inc., Caliper Corporation, Cambridge Systematics, Inc., Parsons Brinckerhoff, Inc., Westat Inc.

Area of Expertise C (Traffic and Infrastructure Data Collection and Data Management): American Transportation Research Institute, Cambridge Systematics, Inc., Midwestern Software Solutions, LLC, Traffic Research & Analysis, Inc.

SOQ EVALUATION TEAM

Anubhav Bagley, Maricopa Association of Governments  
Arash Mirzaei, North Central Texas Council of Governments  
Darlanne Mulmat, San Diego Association of Governments  
Denise Lacey, Maricopa County Department of Transportation

Deng Bang Lee, Arizona Department of Transportation  
Ratna Korepella, Valley Metro  
Tim Strow, Maricopa Association of Governments  
Vladimir Livshits, Maricopa Association of Governments

**CONTACT PERSON:**

Vladimir Livshits, (602) 254-6300

# MARICOPA ASSOCIATION OF GOVERNMENTS

## INFORMATION SUMMARY... for your review

**DATE:**

April 1, 2014

**SUBJECT:**

USDOT TIGER Grant Round 6 – FY 2014

**SUMMARY:**

On March 3, 2014, the federal government issued a notice of funding availability (NOFA) for the sixth Round of Transportation Investment Generating Economic Recovery (TIGER) discretionary grant funding. A total of \$600 million is available through a multimodal, merit-based, competitive grant program. There is a set aside of \$120 million for rural areas, and \$35 million for planning grants, which leaves \$445 million dedicated for projects in urban areas, such as the MAG region. Projects submitted to compete for TIGER funding are evaluated on how well they meet the six primary selection criteria: state of good repair, safety, economic competitiveness, livability, environmental sustainability, and project readiness; and the two secondary selection criteria: innovation and partnership. Last year, the MAG Regional Council voted to support the Tempe Street Car and South Phoenix Transit Facility Refurbishment projects for a regional TIGER grant submittal.

The TIGER Round 6 application process has fast approaching deadlines. The grant submission is due on April 28, 2014, and requires all projects have a completed benefit-cost analysis per federal guidance. There are changes in this round in comparison to previous rounds. First, there is priority consideration for projects that 'better connect communities to centers of employment, education, and services (including for non-drivers) and that hold promise to stimulate long-term job growth, especially in economically distressed areas.' Second, previous TIGER grant application cycles had a priority emphasis on project readiness/federal obligation. Round 6 projects have until September 30, 2016, to obligate, which means projects have to be complete with federal design, environmental, and right-of-way process by June 2016.

The NOFA also states that TIGER project grant requests have to be at least \$10 million and no more than \$200 million (except in rural areas - \$1 million minimum). Additionally, projects submitted must have a minimum 20 percent local match, and it has been suggested by the U. S. Department of Transportation (USDOT) to have a 35 – 60 percent local cost share to be competitive. It is also to be noted that the USDOT 'will not consider funds to be matching funds if the source of those funds is ultimately a federal program.' For TIGER planning grants, there is no minimum cost requirement.

MAG requested member agencies to submit non-transit and planning projects by March 20, 2014 to be discussed at the Transportation Review Committee (TRC) on March 27, 2014. There were three capital projects and two planning projects submitted to MAG. The TRC met, discussed projects, and recommended to support the Phoenix capital project on Central Avenue between Jefferson Street and Baseline Road and the Phoenix planning project in the same area, either as a joint project or a separate project, based on the feedback between the City of Phoenix and USDOT.

The attached information provides details of the projects submitted.

**PUBLIC INPUT:**

None.

**PROS & CONS:**

PROS: The support from MAG Regional Council for a TIGER application will demonstrate a unified regional action for the City of Phoenix project. USDOT has reiterated the importance of regional support for TIGER applications.

CONS: The other capital projects submitted are needed projects in the region as they are in the current TIP.

**TECHNICAL & POLICY IMPLICATIONS:**

TECHNICAL: MAG will modify the Transportation Improvement Program (TIP) if the City of Phoenix receives TIGER funding for the project(s).

POLICY: None.

**ACTION NEEDED:**

Recommend approval to support the Phoenix capital project on Central Avenue between Jefferson Street and Baseline Road and the Phoenix planning project in the same area, either as a joint project or a separate project, based on the feedback between the City of Phoenix and the U. S. Department of Transportation.

**PRIOR COMMITTEE ACTIONS:**

On March 27, 2014, the Transportation Review Committee and recommended to support the Phoenix capital project on Central Avenue between Jefferson and Baseline and the Phoenix planning project in the same area, either as a joint project or a separate project, based on the feedback between the City of Phoenix and USDOT

MEMBERS ATTENDING

- Avondale: David Fitzhugh, Chair
- Phoenix: Rick Naimark, Vice Chair
- ADOT: Kwi-Sung Kang for Floyd Roehrlich
- Buckeye: Scott Lowe
- # Cave Creek: Ian Cordwell
- Chandler: Dan Cook
- \* El Mirage: Jorge Gastelum
- \* Fountain Hills: Randy Harrel
- Gila Bend: Ernie Rubi
- Gila River: Tim Oliver
- # Gilbert: Leah Hubbard
- Glendale: Debbie Albert
- Goodyear: Cato Esquivel

- Litchfield Park: Woody Scoutten
- \* Maricopa (City): Paul Jepson
- Maricopa County: John Hauskins
- # Mesa: Jeff Martin for Scott Butler
- \* Paradise Valley: Jim Shano
- Peoria: Andrew Granger
- Queen Creek: Mohamed Youssef
- Scottsdale: Todd Taylor for Paul Basha
- Surprise: Dick McKinley
- Tempe: Shelly Seyler
- Valley Metro: John Farry
- \* Wickenburg: Vince Lorefice
- Youngtown: Grant Anderson

EX-OFFICIO MEMBERS ATTENDING

- Street Committee: Dana Owsiany, City of Phoenix
- \* ITS Committee: Catherine Hollow, City of Tempe
- \* FHWA: Ed Stillings

- \* Bicycle/Pedestrian Committee: Denise Lacey, Maricopa County
- \* Transportation Safety Committee: Renate Ehm, City of Mesa

\* Members neither present nor represented by proxy. Attended by Videoconference  
# Attended by Audioconference

**CONTACT PERSON:**

Eileen Yazzie, (602) 254-6300.



**USDOT TIGER Grant - FY2014 - Round 6**

**Minimum Request: \$10,000,000**

Projects submitted to MAG

Capital Projects					
Agency & Project Location	Project Description	Total Cost	TIGER Request	Local/Other Funds	% Local Match (min. 20%)
<b>Buckeye</b> Interchange at I-10 and Miller Road, Miller Road from I-10 to South of Lower Buckeye Road, Durango / Yuma Road from Miller Road to 247th Avenue	Traffic Interchange improvements to include ramp extensions signalization & marking. Miller arterial widening to include additional traffic lanes, stormwater, sewer and dry utility improvements. Yuma/Durango widening to include sewer and additional lanes.	\$ 28,838,400	\$ 22,838,400	\$ 6,000,000	21%
<b>Chandler - Lead, MCDOT - Partner</b> Queen Creek Rd: McQueen to Gilbert & Cooper Rd: Queen Creek to Appleby Rd.	The project will widen this segment of Queen Creek Road to a six lanes, which improve the safety of the users. Cooper Road south of Queen Creek will be widened to a 4 lane road from the existing 3 lane road. Both segments will also include asphalt paving, curb, gutter, raised median for access control, sidewalk, bike lanes, street lighting, landscaping, access to adjacent commercial parcels, utility relocations, drainage improvements, and traffic signals.	\$ 18,468,456	\$ 10,000,000	\$ 8,468,456	46%
<b>Phoenix</b> Central Ave: Jefferson to Baseline	Multi-modal transportation improvements in the Central Avenue Corridor that include: parking expansion at the Ed Pastor Transit Center, corridor wide bike and pedestrian improvements including sidewalks, lighting, and bicycle infrastructure improvements along Central and the major intersecting arterials, corridor wide bus stop enhancements, and south transit facility refurbishments.	\$ 32,650,000	\$22,650,000 - \$16,650,000	\$10,000,000 - \$16,000,000	30% - 50%

Planning Projects				
Agency & Project Description	Total Cost	TIGER Request	Local/Other Funds	
<b>Gila Bend</b> - Downtown Revitalization Study to analyze land use and economic development opportunities for redevelopment to provide sustainable affordable housing, mixed-use retail and pedestrian friendly connectivity . It will also study sustainable practices related to storm water management and green infrastructure design and turn the Pima St. corridor from an auto-oriented highway into a multi-modal main street that integrates mixed-use pedestrian oriented land use, smart mobility solutions, and a community activity center. Gila Bend has become the Solar capital of the United States but lacks a sense of place that connects affordable safe and sanitary housing, retail and transportation alternatives for low income residents.	\$ 250,000	\$ 200,000	\$ 50,000	
<b>Phoenix</b> - Request for funding to continue the environmental/corridor planning efforts for the high capacity transit corridor on Central Avenue between downtown Phoenix and Baseline Rd.	\$ 2,000,000			

**TIGER GRANT PROJECT PROPOSAL - FY2014**

**PART A - CONTACT AND PROJECT DESCRIPTION**

<b>Contact Information</b>	
1. Name of Sponsoring Agency	City of Buckeye
2. Agency Contact Name	Nicole Schwegler
3. Phone Number of Agency Contact	623-349-6447
4. E-Mail Address of Agency Contact	<a href="mailto:nschwegler@buckeyeaz.gov">nschwegler@buckeyeaz.gov</a>
5. Project Partners	City of Buckeye, APS, Global Water
<b>Project Description</b>	
6. Please provide the Project Title	Buckeye Entry Improvements @ Miller and I-10
7. Please provide a concise, specific description of the project (250 character limit):	
Traffic Interchange improvements to include ramp extensions signalization & marking. Miller arterial widening to include additional traffic lanes, stormwater, sewer and dry utility improvements. Yuma/Durango widening to include sewer and additional lanes.	
8. Please provide the project limits:	
Interchange at I-10 and Miller Road, Miller Road from I-10 to South of Lower Buckeye Road, Durango / Yuma Road from Miller Road to 247th Avenue	
9. Please provide the TIP #	BKY13-104, BKY13-105
9. Please provide the project webpage:	N/A
10. Optional - Please provide a photo of current condition or of future rendering	

**PART B - TOTAL PROJECT BUDGET INCLUDING ALL SEGMENTS**

<b>Cost Estimate for the Project Including ALL Segments</b>	<b>Local Funding Amount</b>	<b>Other Contributing Funds</b>	<b>TIGER Request</b>	<b>Total Cost</b>	<b>Local Match Ratio (minimum 80%)</b>
1.ADOT Fee	\$ 100,000.00		\$ -	\$ 100,000.00	100%
2. Design	\$ 504,000.00		\$ 2,016,000.00	\$ 2,520,000.00	20%
3. Right of way	\$ 105,600.00		\$ 422,400.00	\$ 528,000.00	20%
4. Utilities	\$ 700,000.00		\$ 2,800,000.00	\$ 3,500,000.00	20%
5. Construction	\$ 4,590,400.00		\$ 17,600,000.00	\$ 22,190,400.00	21%
6. Total Cost	\$ 6,000,000.00		\$ 22,838,400.00	\$ 28,838,400.00	21%
7. Source/Type of Local Funds	General fund				
8. Source/Type of Other Funds					

**PART C - PROJECT SCHEDULE**

<b>Milestones - FY2014 TIGER Recipients must complete these steps by June 2016</b>	<b>Please enter milestone completion dates (mm/yyyy). If milestone is complete, enter in date it was completed.</b>
Kick off Meeting with ADOT	Sep-14
IGA with ADOT	Sep-14
Prepare Preliminary DCR	Nov-14
Prepare Final DCR	Jan-15
Conduct Environmental Surveys	Nov-14
Prepare Preliminary Categorical Exclusion (CE) Report	Jan-15
Prepare Final CE Report	Nov-15
Conduct Initial Utility Actions	Jan-15
Utility Clearance	Nov-15
Conduct Initial ROW Actions	Jan-15
ROW Acquisition	Jun-15
ROW Clearance	Nov-15
Prepare 30% Plans	Aug-15
Prepare 60% Plans	Nov-15
Prepare 95% Plans	Feb-16
Prepare and Submit Final PS&E package to ADOT/City Council Approval	May-16
ADOT Review / Approval of Bid Package	Jun-16

**TIGER GRANT PROJECT PROPOSAL - FY2014**  
**PART A - CONTACT AND PROJECT DESCRIPTION**

<b>Contact Information</b>	
1. Name of Sponsoring Agency	City of Chandler
2. Agency Contact Name	Daniel Cook, Transportation Manager
3. Phone Number of Agency Contact	480-782-3403
4. E-Mail Address of Agency Contact	<a href="mailto:dan.cook@chandleraz.gov">dan.cook@chandleraz.gov</a>
5. Project Partners	Maricopa County Department of Transportation
<b>Project Description</b>	
6. Please provide the Project Title	Queen Creek Road (McQueen to Gilbert) and Cooper Road (Queen Creek to Appleby Road)
7. Please provide a concise, specific description of the project (250 character limit):	
<p>The project will widen this segment of Queen Creek Road to a six lanes, which improve the safety of the users. The existing road is a scalloped street with some 2 lane and 3 lane segments. The 3 lane segments are partially improved by adjacent developement. The 2030 traffic projection is 35,000 vehicles per day which requires a 6-lane cross-section. Cooper Road south of Queen Creek will be widened to a 4 lane road from the existing 3 lane road. Both segments will also include asphalt paving, curb, gutter, raised median for access control, sidewalk, bike lanes, street lighting, landscaping, access to adjacent commercial parcels, utility relocations, drainage imporvements, and traffic signals. Queen Creek Road is a Maricopa County Road of Regional Significance and on the National Highway System. The project will support regional travel in Chandler, Gilbert, and the southeast valley by improving access to Intel, Wells Fargo, and other major employers. The project will also support an international shipping company that is locating adjacent to the project, and an adjacent 450 acres of future development light industrial/office development that will generate 3,500 jobs. The project provides a multimodal function by improved assess to the Chandler Municipal Airport, which is consistantly one of the top 20 busiest general aviation, and top 45 busiest of all airports in the Country. The adjacent 9 square mile Airpark Area is projected to have 30,000 jobs that will primarily filled by the middle class .</p>	
8. Please provide the project limits:	
<p>This segment of Queen Creek Road and Cooper Road is located in southeast Chandler approximately one and one-half miles south of the Loop 202 Freeway. The project limits for Queen Creek Road are McQueen Road on the west and Gilbert Road on the east, the project limits for the Cooper Road work are Queen Creek Road on the north and Appleby Road on the south which is one-half mile south of Queen Creek Road.</p>	
9. Please provide the TIP #	CHN18-110DZ
9. Please provide the project webpage:	Will be implemented summer 2014
10. Optional - Please provide a photo of current condition or of future rendering	

**PART B - TOTAL PROJECT BUDGET INCLUDING ALL SEGMENTS**

Cost Estimate for the Project Including ALL Segments	Local Funding Amount	Other Contributing Funds	TIGER Request	Total Cost	Local Match Ratio (minimum 80%)
1. ADOT Fee	\$ 10,000.00	\$ -	\$ -	\$ 10,000.00	100%
2. Design	\$ 91,563.00	\$ 1,514,800.00	\$ -	\$ 1,606,363.00	6%
3. Right of way	\$ 2,196,631.00	\$ -	\$ -	\$ 2,196,631.00	100%
4. Utilities	\$ 425,000.00	\$ -	\$ 950,000.00	\$ 1,375,000.00	31%
5. Construction	\$ 4,230,462.00	\$ -	\$ 9,050,000.00	\$ 13,280,462.00	32%
6. Total Cost	\$ 6,953,656.00	\$ 1,514,800.00	\$ 10,000,000.00	\$ 18,468,456.00	38%
7. Source/Type of Local Funds	City Capital Improvement Program Bond funds and Arterial Street Impact Fee funds				
8. Source/Type of Other Funds	MAG - STP funds, advanced from the ALCP				

**PART C - PROJECT SCHEDULE**

Milestones - FY2014 TIGER Recipients must complete these steps by June 2016	Please enter milestone completion dates (mm/yyyy). If milestone is complete, enter in date it was completed.
Kick off Meeting with ADOT	NA, Chandler is a Certified Acceptance Agency
IGA with ADOT	NA, Chandler is a Certified Acceptance Agency
Prepare Preliminary DCR	Prepared with the 30% plans
Prepare Final DCR	Prepared with the 30% plans
Conduct Environmental Surveys	Aug-14
Prepare Preliminary Categorical Exclusion (CE) Report	Sep-14
Prepare Final CE Report	Feb-15
Final CE Approval	May-15
Conduct Initial Utility Actions	Oct-14
Submit of Advanced Utility Relocaton Obligation	Sep-15
Utility Clearance	Mar-16
Conduct Initial ROW Actions	Sep-14
ROW Acquisition	Dec-15
ROW Clearance	Mar-16
Prepare 30% Plans	Nov-14
Prepare 60% Plans	May-15
Prepare 95% Plans	Nov-15
Prepare and Submit Final PS&E package to ADOT for Approval	NA, Chandler is a Certified Acceptance Agency
ADOT Review / Approval of Bid Package	Mar-16
Submit for Construction Obligation	Jun-16

# City of Phoenix

## Public Transit and Street Transportation Departments

### South Phoenix Transit Corridor Improvements

#### TIGER VI Application

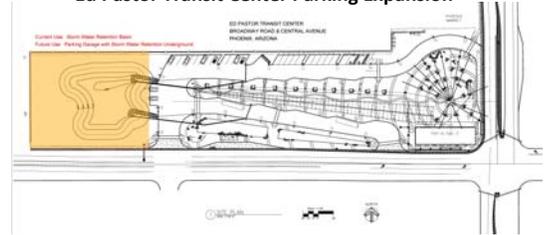
#### Overview

Phoenix is considering major multi-modal transportation improvements in the Central Avenue corridor between Jefferson Street and Baseline Road. The improvements would include projects that would implement elements of our Complete Streets Initiative, enhance multi-modal connections, provide bicycle infrastructure improvements, enhance ADA and shade at bus stops, and complete critical upgrades to a bus support facility that supports transit service to the Central Avenue transportation corridor. This highly transit-dependent area, which has experienced major residential, educational, and commercial development in the past ten years, has a comprehensive network of bus service but lacks upgraded passenger amenities and waiting areas along with safe connections (bike, pedestrian) that link other modes of transportation into this important corridor.

#### Scope of Project

- Ed Pastor Transit Center Parking Expansion – Will expand parking capacity of the transit center to accommodate park-and-ride users, improving multi-modal connections to local bus, RAPID bus, and future high capacity transit. (Cost: \$850,000. Current Status: Awaiting funding. No land acquisition required.)
- Corridor-Wide Pedestrian Improvements – Will address pedestrian needs (sidewalk, street lighting) detailed in the existing Street Transportation database. Would also implement bike infrastructure improvements outlined in the Bike Master Plan along Central Avenue, and on the major arterial streets intersecting Central Avenue. As emphasized in the City’s Complete Streets Initiative, safe connections to areas schools, public transit, and employment would be enhanced. (Cost: \$10.0 million. Current status: Awaiting funding.)
- Corridor-Wide Bus Stop Enhancements – Will enhance bus stop locations along Central Avenue (from downtown to Baseline Road) and on major arterial streets intersecting Central Avenue. Improvements will include upgrades for ADA compliance at bus stop locations, incorporation of shade, and refurbishments to existing bus stop pads and furniture. (Cost: \$300,000. Current status: Awaiting funding.)
- South Transit Facility Refurbishments – Will extend useful life of a 33-year old facility, bringing it into compliance with current building codes and Americans with Disabilities Act (ADA) requirements; improving facility and site security; completing major equipment replacements; increasing operational efficiencies by reconfiguring interior and exterior spaces; and reducing potential conflicts and site hazards through improved site access and circulation. (Cost: \$21.5 million. Current status: NEPA & design complete, construction bidding underway. Project was submitted for TIGER V in 2013.)
- South Central Avenue High Capacity Transit Corridor – Will provide funding to continue the environmental/planning efforts for the high capacity transit corridor on Central Avenue between downtown Phoenix and Baseline Road. (Cost: Est. \$2 million)

**Ed Pastor Transit Center Parking Expansion**



**South Transit Facility Refurbishments**



#### Purpose

In summary, this proposal includes a comprehensive network of improvements that build upon previous federal and local capital investment and planning initiatives underway in the area. It also addresses the federal objectives of greater opportunities to connect to education and employment through additional transportation choices. Combining planning and capital projects in this corridor allows us to improve multi-modal connectivity and;

- Build upon existing facilities/infrastructure: Ed Pastor Transit Center, South Transit Facility, and existing bus stops.
- Create stronger pedestrian and bicycle links to the transit corridor from adjoining neighborhoods.
- Recognize current need for improvements: South Transit Facility Refurbishments, bus stop enhancements, and new bus stops.
- Plan for future transit investments: South Central Avenue High Capacity Transit.



**TIGER GRANT PROJECT PROPOSAL - FY2014**  
**PART A - CONTACT AND PROJECT DESCRIPTION**

**Contact Information**

1. Name of Sponsoring Agency	Town of Gila Bend
2. Agency Contact Name	Ernest Rubi, Planning Director
3. Phone Number of Agency Contact	928-683-2255
4. E-Mail Address of Agency Contact	<a href="mailto:erubi@gilabendaz.org">erubi@gilabendaz.org</a>
5. Project Partners	

**Project Description**

6. Please provide the Project Title Gila Bend Downtown Revitalization Corridor Study

7. Please provide a concise, specific description of the planning project

Downtown Revitalization Study to analyze land use and economic development opportunities for redevelopment to provide sustainable affordable housing, mixed-use retail and pedestrian friendly connectivity . It will also study sustainable practices related to storm water management and green infrastructure design and turn the Pima St. corridor from an auto-oriented highway into a multi-modal main street that integrates mixed-use pedestrian oriented land use, smart mobility solutions, and a community activity center. Gila Bend has become the Solar capital of the United States but lacks a sense of place that connects affordable safe and sanitary housing, retail and transportation alternatives for low income residents.

8. Please provide the planning project limits/scope:

Planned grade separation of auto, bicycle, pedestrian and rail freight traffic will help maintain safety while increasing economic competitiveness in the region by removing those conflicts and provide significant livability and safety benefits for local residents. The planning study will examine existing streets, prepare appropriate Context Sensitive Solutions standards and apply Leadership in Energy Design and Environmental Designs (LEED) Neighborhood design principles to support a pedestrian friendly mixed-use redevelopment. In addition, the study will establish standards to accommodate a future transit facility within a community activity center.

9. Please provide the project webpage:

**PART B - PLANNING PROJECT BUDGET**

	<b>Local Funding Amount</b>	<b>Other Contributing Funds</b>	<b>TIGER Request</b>	<b>Total Cost</b>
1. Cost Estimate for the planning project	\$ 50,000.00		\$ 200,000.00	\$ 250,000.00
2. Source/Type of Local Funds	Town of Gila Bend			
3. Source/Type of Other Funds				

**ACLP****ARIZONA CENTER FOR LAW IN THE PUBLIC INTEREST**dedicated to ensuring government accountability  
and protecting the legal rights of Arizonans

March 10, 2014

VIA ELECTRONIC MAIL

Gregory Nudd (Air-2)

U.S. Environmental Protection Agency Region IX

75 Hawthorne St.

San Francisco, CA 94105-3901

RE: EPA-R09-OAR-2013-0762, Proposed Approval of Implementation Plans—Maricopa County PM-10 Nonattainment Area –Five Percent Plan for Attainment of the 24 Hour Standard

Dear Mr. Nudd:

We submit the following comments regarding EPA’s proposed approval of the *Maricopa Association of Governments Five Percent Plan for PM-10 for the Maricopa County Nonattainment Area* (“2012 Five Percent Plan”). For the following reasons, we urge EPA to reconsider its proposal to approve the plan as submitted.

1. **Failure to Require State to Demonstrate Compliance with All Applicable CAA Requirements.**

In the proposed rulemaking, EPA sets out an overview of applicable CAA requirements for a serious PM-10 nonattainment area that failed to meet its applicable attainment date. EPA correctly notes that the Maricopa PM-10 Nonattainment Area (“the Area”) is subject to CAA section 189(d) which requires the submission of a plan that provides for the annual emissions reduction of at least 5%. EPA further itemizes other CAA requirements that apply to either all attainment plans, or apply to PM-10 plans. Specifically, EPA addresses the following CAA requirements: emission inventories (§172(c)(3)); reasonable further progress (RFP) (§172(c)(2)); quantitative milestones for PM-10 plans (§189(c)(1)); contingency measures (§172(c)(9)); transportation conformity and motor vehicle emissions budgets (§176(c)); and adequate authority (§110(a)(2)(E)(i)).

EPA omits entirely any discussion or analysis of the requirement for PM-10 serious area plans found in CAA section 189(b)(1)(B) (“Provisions to assure that the best available control measures for the control of PM-10 shall be implemented no later than 4 years after the date the area is classified (or reclassified) as a Serious Area.”) (“BACM”) and CAA section 188(e) (requiring states seeking extension of the attainment date for serious areas to “demonstrate[ ] to the satisfaction of the Administrator that the plan for that area includes the most stringent measures that are included in the implementation plan of any State or are achieved in practice in any State, and can feasibly be

implemented in the area.”)(“MSM”) Under the express provisions of the CAA, both of these requirements apply to the Area, which is a serious PM-10 nonattainment area that obtained a five year extension of its attainment date pursuant to §188(e) in 2001, extending its attainment date to December 31, 2006. There is no legitimate reason to exclude or ignore these continuing requirements when evaluating the 2012 Five Percent Plan, especially when EPA acknowledges that the requirements of §172 and other requirements of §189 apply to a SIP submittal under §189(d).

EPA’s proposed approval of the 2012 Five Percent Plan without an updated BACM and MSM demonstration is an abuse of discretion and contrary to the law. At the time that the State sought the §188(e) extension, EPA required a demonstration of both BACM and MSM. And EPA approved those demonstrations in 2002. However, as EPA itself has advised the State both in correspondence and in a proposed rulemaking in 2010, since that approval in 2002 several air pollution control agencies in California and Nevada have adopted new control measures that are more stringent than those included in the 2012 Five Percent Plan. Thus, in light of these developments it is not at all clear that the Plan meets the BACM and MSM requirements imposed by the CAA. As discussed separately below, by EPA’s own analysis, the only agricultural controls included in the current SIP, no longer represent BACM. Without an updated demonstration with respect to the other control measures, it is impossible for EPA to determine whether the requirements of Sections 189(b)(1)(B) and 188(e) continue to be met. Moreover, whether existing controls satisfy BACM is a crucial inquiry in the evaluation of ADEQ’s request to treat 133 exceedances in 2011 and 2012 alone as “exceptional events.” We believe that EPA’s approval of the 2012 Five-Percent Plan without requiring the State to make an updated BACM and MSM demonstration is an abuse of discretion and contrary to law.

## **2. The 2012 Five-Percent Plan Does Not Include Adequate Control Measures for Agricultural Emissions.**

The 2012 Five-Percent Plan should not be approved because it does not include adequate control measures for agricultural emissions. As EPA is aware, one of the reasons that EPA proposed to partially disapprove the 2007 Five-Percent Plan back in 2010 (before it was withdrawn by the State) was because ACC R18-2-611 “Agricultural PM-10 General Permit”(“Maricopa BMP Rule”), which the State had included as a contingency measure, no longer qualified as BACM. EPA noted that although the rule had been approved as BACM in 2002 and the State had strengthened the Rule in 2007 by increasing the number of BMPs required under each category from 1 to 2, by 2010, other nonattainment areas had adopted programs to control agricultural emissions that were significantly stronger and did not have the enforceability issue found in the Maricopa BMP Rule. See Notice of Proposed Rulemaking, 75 FR 54813.

We realize that in response to EPA’s observations set forth in its 2010 proposed rulemaking and as well as in correspondence to the Agricultural BMP committee from EPA (see letter dated April 14, 2010 from Colleen McKaughan to Dan Thelander), the State made further changes to the Maricopa BMP Rule, effective 12/31/2011. Those changes purport to address at least some of the concerns expressed by EPA (See also Minutes of Agricultural BMP Committee meeting Tuesday, February 8, 2011 available at [http://www.azdeq.gov/environ/air/plan/download/AgBMP\\_Committee\\_Mtg\\_Minutes\\_2\\_8\\_2011\\_FINAL.pdf](http://www.azdeq.gov/environ/air/plan/download/AgBMP_Committee_Mtg_Minutes_2_8_2011_FINAL.pdf)); however, it is not clear that the amended Maricopa BMP Rule was sufficiently strengthened to qualify as BACM. For example, the rule still does not make

limited activity during a high wind event mandatory, despite the area's continuing problems with high wind events. Nor does the revised rule prevent a source from selecting and implementing relatively ineffective control measures when more effective measures are feasible.

However, even if the revised Maricopa BMP Rule did satisfy all of EPA's previously expressed concerns, because the State opted not to include it in the 2012 Five Percent Plan, and has not yet submitted it as a separate SIP revision, the 2012 Five-Percent Plan fails to adequately address this important source of emissions. Consequently, it would be an abuse of discretion for EPA to approve the current plan without requiring the State to remedy this critical omission and demonstrate that it has adopted BACM level controls for agricultural emissions and that those controls are federally enforceable as an approved part of the SIP.

**3. The State's Claim that the Dust Action General Permit Increases the Effectiveness of Rule 310.01 by One Percent on High Wind Days Cannot Be Confirmed and Should Not Be Relied Upon to Satisfy the 5% Reduction Requirement or Demonstrate Attainment.**

We also object to the State's reliance upon the Dust Action General Permit to satisfy the 5% reduction requirement and in its attainment demonstration. In the Plan, ADEQ and MAG estimate that the Dust Action General Permit will increase the rule effectiveness of Rule 310.01 by one percent. However, we are not persuaded that the Permit achieves any measurable reduction in emissions. Because of the way the Permit is structured, the extent of its actual scope is unclear. Moreover, because compliance is only measured by instances of lack of compliance discovered by inspectors who happen upon an owner or operator of a regulated activity who is not implementing a BMP, there is no way to gage that the issuance of the permit is actually impacting behavior in a manner that reduces emissions. According to ADEQ, since the Permit was issued, ADEQ has not yet issued a single "Requirement to Operate" ("RTO"). The significance of that fact in terms of Rule efficacy or emissions reductions, however, is inconclusive. It is possible that owners and operators not already subject to permits implemented BMPs as a result of the Permit, but it is equally plausible that BMPs are not being implemented but inspectors have not discovered the violations. Or it is possible that the universe of potential permittees under the Dust Action General Permit was so small that the adoption of the Permit had no practical effect whatsoever. Under these circumstances, we believe it is an abuse of discretion to allow the State to claim emissions reduction credit for this additional control measure.

**4. EPA's Proposal to Exclude 131 Exceedances that Occurred Over Twenty Five Days As "Exceptional Events" Represents an Abuse of Discretion and Is Contrary to Law.**

In its Proposed Rulemaking, EPA states that "ADEQ submitted three packages containing demonstrations for high wind PM-10 exceptional events covering a total of one hundred thirty-three measured exceedances occurring over twenty-seven days in the years 2011 and 2012 at monitors within the Maricopa County PM-10 Nonattainment Area" and indicates that it has concurred with respect to one hundred and thirty one of the submitted exceedances. 79 FR 7122. We have extensively reviewed the documentation prepared by EPA in its evaluation of these events and are unable to reconcile some of the numbers cited by EPA. For example, in evaluating the first package submitted by ADEQ, EPA stated that it was a demonstration for 29 exceedances of the 24 hour PM-10 standard that occurred at several monitoring stations within the Phoenix PM-10 nonattainment area on July 3, 4, 5, 7 and 8, 2011. (See Analysis included in September 6, 2012 letter from Jared

Blumenfeld to Eric Massey, p.1.) Table 1, entitled “EPA PM-10 Exceedance Summary,” lists the reported averages over 150 ug/m<sup>3</sup> for each event day, which add up to 29, but the summary shows two monitor readings for the JLG Supersite on July 3. (*Id.*, p. 2).

The concurrence letter for the second submittal by ADEQ references 65 exceedances, but Table 1 of the supporting analysis lists a total of 69 reported averages over 150 ug/m<sup>3</sup>, and that summary includes two monitor readings for the JLG Supersite on August 25, 2011 and November 4, 2011; and two monitor readings for the Buckeye site on August 25, 2011, and two monitor readings for the North Phoenix site on November 4, 2011.

Finally, the third concurrence letter dated July 1, 2013 refers to thirty seven exceedances and in the supporting documentation, Table 1 lists thirty seven reported averages over 150 ug/m<sup>3</sup> and the summary includes two reported averages for the JLG Supersite and North Phoenix on September 11, 2011, and two reported averages for the JLG Supersite on June 27, 2012.

Thus it appears that EPA’s treatment of multiple monitor readings at a single site on a single day is inconsistent as between the three packages, and we did not see any explanation for it in the analysis. Consequently, we are not sure how EPA arrived at the total of 131 of 133 exceedances referenced in the Proposed Rulemaking. Admittedly, if you add up the subtotals included in the concurrence letters (29 + 65 +37) the total number of exempted exceedances is 131. However, if you add up the subtotals from each of the Tables in the supporting documentation (29+69+37) the total number of exceedances that EPA has concurred with is 135. Finally, if you only count one of the two exceedances for those sites with double monitors reporting a 24 hour average above 150 ug/m<sup>3</sup>, then the total number of exceedances is 127. For purposes of our analysis, we have opted to use the lowest number and treat the averages reported by the double monitors as a single exceedance.

With that clarification, we believe, frankly, that EPA’s proposal to exempt 127 exceedances that occurred over 25 days is unconscionable, and by excluding the data, EPA and ADEQ misrepresent the extent of the particulate pollution in the Area to the grave detriment of public health. As shown below, if these exceedances were not excluded, 14 of the 16 monitoring sites that reported exceedances would be violating the standard by a significant measure (the violating monitors are in bold). According to EPA’s interim guidance, these exceedances are, to say the least, “frequent.” (See Interim Guidance on the Preparation of Demonstrations in Support of Requests to Exclude Ambient Air Quality Data Affected by High Winds Under the Exceptional Events Rule, May 2013 (“Interim Guidance”) p. 13.fn. 25 (“Frequent is enough exceedances from high wind dust events to cause of [sic] violation of the NAAQS.”).

Monitor/Site	2011	2012	3 yr. avg.
<b>Apache Junction</b>	<b>5</b>	<b>0</b>	<b>1.66</b>
<b>Buckeye</b>	<b>8</b>	<b>1</b>	<b>3</b>
<b>Central Phoenix</b>	<b>8</b>	<b>1</b>	<b>3</b>
<b>Durango Complex</b>	<b>8</b>	<b>4</b>	<b>4</b>
<b>Dysart</b>	<b>5</b>	<b>1</b>	<b>3</b>
<b>Glendale</b>	<b>5</b>	<b>1</b>	<b>3</b>
<b>Greenwood</b>	<b>6</b>	<b>2</b>	<b>2.66</b>

<b>Higley</b>	<b>8</b>	<b>3</b>	<b>3.66</b>
<b>JLG Supersite</b>	<b>6</b>	<b>1</b>	<b>2.33</b>
North Phoenix	2	1	1
<b>South Phoenix</b>	<b>8</b>	<b>3</b>	<b>3.66</b>
Tempe	0	1	.33
<b>West 43<sup>rd</sup></b>	<b>7</b>	<b>5</b>	<b>4</b>
<b>West Chandler</b>	<b>11</b>	<b>3</b>	<b>4.66</b>
<b>West Phoenix</b>	<b>8</b>	<b>1</b>	<b>3</b>
<b>Zuni Hills</b>	<b>3</b>	<b>1</b>	<b>1.33</b>
Total	98	29	

Moreover, as the following chart shows, 45\* of the 127 exceedances that EPA has proposed to exclude are greater than 250 ug/m<sup>3</sup>, the threshold that EPA has identified as “severe” in its interim guidance. *Id.* at fn. 26 (“A severe exceedance could be a 24-hour average PM-10 concentration >250 ug/m<sup>3</sup>”) And the severe exceedances are spread over 14 days:

Date	Monitoring Site	24 hour Avg.
7/3/2011	Greenwood	254
7/3/2011	Zuni Hills	260
7/3/2011	Durango Complex	277
7/3/2011	Central Phoenix	279
7/3/2011	South Phoenix	280
7/3/2011	Buckeye	385
7/5/2011	Central Phoenix	277
7/5/2011	West Phoenix	278
7/5/2011	JLG Supersite	331
7/5/2011	West Chandler	360
7/5/2011	Higley	362
7/7/2011	Higley	266
7/18/2011	Durango Complex	267
7/18/2011	South Phoenix	303
8/18/2011	Buckeye	296
8/25/2011	Dysart	273
8/25/2011	West Chandler	278
8/25/2011	Central Phoenix	308
8/25/2011	South Phoenix	308
8/25/2011	West 43 <sup>rd</sup>	369
8/25/2011	Buckeye	388
8/25/2011	Durango Complex	436
8/27/2011	Durango Complex	261
8/27/2011	West 43 <sup>rd</sup>	292
8/27/2011	South Phoenix	301
8/28/2011	Apache Junction	283

9/2/2011	Central Phoenix	308
9/2/2011	South Phoenix	339
9/2/2011	West Chandler	387
10/4/2011	West Chandler	251
11/4/2011	Durango Complex	251
11/4/2011	Higley	258
11/4/2011	Zuni Hills	258
11/4/2011	West Phoenix	279
11/4/2011	Buckeye	284
11/4/2011	West Chandler	670
6/27/2012	Zuni Hills	285
6/27/2012	Greenwood	323
6/27/2012	JLG Supersite	329
6/27/2012	JLG Supersite	344
6/27/2012	Glendale	337
6/27/2012	Central Phoenix	340
6/27/2012	South Phoenix	342
7/11/2012	South Phoenix	285
8/14/2012	West 43 <sup>rd</sup>	254

\*JLG Supersite only counted once for 6/27/2012

Given the frequency and severity of the exceedances that ADEQ submitted as “exceptional events,” as well as the Area’s status as serious nonattainment and the State’s previous withdrawal of its earlier Five-Percent Plan, we believe EPA’s analysis regarding whether the exceedances were not reasonably controllable or preventable should have been significantly more probing. Instead, reviewing the analysis accompanying the concurrence letters, it appears as though EPA simply took at face value the assertions by ADEQ regarding the reasonableness of controls in place and the extent to which these incidents were preventable.

It appears that both ADEQ and EPA simply developed “cookie cutter” templates for the submissions and concurrences that packaged the data but required minimal analysis. Yet when the 127 exceedances are considered in the aggregate, there is a clear pattern that demonstrates that these are neither exceptional nor isolated events. Rather, they are predictable events that are seasonal in nature and could be significantly ameliorated if the State were to adopt appropriate control measures for windblown dust both within the attainment area and statewide. By treating these exceedances as “exceptional events,” EPA is allowing the State to avoid addressing the serious issue of windblown dust and is abdicating its responsibility to protect the public health and safety. The reasons we believe EPA’s concurrence is contrary to law are set forth below. But even if we assume for purposes of argument that EPA has the discretion to treat these frequent and serious exceedances as exceptional events, we believe that doing so without requiring the State to undertake comprehensive mitigation measures is an abuse of that discretion.

**a. The State's Claim that the Exceptional Events Were Not Reasonably Controllable or Preventable Is Refuted by the Fact that BACM Level Controls Were Not in Place within the Area.**

In its submissions, ADEQ repeatedly makes the claim that the events were not reasonably controllable or preventable because "BACM-approved" control measures were in place, an assertion accepted at face value by EPA in its concurrence analysis. That assertion, however, is misleading at best. Moreover, it should be noted that although having BACM in place during the time of the event is an important consideration, EPA has indicated that it may not be sufficient on its own. Interim Guidance, p 15. BACM measures may be insufficient if the SIP has not been recently reviewed. *Id.* EPA has indicated that it will only consider windblown dust BACM to constitute "reasonable controls" for exceptional event purposes if the measures have been reviewed and approved in the context of a SIP revision for the emission SIP within the past three years. *Id.* And the controls must be specific to windblown dust.

As discussed above, the last full BACM demonstration approved by EPA for the Area was in 2002, with a supplemental analysis of CARB diesel in response to a remand in 2006, well outside the three year window recognized by EPA in its guidance. Moreover, 98 of the 127 exceedances that EPA has proposed to exempt as Exceptional Events occurred in 2011. During that time period, the 2007 Maricopa BMP Rule was the only control measure in place for agricultural emissions and EPA had expressly found in its 2010 proposed rulemaking that the Rule no longer represented BACM for agricultural emissions. Although as noted above, the Rule was subsequently revised through an exempt rulemaking, the Rule revision was not submitted to the Arizona Secretary of State until December 29, 2011 and commercial farmers did not have to begin implementing it until March 2012. Thus, for at least 98 of the 127 exceedances at issue, the State cannot satisfy the requirement that dust originating from anthropogenic sources within the nonattainment area were controlled with BACM.

Moreover, as noted above, in 2010 EPA wrote the BMP Committee and suggested that in light of all of the High Wind Exception Event requests, the Committee should consider making no till and no harvest mandatory on high wind days. The Committee did not adopt that suggestion, however, and the revised Maricopa BMP Rule continues to include no till / no harvest on high wind days as one of several control measures that a source can choose to implement. And the current rule does not require a commercial farmer to adopt the most effective BMP that is feasible. A source need only select any two control measures off the menu regardless of efficacy. So ADEQ's implication in its Exceptional Events documentation that these events could not have reasonably been prevented because BACM level controls were in place is simply incorrect. Controls were in place but by EPA's own assessment, they weren't BACM level controls at least through the entirety of 2011, and quite possibly into 2012.

In its concurrence analysis, EPA does not address this departure from the Interim Guidance, or make any attempt to determine whether the controls in place during the events did, in fact, represent BACM. Rather, both EPA and ADEQ simply rely upon the outdated, prior approval of the State's BACM demonstration that occurred over a decade ago to claim that there were "BACM-approved controls" in place. We contend that concurrence under these circumstances is an abuse of discretion and contrary to law.

**b. The State Has Failed to Demonstrate that Sources Outside of the Area Were Subject to Reasonable Controls, and, in Fact, They Were Not.**

The state's claim (and EPA's concurrence) in the demonstrations that the events were caused by "winds transporting dust from desert areas of Pima and Pinal Counties" does not adequately address the issue of whether the events were reasonably controllable or preventable. The Interim Guidance states that "all upwind areas of disturbed soil to be considered potential contributing sources." (6.3.2.3 Basic controls analysis). Further, "[a] basic controls analysis should identify all contributing emission sources in upwind areas and provide evidence that those sources were reasonably controlled, whether anthropogenic or natural." (6.3.2.3 Basic controls analysis) and "inspection reports and/or notices of violations (NOVs) in upwind areas should be submitted, if available." None of the demonstrations submitted by the State or the concurrence documents prepared by EPA indicate that control measures outside of Maricopa County were even evaluated for their "reasonableness."

The controls cited by the State for Pinal County, County Fugitive Dust Rules, are minimalist rules that largely address dust-causing activities, but fail to require any sort of controls that are designed to prevent emissions caused solely by high wind events. The fact that Pinal County was only recently designated moderate nonattainment and is in the process of preparing its moderate nonattainment SIP should not excuse the required showing that sources in that county were subject to "reasonable controls." Moreover, in evaluating the reasonableness of the controls in Pima County in 2011 and 2012, both ADEQ and EPA should take into account the fact high wind events have been particularly problematic in both Pinal County and the Area since at least 2008.

Further, the state's claim (and EPA's proposed concurrence) that the events were caused by "winds transporting dust from desert areas of Pima and Pinal Counties" is not substantiated. The exceptional events demonstrations submitted by the State make no attempt to determine source locations, as required under the Interim Guidance, (See, e.g. 3.1.5.1 "Basic controls analysis"). Our independent analysis of July 18 2011 indicates that the dust sources for that event included agricultural sources in Pinal and Maricopa Counties. Further, our analysis successfully determined the location of four downdrafts and four outflows impacting monitors from multiple locations. Our findings are in stark contrast to the State's assertion that dust came from one thunderstorm outflow that lifted and transported dust from desert portions of Pinal and Pima counties into the Phoenix PM-10 nonattainment area.

The exceptional events demonstrations also claim that "specific source areas are difficult to determine" and "[t]he exact origin of the PM sources is often difficult to determine due to the less dense monitoring networks in the general source area". Our analysis also demonstrates that dust storms can be reconstructed using meteorological modeling coupled with observational data to determine likely source locations. EPA should require the State to make a more concerted effort to identify the actual sources in order to adopt controls that will avoid or ameliorate future events.

Finally, the fact that some of the sources are located outside of the Area, does not absolve the State of its responsibility to ensure that they are reasonably controlled. Under the Clean Air Act, the EPA generally considers a state (not including areas of Indian country) to be a single responsible actor. Accordingly, neither the EPA nor the Exceptional Events Rule provides special considerations

for intrastate scenarios when an event in one county affects air quality in another county in the same state, assuming that the event occurs on land subject to state authority (versus tribal government authority).. Because ADEQ is the single responsible actor for air quality control in Arizona, it had a responsibility to address the public health risk that the Pinal County sources represent. Certainly, given the high wind events experienced in 2008 and 2009, the State was well aware of the need to address the problem and had an obligation to do so in an expeditious matter.

**4. EPA's Proposal to Find that the Area Reached Attainment by December 2012 Before Resolving the 2013 Exceedances Is an Abuse of Discretion.**

We also strenuously object to EPA's proposal to approve the attainment demonstration and find that the Area reached attainment by December 2012 before resolving the status of the 2013 exceedances that ADEQ has flagged as "exceptional events." As EPA has acknowledged in the Proposed Rulemaking, the Area experienced thirty exceedances over 6 days in 2013. ADEQ has flagged those exceedances and is currently in the process of preparing exceptional events demonstrations for each of them. That EPA is prepared to find the Area in attainment and simply assume that it will concur in these 2013 demonstrations is unsupportable, particularly in light of the failure of EPA to require any mitigation measures to prevent or minimize future events on the part of the State.

For citizens who have to suffer the health and safety consequences of these recurring, predictable and preventable high wind events, it is inexcusable for ADEQ, with EPA's approval, to abuse the exceptional events rule to avoid addressing the serious problem of PM-10 pollution. Particulate pollution has plagued the Phoenix metropolitan area since the 1970s and continues to do so today, despite the regulatory agencies' claim that Phoenix has now "attained" the PM-10 NAAQS. We will be among the first to applaud true attainment of the 24 hour standard if and when the Area ever achieves it, but declaring the Area in "attainment" because ADEQ has figured out a way to ignore the frequent and severe violations of the standard at multiple monitors, many of which are located in low income neighborhoods, is no cause for celebration.

**5. EPA's Policy of Allowing the State to Satisfy the Requirement of Contingency Measures With Control Measures that are Already Implemented Is Contrary to the Plain Language of the CAA.**

Finally, we disagree that the 2012 Five-Percent Plan properly includes contingency measures. As EPA acknowledges in the proposed rulemaking, the measures designated as "contingency measures" in the 2012 Five-Percent Plan are already implemented. According to Section 175(d), the purpose of contingency provisions is to assure that the state will act promptly to protect the public health if a milestone for reasonable further progress or attainment is not met. Obviously, if the so called "contingency measures" are already being implemented when that occurs, there is nothing to suggest that their continued implementation would ensure that the situation will be corrected. Rather, the Act clearly envisions additional measures which are automatically and immediately implemented. If and when a RFP or attainment is not met, the fact that the state did not rely upon these measures in its attainment demonstration is meaningless. If the state fails to make reasonable further progress or fails to attain by its attainment date, protection of the public health is paramount and the Clean Air Act contemplates and requires an immediate response that does not require additional EPA or state action.

We understand that EPA is relying upon *LEAN v. EPA*, 382 F. 3d 575(5<sup>th</sup> Cir. 2004) as support for its position. However, we believe that decision, which is not binding on the Ninth Circuit Court of Appeals, is contrary to the plain language of the CAA. Consequently, we continue to believe that EPA's approval of the 2012 Five-Percent Plan without requiring meaningful and appropriate contingency provisions would be arbitrary and capricious and contrary to law.

These comments are submitted on behalf of:

Sandra L. Bahr  
2046 N. 10<sup>th</sup> St.  
Phoenix, Arizona 85006

David Matusow  
43311 N. 18<sup>th</sup> Street  
Phoenix, AZ 85087

Sincerely,

A handwritten signature in black ink, appearing to read "Joy E. Herr-Cardillo". The signature is fluid and cursive, with the first name "Joy" being particularly prominent.

Joy E. Herr-Cardillo

Cc: Colleen McKaughan (via email)  
Eric C. Massey (via email)

March 10, 2014

VIA ELECTRONIC MAIL

Gregory Nudd (Air-2)  
U.S. Environmental Protection Agency Region IX  
75 Hawthorne St.  
San Francisco, CA 94105-3901

RE: EPA-R09-OAR-2013-0762, Proposed Approval of Implementation Plans—Maricopa  
County PM-10 Nonattainment Area –Five Percent Plan for Attainment of the 24 Hour  
Standard

Dear Mr. Nudd:

As a supplement to our Comment Letter submitted separately, attached please find an  
independent analysis of the July 18, 2011 exceptional events submission.

This supplemental comment is submitted on behalf of:

Sandra L. Bahr  
2046 N. 10<sup>th</sup> St.  
Phoenix, Arizona 85006

David Matusow  
43311 N. 18<sup>th</sup> Street  
Phoenix, AZ 85087

Sincerely,



Joy E. Herr-Cardillo

Cc: Colleen McKaughan (via email)  
Eric C. Massey (via email)

# Draft Technical Review: State of Arizona Exceptional Events Documentation for the Event of July 18, 2011, for the Phoenix PM<sub>10</sub> Nonattainment Area

Leonard Montenegro\*

NumAIRic, Inc. Tempe, Arizona 85285, USA

*Keywords: Exceptional Events, Haboob, Microburst, Arizona dust storms*

## Executive Summary

The aim of this analysis is to determine likely dust sources that contributed to the July 18, 2011 dust storm over Phoenix, AZ and multiple exceedances of the National Ambient Air Quality Standards (NAAQS) for 24-hour PM<sub>10</sub>. We reconstruct the dust storm using the Weather Research and Forecasting model (WRF-ARW) of 1km horizontal resolution to determine the location and magnitude of thunderstorm downdrafts that occurred between 07/18/2011 21:00 hours and 07/19/2011 03:00 hours UTC. Radar reflectivity data from the NEXRAD sites: KIWA, TPHX, and KTUS were then used to track outflow progression into Phoenix. The radar data also provides verification for the model output by backtracking each outflow to the modeled downdraft. Ambient PM<sub>10</sub> concentrations and meteorological variables of wind speed and wind direction from monitoring networks operated by the Maricopa County Air Quality Department (MCAQD), the Pinal County Air Quality District (PCAQD) and the Arizona Department of Environmental Quality (ADEQ) were also used to verify the outflow progression. Land use and vegetation condition data from the United States Department of Agriculture's National Agricultural Statistics Service were examined for dust sources in the vicinity of each modeled downdraft and along the outflow path. We found four thunderstorm downdrafts that occurred within the administrative boundaries of both Pinal and Maricopa Counties. Each modeled downdraft coincided with one distinct outflow as indicated by the radar reflectivity data. The first downdraft originated in eastern Pinal County at approximately 14:00 hours MST. Modeled maximum vertical velocity was -4.2 m/s. KIWA tracked the outflow from its origin as it moved from east to west into the Phoenix PM<sub>10</sub> nonattainment area. The second outflow originated within Maricopa County at approximately 15:00 hours MST. Modeled maximum vertical velocity was -7.7 m/s. KIWA tracked the outflow from its origin as it moved from east to west to the Phoenix PM<sub>10</sub> NAA. The third outflow originated over Casa Grande over anthropogenic dust sources at approximately 16:00 hours MST. The fourth outflow originated within the Phoenix PM<sub>10</sub> nonattainment area over the river bottom at approximately 18:00 hours MST.

# Introduction

This document contains a storm reconstruction analysis of the July 18, 2011 dust storm over Phoenix, Arizona. The purpose of this document is to demonstrate a method for Arizona air quality agencies to investigate air quality exceedances that are believed to be caused by thunderstorm outflows. The products derived from this method can be used by air quality regulators and stakeholders to determine if PM<sub>10</sub> exceedances qualify for treatment under the exceptional events rule.

This report comprises three parts. We begin with general background about exceptional events demonstrations already submitted by the State of Arizona to EPA for consideration under the exceptional events rule, including the demonstration for July 18, 2011. Second, we describe the analytical methods and the results of our analysis. Finally, we present our conclusions.

## Background

### Exceptional Events demonstrations already submitted by the State

On December 3, 2012, the Arizona Department of Environmental Quality issued a public notice titled: Request for Public Comments on Exceptional Events in the Greater Phoenix Area. In its solicitation for comments, ADEQ presented ten individual demonstration packages in support of its application for a waiver to exclude a portion of air quality data collected in 2011, under EPA's exceptional events rule. In total, the ADEQ demonstrations identify fourteen potential exceptional event days for blowing dust in 2011 where Phoenix-area air quality monitors recorded multiple exceedances or violations of the National Air Quality Standard (NAAQS) for 24-hour PM<sub>10</sub>.

In its demonstrations, ADEQ argues that PM<sub>10</sub> exceedances were caused by "dust-carrying thunderstorm outflow boundaries which moved into Phoenix from remote desert areas in Pinal, Pima and Maricopa Counties." The demonstrations explain further, that downward bursts of air hit the ground and then disperse as areas of outflow which kick-up and transport dust over long distances.

The two main points that are made in the demonstrations is that:

- PM<sub>10</sub> exceedances within the Maricopa County PM<sub>10</sub> nonattainment area are due to transported dust driven by high winds.; and
- that due to the nature of these monsoonal dust events, specific source areas are difficult to determine.

However, without more detailed knowledge about the spatial relationship between dust-source areas and the outflows that are believed to have contributed to the PM<sub>10</sub> exceedances, a thorough evaluation of which control measures were in place and establishing causality between the event and a portion of the ambient concentration is impossible.

## Analysis method

The aim of this analysis is to determine likely dust sources that contributed to the July 18, 2011 dust storm over Phoenix, AZ and multiple exceedances of the National Ambient Air Quality Standards (NAAQS) for 24-hour PM<sub>10</sub>. The analysis is carried out by coupling model output from the Weather Research and Forecasting model (WRF-ARW) with observational reflectivity data from NEXRAD radar stations and ambient PM<sub>10</sub> monitoring networks. The WRF model was used to model the July 18<sup>th</sup> thunderstorms. Surface temperature and wind velocities were decomposed from the model output to isolate downdrafts from the thunderstorms. Radar reflectivity data from KIWA and TPHX are then used to track outflow progression from the modeled downdraft to Phoenix area PM<sub>10</sub> monitors. Land use and vegetation condition data from the United States Department of

Agriculture’s National Agricultural Statistics Service are examined in the vicinity of each modeled downdraft and along the outflow path in order to determine

The non-hydrostatic Weather Research and Forecasting model (WRF-ARW) was used to reconstruct thunderstorms over Arizona during July 18, 2011. Thunderstorm downdrafts can be characterized divergent surface winds and cold pool formation directly beneath the downdraft. These variables are represented in the WRF model output as surface wind vectors from modeled U and V parameters and surface temperature at two and ten meters above ground, respectively. The WRF model was configured to output five-minute average results for all meteorological variables between 07/18/2011 21:00 hours and 07/19/2011 03:00 hours UTC. Initial and boundary conditions for the model are from the North American Regional Reanalysis (NARR) dataset. Three nested modeling domains were used with a horizontal resolutions ranging from 12km to 1km. The physics parameters used in the model are listed below in table 1.0.

Reflectivity data from the TPHX and KIWA radar stations was downloaded from the National Climatic Data Center (NCDC) and conditioned to see particles of airborne dust, which are typically visible at very low DBZ values. Both composite reflectivity and reflectivity at specified inclinations were used in order to best resolve the outflows.

Ambient PM10 concentrations and meteorological variables from monitoring networks operated by the Maricopa County Air Quality Department (MCAQD), the Pinal County Air Quality District (PCAQD) and the Arizona Department of Environmental Quality (ADEQ) are also used to verify the outflow progression. Ambient data of five-minute temporal resolution can be used to estimate source specific PM10 impacts with reasonable accuracy. See figure XX below.

Table 1.0. Model physics used in the WRF modeling analysis.

**MODEL PHYSICS**

<b>DYNAMICS</b>	Nonhydrostatic
<b>MICROPHYSICS</b>	Lin et al.
<b>RADIATION</b>	RRTMG Scheme
<b>PLANETARY BOUNDARY LAYER</b>	Yonsei University
<b>LAND SURFACE MODEL</b>	Noah 4-Layer LSM
<b>SURFACE LAYER</b>	Monin-Obukhov

Land use and vegetation condition data from the United States Department of Agriculture’s National Agricultural Statistics Service are examined to identify and characterize dust sources in the vicinity of each modeled downdraft and along the outflow paths.

Table 2.0 lists threshold friction velocities for different land surface types. For potential dust sources that are identified by close proximity to the modeled downdraft, the threshold friction velocity for the source type is then compared to the modeled friction velocity. If the modeled surface friction velocity is greater than the listed threshold friction velocity for a particular land type, then wind erosion from the source is expected. However dust controls, if used, increase the threshold friction velocity for that land surface type by stabilizing the soil. Thus, if controls are in place on a source, its dust contribution may be minimized, if at all.

TABLE 2.0 THRESHOLD FRICTION VELOCITIES FOR DIFFERENT LAND TYPES.

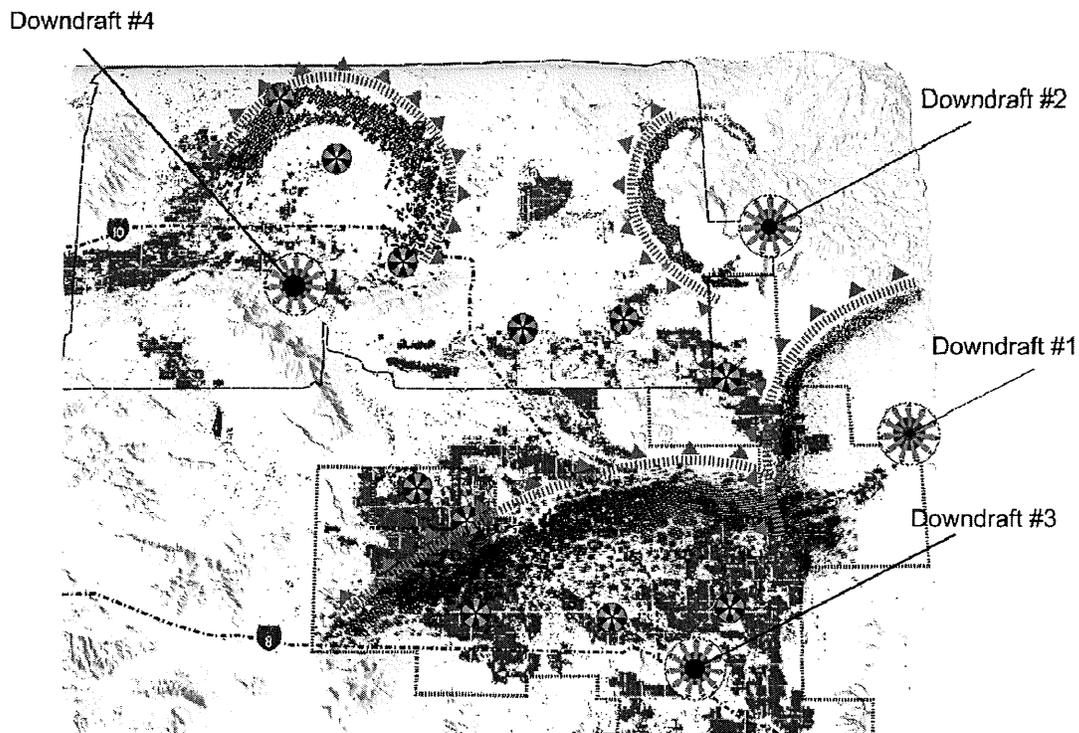
SURFACE TYPE	UNDISTURBED	DISTURBED
<b>AGRICULTURAL</b>	1.29 m/s	0.55 m/s
<b>FALLOW/OPEN AREAS</b>	2.90 m/s	0.24 m/s
<b>DESERT FLAT</b>	0.75 m/s	0.51 m/s
<b>DESERT PAVEMENT</b>	2.17 m/s	0.59 m/s

# Summary of results for the July 18, 2011 storm over Phoenix, Arizona

We found four thunderstorm downdrafts that occurred within the administrative boundaries of both Pinal and Maricopa Counties. Each modeled downdraft coincided with one distinct outflow as indicated by the radar reflectivity data. See figure 3.0 below.

Figure 3.0. Overview of modeled thunderstorm downdrafts coupled with NEXRAD radar reflectivity.

WRF model output was decomposed to July 18<sup>th</sup> 2011 to determine the locations of four thunderstorm downdrafts. Downdraft #1 occurred at approximately 14:30 hours MST. Downdraft #2 occurred at approximately 15:40 hours MST. Downdraft #3 occurred at approximately 15:40 hours MST. Downdraft #4 occurred at approximately 18:10 hours MST.

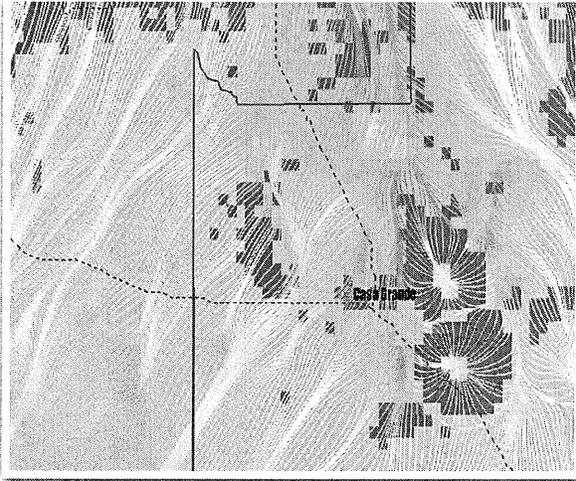


The first downdraft originated in eastern Pinal County at approximately 14:30 hours MST. Modeled maximum vertical velocity was -4.2 m/s. KIWA tracked the outflow from its origin as it moved from east to west into the Phoenix PM<sub>10</sub> nonattainment area. The second outflow originated within Maricopa County at approximately 15:00 hours MST. Modeled maximum vertical velocity was -7.7 m/s. KIWA tracked the outflow from its origin as it moved from east to west to the Phoenix PM<sub>10</sub> nonattainment area. The third outflow originated over Casa Grande over anthropogenic dust sources at approximately 16:00 hours MST. The fourth outflow originated within the Phoenix PM<sub>10</sub> nonattainment area over the river bottom at approximately 18:00 hours MST.

# Storm track 3

## Dust-source areas

We examined dust uplift potential from the storm. The figure below illustrates modeled surface friction velocities resulting from the outflows. The streamlines illustrate winds and temperature. Beneath the streamlines are gridded values for surface friction velocity. Red areas depict friction velocities between 0.51 m/s and below 0.9 m/s.



SURFACE TYPE	UNDISTURBED	DISTURBED
AGRICULTURAL	1.29 m/s	0.55 m/s
FALLOW/OPEN AREAS	2.90 m/s	0.24 m/s
DESERT FLAT	0.75 m/s	0.51 m/s
DESERT PAVEMENT	2.17 m/s	0.59 m/s

## Conclusions

- The July 18 2011 dust storm was caused by four thunderstorm downdrafts.
- Downdrafts 2, 3 and 4 occurred over anthropogenic sources.



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March 6, 2014

VIA ELECTRONIC AND OVERNIGHT MAIL

Mr. Gregory Nudd (Air-2)  
U.S. Environmental Protection Agency, Region IX  
75 Hawthorne Street  
San Francisco, California 94105-3901

RE: Docket No. EPA-R09-OAR-2013-0762  
Maricopa Association of Governments Comments on the Proposed Approval and Promulgation of Implementation Plans—Maricopa County PM-10 Nonattainment Area; Five Percent Plan for Attainment of the 24-Hour PM-10 Standard

Dear Mr. Nudd:

The Maricopa Association of Governments (MAG) represents 27 incorporated cities and towns within Maricopa County and the contiguous urbanized area, the Gila River Indian Community, the Salt River Pima-Maricopa Indian Community, Fort McDowell Yavapai Nation, and Maricopa and Pinal Counties. As the designated Regional Air Quality Planning Agency, the Maricopa Association of Governments Regional Council adopted the MAG 2012 Five Percent Plan for PM-10 for the Maricopa County Nonattainment Area on May 23, 2012. On February 6, 2014, the Environmental Protection Agency (EPA) published a notice proposing full approval of the plan and a determination that the PM-10 standard has been met. At this time, MAG is submitting comments to EPA in support of the proposed approval of the plan.

Collectively, the MAG 2012 Five Percent Plan for PM-10 exemplifies a tremendous collaborative effort among all levels of government and the private sector. The plan was prepared through a well-coordinated approach with the Arizona Department of Environmental Quality, Arizona Department of Transportation, Maricopa County Air Quality Department, and Maricopa Association of Governments. There was also extensive coordination with EPA Headquarters and EPA Region IX. The measures in the plan have been successfully implemented by the local governments, the State, business, and industry. As a result, EPA has determined that the region has the three years of clean data in 2010-2012 that were necessary to attain the PM-10 standard.

Specifically, the MAG 2012 Five Percent Plan for PM-10 is designed to meet the requirements of Section 189(d) of the Clean Air Act and address the technical approvability issues with the prior 2007 Five Percent Plan identified by EPA. The plan contains a wide variety of existing control measures and projects that have been implemented to reduce PM-10 and a new measure designed to reduce PM-10 during high risk conditions, including high winds. While the 2007 Five Percent Plan was withdrawn to include new information, a wide range of control measures in that plan continued to be implemented to reduce PM-10 and were resubmitted. The plan demonstrated that the measures will reduce emissions by five percent per year and demonstrated attainment of the PM-10 standard as expeditiously as practicable, which was 2012.

As required by the Clean Air Act, the MAG 2012 Five Percent Plan for PM-10 includes contingency measures, which achieve emissions reductions beyond those measures relied upon for the five percent reductions in emissions and attainment of the standard. For conformity, the plan also contains the onroad mobile source emissions budget for 2012.

---

A Voluntary Association of Local Governments in the Maricopa Region

City of Apache Junction ▲ Arizona Department of Transportation ▲ City of Avondale ▲ Town of Buckeye ▲ Town of Carefree ▲ Town of Cave Creek ▲ City of Chandler ▲ Citizens Transportation Oversight Committee  
City of El Mirage ▲ Town of Florence ▲ Fort McDowell Yavapai Nation ▲ Town of Fountain Hills ▲ Town of Gila Bend ▲ Gila River Indian Community ▲ Town of Gilbert ▲ City of Glendale ▲ City of Goodyear  
Town of Guadalupe ▲ City of Litchfield Park ▲ City of Maricopa ▲ Maricopa County ▲ City of Mesa ▲ Town of Paradise Valley ▲ City of Peoria ▲ City of Phoenix ▲ Pinal County ▲ Town of Queen Creek  
Salt River Pima-Maricopa Indian Community ▲ City of Scottsdale ▲ City of Surprise ▲ City of Tempe ▲ City of Tolleson ▲ Town of Wickenburg ▲ Town of Youngtown

Again, the Maricopa Association of Governments supports the proposed full approval of the MAG 2012 Five Percent Plan for PM-10. We have greatly appreciated the close coordination and technical assistance from the Environmental Protection Agency. We are looking forward to working cooperatively with EPA in our continuing efforts to improve air quality. If you have any questions, please do not hesitate to contact me at (602) 254-6300.

Sincerely,

A handwritten signature in cursive script that reads "Lindy Bauer".

Lindy Bauer  
Environmental Director

cc: Henry Darwin, Arizona Department of Environmental Quality  
William Wiley, Maricopa County Air Quality Department  
Colleen McKaughan, Environmental Protection Agency



**City of Phoenix**  
OFFICE OF ENVIRONMENTAL PROGRAMS

March 7, 2014

Mr. Gregory Nudd (Air-2)  
U.S. Environmental Protection Agency, Region IX  
75 Hawthorne Street  
San Francisco, CA 94105-3901

Re: Docket ID No. EPA-R09-OAR-2013-0762

Dear Mr. Nudd:

The city of Phoenix ("Phoenix") appreciates the opportunity to submit comments on the Environmental Protection Agency's (EPA's) proposed approval of the "2012 Five Percent Plan for the Maricopa County (Phoenix) PM-10 Nonattainment Area" (the Plan). Phoenix supports EPA's proposed approval of the Plan.

We would like to thank all the local stakeholders, both public agencies and private partners who, in coordination with EPA, worked diligently in a most respectful and collaborative manner to develop, complete, and submit this Plan. Building bridges among all the partners will allow Phoenix, and our region, to maintain successful efforts to meet our committed goal of an ever-improving air quality for our current and future community.

Please don't hesitate to call me at (602) 256-5654 with any questions or comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Philip McNeely". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Philip McNeely, Manager  
Office of Environmental Programs

JEFF FLAKE

ARIZONA

SR-368 RUSSELL SENATE OFFICE BUILDING  
(202) 224-4521

COMMITTEE ON FOREIGN RELATIONS  
COMMITTEE ON  
ENERGY AND NATURAL RESOURCES  
COMMITTEE ON THE JUDICIARY  
COMMITTEE ON AGING

## United States Senate

WASHINGTON, DC 20510-0305

STATE OFFICES  
2200 EAST CAMELBACK ROAD  
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PHOENIX, AZ 85016  
(602) 840-1891

5840 NORTH ORACLE ROAD  
SUITE 150  
TUCSON, AZ 85704  
(520) 575-8633

March 10, 2014

Mr. Gregory Nudd,  
Region IX, U.S. Environmental Protection Agency  
75 Hawthorne Street  
San Francisco, CA 94105-3901

Dear Mr. Nudd,

I write to urge the approval of the Five Percent Plan for PM-10 for the Maricopa County Nonattainment Area (2012 Five Percent Plan) by the U.S. Environmental Protection Agency (EPA).

As I am certain you are aware, Maricopa County has struggled since the 1970s to attain EPA's air quality standard for dust. This nationwide standard simultaneously struggles to reflect the physical realities of a place like Arizona while carrying the potential for stiff penalties for regulatory noncompliance. EPA is now proposing to approve the 2012 Five Percent Plan that helped put the region on the path to attainment. I am pleased to see that, consistent with the Clean Air Act, the regulatory lead has been maintained at the state and local level. The Arizona Department of Environmental Quality (ADEQ), Maricopa County Air Quality Department, and Maricopa Association of Governments as well as those participating among the regulated community and stakeholders are to be congratulated for their collaborative and creative efforts. They are on the verge of achieving a herculean feat in meeting regulatory requirements to control dust in the middle of a desert.

Coupled with the dramatic number of control measures that have been adopted, EPA's concurrence with a number of submitted exceptional event demonstrations was influential in the region's success with the dust standard. While the first in the country to be approved under the agency's recent guidance, I would be remiss if I failed to highlight that the agency's approach to exceptional events remains problematic. Even ADEQ officials, presumably with more experience with EPA's current approach to excluding air quality data from events beyond regulatory control than anyone in the country, are critical. At a minimum, the burden to escape being held responsible for events that by their very nature defy control remain far too burdensome and costly and exceptional events will continue to happen.

I am pleased EPA is proposing to adopt the 2012 Five Percent Plan. In addition, I look forward to the forthcoming rulemaking and assisting EPA in developing an efficient and commonsense approach to exceptional events. Should there be any questions or further information required, please do not hesitate to contact Brian Kennedy at (202) 224-4521.

Sincerely,



JEFF FLAKE  
U.S. Senator



# Maricopa County

Air Quality Department

Office of the Director  
William D. Wiley, P.E.  
1001 North Central Avenue  
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March 10, 2014

Mr. Gregory Nudd  
US Environmental Protection Agency  
Region IX, Mail Code: Air 2  
75 Hawthorne Street  
San Francisco, CA 94105-3901

**RE: Docket #EPA-R09-OAR-2013-0762**

Dear Mr. Nudd:

The Maricopa County Air Quality Department appreciates the opportunity to comment on the proposed approval of the State Implementation Plan (SIP) for the Maricopa County PM<sub>10</sub> nonattainment area. As an active participant in the process, we strongly support the proposed action and believe that the measures included in the plan have been effective in reducing PM<sub>10</sub> violations. The plan represents countless hours of hard work by numerous stakeholders and has resulted in the most comprehensive PM<sub>10</sub> plan in the county. Critical to the success of the plan was EPA's concurrence with submitted exceptional event packages which reflect conditions that are outside the ability of the county to control, such as giant dust storms. We appreciate EPA's involvement in this process.

A number of actions and programs contributed to the effectiveness of this plan. We would like to highlight several that contributed significantly to our efforts to reduce PM<sub>10</sub> and the associated impacts to health. These include widespread stakeholder involvement, the development of innovative actions, partnerships to address critical issues, the development of dust training programs, and a commitment to vigilance by all parties to ensure we maintain our air quality.

### **Widespread Stakeholder Involvement**

The 2012 Five Percent Plan was prepared through a collaborative effort by the Arizona Department of Environmental Quality (ADEQ), the Maricopa Association of Governments (MAG), the Maricopa County Air Quality Department (MCAQD) and numerous stakeholders. More than 100 individuals including representatives from over 50 organizations participated in various meetings, discussing or commenting during the development of the plan. These stakeholders included representatives from the construction industry, the rock products industry, agriculture, off-highway vehicle associations, state and federal land managers, chambers of commerce, utilities, transportation departments, public health representatives, non-governmental organizations, federal agencies, state agencies and local governments, as well as members of the public. In addition to participation and advocacy in the development of the plan, this broad range of stakeholders helped develop tools to implement various measures and disseminated information to their members, residents and affiliates. As a result, many additional affected parties became aware of these new programs, tools, and information sources.

## Development of Innovative Actions

A number of innovative actions were initiated to enhance effectiveness of committed measures in the plan further reducing PM<sub>10</sub>. These actions are described below:

- Availability of Real-time PM<sub>10</sub> Data—The department updated the telemetry and capacity of our air monitoring network with the assistance of a grant from MAG. The updated monitoring network now compiles and displays real-time PM<sub>10</sub> monitoring data in 5-minute intervals for individual PM<sub>10</sub> monitoring sites. The department's monitoring data webpage displays the 5-minute PM<sub>10</sub> data by site on an easy-to-read, user-friendly map and links the data to a real-time notification system advising people of elevated PM<sub>10</sub> concentrations. A user can see current readings for all sites or the last 300 readings in text form or graphically for the last 24 hours at a particular site. The notification system allows residents to plan actions to minimize impacts from the elevated PM<sub>10</sub> readings and dust generating operations to take appropriate action.
- Maricopa County Dust Control Forecast—ADEQ implemented a Maricopa County Dust Control Forecast that provides the risk of elevated PM<sub>10</sub> concentrations five days in advance of high wind or stagnation events. The forecast allows dust generating operations to take pro-active steps to reduce or eliminate dust emissions before or during the forecast event. Any person may also sign up for the forecast, enabling sensitive individuals to take actions that minimize their exposure during an event. The department also responds to the forecast by initiating surveys of the county to identify and address any problems in advance of the event.
- Rapid Response—The availability of 5-minute PM<sub>10</sub> data also enabled the department to develop a "Rapid Response" program. This award-winning program activates real-time notifications via text message or email whenever PM<sub>10</sub> levels rise, allowing the department and other partners to deploy staff to investigate the situation. The notification system also enables residents to take action to minimize impacts of the elevated PM<sub>10</sub> readings and dust generating operations to take appropriate action as necessary. More than 7,000 have signed up for these alerts. This program supplements the dust control forecast and the department's ongoing inspection and complaint response activities that occur daily throughout the county.
- Clean Air Make More Mobile Application—The department developed a mobile app for Android or iOS mobile devices to improve public access to air monitoring information. The app displays any high pollution advisories or restrictions that are in place, the current air quality index for pollutants, the current 3-day forecast and the weather forecast. The app also allows a user to report a violation and submit a picture of the problem, if desired. To date, the app has been downloaded more than 10,500 times.

## Partnerships to Address Critical Issues

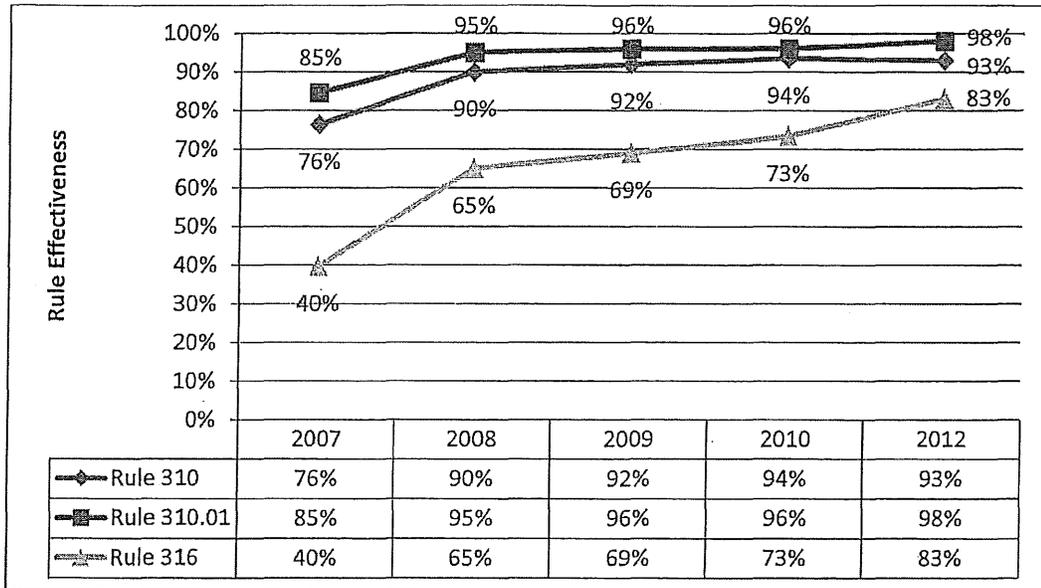
A variety of stakeholders worked collaboratively with the department to increase the effectiveness of the plan's dust control programs, further reducing PM<sub>10</sub> emissions. These efforts ranged from the development and distribution of dust rule-specific handbooks, to outreach and education for cities and towns, to working with state and federal land managers and

other government agencies on off-highway vehicle programs. As a result of these partnerships, compliance with dust control requirements increased leading to a reduction in PM<sub>10</sub> emissions. Some specific examples are described below:

- In a collaborative effort with the Home Builders Association of Central Arizona and Arizona Chapter of Associated General Contractors, the department developed and distributed a Dust Abatement Handbook and small field guide to provide guidance and facilitate compliance with Rule 310—Fugitive Dust from Dust-Generating Operations. Another collaborative effort with the Arizona Rock Products Association produced the Rule 316 Handbook for Nonmetallic Mineral Processing that also provides guidance and facilitates compliance with that rule.
- Working with cities and towns, ADEQ, MAG and the department provided educational materials and developed contact lists for assistance and response responsibilities for the Rapid Response program. The department has continued outreach and education efforts to the cities by holding quarterly meetings to address dust and other air quality issues as they arise.
- The department participates in a collaborative effort with state and local land managers and enforcement agencies to develop educational materials, coordinate actions, and work through various issues associated with the diverse off-highway vehicle community.

#### **Dust Training Programs and Site Coordinators**

In 2008, new requirements for dust training and the presence of dust control coordinators on sites subject to Rule 310 or Rule 316 became effective. Nearly 5,000 contractors and subcontractors take basic or comprehensive training each year. Onsite dust control coordinators complete comprehensive training and are responsible for maintaining dust control on their sites. The department's rule effectiveness studies from 2007 through 2012 demonstrate the significant improvement in compliance resulting from these programs, illustrating how crucial the programs have been to our successful implementation of the 2012 Five Percent Plan. See the graph below:



**Commitment to Vigilance**

Stakeholders who participated in the development of the Five Percent Plan continued to work with ADEQ, MAG and the department to implement the measures in the plan. Not only did they participate in the development of educational materials, the stakeholders actively disseminated information about the forecasts, Rapid Response program and the availability of educational materials and training. Over the past several years, they have demonstrated continued vigilance in maintaining dust control measures and in responding effectively to ADEQ forecasts and alerts. We believe all parties remain committed to ensure that we maintain our air quality.

Approval of the Maricopa County PM<sub>10</sub> SIP represents a long but successful journey for the people of Maricopa County. Our air is cleaner and our partnerships are stronger for it. That said, we are committed to maintaining the quality of our air and support EPA recognizing our hard work to reach this goal.

Sincerely,

William D. Wiley  
 Director

cc: Lindy Bauer, Maricopa Association of Governments  
 Eric Massey, Arizona Department of Environmental Quality



Janice K. Brewer  
Governor

# ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

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Henry R. Darwin  
Director

March 10, 2014

Mr. Gregory Nudd  
U.S. Environmental Protection Agency  
Region IX, Mail Code: Air 2  
75 Hawthorne Street  
San Francisco, CA 94105-3901

Subject: Docket # EPA-R09-OAR-2013-0762

Dear Mr. Nudd:

The Arizona Department of Environmental Quality (ADEQ) is proud to provide you with this letter supporting the United States Environmental Protection Agency's (EPA's) proposed approval of the *Maricopa Association of Governments Five Percent Plan for PM-10 for the Maricopa County Nonattainment Area* and the *Final 2012 Five Percent Plan for PM10 for the Pinal County Township 1 North Range 8 East* portion (2012 Five Percent Plan). ADEQ notes that the Notice of Proposed Rule Making includes Apache Junction and portions of Pinal County in the proposed approval. While we understand EPA's action appears to propose approval for the entire 2012 Five Percent Plan, including the Pinal County portions, we request that EPA make its actions regarding Pinal County explicitly clear in the Notice of Final Rule Making.

## INTRODUCTION

EPA's proposed approval of the 2012 Five Percent Plan is the result of many years of plans, rules and efforts to reduce the emission of dust into the atmosphere. In fact, the Phoenix metropolitan area has been out of attainment with some form of a dust standard (e.g. total suspended particulates and PM-10) since the 1970 Clean Air Act. The constant effort to reduce the health impacts associated with dust has resulted in the area applying dust control measures that are among the most stringent in the Country.

The success of this most recent plan is the result of exceptional collaboration between air quality planning organizations, air quality regulatory agencies, the regulated community, members of the public and advocates for environmental improvement. Between January 1, 2011 and the submission of the plan to EPA in 2012, the Director of ADEQ, Henry Darwin, and the Chairwoman of the Arizona Legislature's House Environmental Committee, Amanda Reeve, hosted a series of stakeholder meetings with the sole purpose of fixing the problems that EPA identified in the *MAG 2007 Five Percent Plan for PM-10 for the Maricopa County Nonattainment Area* (2007 Five Percent Plan). These meetings generally took place once every two weeks to discuss potential developments that would improve upon the region's past efforts.

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The resulting collaboration gave ADEQ, the Maricopa County Air Quality Department (MCAQD) and the Maricopa Association of Governments (MAG) the platform upon which to add innovative control strategies to address the dust issues that remained after the submission of previous plans.

In between stakeholder meetings, technical staff from ADEQ, MCAQD, MAG and representatives of the regulated community met with technical staff from EPA to ensure that the new plan would address all of the issues that EPA proposed to disapprove in the 2007 Five Percent Plan. The coordination between all of the parties in these meetings was the foundation for the success of this plan. Those that were responsible for developing the technical solutions were able to discuss strategies for resolving the problems, get immediate feedback from EPA technical staff, and work together to overcome new challenges that arose.

### **TECHNICAL WORK TO SUPPORT 2012 FIVE PERCENT PLAN**

The most critical element that this group developed was the revised emissions inventory. Each non-attainment area State Implementation Plan is required to contain an accounting of all the emissions from the various sources of air pollution during the baseline year. Using information related to population and economic growth, this baseline emissions inventory is then grown to project emissions in future years. The 2007 Five Percent Plan included both the baseline emissions inventory and the projection of that inventory into the attainment year of 2010. Unfortunately, at the time that the 2007 Five Percent Plan was developed, no one could have predicted the economic recession that would occur in 2008 and 2009. As a result, the best possible predictions in 2007 were ultimately proved to be inaccurate at the time the plan was reviewed in 2010.

Despite the fact that the 2007 Five Percent Plan's crystal ball was inaccurate, the plan was still foundational to the work that has been accomplished in the 2012 Five Percent Plan. After redeveloping the 2008 and 2011 emissions inventories, the technical work demonstrated that the dust reduction strategies employed by the 2007 Five Percent Plan achieved sufficient reductions to satisfy the Clean Air Act's requirement of annual five percent emissions reductions between 2008 and the ultimate attainment year of 2012. This also meant that the technical work demonstrated reasonable further progress toward attainment of the 24-hour PM-10 standard.

Correction of the technical issues with the 2007 Five Percent Plan allowed the stakeholder group to focus on resolving the remaining dust issues that were reported by the monitors. In 2005 and 2006, the Maricopa County area's primary dust issues were the result of local generated air pollution remaining suspended during periods of air mass stagnation. The 2007 Five Percent Plan's focus was to reduce exceedances that occurred during stagnation periods. By 2010, it was clear that these efforts had great success, as the year was one of the cleanest on record. In 2011 and 2012, however, the area experienced exceedances during high wind events or large dust storms that are common during the monsoon season in the desert Southwest. Each of these events would either overwhelm the Best Available Control Measures and Most Stringent Measures that were employed to reduce dust within the area, or transport dust into the area from areas that were outside of the nonattainment area's boundaries.

**IMPACT OF EXCEPTIONAL EVENTS RULE**

ADEQ, MCAQD and MAG had previously attempted to document exceptional events in accordance with EPA’s Exceptional Events Rule (EER) in an effort to obtain EPA’s approval of the 2007 Five Percent Plan; however, EPA disagreed with the demonstrations that had been provided. Between 2010 and 2012, EPA acknowledged the problems that existed within the EER and began developing a new policy and guidance document to provide additional clarity on how to make successful exceptional event demonstrations. In 2011 and 2012, ADEQ, MCAQD, and MAG worked closely with EPA to develop an exceptional event demonstration for the dust exceedances that occurred between July 2 and 8, 2011. This effort set national precedent in September 2012 when EPA concurred with the demonstration, marking the first time that an exceptional event demonstration was approved under the revised policy and guidance. By the middle of 2013, ADEQ, MCAQD and MAG repeated this feat an additional 16 times, demonstrating that the dust issues in the Maricopa County area were the result of natural conditions that either overwhelmed the stringent dust controls, or winds that blew large concentrations of dust throughout the region. Overall, EPA concurred that 131 of 133 exceedances were the result of dust that could not be reasonably controlled through the application of dust controls within the Maricopa County nonattainment area.

Throughout the development of these exceptional event demonstrations, ADEQ, MCAQD, MAG and EPA looked for additional methods to reduce the overall effort necessary to successfully make an exceptional event demonstration. Prior to EPA’s revised guidance, ADEQ, MCAQD and MAG spent hundreds of staff hours and created more than 400 pages of technical information to support the demonstration that a single day’s exceedance was the result of an exceptional event. As previously noted, EPA did not concur with this demonstration. The entire exceptional event demonstration for July 2 through 8, 2011, still required hundreds of staff hours, and seventy-five thousand dollars of contractor assistance, but significantly reduced the overall number of pages necessary to make a successful demonstration. This effort also identified additional efficiencies, and the next 17 demonstrations were made using fewer staff hours and contractor support. Ultimately 16 of these demonstrations were approved. Still, the overall costs to the State and its partners were not insignificant, as demonstrated below.

Phoenix Event	Total Staff Hours/Event	Staff Cost Estimate/Event	Contractor Cost Estimate/Event	Subtotal Cost Estimate
July 2-8, 2011	615	\$31,000	\$75,000	\$100,000
17 Additional Events	175	\$8,800	\$25,000	\$575,000
<b>Total Estimated Costs for Phoenix Exceptional Events To Date</b>				<b>\$675,000</b>

Note: “Total staff hours/event” include time estimates from ADEQ, MCAQD and MAG

It should be noted, that ADEQ has no information regarding how much time or money EPA has spent providing technical consultation and reviewing the 18 successful demonstrations. In addition, should EPA finalize approval for the 2012 Five Percent Plan, ADEQ expects to submit an unpredictable number of exceptional event demonstrations each year throughout the 20-year maintenance period as Arizona’s natural dust storms continue to impact the Maricopa County Nonattainment area.

Despite the successful efforts to reduce the cost and time spent making an exceptional event demonstration, the process remains unsustainable. The \$675,000 and thousands of staff-hours spent making these demonstrations do nothing to further ADEQ or EPA's mission of protecting public health or the environment. ADEQ's air quality division is primarily funded by fees for the services it provides, with less than ten percent of its overall revenue coming from EPA grants. These resources are best spent doing work that protects public health and the environment from controllable sources of air pollution, rather than simply providing technical proof for something that most Arizonans know for fact - that natural events will, from time-to-time, create uncontrollable large dust storms in Arizona, especially during the monsoon season. Absent the burden of documenting the well-known, ADEQ's money and staffing resources could be better spent on more proactive efforts such as forecasting and providing the public with advanced notification of dust issues so that people can take action to protect themselves.

ADEQ maintains that additional streamlining and correction need to be made to the Exceptional Events Rule and its guidance. ADEQ has previously provided recommendations in other forums regarding the need for clear deadlines for EPA decisions, the need for a clear evidentiary threshold, the need for specific criteria for determining what constitutes an exceptional event, and the need for a dispute resolution process. Instead of repeating the details of those recommendations here, it is sufficient to note that States continue to need transparency, predictability and certainty regarding EPA's decisions. EPA has shown a high degree of partnership in beginning to address these issues, and that effort is greatly appreciated, but additional work needs to be done given the unsustainable levels of effort that are required to develop such demonstrations.

#### **AIR POLLUTION FORECASTING AND THE DUST ACTION GENERAL PERMIT**

Technical fixes to the 2007 Five Percent Plan and Exceptional Event Demonstrations were not the only efforts that resulted in the proposed approval of the 2012 Five Percent Plan. ADEQ, MCAQD, MAG, the stakeholder community and the public also pioneered other strategies to reduce dust emissions and their impact to both public health and the environment.

The first such strategy is an increased reliance on air pollution forecasting. Most people are familiar with weather forecasting. It helps us all to make decisions regarding outdoor activities, the type of clothing to wear during the day, and whether carrying an umbrella might be appropriate. In a similar approach, ADEQ has a history of doing voluntary air pollution forecasts to help the public to know what to expect in terms of air pollution episodes, and whether they should plan activities to avoid exposure to unhealthy concentrations of air pollution. As noted above, the vast majority of elevated dust concentrations occur as a result of natural or otherwise uncontrollable conditions. Because these conditions can be predicted, the public is empowered to protect their own health. If a known poor air quality day is coming up, those that are sensitive to the air pollution can take early action to mitigate exposure, and lessen the risk of a health-episode.

As part of the 2012 Five Percent Plan, ADEQ is now required to provide the public and the regulated community with a dust risk forecast that identifies the risk of dust generation for the

next five days. If there is a high risk of dust generation, A.R.S. 49-457.05 requires owners and operators of a dust generating activity to employ best management practices to reduce dust as soon as practicable before and during a day forecast to be at high risk. Sources that already have air quality permits must employ the best management practices already identified in the permit. Sources without an air quality permit must meet the best management practices that are identified in the Dust Action General Permit.

The Dust Action General Permit is unique in that its dust control requirements are applicable even if the owner or operator of the dust generating activity is not required to operate under the permit. The 2007 Five Percent Plan focused heavily on achieving emissions reductions from activities that generally require an air quality permit. Through the stakeholder process for the 2012 Five Percent Plan, it was determined that unpermitted sources remained an area of concern, especially on days with high wind. This permit was designed to identify Best Management Practices for unpermitted dust generating activities and to add additional enforceability through the requirement to operate under the permit if it was demonstrated that Best Management Practices were not employed as soon as practicable before and during a day forecast to be at high risk of dust generation. The permit adds new monitoring, record keeping and reporting requirements to the previously unpermitted source of dust, as well as ensures more timely pursuit of penalties for additional violations.

Because the Dust Action General Permit is an innovative and emerging control practice, the only way that the 2012 Five Percent Plan could demonstrate its benefit was through increase compliance with the dust control requirements for unpermitted sources. The plan itself relied upon a one percent increase in the effectiveness of Maricopa County Rule 310.01, and, as noted in MCAQD's comments regarding the plan, a two percent increase was observed.

To ADEQ's knowledge, this is the first time that an air pollution control program has used a forecasting tool as a regulatory trigger, making the program innovative in its approach. In addition to the innovation, however, the program makes sense for Arizona, where air quality is not the only environmental concern. Water is often times one of the best controls for mitigating the generation of dust. In a desert environment, however, this commodity is precious and must also be conserved. Using the forecast as a trigger for the use of controls allows the regulated community to use this precious resource in the most effective way, ensuring that the best controls are employed when there is a significant risk of dust generation. Both the requirement to do forecasting and the Dust Action General Permit are critical components of the 2012 Five Percent Plan, and ADEQ encourages EPA to fully approve the Dust Action General Permit as soon as practicable.

#### **INNOVATIVE VOLUNTARY EFFORTS TO REDUCE DUST CONCENTRATIONS**

In addition to mandatory new controls that have been included in the 2012 Five Percent Plan, other programs were not included in the plan as commitments because of their emerging nature, and the inability to predict whether those efforts were sustainable. Although they were not included in the plan, it is important to highlight those measures in an effort to show the area's commitment to clean air.

MCAQD and MAG have been on the leading edge of providing real time air quality information to the public through MCAQD's web site. While many states and agencies provide the public with access to air quality data, MCAQD and MAG have pioneered a method of reporting current air pollution concentrations on five-minute intervals. MCAQD has taken this a step further by developing an alert system called the Rapid Response network to let its inspectors and the public know when unusually high concentrations of air pollution are observed. Should an unusually high concentration be observed, Maricopa County staff is alerted to the concentration. If the cause cannot be quickly attributed to a regional event, Maricopa County staff uses an e-mail and text alert system to deploy inspectors to the area, inform the regulated community that action to reduce dust concentrations should be taken, and inform the public that they should take measures to protect their own health.

By providing this real time information to everyone near the specific monitor, MCAQD and its partners have successfully taken action to quickly identify the cause of the high concentrations and reduce dust within the area. In addition, ADEQ has heard testimony that cities have employed their public works departments and other city staff to reduce dust from activities that are not near monitors, as the alerts have heightened the general awareness of the problem.

Although the implementation of the network has not stopped every exceedance from occurring, it has improved the entire community's efforts to take corrective action quickly and improved efforts to maintain compliance with EPA's 24-hour health based PM-10 standard.

#### **ONGOING CONTROL STRATEGIES**

ADEQ and its partners are well aware that proposed approval of the 2012 Five Percent Plan does not mean that air pollution control planning for the area has ended. In truth, the forty-five years of planning that has already occurred can be considered training for the next twenty-years where maintenance of our efforts must occur.

One of the challenges for the Maricopa County area will be the growth that is expected to occur. With new people comes additional dust generating activities, more vehicular traffic, and more potential for disturbing sources of dust. The area is already subject to some of the most stringent dust controls throughout the Country, and the continued application of these controls will be central to the effort to maintain attainment with the 24-hour PM-10 standard. Other strategies outlined within the MAG Transportation Improvement Plan and Regional Transportation Plan will also be employed to ensure that dust from unpaved roads and vehicular traffic is minimized.

ADEQ and its partners will also continue to improve outreach and continuing education of the community regarding the importance of dust controls and methods that can be used to identify and then reduce exposure to high concentrations of air pollution. MCAQD, Pinal County Air Quality Control District (PCAQCD) and ADEQ all operate school flag programs that are tied to the air quality forecast to help inform children and the community about the potential daily dangers of air pollution. ADEQ has educated many school districts regarding the air pollution impacts of school bus idling at schools. MCAQD has developed a free smart phone app to provide the public with automatic access to ADEQ's pollution forecast. MCAQD's [www.cleanairmakemore.com](http://www.cleanairmakemore.com) web site also provides information about the daily air pollution

Mr. Gregory Nudd

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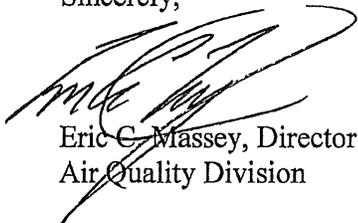
Subject: Docket # EPA-R09-OAR-2013-0762

requirements and tips for protecting public health and reducing emissions. These are but a few examples of the efforts that our agencies will build upon in the coming years.

In conclusion, ADEQ provides its unequivocal support for EPA's proposed approval of the 2012 Five Percent Plan, and recommends final approval of the plan. This letter serves only to highlight some of the provisions that assisted in making this plan successful. We also recognize that our efforts must remain vigilant. Through its partnership with its stakeholders, air quality planning and regulatory agencies, ADEQ will continue to support the development and application of new and innovative methods of reducing concentrations of dust.

Thank you for this opportunity to comment, and should you have any questions or concerns, please contact me at (602) 771-2288.

Sincerely,



Eric C. Massey, Director  
Air Quality Division

ECM

cc: William Wiley, Maricopa County Air Quality Department  
Lindy Bauer, Maricopa Association of Governments  
Colleen McKaughan, United States Environmental Protection Agency



## ARIZONA CHAPTER ASSOCIATED GENERAL CONTRACTORS

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March 10, 2014

Mr. Gregory Nudd  
Region IX, U.S. Environmental Protection Agency  
75 Hawthorne Street  
San Francisco, CA 94105-3901

Dear Mr. Nudd,

First I would like to thank you for all the assistance you and your staff provided to the Arizona Department of Environmental Quality (ADEQ), Maricopa Association of Governments (MAG) and Maricopa County Air Quality Departments (MCAQD) in preparing the Exceptional Events packages which are part of the attainment demonstration for the 2012 Five Percent Plan. Dedicating staff resources to help navigate through all the required elements was beneficial to those organizations providing supporting attainment documentation.

Today I am writing urging USEPA Region IX to approve the 2012 Five Percent Plan for PM<sub>10</sub> for the Maricopa County Nonattainment Area. The region has worked collaboratively over the last 5 years to bring the area into attainment. The documentation submitted by ADEQ, MAG and MCAQD, shows the significant number of actions and programs that have been implemented throughout Maricopa County to bring the region in compliance with the National Ambient Air Quality Standards (NAAQS). This widespread stakeholder involvement has increased the overall effectiveness of the plan.

As you read through the numerous requests asking you to consider approving the 2012 Five Percent Plan, I hope you will take a moment to reflect upon how far this region has come over the last 12 years with regards to working together to develop a plan that a. actually works, and b. is proving effective for those sources regulated by the Five Percent Plan as well as the region. We can all take pride in the collaborative and creative efforts that got us to this point. All that is left is for your office to give the region a stamp of approval – as you can see stakeholders and regulators are serious about working together to provide the optimal result for Arizonans – clean air to breath.

The Arizona Chapter Associated General Contractors thanks you for considering this request to approve the 2012 Five Percent Plan. We look forward to working with our local regulators as well as USEPA Region IX in developing future efficient and commonsense approaches to achieving compliance with the NAAQS. Should there be any questions or further information required, please do not hesitate to contact me at (602) 252-3926.

Sincerely,

Amanda McGennis  
Sr. Vice President



**ARIZONA  
ROCK  
PRODUCTS  
ASSOCIATION**

March 10, 2014

Via Email (Nudd.Gregory@EPA.gov)

Mr. Gregory Nudd (Air-2)  
U.S. Environmental Protection Agency Region IX  
75 Hawthorne Street  
San Francisco, California 94105-3901

**Re: Docket No. EPA-R09-OAR-2013-0762**

Dear Mr. Nudd:

The Arizona Rock Productions Association ("ARPA") appreciates the opportunity to provide these comments concerning EPA's proposed approval of the Maricopa County PM10 Nonattainment Area Five Percent Plan (the "Five Percent Plan").

ARPA is a trade association that represents the interests of Arizona's sand, gravel, cement, concrete, asphalt, and aggregate industries. ARPA's mission is to promote and preserve the sustainability of the rock products industry through active involvement in the community, regulatory, and political processes. In 2010, the Arizona Rock Products Industry created a direct economic impact valued at nearly \$1.6 billion with a direct indirect effect of \$2.9 billion. The producers of aggregates, stone, cement, asphalt, and ready mix employ over 6,124 employees and supply essential materials to the construction industry that employs an additional 112,577 workers. The Rock Products industry is a significant and dynamic force in Arizona's economy.

ARPA's members operate extensively in Maricopa County and ARPA members' asphalt plants, concrete batch plants, and crushing and screening plants are subject to Maricopa County Rule 310 and Rule 316, two of the pillars on which the Five Percent Plan is built. As a result, ARPA's members are directly affected by this action.

The Five Percent Plan is the result of years of efforts from countless stakeholders to achieve attainment with the National Ambient Air Quality Standards for PM10. ARPA and its members are pleased to support EPA's proposed approval of the Five Percent Plan.

**The Five Percent Plan Demonstrates the Benefits of a Collaborative Process.**

To develop the Five Percent Plan, the Arizona Department of Environmental Quality, the Maricopa County Air Quality Department, and the Maricopa Association of Governments undertook an exceptional effort to discuss, solicit feedback, and incorporate ideas from a wide range of stakeholders. EPA also played a vital role, particularly through its significant efforts to review the exceptional events demonstrations provided by ADEQ.

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The result of this group effort is a plan that has credibility with and broad support from state and local officials, agencies, regulated industries, and the public. ARPA appreciated the opportunity to participate in this process.

The good will and collaborative spirit that was fostered during the Five Percent Plan stakeholder process has continued to yield positive results for our region's air quality. Recently, ARPA worked with MCAQD to develop the Rule 316 Nonmetallic Mineral Processing Handbook, which provides companies in the Rock Products Industry an easy-to-use guide to achieve and maintain compliance with Rule 316. The Rule 316 Handbook will further increase Rule 316 rule effectiveness - to a rate much higher than the very conservative, low estimate contained in the Five Percent Plan.

### **EPA Correctly Determined that Exceedances in 2011 and 2012 were Caused by Exceptional Events.**

We live in a desert and dust storms happen. These natural events are not reasonably controllable or preventable, and therefore EPA correctly identified them as exceptional events as that term is defined in 42 U.S.C. § 7619(b). ARPA appreciates the extensive work done by ADEQ and others to document these exceptional events, and the significant review conducted by EPA to conclude that these events were exceptional.

ARPA is concerned, however, that these efforts may not be sustainable given the extraordinary efforts required to document and confirm an exceptional event under the current Exceptional Events Rule. It is clear that the rule needs to be improved and the demonstration process streamlined to ensure that the process is sustainable and consistent with 42 U.S.C. § 7619(b).

Even the best control measures are often not enough to keep high winds, stagnation, inversion, drought and unseasonably hot and dry weather from producing emissions well above the PM<sub>10</sub> NAAQS, hence the necessity for the Exceptional Events Rule ("EER"). Thankfully EPA recognizes the need to improve its EER Guidance, and for implementing modifications based on comments received from state agencies and key stakeholders. We are encouraged by the collaborative effort in which the EPA and the Arizona Department of Environmental Quality ("ADEQ") have worked to streamline the documentation process for the easier demonstrations.

Further, appreciate the efforts by the EPA to work with its state partners on streamlining the documentation process for the easier demonstrations; and we support the continuation of such collaboration to further refine the process, in addition to addressing and resolving other impediments with the EER and guidance. It is disconcerting, after all, that the streamlined process still required more than 600 staff hours and approximately \$100,000 to prepare the documentation to prove that the July 2-8, 2011 dust storm, which was substantially documented in video footage airing across the nation by news media outlets, was indeed an exception event.

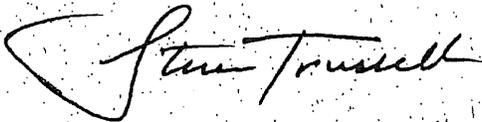
The Arizona Rock Products Association expressed these concerns to the EPA during the November 20, 2013 stakeholder meeting with the EPA and U.S. Senator Jeff Flake. We greatly

appreciated the EPA's participation, especially that of Assistant Administrator Janet McCabe, in that constructive exchange of ideas and thoughts regarding the EER. We strongly support and encourage the continuation of such collaboration and look forward to future and ongoing opportunities to work with the EPA to improve such complex and unnecessarily overly-burdensome processes.

**The Five Percent Plan complies with all applicable requirements and should be approved as proposed.**

ARPA appreciates the efforts of all stakeholders to develop and implement the Five Percent Plan. The end results are a very stringent but fair State Implementation Plan, stronger partnerships, and cleaner air. ARPA urges EPA to approve the Five Percent Plan as proposed.

Regards,

A handwritten signature in black ink, appearing to read "Steve Trussell". The signature is written in a cursive style with a large, sweeping initial "S".

Steve Trussell  
Executive Director



**ARIZONA CHAMBER**  
— OF COMMERCE & INDUSTRY —

March 10, 2014

Via Email (Nudd.Gregory@EPA.gov)

Mr. Gregory Nudd (Air-2)  
U.S. Environmental Protection Agency Region IX  
75 Hawthorne Street  
San Francisco, California 94105-3901

**Re: Comments on Proposed Approval and Promulgation of Maricopa County PM<sub>10</sub> Nonattainment Area Five Percent Plan for Attainment of the 24-Hour PM<sub>10</sub> Standard; Arizona; Docket No. EPA-R09-OAR-2013-0762**

Dear Mr. Nudd:

I am writing on behalf of the Arizona Chamber of Commerce and Industry (“Arizona Chamber”) and the Arizona Manufacturers Council (“AMC”) with regard to the proposal by the U.S. Environmental Protection Agency (“EPA”) to approve the Five Percent State Implementation Plan for the Maricopa County PM<sub>10</sub> Nonattainment Area, submitted on May 25, 2012 (“2012 Five Percent SIP”) by the State of Arizona.

Representing members of the Arizona business community across all sectors of the economy, the Arizona Chamber and the AMC place great value on sustaining a safe and healthy living environment for the people of Arizona while working to maintain a positive and reasonable regulatory climate. Arizona businesses understand and appreciate the importance of addressing the state’s air quality issues, especially since all our families and employees breathe the same air.

Like much of the nation, Arizona recently experienced significant economic struggles and a state budget crisis resulting in a considerable reduction in the State funding of governmental services, thereby requiring the shift of that financial burden onto the business community for the purpose of ensuring the maintenance of State primacy on delegated and authorized programs. Even now, as Arizona’s economy is still recovering from a recession, the impact to the business community remains significant and burdensome. The Arizona Chamber and the AMC strive to work with federal, state and local agencies to reduce the legal and regulatory burdens borne by Arizona businesses while addressing the critical environmental issues impacting the health of our families and employees. We believe these joint efforts result in better laws, rules, and guidance being drafted and much more complete and effective SIPs being submitted.



**ARIZONA  
MANUFACTURERS  
COUNCIL**

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We are particularly pleased to support the EPA's proposed approval of the 2012 Five Percent SIP, because of the collaborative nature in which this plan was developed, the completeness in which issues have been/are being resolved, and the actions that have ensued as a result of the overall experience. This plan represents the unprecedented exhaustive stakeholder process and painstaking efforts put towards successfully developing a revised SIP addressing the EPA's concerns over its perceived flaws of Arizona's previously submitted plan for the Maricopa County Nonattainment Area for PM<sub>10</sub> ("Maricopa County Area").

The level of participation from the very extensive and inclusive list of stakeholders which included the EPA, state and local regulatory agencies, non-governmental organizations, associations, businesses, elected officials and the Governor's office, was impressive. Countless hours were spent reviewing issues; discussing options; addressing concerns; educating each other on the potential impacts associated with each issue; crafting language for legislation or rules; modifying existing language or data in the SIP to address the issues raised by the EPA; and making final decisions.

This process provided an environment that enabled: healthy exchanges of informative and enlightening ideas and thoughts; real-time discussions and decisions to be made; an extraordinary level of collaboration among all involved; and an overall streamlined approach for developing a technically complete SIP. Furthermore, this collaborative process was conducive for generating creative solutions and the implementation thereof. For instance, The Dust Action General Permit was not only a concept established during stakeholder meetings, but the permit itself is a product of each stakeholder's input as is the legislation that was passed through the Arizona Legislature providing ADEQ the authority to develop the permit. Both the legislation and the permit were drafted and revised throughout countless meetings until all stakeholders reached a consensus.

While Arizona's unique geographical terrain and climate make this region special in its own right, these same features unfortunately add to the daunting challenge of maintaining the PM<sub>10</sub> National Ambient Air Quality Standards ("NAAQS"), especially for businesses operating in the Maricopa County Area. Regulations imposed on a business operating in the Maricopa County Area require that it not only reduce its own generated PM<sub>10</sub> emissions, but it must also implement measures to reduce the PM<sub>10</sub> emissions resulting from the wind blowing. Through the stakeholder process we came to the realization that there are other sources within the Maricopa County Area that are contributing factors in the PM<sub>10</sub> emissions created by high wind events, for which we recognized the necessity in developing the Dust Action General Permit.

However, even the best control measures are often not enough to keep Mother Nature from producing emissions well above the PM<sub>10</sub> NAAQS, hence the necessity for the Exceptional Events Rule ("EER"). We applaud the EPA for recognizing the need to improve its EER Guidance, and for implementing modifications based on comments received from state agencies and others. We are encouraged by the collaborative effort in which the EPA and the Arizona Department of Environmental Quality ("ADEQ") have worked to streamline the documentation process for the easier demonstrations. In fact, ADEQ credits the frequent involvement of the EPA Region IX during the development of Arizona's exceptional events demonstrations as being instrumental in Arizona receiving concurrence on 17 of its 18 demonstrations under the new EER Guidance for high wind dust events.

We appreciate the efforts by the EPA to work with its state partners on streamlining the documentation process for the easier demonstrations; and we support the continuation of such collaboration to further refine the process, in addition to addressing and resolving other impediments with the EER and guidance. It is disconcerting, after all, that the streamlined process still required more than 600 staff hours and approximately \$100,000 to prepare the documentation to prove that the July 2-8, 2011 dust storm, which was substantially documented in video footage airing across the nation by news media outlets, was indeed an exception event.

The Arizona Chamber and the AMC reiterated these concerns to the EPA during the November 20, 2013 stakeholder meeting with the EPA and U.S. Senator Jeff Flake. We greatly appreciated the EPA's participation, especially that of Assistant Administrator Janet McCabe, in that constructive exchange of ideas and thoughts regarding the EER. We strongly support and encourage the continuation of such collaboration and look forward to future and ongoing opportunities to work with the EPA to improve such complex and unnecessarily overly-burdensome processes.

The Arizona Chamber and the AMC absolutely supports the EPA's approval of the 2012 Five Percent SIP because it represents the very best that government, public and private entities can accomplish through cooperation and collaboration. In fact, we firmly believe this is the exact process that the U.S. Congress envisioned, and even required, in the implementation of the Clean Air Act; and is one that should serve as a model for all future SIP actions.

Sincerely,



Glenn Hamer  
President and CEO

cc: Chamber Board of Directors  
AMC Board of Directors  
Chamber Environment Committee



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*Submitted electronically via [www.regulations.gov](http://www.regulations.gov)*

March 10, 2014

U.S. Environmental Protection Agency Region IX  
Greg Nudd (Air-2)  
75 Hawthorne Street  
San Francisco, CA 94105-3901

**RE: *SRP Comments in Response to Air Quality State Implementation Plans; Approvals and Promulgations: Maricopa County PM-10 Nonattainment Area; Five Percent Plan for Attainment of the 24-Hour PM-10 Standard – Docket ID No. EPA-R09-OAR-2013-0762***

Dear Mr. Nudd:

The Salt River Project Agricultural Improvement and Power District (SRP) appreciates the opportunity to provide comments to the U.S. Environmental Protection Agency (EPA) on their proposed approval of the State Implementation Plan (SIP) for Maricopa County's nonattainment area for particulate matter nominally less than 10 microns (PM-10).

SRP is a political subdivision of the State of Arizona that provides retail electric services to more than 950,000 residential, commercial, industrial, agricultural and mining customers in Arizona. SRP relies on a diverse portfolio of owned and purchased generation resources that includes coal, natural gas, hydroelectric, nuclear, solar, wind, biomass, and geothermal. SRP is an owner and/or operator of six coal-fired power plants located in Arizona, New Mexico and Colorado, as well as five natural gas-fired power plants located in Arizona. Given SRP's ownership and operating interests in jurisdictions impacted by the proposed action, SRP has a clear and significant interest in this action.

SRP supports EPA's proposal to approve the SIP revision submitted by the State of Arizona. The SIP revision incorporates Maricopa Association of Governments' (MAG) Five Percent Plan for the Maricopa County PM-10 Nonattainment Area, which was developed through a collaborative effort that included representatives from EPA, state and local government, industry, and members of the public.

SRP understands the consequences associated with failing to comply with the National Ambient Air Quality Standards and was actively involved in the development of the following SIP components:

SRP Comments on Proposed SIP Approval

Docket ID No. EPA-R09-OAR-2013-0762

March 10, 2014

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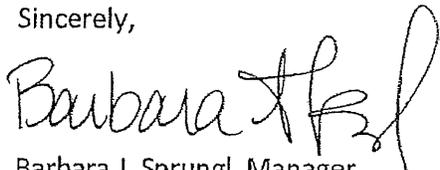
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- MAG's Five-Percent Plan (including serving on the MAG Air Quality Technical Advisory Committee, which ultimately approved the Five-Percent Plan);
- The Maricopa County Air Quality Department's (MCAQD) fugitive dust regulations; and
- The Arizona Department of Environmental Quality's Dust Action General Permit.

SRP demonstrates its commitment to the measures developed in the Five Percent Plan by participating in MCAQD's Rapid Response Program, which provides real-time notifications via email when PM-10 levels rise. This advanced notification enables SRP to take additional actions to help curtail the impacts of dust generating activities to the extent possible. SRP also receives the Maricopa County dust control forecast, which indicates the level of risk for elevated PM-10 levels five days in advance of a high wind or stagnation event, allowing SRP to plan dust generating activities accordingly.

SRP appreciates EPA's consideration of these comments. If you have any questions regarding the content of this letter, please contact me at [Barbara.Sprungl@srpnet.com](mailto:Barbara.Sprungl@srpnet.com) or by telephone at (602) 236-5374.

Sincerely,



Barbara J. Sprungl, Manager  
Air Quality and Laboratory Services

March 10, 2014

Hon. Amanda A. Reeve  
1 East Washington St.  
Phoenix, Arizona 85004

Via Email (Nudd.Gregory@EPA.gov)

Mr. Gregory Nudd (Air-2)  
U.S. Environmental Protection Agency Region IX  
75 Hawthorne Street  
San Francisco, California 94105-3901

**Re: Docket No. EPA-R09-OAR-2013-0762  
Comments on Proposed Approval and Promulgation of the Five Percent Plan for  
Attainment of the 24-Hour PM<sub>10</sub> Standard for the Maricopa County PM<sub>10</sub>  
Nonattainment Area; Arizona.**

Dear Mr. Nudd:

I write today to express my ardent support of the proposed approval by the U.S. Environmental Protection Agency ("EPA") of the Five Percent State Implementation Plan for the Maricopa County PM<sub>10</sub> Nonattainment Area, which was submitted by the State of Arizona on May 25, 2012 per Section 189(d) of the Clean Air Act ("2012 SIP").

I served in the Arizona House of Representatives from February 2010 to January 2013. As the Chair of the House Environment Committee, I was thoroughly immersed in the development of the 2012 SIP; and I am intimately aware of the exceptionally daunting nature in which Arizona had to revise its SIP for the Maricopa County PM<sub>10</sub> Nonattainment Area ("Maricopa County Area"). However, through a state-driven process this SIP was revised via collaborative stakeholder efforts resulting in the additional development of creative regulatory measures addressing the particulars specific to the Maricopa County Area.

Developing the 2012 SIP entailed countless arduous hours of frequently occurring and exhaustive stakeholder meetings that were inclusive, transparent, and cooperative. Due to an extensive and impressive list of stakeholders, which included: all impacted state and local agencies, businesses, associations, non-governmental organizations including the Sierra Club among others, members of the public, EPA Region IX, and representatives from municipalities, the state legislature, and the Governor's office, these meetings fostered an environment in which the exchange of information and feedback was instant, cooperative, and critically insightful.

Through the stakeholder process we confirmed that the options were very limited on the remaining available most stringent control measures that could be imposed on the permitted regulated community operating in the Maricopa County Area. However, the stakeholders agreed

that having the ability to engage certain control strategies proactively, as opposed to at the onset of a high wind dust event, would further reduce PM<sub>10</sub> emissions. Thus it was suggested that the Arizona Department of Environmental Quality (“ADEQ”) issue a Dust Control Forecast (“DCF”) for the Maricopa County Area providing advance notice of possible conditions that could lead to high wind dust events. It was agreed that the DCF would be issued six days a week, providing the forecast for the next five consecutive days; and would assign a “low”, “moderate” or “high risk for dust generation” category to each day based on projected meteorological conditions for the area, including: wind speed and direction, stagnation, recent precipitation, and potential for precipitation, as well as considerations of historic air pollution concentrations observed during conditions similar to those being predicted.

Additionally, through stakeholder discussions we were able to identify sources within the non-permitted regulated community residing in the Maricopa County Area that are contributors of fugitive dust emissions resulting from high wind dust events. It was collectively determined that the need to better inform and educate this particular community about the direct impact its actions has on the Maricopa County Area was essential, thus we collaboratively created the Dust Action General Permit (“DAGP”). This permit, developed in compliance with the guidelines set forth by the EPA for adopting and implementing emerging control measures, is an innovative and groundbreaking control strategy that doubles as an educational outreach tool with preventative Best Management Practices (“BMP”) applications. Furthermore, with the implementation of this DAGP, the DCF notification system will better enable both the permitted and non-permitted regulatory communities to more effectively implement BMPs prior to a high wind dust event, thereby significantly reducing fugitive dust emissions from occurring during the event.

Language granting ADEQ the required statutory authority and mandating specific parameters for the development of the DCF system and the DAGP was drafted for legislation via consensus from the stakeholders. House Bill 2208, containing these statutory provisions, passed with bipartisan and unanimous support from both the Senate and House chambers of the Arizona 50<sup>th</sup> Legislature, in 2011 during its first regular session. This would not have been achieved without the support of every single stakeholder, including the environmental and health organizations which especially have considerable sway among many of the members.

Another piece of legislation, passed in 2012 during the second regular session of the 50<sup>th</sup> Legislature, attributable to the stakeholders is House Bill 2798. As stakeholder discussions ensued it became evident that the perception of some of the participants, specifically the EPA, Sierra Club and several members of the business community, was that the municipalities were not enforcing the ordinances that they were statutorily and federally mandated to implement in conjunction with the Maricopa County PM<sub>10</sub> SIP. Through a comprehensive review conducted via the stakeholder meetings we discovered that the municipalities had implemented the statutorily required ordinances in compliance with the SIP and have been appropriately enforcing them since inception. However, each of the regulatory agencies (the municipalities, Maricopa County, ADEQ and the Arizona Department of Transportation) subject to enforcing provisions

of the SIP agreed to annually submit documentation reporting their activities and efforts thereof, so as to assuage any doubt to the contrary. Therefore, the legislation statutorily mandating these reporting requirements was passed as House Bill 2798.

These additional regulations, in conjunction with the existing and some of the most stringent control strategies being imposed on the permitted regulated community operating within the Maricopa County Area, have proven to significantly reduce emissions and exceedances thereof for the PM<sub>10</sub> National Ambient Air Quality Standards (“NAAQS”). However, even these extraordinary measures will not prevent fugitive dust emissions from occurring during high wind dust events. Under the previous SIP, ADEQ submitted documentation to the EPA demonstrating that most of the exceedances associated with that SIP were directly related to days experiencing high wind dust events, circumstances of which ADEQ believed were naturally occurring or not reasonably controllable or preventable thereby qualifying as Exceptional Events. In part, the EPA’s disagreement with the state’s assessment on several of the reported exceedances, led to Arizona revising its plan and submitting the 2012 SIP.

However, while the EPA disagreed with several of those purported exceptional event-related exceedances submitted under the previous plan, it did acknowledge that the Exceptional Events Rule (“EER”) inadequately addressed high wind dust events, and announced that the rule would undergo review and modification to provide the guidance and clarity required for state agencies to properly implement it for such events. It is very encouraging that as part of this undertaking the EPA enlisted feedback from, and is working with, state and local air quality regulatory agencies to improve the EER. In fact, ADEQ has diligently been working with the EPA to ensure that the rule and guidance better address the circumstances that are unique to the southwestern desert region. Additionally, U.S. Senator Jeff Flake arranged for Arizona stakeholders the opportunity to directly discuss with Assistant Administrator Janet McCabe concerns with the current provisions of the rule and suggestions for improving it to better accommodate differing climates and environments.

The continuation of these cooperative efforts in further refining the EER and guidance is greatly appreciated as it is a very important undertaking because one size truly does not fit all when it comes to addressing air quality concerns. Not only is Arizona’s climate and environment drastically different than that of Oregon or Maine; but even within Arizona, Maricopa County is vastly dissimilar to that of its neighboring Yavapai County. Thus, state and local governments are best situated to address the factors unique to their surrounding area thus being paramount in providing invaluable input to the revision of the EER and in the development of all state air plans.

In the passage of the Clean Air Act, Congress had the foresight to mandate that the prevention and control of air pollution *at its source* is the primary responsibility of the states and local governments; and that the EPA shall encourage cooperative activities by states and local governments in addition to promoting reasonable actions. Sections 101 and 102 of the Clean Air Act, in which Congress made these requirements, were the impetus for the stakeholder process

utilized to develop the 2012 SIP. The long-term partnerships and voluntary actions that have ensued as a result of this overall collaborative experience, have increased the effectiveness of the dust mitigation efforts thereby further reducing emissions; and have become critical in addressing other air quality matters.

The 2012 SIP stakeholder discussions revealed that the Maricopa County Air Quality Department's Rule 310: Fugitive Dust from Dust-Generating Operations and Rule 316: Nonmetallic Mineral Processing could benefit from the development of guidance to help facilities better comply with the rules. In fact, several of the stakeholders worked with the county to develop and distribute a Dust Abatement Handbook for Rule 310, while another set of stakeholders did the same for a handbook specific to Rule 316. Other stakeholders have assisted in developing educational materials, participating in outreach activities and/or disseminating DCF notifications to ensure that proactive measures are being implemented. Some stakeholders have even worked with the municipalities in researching options for more effective sealants or stabilizing methods to be implemented during road construction activities. More importantly, however, the stakeholders continue to work with the state and local agencies to ensure compliance with the 2012 SIP and maintenance thereof.

The stakeholders who participated in the development of the 2012 SIP are not only committed to remaining vigilant in reducing  $PM_{10}$  emissions; but are also thoroughly engaged in reducing other pollutant emissions, such as for fine dust/soot particulate matter (" $PM_{2.5}$ "). This past year, the state and county air agencies enlisted the stakeholders to assist in a monumental outreach campaign to educate residents and businesses operating within Maricopa County about the importance of reducing  $PM_{2.5}$ . Having experienced the successful collaboration in tackling  $PM_{10}$  and gaining an understanding and appreciation in the value of cooperatively and proactively addressing such issues, the stakeholders have eagerly been working with the state and county in addressing  $PM_{2.5}$  concerns.

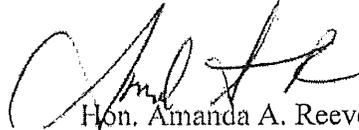
Former EPA Administrator William K. Reilly wrote, in a press release that can be found on the EPA's website, that the passage of the Clean Air Act Amendments of 1990 was a major milestone, in part because "its implementation envisions an unprecedented degree of cooperation between government and the private sector." Possibly for the first time ever, this vision has finally been realized under Arizona's state-driven process utilized to develop the 2012 SIP. Stakeholders engaging in a solution-oriented manner, collaboratively working towards the same overarching goal, understanding the impact of each action from all perspectives and encouraging practical and preemptive measures are proving to be fundamental in addressing Arizona's air quality issues.

The partnerships and the resulting extraordinary actions, the comprehensively complete plan, the innovative control strategies created, the unanimously supported legislation, and the continuing vigilance by the stakeholders are the byproduct of the successful state-driven process in which the 2012 SIP was developed. As a participating stakeholder in this process, the EPA's assistance and encouragement throughout was equally invaluable and integral to the plan's

Mr. Gregory Nudd  
Page 5

development. The Clean Air Act was written with the understanding that the successful implementation thereof requires that the primary responsibility be that of the governmental entities most intimately familiar with the impacted area(s); and that collaboration amongst the federal, state and local governments is paramount. I absolutely support approval of the 2012 SIP, because it is the very embodiment of this intent and most definitely should serve as the model process for all current and future SIP actions across the nation.

Sincerely,



Hon. Amanda A. Reeve  
Former Member & House Environment Chair,  
Arizona House of Representative

cc: Dir. Eric Massey, Arizona Department of Environmental Quality  
Dir. William D. Wiley, Maricopa County Air Quality Department

# MARICOPA ASSOCIATION OF GOVERNMENTS

## INFORMATION SUMMARY... for your review

**DATE:**

April 1, 2014

**SUBJECT:**

Development of the Fiscal Year 2015 MAG Unified Planning Work Program and Annual Budget

**SUMMARY:**

Each year staff develops the MAG Unified Planning Work Program and Annual Budget. The Work Program is reviewed in the spring by the federal agencies and presented for approval to the Regional Council in May. The proposed budget information is being presented incrementally in parallel with the development of the budget (see Prior Committee Actions below for the presentation timeline of the budget). This presentation and review of the draft fiscal year (FY) 2015 MAG Unified Planning Work Program and Annual Budget represents the document development to-date.

The MAG Management Committee reviewed the development of the Work Program and Annual Budget at its meetings on January 8, 2014, February 12, 2014, and March 12, 2014. The Regional Council reviewed the development of the Work Program and Annual Budget at its meetings on January 29, 2014, February 26, 2014 and March 26, 2014. The newly proposed projects and the first draft of the FY 2015 MAG Unified Planning Work Program and Annual Budget with estimated funding and expenditure amounts were presented at these meetings. Since new projects were presented in March, the 2015 Grand Avenue Transit Users Feasibility Study has been added for \$100,000. This is a pass-thru amount for a joint MAG-Regional Public Transportation Authority (RPTA) project and to study the need and feasibility of different levels of bus transit improvements in the Grand Avenue corridor over a period of time. This project description is included along with all of the newly proposed projects in the Draft FY 2015 "MAG Programs in Brief."

As a metropolitan planning organization and council of governments, MAG is responsible for an \$8.7 billion transportation improvement program. For FY 2015, it is estimated that MAG oversees approximately \$829.1 million in program funding. To develop the necessary federal documents in transportation and air quality requires a highly skilled staff. MAG is in competition with private consulting firms for the qualified staff needed to perform this work. Retaining key employees is vital to maintaining a quality workforce and work product for our region. For FY 2015, MAG is recommending that a proposed 4.64 percent for an amount of \$375,000 be included for FY 2015 budgeted salaries and that any increases to individual MAG salaries be performance based. In FY 2010 and FY 2012, no increases were provided. From FY 2010 to FY 2014 the average annual compounded increase over this period is 3 percent, and with the proposed increase, the average annual compounded increase from FY 2010 to 2015 would be 3.27 percent. The annual performance evaluation is the basis for any potential salary increases for MAG staff. Each MAG staff has an annual performance evaluation in June and may receive an increase based on this evaluation.

MAG is requesting one staff position for FY 2015 for a GIS Analyst I. The GIS Program in Information Services is responsible for developing and maintaining a large number of regional geospatial data sets; performing analyses; providing map authoring services; and developing and maintaining on-line mapping applications.

The Intermodal Planning Group meeting was held March 28, 2014. This meeting included a review and comments on the draft FY 2015 MAG budget by the Federal Highway Administration, the Federal Transit Administration, the Arizona Department of Transportation (ADOT), the City of Phoenix and other related

parties. Presentations were made by MAG, Valley Metro Rail, and the City of Phoenix. Comments from the attendees of this meeting were quite complimentary. The comments included mentioning the impressive work that MAG is doing, and MAG was called "best in class." No suggestions for improvement were made at this meeting. Additional formal comments will be forthcoming and communicated to you.

In addition to the detailed MAG Unified Planning Work Program and Annual Budget, a summary budget document, "MAG Programs in Brief," is produced that allows our members to quickly decipher the financial implications of the MAG budget. The summary document includes the list of proposed new projects with summary narratives. The final "MAG Programs in Brief" will present any changes to staff positions and the budgeted resources needed to implement these items.

Information for this presentation of the draft budget documents is included for your early review and input. Enclosed for your information are proposed budget revisions to the draft FY 2015 MAG Unified Planning Work Program and Annual Budget.

The information is considered draft and is subject to change as the budget continues through the review process.

**PUBLIC INPUT:**

None.

**PROS & CONS:**

PROS: In January and February proposed new projects and dues and assessments were reviewed. In March, MAG presented a draft summary for the FY 2015 budget document, "MAG Programs in Brief." The revisions to the consultant pages for new and carryforward consultants were also presented in March along with the updated budgeted positions, overall funding allocations, and a copy of the executed Transit Planning Agreement.

CONS: None.

**TECHNICAL & POLICY IMPLICATIONS:**

TECHNICAL: TECHNICAL: Federal transportation law requires a metropolitan planning organization to develop a unified planning work program that meets the requirements of federal law. Additionally, the MAG By-Laws require approval and adoption of a budget for each fiscal year and a service charge schedule.

POLICY: As requested by the MAG Executive Committee and subsequently approved by the Regional Council in May 2002, the MAG Work Program and Annual Budget detail is being presented earlier to the Management Committee and there is increased notice to members on the budget. MAG is providing a budget summary that outlines new programs and presents the necessary resources to implement these programs. This summary allows member agencies to quickly decipher the financial implications of such programs prior to their approval for implementation.

**ACTION NEEDED:**

Information and discussion.

**PRIOR COMMITTEE ACTIONS:**

This item was on the March 26, 2014, MAG Regional Council agenda for information and discussion.

MEMBERS ATTENDING

Mayor Scott Smith, Mesa, Chair  
Mayor Michael LeVault, Youngtown,  
Vice Chair

Vice Mayor Robin Barker, Apache Junction  
Mayor Marie Lopez Rogers, Avondale  
Mayor Jackie Meck, Buckeye

Councilmember Mike Farrar, Carefree  
 Councilmember Reginald Monachino, Cave Creek  
 Mayor Jay Tibshraeny, Chandler  
 Mayor Lana Mook, El Mirage  
 \* Mayor Tom Rankin, Florence  
 \* President Ruben Balderas, Fort McDowell Yavapai Nation  
 Mayor Linda Kavanagh, Fountain Hills  
 Mayor Steven Holt, Gila Bend  
 \* Governor Gregory Mendoza, Gila River Indian Community  
 Mayor John Lewis, Gilbert  
 Mayor Jerry Weiers, Glendale  
 Mayor Georgia Lord, Goodyear  
 Mayor Rebecca Jimenez, Guadalupe  
 Mayor Thomas Schoaf, Litchfield Park  
 Mayor Christian Price, City of Maricopa

\* Supervisor Steve Chucri, Maricopa County  
 \* Mayor Scott LeMarr, Paradise Valley  
 # Councilmember Cathy Carlat, Peoria  
 Mayor Greg Stanton, Phoenix  
 \* Supervisor Todd House, Pinal County  
 Mayor Gail Barney, Queen Creek  
 \* President Diane Enos, Salt River Pima-Maricopa Indian Community  
 Mayor W. J. "Jim" Lane, Scottsdale  
 Mayor Sharon Wolcott, Surprise  
 Mayor Mark Mitchell, Tempe  
 \* Mayor Adolfo Gamez, Tolleson  
 Mayor John Cook, Wickenburg  
 Jack Sellers, State Transportation Board  
 \* Joseph La Rue, State Transportation Board  
 Roc Arnett, Citizens Transportation Oversight Committee

\* Those members neither present nor represented by proxy.

# Attended by telephone conference call.

+ Attended by videoconference

This item was on the March 17, 2014, MAG Executive Committee agenda for information and discussion.

**MEMBERS ATTENDING**

Mayor Scott Smith, Mesa, Chair  
 Mayor Michael LeVault, Youngtown, Vice Chair  
 Mayor W.J. "Jim" Lane, Scottsdale, Treasurer

# Mayor Gail Barney, Queen Creek  
 Mayor Marie Lopez Rogers, Avondale  
 Mayor Lana Mook, El Mirage  
 \* Mayor Greg Stanton, Phoenix

\* Not present

# Participated by video or telephone conference call

This item was on the March 12, 2014, MAG Management Committee agenda for information and discussion.

**MEMBERS ATTENDING**

Dr. Spencer Isom, El Mirage, Chair  
 Miranda DeWitt for Christopher Brady, Mesa  
 # Matt Busby for George Hoffman, Apache Junction  
 David Fitzhugh, Avondale  
 Stephen Cleveland, Buckeye  
 \* Gary Neiss, Carefree  
 Peter Jankowski, Cave Creek  
 Rich Dlugas, Chandler  
 Charles Montoya, Florence  
 Alfonso Rodriguez for Phil Dorchester, Fort McDowell Yavapai Nation  
 Ken Buchanan, Fountain Hills  
 Rick Buss, Gila Bend  
 \* David White, Gila River Indian Community

Patrick Banger, Gilbert  
 Cathy Colbath for Brenda S. Fischer, Glendale  
 Brian Dalke, Goodyear  
 # Rosemary Arellano, Guadalupe  
 Darryl Crossman, Litchfield Park  
 Gregory Rose, City of Maricopa  
 \* Jim Bacon, Paradise Valley  
 Jeff Tyne for Carl Swenson, Peoria  
 Ed Zuercher, Phoenix  
 # Greg Stanley, Pinal County  
 \* Tracy Corman for John Kross, Queen Creek  
 \* Bryan Meyers, Salt River Pima-Maricopa Indian Community  
 Brad Lundahl for Fritz Behring, Scottsdale  
 \* Chris Hillman, Surprise

Andrew Ching, Tempe  
# Chris Hagen for Reyes Medrano, Tolleson  
Joshua Wright, Wickenburg  
Jeanne Blackman, Youngtown

Brent Cain for John Halikowski, ADOT  
John Hauskins for Tom Manos, Maricopa Co.  
Wulf Grote for Steve Banta,  
Valley Metro/RPTA

- \* Those members neither present nor represented by proxy.
- # Participated by telephone conference call.      + Participated by videoconference call.

This item was on the February 26, 2014, MAG Regional Council agenda for information and discussion.

MEMBERS ATTENDING

Mayor Scott Smith, Mesa, Chair  
Mayor Michael LeVault, Youngtown,  
Vice Chair  
\* Vice Mayor Robin Barker, Apache Junction  
Mayor Marie Lopez Rogers, Avondale  
Mayor Jackie Meck, Buckeye  
Councilmember Mike Farrar, Carefree  
Councilmember Reginald Monachino,  
Cave Creek  
# Mayor Jay Tibshraeny, Chandler  
Mayor Lana Mook, El Mirage  
Mayor Tom Rankin, Florence  
\* President Ruben Balderas, Fort  
McDowell Yavapai Nation  
Mayor Linda Kavanagh, Fountain Hills  
\* Mayor Steven Holt, Gila Bend  
\* Governor Gregory Mendoza, Gila River  
Indian Community  
Mayor John Lewis, Gilbert  
Mayor Jerry Weiers, Glendale  
# Mayor Georgia Lord, Goodyear

Mayor Rebecca Jimenez, Guadalupe  
Mayor Thomas Schoaf, Litchfield Park  
# Mayor Christian Price, City of Maricopa  
\* Supervisor Steve Chucuri, Maricopa County  
\* Mayor Scott LeMarr, Paradise Valley  
# Councilmember Cathy Carlat, Peoria  
Mayor Greg Stanton, Phoenix  
\* Supervisor Todd House, Pinal County  
Mayor Gail Barney, Queen Creek  
\* President Diane Enos, Salt River  
Pima-Maricopa Indian Community  
\* Mayor W. J. "Jim" Lane, Scottsdale  
\* Mayor Sharon Wolcott, Surprise  
Mayor Mark Mitchell, Tempe  
\* Mayor Adolfo Gamez, Tolleson  
Mayor John Cook, Wickenburg  
Jack Sellers, State Transportation Board  
Joseph La Rue, State Transportation Board  
Roc Arnett, Citizens Transportation  
Oversight Committee

- \* Those members neither present nor represented by proxy.
- # Attended by telephone conference call.      + Attended by videoconference

This item was on the February 18, 2014 MAG Regional Council Executive Committee agenda for information and discussion.

MEMBERS ATTENDING

Mayor Scott Smith, Mesa, Chair  
Mayor Michael LeVault, Youngtown, Vice Chair  
Mayor W.J. "Jim" Lane, Scottsdale, Treasurer

\* Mayor Gail Barney, Queen Creek  
# Mayor Marie Lopez Rogers, Avondale  
Mayor Lana Mook, El Mirage  
\* Mayor Greg Stanton, Phoenix

- \* Not present
- # Participated by video or telephone conference call

This item was on the February 12, 2014, MAG Management Committee agenda for information and discussion.



This item was on the January 21, 2014, MAG Executive Committee agenda for information and discussion.

MEMBERS ATTENDING

- \* Mayor Scott Smith, Mesa, Chair
- Mayor Michael LeVault, Youngtown, Vice Chair
- Mayor W.J. "Jim" Lane, Scottsdale, Treasurer
- \* Mayor Gail Barney, Queen Creek
- Mayor Marie Lopez Rogers, Avondale
- Mayor Lana Mook, El Mirage
- Mayor Greg Stanton, Phoenix

- \* Not present
- # Participated by video or telephone conference call

This item was on the January 8, 2014 MAG Management Committee for information and discussion.

MEMBERS ATTENDING

- Dr. Spencer Isom, El Mirage, Chair
- Christopher Brady, Mesa, Vice Chair
- # Matt Busby for George Hoffman, Apache Junction
- Charlie McClendon, Avondale
- \* Stephen Cleveland, Buckeye
- \* Gary Neiss, Carefree
- Rodney Glassman, Cave Creek
- Patrice Kraus for Rich Dlugas, Chandler
- \* Charles Montoya, Florence
- \* Phil Dorchester, Fort McDowell Yavapai Nation
- # Ken Buchanan, Fountain Hills
- Rick Buss, Gila Bend
- \* David White, Gila River Indian Community
- Marc Skocypec for Patrick Banger, Gilbert
- Brent Stoddard for Brenda S. Fischer, Glendale
- \* Brian Dalke, Goodyear
- Rosemary Arellano, Guadalupe
- Darryl Crossman, Litchfield Park
- \* Trisha Sorensen, City of Maricopa
- \* Jim Bacon, Paradise Valley
- Carl Swenson, Peoria
- Ed Zuercher, Phoenix
- # Greg Stanley, Pinal County
- # John Kross, Queen Creek
- \* Bryan Meyers, Salt River Pima-Maricopa Indian Community
- Brad Lundahl for Fritz Behring, Scottsdale
- Chris Hillman, Surprise
- Marge Zylla for Andrew Ching, Tempe
- \* Reyes Medrano, Tolleson
- Joshua Wright, Wickenburg
- Jeanne Blackman, Youngtown
- Brent Cain for John Halikowski, ADOT
- John Hauskins for Tom Manos, Maricopa Co.
- John Farry for Steve Banta, Valley Metro/RPTA

- \* Those members neither present nor represented by proxy.
- # Participated by telephone conference call.      + Participated by videoconference call.

**CONTACT PERSON:**

Rebecca Kimbrough, MAG Fiscal Services Manager, (602) 452-5051