October 28, 2014

TO: Members of the MAG Management Committee

FROM: Christopher Brady, Mesa, Chair

SUBJECT: MEETING NOTIFICATION AND TRANSMITTAL OF TENTATIVE AGENDA

Wednesday, November 5, 2014 - 12:00 noon
MAG Office, Suite 200 - Saguaro Room
302 North 1st 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. A working lunch will be provided.

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
November 5, 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.	3. Information.
4. Executive Director's Report The MAG Executive Director will provide a report to the Management Committee on activities of general interest.	4. Information.
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 (*).	5. Recommend approval of the Consent Agenda.

ITEMS PROPOSED FOR CONSENT*

MINUTES

*5A. Approval of the October 8, 2014, Meeting Minutes	5A. Review and approval of the October 8, 2014, meeting minutes.

TRANSPORTATION ITEMS

*5B. Draft 2014 Annual Report on the Status of the Implementation of Proposition 400

Proposition 400, approved by the voters of Maricopa County in November 2004, authorized the extension of a half-cent sales tax for use on transportation projects in the MAG Regional Transportation Plan. Arizona Revised Statute 28-6354 requires that MAG issue an annual report on projects included in Proposition 400, addressing factors such as project status, funding, and priorities. The Draft 2014 Annual Report is the tenth report in the series and covers the status of the life cycle programs for freeways/highways, arterial streets, and public transit. A Summary of Findings and Issues is included in the attached material and the full report is available on the MAG website. The Draft 2014 Annual Report was included on the MAG Transportation Review Committee agenda for October 23, 2014 for information and discussion. Please refer to the enclosed material.

5B. Information and discussion.

*5C. Arterial Life Cycle Program Status Report - May 2014 through September 2014

The Arterial Life Cycle Program Status Report provides detail about the status of projects, revenues, and other relevant program information for the period between May 2014 and September 2014. This is the program's twentieth status report and the first published in FY 2015. Please refer to the enclosed material.

5C. Information and discussion.

*5D. Consultant Selection for the Don't Trash Arizona Litter Prevention and Education Program

The Regional Transportation Plan (RTP) includes $279 million for the freeway maintenance program, including litter control. The FY 2015 MAG Unified Planning Work Program and Annual Budget approved by the MAG Regional Council in May 2014 contains $300,000 to continue the Don't Trash Arizona program for FY 2015. On July 30, 2014, MAG issued a Request for Proposals (RFP) seeking qualified consultants for the development and implementation of the Don't Trash Arizona Litter Prevention and Education Program for the

5D. Recommend approval that Olson Communications, Inc., be selected to design and implement the FY 2015 Litter Prevention and Education Program for the MAG region, for an amount not to exceed $300,000, and that the base contract period shall be a one (1) year term. MAG may, at its option, offer to extend the period of this agreement up to a maximum of two (2), one (1) year options, based on consultant performance and funding availability.

MAG region. On September 10, 2014, MAG received proposals from three qualified consultants in response to the RFP. A multi-agency review panel consisting of participants from MAG member agencies met on September 24, 2014, to evaluate the proposals. The multi-agency review panel unanimously recommended to MAG that Olson Communications, Inc. be selected as the consultant to develop and implement the FY 2015 Litter Prevention and Education Program, at a cost not to exceed $300,000. Under the terms of the contract, MAG may, at its option, extend the contract up to two years, in one-year increments, based on performance and funding availability. Please refer to the enclosed material.

*5E. Acceptance of the Central Phoenix Transportation Framework Study

On October 8, 2014, the MAG Management Committee received a report on the Central Phoenix Transportation Framework Study. The study identifies the long-range transportation needs for the center of the MAG region in an area bounded by SR-101L on the north, east, and west, and the Gila River Indian Community on the South. Since beginning the study in 2010, the study team has reached out to numerous representatives from the general public, MAG member agencies, and Valley Metro/RPTA. Through stakeholder meetings, geographic dialogues, two planning charettes, and fourteen Planning Partner events, the project has identified varying transportation opportunities to meet future travel demand and thereby inform development of the NextGen Regional Transportation Plan. During the tenure of this project, study findings have been used to launch other major planning efforts for Metropolitan Phoenix, including the Southeast Corridor Major Investment Study, MAG's COMPASS (Corridor Optimization, Access Management Plan, and Systems Study) initiatives for US-60/Grand Avenue and 99th Avenue, the MAG Managed Lanes Network Development Strategy, and the Interstate 10/Interstate 17 Corridor Master Plan. On October 23, 2014, the MAG Transportation Review Committee recommended acceptance of the study findings. Please refer to the enclosed material.

5E. Recommend acceptance of the findings from the Central Phoenix Transportation Framework Study and the companion Downtown Phoenix Core Connections and Operations Study to inform development of the next generation of the Regional Transportation Plan; and to recommend the affected MAG member agencies within the Central Phoenix Transportation Framework Study area consider incorporating these findings into future updates of their general plans.

*5F. Traffic Signal Optimization Program Recommendation of Projects for FY 2015

The MAG Traffic Signal Optimization Program (TSOP) provides technical assistance to member agencies for improving traffic signal operations, and delivers training to agency staff via an annual workshop. Since its inception in 2004, the program has completed 101 projects affecting nearly 1,000 signalized intersections. On September 3, 2014, MAG announced a request for new TSOP projects for FY 2015. A total of 14 project applications was received. On October 7, 2014, the MAG Intelligent Transportation System Committee reviewed all applications and recommended nine of the proposed projects, plus two additional projects that would involve performing before-and-after evaluations and a workshop to provide training on traffic signal timing software. The execution of these projects would help improve traffic signal coordination along a number of major arterial corridors in addition to freeway-arterial coordination in the I-10 corridor. The budget available for new TSOP projects is $300,000 and the total estimated cost for all 11 projects, which are to be carried out using MAG on-call consultants, is estimated to be $303,000. The additional $3,000 required will be met by remaining TSOP funds carried over from FY 2014. On October 23, 2014, the MAG Transportation Review Committee recommended approval of the 11 projects. Please refer to the enclosed material.

5F. Recommend approval of the list of Traffic Signal Optimization Program projects for FY 2015.

*5G. MAG Public Involvement Progress Report

As part of its adopted public involvement process, MAG provides quarterly progress reports on public involvement activities to MAG policy committees for information and to convey input. MAG responds to all of the comments received as appropriate. The MAG public involvement process adheres to all federal requirements under the current federal transportation planning legislation and is dedicated to providing all of the region's residents and interested parties an opportunity to comment on transportation plans and programs. Please refer to the enclosed material.

5G. Information and discussion.

ENVIRONMENTAL ITEMS

*5H. Status of Remaining MAG Approved PM-10 Certified Street Sweeper Projects That Have Not Requested Reimbursement

A status report is being provided on the remaining PM-10 certified street sweeper projects that have received approval, but have not requested reimbursement. To address new Federal Highway Administration procedures to minimize inactive obligations and to assist MAG in reducing the amount of obligated federal funds carried forward in the MAG Unified Planning Work Program and Annual Budget, we are requesting that street sweeper projects for FY 2014 CMAQ funding be purchased and reimbursement requests be submitted to MAG by March 26, 2015. In addition, recently MAG was notified of another instance in which a street sweeper disposal occurred without Arizona Department of Transportation (ADOT) approval. ADOT procedures require that member agencies obtain ADOT approval prior to the disposal of a CMAQ-funded street sweeper. Please refer to the enclosed material.

5H. Information and discussion.

*5I. Update on the Arizona Center for Law in the Public Interest Lawsuit on the MAG 2012 Five Percent Plan for PM-10

On October 16, 2014, the Arizona Center for Law in the Public Interest filed a brief in the Center's lawsuit to challenge the Environmental Protection Agency's approval of the MAG 2012 Five Percent Plan for PM-10. The brief addresses exceptional events; Agricultural Best Management Practices Program; best available control measures and most stringent measures; and contingency measures. On September 24, 2014, the MAG Regional Council approved MAG's Washington legal counsel to file a motion for MAG to intervene on behalf of the respondent in the lawsuit. On October 23, 2014, the Washington legal counsel filed the MAG motion to intervene. MAG had been coordinating closely with Maricopa County on a potential joint motion to intervene. Since Maricopa County is a member of MAG, Maricopa County staff has indicated that the MAG motion already represents the interests of the MAG

5I. Information and discussion.

members on this matter. Maricopa County may seek authorization to file an Amicus Curiae brief in the event that such a brief is necessary and/or appropriate. On August 28, 2014, the Arizona Department of Environmental Quality had filed a motion to intervene in the lawsuit on behalf of the respondent. On September 24, 2014, the U.S. Ninth Circuit Court of Appeals granted the State's motion to intervene. Please refer to the enclosed material.

GENERAL ITEMS

*5J. Approval of the Draft July 1, 2014 Maricopa County and Municipality Resident Population Updates

MAG staff has prepared draft July 1, 2014 Maricopa County and Municipality Resident Population Updates. The Updates, which are used to prepare budgets and set expenditure limitations, were prepared using the 2010 Census as the base and updated with housing unit data supplied and verified by MAG member agencies. Since there may be changes to the Maricopa County control total by the Arizona Department of Administration, on October 28, 2014, the MAG Population Technical Advisory Committee recommended approval of these draft Updates provided that the County control total is within one percent of the final control total. Please refer to the enclosed material.

5J. Recommend approval of the draft July 1, 2014 Maricopa County and Municipality Resident Population Updates provided that the Maricopa County control total is within one percent of the final control total.

*5K. Proposed 2015 Edition of the MAG Standard Specifications and Details for Public Works Construction

The MAG Standard Specifications and Details Committee has completed its review of proposed revisions to the MAG Standard Specifications and Details for Public Works Construction. These revisions have been recommended for approval by the committee and are currently being reviewed by MAG member agency Public Works Directors and/or Engineers. It is anticipated that the new 2015 edition will be available for purchase in early January 2015. Please refer to the enclosed material.

5K. Information and discussion.

ITEMS PROPOSED TO BE HEARD

6. Proposed Major Amendment to the MAG Regional Transportation Plan to Add the Light Rail Transit Extension on Central Avenue: Washington/Jefferson to Baseline Road

On August 27, 2014, the MAG Regional Council requested consultation on the proposed major amendment to the Regional Transportation Plan to add a five (5) mile light rail transit (LRT) extension on Central Avenue: Washington/Jefferson to Baseline Road. Formal comment on the proposed major amendment is required by state statute, A.R.S. 28-6353, from the State Transportation Board, the Regional Public Transportation Authority, and the Maricopa County Board of Supervisors. Cities and towns, Native American Indian communities, and the Citizens Transportation Oversight Committee may also provide comments. The proposed major amendment was recommended to MAG for approval on September 12, 2014, by the State Transportation Board, on September 18, 2014, by the Regional Public Transportation Authority Board, and on September 25, 2014, by the Maricopa County Board of Supervisors. On October 23, 2014, the MAG Transportation Review Committee recommended approval. Please refer to the enclosed material.

6. Recommend approval of the proposed major amendment to the Regional Transportation Plan to add a five (5) mile light rail transit (LRT) extension on Central Avenue: Washington/Jefferson to Baseline Road and that the Regional Transportation Plan be amended subject to the necessary air quality conformity analysis.

7. Draft MAG 208 Water Quality Management Plan Amendment for the West Valley Regional Water Reclamation Facility

The City of Glendale and Maricopa County have requested that the MAG 208 Water Quality Management Plan be amended to include the West Valley Regional Water Reclamation Facility with an ultimate capacity of eight million gallons per day. The facility would be located in the Glendale Municipal Planning Area and serve a portion of the Glendale Municipal Planning Area that includes unincorporated areas of Maricopa County. Reclaimed water would be disposed of through reuse, recharge, and a potential Arizona Pollutant Discharge Elimination System Permit discharge to Bullard Wash south of Litchfield Park via a below-ground pipeline; Roosevelt Irrigation District Canal

7. Recommend approval of the Draft MAG 208 Water Quality Management Plan Amendment for the West Valley Regional Water Reclamation Facility.

south of Litchfield Park via a below-ground pipeline; and/or to the Agua Fria River via existing concrete lined stormwater channels. On August 21, 2014, the MAG Water Quality Advisory Committee conducted a public hearing on the Draft 208 Amendment for the West Valley Regional Water Reclamation Facility. Immediately following the public hearing, the Committee considered public comments received and tabled the Draft 208 Amendment. After the August 21, 2014 public hearing and Committee meeting, a response to the public comments was prepared. In addition, a joint letter from EPCOR Water Arizona, Inc. and Liberty Utilities as well as a letter from the Central Arizona Project were provided to indicate issues related to the recharge projects will be addressed through permitting at the Arizona Department of Water Resources and that there are no objections to the Draft 208 Amendment. On October 21, 2014, the Water Quality Advisory Committee reviewed the response to comments and letters and recommended approval of the Draft 208 Amendment. Please refer to the enclosed material.

8. <u>Resolution of Support for Acceleration of the SR-189 Project</u>

On October 15, 2014, Arizona celebrated the opening of the new Mariposa Port of Entry, which is located immediately north of the City of Nogales, Arizona. The completed reconstruction of the Port is estimated at $225 million. Traffic volumes at the Port are expected to increase from the current average of 1,600 trucks per day to more than 3,000 trucks per day by the peak of produce season in January 2015. State Route 189 serves as a bypass for commercial truck traffic to and from Mexico and provides a critical international commerce connection from the Mariposa Port of Entry to Interstate 19. With the opening of the Port, the increased traffic will encounter a bottleneck north of the Port. The Arizona Department of Transportation (ADOT) has conducted a design concept report of the interchange configuration needed to fix the bottleneck, estimated at approximately $64 million. ADOT has allocated $2 million in FY 2016 for environmental work and $4 million in FY 2018 for final design. The draft resolution to support the

8. Recommend approval of supporting the draft resolution, requesting the respective Regional Planning Agencies to work cooperatively to jointly advocate to the Arizona Department of Transportation, the Federal Highway Administration, the State Transportation Board, Arizona's Congressional Delegation, the Arizona Legislature, and other public and private stakeholders, to explore additional funding, creative financing, and additional statutory flexibility in order to advance the construction of the preferred build alternative for State Route 189 into the ADOT Five-Year Transportation Facilities Construction Program while holding harmless those projects currently programmed therein.

acceleration is being considered by the regional planning organizations in Arizona. The resolution requests the respective Regional Planning Agencies to work cooperatively to jointly advocate to ADOT, the Federal Highway Administration, the State Transportation Board, Arizona's Congressional Delegation, the Arizona Legislature, and other public and private stakeholders, to explore additional funding, creative financing, and additional statutory flexibility in order to advance the construction of the preferred build alternative for State Route189 into the ADOT Five-Year Transportation Facilities Construction Program while holding harmless those projects currently programmed therein. A report will be provided to the Management Committee. Please refer to the enclosed material.

9. Federal Fiscal Year 2014 Year End Closeout Report of Federal Highway Administration Suballocated MAG Regional Funds, and Evaluation of Federal Fiscal Year 2015 Funding Levels

On July 6, 2012, President Obama signed into law P.L. 112-141, the Moving Ahead for Progress in the 21st Century Act (MAP-21). This surface transportation authorization act expired on September 30, 2014. A continuing resolution was signed in September 2014, funding transportation projects through December 11, 2014. An update will be provided on FFY 2014, expected FFY 2015 apportionments, and, if available, regional and state funding levels. Please refer to the enclosed material.

9. Information and discussion.

10. Southeast Valley Transit System Study

On May 22, 2013, the MAG Regional Council approved the FY 2014 MAG Unified Planning Work Program and Annual Budget, which included funding for the Southeast Valley Transit System Study. Jurisdictions included in the study are Apache Junction, Chandler, Florence, Gila River Indian Community, Gilbert, Guadalupe, Maricopa, Mesa, Phoenix, Queen Creek, Tempe and the surrounding portions of Maricopa County and Pinal County. The Southeast Valley Transit System Study commenced in early Spring 2014 as the third of three sub-regional transit studies, and is co-managed by MAG and Valley Metro. The

10. Information and discussion.

purpose is to identify efficiencies and service gaps for existing and future transit services, optimize existing services, identify current unmet needs, and address changing study area conditions. The final report will develop recommendations for addressing short-, mid-, and long-term transit needs and investigate funding strategies and partnership opportunities. This update will focus on community outreach for Fall 2014/Spring 2015, and recent transit optimization task-work, travel patterns and market analysis. Staff from MAG and Valley Metro will present an update on the study. Please refer to the enclosed material.

11. Legislative Update

An update will be provided on legislative issues of interest.

11. Information, discussion, and possible action.

12. 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. Information.

13. 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.

13. Information.

Adjournment

MINUTES OF THE
MAG MANAGEMENT COMMITTEE MEETING
October 8, 2014
MAG Office, Saguaro Room
Phoenix, Arizona

MEMBERS ATTENDING

Christopher Brady, Mesa, Chair
Anna McCray for George Hoffman, Apache Junction
David Fitzhugh, Avondale
Roger Klingler for Stephen Cleveland, Buckeye
Gary Neiss, Carefree
Peter Jankowski, Cave Creek
Rich Dlugas, Chandler
Dr. Spencer Isom, El Mirage
Charles Montoya, Florence
Alfonso Rodriguez for Phil Dorchester, Fort McDowell Yavapai Nation
Ken Buchanan, Fountain Hills
Ernest Rubi, Gila Bend
* Tina Notah, Gila River Indian Community
Patrick Banger, Gilbert
Brent Stoddard for Brenda S. Fischer, Glendale
Brian Dalke, Goodyear
* Rosemary Arellano, Guadalupe
Sonny Culbreth for Darryl Crossman, Litchfield Park
Gregory Rose, City of Maricopa
* Jim Bacon, Paradise Valley
Kevin Tyne for Carl Swenson, Peoria
Thomas J. Remes for Ed Zuercher, Phoenix
Louis Andersen for Greg Stanley, Pinal County
John Kross, Queen Creek
* Bryan Meyers, Salt River Pima-Maricopa Indian Community
Brad Lundahl for Fritz Behring, Scottsdale
Bob Wingenroth, Surprise
Andrew Ching, Tempe
Chris Hagen for Reyes Medrano, Tolleson
Joshua Wright, Wickenburg
Jeanne Blackman, Youngtown
Jennifer Toth, ADOT
Clem Ligocki for Tom Manos, Maricopa County
Jyme Sue McLaren for Steve Banta, Valley Metro/RPTA

* 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 Christopher Brady, Mesa, at 12:02 p.m.

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

Mr. Gregory Rose, Mr. Charles Montoya, Mr. David Fitzhugh, Mr. Ernest Rubi, Mr. Louis Andersen, Ms. Chris Hagen, and Ms. Anna McCray joined the meeting via teleconference.

Chair Brady welcomed two new members to the committee: Ms. Jennifer Toth for ADOT and Mr. Ernest Rubi for Gila Bend.

Chair Brady welcomed Arizona State Representative Bob Robson to the meeting.

Chair Brady noted materials at each place: the revised materials for agenda items #5D, #5F, and #8.

Chair Brady noted that hearing assisted devices are available from MAG staff. He announced that public comment cards were available to members of the public who wish to comment. Parking validation was available for those who parked in the MAG parking garage and transit tickets were available for those who purchased transit tickets to come to the meeting.

3. Call to the Audience

Chair Brady 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 Brady invited Ms. Dianne Barker to come forward and deliver her public comments. Ms. Barker said that she is a Phoenix resident who took transit to the meeting. She spoke of the weather here being cloudy when it is sunny in other parts of the country and how it affected viewing of the lunar eclipse. Ms. Barker noted that many people came to protest the South Mountain bypass at the Phoenix formal agenda meeting. She said that she believed Councilman Sal DiCiccio was requesting that the South Mountain bypass item be on the formal agenda for a vote. Ms. Barker stated that the final environmental impact statement has been released for a 60-day review and a record of decision is expected in 2015. She said that she would like to know the successes realized from phase I of the freight study because MAG was giving Parsons Brinckerhoff another $400,000 for phase II. Ms. Barker stated that a big partner for Arizona is Mexico and she encouraged considering new ideas, such as high speed trains and partnerships. She stated that Mayor LeVault has indicated there is the potential for alternatives in the Interstate 11 corridor, even rail. Chair Brady thanked Ms. Barker for her comments.

4. Executive Director's Report

Mr. Dennis Smith, MAG Executive Director, reported on items of interest to the MAG region. He first reported on the Strategic Highway Research Program (SHRP2) national pilot project for improving transportation system reliability and to estimate travel time reliability more accurately. Mr. Smith stated that MAG is on the team selected by the Federal Highway Administration to perform a national pilot project at two test sites – Phoenix and Portland, Oregon.

Mr. Smith noted that a fact sheet for the South Mountain Freeway environmental impact statement (EIS) was at each place. He said that the final EIS has been uploaded by the Federal Highway Administration and the record of decision is expected in late December or early January. Mr. Smith stated that there is a 150-day period for filing legal challenges. He stated that construction could proceed by mid-2015.

Mr. Smith reported that MAG hosted a press conference on October 7, 2014, in commemoration of October as Domestic Violence Awareness Month. He noted that speakers at the event included Maricopa County Attorney Bill Montgomery, the Vice Chair of the MAG Regional Domestic Violence Council and Apache Junction Vice Mayor Robin Barker, Phoenix Deputy Police Chief Sandra Renteria, El Mirage Police Chief Steve Campbell, Regional Council Chair Mayor Michael LeVault of Youngtown, and domestic violence survivor, Harper. Mr. Smith stated that one of the barriers to prosecuting domestic violence cases is that old technology, such as fax machines, is used for information sharing between some of the cities and the County Attorney's office. He explained that if prior arrest information is not provided to the County Attorney in a timely manner, a suspect could be released from custody without prosecution. He noted that Amy St. Peter, MAG staff, will be communicating with the Arizona Criminal Justice Commission regarding improving information sharing. Mr. Smith domestic violence calls are the most costly calls to jurisdictions and dangerous for public safety officers. Mr. Smith stated that MAG has produced a domestic violence prevention video that is available for distribution.

Mr. Smith stated that a Roundtable Discussion with Rodolfo Gómez Acosta, the Secretary of Finance for the State of Nuevo León, Mexico, is scheduled for October 10, 2014, at the MAG office. Mr. Smith noted that member agency staff and elected officials are invited to attend. He reported that Nuevo León is one of the largest sectors of the aerospace industry in Mexico besides Baja, Mexico.

Mr. Smith stated that the Building an International Economic Network (BIEN) website will launch on October 21, 2014, during a press conference at DIRTT Environmental Solutions, a Canadian company that does business in Arizona and Mexico. He noted that to-date, 455 businesses have registered on the website.

Mr. Smith stated that at a press conference on October 29, 2014, the Arizona Department of Transportation (ADOT), the Department of Public Safety (DPS), the Federal Highway Administration and MAG will announce the co-location of DPS officers at the ADOT Traffic Operations Center. He said that this co-location is an effort to increase safety on the freeway system.

Mr. Smith stated that the State of the Americas event, organized by Peoria Councilmember Tony Rivero, was held September 23, 2014. Speakers included Glenn Hamer from the Arizona Chamber of Commerce, and the former President of Mexico Vicente Fox. Mr. Smith stated that MAG's focus at the event was the issue of extending the border crossing card zone to the entire state of Arizona from the current 75-mile limit. He played the video on this topic produced by MAG that shows why this is important to the economy of the State of Arizona. Mr. Smith stated that MAG is working with the Chamber of Commerce and an action team is being assembled. He

noted that the rule change would need to be made by the U. S. Customs and Border Protection and published in the Federal Register.

Chair Brady thanked Mr. Smith for his report.

5. Approval of Consent Agenda

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

No public comment cards were received.

Chair Brady asked members if they had questions or requests to hear a presentation on any of the Consent Agenda items.

Dr. Isom stated that he wanted to make a statement only on agenda item #5D. He said that MAG staff does a great job in preparing and communicating the TIP changes, but he had a request for consideration that verbal reports be given on the TIP changes instead of them being placed on the Management Committee Consent Agenda.

Chair Brady called for a motion to recommend approval of Consent Agenda items #5A, #5B, #5C, #5D, #5E, and #5F.

Mr. Joshua Wright moved, Mr. Gregory Rose seconded, and the motion passed unanimously.

5A. Approval of the September 10, 2014, Meeting Minutes

The MAG Management Committee, by consent, approved the September 10, 2014, meeting minutes.

5B. MAG Bicycles Count Project - Final Report

The MAG Management Committee, by consent, recommended acceptance of the MAG Bicycles Count Project Final Report. The FY 2013 MAG Unified Planning Work Program and Annual Budget, approved in May 2012 by the MAG Regional Council, included $96,000 to develop a methodology and conduct a bicycle count in the region. The bicycle count data can be used in safety and air quality analyses, estimates of regional bicycle demand, local transportation planning, and federal funding project applications. The final report for the MAG Bicycles Count project was completed in June 2014. The report summarizes the results and analysis of the Fall 2013 bicycle data count collection effort that included 128 locations throughout the MAG region, and establishes a framework for future data collection in the region. The final report was recommended for acceptance at the September 25, 2014, Transportation Review Committee meeting.

5C. Pedestrian and Bicycle Facilities Design Assistance Program

The MAG Management Committee, by consent, recommended approval of the following projects for MAG Design Assistance for the Pedestrian and Bicycle Facilities Program: Tempe: Alameda Drive Bicycle and Pedestrian Facilities Improvements Project for $75,000; Mesa: Dobson Road Complete Street - US-60 to Broadway Road for $75,000; Fort McDowell Yavapai Nation: Fort McDowell Multi-use Pathway Connector for $75,000; Surprise: Grand Avenue Sidewalk Gap Improvement Project for $36,000; and Peoria: New River Multi-use Path Access at Deer Valley Road for $39,000. The FY 2015 MAG Unified Planning Work Program and Annual Budget, approved by the MAG Regional Council in May 2014, includes $300,000 for the MAG Design Assistance for Bicycle and Pedestrian Facilities Program. The Design Assistance Program allows MAG member agencies to apply for funding for the preliminary design portion of a bicycle or pedestrian project. At the July 15, 2014, and August 19, 2014, meetings, the Bicycle and Pedestrian Committee reviewed and ranked applications, and voted to recommend the five top ranked projects for approval. On September 25, 2014, the Transportation Review Committee recommended funding the five top ranked projects for the Design Assistance Program.

5D. Project Changes - Amendment and Administrative Modification to the FY 2014 MAG Transportation Improvement Program, FY 2015 Arterial Life Cycle Program, and to the 2035 Regional Transportation Plan

The MAG Management Committee, by consent, recommended approval of amendments and administrative modifications to the FY 2014-2018 MAG Transportation Improvement Program, FY 2015 Arterial Life Cycle Program, and as appropriate, to the 2035 Regional Transportation Plan. The Fiscal Year (FY) 2014-2018 MAG Transportation Improvement Program (TIP) and 2035 Regional Transportation Plan (RTP), approved by the MAG Regional Council on January 29, 2014, have been modified five times. The FY 2015 Arterial Life Cycle Program, approved by the MAG Regional Council on June 25, 2014, has been modified one time. Tables A and B contain a list of changes to the Arterial Life Cycle Program; the changes are minor in nature and do not impact the fiscal balance of the program. Table C includes changes to the transit program. These changes incorporate Job Access and Reverse Commute projects based on the priority ranking that was approved by the MAG Regional Council on August 27, 2014. Table D contains a material cost change and additional changes to the freeway program requested by the Arizona Department of Transportation (ADOT), non-Arterial Life Cycle Program project changes requested by member agencies, and general clerical corrections. The detailed listing to fund the cost of the Department of Public Safety officers in the ADOT Traffic Operations Center for three years is included as part of this table. On September 25, 2014, the MAG Transportation Review Committee recommended approval of this item.

5E. MAG FY 2016 PSAP Annual Element/Funding Request and FY 2016-2020 Equipment Program

The MAG Management Committee, by consent, recommended approval of the MAG FY 2016 PSAP Annual Element/Funding Request and FY 2016-2020 Equipment Program. Each year, the MAG Public Safety Answering Point (PSAP) Managers submit inventory and upgrade requests that are used to develop a five-year equipment program that forecasts future 9-1-1 equipment needs of the region and enables MAG to provide estimates of future funding needs to the Arizona

Department of Administration (ADOA). The ADOA Order of Adoption stipulates allowable funding under the Emergency Telecommunications Services Revolving Fund. The MAG FY 2016 PSAP Annual Element/Funding Request and FY 2016-2020 Equipment Program were recommended for approval on July 10, 2014, by the MAG PSAP Managers and on September 22, 2014, by the MAG 9-1-1 Oversight Team.

5F. 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) and 2035 Regional Transportation Plan. The amendment and administrative modification involve several projects, including Arterial Life Cycle Program and Job Access and Reverse Commute 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.

10. Economic Impact Study with the Thunderbird School of Global Management

This agenda item was taken out of order.

Amy St. Peter, MAG staff, reported on the new economic impact study being conducted by MAG and the Thunderbird School of Global Management to quantify the economic impact of older adults in the Greater Phoenix economy. Ms. St. Peter stated that member agencies are in a unique position to leverage the talents of older adults as an economic development asset. Ms. St. Peter stated that every community includes older adults who are not in the workforce who can still make important contributions. She said that this study will quantify the economic impact, help identify strategies for engaging these older adults, help make our region more competitive globally, and facilitate the transfer of knowledge to the next generation.

Ms. St. Peter stated that the Thunderbird team has started meeting and conducting outreach to such organizations as Experience Matters and Arizona Technology Council. She stated that deliverables for this project include analyzing data, quantifying the impact, and developing a strategy. Ms. St. Peter stated that human resources departments often face barriers and some have done an excellent job in mitigating these barriers. She stated that the study could look at how innovative countries engage older adult workers to facilitate the knowledge transfer to younger workers. Ms. St. Peter noted the contributions of experienced workers can be a benefit when companies are looking at where to locate their businesses. Ms. St. Peter stated that the study is expected to be completed in early December 2014 and she would report back on the results.

Chair Brady thanked Ms. St. Peter for her report. No questions from the Committee were noted.

6. Service Contract for 9-1-1

Nathan Pryor, MAG staff, stated that the State 9-1-1 Office is proposing a Managed Services model for 9-1-1 services and equipment for a bundled monthly fee. He first gave a background on the region's 9-1-1 system. Calls to 9-1-1 in the MAG region are answered at the Public Safety

Answering Points (PSAPs) located in the cities, towns and county. Mr. Pryor stated that Maricopa Region 9-1-1 utilizes more of a distributed model than the centralized model that might be seen in other areas of the country. Mr. Pryor explained that the Maricopa Region 9-1-1 system contracts with the City of Phoenix to administer the system.

Mr. Pryor said that two 9-1-1 committees at MAG, the PSAP Managers Group and the Oversight Team, consult on the system's needs and on issues relevant to the region's 9-1-1 system. Mr. Pryor stated that annually the MAG Regional Council approves a budget that is submitted for funding to the Arizona Department of Administration. He noted that the Management Committee recommended approval of the FY 2016 budget under agenda item 5E on today's agenda.

Liz Graeber, Maricopa Region 9-1-1 Administrator, Phoenix Fire Department, continued the presentation. Ms. Graeber stated that the Maricopa Region 9-1-1 team oversees the budget, maintains the 9-1-1 centers in the region, installs equipment, and acts as the liaison between the State 9-1-1 Office and member agencies.

Ms. Graeber stated that in August 2014, the State 9-1-1 Office called a meeting of the state's 9-1-1 administrators and at the meeting proposed the Managed Services model for the state's 9-1-1 systems to provide 9-1-1 services bundled into one flat monthly fee of $2,000 per 9-1-1 answering equipment position. She noted that there are 329 positions in Maricopa Region 9-1-1 and she added that positions are hardware positions, not personnel positions. Ms. Graeber reported that the proposed Managed Services model includes equipment, maintenance, and 9-1-1 network service provided by CenturyLink.

Ms. Graeber stated that a 20-cent tax for 9-1-1 is collected monthly for wireless/wireline telephone lines and Voice Over IP, and .05 percent of sales of prepaid wireless phones. These are the funds that support the 9-1-1 system statewide. Ms. Graeber stated that this is the lowest amount collected in the entire United States, with the exception of those states that do not collect a tax and support 9-1-1 as a line item in their state budgets. Ms. Graeber stated that 37 cents per line per month was collected in 2003, but this amount has decreased legislatively to the current rate of 20 cents per month. She noted that the annual collections have remained flat since 2012, and she stated that the funds being held for future 9-1-1 projects were swept by the Legislature to balance the state general fund.

Ms. Graeber stated that advantages to a managed services model include having a consistent budget and no fluctuation for equipment purchases for the five-year proposed contract, allows the State to replace $10 million in unsupported 9-1-1 equipment outside of Maricopa Region 9-1-1, proposes ongoing equipment replacement, and puts 9-1-1 centers on an IP-based backbone, which is needed to accommodate text-to-9-1-1 technology. Ms. Graeber added that text-to-9-1-1 will provide the ability to send text messages or photos to 9-1-1 and will allow connections with 9-1-1 centers across the nation.

Ms. Graeber then addressed concerns with the managed services proposal. She said that no competitive bid for managed services has taken place; the State 9-1-1 Office approached CenturyLink, and negotiated the terms, but will not be the entity to go into a contract with

CenturyLink. Rather, each PSAP is expected to the sign service agreement negotiated by the State with CenturyLink.

Ms. Graeber stated that there are security concerns the network design. She explained that CenturyLink is the sole service provider for the 9-1-1 system in the State of Washington. Ms. Graeber reported that 9-1-1 throughout the entire state experienced a six-hour outage. She remarked that this is one of the reasons Maricopa Region 9-1-1 desires a strong performance matrix. Ms. Graeber noted that overall, Maricopa Region 9-1-1 does not feel that the Managed Services proposal will meet the needs of the region's 9-1-1 system.

Ms. Graeber stated that the proposed Managed Services model will have negative impacts on member agency budgets. She explained that the costs of 9-1-1 equipment moves, changes, or additions are currently provided by the Maricopa Region 9-1-1 team at no cost to the agency, however, CenturyLink would charge for these tasks. Ms. Graeber stated that the proposed model does not include the annual charges that are anticipated when text-to-9-1-1 is implemented and would need to be paid by the PSAP. Ms. Graeber stated that any shortages in the 9-1-1 fund would be divided up among all of the PSAPs in the state to pay the difference. Ms. Graeber reported that the $2,000 monthly fee for additional 9-1-1 answering equipment purchased by the PSAP would have to be paid by the PSAP, for example, additional equipment that was purchased to accommodate growth includes two positions in Chandler, two positions in Gilbert, and ten positions in Phoenix.

Ms. Graeber stated that on September 22, 2014, the MAG 9-1-1 Oversight Team, which is composed of a high-level police and fire management personnel, was briefed on this new model and its impact to the region. The committee recommended conducting a study that will review current and future 9-1-1 needs to determine the impact of 9-1-1 funds sweeps on the region and review the 9-1-1 Managed Services proposal. MAG staff is recommending that a Request for Qualifications be issued.

Chair Brady thanked Ms. Graeber for her report and asked if there were questions.

Mr. Roger Klingler asked if the state's 9-1-1 Administrators had been provided an opportunity to comment at the time the Managed Services proposal was released. Ms. Graeber replied yes, a two-hour presentation was made to the Administrators, which was followed by a discussion of concerns that lasted approximately 45 minutes. She added that the state has been made aware of the concerns of Maricopa Region 9-1-1.

Mr. Klingler asked if the MAG study would review the technical and financial parameters that were included in the state's study. Ms. Graeber replied the consultant hired by the state conducted a technical review, so some of the technical aspects have been vetted, however, some security concerns still exist.

Mr. Klingler asked if the details of the Request for Qualifications were known. Mr. Smith stated that MAG would negotiate with a firm and the scope of work would be brought back to the Management Committee so they would have detailed information. Mr. Smith indicated that his concern was future direction, such as ways to streamline. He spoke about the extent

administration by the ADOA was needed and possibly implementing a formula for funding, much like the formula used for transportation at ADOT. Mr. Smith stated that the MAG region has the most stations that require service and Maricopa Region 9-1-1 staff at Phoenix Fire is very knowledgeable, and he thought administration should be kept at the local and regional levels as much as possible. Mr. Smith stated that technology is changing and it is time to have a study of the system. He stated that 9-1-1 is a life and safety issue and cannot be underfunded.

Chair Brady noted that for this item, a consultant recommendation and the scope of work will be brought to the Management Committee. Mr. Smith replied that was correct.

Chair Brady expressed that he had the same concern about placing the entire system under one carrier. He indicated that they had the same experience with the same provider and when there was a problem, their 9-1-1 system went down, and there was no one else to turn to because they had only one provider. Chair Brady stated that 9-1-1 is too critical a service and we need to figure out how to build in those redundancies.

Chair Brady invited Representative Bob Robson to address the committee.

Representative Robson stated that he has been monitoring the 9-1-1 system over the years and had worked on getting additional funding for the system after the cuts. He indicated that as he was listening to the presentation he was thinking of the role that could be taken legislatively, and he is considering bringing together a working group to discuss these issues. Representative Robson said that some people might say having the lowest tax rate for 9-1-1 in the country is a good thing. He stated that in this upcoming session, if he is re-elected, he will rise to protect 9-1-1 and he emphasized that life and safety were major concerns. Representative Robson stated that he would make some inquiries about why things were being done a certain way.

With for further discussion, Mr. John Kross recommended approval of issuing a Request for Qualifications. Ms. Jeanne Blackman seconded, and the motion passed unanimously.

7. Consultant Selection for the MAG Regional Household Travel Survey

Dr. Vladimir Livshits, MAG staff, reported that the fiscal year 2014 MAG Unified Planning Work Program and Annual Budget includes the On-Call Consulting Services for Travel Survey - Data Application project. He said that the On-Call contracts portion of the project includes up to $2,500,000 for a regional household travel survey and up to $2,000,000 for establishment surveys and required modeling support.

Dr. Livshits first spoke about the reason a regional household travel survey is needed. He stated that MAG maintains data that are used in socioeconomic, land use, transportation, and air quality models. Dr. Livshits stated that the models are utilized in air quality conformity analyses, transportation planning, transportation programming, and technical assistance to MAG member agencies, among others. Dr. Livshits stated that the travel data are used in almost all of MAG's transportation efforts.

Dr. Livshits stated that it takes years to collect the data and to incorporate the data into the models. He said that the data to be collected from the project are needed for a timely update of the regional models, to maintain a relevant transportation forecast, to fill in the gap in the data available from the decennial Census, to address new requirements of the next generation of transportation models, including freight and passenger models. Dr. Livshits noted that the survey will be facilitated by the broad experience that has been accumulated nationwide for the GPS-based surveys.

Dr. Livshits reported that the household travel survey dataset is the single most important source for travel demand forecasting models. He explained that the data they will collect are unique and cannot be found anywhere else and are necessary for the models.

Dr. Livshits stated that the cost of the project is determined by the sample size, sample design (hard-to-reach sub-populations: low income, minorities, transit users, young professionals, etc.), and the survey methods. He explained how the sample size is defined.

Dr. Livshits stated that 7,500 households will be surveyed in the Household Travel Survey during the period of November 1, 2014, to July 29, 2016. He said that approximately $2.4 million is budgeted for this effort at a cost of $320 per household in the recommended proposal.

Chair Brady thanked Dr. Livshits for his report. No questions being asked, he called for a motion. Ms. Jennifer Toth moved to recommend approval of the selection of Westat, Inc. to conduct the MAG regional household travel survey as a part of the Travel Survey - Data Application On-Call for an amount not to exceed $2,500,000. If negotiations with Westat, Inc. are not successful, that MAG pursue negotiations with its second choice, Cambridge Systematics, Inc., to conduct the project. Mr. Bob Wingenroth seconded, and the motion passed unanimously.

8. Census Test 2015

Scott Wilken, MAG staff, reported that the U. S. Census Bureau has selected portions of the MAG region to conduct tests of collection technologies and sampling methods for the 2020 Census. He introduced Vicki McIntire, Deputy Regional Director of the U. S. Census Bureau in Denver.

Ms. McIntire stated that she has been with the Census Bureau for approximately ten years, and worked with MAG on the 2005 Census Survey and on the 2010 Census. She said that MAG could assist in helping to save $5 billion in 2020 Census costs by testing new procedures and methods, specifically to follow up with non-responsive households.

Ms. McIntire stated that the MAG region was chosen by the Census Bureau as the testing site because they were looking to test its re-engineered methodologies due to its diversity, vacancy rate issues, mobility, and close proximity of urban, suburban, and rural areas.

Ms. McIntire stated that the most expensive element of a census is going to houses that have not returned their census forms. She noted that the online capabilities of Census 2020 will help. Ms. McIntire stated that the Census Bureau has totally re-engineered the process for following up with non-responders. Previously, they sent out workers in person to contact non-responders, and now

data will be collected on Smart devices. Ms. McIntire stated that the staff organizational structure has also been reworked. She noted that one of the things they want to test is matching up workers' availability with the caseload.

Ms. McIntire stated that they will be performing a small test after the data collection next spring by asking people if they would be willing to load the Census Bureau's application on their own Smart Phone and interview people at the door with their own device. She noted that there could be concerns among the public with people using their own device instead of a secure, government-issued device, however, the Census Bureau's security says it will work.

Ms. McIntire stated that fall 2015 is critical for the Census Bureau in terms of getting funding and deciding on its plan for the 2020 Census. She indicated they will be opening regional and local offices in 2018, so it is not far off when budget and process decisions will need to be made.

Ms. McIntire stated that approximately 1.6 million housing units in Maricopa County will be included in the 2015 Census, not everyone in the entire county. She pointed out the test areas on a map that include a portion of Phoenix, some rural areas, and portions of Mesa and Chandler. Ms. McIntire added that they anticipate notifying the people in the test area about the census, but will not conduct a media campaign throughout the entire county. Ms. McIntire stated that Census Day will be April 1, 2015, as usual. They will ask people to self respond over the Internet, but will provide a paper copy upon request. Ms. McIntire stated that enumerators will be sent out to households who have not responded.

Ms. McIntire stated that numerous office and field job positions will be available. Ms. McIntire stated that a small office will open at 4000 N. Central Avenue in Phoenix in January 2015. She stated that local governments can assist by collaborating with the Denver Regional Office, especially in regard to funding decisions on the 2020 Census, spreading the word about job openings, and encouraging participation among their residents.

Chair Brady thanked Ms. McIntire for her report and asked members if they had questions.

Mr. Klingler stated that some cities will also be conducting their own mid-decade censuses. He asked if there was an opportunity to coordinate with the Census Bureau to inform the public that the census being conducted by their city is not a test and he also asked if any of the redesigned test processes were available to these cities. Ms. McIntire replied that the redesigned test elements are not available to individual special censuses, however, she thought new processes will make a huge difference in the cost of the 2020 Census. She said that training will be almost entirely online. Ms. McIntire stated that the Census Bureau would like to assist in a communications campaign with those agencies conducting their own special censuses. She said that the Bureau is trying to not have the testing areas overlap with those cities who will be conducting their own special censuses.

Mr. John Kross asked if the Census Bureau anticipates having sufficient staff required to support both the test and the special censuses. Ms. McIntire replied that the Census Bureau hopes to do most of the hiring for the test within the area where the sample is located. She said that mostly the 2015 test is to measure production so they will be trying as much as possible to hire people

who live in the areas to be tested and many of the special census cities are not in the test areas. Ms. McIntire added that they possibly could work on timing census staff schedules in the event more cities decide to do a special census. She stated that the Census Bureau will be hiring recruiters to test job applicants. Ms. McIntire added that the job openings are already posted on the Census Bureau Denver website and they would like to have staff on the ground now to begin recruiting.

Mr. Patrick Banger asked if there was an opportunity for those communities who will be doing their own special censuses to meet with the Census Bureau, perhaps in a working group. He expressed concern for the communication and marketing plan and that there could be confusion among residents that this is a real census and whether they need to participate. Mr. Banger stated that employment, recruitment, and marketing could be discussed and he added that coordination could add to the success both efforts. Ms. McIntire stated that she would like to participate in a working group.

Chair Brady asked for clarification of the time frames of the 2015 test and the special censuses. Ms. McIntire replied that the 2015 test will be requesting information in late March 2015 with enumerators in the field in mid-May to the end of June 2015. She noted that she thought the Town of Gilbert was the farthest along in the process and had already sent the Census Bureau a check. She added that a September enumeration date is anticipated.

Mr. Banger asked for confirmation that the test would be conducted ahead of the special censuses. Ms. McIntire replied that was correct.

Mr. Kross expressed his appreciation for having a working group and asked if MAG would be assembling it. He expressed his concern with duplicative efforts and he thought perhaps some of the resources could be maximized.

Chair Brady expressed that he thought utilizing people's personal devices was a good option. He added that the City of Mesa would support the 2015 test.

Mr. Smith spoke of the times when MAG worked with the Census Bureau on special censuses, and he said that the Census Bureau and MAG have a great working relationship.

Mr. Gregory Rose expressed concern that adequate staff would be available for the special censuses and the 2015 test. Ms. McIntire replied that resources are always a concern. She said that the Census Bureau needs to support both events. Ms. McIntire stated that the Bureau will be relying on local agencies to get the word out that jobs are available. She said that the Bureau has also been working on strategies to support both operations.

Chair Brady thanked Ms. McIntire and her staff for attending the meeting.

9. Update on the Arizona Center for Law in the Public Interest Lawsuit on the MAG 2012 Five Percent Plan for PM-10

Ms. Lindy Bauer, MAG staff, stated that she reported at the September Management Committee meeting that the Arizona Center for Law in the Public Interest filed a petition to challenge the Environmental Protection Agency's (EPA) approval of the MAG 2012 Five Percent Plan for PM-10. Ms. Bauer stated that she also reported that the Arizona Department of Environmental Quality (ADEQ) submitted a motion to intervene on behalf of EPA in this lawsuit.

Ms. Bauer stated that following the Management Committee meeting, staff received a telephone call wondering if MAG would intervene also. She stated that staff contacted its Washington, D. C., legal counsel, who indicated that intervening provides some advantages, including providing MAG a seat at the table and the ability for MAG to submit information.

Ms. Bauer stated that MAG's objective is for the court to uphold EPA's approval of the MAG 2012 Five Percent Plan for PM-10. She mentioned the significant resources and time expended by MAG in developing the plan. Ms. Bauer stated that the measures included in the plan are being implemented by cities, towns, the county, and the state. She added that the plan establishes a motor vehicle emissions budget for transportation conformity. The MAG Transportation Improvement Program (TIP) and the Regional Transportation Plan must pass a conformity budget test in order for transportation projects to be built.

Ms. Bauer stated that if the plan approval is not upheld, the MAG region could be subject to Clean Air Act sanctions, such as loss of federal highway funds, a federal implementation plan, or a conformity lapse. Ms. Bauer noted that in the current TIP are approximately $1.5 billion in federal highway funds, which could be in danger due to sanctions. On the day sanctions are imposed, the TIP's conformity lapses, and impacts projects of regional significance, regardless of funding source. She noted that MAG has provided significant technical assistance to ADEQ on the exceptional events.

Ms. Bauer stated that MAG's Washington legal counsel, Crowell and Moring, is on retainer and MAG has funds available for this effort. She reported that on September 24, 2014, the MAG Regional Council approved MAG's Washington legal counsel to file a motion for MAG to intervene on behalf of the respondent in the lawsuit filed by the Arizona Center for Law in the Public Interest to challenge the EPA approval of the MAG 2012 Five Percent Plan for PM-10. She noted that the joint motion is being filed late. Ms. Bauer added that the County has expressed a strong interest in filing a joint motion with MAG. She stated that MAG's counsel has prepared a draft motion. Ms. Bauer added that Maricopa County is informing the County Attorney and Board of Supervisors and is looking at what it needs to do to join MAG on a joint filing. She stated that the final motion would be filed electronically and afterward the court will decide if it will allow the intervention.

Chair Brady thanked Ms. Bauer for her report. No questions from the Committee were noted.

11. Outcome of the Central Phoenix Transportation Framework Study

Mr. Bob Hazlett stated that the Central Phoenix Transportation Framework Study is a multi-year project that looks at everything inside of Loop 101. Mr. Hazlett stated that the project is complete and this update was to provide a report on the final outcomes and recommendations. He attributed the idea for the study was brought forward by Mr. Frank Fairbanks, former Phoenix City Manager.

Mr. Hazlett stated that MAG conducted a number of framework studies that informed the planning process and determine what is truly needed for the transportation system. He said that the information provides data for the MAG Regional Transportation Plan and member agencies in their planning.

Mr. Hazlett stated that the foundation of the Central Phoenix Transportation Framework Study started with a network of more than 200 bicycle, pedestrian, arterial, freeway interchange, and transit projects. He said that they used an eight million population scenario to identify where there might be transportation issues. Mr. Hazlett stated that these projects were identified through numerous meetings of almost 1,000 people and two charette workshops. Mr. Hazlett stated that all projects were catalogued and categorized using the six Housing and Urban Development/Environmental Protection Agency/Department of Transportation criteria.

Mr. Hazlett stated that further study was conducted in 12 subject areas. These subject areas were wrapped up into planning papers that represented the Central Phoenix Framework Study recommendations for informing member agency planning and the next generation Regional Transportation Plan. Mr. Hazlett then presented highlights of major recommendations.

Mr. Hazlett stated that one of the recommendations of the Central Phoenix Transportation Framework Study was to study an extension of State Route 30. He said that SR-30 originally was planned as the Interstate 10 Reliever Freeway in the West Valley through Avondale, Goodyear, and Buckeye, and extends for 12 miles from Loop 202/South Mountain to SR-85. Mr. Hazlett reported that during the planning process, it was identified that the parallel segment of Interstate 10/Papago Freeway between Loop 202 and the I-17 Stack would reach very unacceptable levels of congestion as early as the current outer year planning in the Regional Transportation Plan. Through the charette process, and in meetings with the City of Phoenix, it was determined to test an extension of SR-30 for about five miles from Loop 202 to Interstate 17 at the Durango Curve, which relieved Interstate 10 considerably. Mr. Hazlett added that it also helps out Southwest Phoenix with economic growth by providing a better route between Downtown Phoenix and Sky Harbor International Airport.

Mr. Hazlett stated that the study explored 35 locations for Direct High Occupancy Vehicle (DHOV) ramps and interchanges to determine where there might be improved connections for transit and rideshare travelers to integrate with the freeway system. He said that 13 locations rose to the surface, including a potential location at Mountain View Road and Interstate 17, which is nearby MetroCenter and the light rail extension.

Mr. Hazlett stated that the study explored park-and-rides. He said that case studies of Best Practices were conducted for San Diego, Denver, and Seattle to define integration with freeway

system and establish background for development and character of future DHOV ramps on the freeway system, including physical features, operational conditions, and benefits.

Mr. Hazlett stated that the Central Phoenix Transportation Framework Study looked at operations and maintenance on a regional basis and found we are behind. Mr. Hazlett described how Mr. Jack Letierre, the former New Jersey DOT Director, helped identify how catching things early can mean a lower bill later. He said that Mr. Letierre's observation was based upon his experience in New Jersey with a much older system and a considerable bill to pay to keep their transportation system in good order. Mr. Hazlett stated that the average cost for municipal street operations and maintenance is $15,000 per lane-mile per year, and many times the maintenance cost exceeds the amount budgeted. He questioned if there should be a distinction to identify surface street improvements and maintenance that are of regional significance.

Mr. Hazlett stated that the Central Phoenix Transportation Framework Study also looked at arterial improvement strategies for just about all roadways on the mile grid to improve mobility on surface streets. He said that 66 railroad crossings were examined and nine locations were determined feasible for grade separation. Mr. Hazlett stated that the US-60/Grand Avenue COMPASS Study is addressing this corridor.

Mr. Hazlett displayed the Central Phoenix Transportation Framework Study brochure that was included in the agenda packet and said they are considering printing it in a larger format. He stated that the Central Phoenix Transportation Framework Study helped with a number of other projects: US-60/Grand Avenue COMPASS, 99th Avenue COMPASS, the MAG Managed Lanes Network Development Strategy, the I-10/I-17 Near Term Improvement Strategy, the I-10/I-17 Corridor Master Plan, and the Phoenix Inner Loop Microsimulation Model.

Mr. Hazlett stated that the Central Phoenix Transportation Framework Study shared data with the Sustainable Transportation and Land Use Integration Study, and launched a joint study between the City of Phoenix and MAG for examining connections in downtown Phoenix, which is the location of major events and venues, is the transit hub, and home to residents. Mr. Hazlett stated that an analysis identified a 20-year process to incorporate many of the Study's recommendations. He said that these recommendations include changing one-way traffic patterns and expanding bicycle and pedestrian facilities, modifications to 7th Avenue and 7th Street gateways, and converting Central Avenue to a transit/bicycle/pedestrian mall. Mr. Hazlett stated that the recommendations have been presented to the City Transportation and Infrastructure Committee, and have been through three rounds of public and stakeholder meetings.

Chair Brady thanked Mr. Hazlett for his report. No questions from the committee were noted.

12. <u>FY 2015 Regional Freeway and Highway Program Update</u>

Mr. Bob Hazlett provided an update on the Regional Freeway and Highway Program. He noted that the last update to the program was in May 2012, when the program was rebalanced. Mr. Hazlett reviewed the timeline of the Regional Freeway and Highway Program, beginning in 2003, when the Regional Transportation Plan was adopted, followed by passage of Proposition 400 by

the voters in 2004. He stated that the Program began in January 2006, when collection of the half cent sales tax started.

Mr. Hazlett stated that the Regional Freeway and Highway Program originally was an $8.1 billion program, but by 2007-2008, the Program cost inflated to approximately $15.9 billion. He explained that this resulted in the first rebalancing in 2009, when the program was reduced approximately $6.6 billion, to a fiscally balanced plan of $9.4 billion, and the revenues matched the expenditures. Mr. Hazlett stated that this rebalancing included projects being delayed to a new Phase V. He noted that a second rebalancing was required in 2012 due to lower revenue projections. He added that the program was reduced about $300 million to $9.1 billion. Mr. Hazlett noted that one project, part of Loop 303 in Goodyear, which had been moved to Phase V, was brought back into the program due to development in the area. He stated that the Regional Freeway and Highway Program in 2014 is approximately 50 percent complete and total cost is approximately $8.9 billion.

Mr. Hazlett reported on Regional Freeway and Highway Program projects that have been completed since 2006, which include SR-24 in April 2014 and the traffic interchange at Loop 303 and Interstate 10 in August 2014. He added that 13 new miles were added to the Loop 303 corridor. Mr. Hazlett pointed out the addition of high occupancy vehicle (HOV) lane miles, which makes the Regional Freeway and Highway Program HOV network the fourth largest in the United States. He also noted that the Regional Freeway and Highway Program includes the largest direct high occupancy vehicle (DHOV) network in the nation.

Mr. Hazlett reported that 375 general purpose lane miles (52 percent) out of a planned 720 miles have been completed. He said that 215 HOV lane miles (60 percent) out of a planned 360 miles have been completed. Mr. Hazlett stated that the total of new miles is 590, or 54 percent of 1,080 miles planned.

Mr. Hazlett then reported on the remaining Regional Freeway and Highway Program projects to 2026. He noted that projects under construction include the Loop 303 between US-60/Grand Avenue and Happy Valley Road and adding lanes to Loop 101 in Scottsdale and Loop 202 (between Loop 101 and Broadway Road) in Mesa. Mr. Hazlett stated that additional general purpose lanes are planned for Loop 101 between Interstate 17 and Shea Boulevard, and for US-60 to Loop 202/Santan.

Mr. Hazlett stated that planned improvements on US-60/Grand Avenue include intersection improvements at Bell Road, Thunderbird Road, and a grade separation in the City of Surprise. Mr. Hazlett stated that the project likely to be the largest in regional or ADOT history is the South Mountain Freeway. He noted that the final environmental impact statement for the Loop 202/South Mountain Freeway is anticipated the end of September 2014, with the record of decision the end of 2014.

Mr. Hazlett indicated that planning work is underway for extending Loop 303 south of Interstate 10 to MC-85. He indicated that work continues with the City of Goodyear and ADOT to get the project moving as quickly as possible. Mr. Hazlett stated that a near-term improvement strategy on Interstate 10 and Interstate 17 (the Spine) has been identified to make improvements sooner

than later. Mr. Hazlett stated that the Master Plan is underway and they anticipate approximately $800 million in improvements will be identified by the end of 2016. He pointed an Interstate 10 widening project from the Pecos Stack to Riggs Road and a Loop 202 project adding HOV lanes, which will complete the HOV system on Loop 202. Mr. Hazlett stated that HOV lanes are included in the South Mountain Freeway plan.

Mr. Hazlett then addressed the status of the Program. Since 2006, a total of approximately $3.6 billion of the $8.9 billion program has been spent, but does not include approximately $500-600 million from the Loop 303 project. Mr. Hazlett stated that the FY 2015 to 2019 MAG Transportation Improvement Plan possibly represents the most concentration of costs in the Program, due to the South Mountain Freeway and some near term improvements to Interstates 10 and 17.

Mr. Hazlett noted that program expenditures appear in line with the ADOT cost opinions and cash flow is working well. He said that the next five years represent the highest activity for the program, including the South Mountain Freeway and the near term improvements to Interstates 10 and 17, and likely will push the Program to the $2.5-3 billion range.

Mr. Hazlett noted that a significant number of jobs will be associated with construction. Mr. Hazlett stated that a re-evaluation of the Program with ADOT is underway, with an October workshop for identifying additional cost savings and unspent revenue. He gave as an example, approximately $60 million was returned to the corridor from unspent funds for rights-of-way on the Loop 303 project. Mr. Hazlett stated that MAG and ADOT identified opportunities for saving costs of approximately $10 million on right-of-way. He expressed that he looked forward to the significant accomplishments that will take place over the next ten years. Mr. Hazlett noted that the next report is anticipated for January or February 2015.

Chair Brady thanked Mr. Hazlett for his report. No questions from the committee were noted.

13. Election of Vice Chair

Chair Brady noted that on June 11, 2014, the positions of Chair and Vice Chair were elected by the Management Committee. Mr. Rick Buss, Town of Gila Bend, who was elected Vice Chair, recently accepted a position of at the City of Surprise and is no longer a member of the MAG Management Committee. Chair Brady stated that in accordance with the MAG Committee Operating Policies and Procedures, approved by the MAG Regional Council, the Chair works with members to nominate a manager for the Vice Chair position. He stated that the Management Committee is requested to elect a Vice Chair to fulfill the remainder of the term.

Ms. Jeanne Blackman moved to elect Mr. Darryl Crossman, City of Litchfield Park, as Vice Chair. Mr. Brian Dalke seconded, and the motion passed unanimously.

14. Legislative Update

Chair Brady noted that there was no report.

15. 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.

16. 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 comments were noted.

Adjournment

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

_____
Chair

_____
Secretary

Agenda Item #5B

MARICOPA ASSOCIATION OF GOVERNMENTS INFORMATION SUMMARY… for your review

DATE:
October 28, 2014

SUBJECT:
Draft 2014 Annual Report on the Status of the Implementation of Proposition 400

SUMMARY:
Arizona Revised Statute 28-6354 requires that MAG issue an annual report on the status of projects funded by the half-cent sales tax authorized by Proposition 400. The 2014 Annual Report is the tenth report in this series, covering progress through the fiscal year ending June 30, 2014, and reviewing the program outlook through June 30, 2026. State law also requires that MAG hold a public hearing on the report after it is issued. It is anticipated that a public hearing on the Draft 2014 Annual Report will be conducted on November 18, 2014.

The Draft 2014 Annual Report on the Status of the Implementation of Proposition 400 addresses project status, project financing, changes to the MAG Regional Transportation Plan, and criteria used to develop priorities. In addition, background information is provided on the overall transportation planning, programming and financing process. All projects for the major transportation modes, as defined in the MAG Regional Transportation Plan, are being monitored, whether they specifically receive sales tax funding or not. The annual report process draws heavily on data from the Freeway/Highway, Arterial Street, and Transit Life Cycle Programs.

A Summary of Findings and Issues from the 2014 Annual Report has been enclosed and the full document is available on the MAG website. The Draft 2014 Annual Report was included on the MAG Transportation Review Committee agenda for October 23, 2014, for information and discussion.

PUBLIC INPUT:
It is anticipated that a public hearing on the Draft 2014 Annual Report will be held on November 18, 2014 at the MAG office.

PROS & CONS:
PROS: Preparation of the Annual Report on the Status of the Implementation of Proposition 400 is required by state law.

CONS: None.

TECHNICAL & POLICY IMPLICATIONS:
TECHNICAL: The information in the Annual Report represents a “snapshot” of the status of the Proposition 400 program. As new information becomes available, it will be incorporated into subsequent annual updates of the report.

POLICY: The annual report process represents a valuable tool to monitor the MAG Regional Transportation Plan and identify changing conditions that may require plan and program adjustments.

ACTION NEEDED:
Information and discussion.

PRIOR COMMITTEE ACTIONS:
MAG Transportation Review Committee: The Draft 2014 Annual Report was included on the MAG Transportation Review Committee agenda for October 23, 2014 for information and discussion.

MEMBERS ATTENDING

Avondale: David Fitzhugh, Chair
ADOT: Kwi-Sung Kang for Floyd Roehrich
Buckeye: Scott Lowe
* Cave Creek: Ian Cordwell
Chandler: Dan Cook
El Mirage: Chris Hauser for Jorge Gastelum
Fountain Hills: Randy Harrel
Gila Bend: Ernie Rubi
* Gila River Indian Community: Tim Oliver
Gilbert: Kristin Myers for Leah Hubbard
Glendale: Debbie Albert
Goodyear: Cato Esquivel
Litchfield Park: Woody Scoutten
* Maricopa (City): Paul Jepson
Maricopa County: Lynne Hilliard for John Hauskins
Mesa: Jeff Martin for Scott Butler
* Paradise Valley: Jim Shano
Peoria: Andrew Granger
Phoenix: Ray Dovalina for Rick Naimark
Queen Creek: Mohamed Youssef
Scottsdale: Todd Taylor for Paul Basha
Surprise: Mike Gent
Tempe: Shelly Seyler
Valley Metro: John Farry
Wickenburg: Vince Lorefice
Youngtown: Grant Anderson

EX-OFFICIO MEMBERS ATTENDING

* Street Committee: Maria Deeb, Mesa
* ITS Committee: Catherine Hollow, 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:
Roger Herzog, MAG, (602) 254-6300, Rherzog@azmag.gov

DRAFT 2014 ANNUAL REPORT ON THE STATUS OF THE IMPLEMENTATION OF PROPOSITION 400

Summary of Findings and Issues

The *2014 Annual Report on the Status of the Implementation of Proposition 400* has been prepared by the Maricopa Association of Governments (MAG) in response to Arizona Revised Statute (ARS) 28-6354. ARS 28-6354 requires that MAG annually issue a report on the status of projects funded through Proposition 400, addressing project construction status, project financing, changes to the MAG Regional Transportation Plan, and criteria used to develop priorities. In addition, background information is provided on the overall transportation planning, programming and financing process. The key findings and issues from the 2014 Annual Report are summarized below.

MAG REGIONAL TRANSPORTATION PLAN

The MAG Regional Transportation Plan (RTP) provides the blueprint for the implementation of Proposition 400. By Arizona State law, the revenues from the half-cent sales tax for transportation must be used on projects and programs identified in the RTP adopted by MAG. The RTP identifies specific projects and revenue allocations by transportation mode, including freeways and other routes on the State Highway System, major arterial streets, and public transportation systems.

- The 2035 MAG Regional Transportation Plan was approved.

  On January 29, 2014, the MAG Regional Council approved the 2035 MAG Regional Transportation Plan (RTP). This was the first update of the RTP since July 2010 and extends the horizon year of the plan from FY 2031 to FY 2035. It is important to note that the 2035 RTP largely continues the policies, priorities, and projects contained in previous plans. A technical air quality conformity analysis was performed on the RTP and demonstrated that the Plan meets all air quality conformity requirements. The finding of conformity was approved by the U.S Department of Transportation on February 12, 2014. The 2035 RTP encompasses the expanded MAG metropolitan planning area (MPA), which was designated by the Governor on May 9, 2013, and extends significantly into Pinal County.

- Development of the next Regional Transportation Plan Update was initiated.

  The development of technical data for the next update of the RTP was initiated during the latter half of FY 2014. One of major goals of the next update will be to incorporate the new Federal metropolitan transportation planning regulations from MAP-21 (Moving Ahead for Progress in the 21st Century Act) into the planning process. A key requirement in the new regulations is the inclusion of performance measures and performance targets in the RTP. Also, it is anticipated that the planning horizon year of the RTP will be extended to 2040. Currently, the target for MAG approval of the next update is July 2017.

HALF-CENT SALES TAX AND OTHER TRANSPORTATION REVENUES

The half-cent sales tax for transportation approved through Proposition 400 is a key funding source for the MAG Regional Transportation Plan (RTP), representing nearly half the regional revenues for the Plan. In addition to the half-cent sales tax, there are a number of other RTP funding sources, which are primarily from State and Federal agencies.

- Fiscal Year 2014 receipts from the Proposition 400 half-cent sales tax were 7.0 percent higher than receipts in FY 2013.

  The receipts from the Proposition 400 half-cent sales tax in FY 2014 totaled approximately $366 million, corresponding to a 7.0 percent increase over the total of $342 million in FY 2013. This represents the fourth consecutive year of higher revenues. However, the collections for FY 2014 remain 6.5 percent lower than those in FY 2007.

- Forecasts of Proposition 400 half-cent revenues are 0.4 percent higher for the period FY 2015 through FY 2026, compared to the 2013 Annual Report estimate.

  Future half-cent revenues for the period FY 2015 through FY 2026 are currently forecasted to total $5.8 billion. This amount is $22 million, or 0.4 percent, higher than the forecast for the same period presented in the 2013 Annual Report. The Proposition 400 half-cent revenue forecasts will be updated again in the fall of 2014.

- Forecasts of total ADOT Funds dedicated to the MAG area for FY 2015 through FY 2026 are 5.7 percent lower than the 2013 Annual Report estimate.

  The forecast for ADOT Funds for FY 2015 through FY 2026 totals $2.8 billion, which is is 5.7 percent lower than the 2013 Annual Report forecast of $3.0 billion for the same period. This decrease reflects somewhat lower levels of both Federal aid and Highway User Revenue Fund (HURF) revenues forecasted to be available in the later years of the program.

- Forecasts of total MAG Federal Transportation Funds for FY 2015 through FY 2026 are 0.6 percent lower than the 2013 Annual Report estimate.

  Total MAG Federal funding for the period FY 2015 through FY 2026 is forecasted to total $2.5 billion. This is about a 0.6 percent decrease from the slightly higher amount forecasted for the same period in the 2013 Annual Report. These forecasts are only for those MAG Federal fund sources that are utilized in the Life Cycle Programs. Additional Federal funds are received in the MAG region and applied to other transportation program areas, which are not covered by this report.

- Federal transportation funding levels over the long-term remain uncertain.

  On July 6, 2012, President Obama signed legislation known as the 'Moving Ahead for Progress in the 21st Century Act', or 'MAP-21'. Total annual funding provided by MAP-21 was generally comparable to that in the previous Federal legislation (SAFETEA-LU). MAP-21 was a two-year transportation reauthorization and was set to expire on September

30, 2014. On August 8, 2014, President Obama signed into law H.R. 5021, the Highway and Transportation Funding Act of 2014, which transfers an additional $10.8 billion into the Highway Trust Fund and extends the surface transportation funding authorizations and policies of the 2012 MAP-21 law from October 1, 2014 to May 31, 2015.

In the past, Federal funding for transportation was generally reauthorized every six years. However, since MAP-21 originally covered only a two-year period, and will be subject to interim extensions, future Federal funding levels may change within a relatively short time. This makes long range forecasting of Federal aid to transportation a highly uncertain process.

FREEWAY/HIGHWAY LIFE CYCLE PROGRAM

The Freeway/Highway Life Cycle Program (FLCP) extends through FY 2026 and is maintained by the Arizona Department of Transportation (ADOT) to implement freeway/highway projects listed in the MAG Regional Transportation Plan (RTP). The program utilizes funding from the Proposition 400 half-cent sales tax, as well as funding from state and Federal revenue sources.

- A number of major freeway/highway construction projects were completed, underway, or advertised for bids during FY 2014.

  Projects completed during FY 2014:

  - SR 24 (Loop 202/Santan to Ellsworth Rd.): Construct interim freeway.
  - Loop 101/Maryland Ave.: Construct Direct HOV ramps.
  - Loop 303 (Thomas Rd. to Camelback Rd.): Construct new freeway.
  - Loop 303 (Camelback Rd. to Glendale Ave.): Construct new freeway.
  - Loop 303 (Peoria Ave. to Mountain View Blvd.): Construct new freeway.

  Projects advertised for bids or under construction during FY 2014:

  - I-10/Perryville Rd.: Construct new interchange.
  - US 60 (71st Avenue to McDowell Road): Roadway improvements.
  - Loop 101 (Shea to 202 Red Mountain): Add GP lanes.
  - Loop 202 (Loop 101 to Broadway Road): Add GP and HOV lanes design build (DB).
  - Loop 303/I-10: Construct new system interchange (Phase I).
  - Loop 303 (Glendale Ave. to Peoria Ave.): Construct new freeway.
  - Loop 303 (US 60 to Happy Valley Road): Construct new freeway (DB).
  - Loop 303 El Mirage Road Traffic Interchange: Construct new interchange.

- Cash flow analysis indicates that there is a deficit of approximately $162 million for the Regional Freeway/Highway Life Cycle Program through FY 2026.

  During FY 2014, cash flow modeling based on new revenue forecasts was conducted. The analysis indicated that program totals show positive ending balances for FY 2015 to FY 2023, but there is a deficit of approximately $162 million for the Regional Freeway and Highway Program through FY 2026. This deficit represents approximately 3.1 percent of the

future estimated costs for the program during FY 2015 to FY 2026. This is an improvement compared to the ending balance of $444 million reported in the FY 2013 Annual Report and is due largely to reduced expectations for the level of inflation in future construction and other program implementation costs.

As in the past, the Freeway/Highway Life Cycle Program will be subjected to continuing analysis, addressing future revenue forecasts and project cost trends. Revised long-range revenue forecasts will be prepared and updated cash flow assessments will be conducted. Based on this analysis, the need for additional program adjustments will be considered during FY 2015. Key factors in this review effort will include:

- The current program deficit of 3.1 percent should not be overlooked, but is within the range of accuracy of cost and revenue forecasts.

- Revenue forecasts assume that $120 million will be allocated by the State Legislature annually from the HURF to the Department of Public Safety for FY 2018 through FY 2026. While this diversion is consistent with recent legislative actions, it exceeds statutory levels and may not continue through the end of the program period.

- As the construction of Loop 303 comes to its conclusion, funding previously programmed for this facility may become available for other projects due to lower right-of-way and construction costs than originally estimated.

- Clarification of the cash flow requirements of the South Mountain Freeway project will be an important consideration. Completion and approval of a final Environmental Impact Statement and Design Concept Report, as well as a U.S. Department of Transportation "Record-of-Decision" on the recommended alternative for the South Mountain Freeway corridor are anticipated in late 2014 or early in 2015.

ARTERIAL STREET LIFE CYCLE PROGRAM

The Arterial Street Life Cycle Program (ALCP) extends through FY 2026 and is maintained by MAG to implement arterial street projects in the MAG RTP. The Program receives significant funding both from the Proposition 400 half-cent sales tax and Federal highway programs, as well as a local match component. Although MAG is charged with the responsibility of administering the overall program, the actual construction of projects is accomplished by local government agencies. MAG distributes the regional share of the funding on a reimbursement basis.

- <u>During FY 2014, $69 million in ALCP project expenses were reimbursed to the implementing agencies.</u>

  During FY 2014, $69 million in ALCP project expenses were reimbursed to implementing agencies. This included reimbursements to seven individual agencies, as well as funding for projects in the MAG Intelligent Transportation Systems program. Since the beginning of the program, a total of $479 million has been disbursed and 48 projects have been completed.

- Continuing progress on projects in the ALCP has been maintained.

  During FY 2014, project overview reports were prepared by the lead agencies for five projects in the ALCP. Since the inception of the program, 80 project overviews have been submitted to MAG. Eleven project agreements were executed in FY 2014. In all, 78 project agreements have been executed to date. Lead agencies deferred approximately $14 million in Federal and regional reimbursements from FY 2014 to later years due to project implementation and local funding issues. This is a major improvement over previous levels, which peaked at $47 million in FY 2009.

- Projected ALCP reimbursements are slightly above estimated future revenues for the period FY 2015 - FY 2026.

  Projected Arterial Life Cycle Program reimbursements ($31 million or 2.8 percent) are slightly above estimated future revenues. This difference is considered to be within the variance of revenue projections and cost estimates, and specific remedial action is not anticipated at this time. On June 25, 2014, the MAG Regional Council approved the FY 2015 ALCP. The temporary elimination of the program bonding and project inflation remained in place. These two actions, combined with adjustments to project schedules, meant that no involuntary funding deferrals were needed for the second straight year.

TRANSIT LIFE CYCLE PROGRAM

The Transit Life Cycle Program (TLCP) is maintained by the Regional Public Transportation Authority (RPTA)/Valley Metro and implements transit projects identified in the MAG Regional Transportation Plan. The RPTA maintains responsibility for administering half-cent sales tax revenues deposited in the Public Transportation Fund for use on transit projects, including light rail transit (LRT) projects. Although RPTA maintains responsibility for the distribution of half-cent funds for light rail projects, the nonprofit corporation of Valley Metro Rail, Inc. was created to oversee the design, construction and operation of the light rail starter segment, as well as future corridor extensions planned for the system.

- Two bus routes were implemented in FY 2014 and additional routes will be funded during the next five years.

  Routes implemented during FY 2014:

  - Elliot Road (T53)
  - Thomas Road (T68)

  Routes planned for implementation during FY 2015 through FY 2019:

  - Waddell/Thunderbird (T71); Service start: FY 2015.
  - Van Buren Street (T70); Service start: FY 2016.
  - Alma School Road (T43); Service start: FY 2018.

- Estimated future costs for the Transit Life Cycle Program are in balance with project future funds for the period of FY 2015 through FY 2026.

  Estimated future costs for the period of FY 2015 through FY 2026 are in balance with project future funds available with a remainder of approximately $4 million (2014 $'s). Over the past several years, TLCP balance has been achieved by delaying the implementation of numerous projects and reducing the scope of many other projects, particularly bus routing and frequency adjustments. Additionally, operating efficiencies were achieved by consolidating contracts. The life cycle process continually requires a balance to be maintained through effective financing and cash flow management, value engineering of projects, and Plan and Program adjustments as necessary.

- Federal discretionary funding for transit continues to be an important issue.

  A significant portion of the funding for the light rail transit/high capacity transit (LRT/HCT) system is awarded by the U. S. Department of Transportation through the discretionary "New Starts Program." The MAG area is subject to a highly competitive process with other regions for this Federal funding, resulting in uncertain timing and amounts of New Starts monies over the long term. Therefore, prospective New Starts awards require careful monitoring. Beyond the "New Starts Program" for the LRT/HCT system, other revenues from the Federal Transit Administration are a key source of funding for the bus capital program. At the Federal level, continued pressure to reduce spending could result in decreased Federal revenues for the TLCP. As a result, this could put additional projects in jeopardy.

PERFORMANCE MONITORING PROGRAM

The MAG Transportation System Performance Monitoring and Assessment Program has been established to provide a framework for reporting performance at the system and project levels, and serve as a repository of historical, simulated and observed data for the transportation system in the MAG region.

- Freeway vehicle miles of travel (VMT) has remained relatively steady during the last several years.

  Freeway Vehicle Miles of Travel (VMT) per day in the Phoenix-Mesa urbanized area tracks overall vehicle travel trends for the region. For the period 2010-2013, there has been a generally stable level of VMT, with total VMT increasing by only 1.1 percent between 2010 and 2013. During this same period, per capita VMT actually declined by 0.7 percent.

- Boardings on the light rail transit (LRT) system have continued to increase.

  Boardings on the light rail transit system have increased significantly during the last several years, climbing by 11.7 percent from 12.9 million in 2011 to 14.3 million in 2013.

Agenda Item #5C

MARICOPA ASSOCIATION OF GOVERNMENTS
INFORMATION SUMMARY... for your review

DATE:
October 28, 2014

SUBJECT:
Arterial Life Cycle Program Status Report - May 2014 through September 2014

SUMMARY:
The Arterial Life Cycle Program (ALCP) is the financial management tool for the arterial street component of the Regional Transportation Plan (RTP). Management of the program is guided by the ALCP Policies and Procedures, which were approved by the MAG Regional Council on May 28, 2014. The ALCP Policies and Procedures require that a status report is provided to MAG committee members to give an update on all project requirements and financial information. The ALCP Status Report has traditionally been published on a semiannual basis.

The May 2014 through September 2014 Status Report is the first for FY 2015. The report provides information on the 46 projects scheduled for work and/or reimbursement this fiscal year. Of these 46 projects, 12 are in the design phase, five are in the right-of-way-acquisition phase, 27 are in the construction phase, and two are scheduled for reimbursement only. It is anticipated that 15 of these projects are or will be completed and open to traffic by July 1, 2015.

Scheduled ALCP project reimbursements in FY 2015 total $78.2 million. Federal funds comprise $25.0 million of the total programmed reimbursements while the remaining balance of $59.2 million is programmed with the half-cent sales tax allocated to arterial roads, known as the Regional Area Road Fund (RARF). Through August, actual RARF revenue collections in FY 2015 have totaled $6.1 million, which is two percent higher than what had been projected in the October 2013 Arizona Department of Transportation revenue forecast.

A list of ALCP Project Requirements received to date can be found on pages 4 and 5 of the attached ALCP Status Report. The report also provides additional detail on the status of projects, revenues, and other relevant program information.

PUBLIC INPUT:
None has been received.

PROS & CONS:
PROS: The ALCP Status Report represents a valuable tool to monitor the ALCP and the arterial component of the MAG Regional Transportation Plan.

CONS: None.

TECHNICAL & POLICY IMPLICATIONS:
TECHNICAL: The information in the ALCP Status Report provides an update on all project requirements and financial information.

POLICY: The ALCP Status Report is required by the ALCP Policies and Procedures, which were approved by the MAG Regional Council on May 28, 2014.

ACTION NEEDED:
Information and discussion.

PRIOR COMMITTEE ACTIONS:
This item was presented to the Transportation Review Committee on October 23, 2014, for information and discussion.

MEMBERS ATTENDING

Avondale: David Fitzhugh, Chair
ADOT: Kwi-Sung Kang for Floyd Roehrich
Buckeye: Scott Lowe
* Cave Creek: Ian Cordwell
Chandler: Dan Cook
El Mirage: Chris Hauser for Jorge Gastelum
Fountain Hills: Randy Harrel
Gila Bend: Ernie Rubi
* Gila River Indian Community: Tim Oliver
Gilbert: Kristin Myers for Leah Hubbard
Glendale: Debbie Albert
Goodyear: Cato Esquivel
Litchfield Park: Woody Scoutten
* Maricopa (City): Paul Jepson
Maricopa County: Lynne Hilliard for John Hauskins
Mesa: Jeff Martin for Scott Butler
* Paradise Valley: Jim Shano
Peoria: Andrew Granger
Phoenix: Ray Dovalina for Rick Naimark
Queen Creek: Mohamed Youssef
Scottsdale: Todd Taylor for Paul Basha
Surprise: Mike Gent
Tempe: Shelly Seyler
Valley Metro: John Farry
Wickenburg: Vince Lorefice
Youngtown: Grant Anderson

EX-OFFICIO MEMBERS ATTENDING

* Street Committee: Maria Deeb, Mesa
* ITS Committee: Catherine Hollow, Tempe
FHWA: Ed Stillings
* Bicycle/Pedestrian Committee: Denise Lacey, Maricopa County
* Transportation Safety Committee: Renate Ehm, Mesa

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

This item was presented to the MAG Street Committee on October 14, 2014, for information and discussion.

MEMBERS ATTENDING

Maria Deeb, Mesa, Chair
Susan Anderson, ADOT
Emile Schmid, Apache Junction
Charles Andrews, Avondale
Jose Heredia, Buckeye
Dan Cook, Chandler
Chris Hauser, El Mirage
@ Aryan Lirange, FHWA
* Wayne Costa, Florence
Tim Oliver, Gila River Indian Community
Tom Condit, Gilbert
Purab Adabala for Bob Darr, Glendale
Luke Albert for Hugh Bigalk, Goodyear
David Gue for Litchfield Park
@ Catherine Hollow, Tempe (Chair, ITS Committee)
* Bill Fay, City of Maricopa
Laurie Santana for Jack M. Lorbeer, Maricopa County
* James Shano, Paradise Valley
Chris Turner-Noteware for Phoenix
* Scott Bender, Pinal County
Dan Nissen for Ben Wilson, Peoria
Janet Martin, Queen Creek
Jennifer Jack, Salt River Pima-Maricopa Indian Community
Todd Taylor for Phil Kercher, Scottsdale
Dana Owsiany, Surprise
* Isaac Chivera, Tempe
* Jason Earp, Tolleson
# Grant Anderson, Youngtown

* Members neither present nor represented by proxy
# Members attending by phone @Ex-officio member, non voting member

CONTACT PERSON:
John Bullen, Transportation Planner II, (602) 254-6300.

Arterial Life Cycle Program

Status Report

May 2014 - September 2014

ON THE MOVE
PARTNERS IN PROGRESS

REGIONAL TRANSPORTATION PLAN

MARICOPA ASSOCIATION of GOVERNMENTS

CONTENTS

Page 1: ALCP Revenue and Finance

Page 2: ALCP Project Highlight: Ocotillo Road from Arizona Avenue to McQueen Road

Page 3: Arterial Project Cards

Page 3: FY2015 Arterial Life Cycle Program

Page 3: ALCP Project Status

Pages 4-9: ALCP Project Status Tables

ALCP Revenue and Finance

In November 2004, the voters of Maricopa County approved Proposition 400, which extended the ½-cent sales tax for transportation through 2025. The tax extension was divided among freeways (56.2%), transit (33.3%) and arterial streets (10.5%). The portion of the tax extension allocated to arterial streets is managed through the Arterial Life Cycle Program (ALCP). Table 1 provides a breakdown of Proposition 400 revenues collected in fiscal year (FY) 2014 by mode.

TABLE 1. FY 2014 PROPOSITION 400 COLLECTIONS (July 2013 - June 2014)

	Freeways	Arterial Streets	Transit	TOTAL
July	$16,770,890	$3,133,351	$9,937,200	$29,841,441
August	$16,192,021	$3,025,200	$9,594,205	$28,811,425
September	$16,336,945	$3,052,276	$9,680,076	$29,069,298
October	$16,269,696	$3,039,712	$9,640,229	$28,949,637
November	$16,396,049	$3,063,319	$9,715,097	$29,174,465
December	$16,784,713	$3,135,934	$9,945,390	$29,866,037
January	$21,131,969	$3,948,144	$12,521,255	$37,601,368
February	$15,971,324	$2,983,966	$9,463,436	$28,418,726
March	$16,718,374	$3,123,540	$9,906,083	$29,747,996
April	$18,515,468	$3,459,296	$10,970,909	$32,945,673
May	$17,075,801	$3,190,319	$10,117,868	$30,383,988
June	$17,353,669	$3,242,234	$10,282,512	$30,878,415
TOTAL	$205,516,919	$38,397,289	$121,774,260	$365,688,468

**Amount excludes debt service from Prop 300*

In addition to the half-cent sales tax, the Regional Transportation Plan (RTP) allocates federal Surface Transportation Program – MAG Funds (STP-MAG) and federal Congestion Mitigation and Air Quality Improvement Program Funds (CMAQ) to fund projects in the ALCP.

Revenues from the ½-cent sales tax allocated to arterials are deposited into the Regional Area Road Fund (RARF) arterial account on a monthly basis. Actual RARF revenue collections in FY 2014 were slightly higher (1.0%) than the October 2013 Arizona Department of Transportation (ADOT) RARF revenue forecast. Table 2 provides a summary of estimated versus actual arterial RARF revenue collections over that period.

Fiscal Year 2015 started on July 1, 2014. Through August, $6.1 million of additional RARF revenues have been deposited into the arterial account. To date, approximately $299.0 million Regional Area Road Funds have been collected for arterial improvements in the region, $5.6 million has been earned through income from investments, and more than $297.8 million of project expenses have been reimbursed. As of the end of September 2014, the RARF project account balance was $6.8 million.

The RTP dedicates approximately 3.65% percent of the ALCP RARF funds for planning and implementation studies in the region. The funding allocated for implementation studies is contingent on RARF revenue collections. As a result, the amounts programmed in the ALCP are estimates derived the ADOT RARF revenue forecasts published annually. The remaining regional budget for the implementation studies fluctuate concurrently with the forecasts. Since 2006, nearly $10.7 million in RARF revenues have been deposited into the RARF Studies account.

TABLE 2. TOTAL ARTERIAL RARF COLLECTIONS Estimate v. Actual FY2014 (July 2013 - June 2014)

	Estimated Total RARF	Actual Total RARF*	Percentage Difference
July	$3,139,710	$3,133,351	-0.2%
August	$2,925,090	$3,025,200	3.4%
September	$3,027,255	$3,052,276	0.8%
October	$3,069,885	$3,039,712	-1.0%
November	$3,002,265	$3,063,319	2.0%
December	$3,088,470	$3,135,934	1.5%
January	$3,674,475	$3,948,144	7.4%
February	$3,036,915	$2,983,966	-1.7%
March	$3,105,900	$3,123,540	0.6%
April	$3,466,575	$3,459,296	-0.2%
May	$3,219,615	$3,190,319	-0.9%
June	$3,253,845	$3,242,234	-0.4%
TOTAL	$38,010,000	$38,397,289	1.0%

**Amount excludes debt service from Prop 300*

For more information about the MAG Implementation and Planning Studies, please see the appendices in the approved Arterial Life Cycle Program available for download at:
http://www.azmag.gov/ALCP

ALCP PROJECT HIGHLIGHT:
OCOTILLO ROAD: ARIZONA AVENUE TO MCQUEEN ROAD

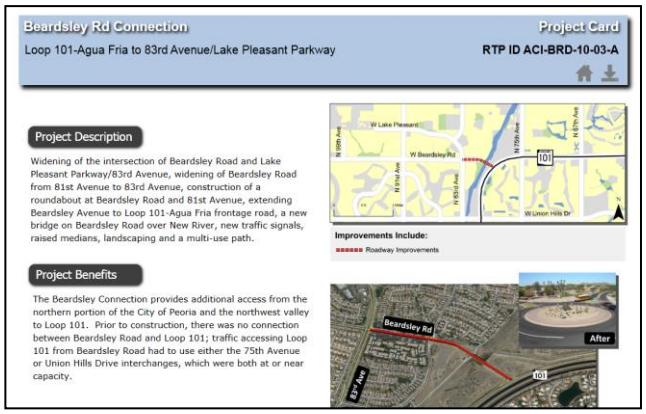
The Ocotillo Road: Arizona Avenue to McQueen Road project will widen the roadway from two travel lanes to four. Improvements will also include new five foot wide bike lanes on both sides of the street, six foot wide sidwalks, a sixteen foot raised median, and widening of the Union Pacific Railroad Crossing with new railroad signals. Construction is scheduled to begin in late 2014 and is planned to open to traffic in summer 2015.

For additional information about the Ocotillo Road: Arizona Avenue to McQueen Road project, please contact the City of Chandler Transportation & Development Department at (480) 782-3400.

MARICOPA ASSOCIATION of GOVERNMENTS
Transportation Division
ON THE MOVE
PARTNERS IN PROGRESS

REGIONAL TRANSPORTATION PLAN (RTP) ARTERIAL PROJECT CARDS

MAG, in collaboration with member jurisdictions, has developed a new user-friendly way for members of the public to track projects that are being implemented as part of the Regional Transportation Plan funded by Proposition 400.



A web-based, one-page card has been developed for each Arterial Life Cycle Project Cards project. Each card provides information such as a description of the project, its benefits, cost information, a map, and a timeline. The first phase set of ALCP Cards are available on the MAG website at: http://projectcards.azmag.gov/

FY 2015 ARTERIAL LIFE CYCLE PROGRAM

On August 27, 2014 the MAG Regional Council approved an update to the FY2015 Arterial Life Cycle Program, the MAG FY 2014-2018 Transportation Improvement Program (TIP), and the 2035 Regional Transportation Plan (RTP). An electronic copy of the updated FY 2015 ALCP may be downloaded from the MAG website at: http://www.azmag.gov/ALCP

ALCP PROJECT STATUS

Detailed information about projects underway is provided in Tables 3 and 4. Table 3 lists whether projects are programmed for work and/or reimbursement in FY 2015, the amount programmed for reimbursement in FY 2015, and ALCP project requirements submitted to-date. Table 4 details project reimbursements and expenditures for projects programmed for work and/or reimbursement in FY2015.

This is the 20th Status Report for the Arterial Life Cycle Program. Semi-annually, MAG provides member agencies with an update on the projects in the ALCP. This report and all other ALCP information are available online at: http://www.azmag.gov/ALCP.

MARICOPA ASSOCIATION of GOVERNMENTS
Transportation Division
ON THE MOVE
PARTNERS IN PROGRESS

TABLE 3. FY 2015 ARTERIAL LIFE CYCLE PROGRAM

SCHEDULE FOR PROJECTS PROGRAMMED FOR WORK AND/OR REIMBURSEMENT IN FY15

RTP Project	Programmed in the FY15 ALCP	Programmed Reimb. in FY15	Reimb. in FY 2015	ALCP Project Requirements		
				Overview (PO)	Agreement (PA)	Needed in FY15
CHANDLER						
Chandler Blvd at Alma School Rd: Intersection Improvements	Work and Reimbursement	$ 631,992.93	$ 44,761.050	Completed 3/2008	Completed 7/2008	PRR
Gilbert Rd: Queen Creek Rd to Hunt Hwy	Work and Reimbursement	661,428.48	661,428.48	Completed 5/2012	Completed 8/2012	PRR
Gilbert Rd: Queen Creek Rd to Ocotillo Rd	Work and Reimbursement	62,374.50	62,374.50	Completed 5/2012	Completed 8/2012	PRR
Gilbert Rd: Ocotillo Rd to Chandler Heights	Work Only	-	-	Completed 5/2012	Completed 1/2014	None
Gilbert Rd: Chandler Heights Rd to Hunt Hwy	Work and Reimbursement	Funds obligated in FFY2013	-	Completed 5/2012	Completed 1/2014	PRR
Chandler Heights Rd: Arizona Ave to McQueen Rd	Work Only	-	-	Completed 9/2014	---	PA
McQueen Rd: Ocotillo Rd to Riggs Rd	Reimbursement Only	1,996,685.03	1,503,378.12	Completed 4/2013	Completed 8/2013	PRR
Ocotillo Rd: Arizona Ave to McQueen Rd	Work and Reimbursement	3,195,012.90	7,158.59	Completed 4/2013	Completed 1/2014	PRR
Old Price Rd at Queen Creek Rd: Intersection Improvements	Work and Reimbursement	517,650.00	-	Completed 9/2014	---	PA/PRR
McQueen Rd: Ocotillo Rd to Chandler Heights	Work and Reimbursement	Funds obligated in FFY2013	-	Completed 4/2013	Completed 4/2014	PRR
McQueen Rd: Chandler Heights to Riggs Rd	Work Only	-	-	Completed 4/2013	Completed 4/2014	None
Ray Rd at Dobson Rd: Intersection Improvements Phase I	Work and Reimbursement	266,000.00	-	Completed 9/2014	---	PA/PRR
Cooper Rd: South of Queen Creek Rd to Chandler Heights	Work and Reimbursement	1,444,450.00	-	---	---	PO/PA/PRR
Cooper Rd: Chandler Heights to Riggs Rd	Work and Reimbursement	181,251.98	-	---	---	PO/PA/PRR
CHANDLER & GILBERT						
Queen Creek Rd: McQueen Rd to Gilbert Rd	Work and Reimbursement	Funds obligated in FFY2013	$ -	Completed 4/2014	Completed 7/2014	PRR
EL MIRAGE						
El Mirage Rd: Cactus to Grand & Thunderbird Rd: 127th Ave to Grand	Work and Reimbursement	$ 935,068.05	$ -	Completed 9/2013	Completed 11/2013	PRR
Thunderbird Rd: 127th Ave to Grand Avenue	Work and Reimbursement	2,028,175.64	-	Completed 9/2013	Completed 11/2013	PRR
El Mirage Rd: Peoria Ave to Cactus Rd	Work and Reimbursement	1,500,000.00	-	Completed 10/2013	Completed 1/2014	PRR
El Mirage Rd: Cactus to Grand Avenue	Work Only	-	-	Completed 9/2013	Completed 11/2013	None
FOUNTAIN HILLS						
Shea Blvd: Technology Dr to Cereus Wash	Work and Reimbursement	$ 2,643,510.29	$ -	Completed 8/2008	Completed 10/2008	PRR
GILBERT						
Elliot Rd at Cooper Rd: Intersection Improvements	Work Only	$ -	$ -	Completed 8/2014	---	PA
Germann Rd: Val Vista Dr to Higley Rd	Work and Reimbursement	5,497,567.00	-	Completed 4/2013	Completed 5/2013	PRR
Guadalupe Rd at Cooper Rd: Intersection Improvements	Work and Reimbursement	4,315,033.32	-	Completed 5/2012	Completed 10/2010	PRR
Guadalupe Rd at Gilbert Rd: Intersection Improvements	Work and Reimbursement	2,455,089.30	-	Completed 4/2013	Completed 5/2013	PRR

SCHEDULE FOR PROJECTS PROGRAMMED FOR WORK AND/OR REIMBURSEMENT IN FY15

RTP Project	Programmed in the FY15 ALCP	Programmed Reimb. in FY15	Reimb. in FY 2015	ALCP Project Requirements		
				Overview (PO)	Agreement (PA)	Needed in FY15
GILBERT/MARICOPA COUNTY/MESA/QUEEN CREEK						
Power Rd: Santan Fwy to Pecos Rd	Reimbursement Only	$ 7,257,226.00	$ 7,257,226.00	Completed 4/2012	Completed 11/2012	None
MARICOPA COUNTY						
El Mirage Rd: Northern Ave to Peoria Ave	Work and Reimbursement	$ 2,442,040.10	$ 19,009.68	Completed 11/2012	Completed 1/2013	PRR
McKellips Rd: Loop 101 to SRP-MIC/Alma School Rd	Work and Reimbursement	Funds Obligated in FFY 2013	-	---	Completed 12/2013	PRR
Northern Parkway (Phase I): Sarival to Dysart	Work and Reimbursement	Funds Obligated in FFY 10/11/12	1,985,834.81	Completed 4/2010	Completed 3/2011	PRR
Northern Parkway (Phase II): Sarival to Dysart	Work and Reimbursement	Funds Obligated in FFY 2011	1,531,817.06	Completed 11/2012	Completed 1/2013	PRR
Northern Parkway: Dysart to 111th Ave	Work and Reimbursement	5,532,300.00	2,179,555.29	Completed 6/2012	Completed 11/2012	PRR
Northern Parkway: Reems and Litchfield Overpasses	Work Only	Funds Obligated in FFY 12/13	430,010.26	Completed 6/2012	Completed 11/2012	PRR
Northern Parkway: Northern Ave at Loop 101	Work Only	-	-	Completed 11/2012	Completed 1/2013	None
MESA						
Mesa Dr: US 60 to Southern Ave	Reimbursement Only	$ 4,230,562.93	$ 4,230,562.93	Completed 3/2007	Completed 1/2008	None
Mesa Dr: 8th Avenue to Main Street	Work and Reimbursement	653,692.00	13,617.77	Completed 6/2014	Completed 8/2014	PRR
Ray Rd: Ellsworth Rd to Signal Butte	Work Only	-	-	---	---	None
Signal Butte Road: Elliot Rd to Ray Rd	Work Only	-	-	Completed 8/2014	---	PA
PEORIA						
Lake Pleasant Pkwy: Dynamite Blvd to CAP	Work Only	$ -	$ -	Completed 5/2006	Completed 10/2011	None
PHOENIX						
Avenida Rio Salado: 51st Ave to 7th Street	Work and Reimbursement	$ 11,918,197.00	$ 1,392,683.86	Completed 1/2012	Completed 5/2012	PRR
Black Mountain Blvd: SR-51 and Loop 101/Pima Fwy to Deer Valley Rd	Work and Reimbursement	10,990,117.00	3,608,102.87	Completed 10/2007	Completed 6/2012	PRR
SCOTTSDALE						
Pima Rd: Pinnacle Peak to Happy Valley Rd	Work Only	$ -	$ -	---	---	None
Pima Rd: Via Linda to Via De Ventura	Work and Reimbursement	102,189.56	-	Completed 9/2014	---	PA/PRR
Northsight Blvd: Hayden Rd to Frank Lloyd Wright Blvd	Work and Reimbursement	5,378,307.12	859,194.89	Completed 4/2010	Completed 6/2012	PRR
Raintree Drive Extension: 76th Pl to Hayden Rd	Work and Reimbursement	1,056,217.65	-	Completed 8/2014	---	PA/PRR
Southbound Loop 101 Frontage Road Connections	Work and Reimbursement	352,072.55	-	Completed 9/2014	---	PA/PRR
Airpark DCR	Work and Reimbursement	13,713.66	13,713.66	Completed 4/2013	Completed 5/2013	PRR
Scottsdale Rd: Thompson Peak Pkwy to Pinnacle Peak Pkwy Phase I	Work and Reimbursement	3,372,962.43	740,181.75	Completed 5/2010	Completed 7/2010	PRR

TABLE 4A. ARTERIAL LIFE CYCLE PROGRAM

STATUS OF RARF-FUNDED PROJECTS UNDERWAY IN FISCAL YEAR 2015

Consistent with the Fiscal Year 2015 ALCP approved on August 27, 2014

FACILITY/LOCATION	SCHEDULE FOR WORK (W) AND/OR REIMB. (R)	REGIONAL FUNDING (Millions)					TOTAL EXPENDITURES (Millions)			FINAL FY for CONST	LENGTH* (Miles)	OTHER PROJECT INFORMATION
	FY 2015	Reimb through FY14 (YOE$)	FY 2015 Est. Reimb. (2014$)	Est. Reimb FY16-FY26 (2014$)	Total Reimb FY06-FY26 (2014$, YOE$)	Unfunded Due to Deficit (2014$)	Expend through FY14 (YOE$)	Estimated Future Expend FY15-FY26 (2014$)	Total Expend FY06-FY26 (2014$,YOE$)			
CHANDLER												
Chandler Blvd at Alma School Rd: Intersection Improvements	W/R	0.622	0.632	2.094	3.347	0.942	2.879	7.764	10.642	2017	0.25	
Gilbert Rd: Queen Creek Rd to Hunt Hwy	W/R	2.582	0.661	0.000	3.244	0.000	3.679	0.955	4.634	2015	4.00	Design & ROW only
Gilbert Rd: Queen Creek Rd to Ocotillo Rd	W/R	7.475	0.062	0.000	7.537	0.000	10.705	0.062	10.767	2015	1.00	Construction Only
Gilbert Rd: Ocotillo Rd to Chandler Heights	W	0.000	0.000	6.160	6.160	0.000	7.488	0.849	8.337	2015	1.00	Construction Only
Chandler Heights Rd: Arizona Ave to McQueen Rd	W	0.000	0.000	7.325	7.325	0.000	0.000	21.689	21.689	2020	1.00	
McQueen Rd: Ocotillo Rd to Riggs Rd	R	0.000	1.997	0.000	1.997	0.000	1.997	0.000	1.997	2015	2.00	Design & ROW only
Ocotillo Rd: Arizona Ave to McQueen Rd	W/R	1.161	3.195	0.939	5.295	1.408	2.077	7.946	10.023	2016	1.00	
Old Price Rd at Queen Creek Rd: Intersection Improvements	W/R	0.000	0.518	4.704	5.222	0.000	0.518	2.835	3.352	2015	0.80	
McQueen Rd: Chandler Heights to Riggs Rd	W	0.000	0.000	0.590	0.590	0.000	0.000	10.956	10.956	2015	1.00	Construction Only
Ray Rd at Dobson Rd: Intersection Improvements Phase I	W/R	0.000	0.266	0.000	0.266	0.000	0.080	0.300	0.380	2015	0.30	
Cooper Rd: South of Queen Creek Rd to Chandler Heights	W/R	0.000	1.444	4.202	5.646	0.000	0.000	8.066	8.066	2019	1.60	
Cooper Rd: Chandler Heights to Riggs Rd	W/R	0.000	0.181	3.594	3.775	3.776	0.000	10.068	10.068	2022	1.00	
EL MIRAGE												
El Mirage Rd: Cactus to Grand & Thunderbird Rd: 127th Ave to Grand	W/R	0.853	0.935	0.000	1.788	0.000	1.218	1.336	2.554	2015	2.00	Design Only
Thunderbird Rd: 127th Ave to Grand Avenue	W/R	0.000	2.028	1.965	3.993	0.000	0.000	11.739	11.739	2016	0.50	ROW & Construction Only

Reimb. Reimbursement(s) YOE Year of Expenditure $ Dollars * Measured in centerline miles

FY Fiscal Year Expend Expended/Expenditures Est Estimated

STATUS OF RARF-FUNDED PROJECTS UNDERWAY IN FISCAL YEAR 2015
Consistent with the Fiscal Year 2015 ALCP approved on August 27, 2014

FACILITY/LOCATION	SCHEDULE FOR WORK (W) AND/OR REIMB. (R)	REGIONAL FUNDING (Millions)					TOTAL EXPENDITURES (Millions)			FINAL FY for CONST	LENGTH* (Miles)	OTHER PROJECT INFORMATION
	FY 2015	Reimb through FY14 (YOE$)	FY 2015 Est. Reimb. (2014$)	Est. Reimb FY16-FY26 (2014$)	Total Reimb FY06-FY26 (2014$, YOE$)	Unfunded Due to Deficit (2014$)	Expend through FY14 (YOE$)	Estimated Future Expend FY15-FY26 (2014$)	Total Expend FY06-FY26 (2014$,YOE$)			
EL MIRAGE (Cont'd)												
El Mirage Rd: Peoria Ave to Cactus Rd	W/R	0.000	1.500	4.936	6.436	0.000	0.000	6.487	6.487	2016	1.00	ROW & Construction Only
El Mirage Rd: Cactus to Grand Avenue	W	0.000	0.000	13.553	13.553	0.000	0.000	19.361	19.361	2016	1.50	ROW & Construction Only
FOUNTAIN HILLS												
Shea Blvd: Technology Dr to Cereus Wash	W/R	0.288	2.644	0.194	3.125	0.000	0.411	4.006	4.417	2016	0.80	
GILBERT												
Elliot Rd at Cooper Rd: Intersection Improvements	W	0.000	0.000	4.140	4.140	0.000	0.000	7.615	7.615	2017	0.50	
Germann Rd: Val Vista Dr to Higley Rd	W/R	0.000	5.498	12.318	17.816	0.000	6.743	7.480	14.223	2015	2.00	
Guadalupe Rd at Cooper Rd: Intersection Improvements	W/R	0.873	4.315	0.000	5.188	0.000	1.247	10.198	11.444	2016	0.50	
Guadalupe Rd at Gilbert Rd: Intersection Improvements	W/R	1.320	2.455	0.000	3.775	0.000	1.885	8.454	10.339	2015	0.50	
GILBERT/MARICOPA COUNTY/MESA/QUEEN CREEK												
Power Rd: Santan Fwy to Pecos Rd	R	8.191	7.257	0.000	15.448	0.000	29.418	0.000	29.418	2014	1.50	
MARICOPA COUNTY												
El Mirage Rd: Northern Ave to Peoria Ave	W/R	0.096	2.442	7.789	10.327	0.000	0.013	10.983	10.997	2016	2.00	
MESA												
Mesa Dr: US 60 to Southern Ave	R	10.849	4.231	0.000	15.080	0.000	20.483	0.000	20.483	2014	1.00	
Mesa Dr: 8th Avenue to Main Street	W/R	0.056	0.654	7.563	8.272	0.000	0.000	16.769	16.769	2017	1.00	
Ray Rd: Ellsworth Rd to Signal Butte	W	0.000	0.000	7.420	7.420	0.000	5.393	2.667	8.061	2016	2.00	
Signal Butte Road: Elliot Rd to Ray Rd	W	0.000	0.000	3.912	3.912	0.000	13.480	0.000	13.480	2015	2.00	

Reimb. Reimbursement(s) YOE Year of Expenditure $ Dollars * Measured in centerline miles

FY Fiscal Year Expend Expended/Expenditures Est Estimated

STATUS OF RARF-FUNDED PROJECTS UNDERWAY IN FISCAL YEAR 2015
Consistent with the Fiscal Year 2015 ALCP approved on August 27, 2014

FACILITY/LOCATION	SCHEDULE FOR WORK (W) AND/OR REIMB. (R) FY 2015	REGIONAL FUNDING (Millions)					TOTAL EXPENDITURES (Millions)			FINAL FY for CONST	LENGTH* (Miles)	OTHER PROJECT INFORMATION
		Reimb through FY14 (YOE$)	FY 2015 Est. Reimb. (2014$)	Est. Reimb FY16-FY26 (2014$)	Total Reimb FY06-FY26 (2014$, YOE$)	Unfunded Due to Deficit (2014$)	Expend through FY14 (YOE$)	Estimated Future Expend FY15-FY26 (2014$)	Total Expend FY06-FY26 (2014$,YOE$)			
PEORIA												
Lake Pleasant Pkwy: Dynamite Blvd to CAP	W	2.645	0.000	13.867	16.512	11.114	21.632	3.222	24.854	2015	2.50	
SCOTTSDALE												
Pima Rd: Pinnacle Peak to Happy Valley Rd	W	0.000	0.000	15.991	15.991	0.000	0.000	22.844	22.844	2019	1.00	
Southbound Loop 101 Frontage Road Connections	W/R	0.000	0.352	2.700	3.052	0.000	0.000	4.600	4.600	2017	0.75	
Airpark DCR	W/R	0.690	0.014	0.000	0.704	0.000	0.986	0.072	1.058	2015	0.00	Design Only
Scottsdale Rd: Thompson Peak Pkwy to Pinnacle Peak Pkwy Phase I	W/R	8.212	3.373	0.000	11.585	0.000	11.732	1.057	12.789	2015	2.00	
Pima Rd: Via Linda to Via De Ventura	W/R	0.000	0.102	1.236	1.339	0.000	0.000	2.354	2.354	2016	1.30	
Northsight Blvd: Hayden Rd to Frank Lloyd Wright Blvd	W/R	8.495	5.378	0.000	13.873	0.000	12.850	0.513	13.363	2015	0.40	
Raintree Drive Extension: 76th Pl to Hayden Rd	W/R	0.000	1.056	12.466	13.523	0.000	0.000	15.893	15.893	2017	1.00	

Reimb. Reimbursement(s) YOE Year of Expenditure $ Dollars * Measured in centerline miles
FY Fiscal Year Expend Expended/Expenditures Est Estimated

TABLE 4B. ARTERIAL LIFE CYCLE PROGRAM

STATUS OF FEDERALLY FUNDED PROJECTS UNDERWAY IN FISCAL YEAR 2015

Consistent with the Fiscal Year 2015 ALCP approved on August 27, 2014

FACILITY/LOCATION	SCHEDULE FOR WORK (W) AND/OR REIMB. (R)	OBLIGATIONS (Millions)					TOTAL EXPENDITURES (Millions)			FINAL FY for CONST	LENGTH* (Miles)	OTHER PROJECT INFORMATION
	FY 2014	Obligated through FFY14	Est. Obligations FFY15	Est. Obligations FFY16-FFY26	Total Federal Funding FFY2006 - FFY2026	Unfunded Due to Deficit (2014$)	Expend through FY14 (YOE$)	Estimated Future Expend FY15-FY26 (2014$)	Total Expend FY06-FY26 (2014$,YOE$)			
CHANDLER												
Gilbert Rd: Chandler Heights Rd to Hunt Hwy	W/R	2.048	0.000	1.480	3.528	1.770	0.026	8.398	8.424	2014	1.00	Construction Only
McQueen Rd: Ocotillo Rd to Chandler Heights	W/R	3.896	0.000	0.000	3.896	0.000	0.006	4.125	4.131	2014	1.00	Construction Only
CHANDLER & GILBERT												
Queen Creek Rd: McQueen Rd to Gilbert Rd	W/R	1.515	0.000	5.933	7.448	5.112	0.003	19.014	19.016	2021	2.00	
MARICOPA COUNTY												
McKellips Rd: Loop 101 to SRP-MIC/Alma School Rd	W/R	0.581	0.000	0.000	0.581	14.567	0.001	24.533	24.534	2019	2.00	
Northern Parkway (Phase I): Sarival to Dysart	W/R	60.713	0.000	0.000	60.713	0.000	84.882	4.120	89.001	2014	4.10	
Northern Parkway (Phase II): Sarival to Dysart	W/R	2.400	0.000	0.000	2.400	0.000	0.917	3.234	4.151	2014	4.10	
Northern Parkway (Phase II): Dysart to 111th	W/R	8.918	5.063	12.768	26.749	0.000	8.176	30.034	38.210	2015	2.50	
Northern Parkway (Phase II): Reems and Litchfield Overpasses	W/R	7.214	0.000	0.000	7.214	0.000	0.926	10.227	11.152	2014	0.20	
Northern Parkway (Phase II): Northern Ave at Loop 101	W	0.000	0.000	8.448	8.448	0.000	0.000	12.069	12.069	2016	0.50	
Northern Parkway (Phase II): Dysart Overpass	W	0.000	0.000	23.357	23.357	0.000	0.000	33.366	33.366	2016	0.10	
Northern Parkway (Phase II) : ROW Protection	W	0.000	0.000	1.400	1.400	0.000	0.000	2.000	2.000	2016	12.50	ROW Only
PHOENIX												
Avendia Rio Salado: 51st Avenue to 7th Street	W/R	35.454	9.240	0.000	44.693	0.000	13.898	58.011	71.909	2015	6.00	
Black Mountain Blvd: SR-51 and Loop 101/Pima Fwy to Deer Valley Rd	W/R	11.790	10.740	0.000	22.530	0.000	3.271	29.234	32.505	2015	2.00	

Reimb. Reimbursement(s) YOE Year of Expenditure $ Dollars * Measured in centerline miles

FY Fiscal Year Expend Expended/Expenditures Est Estimated

Agenda Item #5D

MARICOPA ASSOCIATION OF GOVERNMENTS INFORMATION SUMMARY…for your review

DATE:
October 28, 2014

SUBJECT:
Consultant Selection for the *Don't Trash Arizona* Litter Prevention and Education Program

SUMMARY:
The Regional Transportation Plan (RTP) includes $279 million for the freeway maintenance program, including litter control. In November 2003, MAG and the Arizona Department of Transportation signed a joint resolution that included a commitment to develop a long-term litter prevention program to help reduce freeway litter and defray pickup costs.

To help accomplish this goal, in 2006 the MAG Regional Council approved the selection of a consultant to implement a Litter Prevention and Education Program for the Regional Freeway System in the MAG region, also known as *Don't Trash Arizona*. The purpose of the program is to increase awareness of the health, safety, environmental and economic consequences of freeway litter and ultimately change the behavior of offenders. MAG works cooperatively with the Arizona Department of Transportation (ADOT), which manages the program for the state outside of Maricopa County. The program has been funded each year since 2006.

The FY 2015 Draft MAG Unified Planning Work Program and Annual Budget contains $300,000 to continue the *Don't Trash Arizona* program for an additional year. On July 30, 2014, MAG issued a Requests for Proposals (RFP) requesting proposals from qualified consultants with the resources, experience and abilities to provide an array of communication services, including public education and outreach efforts, that will increase awareness of the freeway litter problem in the MAG region and lead to measurable changes in behavior among offenders.

Requested services include strategic planning, public relations, marketing, advertising, evaluation of program effectiveness, and the development of partnerships with stakeholders, organizations or other entities that will provide additional value in promoting litter control efforts. The contract will be completed at a cost not to exceed $300,000. The base contract period shall be a one (1) year term. MAG may, at its option, offer to extend the period of this agreement up to a maximum of two (2), one (1) year options, based on consultant performance and funding availability.

On September 10, 2014, MAG received proposals from three qualified consultants in response to the Request for Proposals. Companies submitting proposals included Olson Communications, Inc.; Allison & Partners; and Ideas Collide.

A multi-agency evaluation team made up of participants from MAG member agencies met on September 24, 2014, to evaluate the proposals and recommended to MAG that Olson Communications, Inc., be selected as the consultant to develop and implement the FY 2015 Litter Prevention and Education Program at a cost not to exceed $300,000.

The regional Litter Education and Prevention campaign will be administered by MAG in cooperation with the Arizona Department of Transportation, which conducts the statewide *Don't Trash Arizona* campaign.

PUBLIC INPUT:
None.

PROS & CONS:
PROS: Research suggests that prevention programs can change public perception and habits regarding litter, which is ugly, unhealthy and unsafe. Properly maintained freeways are important to the quality of life of the residents of this region and to the image projected to tourists and economic development prospects.

CONS: None.

TECHNICAL & POLICY IMPLICATIONS:
TECHNICAL: The recommended consultant will develop and implement the *Don't Trash Arizona* Litter Prevention and Education Program for the MAG region, utilizing $300,000 in funding included in the FY 2015 MAG Unified Planning Work Program and Annual Budget, to continue the program for an additional year. The FY 2015 campaign will build on the successes of the *Don't Trash Arizona* campaign to date.

POLICY: An effective litter prevention and education program will help change the behavior of offenders and improve visual aesthetics along the MAG Regional Freeway System.

ACTION NEEDED:
Recommend approval that Olson Communications, Inc., be selected to design and implement the FY 2015 Litter Prevention and Education Program for the MAG region, for an amount not to exceed $300,000, and that the base contract period shall be a one (1) year term. MAG may, at its option, offer to extend the period of this agreement up to a maximum of two (2), one (1) year options, based on consultant performance and funding availability.

PRIOR COMMITTEE ACTIONS:
On September 24, 2014, a multi-agency evaluation team recommended to MAG that Olson Communications, inc., be selected as the consultant to design and implement the Litter Prevention and Education Program campaign.

MULTI-AGENCY EVALUATION TEAM

Lisa Estrada, City of Peoria
Brad Lundahl, City of Scottsdale
Patricia Powers-Zermeño, Arizona Department of Transportation (ADOT)
Tom Remes, City of Phoenix
Kelly Taft, MAG

On May 28, 2014, the MAG Regional Council approved the FY 2015 Draft MAG Unified Planning Work Program and Annual Budget, which included $300,000 to continue the *Don't Trash Arizona* Litter Prevention and Education program for an additional year.

CONTACT PERSON:
Kelly Taft, Communications Manager, (602) 254-6300.

Agenda Item #5E

MARICOPA ASSOCIATION OF GOVERNMENTS INFORMATION SUMMARY… for your review

DATE:
October 28, 2014

SUBJECT:
Acceptance of the Central Phoenix Transportation Framework Study

SUMMARY:
The recently completed Central Phoenix Transportation Framework Study was an effort to identify long-range transportation needs for the center of the MAG region in an area bounded by SR-101L on the north, east, west and the Gila River Indian Community on the south. Since beginning this study in late 2010, the study team has reached out to numerous representatives from the general public, MAG member agencies, the Arizona Department of Transportation, Valley Metro and through stakeholder meetings, geographic dialogues, two planning charettes, and twelve Planning Partner events, identified transportation options to inform development of the NextGen Regional Transportation Plan. The MAG Management Committee, the Transportation Policy Committee, and the MAG Regional Council were provided an update on the work products from this study addressing the regional freeway system, including the study's suggestions for the Interstate 10/Interstate 17 Corridor Master Plan.

In addition, information from the Downtown Phoenix Transportation Study, an initiative of the Central Phoenix Transportation Framework Study jointly funded by MAG and the City of Phoenix, was also presented to illustrate and implement the framework's planning principles.

The study team has identified fifteen different work products as the outcome to the Central Phoenix Transportation Framework Study. These work products are primarily technical in nature and discuss various transportation construction and operational improvement items that could be incorporated into the NextGen Regional Transportation Plan program. A summary brochure of the project's work products is attached to this summary transmittal. Information on the Central Phoenix Transportation Study's final work products is also available at www.bqaz.org.

PUBLIC INPUT:
Public input to inform the Central Phoenix Transportation Framework Study was received in the Summer and Fall of 2011 during the project's data discovery phase. More than 500 individuals representing the general public and commercial interests participated in five focus groups and six geographic dialogues as part of the outreach effort. The common themes of study, policy, and mobility recommendations were identified as benchmarks in both planning charettes and the subsequent work products that have been developed.

The public also provided input on the Downtown Phoenix Transportation Study in three different opportunities through the study development process. This study was an outreach to more than 150 Downtown Phoenix business and residents.

PROS & CONS:

PROS: The study developed an environmentally sustainable multimodal transportation framework that includes operational and safety improvements, and a framework for regional connectors and roadways within the study area. The project's recommendations will provide guidance to MAG and member agencies for establishing a transportation framework and an implementation strategy to meet the long-term travel demand.

CONS: Most recommendations identified in the Central Phoenix Transportation Framework Study work products are unfunded beyond the scope of the current Regional Transportation Plan. As with all MAG Framework Studies, this effort was intended to identify the need, develop recommendation, and assess feasibility and constructability to inform the MAG Regional Council in future decisions about the Valley's transportation system.

TECHNICAL & POLICY IMPLICATIONS:

TECHNICAL: Recommendations proposed in these work products are designed to inform future generations of the Regional Transportation Plan and have been identified with implementation and constructability as primary criteria. It is anticipated that this early detailed look at technical concepts will provide the planning process with the best technical data to improve upon the quality of projects that may be identified for eventual construction and operation in the Central Phoenix Transportation Framework Study area.

POLICY: This Transportation Framework Study represents the fourth of sixth such efforts to identify transportation needs at future years beyond the present planning horizon for the Regional Transportation Plan. These efforts have led to decisions about long-range planning for transit, freight, freeway, and arterial corridors throughout the Valley. The Central Phoenix Transportation Framework Study is the first look at the core of the metropolitan area and the needs for meeting future travel demand. As with previous framework study recommendations, key and strategic improvements will be advanced into future generations of the Regional Transportation Plan, as recommended by the MAG Regional Council.

ACTION NEEDED:

Recommend acceptance of the findings from the Central Phoenix Transportation Framework Study and the companion Downtown Phoenix Core Connections and Operations Study to inform development of the next generation of the Regional Transportation Plan; and to recommend the affected MAG member agencies within the Central Phoenix Transportation Framework Study area consider incorporating these findings into future updates of their general plans.

PRIOR COMMITTEE ACTIONS:

On October 23, 2014, the MAG Transportation Review Committee recommended acceptance.

MEMBERS ATTENDING

Avondale: David Fitzhugh, Chair
ADOT: Kwi-Sung Kang for Floyd Roehrich
Buckeye: Scott Lowe
* Cave Creek: Ian Cordwell
Chandler: Dan Cook
El Mirage: Chris Hauser for Jorge Gastelum
Fountain Hills: Randy Harrel
Gila Bend: Ernie Rubi
* Gila River Indian Community: Tim Oliver
Gilbert: Kristin Myers for Leah Hubbard
Glendale: Debbie Albert
Goodyear: Cato Esquivel
Litchfield Park: Woody Scoutten
* Maricopa (City): Paul Jepson
Maricopa County: Lynne Hilliard for John Hauskins
Mesa: Jeff Martin for Scott Butler
* Paradise Valley: Jim Shano
Peoria: Andrew Granger
Phoenix: Ray Dovalina for Rick Naimark
Queen Creek: Mohamed Youssef

Scottsdale: Todd Taylor for Paul Basha
Surprise: Mike Gent
Tempe: Shelly Seyler
Valley Metro: John Farry
Wickenburg: Vince Lorefice
Youngtown: Grant Anderson

EX-OFFICIO MEMBERS ATTENDING

* Street Committee: Maria Deeb, Mesa
* ITS Committee: Catherine Hollow, Tempe
FHWA: Ed Stillings
* Bicycle/Pedestrian Committee: Denise Lacey, Maricopa County
* Transportation Safety Committee: Renate Ehm, Mesa

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

CONTACT PERSON:
Bob Hazlett, Senior Engineer, 602 254-6300

Attachment is posted as separate file.

Agenda Item #5F

MARICOPA ASSOCIATION OF GOVERNMENTS INFORMATION SUMMARY… for your review

DATE:
October 28, 2014

SUBJECT:
Traffic Signal Optimization Program Recommendation of Projects for FY 2015

SUMMARY:
The MAG Traffic Signal Optimization Program (TSOP) provides technical assistance to member agencies for improving traffic signal operations, and delivers training to agency staff via an annual workshop.

Since its inception in 2004, the MAG Traffic Signal Optimization Program (TSOP) has successfully completed 101 projects that have helped improve traffic signal timing at more than 1,000 intersections across the region. Projects launched through this program provide technical assistance to member agencies for improving traffic signal coordination, optimization and review of operations through simulation modeling. Technical assistance is provided by qualified consultants under contract with MAG for providing on-call consulting services.

A formal request for projects for the FY 2015 Traffic Signal Optimization Program (TSOP) was announced by MAG on September 3, 2014. The available TSOP budget in the MAG Work Program for FY 2015 is $300,000. Fourteen (14) project applications were received for signal timing coordination improvements on several arterial streets and on one freeway-arterial corridor, affecting 11 local jurisdictions and one state agency. Nine (9) of the proposed TSOP projects have been recommended along with two additional projects that would involve performing evaluation of before-and-after conditions and providing a regional workshop on traffic signal timing software. The estimated cost for all eleven (11) recommended projects is $303,000. The additional $3,000 required will be met by remaining TSOP funds carried over from FY 2014. All recommended projects will be carried out using nine (9) qualified on-call consultants under contract with MAG.

Traffic signal optimization is one of the most cost-effective ways to improve traffic movement and make our streets safer and efficient. Signal optimization is performed for any or all of the following reasons:

- To adjust signal timing to account for changes in traffic patterns due to new developments and traffic growth
- To reduce motorist frustration and unsafe driving by reducing stops and delay
- To improve traffic flow through a group of signals, thereby reducing emissions and fuel consumption
- To postpone the need for costly long-term road capacity improvements by improving the traffic flow using existing resources

Signal optimization projects have been found to produce benefit to cost ratios as high as 40 to 1. This program, enthusiastically championed by the MAG Intelligent Transportation Systems Committee, provides traffic engineering assistance for refining signal operations across the MAG region. These projects do not require a local match.

PUBLIC INPUT:
None.

PROS & CONS:
PROS: The proposed TSOP projects, when implemented, will result in improved traffic operations and reductions in gasoline consumption and vehicular emissions.

CONS: None.

TECHNICAL & POLICY IMPLICATIONS:
TECHNICAL: It is essential that local agency technical staff participate in coordinating the execution of these projects by the designated MAG on-call consultant.

POLICY: None.

ACTION NEEDED:
Recommend approval of the list of Traffic Signal Optimization Program projects for FY 2015.

PRIOR COMMITTEE ACTIONS:
MAG Transportation Review Committee: On October 23, 2014, the MAG Transportation Review Committee recommended approval of the proposed list of TSOP projects.

MEMBERS ATTENDING

Avondale: David Fitzhugh, Chair
ADOT: Kwi-Sung Kang for Floyd Roehrich
Buckeye: Scott Lowe
* Cave Creek: Ian Cordwell
Chandler: Dan Cook
El Mirage: Chris Hauser for Jorge Gastelum
Fountain Hills: Randy Harrel
Gila Bend: Ernie Rubi
* Gila River Indian Community: Tim Oliver
Gilbert: Kristin Myers for Leah Hubbard
Glendale: Debbie Albert
Goodyear: Cato Esquivel
Litchfield Park: Woody Scoutten
* Maricopa (City): Paul Jepson
Maricopa County: Lynne Hilliard for John Hauskins
Mesa: Jeff Martin for Scott Butler
* Paradise Valley: Jim Shano
Peoria: Andrew Granger
Phoenix: Ray Dovalina for Rick Naimark
Queen Creek: Mohamed Youssef
Scottsdale: Todd Taylor for Paul Basha
Surprise: Mike Gent
Tempe: Shelly Seyler
Valley Metro: John Farry
Wickenburg: Vince Lorefice
Youngtown: Grant Anderson

EX-OFFICIO MEMBERS ATTENDING

* Street Committee: Maria Deeb, Mesa
* ITS Committee: Catherine Hollow, Tempe
FHWA: Ed Stillings
* Bicycle/Pedestrian Committee: Denise Lacey, Maricopa County
* Transportation Safety Committee: Renate Ehm, Mesa

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

MAG Intelligent Transportation Systems Committee: On October 7, 2014, the MAG Intelligent Transportation Systems Committee recommended approval of proposed list of TSOP projects for FY2015.

MEMBERS ATTENDING

ADOT: Reza Karimvand
* Avondale: Chris Hamilton
# Buckeye: Chris Lemka
# Chandler: Mike Mah
DPS: Capt Burley Copeland
El Mirage: Bryce Christo
FHWA: Toni Whitfield
Gilbert: Leslie Bubke
Glendale: Allan Galicia for Debbie Albert
* Goodyear: Luke Albert
Maricopa County: Paul Porell for Nicolaas Swart
Valley Metro: Amanda Luecker
Mesa: Avery Rhodes
Peoria: Ron Amaya
Phoenix: Bruce Littleton for Marshall Riegel
Scottsdale: Steve Ramsey
Surprise: Albert Garacia
Tempe: Cathy Hollow

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

CONTACT PERSON:
Sarath Joshua (602) 254-6300.

Recommended Projects for FY2015 MAG Traffic Signal Optimization Program

Project#	Lead Agency	Other Agencies	Brief Description	MAG Estimated Cost
1	Phoenix	ADOT, MCDOT	I-10 ICM, 35th Ave. to 83rd Ave. - 118 intersections	$45,000.00
2	Glendale	ADOT	59th Ave., Deer Valley to Union Hills - 7 intersections - B/A	$24,000.00
3	MCDOT	N/A	MC-85 (Buckeye Rd.) - 8 Intersections - B/A	$24,000.00
4	Peoria	Glendale, ADOT	Union Hills Dr, 55th Ave to 91st Ave - 15 intersections	$42,000.00
5	Tempe	N/A	Priority 1 - Mill Ave, Curry to University - 8 intersections - B/A	$30,000.00
6	Surprise	N/A	Bell Road, Grand Ave to Loop 303 - 10 intersections	$30,000.00
7	El Mirage	N/A	Dysart Rd & Thunderbird Rd - 4 Intersections	$12,000.00
8	Queen Creek	N/A	Update existing SYNCHRO model - 42 intersections	$30,000.00
9	Maricopa (City)	N/A	Porter Road corridor - 8 intersections	$24,000.00
10	MAG	N/A	3-day SYNCHRO Workshop	$12,000.00
11	MAG	N/A	B/A Evaluation of Selected Corridors	$30,000.00
			Total Estimated Cost	**$303,000.00**
			FY2015 TSOP Funds Available	**$300,000.00**
			FY2014 TSOP Carry Over Funds	**$3,000.00**

Agenda Item #5G

MARICOPA ASSOCIATION of GOVERNMENTS

302 North 1st Avenue, Suite 300 ▲ Phoenix, Arizona 85003
Phone (602) 254-6300 ▲ FAX (602) 254-6490
E-mail: mag@azmag.gov ▲ Web site: www.azmag.gov

October 28, 2014

TO: MAG Management Committee

FROM: Jason Stephens, MAG Public Involvement Planner III

SUBJECT: MAG PUBLIC INVOLVEMENT PROGRESS REPORT

In April 2014, the Maricopa Association of Governments (MAG) adopted an updated Public Participation Plan. The Plan is designed to provide complete information on transportation plans, timely public notice, full access to key decisions, and opportunities for early and continuing involvement in the transportation planning process, as well as other MAG activities, for all segments of the region's population, including Title VI and Environmental Justice communities.

MAG believes that public participation is a critical and necessary part of the planning process. The involvement of the public helps MAG make better transportation decisions that meet the needs of all people, and to plan transportation facilities that fit more harmoniously into communities. As part of its adopted public involvement process, MAG provides quarterly Public Involvement Progress Reports to policy committees for information and consideration. Please see the attached report for an update on recent MAG public involvement activities.

MAG Public Involvement Progress Report

The MAG public involvement process adheres to all federal requirements under current federal transportation planning legislation. MAG is dedicated to providing the region's residents with an open and inclusive process designed to obtain input from all interested parties as defined in Section 5303 of Title 49, United States Code. All input received was addressed during the activity/group presentation or responded to within 48 hours. For more information, please contact Jason Stephens at (602) 452-5004 or Leila Gamiz at (602) 452-5076.

DATE	ACTIVITY/GROUP PRESENTATION	SUMMARY OF INPUT	APPROX. NUMBER REACHED
7/10/14	Stay Together and Recover (STAR Central)	Attendees asked about the reduced fare card and how it covers light rail and Dial-a-Ride. Attendees also asked about future light rail alignments and fare changes.	15
8/12/14	East Valley Lifewell	Attendees asked about light rail extensions, weekend transit service and the RideChoice program.	10
9/4/14	Northwest Brain Injury Survivors and Caregivers Group	Attendees commented on Dial-a-Ride not being on time and asked how much time they have to cross the street (via the walk signal). They also asked about the use of wheelchairs on light rail and buses.	20
9/9/14	MAG Transportation Ambassador Program-Mesa Public Library	Participants commented on the need for an inventory on human services transportation driver training opportunities. Inquiries included when the next FTA Section 5310 grant cycle will begin for the MAG region and a schedule of other MAG events.	45
9/12/14 and 9/13/14	National Federation of the Blind of Arizona Statewide Conference	Attendees asked about MAG's role as the MPO and how it affects the lives of people in the region. They also commented on the need for more light rail, a regional Dial-a-Ride system and better regional transit service.	100
9/26/14	Valley Metro RideShare Month Kickoff Event	Attendees filled out the MAG Awareness Survey on transportation priorities and asked what role MAG has in transit planning.	100
10/5/14	Tempe Tardeada	Attendees filled out the MAG Awareness Survey on transportation priorities, commented on the need for more light rail service and asked about future freeway corridors, transit service, and MAG's role in the region.	200

DATE	ACTIVITY/GROUP PRESENTATION	SUMMARY OF INPUT	APPROX. NUMBER REACHED
10/22/14	Scottsdale Age-Friendly Community Forum	Attendees inquired about public and alternative transportation services available in Scottsdale. Other comments included better marketing of the services available and the need for expanded services on weekends and evenings, particularly for older adults.	50
10/25/14	Arizona State Fair Governor's Office of Highway Safety Days	Attendees filled out the MAG's Awareness Survey on transportation priorities and commented on the need for light rail extensions throughout the Valley, and street improvements to include side-walks in the far West Valley.	500

Agenda Item #5H

MARICOPA ASSOCIATION of GOVERNMENTS

302 North 1st Avenue, Suite 300 ▲ Phoenix, Arizona 85003
Phone (602) 254-6300 ▲ FAX (602) 254-6490
E-mail: mag@azmag.gov ▲ Web site: www.azmag.gov

October 28, 2014

TO: Members of the MAG Management Committee

FROM: Dean Giles, Air Quality Planning Program Specialist

SUBJECT: STATUS OF REMAINING MAG APPROVED PM-10 CERTIFIED STREET SWEEPER PROJECTS THAT HAVE NOT REQUESTED REIMBURSEMENT

A status report is being provided on the remaining PM-10 certified street sweeper projects that have received approval, but have not requested reimbursement (see attached table). To address new Federal Highway Administration procedures to minimize inactive obligations and to assist MAG in reducing the amount of obligated federal funds carried forward in the MAG Unified Planning Work Program and Annual Budget, we are requesting that street sweeper projects for FY 2014 CMAQ funding be purchased and reimbursement requests be submitted to MAG by March 26, 2015. In addition, recently MAG was notified of another instance in which a street sweeper disposal occurred without Arizona Department of Transportation (ADOT) approval. ADOT procedures require that member agencies obtain ADOT approval prior to the disposal of a CMAQ-funded street sweeper. The process for requesting ADOT approval is provided in the ADOT Policies and Procedures, Section 8.07 (attached).

At the June 10, 2009 MAG Management Committee meeting, discussion took place on the implications of delaying the expenditure of MAG Federal Funds. In addition to projects listed in the Transportation Improvement Program, street sweepers were given as an example.

In some cases approved sweeper projects have taken up to three years to request reimbursement. The delay in requesting reimbursement for street sweepers results in obligated federal funds being carried forward in the MAG Unified Planning Work Program and Annual Budget. The Federal Highway Administration has expressed concern regarding the amount of obligated funds being carried forward in the Work Program. To assist MAG member agencies in tracking the purchase of approved sweepers, periodic updates will be provided on the status of the reimbursement requests.

The purchase of PM-10 certified street sweeper projects supports the measure "PM-10 Efficient Street Sweepers" in the Revised MAG 1999 Serious Area Particulate Plan for PM-10. In addition, the MAG 2012 Five Percent Plan for PM-10 includes PM-10 Certified Street Sweepers. Also, it is important to note that for the conformity analysis for the Transportation Improvement Program and Regional Transportation Plan, MAG only takes emission reduction credit for approved street sweeper projects that have received reimbursement.

If you have any questions, please call me at (602) 254-6300.

Attachments

STATUS OF REMAINING PM-10 CERTIFIED STREET SWEEPER PROJECTS THAT HAVE RECEIVED APPROVAL

October 28, 2014

	Remaining Projects	CMAQ Allocated	Status
FY 2014 CMAQ			
Approved March 26, 2014			
To address new Federal Highway Administration procedures to minimize inactive obligations, we are requesting that the street sweepers be purchased and reimbursement requests be submitted to MAG by March 26, 2015.	Phoenix (2)	$448,386	The sweepers are being built this month and we are expecting delivery in November 2014.
	El Mirage	$166,840	We will be going to City Council in early December for approval to purchase the sweeper. We will have delivery prior to the purchase and reimbursement deadline.
	Queen Creek	$178,472	Sweeper has been ordered. We are anticipating delivery in December.
	Goodyear	$229,717	The manufacturer has revised their quote, we have legal approval on the contract. We expect to provide MAG with a request for reimbursement by the March 26, 2015 deadline.
	Pinal County	$225,784	The sweeper is scheduled to be built in December 2014 and delivered in January 2015.
	Florence	$177,496	The Town Council has authorized the purchase and we are currently in the procurement process of issuing a Purchase Order for the sweeper.
	Mesa (2)	$483,440	The purchase order was generated and forwarded to the vendor. It is estimated that the PM-10 certified street sweepers will arrive to the City in 180 days from October 21, 2014.
	Litchfield Park	$225,516	Best sweeper for our needs has been identified, but have yet to find a source to purchase the sweeper via a cooperative purchase government bid.
Total Remaining Project Costs		$2,135,651	

MAG staff contact: Lindy Bauer or Dean Giles, (602) 254-6300

ARIZONA DEPARTMENT OF TRANSPORTATION
POLICIES AND PROCEDURES

FIN-11.08 FEDERAL PROPERTY MANAGEMENT STANDARDS

Effective: October 18, 2010
Supersedes: FIN-11.08 (1/28/2010)
Responsible Office: Fixed Assets
Phone: (602) 712-8028

Review: October 18, 2012
Transmittal: 2010 - October

8.01 PURPOSE

To establish uniform standards governing the use and disposition of property acquired, in whole or in part, with federal funds or whose cost was charged to a project supported by a federal grant.

8.02 SCOPE

This policy applies to all recipients or subrecipients of federal funds through a pass-through entity. The policy is limited to those items whose acquisition cost is at least $5,000 per unit.

8.03 DEFINITIONS

Acquisition Cost	Net invoice unit price of the property including the cost of modifications, attachments, accessories, or auxiliary apparatus necessary to make the property usable for the purpose for which it was acquired. Other charges, such as the cost of installation, transportation, taxes, professional services, duty, or protective in-transit insurance can be included or excluded from the cost in accordance with generally accepted accounting principles.
Common Rule	49 CFR 18, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, the federal regulation which governs all grants subject to this policy.
Federal Awarding Agency	Agency of the federal government that awards the grants. These agencies include, but are not limited to: A. United States Department of Transportation (DOT) 1. Federal Highway Administration (FHWA) 2. Federal Transit Authority (FTA) 3. Federal Aviation Administration (FAA) 4. Federal Motor Carrier Safety Administration (FMCSA) 5. National Highway Transportation Safety Administration (NHTSA) 6. Federal Railroad Administration (FRA) B. United States Department of the Interior (DOI) 1. Bureau of Indian Affairs (BIA) 2. Bureau of Land Management (BLM)

Grant	A sum of money given by one governmental entity to some other entity for the purpose of achieving some goal or supporting some program.
Pass-through Entity	A non-federal entity that provides a federal grant to a subrecipient to carry out a federal program.
Personal Property	Property which is non-financial in nature, which has a useful life of at least one year, and which is used in operations, except real property. Personal property is further classified as one of the following: A. Tangible—having physical existence. B. Intangible—having no physical existence, such as patents, software, inventions, and copyrights.
Real Property	Land, Buildings, Improvements, and related property rights, which are used in operations.
Recipient	A non-federal entity, such as ADOT, that expends federal awards received directly from a federal awarding agency to carry out a federal program.
Subrecipient	A non-federal entity that expends funds from a federal grant received from a pass-through entity to carry out a federal program. Examples would be Pima Association of Governments (PAG), Maricopa Association of Governments (MAG), as well as cities and towns, Metropolitan Planning Organizations (MPO's), and Councils of Government (COG's). An entity that receives funding from a subrecipient is also a subrecipient. (Note: The terms and conditions of the federal award are carried forward from the recipient to the subrecipient.)

8.04 PROCEDURES FOR ALL FEDERALLY-FUNDED PERSONAL PROPERTY

A. When statutory authority exists, title to property purchased in whole or part with federal funds shall be vested in the recipient or subrecipient upon acquisition. The recipient or subrecipient is, however, responsible for adherence to any applicable federal program compliance requirements (49 CFR 18 Section 32).

B. Use of Personal Property—federally-funded personal property may be used under the following conditions:

1. Property shall be used by the recipient or subrecipient in the program or project for which it was acquired as long as needed, whether or not the project or program continues to be supported by federal funds.

2. When no longer needed for the original program or project, the property may be used in other activities currently or previously supported by a federal agency.

3. The recipient or subrecipient shall make property available for use on other projects or programs currently or previously supported by the federal government, providing such use will not interfere with the work on the projects or programs for which it was originally acquired.

4. The recipient or subrecipient shall not use property acquired with grant funds to compete unfairly with private companies that provide equivalent services, unless specifically permitted or contemplated by federal statute.

5. When acquiring replacement property, the recipient or subrecipient may use the property to be replaced as a trade-in or sell the property and use the proceeds to offset the cost of the replacement property, subject to the approval of the awarding agency, as well as ADOT.

   (Note: The federal awarding agency may be entitled to a share of the trade-in amount. Sections 8.04.I.1 and 8.04.I.2 show how this amount is calculated.)

6. For ADOT-owned property, any such transactions are subject to the rules for disposal of ADOT property described in ADOT Policy FIN-11.02, 'Control and Inventory of ADOT Property.'

C. Property obtained under a federal grant may be titled to, be in the physical custody of, and be carried on the financial statements of, a recipient or subrecipient. However, from the perspective of the federal awarding agency, ADOT is the agency to whom the federal agency has granted funds; as such, the federal awarding agency expects ADOT to ensure that federal regulations are followed.

D. Federal regulations permit states to impose their own requirements on their subrecipients. The State of Arizona does have more strict requirements, which apply to ADOT's subrecipients, as they apply to ADOT. Therefore, transactions, as described herein, may be subject to approval by ADOT.

E. In the normal course of business, ADOT may grant funds to a subrecipient (e.g. Maricopa Association of Governments, or MAG), which in turn grants them to its own subrecipient (e.g. a city or town). When this additional granting occurs, ADOT expects that ADOT's subrecipient will ensure compliance with all federal and state requirements, and further expects that ADOT's subrecipient (MAG, in this example) will handle all communications with its subrecipient, including, but not limited to:

   1. The gathering of information to complete the annual inventory, as described in Section 8.06 of this policy, 'Inventorying Federally-Funded Property Owned by Subrecipients.'

   2. All rules governing the disposition of federally-funded property, as described in Section 8.07 of this policy, 'Disposition of Federally-Funded Property Owned by Subrecipients.'

F. All federally-funded property, regardless of whether title is held by ADOT or by a subrecipient, is subject to the provisions of 49 CFR 18, also known as the Common Rule.

G. Property management requirements for federally-funded personal property include:

   1. Maintain property records that contain:

      a. description of property
      b. vendor
      c. model
      d. manufacturer
      e. serial number

f. name of title holder
g. acquisition date
h. cost of property
i. accumulated depreciation
j. net book value
k. federal awarding agency
l. percentage of federal participation
m. percentage of recipient or subrecipient participation
n. location, use, and condition of property
o. date of disposal and sale price or trade-in value
p. contact person, with phone number

2. An annual physical inventory, which includes a report of all assets purchased in whole, or in part, with funds from the federal awarding agency when required by that agency. For property owned by ADOT, the inventory must reconcile to the financial statements as of the end of ADOT's fiscal year (June 30). Guidelines for inventorying property owned by subrecipients are discussed in Section 8.06, 'Inventorying Federally-Funded Property Owned by Subrecipients.' In either case, the inventory is to be submitted to the federal awarding agency by October 31.

3. A control system to prevent loss, damage, or theft.

4. Adequate maintenance procedures.

5. Sales procedures (if authorized or required to sell property) which ensure the highest possible return.

H. Disposition of Personal Property—When original or replacement equipment is no longer needed for the original program or project, or for other activities currently or previously supported by a federal agency, the property may be sold, with the federal awarding agency having the right to a share of the proceeds. Examples of how this share is calculated are shown is Sections 8.04.I.1 and 8.04.I.2 of this policy.

I. Federal Awarding Agency's Share of Sale Proceeds: When a recipient or subrecipient sells, by any means (e.g. trade-in, auction, etc.), property purchased with federal funds, the federal awarding agency is entitled to a share of the proceeds, calculated using one of the following methods:

1. The federal awarding agency has the right to a calculated amount:

Current market value Or proceeds from sale (including trade-in)	**X**	Awarding agency's share (federal participation %) of the equipment

If the grant agreement calls for the recipient or subrecipient to fund a percentage of the purchase price, that purchase price is calculated net of the trade-in amount, regardless of how much, if any, of the trade-in amount the federal awarding agency is entitled to.

Example: The following facts are assumed:

- Purchase price of replacement property—$200,000
- Trade-in allowance provided by vendor—$20,000
- Net invoice price—$180,000
- Percent of new property to be funded by subrecipient—20%
- Percent of traded-in property which was funded by federal awarding agency—85%

In this example:

- Amount of trade-in allowance to federal awarding agency—$17,000 ($20,000*85% federal share on traded-in property)
- Amount of trade-in allowance to subrecipient—$3,000 ($20,000 less $17,000)
- Amount of purchase of new property funded by subrecipient—$36,000 ($180,000*20% local share)
- Amount of cash outlay by recipient or subrecipient—$33,000 ($36,000 less $3,000)

2. Should the property include an attachment not eligible for federal participation, the trade-in allowance will be pro-rated between the original purchase and the attachment based on their relative costs. It is the responsibility of the recipient or subrecipient to provide documentation of these costs.

Example: The following facts are assumed:

- Purchase price of replacement property—$200,000
- Trade-in allowance provided by vendor—$20,000
- Net invoice price—$180,000
- Percent of new property to be funded by subrecipient—20%
- Purchase price of federally-funded traded-in property—$90,000
- Purchase price of subrecipient-funded attachment, not eligible for federal participation—$10,000
- Total cost of traded-in property—$100,000
- Percent of traded-in property allocated to subrecipient-funded attachment—10% ($10,000/$100,000)
- Percent of traded-in property which was funded by federal awarding agency (before accounting for attachment)—85%

In this example:

- Amount of trade-in allowance directly allocated to subrecipient—$2,000 ($20,000*10% not eligible for federal participation)
- Amount of trade-in allowance allocated to original purchase—$18,000 ($20,000 less $2,000)
- Amount of remaining trade-in allowance to federal awarding agency—$15,300 ($18,000*85% federal share on traded-in property)
- Amount of regaining trade-in allowance to subrecipient—$2,700 ($18,000 less $15,300)
- Total trade-in allowance to subrecipient—$4,700 ($2,000 plus $2,700)

- Amount of purchase of new property funded by subrecipient—$36,000 ($180,000*20% local participation on new property)
- Amount of cash outlay by subrecipient—$31,300 ($36,000 less $4,700)

3. If appropriate disposition action is not taken by the recipient/subrecipient of the equipment, the federal awarding agency may direct the action to be taken.

J. Salvage Credits—Any proceeds received from the sale of salvage or scrap material are to be credited to the project to which the material was originally charged, or to a similar project.

8.05 PROCEDURES FOR ALL FEDERALLY-FUNDED REAL PROPERTY

A. Title to real property under a grant will vest, upon acquisition, in the recipient or subrecipient, as applicable. The recipient or subrecipient is, however, responsible for adherence to any applicable federal program compliance requirements under the Code of Federal Regulations (CFR) 49 CFR 18 Section 31.

B. Real property will be used for the originally-authorized purposes for as long as is needed for those purposes, and the recipient or subrecipient shall not dispose of or encumber its title or other interests.

C. When real property is no longer needed for the originally-authorized purpose, the subrecipient will notify ADOT, in writing, of its intentions regarding the property. One of the following options is to be selected:

1. Retention of title, after compensating the awarding agency an amount computed by multiplying the awarding agency's percentage of participation by the fair market value of the property. If real property acquired with federal funds is disposed of and replaced with real property under the same program, the net proceeds from the disposition may be used as an offset to the cost of the replacement property.

2. Sale of property, with the awarding agency being compensated in an amount equal to the awarding agency's percentage of participation by the sales price, after reducing said price by actual and reasonable selling and fix-up expenses. Procedures shall be in place to provide for as competitive a sales process as practicable, with the intent of realizing the highest possible return.

   (Note: Examples of how to calculate the federal awarding agency's share of the sales proceeds are found in Sections 8.04.I.1 and 8.04.I.2 of this policy.)

3. Transfer of title to the awarding agency, with the recipient or subrecipient being compensated in an amount calculated by multiplying the recipient's or subrecipient's percentage of participation by the fair market value of the property.

8.06 INVENTORYING FEDERALLY-FUNDED PROPERTY OWNED BY SUBRECIPIENTS

When required by the federal awarding agency, an annual inventory is submitted of all assets purchased, in whole or in part, with federal funds, regardless of whether or not the property is in ADOT's physical custody or is carried on ADOT's financial statements. For property owned either by ADOT's subrecipients (e.g. MAG), or a subrecipient's subrecipients (e.g. a city or town), the following rules must be followed.

A. The inventory from all subrecipients must include all information described in 8.04.G.1 of this policy.

B. The inventory must reconcile to the financial statements as of the end of the entity's fiscal year (generally June 30).

C. The inventory must be submitted by ADOT's subrecipient (e.g. MAG) to the ADOT Fixed Assets Manager by October 31.

8.07 DISPOSITION OF FEDERALLY-FUNDED PROPERTY OWNED BY SUBRECIPIENTS

A. When federally-funded property is removed from service, voluntarily or otherwise, all parties involved must adhere to both federal and State of Arizona requirements. While federal requirements apply primarily to capital assets, those assets costing at least $5,000 per unit, the State of Arizona has more strict requirements, both in terms of the processes to be followed and the fact that the State's requirements apply to all property, not just property costing at least $5,000 per unit.

B. No property is to be transferred to another entity, removed from the physical custody of the subrecipient, or deleted from the subrecipient's financial records without written approval from the ADOT Fixed Assets Manager. This approval will be communicated through ADOT's subrecipient (e.g. MAG).

C. When property has been disposed of, it is the responsibility of the subrecipient to make sure the property is not included in the next inventory forwarded to ADOT, as described in Section 8.06 of this policy.

D. When the subrecipient has received its funding from ADOT's subrecipient (e.g. a city receiving funding from MAG), the flow of communication, and any required documentation, is as follows. All of this communication must be in writing.

1. The subrecipient (e.g. city) will inform MAG.
2. MAG will inform the ADOT Fixed Assets Manager.
3. The ADOT Fixed Assets Manager will inform MAG of the approval and of any additional required steps.
4. MAG will inform the subrecipient (e.g. city).

E. The following are requirements which are unique to the various categories of disposition:

1. **MISSING/STOLEN**—The subrecipient must obtain a police report from a local law enforcement agency.

2. **ACCIDENTAL DESTRUCTION**—The subrecipient must provide details about the destroyed property.

3. **DONATION**—Approval of both the federal awarding agency and ADOT are required prior to any donation.

4. **SURPLUS**—When property obtained under a federal grant is no longer needed for the purpose for which it was obtained, the property may be used in other activities currently or previously supported by a federal agency. When the subrecipient has determined that no such use is available, the property may be removed from service ('surplused'). Approval of both the federal awarding agency and ADOT are required.

5. **CANNIBALIZATION/ON-SITE DESTRUCTION**—When it is determined that federally-funded property has value as a component of other property ('cannibalization') or if it is

determined that the most effective way to dispose of such property is to destroy it on-site, an email, letter, or memorandum must be submitted and forwarded to the ADOT Fixed Assets Manager. This email, letter, or memorandum must contain the property's description, pictures of the property, and the reason for the request.

6. **TRADE-IN/SELLING WITH REPLACEMENT**—Trading in federally-funded property as partial payment on replacement property, or selling, may be done with approval of both the federal awarding agency and ADOT. The subrecipient must send an email, letter, or memorandum; this email or memorandum must include a complete description of the item(s) to be traded, a complete description of the item(s) to be purchased, a copy of the vendor quote which specifies price, trade-in amount, and net cost, and the reason for the request. No purchase order should be placed for replacement equipment without affirmative approval of the ADOT Fixed Assets Manager. For selling, the subrecipient must prepare an email, letter, or memorandum including the same information as for a trade-in, except that the manner of the sale is to be specified. The federal awarding agency is entitled to a share of the proceeds per the examples shown in Sections 8.04.I.1 and 8.04.I.2 of this policy, as applicable.

7. **TRADE-IN/SELLING WITHOUT REPLACEMENT**—If a subrecipient wants to sell federally-funded property without intending to obtain replacement within the next funding cycle, the subrecipient may do so. However, the federal awarding agency is still entitled to its share of the proceeds, per the examples shown in Sections 8.04.I.1 and 8.04.I.2 of this policy, as applicable. The forwarding of this share is administered using either of the following methods:

   a. The subrecipient forwards the funds to the entity from which it received funds for the original purchase. If a city or town is selling the property, the funds would be forwarded to the subrecipient (in this example, MAG, although it would apply equally to any subrecipient). In this example, or if MAG sells the property, MAG will account for the funds internally and make adjustments to the current or future year distribution from the federal awarding agency.

   b. The subrecipient notifies the entity from which it received funds for the original purchase (again, either MAG or ADOT, as applicable). Both the subrecipient and (in this example) MAG will track the funds, with the intent of properly applying the funds to a purchase of replacement property made at some future date.

F. **SALVAGE CREDITS**—If any proceeds are received from the sale of salvage or scrap material, the federal awarding agency is entitled to a share of these proceeds, as calculated in the examples shown in Sections 8.04.I.1 and 8.04.I.2 of this policy.

8.08 SUPPLIES

Title to supplies acquired under a grant will vest, upon acquisition, in the recipient or subrecipient as applicable. If, after termination or completion of the award, there is a residual inventory of unused supplies whose fair market value exceeds $5,000, and if the supplies are not needed for any other federally-sponsored programs or projects, the recipient or subrecipient shall compensate the awarding agency for its share.

8.09 COPYRIGHTS

The awarding agency reserves a royalty-free, non-exclusive, and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to use, for federal government purposes:

A. The copyright in any work, such as a book, publication, or other copyrightable material developed under a grant, or contract under a grant.

B. Any rights of copyright to which a recipient, subrecipient, or a contractor purchases ownership with grant support.

8.10 PATENTS

The inventor of a patentable invention developed under a federally-funded grant retains rights to the invention. All contracts initiated by any pass-through entity or subrecipient must include the following clause, suitably modified to identify the parties, 'The subrecipient or contractor will retain all rights provided for the State in this clause, and the State will not, as part of the consideration for awarding the subrecipient or contract, obtain rights in the subrecipient's or contractor's subject inventions (37 CFR Part 401).

8.11 CONTACT INFORMATION

The ADOT Fixed Assets unit may be contacted at:

206 S. 17th Avenue, Mail Drop 203B
Phoenix, AZ 85007
(602) 712-8028 (manager)
(602) 712-6592
Email: Fixedassets@azdot.gov

8.12 CORRESPONDING POLICIES

FIN-11.02 Control and Inventory of ADOT Property

8.13 CORRESPONDING FEDERAL REGULATIONS

37 CFR 401 Rights to Inventions Made by Nonprofit Organizations and Small Business Firms under Government Grants, Contracts, and Cooperative Agreements.

49 CFR 18 Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments (also known as the Common Rule).

Agenda Item #5I

Chet Thompson
Robert Meyers
David Chung
CROWELL & MORING LLP
1001 Pennsylvania Ave NW
Washington, DC 20004.
Telephone: (202) 624-2500
Facsimile: (202) 628-5116
cthompson@crowell.com
rmeyers@crowell.com
dchung@crowell.com
Counsel for Proposed Respondent-Intervenor Maricopa Association of Governments

THE UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

SANDRA L. BAHR and DAVID MATUSOW, Petitioners, v. GINA McCARTHY, Administrator, United States Environmental Protection Agency; JARED BLUMENFIELD, Regional Administrator, EPA Region IX; and UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, Respondents, STATE OF ARIZONA, Respondent-Intervenor.	Case No. 14-72327 **MOTION FOR LEAVE TO INTERVENE OUT OF TIME**

Pursuant to Rules 15(d), 26(b) and 27 of the Federal Rules of Appellate Procedure and Circuit Rule 27-1, the Maricopa Association of Governments ("Proposed Respondent-Intervenor") hereby requests leave of the Court to intervene out of time as a Respondent in the above-captioned action.

Pursuant to Circuit Rule 27(h)(2), the undersigned counsel has conferred with counsel for each of the parties concerning this motion. Petitioner's counsel advises that their clients oppose this motion. The Department of Justice advises that the Respondent U.S. Environmental Protection Agency takes no position on this motion, and counsel for Respondent-Intervenor State of Arizona advises that the State consents to the proposed intervention.

In support of this motion, Proposed Respondent-Intervenor states as follows;

1. The Court may, under Federal Rule of Appellate Procedure 26(b), accept an intervention out of time for "good cause." Good cause exists in this case to allow the Proposed Respondent-Intervenor to move to intervene out of time and move to intervene on behalf of Respondent. As explained in more detail below, Respondent-Intervenor has unique interests that cannot be adequately represented by any other party.

2. In this case, Petitioners Sandra L. Bahr and David Matusow (No. 14-72327, filed July 29, 2014), petitioned for judicial review of EPA's final rule

entitled "Approval and Promulgation of Implementation Plans—Maricopa County PM-10 Nonattainment Area; Five Percent Plan for Attainment of the 24-Hour PM-10 Standard," 79 Fed. Reg. 33,107 (June 10, 2014) (the "Final Rule"). By order dated September 24, 2014, this Court granted the State of Arizona's motion to intervene on behalf of Respondents.

3. In the Final Rule, EPA approved a State implementation plan ("SIP") revision for coarse particulate matter ("PM-10"), specifically the Maricopa Association of Governments 2012 Five Percent Plan for PM-10 for the Maricopa County Nonattainment Area ("MAG Five Percent Plan") and the 2012 Five Percent Plan for the Pinal County Township 1 North, Range 8 East Nonattainment Area. PM-10 is a "criteria air pollutant" subject to regulation under the Clean Air Act (42 U.S.C. § 7401 et seq.). Under the Clean Air Act, EPA promulgated a federal standard (known as a national ambient air quality standard ("NAAQS")) for PM-10 in 1987. States with areas that did not meet this NAAQS were subsequently required to first designate "nonattainment areas" for PM-10 and then submit SIPs to EPA that detailed, among other requirements, what measures would be taken to reduce air pollution contributing to exceedences of the PM-10 NAAQS. SIPs also required detailed modeling of how different measures would ultimately achieve the PM-10 NAAQS and when attainment of the standard would occur.

4. In its motion to intervene in this case, the State of Arizona detailed the long history of the PM-10 SIP for the Maricopa County PM-10 Nonattainment Area. *See generally* State of Arizona's Motion for Leave to Intervene On Behalf of Respondent, Docket No. 7, at 2-5 (Aug. 28, 2014). In summary, since the Maricopa County PM-10 Nonattainment Area failed to attain the PM-10 NAAQS by the date originally specified in the Clean Air Act and by an extended date approved by EPA, a revised SIP providing for annual reductions of five percent of PM-10 and PM-10 precursors was required to be submitted. After withdrawing a plan submitted to EPA in 2007, Arizona submitted a SIP revision to EPA on May 24, 2012 that included the MAG 2012 Five Percent Plan. This revision was approved by EPA in the Final Rule.

5. SIPs are composed of many different elements and demonstrations concerning air quality and air quality planning. The revised SIP at issue in this litigation contains both State statutes and county rules and ordinances designed to address PM-10 emissions, including measures to address "fugitive dust" from various sources, control both outdoor and indoor fireplaces, and various commercial operations. The revised SIP also contains contingency measures requiring additional local control of PM-10 that must be undertaken if the nonattainment area fails to make reasonable further progress. *See* 42 U.S.C. § 7502(c)(9), 79 Fed. Reg. at 7,123-24. (A Table referencing Maricopa County Air

Quality Department Rules and the Maricopa County Ordinance contained in the MAG 2012 Five Percent Plan is appended as Attachment 1 to this motion).

6. Since the control measures contained in the MAG 2012 Five Percent Plan involve regulations and ordinances, an additional process was required at the state, county and local level to approve and put such measures in place. In some cases, additional legislative authority was required.

7. Proposed Respondent-Intervenor Maricopa Association of Governments ("MAG")[1] was actively involved in the development of the revised SIP that is the subject of the challenged Final Rule. In particular, MAG filed comments in support of the proposed rule to approve the revised SIP (79 Fed. Reg. 7,118 (Feb. 6, 2014)). In their comments, MAG expressed overall support for the proposed rule and cited their collaborative efforts with EPA to develop an acceptable final plan.

8. Because the Final Rule addressed the concerns of MAG and served to approve the revised SIP, MAG did not petition this Court for review. If this Court were to vacate the Final Rule or to remand parts of the rule to EPA, however,

[1] MAG is the regional air quality planning agency and metropolitan planning organization for transportation for all jurisdictions in Maricopa County, including the Phoenix urbanized area and the contiguous urbanized area in Pinal County, including the Town of Florence and City of Maricopa, Arizona. MAG was designated by the Governor of Arizona in 1978 and recertified by the Arizona Legislature in 1992 as the Regional Air Quality Planning Agency to develop air quality plans.

MAG would incur additional delay in having an approved PM-10 SIP in place and, as a result, suffer substantial economic harm.

9. Indeed, it is likely that if the revised SIP were vacated or remanded, MAG would need to develop new PM-10 control measures and quantify their effect on emissions, draft a detailed plan to replace all or part of the approved plan, undertake several highly technical demonstrations of the effect of control measures on air quality, and ultimately submit the revised plan to EPA for approval. The required effort would result in hundreds of hours of additional work by MAG employees and substantial costs to MAG.

10. It is also likely that the new approved measures would impose additional burdens on citizens and businesses located in the Maricopa County PM-10 Nonattainment Area. Current measures include requirements related to unpaved roads and shoulders, leaf blowers, vacant lots, off-road vehicle use and residential woodburning. *See* MAG 2012 Five Percent Plan for PM-10 For the Maricopa County Nonattainment Area, Executive Summary, May 2012 [Attachment 2]; Letter of Submittal, 2012 Five Percent Plan for PM-10 for the Pinal County Township 1 North, Range 8 East Nonattainment Area, Enclosure 1 (Appendices omitted), May 25, 2012 [Attachment 3].

11. As noted by the State of Arizona in its motion to intervene, significant resources would also be consumed to coordinate between various governmental

bodies involved in the development of a plan and to ensure public involvement, including public hearings. *See* State of Arizona's Motion for Leave to Intervene On Behalf of Respondent, Docket No. 7, at 4.

12. In addition, if the Final Rule were vacated or remanded, economic development in Maricopa County and the communities represented by MAG could be adversely affected due to lingering uncertainty with regard to the area's air quality status during the period of time necessary to develop and receive EPA approval of the new SIP measures. The revised SIP was submitted to EPA on May 25, 2012, yet EPA review and final approval of the plan was not concluded until June 10, 2014. 79 Fed. Reg. 33,107 cited *supra*.

13. Although MAG collaborated with EPA in the development of the revised SIP, MAG has interests in this litigation distinct from EPA. Under the Clean Air Act, 42 U.S.C. § 7410(k)(3), EPA is the agency that approves nonattainment SIPs. MAG and the State of Arizona, by contrast, are entities responsible for developing and implementing measures contained within the SIP. Thus, EPA and MAG serve fundamentally different roles: MAG must develop local control measures that can be enforced to reduce PM-10 emissions; EPA oversees this process and stands in the position to approve or disapprove the use or efficacy of various measures.

14. While MAG also collaborated with the State of Arizona in the revised SIP at issue in this case, the presence of the State as Intervenor also does not ensure that the unique interests of the County of Maricopa and other municipalities within the nonattainment area will be represented. As referenced above, measures contained within the revised SIP include a combination of state statutes and local rules and ordinances. MAG thus has a unique and direct interest in the statutes, rules and ordinances that were developed for specific application to the Maricopa County PM-10 Nonattainment Area. As also noted above, MAG has been designated as the agency responsible to develop air quality plans and thus would be required to draft any new plan.

15. Importantly, local governments remain primarily responsible for the implementation and enforcement of PM-10 control measures. They are the "front lines" of the intergovernmental effort to improve air quality. The County of Maricopa, a MAG member agency, operates an air quality monitoring network and compiles air quality data required to be reported to EPA. Consequently, MAG and its member agencies are in the best position to address issues concerning the effect of the approved PM-10 SIP revision on their citizenry.

16. Granting this motion for leave to file a motion for leave to intervene out of time and motion for leave to intervene will not prejudice the Petitioners. Petitioners' filed their opening brief on October 17, 2014 (see Docket No. 11), and

they will have the ability to file an optional reply brief up to 15 days after the filing of the State of Arizona's Intervenor brief, which is currently due on December 1, 2014. To avoid any changes to the Court's briefing schedule for this case, Proposed Respondent-Intervenor would be prepared to file its brief concurrent with the State of Arizona's Intervenor brief.

WHEREFORE, Proposed Respondent-Intervenor respectfully requests that it be granted leave to file its motion to intervene out of time.

Respectfully submitted this 23rd date of October, 2014,

s/ Chet Thompson
Chet Thompson
Robert Meyers
David Chung
CROWELL & MORING LLP
1001 Pennsylvania Ave NW
Washington, DC 20004.
Telephone: (202) 624-2500
Facsimile: (202) 628-5116
cthompson@crowell.com
rmeyers@crowell.com
dchung@crowell.com
Counsel for Proposed Respondent-Intervenor Maricopa Association of Governments

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system on October 23, 2014.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

Dated: October 23, 2014 /s/ Chet Thompson

Maricopa County Air Quality Department Rules	Description	Effective Dates
310	Fugitive Dust from Dust-Generating Operations Adopted 1/27/10 and submitted to EPA 4/12/10 [Notice of Final Rulemaking 75 FR 78167; 12/15/10]	EPA approved effective 1/14/11
310.01	Fugitive Dust From Non-Traditional Sources of Fugitive Dust Adopted 1/27/10 and submitted to EPA 4/12/10 [Notice of Final Rulemaking 75 FR 78167; 12/15/10]	EPA approved effective 1/14/11
314	Open Outdoor Fires and Indoor Fireplaces at Commercial and Institutional Establishments Adopted 3/12/08 and submitted to EPA 7/10/08 [Notice of Final Rulemaking 74 FR 57612; 11/9/09]	EPA approved effective 1/8/10
316	Nonmetallic Mineral Processing Adopted 3/12/08 and submitted to EPA 7/10/08 [Notice of Final Rulemaking 74 FR 58553; 11/13/09]	EPA approved effective 1/8/10
Appendix C	Fugitive Dust Test Methods Adopted 3/26/08 and submitted to EPA 7/10/08 [Notice of Final Rulemaking 75 FR 78167; 12/15/10]	EPA approved effective 1/14/11
Maricopa County Ordinance	Description	Effective Dates
P-26	Residential Woodburning Restriction Adopted 3/26/08 and submitted to EPA 7/10/08; [Notice of Final Rulemaking 74 FR 57612; 11/9/09]	EPA approved effective 1/8/10
Appendices	Description	Effective Dates
Appendix C, Exhibit 1	Arizona Revised Statutes Listed in Table 4-1	
Appendix C, Exhibit 2	Maricopa County Resolution to Evaluate Measures in the MAG 2012 Five Percent Plan for PM-10 for the Maricopa County Nonattainment Area	11/16/11
Appendix C, Exhibit 3	Arizona Department of Environmental Quality Dust Action General Permit	12/30/11
Appendix C, Exhibit 4	Arizona Department of Environmental Quality Commitment to Revise the MAG 2012 Five Percent Plan for PM-10 for the Maricopa County Nonattainment Area if Necessary for the Emerging and Voluntary Measure	

MAG 2012 FIVE PERCENT PLAN FOR PM-10 FOR THE MARICOPA COUNTY NONATTAINMENT AREA

MAY 2012

MARICOPA ASSOCIATION of GOVERNMENTS

MAG 2012 FIVE PERCENT PLAN FOR PM-10 FOR THE MARICOPA COUNTY NONATTAINMENT AREA

Prepared by:

MARICOPA ASSOCIATION of GOVERNMENTS

May 2012

Technical Assistance Provided By:

Arizona Department of Environmental Quality
Arizona Department of Transportation
Maricopa County Air Quality Department
U.S. Environmental Protection Agency

MAG 2012 FIVE PERCENT PLAN FOR PM-10 FOR THE MARICOPA COUNTY NONATTAINMENT AREA

TABLE OF CONTENTS

CHAPTER PAGE

EXECUTIVE SUMMARY ES-1

ONE INTRODUCTION 1-1

HISTORICAL BACKGROUND 1-2

OUTLINE OF THE MAG 2012 FIVE PERCENT PLAN FOR PM-10 1-4

TWO DESCRIPTION OF THE NONATTAINMENT AREA 2-1

NONATTAINMENT AREA BOUNDARIES 2-1

GEOGRAPHY AND CLIMATIC CONDITIONS 2-3

THREE ASSESSMENT OF AIR QUALITY CONDITIONS 3-1

FORMATION OF PM-10 PARTICULATE POLLUTION 3-1

PM-10 EMISSIONS INVENTORY 3-2

AIR QUALITY MONITORING DATA AND TREND ANALYSIS 3-4

FOUR THE ADOPTED PLAN 4-1

MARICOPA COUNTY RESOLUTION TO EVALUATE MEASURES IN THE MAG 2012 FIVE PERCENT PLAN FOR PM-10 FOR THE MARICOPA COUNTY NONATTAINMENT AREA 4-4

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY DUST ACTION GENERAL PERMIT 4-5

TABLE OF CONTENTS (Continued)

CHAPTER		PAGE
	ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY COMMITMENT TO REVISE THE MAG 2012 FIVE PERCENT PLAN FOR PM-10 FOR THE MARICOPA COUNTY NONATTAINMENT AREA IF NECESSARY FOR THE EMERGING AND VOLUNTARY MEASURE	4-6
	CONTINGENCY REQUIREMENT	4-7
	ASSURANCES THAT THE STATE HAS THE AUTHORITY TO IMPLEMENT THE MEASURES IN THE PLAN	4-7
	TRACKING IMPLEMENTATION	4-8
FIVE	**DEMONSTRATION OF ANNUAL FIVE PERCENT REDUCTIONS IN PM-10 EMISSIONS**	**5-1**
	MEASURES QUANTIFIED TO MEET THE FIVE PERCENT REDUCTION REQUIREMENT	5-1
	DEMONSTRATION FOR THE FIVE PERCENT REDUCTION REQUIREMENT	5-4
SIX	**ATTAINMENT DEMONSTRATION**	**6-1**
	SALT RIVER AREA MODELING	6-1
	PM-10 NONATTAINMENT AREA MODELING	6-15
	REASONABLE FURTHER PROGRESS	6-34
	CONTINGENCY REQUIREMENTS	6-35
	ONROAD MOBILE SOURCE EMISSIONS BUDGET FOR CONFORMITY	6-42
	EXPEDITIOUS ATTAINMENT	6-43
	ATTAINMENT DATE	6-44
	REQUEST FOR EXTENSION OF THE ATTAINMENT DATE FROM JUNE 6, 2012 TO DECEMBER 31, 2012	6-45

MAG 2012 FIVE PERCENT PLAN FOR PM-10 FOR THE MARICOPA COUNTY NONATTAINMENT AREA

LIST OF TABLES

TABLE		PAGE
Table ES-1	2007-2012 Base Case PM-10 Emissions in the PM-10 Nonattainment Area	ES-6
Table ES-2	Arizona Statutes, Maricopa County Rules, Maricopa County Ordinance, and Appendices to be Approved into the MAG 2012 Five Percent Plan for PM-10 for the Maricopa County Nonattainment Area	ES-8
Table ES-3	2008-2012 PM-10 Emissions with Increased Rule Effectiveness	ES-11
Table ES-4	PM-10 Emission Reductions and Five Percent Reduction Requirements	ES-13
Table ES-5	Miles of Roads/Alleys/Shoulders in PM-10 Reduction Projects	ES-13
Table ES-6	2008-2012 PM-10 Reductions to Meet Contingency Requirements	ES-14
Table ES-7	2008-2012 PM-10 Emissions with Five Percent Plan Measures and Contingency Projects	ES-15
Table 3-1	Annual Emissions for the PM-10 Nonattainment Area from all Source Categories Included in the 2008 Periodic Emissions Inventory for PM-10 (English Tons/Year)	3-3
Table 3-2	PM-10 Monitoring Stations	3-6
Table 3-3	Exceedances of the 24-Hour PM-10 Standard, 2005 to 2007	3-10
Table 3-4	Exceedances of the 24-Hour PM-10 Standard, 2008 to 2010	3-11

LIST OF TABLES (Continued)

TABLE		PAGE
Table 4-1	Arizona Statutes, Maricopa County Rules, Maricopa County Ordinance, and Appendices to be Approved into the MAG 2012 Five Percent Plan for PM-10 for the Maricopa County Nonattainment Area	4-2
Table 5-1	Impact of Increased Rule Effectiveness on 2008-2012 PM-10 Emissions	5-3
Table 5-2	2007-2012 Base Case PM-10 Emissions in the PM-10 Nonattainment Area	5-5
Table 5-3	2008-2012 PM-10 Emissions with Increased Rule Effectiveness	5-7
Table 5-4	PM-10 Emission Reductions and Five Percent Reduction Requirements	5-8
Table 6-1	Maricopa County and PM-10 Nonattainment Area 24-Hour Average PM-10 Standard Exceedance Dates, Measured Concentrations and Associated Meteorological Conditions in 2007	6-3
Table 6-2	Base Case 2007 and Controlled 2012 High Wind PM-10 Emissions Inventories for May 4, 2007 Design Day at the West 43rd Avenue Monitor	6-11
Table 6-3	Annual Base Case 2007 and Controlled 2012 Low Wind PM-10 Emissions Inventories for the Salt River Area Low Wind Domain	6-13
Table 6-4	2012 Attainment Demonstration High Wind Design Day (May 4, 2007) at the West 43rd Avenue Monitor	6-14
Table 6-5	24-Hour Average PM-10 Concentrations on the High Wind Design Day (June 6, 2007)	6-16
Table 6-6	Base Case 2007 and Controlled 2012 High Wind PM-10 Emissions Inventories for June 6, 2007 Design Day at the Central Phoenix Monitor	6-19

LIST OF TABLES (Continued)

TABLE		PAGE
Table 6-7	Base Case 2007 and Controlled 2012 High Wind PM-10 Emissions Inventories for June 6, 2007 Design Day at the Durango Complex Monitor	6-20
Table 6-8	Base Case 2007 and Controlled 2012 High Wind PM-10 Emissions Inventories for June 6, 2007 Design Day at the Greenwood Monitor	6-21
Table 6-9	Base Case 2007 and Controlled 2012 High Wind PM-10 Emissions Inventories for June 6, 2007 Design Day at the Higley Monitor	6-22
Table 6-10	Base Case 2007 and Controlled 2012 High Wind PM-10 Emissions Inventories for June 6, 2007 Design Day at the West Phoenix Monitor	6-23
Table 6-11	Base Case 2007 and Controlled 2012 High Wind PM-10 Emissions Inventories for June 6, 2007 Design Day at the West 43rd Avenue Monitor	6-24
Table 6-12	Annual Base Case 2007 and Controlled 2012 Low Wind PM-10 Emissions Inventories for the Central City Low Wind Domain	6-25
Table 6-13	Annual Base Case 2007 and Controlled 2012 Low Wind PM-10 Emissions Inventories for the Higley Low Wind Domain	6-26
Table 6-14	2012 Attainment Demonstration High Wind Design Day (June 6, 2007) at the Central Phoenix Monitor	6-27
Table 6-15	2012 Attainment Demonstration High Wind Design Day (June 6, 2007) at the Durango Complex Monitor	6-28
Table 6-16	2012 Attainment Demonstration High Wind Design Day (June 6, 2007) at the Greenwood Monitor	6-29
Table 6-17	2012 Attainment Demonstration High Wind Design Day (June 6, 2007) at the Higley Monitor	6-30
Table 6-18	2012 Attainment Demonstration High Wind Design Day (June 6, 2007) at the State Super Site Monitor	6-31

LIST OF TABLES (Continued)

TABLE		PAGE
Table 6-19	2012 Attainment Demonstration High Wind Design Day (June 6, 2007) at the West Phoenix Monitor	6-32
Table 6-20	2012 Attainment Demonstration High Wind Design Day (June 6, 2007) at the West 43rd Avenue Monitor	6-33
Table 6-21	Miles of Roads/Alleys/Shoulders in PM-10 Reduction Projects	6-38
Table 6-22	2008-2012 PM-10 Reductions to Meet Contingency Requirements	6-39
Table 6-23	2008-2012 PM-10 Emissions with Five Percent Plan Measures and Contingency Projects	6-40

MAG 2012 FIVE PERCENT PLAN FOR PM-10 FOR THE MARICOPA COUNTY NONATTAINMENT AREA

LIST OF FIGURES

FIGURE		PAGE
Figure ES-1	Number of 24-Hour PM-10 Exceedance Days	ES-3
Figure ES-2	Exceedances of the 24-Hour PM-10 Standard at Monitors in Maricopa County	ES-4
Figure ES-3	2008 PM-10 Emissions Inventory	ES-5
Figure ES-4	2012 PM-10 Emissions Inventory with Five Percent Plan Measures and Contingency Projects	ES-16
Figure 2-1	PM-10 Nonattainment Area and Municipal Planning Areas	2-2
Figure 3-1	2008 PM-10 Emissions Inventory	3-5
Figure 3-2	PM-10 Nonattainment Area and PM-10 Monitoring Sites	3-7
Figure 3-3	Number of 24-Hour PM-10 Exceedance Days	3-9
Figure 6-1	Summary of the Monitoring Conditions at West 43rd Avenue on the High Wind Design Day (May 4, 2007)	6-5
Figure 6-2	Summary of the Monitoring Conditions at West 43rd Avenue on the High Wind Design Day (June 6, 2007)	6-6
Figure 6-3	Summary of the Monitoring Conditions at Higley on the High Wind Design Day (June 6, 2007)	6-7
Figure 6-4	Salt River Area Low Wind Domains and May 4, 2007 Hourly High Wind Back Trajectories and Associated Domains as Originating from West 43rd Avenue Monitor	6-8
Figure 6-5	PM-10 Nonattainment Area Low Wind Domains and June 6, 2007 Hourly High Wind Back Trajectories and Associated Domains	6-17

LIST OF FIGURES (Continued)

FIGURE PAGE

Figure 6-6 Demonstration of Reasonable Further Progress 6-36

Figure 6-7 2012 PM-10 Emissions Inventory with Five Percent Plan Measures and Contingency Projects 6-41

MAG 2012 FIVE PERCENT PLAN FOR PM-10 FOR THE MARICOPA COUNTY NONATTAINMENT AREA

APPENDICES

APPENDIX A

Exhibit 1: 2008 PM-10 Periodic Emissions Inventory for the Maricopa County, Arizona, Nonattainment Area. Maricopa County Air Quality Department. Revised June 2011.

APPENDIX B

Exhibit 1: Technical Document in Support of the MAG 2012 Five Percent Plan for PM-10 for the Maricopa County Nonattainment Area. Maricopa Association of Governments.

Exhibit 2: Calculation of Benefits from PM-10 Certified Street Sweepers Purchased with CMAQ Funds in 2001-2009.

APPENDIX C

Exhibit 1: Arizona Revised Statutes Listed in Table 4-1.

Exhibit 2: Maricopa County Resolution to Evaluate Measures in the MAG 2012 Five Percent Plan for PM-10 for the Maricopa County Nonattainment Area.

Exhibit 3: Arizona Department of Environmental Quality Dust Action General Permit.

Exhibit 4: Arizona Department of Environmental Quality Commitment to Revise the MAG 2012 Five Percent Plan for PM-10 for the Maricopa County Nonattainment Area if Necessary for the Emerging and Voluntary Measure.

APPENDIX D

Exhibit 1: Agricultural Best Management Practices Program.

APPENDIX E

Exhibit 1: Public Hearing Process Documentation.

Exhibit 2: Certification of Adoption.

MAG 2012 FIVE PERCENT PLAN FOR PM-10 FOR THE MARICOPA COUNTY NONATTAINMENT AREA

EXECUTIVE SUMMARY

MARICOPA ASSOCIATION of GOVERNMENTS

MAG 2012 FIVE PERCENT PLAN FOR PM-10
EXECUTIVE SUMMARY

Within the Maricopa County nonattainment area, the National Ambient Air Quality Standard has not yet been attained for PM-10 particulate pollution. The area is classified as a Serious Area under the Clean Air Act. The Maricopa Association of Governments (MAG) was designated by the Governor of Arizona in 1978 and recertified by the Arizona Legislature in 1992 to serve as the Regional Air Quality Planning Agency to develop plans to address air pollution problems. The plans are prepared through a coordinated effort with the Arizona Department of Environmental Quality (ADEQ), Arizona Department of Transportation, and Maricopa County Air Quality Department (MCAQD).

To meet the requirements of Section 189(d) of the Clean Air Act, the MAG 2007 Five Percent Plan for PM-10 was submitted to the Environmental Protection Agency (EPA) by the federal deadline of December 31, 2007. Collectively, the Five Percent Plan included fifty-three control measures from the State, Maricopa County, and local governments. The plan demonstrated that the measures would reduce PM-10 emissions by at least five percent per year and demonstrated attainment of the PM-10 standard in 2010. The region needed three years of clean data at the monitors in 2008, 2009 and 2010 in order for the region to be in attainment of the PM-10 standard in 2010. There have been no violations of the standard during stagnant conditions since the plan was submitted in 2007.

On September 9, 2010, EPA had published a notice of proposed partial approval and disapproval of the plan in the Federal Register. There were two major reasons for the proposed disapproval: the EPA nonconcurrence with four high wind exceptional events at the West 43rd Avenue monitor in 2008 resulted in a violation, which negated the attainment demonstration, and that the 2005 baseline emissions inventory was inaccurate since it overestimated construction and other emissions.

On January 25, 2011, the Arizona Department of Environmental Quality voluntarily withdrew the MAG 2007 Five Percent Plan for PM-10 to address technical approvability issues and include new information, such as the new EPA equation for paved road dust emissions. While the plan was withdrawn, the measures continue to be implemented to reduce PM-10.

Consequently, the MAG 2012 Five Percent Plan for PM-10 has been prepared to meet the requirements in Section 189(d) of the Clean Air Act and improve air quality in the Maricopa County nonattainment area. The plan is required to reduce PM-10 emissions by at least five percent per year until the standard is attained as measured by the monitors. The Clean Air Act specifies that the plan must be based upon the most recent emissions inventory for the area and also include a modeling demonstration of attainment. The 2012 Five Percent Plan is designed to be a replacement for the 2007 plan that was withdrawn.

The formation of PM-10 particulate pollution is dependent upon several factors. Among

these factors are stagnant air masses, severe temperature inversions in the winter, high winds from thunderstorms and frontal systems, and fine, silty soils characteristic of desert locations. In the nonattainment area, high PM-10 concentrations generally occur in September through March, on days with stagnant or near-stagnant conditions. High PM-10 concentrations can also occur during thunderstorm outflows and frontal systems which create high winds that entrain soil particles from bare surfaces.

The trend in PM-10 levels for the Maricopa County nonattainment area is presented in Figure ES-1. The 24-hour PM-10 standard is 150 micrograms per cubic meter. In 2008, there were 11 exceedance days of the 24-hour standard. Most of these exceedances were exceptional events. However, EPA did not concur with four high wind exceptional event days at the West 43rd Avenue monitor in 2008, resulting in a violation of the PM-10 standard. All of the seven exceedance days in 2009 have been flagged as exceptional events and EPA concurrence is pending. In 2010, only one exceedance day of the PM-10 standard occurred, which did not constitute a violation of the standard. Figure ES-2 indicates the monitors where exceedances have occurred.

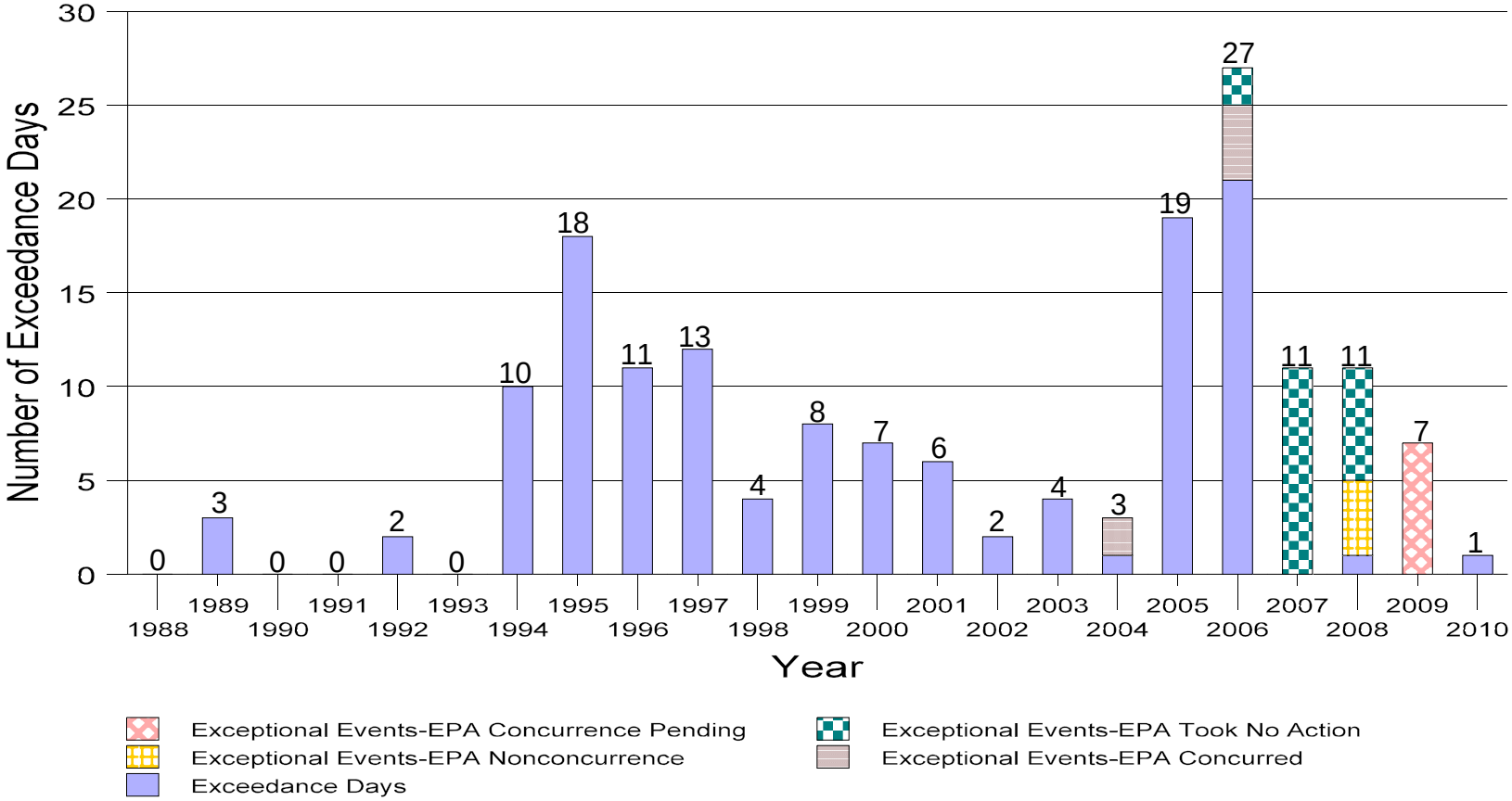
It is important to note that beginning in 2004, the Arizona Department of Environmental Quality began flagging exceptional events. These are uncontrollable natural events (e.g., high winds, wildfires) or human-caused events that are not expected to recur at a given location (e.g., fireworks). The data and a demonstration of the exceptional event are submitted to EPA for concurrence.

Based upon the Maricopa County Air Quality Department 2008 Periodic Emissions Inventory (PEI) for PM-10 for the Maricopa County Nonattainment Area, the primary sources of PM-10 are: Unpaved Road Fugitive Dust - 24 percent; Construction Activities (residential, commercial, road, and other earthmoving) - 17 percent; Paved Road Fugitive Dust - 14 percent; Windblown Dust - 10 percent; and Onroad Mobile Vehicle Exhaust, Tire Wear and Brake Wear - 7 percent. The remaining categories in the inventory individually contribute 6 percent or less to the total annual emissions. The sources are depicted in Figure ES-3.

The 2007 and 2009-2012 base case emissions were derived from the 2008 PEI emissions, using annual population and employment growth factors published in August 2011 by Marshall Vest of the Economic and Business Research Center at the University of Arizona. These projections are based on the 2010 U.S. Census and the latest economic forecasts for the Phoenix-Mesa metropolitan area. Since the economic outlook for Arizona remains extremely unstable, the actual population and employment levels in 2011 and 2012 may differ somewhat from the projections. However, the University of Arizona growth factors represent the most reliable data currently available.

The annual five percent reduction target was calculated by multiplying the total 2007 PM-10 emissions in Table ES-1 (59,218 tons) by five percent, which results in 2,961 tons. To meet the 189(d) requirement, the 2008 emissions must be at least 2,961 tons less than

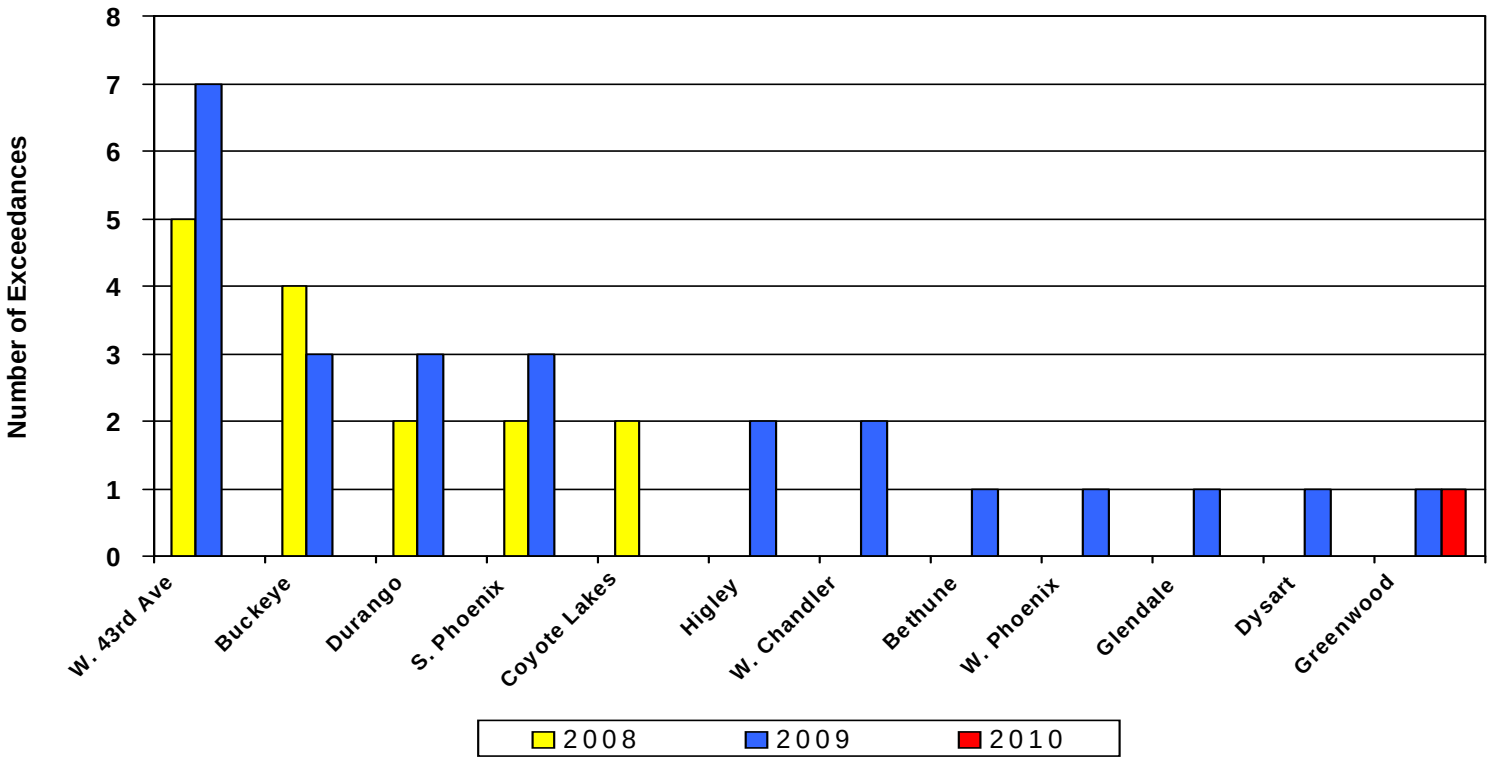
Figure ES-1
Number of 24-Hour PM-10 Exceedance Days



Notes: -The Arizona Department of Environmental Quality began flagging exceptional events in 2004.
-The chart includes exceedance days at the Buckeye monitor, which is located outside the PM-10 nonattainment area.
-On July 19, 2007, the exceedance at the Buckeye monitor was not associated with the exceptional event that also occurred on that day.

Sources: 1988 - 1997 - Revised MAG 1999 Serious Area Particulate Plan for PM-10 for the Maricopa County Nonattainment Area, February 2000.
1998 - 2010 - EPA Air Quality System.

Figure ES-2
Exceedances of the 24-Hour PM-10 Standard at Monitors in Maricopa County

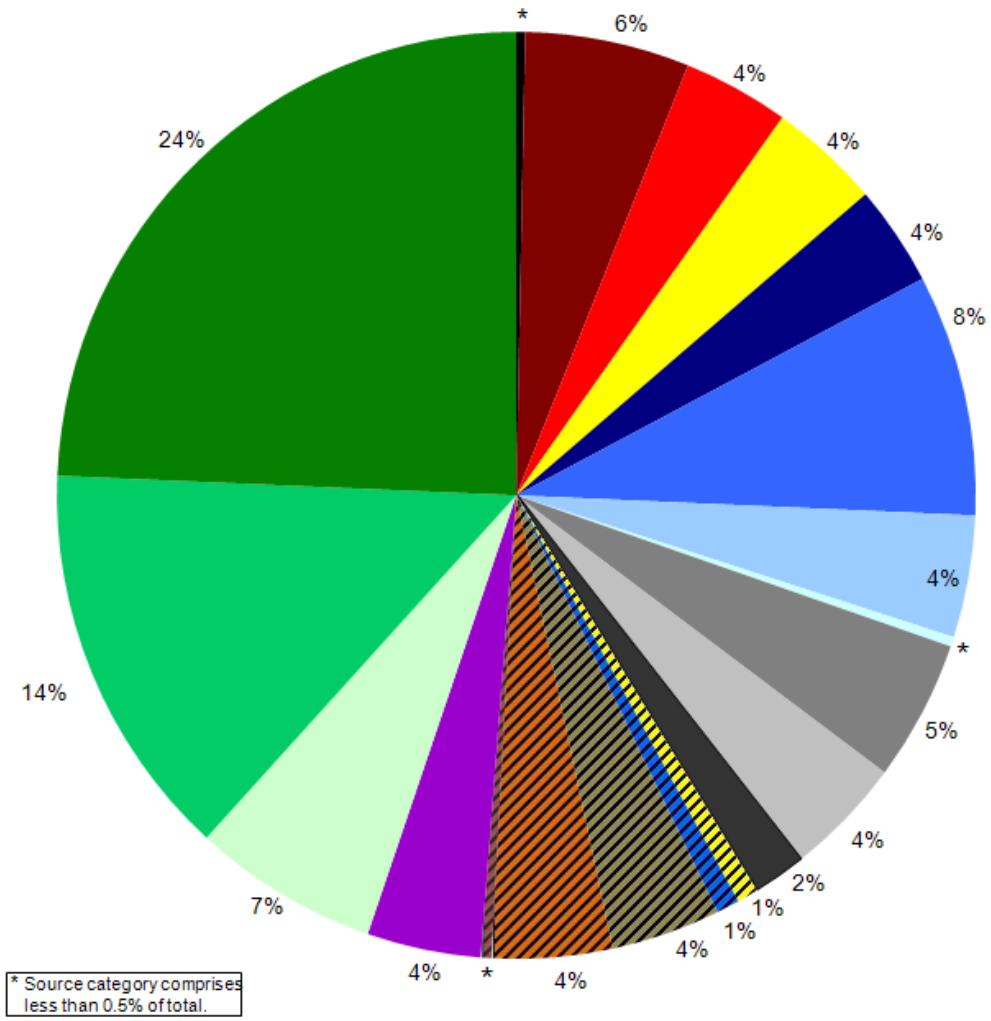


Notes:
1. Exceedances are based on data from the EPA Air Quality System (AQS).
2. All exceedances in 2008 except for one at the Durango Complex monitor have been flagged as exceptional events. EPA did not concur with four exceptional events at the West 43rd Avenue monitor and has not taken action on the remaining events.
3. All exceedances in 2009 have been flagged as exceptional events. EPA concurrence is pending.
4. The one exceedance in 2010 was not flagged as an exceptional event.
5. The chart includes exceedances from the Buckeye monitor, which is outside the PM-10 nonattainment area.

Figure ES-3

2008 PM-10 Emissions Inventory

PM-10 Nonattainment Area Total = 48,148 tons/yr



Source Categories	%
Major stationary point sources	(<0.5%)
All other industrial processes	(6%)
Fuel combustion and fires	(4%)
Agricultural tilling/harvesting	(4%)
Construction, residential	(4%)
Construction, commercial	(8%)
Construction, road	(4%)
Other earthmvg: trenching, weed control	(<0.5%)
Travel on unpaved parking lots	(5%)
Offroad recreational vehicles fugitive dust	(4%)
Leaf blowers fugitive dust	(2%)
Windblown: agricultural land	(1%)
Windblown: developing land	(1%)
Windblown: vacant land	(4%)
Windblown: open areas	(4%)
Windblown: S&G, landfills, test tracks	(<0.5%)
Nonroad mobile sources	(4%)
Vehicle exhaust, tire wear, brake wear	(7%)
Paved road fugitive dust, including trackout	(14%)
Unpaved road fugitive dust	(24%)

Table ES-1
2007-2012 Base Case PM-10 Emissions in the PM-10 Nonattainment Area

Source Category	2007	2008	2009	2010	2011	2012
	(tons/year)					
POINT	159	150	133	127	128	135
AREA						
Fuel combustion	1,276	1,301	1,307	1,311	1,316	1,328
Commercial cooking	974	993	998	1,001	1,005	1,014
Construction (includes windblown dust)	16,672	13,811	9,692	8,359	8,102	8,223
Tilling, harvesting and cotton ginning	936	893	893	893	893	893
Travel on unpaved farm roads	769	731	731	731	731	731
Livestock	261	261	261	261	261	261
Travel on unpaved parking lots	2,376	2,422	2,434	2,441	2,451	2,473
Offroad recreational vehicles	2,139	2,180	2,191	2,198	2,206	2,226
Leaf blowers	878	895	899	902	906	914
Windblown agriculture	448	448	448	448	448	448
Other windblown sources	5,430	5,430	5,430	5,430	5,430	5,430
Fires	497	497	497	497	497	497
Mining/quarrying (includes windblown dust)	752	721	661	641	643	667
Travel on industrial paved/unpaved roads	771	728	645	618	621	654
Other industrial sources	1,033	976	865	828	832	877
NONROAD						
Aircraft	194	184	152	142	143	146
Airport ground support equipment	29	27	23	21	20	20
Locomotives	34	34	34	34	34	34
Other nonroad equipment	1,710	1,683	1,661	1,641	1,595	1,513
ONROAD						
Exhaust	2,943	2,836	2,647	2,371	1,843	1,407
Tire wear	246	256	257	257	258	261
Brake wear	728	758	767	771	773	787
Paved roads	7,749	8,155	8,214	8,289	8,323	8,422
Unpaved roads and alleys	10,218	10,312	10,284	10,284	10,284	10,312
Totals	**59,218**	**56,681**	**52,123**	**50,497**	**49,743**	**49,673**

the 2007 base case emissions. Each year after 2008 imposes yet another 2,961 ton reduction requirement. Thus, the cumulative reduction requirements (relative to 2007 base case emissions) are at least 5,922 tons in 2009, 8,883 tons in 2010, 11,844 tons in 2011, and 14,805 tons in 2012.

The new MAG 2012 Five Percent Plan for PM-10 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, a wide range of control measures in that plan continue to be implemented to reduce PM-10 and are being resubmitted. Table ES-2 includes the Arizona Statutes, Maricopa County Rules, a Maricopa County Ordinance, and Appendices for the resubmitted measures and a new high risk measure to be approved into the MAG 2012 Five Percent Plan for PM-10 for the Maricopa County Nonattainment Area. The 2012 Five Percent Plan also includes contingency measures that were implemented early such as PM-10 certified street sweeping on freeways and arterials, as well as the projects completed in 2008-2011 that paved and stabilized unpaved roads, alleys and shoulders; reduced speed limits; and overlaid highways with rubberized asphalt.

As described in Table ES-2, the Arizona Statutes, Maricopa County Rules, and Maricopa County Ordinance include requirements to reduce PM-10 emissions from a broad range of sources. The requirements apply to unpaved roads and shoulders, leaf blowers, unpaved parking lots, vacant lots, sweeping streets with certified sweepers, off-road vehicle use, open and recreational burning, residential woodburning, covered vehicle loads, dust generating operations, nonmetallic mineral processing, and other unpermitted sources.

To meet the annual five percent reduction requirement in Section 189(d) of the Clean Air Act, the MAG 2012 Five Percent Plan takes credit for increases in rule effectiveness for Maricopa County Rules 310 (Fugitive Dust from Dust-Generating Operations), 310.01 (Fugitive Dust from Non-Traditional Sources of Fugitive Dust) and 316 (Nonmetallic Mineral Processing). The increases in rule effectiveness are attributable to strengthened enforcement and increased compliance with these rules. EPA has approved Rules 310 and 310.01 in 2010 and Rule 316 in 2009, as part of the State Implementation Plan. Compliance with these rules has increased every year since 2007.

These Maricopa County rules also reduce emissions from a wide variety of sources and apply to the Maricopa County area. Maricopa County Rule 310 (Fugitive Dust from Dust-Generating Operations) regulates fugitive dust emissions from sources and activities such as: land clearing, earthmoving, weed abatement, excavating, construction, demolition, bulk material handling, storage and transporting operations, outdoor equipment, motorized machinery, staging areas, parking areas, material storage areas, haul roads, disturbed surface areas, initial landscapes and trackout onto paved surfaces from these sources.

Maricopa County Rule 310.01 (Fugitive Dust from Non-Traditional Sources of Fugitive Dust) regulates fugitive dust emissions from sources and activities such as: vehicle use in

Table ES-2
Arizona Statutes, Maricopa County Rules, Maricopa County Ordinance, and Appendices to be Approved into the MAG 2012 Five Percent Plan for PM-10 for the Maricopa County Nonattainment Area

Arizona Revised Statutes (A.R.S.)	Description	Effective Dates
A.R.S. § 9-500.04. Only A.3., A.5., A.6., A.7., A.8., A.9. and H.	Air quality control; definitions [city and town requirements in Area A regarding targeting unpaved roads and shoulders; leaf blower restrictions; restrictions related to parking, maneuvering, ingress and egress areas and vacant lots; requirement for certified street sweepers]	9/19/07
A.R.S. § 9-500.27.	Off-road vehicle ordinance; applicability; violation; classification	9/19/07
A.R.S. § 11-871. Only A., B. and D.4.	Emissions control; no burn; exemptions; penalty [no burn restriction for any HPA day, increased civil penalty]	9/19/07
A.R.S. § 11-877.	Air quality control measures [county leaf blower restrictions]	9/19/07
A.R.S. § 28-1098. Only A. and C.1.	Vehicle loads; restrictions; civil penalties [for safety or air pollution prevention purpose]	9/19/07
A.R.S. § 49-424. Only 11.	Duties of department [develop and disseminate air quality dust forecasts for the Maricopa County PM-10 nonattainment area]	7/20/11
A.R.S. § 49-457.01.	Leaf blower use restrictions and training; leaf blower equipment sellers; informational material; outreach; applicability	9/19/07
A.R.S. § 49-457.03.	Off-road vehicles; pollution advisory days; applicability; penalties	9/19/07
A.R.S. § 49-457.04.	Off-highway vehicle and all-terrain vehicle dealers; informational material; outreach; applicability	9/19/07
A.R.S. § 49-457.05. Only A., B., C., D. and I.	Dust action general permit; best management practices; applicability; definitions	7/20/11
A.R.S. § 49-474.01. Only A.4., A.5., A.6., A.7., A.8., A.11., B. and H.	Additional board duties in vehicle emissions control areas; definitions [county requirements for stabilization of targeted unpaved roads, alleys and shoulders; restrictions related to parking, maneuvering, ingress and egress areas and vacant lots; requirement for certified street sweepers]	9/19/07
A.R.S. § 49-474.05.	Dust control; training; site coordinators	9/19/07
A.R.S. § 49-474.06.	Dust control; subcontractor registration; fee	9/19/07
A.R.S. § 49-501. Only A.2., B.1., C., F. and G.	Unlawful open burning; exceptions; civil penalty; definitions [ban on outdoor fires from May 1 to September 30; deletion of recreational purpose exemption; no burn day restrictions; penalty provision]	9/19/07
A.R.S. § 49-541. Only 1.	Definitions [Area A]	8/9/01

Table ES-2 Continued

Maricopa County Air Quality Department Rules	Description	Effective Dates
310	Fugitive Dust from Dust-Generating Operations Adopted 1/27/10 and submitted to EPA 4/12/10 [Notice of Final Rulemaking 75 FR 78167; 12/15/10]	EPA approved effective 1/14/11
310.01	Fugitive Dust From Non-Traditional Sources of Fugitive Dust Adopted 1/27/10 and submitted to EPA 4/12/10 [Notice of Final Rulemaking 75 FR 78167; 12/15/10]	EPA approved effective 1/14/11
314	Open Outdoor Fires and Indoor Fireplaces at Commercial and Institutional Establishments Adopted 3/12/08 and submitted to EPA 7/10/08 [Notice of Final Rulemaking 74 FR 57612; 11/9/09]	EPA approved effective 1/8/10
316	Nonmetallic Mineral Processing Adopted 3/12/08 and submitted to EPA 7/10/08 [Notice of Final Rulemaking 74 FR 58553; 11/13/09]	EPA approved effective 1/8/10
Appendix C	Fugitive Dust Test Methods Adopted 3/26/08 and submitted to EPA 7/10/08 [Notice of Final Rulemaking 75 FR 78167; 12/15/10]	EPA approved effective 1/14/11
Maricopa County Ordinance	Description	Effective Dates
P-26	Residential Woodburning Restriction Adopted 3/26/08 and submitted to EPA 7/10/08; [Notice of Final Rulemaking 74 FR 57612; 11/9/09]	EPA approved effective 1/8/10
Appendices	Description	Effective Dates
Appendix C, Exhibit 1	Arizona Revised Statutes Listed in Table 4-1	
Appendix C, Exhibit 2	Maricopa County Resolution to Evaluate Measures in the MAG 2012 Five Percent Plan for PM-10 for the Maricopa County Nonattainment Area	11/16/11
Appendix C, Exhibit 3	Arizona Department of Environmental Quality Dust Action General Permit	12/30/11
Appendix C, Exhibit 4	Arizona Department of Environmental Quality Commitment to Revise the MAG 2012 Five Percent Plan for PM-10 for the Maricopa County Nonattainment Area if Necessary for the Emerging and Voluntary Measure	

open areas and vacant lots, open areas, vacant lots, unpaved parking lots, unpaved roadways (including alleyways), easements, rights-of-way, access roads and trackout onto paved surfaces from these activities.

Maricopa County Rule 316 (Nonmetallic Mineral Processing) regulates fugitive dust and process dust emissions from sources and activities such as: mining, excavating, separating, combining, crushing and grinding any nonmetallic mineral, asphaltic concrete plants, raw material storage and distribution, concrete plants, bagging operations, open storage piles, material handling, haul roads, and trackout onto paved surfaces from these sources.

Emissions reduction credit is also taken for one new measure, the Dust Action General Permit, which was passed by the Arizona Legislature in April 2011. In accordance with A.R.S. § 49-457.05, this Dust Action General Permit identifies a series of Best Management Practices (BMPs) for specific dust generating operations. When ADEQ's Maricopa County Dust Control Forecast predicts that a day is at high risk for dust generation, those dust generating operations that are not already required to control dust through a permit issued by the Arizona Department of Environmental Quality or the Maricopa County Air Quality Department are expected to choose and implement at least one BMP to reduce or prevent PM-10 emissions. Implementation of a BMP is expected to occur as soon as practicable before and during the high risk event. Although the BMPs in the Dust Action General Permit only apply to those sources that do not already have a permit, even dust generating operations with an air quality permit are also expected to implement the dust controls in their permit at the same time.

According to state statute, BMPs identified in the Dust Action General Permit are expected to be employed absent the requirement to obtain an air quality permit. If the owner or operator of a dust-generating operation is found by ADEQ's Director to have failed to choose and implement an applicable BMP as soon as practicable before and during a day that is forecast to be at high risk of dust generation, then the owner or operator can be required to obtain an Authorization to Operate under the Dust Action General Permit.

This new measure is expected to raise rule effectiveness for Rule 310.01 by one percent during high wind hours and was fully implemented by January 1, 2012. Credit for this measure is allowed under the EPA guidance, *Incorporating Emerging and Voluntary Measures in a State Implementation Plan*. The measures used to demonstrate the annual five percent reductions are also necessary to model attainment of the PM-10 standard under high wind conditions at all monitors as expeditiously as practicable, which is 2012.

Table ES-3 shows the impact of the increases in rule effectiveness on PM-10 emissions in 2008 through 2012. This table also quantifies the annual five percent reductions for 2008 through 2012. The total reduction in PM-10 emissions between 2007 and 2012 with the increases in rule effectiveness is 16,089 tons, which represents a 27.2 percent reduction in total 2007 base case emissions.

Table ES-3
2008-2012 PM-10 Emissions with Increased Rule Effectiveness

Source Category	2008	2009	2010	2011	2012
	(tons/year)				
POINT	150	133	127	128	135
AREA					
Fuel combustion	1,301	1,307	1,311	1,316	1,328
Commercial cooking	993	998	1,001	1,005	1,014
Construction (includes windblown dust)	8,355	5,333	4,139	4,014	4,073
Tilling, harvesting and cotton ginning	893	893	893	893	893
Travel on unpaved farm roads	731	731	731	731	731
Livestock	261	261	261	261	261
Travel on unpaved parking lots	2,422	2,434	2,441	2,451	2,473
Offroad recreational vehicles	2,180	2,191	2,198	2,206	2,226
Leaf blowers	895	899	902	906	914
Windblown agriculture	448	448	448	448	448
Other windblown sources	3,938	3,788	3,788	3,788	3,639
Fires	497	497	497	497	497
Mining/quarrying (includes windblown dust)	476	401	355	356	369
Travel on industrial paved/unpaved roads	472	382	331	333	351
Other industrial sources	976	865	828	832	877
NONROAD					
Aircraft	184	152	142	143	146
Airport ground support equipment	27	23	21	20	20
Locomotives	34	34	34	34	34
Other nonroad equipment	1,683	1,661	1,641	1,595	1,513
ONROAD					
Exhaust	2,836	2,647	2,371	1,843	1,407
Tire wear	256	257	257	258	261
Brake wear	758	767	771	773	787
Paved roads	8,155	8,214	8,289	8,323	8,422
Unpaved roads and alleys	10,312	10,284	10,284	10,284	10,312
Totals	**49,231**	**45,600**	**44,062**	**43,438**	**43,130**
5% Reduction Targets (tons/year)	**2,961**	**5,922**	**8,883**	**11,844**	**14,805**
Actual Plan Reductions (tons/year)	**9,987**	**13,618**	**15,157**	**15,781**	**16,089**

Table ES-4 confirms that the annual five percent reduction requirements are met in 2008-2012 and there is a surplus margin of benefit in each year. The total surplus in 2012 is 1,284 tons. This surplus is needed to model attainment at all monitors in the PM-10 nonattainment area by December 31, 2012.

In accordance with the Clean Air Act, the MAG 2012 Five Percent Plan for PM-10 also includes contingency measures. The contingency measures are required to achieve emissions reductions beyond those measures relied upon to model attainment of the standard and demonstrate progress toward attainment (five percent reductions, reasonable further progress, and milestones). They are required to be undertaken without further action by the State or the EPA Administrator if the area fails to make reasonable further progress or meet the standard by the attainment date. EPA encourages early implementation of contingency measures to reduce emissions as expeditiously as practicable.

EPA guidance indicates that contingency measures should provide emissions reductions equivalent to one year of reasonable further progress. For the Five Percent Plan, one year of reasonable further progress is equivalent to a reduction in PM-10 emissions of 3,218 tons.

The contingency requirement is met in the MAG 2012 Five Percent Plan by quantifying projects that were completed in 2008-2011. A summary of the miles of roads, alleys and shoulders impacted by the paving and stabilization, speed limit reduction, and rubberized asphalt overlay projects that were quantified to meet the contingency requirement is presented in Table ES-5. These PM-10 reduction projects were implemented in the PM-10 nonattainment area by twenty-one cities and towns, Maricopa County, Pinal County, Arizona Department of Transportation and the Gila River Indian Community. All of the projects for which credit was taken were open to traffic by September 2011.

The emissions reductions for all measures quantified to meet the contingency requirement are summarized in Table ES-6. Table ES-6 includes the benefits of the PM-10 certified street sweeping on freeways and arterials, as well as the projects completed in 2008-2011 that paved and stabilized unpaved roads, alleys and shoulders; reduced speed limits; and overlaid highways with rubberized asphalt. The total PM-10 emissions reduction in 2012 is 3,439 tons, which exceeds the contingency target of 3,218 tons by 221 tons.

The total 2012 PM-10 emissions, with the air quality benefits from the wide variety of control measures and contingency projects applied, are 39,691 tons per year (see Table ES-7), which represents a reduction, relative to 2007 base case PM-10 emissions, of 19,527 tons or 33 percent. A pie chart of the 2012 nonattainment area PM-10 emissions with the five percent measures and contingency projects applied is shown in Figure ES-4.

For conformity analyses, the onroad mobile source emissions budget includes reentrained dust from travel on paved roads; vehicular exhaust, tire wear, and brake wear; travel on unpaved roads; and road construction. In 2012, the PM-10 emissions from these four source categories total 54.9 metric tons per day for the PM-10 nonattainment area. This represents the onroad mobile source emissions budget for conformity.

Table ES-4
PM-10 Emission Reductions and Five Percent Reduction Requirements

Year	5% Reduction Requirement (tons/year)	Total PM-10 Emission Reductions due to Increases in Rule Effectiveness (tons/year)	Excess Benefit = Total PM-10 Emission Reductions minus 5% Reduction Requirement (tons/year)	(%)
2008	2,961	9,987	7,026	237%
2009	5,922	13,618	7,696	130%
2010	8,883	15,157	6,274	71%
2011	11,844	15,781	3,937	33%
2012	14,805	16,089	1,284	9%

Table ES-5
Miles of Roads/Alleys/Shoulders in PM-10 Reduction Projects

Miles Impacted by Project Type	2008	2009	2010	2011	Total 2008-2011
Miles of dirt roads paved	41	18	8	16	83
Miles of dirt roads stabilized	39	39	36	31	145
Miles of dirt alleys paved	66	4	0	63	134
Miles of dirt alleys stabilized	164	106	124	106	501
Total miles of roads/alleys paved & stabilized	310	168	168	216	862
Miles of dirt shoulders paved	70	107	49	6	233
Miles of curb and gutter paved	19	0	0	0	19
Miles of dirt shoulders stabilized	235	236	236	200	906
Total miles of shoulders paved & stabilized	324	343	285	207	1,158
Miles of roads/alleys with lower speed limits	7	11	3	0	20
Miles of highway overlaid w/rubberized asphalt	13	0	0	0	13

Table ES-6
2008-2012 PM-10 Reductions to Meet Contingency Requirements

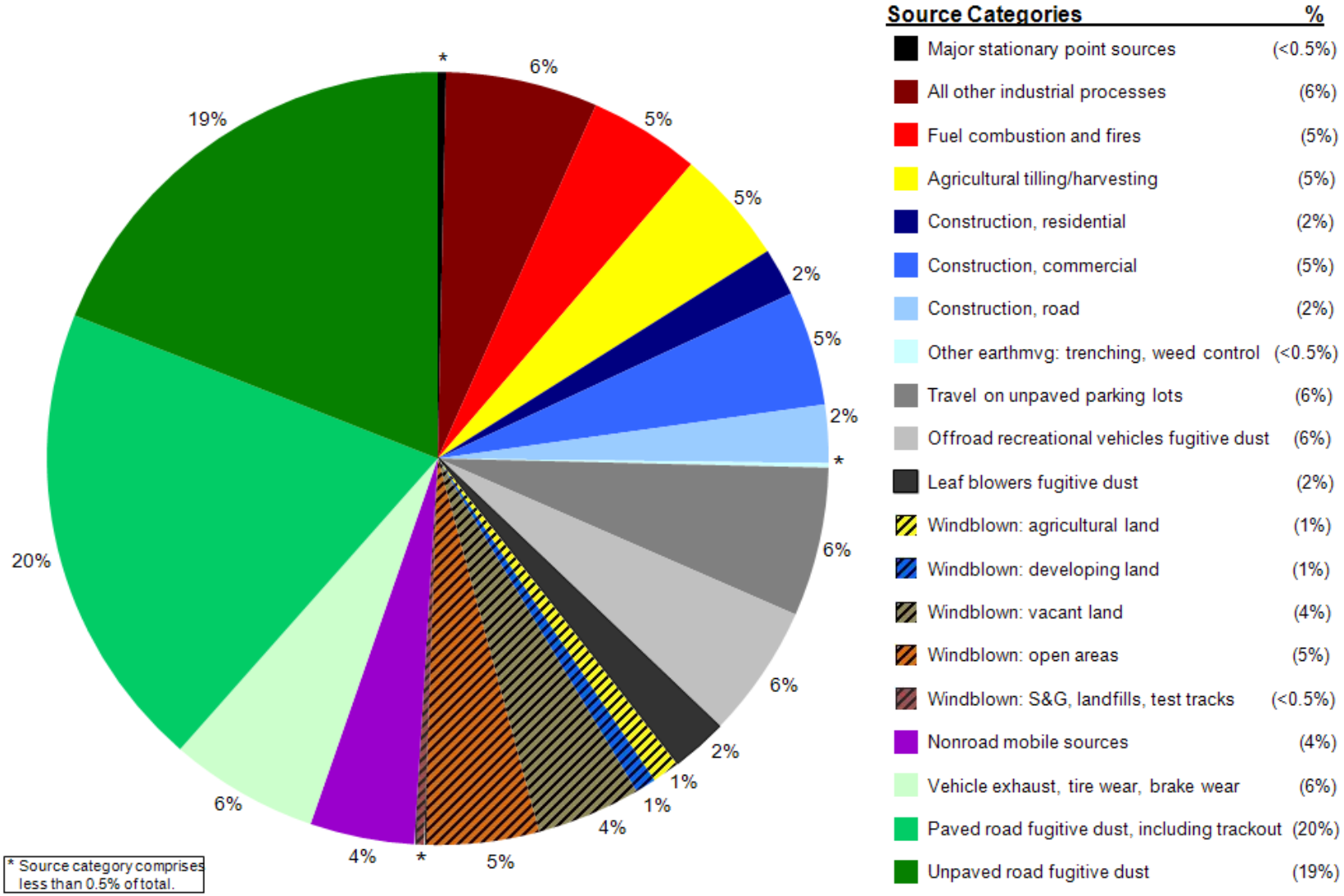
Completed Projects	Implementing Entities	2008	2009	2010	2011	2012
		(tons/year)				
Sweep streets with PM-10 certified sweepers Contracted sweeping of freeways, ramps and frontage roads - 100% compliant, effective 2/20/10 25 PM-10 certified sweepers purchased with CMAQ funds: 1/1/07-12/31/09	ADOT	0	0	294	342	344
	Cities, towns	59	116	153	154	155
	Total for Street Sweeping	**59**	**116**	**447**	**495**	**499**
Pave or stabilize existing public dirt roads and alleys Paving/stabilization projects completed in 2008-2011	Cities, towns, Maricopa and Pinal County, and Gila River Indian Community	461	1,352	2,124	2,662	2,625
	Total for Road/Alley Paving/Stabilization	**461**	**1,352**	**2,124**	**2,662**	**2,625**
Lower speed limits on dirt roads and alleys Speed limits lowered in 2008-2011	Cities, towns, Maricopa County	4	78	161	161	161
	Total for Lower Speed Limits	**4**	**78**	**161**	**161**	**161**
Pave or stabilize unpaved shoulders Paving/stabilization projects completed in 2008-2011	Cities, towns, Maricopa County	173	242	265	293	150
	Total for Shoulder Paving/Stabilizing	**173**	**242**	**265**	**293**	**150**
Repave or overlay paved roads with rubberized asphalt Rubberized asphalt overlays completed in 2008-2011	ADOT	0	3	3	3	3
	Total for Overlays	**0**	**3**	**3**	**3**	**3**
	Total for Completed Projects	**697**	**1,790**	**2,999**	**3,614**	**3,439**

Table ES-7
2008-2012 PM-10 Emissions with Five Percent Plan Measures and Contingency Projects

Source Category	2008	2009	2010	2011	2012
POINT	150	133	127	128	135
AREA					
Fuel combustion	1,301	1,307	1,311	1,316	1,328
Commercial cooking	993	998	1,001	1,005	1,014
Construction (includes windblown dust)	8,355	5,333	4,139	4,014	4,073
Tilling, harvesting and cotton ginning	893	893	893	893	893
Travel on unpaved farm roads	731	731	731	731	731
Livestock	261	261	261	261	261
Travel on unpaved parking lots	2,422	2,434	2,441	2,451	2,473
Offroad recreational vehicles	2,180	2,191	2,198	2,206	2,226
Leaf blowers	895	899	902	906	914
Windblown agriculture	448	448	448	448	448
Other windblown sources	3,938	3,788	3,788	3,788	3,639
Fires	497	497	497	497	497
Mining/quarrying (includes windblown dust)	476	401	355	356	369
Travel on industrial paved/unpaved roads	472	382	331	333	351
Other industrial sources	976	865	828	832	877
NONROAD					
Aircraft	184	152	142	143	146
Airport ground support equipment	27	23	21	20	20
Locomotives	34	34	34	34	34
Other nonroad equipment	1,683	1,661	1,641	1,595	1,513
ONROAD					
Exhaust	2,836	2,647	2,371	1,843	1,407
Tire wear	256	254	255	255	259
Brake wear	758	767	771	773	787
Paved roads	7,922	7,857	7,578	7,534	7,772
Unpaved roads and alleys	9,847	8,854	7,999	7,461	7,525
Totals	**48,534**	**43,810**	**41,062**	**39,823**	**39,691**
Total PM-10 Emissions Reduction 2007-2012:	**19,527 tons, 33.0%**				

Figure ES-4

2012 PM-10 Emissions Inventory with Five Percent Plan Measures and Contingency Projects
PM-10 Nonattainment Area Total = 39,691 tons/yr



ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

1110 West Washington Street • Phoenix, Arizona 85007
(602) 771-2300 • www.azdeq.gov

Janice K. Brewer
Governor

Henry R. Darwin
Director

May 25, 2012

Jared Blumenfeld, Regional Administrator
U.S. Environmental Protection Agency Region IX
75 Hawthorne Street
San Francisco, CA 94105-3901

SUBJECT: Submittal of Statutes and Appendices for Approval into the Arizona SIP for the *2012 Five Percent Plan for PM-10 for the Pinal County Township 1 North, Range 8 East Nonattainment Area*

Dear ~~Mr. Blumenfeld~~ Jared:

Consistent with the provisions of Arizona Revised Statutes §§49-104, 49-404 and 49-406 and the Code of Federal Regulations Title 40 §§51.102 through 51.104, the Arizona Department of Environmental Quality (ADEQ) hereby adopts and submits to the U.S. Environmental Protection Agency (EPA) one hard copy and one compact disk of those portions of Arizona Revised Statutes listed in Table 1 below and of the four Appendices listed in Table 1 below for approval into the Arizona State Implementation Plan for the *2012 Five Percent Plan for PM-10 for the Pinal County Township 1 North, Range 8 East Nonattainment Area* to meet the requirements of Section 189 (d) of the Clean Air Act. The electronic copy provided on compact disk is an exact duplicate of the hard copy version.

On June 12, 2009, ADEQ submitted a negative declaration for commercial agriculture in Township 1 North, Range 8 East of Pinal County adopted by the Pinal County Board of Supervisors on June 5, 2009. Copies of both letters are submitted in Appendix D to this plan.

Table 1 — Arizona Statutes and Appendices for Approval into the Arizona SIP For the *2012 Five Percent Plan for PM-10 for Pinal County Township 1 North, Range 8 East Nonattainment Area*

Arizona Revised Statutes (ARS)	Description	Effective Dates
ARS § 9-500.04 Only A.3., A.5., A.6, A.7, A.8, A.9 and H.	Air Quality Control; Definitions [city and town requirements in Area A regarding targeting unpaved roads and shoulders; leaf blower restrictions,; restrictions related to parking, maneuvering, ingress and egress areas and vacant lots; requirements for certified street sweepers]	9/19/07
ARS § 9-500.27	Off-road vehicle ordinances; applicability; violation; classification	9/19/07

Table 1 — Arizona Statutes and Appendices for Approval into the Arizona SIP For the *2012 Five Percent Plan for PM-10 for Pinal County Township 1 North, Range 8 East Nonattainment Area*		
Arizona Revised Statutes (ARS)	Description	Effective Dates
ARS §11-871 Only A, B. and D.4.	Emissions control; no burn; exemptions; penalty [no burn restriction for any HPA day, increased civil penalty]	9/19/07
ARS §11-877	Air quality control measures [county leaf blower restrictions]	9/19/07
ARS §28-1098 Only A. and C.1.	Vehicle loads; restrictions; civil penalties [for safety or air pollution prevention purpose]	9/19/07
ARS § 49-424 Only 11.	Duties of department [develop and disseminate air quality dust forecasts for Maricopa County PM10 Nonattainment Area	7/20/11
ARS § 49-457.01	Leaf blower use restrictions and training; leaf blower equipment sellers; informational material; outreach; applicability	9/19/07
ARS § 49-457.03	Off-road vehicles; pollution advisory days; applicability; penalties	9/19/07
ARS § 49-457.04	Off-highway vehicle and all terrain vehicle dealers; informational material; outreach; applicability	9/19/07
ARS § 49-457.05 Only A., B., C., D. and I.	Dust Action General Permit; best management practices; applicability; definitions	7/20/11
ARS § 49-474.01 Only A.4., A.5., A.6., A.7., A.8., A.11., B. and H.	Additional County Board of Supervisors duties in vehicle emission control areas; definitions [county requirements for stabilization of targeted unpaved roads, alleys and shoulders; restrictions related to parking, maneuvering, ingress and egress areas and vacant lots; requirement for certified street sweepers]	9/19/07
ARS § 49-474.05	Dust control training; site coordinators	9/19/07
ARS § 49-474.06	Dust control; subcontractor registration	9/19/07
ARS § 49-501 Only A.2., B.1., C., F. and G.	Unlawful open burning; exceptions; civil penalty; definitions [ban on outdoor fires from May 1 to September 30 in Area A; deletion of recreational purpose exemption; no burn day restrictions; penalty provision]	9/19/07
ARS § 49-541 Only 1	Definitions [Area A]	8/9/01
Appendices	Description	Effective Dates
A	Certified copies of Arizona Revised Statutes listed above	See dates above
B	Arizona Department of Environmental Quality Dust Action General Permit	12/30/11
C	Arizona Department of Environmental Quality Commitment to Assess the Effectiveness of the Voluntary and Emerging Control Measure	Upon SIP submittal
D	Negative Declaration for Commercial Agriculture	June 2009

Under a separate transmittal letter, ADEQ is submitting for approval into the Arizona State Implementation Plan the companion *MAG 2012 Five Percent Plan for PM-10 for the Maricopa County Nonattainment Area* and the *Technical Document In Support of the MAG 2012 Five Percent Plan for PM-10 for the Maricopa County Nonattainment Area.*

ADEQ has adopted for the *2012 Five Percent Plan for PM_{10} for the Pinal County Township 1 North, Range 8 East Nonattainment Area* the following elements of the *MAG 2012 Five Percent Plan for PM-10 for the Maricopa County Nonattainment* without physically submitting a second

copy in this transmittal: Chapter One Introduction; Chapter Two Description of the Nonattainment Area; Chapter Three Assessment of Air Quality Conditions; Chapter Five Demonstration of Annual Five Percent Reductions in PM-10 Emissions; Chapter Six Attainment Demonstration by December 31, 2012 including the request for extension of the attainment date from June 6, 2012 to December 31, 2012; and Appendices A (emission inventory) and B (Technical Document in Support and Calculation of Benefits from Certified Street Sweepers).

Enclosure 1 contains the plan and the four appendices to the plan. Enclosure 2 is the SIP Completeness Checklist and proof of public participation elements.

If you have any questions, please do not hesitate to contact Eric Massey, Director, Air Quality Division, at (602) 771-2288.

Sincerely,

Henry R. Darwin, Director

Enclosures 1 and 2
Appendices A, B, C and D

cc: Colleen McKaughan, EPA IX, w/o enclosures
Gregory Nudd, EPA IX, w/o enclosures
Don Gabrielson, w/o enclosures, Pinal County Air Quality Control District
Dennis Smith, w/o enclosures, Maricopa Association of Governments
William Wiley, w/o enclosures, Maricopa County Air Quality Control District

ADEQ
Arizona Department of Environmental Quality

FINAL

Arizona State Implementation Plan

2012 Five Percent Plan for PM-10 for the Pinal County Township 1 North, Range 8 East Nonattainment Area

Air Quality Division
May 25, 2012

This page intentionally left blank.

FINAL
2012 FIVE PERCENT PLAN FOR PM-10 FOR THE PINAL COUNTY TOWNSHIP 1 NORTH, RANGE 8 EAST NONATTAINMENT AREA
May 2012

Table of Contents

Chapter	Title
I.	Regulatory History
II.	Nonattainment Area
III.	Air Quality
IV.	Control Measures
V.	Five Percent Reasonable Further Progress Demonstration
VI.	Attainment Demonstration
Appendix A:	Certified copies of Arizona Revised Statutes in Chapter IV
Appendix B.	ADEQ Dust Action General Permit issued December 30, 2011
Appendix C:	ADEQ Commitment to Assess the Effectiveness of the Dust Action General Permit
Appendix D	2009 Negative Declaration for Commercial Agriculture

This page intentionally left blank.

Chapter I. REGULATORY HISTORY

The metropolitan Phoenix area has not yet attained the National Ambient Air Quality Standards (NAAQS) for PM-10 particulate matter pollution, and it is classified as a Serious Area under the Clean Air Act. The metropolitan Phoenix PM-10 planning area is largely within Maricopa County, but it also includes one township in Pinal County due to its close commuting ties with Maricopa County: Township 1 North, Range 8 East. Due to its failure to attain the NAAQS by December 31, 2006, Section 189(d) of the Clean Air Act applies to this planning area.

The Clean Air Act requires that until the NAAQS are attained, the plan must provide for reductions in PM-10 or PM-10 precursor emissions from the emission inventory of at least five percent annually. In addition, the plan must include an attainment modeling demonstration. Finally, concentrations of PM-10 recorded at the monitors in the planning area must demonstrate attainment. This plan demonstrates attainment by December 31, 2012.

ADEQ had adopted the *MAG 2007 Five Percent Plan for PM-10* and submitted it to the Environmental Protection Agency (EPA) by the federal deadline of December 31, 2007. ADEQ had also submitted Supplemental Information for Pinal County dated June 4, 2008, and January 21, 2009. The submittals for the Pinal County portion of the planning area were never acted upon by EPA. ADEQ simultaneously withdraws its 2008 and 2009 submittals for this Pinal County township and submits this 2012 plan for this Pinal County township.

On June 12, 2009 ADEQ submitted a negative declaration for commercial agricultural practices in Township 1 North, Range 8 East, including a letter dated June 5, 2009, from Pinal County, both of which are resubmitted in Appendix D to this 2012 plan.

The metropolitan Phoenix area needed three years of clean data at the monitors in 2008, 2009 and 2010 to attain the PM-10 standard in 2010. No violations of the standard during stagnant conditions have been recorded after the plan was submitted in 2007. On September 9, 2010, EPA published in the Federal Register a notice of proposed partial approval and partial disapproval of the *MAG 2007 Five Percent Plan for PM-10* [75 FR 54806]. EPA gave two major reasons for the proposed disapproval relevant to this township: (1) EPA did not concur with ADEQ documentation of four high wind exceptional events at the West 43rd Avenue monitor in 2008, which resulted in a violation that negated the attainment demonstration, and (2) EPA found the 2005 baseline emissions inventory inaccurate because in hindsight it overestimated construction and other emissions including paved road emissions. In January 2010, EPA revised its AP-42 emissions factor for paved road emissions, reducing the calculation of estimated emissions by 67% for this category in metropolitan Phoenix.

On January 25, 2011, ADEQ voluntarily withdrew the *MAG 2007 Five Percent Plan for PM-10* to address approvability issues. Although the plan was withdrawn, implementation of the control measures in it continued, to reduce PM-10 and strive to attain the standard at the earliest possible date. A wide range of control measures in the withdrawn plan continue to be implemented to reduce PM-10 and are being resubmitted in the *MAG 2012 Five Percent Plan for PM-10 for the Maricopa County Nonattainment Area* and in this 2012 plan.

On February 9, 2011, EPA published a Notice of Withdrawal of Adequacy of the Motor Vehicle Emissions Budget in the withdrawn plan (76 FR 7204). On February 28, 2011, EPA published a correction to the February 9, 2011 Notice (76 FR 10897). Conformity determinations are required to be made to the Motor Vehicle Emission Budget of 59.7 metric tons per day approved by EPA on July 25, 2002 (67 FR 48718) until a new plan is submitted and the new Motor Vehicle Emissions Budget found adequate or approved by EPA.

On February 14, 2011, EPA published a Finding of Failure to Submit the Section 189(d) Plan (76 FR 8300). The finding triggered an 18-month clock for mandatory application of the offset sanction unless EPA received a complete Section 189(d) plan by August 14, 2012, and a 2-year clock for a Federal Implementation Plan (FIP) and application of the highway funding sanction unless EPA approved the Section 189(d) Plan by February 14, 2013.

See Chapter One Introduction of the *MAG 2012 Five Percent Plan for PM-10 for the Maricopa County Nonattainment Area,* adopted by ADEQ and submitted as a companion to this plan, for a more detailed explanation.

Chapter II. NONATTAINMENT AREA

Included as part of the Phoenix metropolitan Maricopa County PM-10 nonattainment area, Township 1 North, Range 8 East in Pinal County was classified as a Moderate PM-10 Nonattainment Area by operation of the Clean Air Act Amendments effective November 15, 1990. Again as part of the Phoenix metropolitan Maricopa County PM-10 nonattainment area, EPA classified Pinal County Township 1 North, Range 8 East as a Serious PM-10 Nonattainment area effective June 10, 1996 [Title 40 Code of Federal Regulations § 81.303]. Commuting patterns tie this township to the Phoenix metropolitan area.

See Chapter Two Description of the Nonattainment Area of the *MAG 2012 Five Percent Plan for PM-10 for the Maricopa County Nonattainment Area,* adopted by ADEQ and submitted as a companion to this plan, for a more detailed explanation.

This page intentionally left blank

Chapter III. AIR QUALITY

The metropolitan Phoenix area did not attain the National Ambient Air Quality Standard (NAAQS) for PM-10 particulate matter pollution by December 31, 2006. Additional control measures and improvements in rule effectiveness have reduced the frequency and magnitude of exceedances of the standard significantly.

For information on the air quality conditions in the nonattainment area, see Chapter Three Assessment of Air Quality Conditions and Appendix A Exhibit 1 *2008 PM-10 Periodic Emissions Inventory for the Maricopa County, Arizona, Nonattainment Area, Maricopa County Air Quality Department Revised June 2011* of the *MAG 2012 Five Percent Plan for PM-10 for the Maricopa County Nonattainment Area,* adopted by ADEQ and submitted as a companion to this plan, for a more detailed explanation. Section 1.5.1 Demographic Profile in Appendix A, Exhibit 1, notes that demographic data used to derive estimates of activity or emissions within the PM-10 nonattainment area from county-level calculations includes the Pinal County portion of the PM-10 nonattainment area.

This page intentionally left blank.

Chapter IV. CONTROL MEASURES

Pursuant to Arizona Revised Statutes §§ 49-401, 49-404, and 49-406, ADEQ develops particulate matter nonattainment plans for Pinal County. The Pinal County Air Quality Control District is responsible for rulemaking, permitting and enforcement in Pinal County.

On June 12, 2009, ADEQ submitted a negative declaration for commercial agriculture in Township 1 North, Range 8 East of Pinal County adopted by the Pinal County Board of Supervisors on June 5, 2009. Copies of both letters are resubmitted in Appendix D to this 2012 plan submittal.

Those portions of Arizona Revised Statutes listed in Table 1 below and of the Appendices listed in Table 1 below are the control measures submitted for approval into the Arizona State Implementation Plan for the *2012 Five Percent Plan for PM-10 for the Pinal County Township 1 North, Range 8 East Nonattainment Area* to meet the requirements of Section 189 (d) of the Clean Air Act. These control measures became effective September 19, 2007, and have been implemented to date in this township. This table also includes the definition of "Area A" and the new requirement for a Dust Action General Permit in A.R.S. § 49-457.05.

Four appendices to this 2012 plan listed in the table are also submitted for approval into the plan: (A) certified copies of the Arizona Revised Statutes to be approved into the plan (B) the ADEQ Dust Action General Permit issued December 30, 2011 (C) the ADEQ Commitment to Assess the Effectiveness of the Dust Action General Permit and (D) 2009 Negative Declaration for Commercial Agriculture.

The General Permit ensures that dust is controlled at otherwise unpermitted sources both before and during a high risk event predicted by ADEQ's Maricopa County Dust Control Forecast, which also covers this township. The ADEQ Director is responsible for enforcement of the Dust Action General Permit in this township. If the General Permit does not achieve the necessary emissions reductions, ADEQ commits to submitting a SIP revision that contains replacement measures.

Table 1— Arizona Statutes and Appendices for Approval into the Arizona SIP For the *2012 Five Percent Plan for PM-10 for Pinal County Township 1 North, Range 8 East Nonattainment Area*

Arizona Revised Statutes (ARS)	Description	Effective Dates
ARS § 9-500.04 Only A.3., A.5., A.6, A.7, A.8, A.9 and H.	Air Quality Control; Definitions [city and town requirements in Area A regarding targeting unpaved roads and shoulders; leaf blower restrictions,; restrictions related to parking, maneuvering, ingress and egress areas and vacant lots; requirements for certified street sweepers]	9/19/07
ARS § 9-500.27	Off-road vehicle ordinances; applicability; violation; classification	9/19/07
ARS §11-871 Only A, B. and D.4.	Emissions control; no burn; exemptions; penalty [no burn restriction for any HPA day, increased civil penalty]	9/19/07
ARS §11-877	Air quality control measures [county leaf blower restrictions]	9/19/07
ARS §28-1098 Only A. and C.1.	Vehicle loads; restrictions; civil penalties [for safety or air pollution prevention purpose]	9/19/07
ARS § 49-424 Only 11.	Duties of department [develop and disseminate air quality dust forecasts for Maricopa County PM-10 Nonattainment Area	7/20/11
ARS § 49-457.01	Leaf blower use restrictions and training; leaf blower equipment sellers; informational material; outreach; applicability	9/19/07

Table 1— Arizona Statutes and Appendices for Approval into the Arizona SIP For the *2012 Five Percent Plan for PM-10 for Pinal County Township 1 North, Range 8 East Nonattainment Area*		
Arizona Revised Statutes (ARS)	Description	Effective Dates
ARS § 49-457.03	Off-road vehicles; pollution advisory days; applicability; penalties	9/19/07
ARS § 49-457.04	Off-highway vehicle and all terrain vehicle dealers; informational material; outreach; applicability	9/19/07
ARS § 49-457.05 Only A., B., C., D. and I.	Dust Action General Permit; best management practices; applicability; definitions	7/20/11
ARS § 49-474.01 Only A.4., A.5., A.6., A.7., A.8., A.11., B. and H.	Additional County Board of Supervisors duties in vehicle emission control areas; definitions [county requirements for stabilization of targeted unpaved roads, alleys and shoulders; restrictions related to parking, maneuvering, ingress and egress areas and vacant lots; requirement for certified street sweepers]	9/19/07
ARS § 49-474.05	Dust control training; site coordinators	9/19/07
ARS § 49-474.06	Dust control; subcontractor registration	9/19/07
ARS § 49-501 Only A.2., B.1., C., F. and G.	Unlawful open burning; exceptions; civil penalty; definitions [ban on outdoor fires from ay 1 to September 30 in Area A; deletion of recreational purpose exemption; no burn day restrictions; penalty provision]	9/19/07
ARS § 49-541 Only 1	Definitions [Area A]	8/9/01
Appendices	Description	Effective Dates
A	Certified copies of Arizona Revised Statutes listed above	See dates above
B	Arizona Department of Environmental Quality Dust Action General Permit	12/30/11
C	Arizona Department of Environmental Quality Commitment to Assess the Effectiveness of the Voluntary and Emerging Control Measure	Upon SIP submittal
D	Negative Declaration for Commercial Agriculture	June 2009

This list of Arizona Revised Statutes is identical to the list in Appendix C, Exhibit 1 of the *MAG 2012 Five Percent Plan for PM-10 for the Maricopa County Nonattainment Area,* adopted by ADEQ and submitted as a companion to this plan.

Chapter V. FIVE PERCENT ANNUAL EMISSIONS REDUCTIONS DEMONSTRATION

The Section 189(d) demonstration of annual five percent PM-10 emissions reductions through December 31, 2012, has been developed by MAG and reviewed in a series of Technical Workgroup meetings and Stakeholder meetings at ADEQ, including participation by the Pinal County Air Quality Control District and Environmental Protection Agency. Because the revised Emission Inventory reduced total emissions, the annual tons of reductions requirement has also been reduced.

The annual five percent reduction target was calculated by multiplying the total 2007 PM-10 emissions (59,218 tons) by 5%, which results in 2,961 tons. To meet the Section 189(d) requirement, 2008 emissions must be at least 2,961 tons less than the 2007 base case emissions. Each year after 2008 requires an additional 2,961 ton reduction. Cumulative reduction requirements (relative to 2007 base case emissions) are at least 5,922 tons in 2009; 8,883 tons in 2010; 11,844 tons in 2011; and 14,805 tons in 2012.

See Chapter Five Demonstration of Annual Five Percent Reductions in PM-10 Emissions of *MAG 2012 Five Percent Plan for PM-10 for the Maricopa County Nonattainment Area;* Appendix B, Exhibit 1 *Technical Document in Support of the MAG 2012 Five Percent Plan for PM-10 for the Maricopa County Nonattainment Area*, all of which have been adopted by ADEQ and submitted as a companion to this plan, for a more detailed explanation.

This page intentionally left blank.

Chapter VI. ATTAINMENT DEMONSTRATION

The control measures quantified to meet the five percent reduction requirement in the *MAG 2012 Five Percent Plan for PM-10 for the Maricopa County Nonattainment Area* and in this 2012 plan reduce PM-10 emissions between 2007 and 2012 by 16,089 tons, a 27.2 percent reduction in total 2007 base case emissions.

See Chapter Six Attainment Demonstration of *MAG 2012 Five Percent Plan for PM-10 for the Maricopa County Nonattainment Area;* Appendix B, Exhibit 1 *Technical Document in Support of the MAG 2012 Five Percent Plan for PM-10 for the Maricopa County Nonattainment Area;* and Appendix B, Exhibit 2 *Calculation of Benefits from PM-10 Certified Street Sweepers Purchased with CMAQ Funds in 2001-2009*, all of which have been adopted by ADEQ and submitted as a companion to this plan, for a more detailed explanation and the modeling demonstration. Chapter Six of the *MAG 2012 Five Percent Plan for PM-10 for the Maricopa County Nonattainment Area* also provides a demonstration of reasonable further progress and an onroad mobile source emissions budget for the PM-10 nonattainment area. Chapter Six also contains an explanation of the contingency measures, and a request for extension of the attainment date from June 6, 2012 to December 31, 2012.

EPA guidance indicates that contingency measures should provide emissions reductions equivalent to one year of reasonable further progress. The contingency requirement is met in the *MAG 2012 Five Percent Plan for PM-10 for the Maricopa County Nonattainment Area* by quantifying projects that were already completed in 2008-2011 but not relied upon for numeric credit in the attainment demonstration. Early implementation of the contingency measures provide an additional 3,439 tons of reductions, which when added to the RFP reductions reduces the 2007 base case PM-10 emissions by 19,527 tons in 2012. That constitutes a 33 percent reduction in total 2007 base case emissions.

The 2012 plan models and demonstrates attainment throughout the nonattainment area, including this township. Because EPA published the nonattainment finding for the metropolitan Phoenix area on June 6, 2007, the new attainment deadline is June 6, 2012. Modeled attainment can only be achieved in 2012, as the Dust Action General Permit measure does not become fully implemented until January 1, 2012. Modeled attainment cannot be demonstrated at all the monitors without taking emission reduction credit for this new measure. ADEQ requests extension of the attainment deadline to December 31, 2012, for the entire nonattainment area, including this township in Pinal County.

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

Case No.:14-72327

SANDRA L. BAHR, and **DAVID MATUSOW**,

Petitioners,

v.

GINA McCARTHY, Administrator United States Environmental Protection Agency; **JARED BLUMENFELD,** Regional Administrator, EPA Region IX; and **UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**,

Respondents.

ON PETITION FOR REVIEW OF AGENCY ACTION

OPENING BRIEF FOR PETITIONERS

Joy E. Herr-Cardillo
Timothy M. Hogan
ARIZONA CENTER FOR LAW
IN THE PUBLIC INTEREST
2205 E. Speedway
Tucson, Arizona 85719
(520) 529-1798

Counsel for Petitioners

TABLE OF CONTENTS

TABLE OF AUTHORITIES IV

STATEMENT OF JURISDICTION.....1

ATTORNEYS' FEES 1

STATEMENT OF ISSUES 2

STATEMENT OF THE CASE.....3

STANDARD OF REVIEW 3

STATEMENT OF FACTS 4

I. Particulate Pollution and the Clean Air Act. 4

II. The Phoenix PM-10 Plans 9

A. The First Moderate Area Plan – Disapproved. 9

B. Revised Moderate Area Plan -- *Ober v. Browner I* 10

C. Moderate Area Plan No. 2 (the "Microscale Plan") -- Disapproved in Part 12

D. The Federal Implementation Plan –*Ober v. Browner II*.....14

E. Agricultural BMP Committee – *Ober v. Browner III* 17

F. Serious Area Plan.....17

G. The 2007 Five Percent Plan—*Withdrawn in the face of proposed disapproval* 21

H. The Replacement Five Percent Plan. 24

SUMMARY OF ARGUMENT 26

ARGUMENT 28

I. EPA's Proposal to Exclude 135 Exceedances that Occurred Over Twenty Five Days Within a Two-Year Period As "Exceptional Events" Represents an Abuse of Discretion and Is Contrary to Law. 28

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. 37

B. The State Failed to Demonstrate that Sources Outside of the Area Were Subject to Reasonable Controls, and, in Fact, They Were Not. 44

II. EPA's Failure to Require State to Demonstrate Compliance with All Applicable CAA Requirements Including an Up-to-Date BACM Analysis Was Contrary to Law. 49

III. 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. 53

CONCLUSION AND RELIEF REQUESTED 57

STATEMENT OF RELATED CASES 59

CERTIFICATE OF COMPLIANCE 60

CERTIFICATE OF SERVICE 61

ADDENDUM 62

TABLE OF AUTHORITIES

Cases

Abramowitz v. United States EPA, 832 F.2d 1071 (9th Cir. 1987) 4

American Lung Ass 'n v. EPA, 134 F.3d 388 (D.C. Cir. 1998) 29

EEOC v. Arabian American Oil Co., 499 U.S. 244 (1991) 52

Latino Issues Forum v. United States EPA, 558 F.3d 936 (9th Cir. 2009) 52

LEAN v. EPA, 382 F. 3d 575 (5th Cir. 2004) 56

Nw. Envtl. Def. Ctr. v. Bonneville Power Admin., 477 F.3d 668 (9th Cir. 2007) ...41

Ober v. EPA, 84 F.3d 304 (9th Cir. 1996) 11

Ober v. Whitman, 243 F. 3d 1190 (9th Cir. 2001) 15, 17

Redland Genstar, Inc. v. United States, 39 Fed. Cl. 220 (Fed. Cl. 1997) 41

Ry. Co. v. Wichita Bd. of Trade, 412 U.S. 800 (1973) 40

Vigil v. Leavitt, 381 F. 3d 826 (9th Cir. 2004) 19, 20

W. States Petroleum Ass'n v. EPA, 87 F.3d 280 (9th Cir. 1996) 41

Statutes

42 U.S.C. § 7407(d) 6

42 U.S.C. § 7409(a) 6

42 U.S.C. § 7409(b) 6

42 U.S.C. § 7410 .....1, 6

42 U.S.C. § 7410(a)(1) 7

42 U.S.C. § 7410(a)(2) 7

42 U.S.C. § 7410(c)(1)(A) 10, 18

42 U.S.C. § 7410(k)(1)(b) 21

42 U.S.C. § 7410(k)(2). 18

42 U.S.C. § 7502 6

42 U.S.C. § 7502(c)(9) 53

42 U.S.C. § 7509 54

42 U.S.C. § 7513(a) 7

42 U.S.C. § 7513(b)(2) 8

42 U.S.C. § 7513(c)(1) 7

42 U.S.C. § 7513(c)(2) 8

42 U.S.C. § 7513(e) 2, 8, 19

42 U.S.C. § 7513a(a)(1)(B) 7

42 U.S.C. § 7513a(a)(1)(C) 16

42 U.S.C. § 7513a(a)(2)(A) 7

42 U.S.C. § 7513a(b)(1) 2, 8

42 U.S.C. § 7513a(b)(1)(A) 8

42 U.S.C. § 7513a(b)(1)(B). 19

42 U.S.C. § 7513a(d) 9, 21

42 U.S.C. § 7607(b)(1) 1

42 U.S.C. § 7607(d)(9)(A) 4

42 U.S.C. § 7607(d)(9)(C) 4

42 U.S.C. § 7607(f) 1, 57

42 U.S.C. § 7619(b) 28, 29

A.R.S. § 49-457 16

A.R.S. § 49-457(N)(5) 16

Federal Register

52 Fed. Reg. 24634 (July 1, 1987) 7

56 Fed. Reg. 11101 (Mar. 15, 1991) 10

57 Fed. Reg. 13498 (Apr. 16, 1992) 54

59 Fed. Reg. 38402 (July 28, 1994) 10

59 Fed. Reg. 41998 (Aug. 16, 1994) 54

60 Fed. Reg. 18010 (Apr. 10, 1995) 11

61 Fed. Reg. 21372 (May 10, 1996) 11

61 Fed. Reg. 59456 (Sept. 23, 2002) 52

61 Fed. Reg. 65638 (Dec. 13, 1996) 4

62 Fed. Reg. 31025 (May 9, 1997) 13

62 Fed. Reg. 38652 (July 18, 1997) 4, 12, 13

62 Fed. Reg. 41856 (Aug. 4, 1997) 12, 13

63 Fed. Reg. 15920 (Apr. 1, 1998) 14, 15

63 Fed. Reg. 41326 (Aug. 3, 1998).....15

63 Fed. Reg. 71815 (Dec. 30, 1998).....16

63 Fed. Reg. 9423 (Feb. 25,1998) 17

65 Fed. Reg. 19964 (Apr. 13, 2000) 18

66 Fed. Reg. 44343 (Aug. 23, 2001). 18

67 Fed. Reg. 48718 (Jul. 25, 2002).....19

72 Fed. Reg. 13560 (Mar. 22, 2007)..... 29, 30

72 Fed. Reg. 31183 (June 6, 2007) 20, 42, 49

75 Fed. Reg. 38520 (July 2, 2010).....22

75 Fed. Reg. 54806 (Sept. 9, 2010) 22, 23

76 Fed. Reg. 8300 (Feb. 14, 2011) 24

77 Fed. Reg. 32024 (May 31, 2012).....46

79 Fed. Reg. 07118 (Feb. 6, 2014) 24, 50, 56

79 Fed. Reg. 33107 (June 10, 2014)..... 26, 44, 48, 52

Regulations

40 C.F.R. § 50.1 (2007) 22, 29

40 C.F.R. § 50.14 (2007) 22, 30

40 C.F.R. § 81.303 (1999) 9

A.C.C. R18-2-610.01 ..... 38, 39

Legislative Materials

136 Cong. Rec. H2511 (5/21/90) 5

H.R. Conf. Rep. No. 109-203, 109th Cong., 1st Sess. at 1066-67 (2005) 28

H.R. Rep. No. 490, 101st Cong., 2d Sess., pt. 1 at 207 (1990) 4

Publications

"Children's Health Project: Linking Asthma to PM10 in Central Phoenix – a report to the Arizona Department of Environmental Quality" Arizona State University's Center for Environmental Fluid Dynamics and Center for Health Information and Research, February 16, 2009 6

"Protecting Our Children: Assessing the Link between PM10 Pollution and Childhood Asthma in Maricopa County," Children's Health Challenge Grant Project, Dec. 2008 .....5, 6

Arizona Department of Environmental Quality, Annual Report (2000) 5

Samet, et al., "The National Morbidity, Mortality and Air Pollution Study: Methods and Methodologic Issues" www.healtheffects.org. 5

STATEMENT OF JURISDICTION

This is a petition for review of final action by the United States Environmental Protection Agency ("EPA") in approving a revision to the Arizona State Implementation Plan ("SIP" or "plan") for the Maricopa County PM-10 Nonattainment Area ("Area") submitted pursuant to Section 189(d) of the Clean Air Act ("CAA" or "Act). 42 U.S.C. § 7513a (d). The submitted SIP revision consists of the "Maricopa Association of Governments 2012 Five Percent Plan for PM-10 for the Maricopa County Nonattainment Area" and "the "2012 Five Percent Plan for the Pinal County Township 1 North, Range 8 East Nonattainment Area," (collectively the "2012 Five Percent Plan"). The action Petitioners appeal from is final, in that it is labeled by EPA as a "final" rule. Excerpt of Record ("ER") at 1, Administrative Record ("AR") at H.3. This Court therefore has jurisdiction to review EPA's action pursuant to 42 U.S.C. § 7607(b)(1). Notice of the action was published in the Federal Register on June 10, 2014 and the Petition for Review was filed in this Court on July 29, 2014. Pursuant to 42 U.S.C. § 7607(b)(1), the Petition for Review was timely because it was filed within sixty days of publication of the notice in the Federal Register.

ATTORNEYS' FEES

Petitioners intend to seek attorneys' fees in this matter pursuant to 42 U.S.C. § 7607(f) if they prevail.

STATEMENT OF ISSUES

1. Whether EPA abused its discretion when it concurred in the State's request to exclude from the air quality monitoring data for the Area a total of 135 exceedances that occurred over twenty five days during a two-year period as "exceptional events" and thereby ignore significant violations of the national ambient air quality standard for particulate matter at fifteen of the Area's monitors.

2. Whether EPA acted unlawfully in approving the 2012 Five Percent Plan where the plan fails to satisfy all of the requirements of Section 110 of the Clean Air Act applicable to the Maricopa County PM-10 Nonattainment Area, specifically the "best available control measures" and "most stringent measures" required by Sections 189(b) and 188(e), respectively, of the CAA. 42 U.S.C. §§ 7513a(b)(1); 7513(e).[1]

3. Whether EPA abused its discretion and acted contrary to law when it allowed the State to satisfy the CAA's requirement of contingency measures, which are measures that are to be immediately implemented to protect the public health if a milestone for reasonable further progress or attainment is not met, with control measures that the State is already implementing, so that in the event contingency measures would otherwise be triggered under the Act, there are no

[1] All relevant statutes, regulations, and ordinances are included in an Addendum appended at the end of this Opening Brief.

additional control measures immediately available to address the threat to public health.

STATEMENT OF THE CASE

On February 6, 2014, EPA proposed to approve a revision to the Arizona SIP relating to the control of airborne particulate pollution in the Phoenix area. ER 211, AR A.2. Petitioners are Phoenix residents who are adversely affected by unhealthy levels of particulate pollution in their community. On March 10, 2014 Petitioners submitted timely comments to EPA in opposition to the proposed revision, contending that EPA's proposal to exclude 135 exceedances from the air quality data under the exceptional events policy was an abuse of discretion, that the state had failed to demonstrate that the plan complied with specific mandatory provisions of the Act relating to SIPs, and that the plan failed to provide them with the level of air quality protection that the Act guarantees them. ER 356-71; AR E.7 & E.10. EPA approved the plan in its entirety on May 30, 2014 and published notice of its approval on June 10, 2014. ER 1; AR H.2 & H.3. Petitioners filed a timely Petition for Review in this Court on July 29, 2014.

STANDARD OF REVIEW

The applicable standard of review for the issues presented in the Petition for Review is whether EPA's actions were (1) arbitrary, capricious, and an abuse of discretion, or otherwise not in accordance with law; or (2) in excess of statutory

jurisdiction, authority, or limitations, or short of statutory right. 42 U.S.C. § 7607(d)(9)(A) & (C); *see also Abramowitz v. U.S. EPA,* 832 F.2d 1071, 1074-75 (9th Cir. 1987).

STATEMENT OF FACTS

I. Particulate Pollution and the Clean Air Act.

Particulate matter is a deadly form of air pollution. The term describes a broad class of chemically and physically diverse substances existing as distinct solid or liquid particles that become suspended in the ambient air. *See* 62 Fed. Reg. 38652, 38653 (July 18, 1997). Particulates can range in size from the small to the microscopic; however, EPA has concluded that particles smaller than or equal to 10 micrograms in diameter, approximately one-seventh the width of a human hair, present the greatest concern to health. *See* 61 Fed. Reg. 65638, 65648 (Dec. 13, 1996). Unlike larger airborne particles, PM-10 pollution can pass through the natural filters in the nose, mouth and throat, penetrate the upper airways, and travel deep into the lungs. H.R. Rep. No. 490, 101st Cong., 2d Sess., pt. 1 at 207 (1990) ("House Report"). There, it can produce an array of adverse health effects, including reduced lung capacity, aggravation of respiratory disease, cancer, and even death. *Id*. at 210. Children are especially vulnerable to PM-10 pollution due to their high respiratory rates and small lungs. *Id.* at 149, 210; 136 Cong. Rec.

H2511, H2527 (5/21/90). Other vulnerable populations include the elderly, asthmatics, and victims of respiratory disease. House Report at 210.

Even short-term exposures to high PM-10 levels can be particularly deadly. Scientific studies show a strong association between elevated daily particulate levels and increased deaths. *See, e.g.,* Samet, et al., "The National Morbidity, Mortality and Air Pollution Study: Methods and Methodologic Issues" www.healtheffects.org. Annual premature deaths from exposure to PM-10 concentration in Arizona have been estimated at 963, including 557 in Maricopa County. Arizona Department of Environmental Quality Annual Report 2000, Appendix I, Air Quality Report, p. 22-23.

In 2006 the Arizona Department of Environmental Quality (ADEQ) launched an effort to address the connection between PM-10 air pollution and the growing incidence of asthma among children in Arizona. "Protecting Our Children: Assessing the Link between PM10 Pollution and Childhood Asthma in Maricopa County," Children's Health Challenge Grant Project, Dec. 2008 http://www.azdeq.gov/ceh/download/Exchange%20Grant%20Summary.pdf (last accessed 10/13/2014). According to ADEQ's study, asthma is the most common chronic childhood disease in Arizona and a leading cause of absences from school for many Arizona children. *Id.* at 1. Asthma also can contribute to long-term lung damage and other serious health impacts in children. *Id.* ADEQ's

study demonstrated a significant increase in the likelihood that children may experience an asthma event with a relatively small PM-10 increase in ambient air. *Id.* at 11. ADEQ concluded that "[t]hese findings suggest that the at-risk population overall is greater than previously observed." *Id.* Among children ages 5-18 years there was a 13.7% increase in the occurrence of an asthma event when the PM-10 concentration increased by 36.4 µg/m3 (the change in daily average PM-10 from the 25th to 75th percentile). *Id.* at 10*; see also,* H.J.S. Fernando and others, "Children's Health Project: Linking Asthma to PM10 in Central Phoenix – a report to the Arizona Department of Environmental Quality" Arizona State University's Center for Environmental Fluid Dynamics and Center for Health Information and Research, February 16, 2009.

The 1970 Clean Air Act, as amended in 1977 and 1990, was adopted specifically to attack these kinds of health threats. Pursuant to the Act, EPA has adopted National Ambient Air Quality Standards ("NAAQS") for various air contaminants as pollution limits necessary to protect public health and welfare. 42 U.S.C. § 7409(a) & (b). Under the CAA, any area that does not meet a NAAQS is designated as a "nonattainment" area. 42 U.S.C. § 7407(d). For each such area, the Act requires states to submit a SIP to EPA to provide for attainment of the NAAQS. 42 U.S.C. §§ 7410, 7502. These SIPs must be adopted by the states after notice and public hearing, and must contain enforceable measures backed by

commitments of adequate resources and legal authority to implement them. 42 U.S.C. § 7410(a)(1) & (2).

In 1987, EPA adopted two NAAQS for PM-10: (1) a 24-hour standard of 150 micrograms per cubic meter (μg/m^3) (not to be exceeded more than once per year on average over a 3-year period) to protect against acutely hazardous levels of PM-10; and (2) an annual average standard of 50 μg/m^3 to protect against chronic exposures.[2] 52 Fed. Reg. 24634 (July 1, 1987). As amended in 1990, the Act provided that areas violating these standards be designated as "moderate" nonattainment areas for PM-10. 42 U.S.C. § 7513(a). The Act further required states to submit SIPs for these areas by November 15, 1991. 42 U.S.C. § 7513a(a)(2)(A).

In addition to the general SIP requirements, these moderate area PM-10 SIPs were required to: (1) assure that reasonably available control measures would be implemented no later than December 10, 1993; and (2) provide for attainment of the PM-10 standards "as expeditiously as practicable," but no later than December 31, 1994, except to the extent the state demonstrated that attainment by that date impracticable. 42 U.S.C. §§ 7513(c)(1), 7513a(a)(1)(B). If an area failed to meet the December 31, 1994 attainment deadline, then EPA was required to reclassify it

[2] After extensive study and an extended public comment process, EPA revoked the annual standard in 2006, but retained the 24 hour standard without change. *See* 71 Fed. Reg. 61144 (Oct. 17, 2006).

as a "serious" PM-10 nonattainment area. 42 U.S.C. § 7513(b)(2). A serious area was still subject to all of the moderate area SIP requirements, but the state also had to demonstrate that its SIP included the "best available control measures" ("BACM") to reduce PM-10 emissions, and tighter controls on large sources of PM-10 pollution. 42 U.S.C. § 7513a(b)(1). The serious area SIP revision had to ensure attainment of the standards as expeditiously as practicable, but not later than December 31, 2001. 42 U.S.C. §§ 7513(c)(2), 7513a(b)(1)(A).

The CAA authorized EPA to extend the December 31, 2001 attainment date for a serious area for up to five years if attainment by 2001 was impracticable. 42 U.S.C. § 7513(e). In order to obtain such an extension, however, a state must have complied with all requirements and commitments pertaining to that area in the implementation plan, and must have demonstrated that the plan for the area included the "most stringent measures" ("MSM") that were included in the implementation plan of any state or achieved in practice in any state and could feasibly be implemented in the area. *Id.*

Finally, the CAA also provides that serious PM-10 nonattainment areas that fail to attain by either the December 2001 deadline, or an extended deadline, are required to submit within 12 months of the applicable attainment date, "plan revisions which provide for attainment of the PM-10 air quality standard and, from the date of such submission until attainment, for an annual reduction in PM-10 or

PM-10 precursor emissions within the area of not less than 5 percent of the amount of such emissions as reported in the most recent inventory prepared for such area." 42 U.S.C. § 7513a(d).

II. The Phoenix PM-10 Plans

The metropolitan area of Phoenix, Arizona has violated federal health standards for particulates for more than 30 years. 40 C.F.R. § 81.303 (2002 and prior versions). Prior to this most recent EPA approval (which only found the area in attainment by excluding data that documented violations of the 24 hour NAAQS) the Phoenix metropolitan area has never attained the PM-10 standards and has a long history of proposing inadequate plans to address the problem. As the following review of that history demonstrates, since the 1990 Amendments to the Clean Air Act, both the State and EPA have had a poor track record of adequately responding to the problem of PM-10 pollution in the Phoenix metropolitan area. Far too often the burden has fallen on citizens to enforce the requirements of the Act. This Petition for Review is the most recent in what has become a decades-long effort by Phoenix area citizens to require their State to clean the air.

A. The First Moderate Area Plan – Disapproved.

On March 15, 1991, portions of Maricopa County, including Phoenix and adjacent cities, were designated nonattainment for the PM-10 NAAQS and

originally classified as "moderate" pursuant to section 188(a) of the Act. 56 Fed. Reg. 11101 (Mar. 15, 1991). The State submitted a moderate area PM-10 SIP for the Phoenix nonattainment area to EPA on November 15, 1991. 59 Fed. Reg. 38402, 38403 (July 28, 1994). On March 4, 1992, EPA rejected the 1991 plan as being incomplete, because, *inter alia*, the State had not shown adequate legal authority to implement the plan. *Id.* This action started a clock that would require EPA to impose a Federal Implementation Plan ("FIP") in two years (*i.e.*, by March 4, 1994) unless the state submitted a revised SIP that EPA approved before then. 42 U.S.C. § 7410(c)(1)(A).

B. Revised Moderate Area Plan -- *Ober v. Browner I*

The State made minor revisions to the 1991 plan in 1993 and early 1994, but EPA delayed action on the revised plan. The deadline for EPA to adopt a PM-10 FIP for Phoenix – March 4, 1994 – came and went without EPA either adopting a FIP or approving the State's PM-10 SIP. Accordingly, in June 1994 two Phoenix residents filed suit in U.S. District Court for the District of Arizona under the Act's citizen suit provision to require EPA to promulgate a FIP. *Ober v. Browner*, No. CIV 94-1318 PHX PGR (D. Ariz.). That suit was settled by a consent decree that required EPA to approve or disapprove the Phoenix PM-10 SIP by March 1, 1995, and adopt a PM-10 FIP for Phoenix by March 1, 1996 if the SIP was disapproved. *Id.*, consent decree lodged 11/8/94, signed 2/28/95.

On April 10, 1995, EPA published a Notice of Final Rulemaking approving the Phoenix PM-10 SIP along with the State's claim that timely attainment of the standards was impracticable. 60 Fed. Reg. 18010 (Apr. 10, 1995). On petition for review by the same Phoenix residents, this Court vacated EPA's action. *Ober v. EPA*, 84 F.3d 304, 307 (9th Cir. 1996) ("*Ober I*"). The Court found that EPA had acted illegally in approving the Phoenix plan because, *inter alia*: (1) The State had not even tried to show attainment or impracticability of attainment of the 24-hour PM-10 standard, and had not implemented all reasonably available control measures to address 24-hour violations; and (2) EPA had illegally relied on *post hoc* justifications offered by the State for rejecting numerous control measures and claiming impracticability as to the annual standard. *Id*. The Court remanded to EPA with instructions to correct these deficiencies. *Id*. at 316.

At the time *Ober I* was argued, the December 31, 1994 attainment deadline for moderate areas had passed, and EPA had proposed to reclassify Phoenix as a "serious" PM-10 nonattainment area. *Id*. at 311, n.2. This Court explicitly held, however, that reclassification to serious would not relieve the state of its obligation to prepare a moderate area plan meeting all of the Act's requirements. *Id*. EPA finalized reclassification of Phoenix to serious on May 10, 1996, and directed the State to submit a serious area SIP revision for Phoenix by December 10, 1997. 61 Fed. Reg. 21372 (May 10, 1996).

In the wake of *Ober I*, EPA directed the State to submit a PM-10 SIP revision for Phoenix by May 9, 1997 that met the moderate area requirements with respect to the 24-hour standard. 62 Fed. Reg. 41856, 41857 (Aug. 4, 1997). As for the annual standard, EPA said that the State could submit corrections to its moderate area plan at the same time it submitted its serious area plan, due December 10, 1997. *Id*. Meanwhile, the plaintiff residents resumed their District Court action to compel EPA to adopt a PM-10 FIP. That litigation led to a second consent decree that required EPA to approve or disapprove the State's plan to address 24-hour violations (*i.e.*, the one due 5/9/97) by July 18, 1997. If the agency disapproved the SIP, in whole or in part, the decree required EPA to promulgate a FIP by July 18, 1998.

C. Moderate Area Plan No. 2 (the "Microscale Plan") -- Disapproved in Part

On May 9, 1997, the State submitted the SIP revision to address violations of the 24-hour PM-10 standard in Phoenix at the five specific monitoring sites.[3] 62 Fed. Reg. at 41857. The plan indicated that 24-hour violations in Phoenix were caused primarily by fugitive dust – that is, dust or particles that become airborne due to wind, agricultural activity, traffic on unpaved roads and parking lots, earth

[3] This "microscale" plan was intended as a limited, locally-targeted plan meeting both the moderate and serious area requirements, in response to this Court's remand in *Ober I* and the redesignation of the Area as Serious. 62 Fed. Reg at 41857

moving, and other soil disruption. *Id*. at 41857. To address these sources, the plan proposed several improvements in the implementation of a local dust control ordinance, Maricopa County Rule 310. *Id*. These improvements were primarily targeted at sources such as earth-moving, disturbed cleared roads, and industrial haul roads. *Id.* The plan did not provide any new measures to address other major fugitive dust sources, including agricultural operations, vacant lots, unpaved roads, and unpaved parking lots. *Id.*

On August 4, 1997, EPA disapproved the State's plan in part because: (1) it failed to demonstrate attainment or impracticability of attainment of the 24-hour standard at two of the sites that were regularly violating the standard, or to show reasonable further progress at those sites; and (2) it failed to include all reasonably available control measures for agricultural sources, vacant lots, unpaved roads, and unpaved parking lots. 62 Fed. Reg. at 41857-8. As for agricultural sources, EPA noted in its proposed rule that the plan provided for a process to identify appropriate controls, but did "not contain any actual controls nor is there any analysis as to why RACM/BACM implementation on these sources is infeasible." 62 Fed. Reg. 31025, 31035 (May 9, 1997). EPA found that this process did not satisfy the Act's requirements and disapproved the RACM/BACM demonstrations for these sources. *Id*.

D. The Federal Implementation Plan –*Ober v. Browner II*

Pursuant to the second consent decree, EPA's partial disapproval of the second moderate area SIP triggered the Agency's duty to promulgate a moderate area FIP for Phoenix addressing both the annual and 24-hour violations. EPA proposed this FIP on April 1, 1998. 63 Fed. Reg. 15920 (Apr. 1, 1998). The proposal consisted of a fugitive dust rule to control PM-10 emissions from vacant lots, unpaved parking lots and unpaved roads in Phoenix. *Id*. at 15921. EPA did not, however, propose any new controls on agricultural emissions, but instead proposed to set up a committee to adopt unspecified agricultural controls by April 2000. *Id*. EPA projected that the FIP measures would not be adequate to attain either the annual or the 24-hour standard in Phoenix by the serious area deadline of December 31, 2001 (which EPA said was the applicable attainment date because the moderate area deadline of December 31, 1994 had passed). *Id* at 15926.

With respect to agricultural emissions, EPA found that RACM "is not being fully implemented for agricultural fields and aprons in the Phoenix area," and that "federal measures are needed to reduce PM-10 from these sources." *Id.* at 15935. The Agency noted that "wind-blown dust from agricultural fields and aprons (*i.e*., farm access roads and equipment turnaround areas) significantly contributes to exceedances of the 24-hour standard at the Gilbert and West Chandler" sites. *Id*. EPA further acknowledged that stronger controls on agricultural emissions had

been adopted and implemented in Southern California, but contended that such controls might not be appropriate in Phoenix and suggested further study. *Id.*

On August 3, 1998, EPA adopted its final PM-10 FIP for Phoenix. 63 Fed. Reg. 41326 (Aug. 3, 1998). The plan continued to defer adoption of agricultural rules. In defense of its action, EPA asserted that an enforceable commitment to adopt measures in the future was sufficient. *Id.* at 41332. The Agency said that it wanted to conduct further consultation with local agribusiness interests, and asserted that such an approach was more likely to lead to effective controls. *Id*. EPA also repeated its claim that control measures adopted in California might not be appropriate in Phoenix, and that more study was needed on the matter. *Id.* at 41333. EPA further asserted that the specific agricultural controls identified by the Governor's task force were initially intended to be voluntary and would be further evaluated during EPA's collaborative process. *Id.*

Once again, citizens filed a Petition for Review of EPA's action in promulgating the FIP. *Ober v. Whitman*, 243 F. 3d 1190 (9th Cir. 2001). On January 15, 1999, *Ober II* petitioners filed their opening brief in which they contended that the FIP violated the Clean Air Act because, among other things, it illegally deferred controls on agricultural pollution. *See* Brief for Petitioners filed in No. 98-71158. The *Ober II* Petitioners also challenged EPA's failure to apply RACM to sources that it deemed were "*de minimis*." *Ober II*, 243 F. 3d at 1190.

Before filing its response brief, EPA proposed a revision to the Arizona SIP which addressed agricultural emissions. On May 29, 1998, Arizona Governor Hull signed into law Senate Bill 1427 which revised title 49 of the Arizona Revised Statutes by adding section 49-457. Ariz. Sess. Laws Ch. 217 (1998). This legislation established an agricultural best management practices ("BMP's") committee for the purpose of adopting by June 10, 2000 an agricultural general permit rule specifying BMP's for regulated agricultural activities to reduce PM-10 emissions in the Phoenix PM-10 nonattainment area.[4] 63 Fed. Reg. 71815, 71816 (Dec. 30, 1998).

On September 4, 1998, the State submitted A.R.S. § 49-457 to EPA for inclusion in the SIP for the Phoenix PM-10 nonattainment area as meeting the RACM requirements of CAA section 189(a)(1)(c) for agricultural sources. 63 Fed. Reg. at 71816-17; s*ee* 42 U.S.C. § 7513a(a)(1)(C). The State requested that the Agency approve the legislation into the Arizona SIP and withdraw the FIP commitment to develop controls on agricultural sources. 63 Fed. Reg. at 71815. EPA gave notice of its intention to do just that in a proposed rulemaking dated December 30, 1998. *Id.*

[4] "Regulated agricultural activities" were defined as "commercial farming practices that may produce PM-10 particulate emissions within the Maricopa PM-10 particulate nonattainment area." A.R.S. § 49-457(N)(5).

E. Agricultural BMP Committee – *Ober v. Browner III*

Arizona citizens again petitioned for review, asserting that the substituted commitment by the State to adopt controls in the future was inadequate for the same reason that EPA's commitment in the FIP was inadequate. *Ober v. Browner*, No. 99-71107. (*Ober III*). This Court, however, never reached that issue. While *Ober III* was pending, the State completed the rulemaking for the agricultural BMPs and the action with regard to that issue was dismissed as moot. With respect to the remaining issue raised in *Ober II*, whether EPA could properly exempt *de minimis* sources from RACM, this Court found that EPA could exempt such sources because the statute did not expressly exclude it from doing so and the requirement that the state adopt "reasonably" available control measures allowed for the exercise of agency judgment. 243 F. 3d at 1195.

F. Serious Area Plan

As noted above, while *Ober I* was pending, the Phoenix area was reclassified as serious nonattainment. Pursuant to section 189(b)(2) of the Act, 42 U.S.C. § 7513a(b)(2), the State was required to submit a serious area plan addressing both the 24 hour and annual PM-10 NAAQS for Phoenix by December 10, 1997. On February 25, 1998, EPA published its finding that Arizona had failed to submit the required serious area plan. 63 Fed. Reg. 9423 (Feb. 25, 1998) (effective February 6, 1998). This finding triggered both a sanctions clock and a

FIP clock. *Id.* at 9424. Thus, the Administrator was required to promulgate a PM-10 FIP for Phoenix by February 6, 2000, unless by that date the Administrator approved the state's serious area PM-10 plan for Phoenix. 42 U.S.C. § 7410(c)(1).

On February 16, 2000, the state submitted a Serious Area PM-10 Plan ("SAPP") to EPA, which EPA found "complete" on February 25, 2000. 65 Fed. Reg. 19964, 19970 (Apr. 13, 2000). Pursuant to section 110(k)(2) of the Act, the Administrator had until February 25, 2001 to approve or disapprove the SAPP. *Id.*; 42 U.S.C. § 7410(k)(2).

On April 13, 2000, EPA proposed to approve the SAPP for the annual standard, but took no action on that portion of the plan which addressed the 24 hour standard. 65 Fed. Reg. at 19964. Consequently, in May 2001, Petitioners filed a citizen suit in U.S. District Court on behalf of Phoenix residents to compel EPA to take action. *Bahr v. Whitman*, CIV 01-0835 PHX ROS (D. Ariz.) Once again, the parties entered into a Consent Decree requiring EPA to take action on the 24 hour standard on or before September 14, 2001, and to approve or disapprove the entire plan by January 14, 2002. *Id.*, 66 Fed. Reg. 44343 (Aug. 23, 2001).

Because the Phoenix area was designated "serious nonattainment," its area plan was required to include "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." 42 U.S.C. § 7513a(b)(1)(B). Phoenix was reclassified as "serious" on May 10, 1996, effective June 10, 1996. Therefore, all, BACM was to be implemented by June 10, 2000.

In the SAPP submitted to EPA, the State also clai med that it was unable to attain either the annual or 24 hour standard by the serious area deadline of December 2001 and, therefore, sought an extension of the attainment date of December 31, 2001 pursuant to 42 U.S.C. § 7513(e). As noted above, in order to qualify for an extension under this provision, however, the plan must include the most stringent measures ("MSM") 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." 42 U.S.C. § 7513(e).

EPA's final approval of the SAPP was published on July 25, 2002. 67 Fed. Reg. 48718 (Jul. 25, 2002). The approval also granted the Phoenix area the maximum five year extension of the attainment deadline, giving the area until December 31, 2006 to come into compliance with the NAAQS. *Id.* Arizona citizens once again filed a Petition for Review of the SAPP with this Court. *Vigil v. Leavitt*, 381 F. 3d 826 (9th Cir. 2004). The Petition for Review asserted that the State had failed to comply with the BACM and MSM requirements in its SAPP when it failed to include CARB diesel as a control measure for diesel emissions

and failed to include all feasible controls in its permit program for agricultural emissions.

This Court granted the Petition in part and denied it in part. It upheld EPA's action on the agricultural control measures, rejecting the argument that they were not sufficiently stringent, but held that EPA's approval with respect to CARB diesel was arbitrary and capricious and remanded the action to EPA for further consideration of whether Arizona's decision to reject CARB diesel as an emissions control measure satisfied BACM and MSM. The Court also remanded the question of Arizona's eligibility for the extension of the attainment deadline insofar as that question depended on EPA's determination regarding MSM. *Vigil*, 381 F. 3d at 847.

In June 2005, EPA proposed to reapprove the BACM and MSM demonstrations and the SAPP and finalized the re-approval in July 2006. 71 Fed. Reg. 43979 (Aug. 3, 2006). Citizens again petitioned for review. *Silver v. Johnson,* No. 06-74701. However, that action was resolved through a voluntary remand when it became apparent that under the SAPP the state would not be able to meet the extended December 31, 2006 deadline for attainment. In March 2007, EPA filed a proposed finding of nonattainment and the final notice of nonattainment was published on June 6, 2007. 72 Fed. Reg. 31183 (June 6, 2007).

G. The 2007 Five Percent Plan—*Withdrawn in the face of proposed disapproval*

The notice of nonattainment by the extended December 2006 deadline triggered the obligation on the part of the state, under section 189(d) of the CAA, to submit within twelve months of the missed deadline, a plan demonstrating attainment and an annual reduction of PM-10 or PM-10 precursors of at least 5% based on the latest emissions inventory. 42 U.S.C. § 7513a(d).

Arizona submitted its "MAG 2007 Five Percent Plan for PM-10 for the Maricopa County Nonattainment Area"("2007 Five Percent Plan") to EPA by the December 2007 deadline and EPA had six months, or until June 30, 2008 to find the plan "complete." 42 U.S.C. § 7410(k)(1)(b). Because EPA did not take action by that date, the plan was deemed "complete" by operation of law and EPA had 12 months to approve or disapprove the plan. *Id.* at (k)(2). Thus, in the case of the 2007 Five Percent Plan, EPA had until June 30, 2009 to approve or disapprove the submitted plan. When, once again EPA missed its deadline and failed to take action on the 2007 Five Percent Plan, Petitioners filed an action in federal district court requesting enforcement of that deadline. *Bahr v. Jackson*, CV09-2511-PHX-MHM (D. Ariz.).

Once again, the parties negotiated a Consent Order. The Order set two deadlines: a deadline of September 3, 2010 for the EPA to take proposed action on the 2007 Five Percent Plan and a deadline of January 28, 2011 for EPA to take

final action. 75 Fed. Reg. 38520 (July 2, 2010). In September, 2010, the EPA proposed to disapprove substantial parts of the plan finding that it was deficient, for several reasons. EPA found that the State did not correctly inventory the sources of PM-10, resulting in a plan that did not satisfy the requirements of the Act. Further, although the Area's monitors had recorded numerous exceedances of the 24 hour standard in both 2008 and 2009[5], the State had flagged all but one of those exceedances as "exceptional events" under the Exceptional Events Rule ("EER") codified at 40 C.F.R. § 50.1 and § 50.14. 75 Fed. Reg. 54806, 54,814 (Sept. 9, 2010), ER 372-387, AR C.13. After evaluating four of the flagged 2008 exceedances recorded at the West 43rd Avenue monitor in south-central Phoenix, EPA concluded that they did not meet the requirements of the EER and, therefore, did not concur with the State's request to exclude the data. Because those four exceedances were enough to prevent the State from demonstrating attainment by the December 2010 deadline as projected in the 2007 Five Percent Plan, EPA proposed to disapprove the attainment demonstration. EPA declined to evaluate the remaining exceptional event claims for 2008 or the claims for 2009. *Id.* at fn. 19.

[5] According to Table 3-4 of the 2012 Five Percent Plan, ER 285, AR B.1.a at p. 3-11, in 2008 the Area recorded 15 exceedances over 11 days and flagged 14 of them as exceptional events. In 2009, the Area recorded 25 exceedances over 7 days. *Id.*

Although EPA found the 2007 Five Percent Plan noncompliant with respect to the emissions inventory and the attainment demonstration, it nonetheless proposed a partial approval. Specifically, EPA proposed to approve additional control measures that had been adopted by the state legislature since those controls had the effect of strengthening the SIP. *Id.* at 54811-12.

However, EPA singled out one of those additional control measures for special treatment and discussion. The State had included an updated "Agricultural PM-10 General Permit" (ACC R18-2-611), in the 2007 Five Percent Plan as a contingency measure. 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 best management practices that were 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. Thus, EPA concluded that the rule no longer qualified as BACM. *Id.* at 54813.[6]

In response to EPA's proposed action, on January 25, 2011, the state withdrew its 2007 Five Percent Plan. A few days later, on January 31, 2011, the

[6] EPA had previously written a letter to the Chairman of the Agricultural Best Management Practices Committee discussing the need to strengthen the 2007 Rule and, in particular, include control measures specific to high wind events (Letter dated April 14, 2010 from Colleen McKaughan to Dan Thelander). ER 357.

EPA found that Arizona failed to make a SIP submittal required under the CAA for the Maricopa County PM-10 nonattainment area by the required deadline. 76 Fed. Reg. 8300-8303 (Feb. 14, 2011). This finding triggered an 18-month clock for mandatory sanctions and a two year clock for a yet another FIP. *Id.*

H. The Replacement Five Percent Plan.

On May 25, 2012, the State submitted the 2012 Five Percent Plan, its 5% replacement plan, to the EPA. 79 Fed. Reg. 7118, 7119 (Feb. 6, 2014). The agency was required to approve or disapprove the 2012 Five Percent Plan by February 14, 2013. Once again, however, EPA failed to act by the nondiscretionary deadline. So, once again, Petitioners filed a lawsuit in federal district court, *Bahr v. McCarthy,* 2:13-cv-00872 SMM. The lawsuit resulted in a negotiated consent judgment with agreed upon dates for EPA to act. In accordance with the deadlines set forth in the consent decree, EPA published its proposal to approve the 2012 Five Percent Plan in early February 2014. 79 Fed. Reg. at 7118. ER 211-219; AR A.2.

In the proposed rulemaking, EPA explained that it was approving the plan and finding that the area "attained" the standard by December 2012 despite the fact that monitors in the area had reported 133 exceedances of the 24 hour standard during the years 2010, 2011, and 2012. *Id.* at 7122; ER 215. At the request of the

state, EPA had agreed to treat a total of 131 exceedances over 25 separate days[7] during 2011 and 2012 as "exceptional events" and exclude them from the data. *Id.* If these exceedances were not excluded, 15 of the 16 monitoring sites that reported exceedances would be violating the standard by a significant measure. ER 359-60; AR E.7 pp. 4-5.

At the time of these exceedances, by EPA's own assessment, BACM were not in place. That is because 105 of the exceedances that EPA has proposed to exempt occurred in 2011. During that time period, the 2007 Maricopa BMP Rule was the only control measure in place for agricultural emissions and, as noted above, EPA had expressly found in its 2010 proposed rulemaking that the Rule no longer represented BACM for agricultural emissions. Further, 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. ER 357; AR E.7 p. 2. The revised BMP rule, which was adopted in December 2011 and went into effect in March 2012, did not include such a provision. A.A.C. R 18-2-610.01. Nor was that Rule included in the 2015 Five Percent Plan. 2012 Five Percent Plan, Appendix D. ER 353-355; AR B.1.c.

[7] As EPA acknowledged in the final rulemaking, there was some discrepancy in the actual number of exceedances in the proposed rulemaking. The actual number concurred in by EPA was 135 exceedances. ER 4.

In its rulemaking, EPA also proposed to approve the attainment demonstration without first resolving the status of thirty additional exceedances that had occurred over six days in 2013 which ADEQ had also flagged as "exceptional events" but had not yet been analyzed or concurred in by EPA. 79 Fed. Reg. at 7122, n. 16. ER 215, AR A.2 at 7122.

Petitioners raised these concerns, along with others, in the comments they submitted to EPA. ER 256-371, ARE.7 &10. However, EPA finalized the proposed rule and approved the 2012 Five Percent Plan on May 30, 2014. AR H.2, published 79 Fed. Reg. 33107 (June 10, 2014), ER 1, AR H.3.

SUMMARY OF ARGUMENT

The 2012 Five Percent Plan adopted by the State of Arizona for the Phoenix nonattainment area and approved by EPA, is, once again, inadequate. Rather than actually addressing the long-standing problem of PM-10 pollution, the 2012 Five Percent Plan demonstrates "attainment" by ignoring multiple monitor violations by treating 135 exceedances, many of which are "severe" by EPA's own definition, as "exceptional events." EPA's decision to concur with the State's request to exclude this data is not only inconsistent with the guidelines set forth in its Interim Guidance on high wind events, but fails to even acknowledge or address that inconsistency, and completely ignores its own earlier finding in a 2010 proposed

rulemaking that the agricultural control measures in the nonattainment area are no longer BACM.

EPA's approval of the 2012 Five Percent Plan is also contrary to the CAA because the plan fails to include a BACM demonstration required by Section 189(b)(1)(B) for serious area plans, or a demonstration that the plan contains MSM, which is required as a result of the 5 year deadline extension granted to the State under Section 188(e). In fact, as EPA has recognized previously, the current SIP, even with the revisions included in the 2015 Five Percent Plan, does not satisfy the BACM or MSM requirements.

Finally, EPA acted contrary to the clear requirements of the CAA when it allowed the State to satisfy the requirement of "contingency measures"—specific measures to be undertaken in the future if the Area fails to achieve timely progress or attainment—with control measures that are already being implemented. Existing controls cannot serve the function of contingency measures, which must consist of additional measures to be triggered if the area fails to achieve timely progress or attainment.

ARGUMENT

I. EPA's Proposal to Exclude 135 Exceedances that Occurred Over Twenty Five Days Within a Two-Year Period As "Exceptional Events" Represents an Abuse of Discretion and Is Contrary to Law.

In 2005, Congress amended the Clean Air Act to require EPA to promulgate regulations governing air quality monitoring during "exceptional events." 42 U.S.C. § 7619(b). The amended statute defined "exceptional event" as an event that "(i) affects air quality; (ii) is not reasonably controllable or preventable; (iii) is an event caused by human activity that is unlikely to recur at a particular location or a natural event; and (iv) is determined by the Administrator . . . to be an exceptional event." *Id*. § 7619(b)(1)(A). Congress explained that EPA's implementing regulations should allow for exclusion of air quality data caused by exceptional events, "which are part of natural ecological processes, which generate pollutants themselves *that cannot be controlled* ..." H.R. Conf. Rep. No. 109-203, 109th Cong., 1st Sess. at 1066-67 (2005) (emphasis added). Thus, EPA may exclude monitoring data indicating an air quality exceedance only in very narrow circumstances - i.e., if the exceedance is caused by an event that meets the statutory definition of an "exceptional event," if the State demonstrates that there is a "clear causal relationship" between the measured exceedance and the exceptional event based on "reliable, accurate data," and if there is a public process for determining whether the event in question is exceptional. 42 U.S.C. §

7619(b)(3)(B). Section 319 emphasizes that, in exercising this authority, EPA must follow the principle that "*protection of public health is the highest priority*." *Id.* § 7619(b)(3)(A)(i) (emphasis added). The courts have further held that, under the Clean Air Act, where Congress has "delegated to an administrative agency the critical task of assessing the public health and the power to make decisions of national importance in which individuals' lives and welfare hang in the balance," EPA has the "heaviest of obligations" to explain its reasoning. *American Lung Ass 'n v. EPA*, 134 F.3d 388, 392 (D.C. Cir. 1998).

In 2007, EPA, as directed by Congress, promulgated the EER, the regulation which would govern the exclusion of emissions data during "exceptional events." 72 Fed. Reg. 13560 (Mar. 22, 2007). The final rule's definition of "exceptional events," codified at 40 C.F.R. § 50.1(j), repeats the statutory language. The EER further defines "natural event" as "an event in which human activity plays little or no direct causal role." 40 C.F.R. § 50.1(k). In the preamble to the EER, EPA explained that "high wind events" would fall under the category of "natural events," (as opposed to "an event caused by human activity that is unlikely to recur at a particular location"), and that an event involving windblown dust solely from undisturbed natural sources is clearly a natural event. However, where high wind events involve windblown dust from anthropogenic sources, the event will only be considered a "natural event," if the state demonstrates that those sources are

"reasonably well-controlled at the time that the event occurred ...." 72 Fed. Reg. at 13576. The rule also establishes a procedure where states "flag" anomalous data caused by exceptional events, and EPA then reviews the flagged data to determine whether to exclude it from the set of data used in reviewing compliance with its air quality standards. 40 C.F.R. § 50.14. The Rule requires that data "shall not be excluded" from an attainment determination "unless and until, following the State's submittal of its demonstration . . . EPA notifies the State of its concurrence." *Id*. § 50.14(c)(2)(ii).

In May 2013, EPA published an "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," ("Interim Guidance"). ER 109-190, AR C.18. According to the Interim Guidance, it is intended to provide guidance and interpretation of the EER and is not binding on any party. Interim Guidance at 1; ER 109. The Interim Guidance sets forth the elements of the technical demonstration that states must make for "high wind dust events," and states that if a demonstration does not sufficiently address one of the elements, EPA will not be able to concur with the request to exclude data under the EER. *Id.* at 2, ER 110. EPA further states that it will employ a "weight-of-evidence" approach to assess demonstrations on a "case-by-case" basis. *Id.*

Among the elements set out by EPA is the requirement that the state demonstrate that an exceedance or violation sought to be excluded was "not reasonably controllable or preventable." *Id.* at 3, ER 111. The Interim Guidance states that "EPA anticipates all upwind areas of disturbed soil to be considered potential contributing sources." *Id.* at p. 42, (6.3.2.3 Basic controls analysis), ER 153. 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." *Id.*

Notably, EPA advises that "[e]xceedances caused in whole or in part by anthropogenic dust sources within the air agency's control are unlikely to be eligible for treatment as exceptional events under the EER, *even under conditions of elevated winds*, unless the air agency shows that the event, including the emissions from the anthropogenic dust sources, was not reasonably controllable or preventable." *Id.*at 3(emphasis added) ER 114. In evaluating whether an event is "reasonably controllable," the Interim Guidance states that EPA will consider among other things, the controls in place, the controls required by the SIP, the frequency and severity of the exceedances, contributing sources, and other factors. *Id.* The Guidance defines "frequent" as "enough exceedances from high wind dust events to cause [a] violation of the NAAQS." *Id.* at p. 13, fn. 25, ER 124.

Likewise, it defines a "severe exceedance" as having a 24 hour average PM-10 concentration of greater than 250 $\mu g/m^3$. *Id.* at fn. 26.

In this case in order to approve the 2012 Five Percent Plan and find that the Area "attained" the NAAQS for PM-10 by the extended December 2012 deadline, EPA had to exempt 135 exceedances that occurred over 25 days during 2011 and 2012. By excluding the data, EPA and ADEQ misrepresent the extent of the particulate pollution in the Area to the grave detriment of public health. If these exceedances were not excluded, 15 of the 16 monitoring sites that reported exceedances that EPA agreed to treat as exceptional events would be violating the standard (a three year average of not more than one exceedance) by a significant measure (the violating monitors are in bold):

Recorded Exceedances When Data is Not Excluded[8]

Monitor/Site	2011	2012	3 yr. avg.
Apache Junction	**6***	**0**	**2**
Buckeye	**10***	**2***	**4**
Central Phoenix	**8**	**1**	**3**
Durango Complex	**8**	**4**	**4**

[8] Petitioners submitted a similar chart in their comments; however, the chart set forth here differs slightly. As explained in Petitioners' comment letter, there was some inconsistency in the administrative record about the actual number of exceedances which EPA proposed to exclude. The chart in the comment letter was based on 127 exceedances; this chart includes all 135 exceedances, the number clarified by EPA in the final rulemaking. It also includes additional exceedances recorded but not submitted by the State as exceptional events as reflected on the "Exceptional Event Concurrence Tracking Sheet" that was posted to the docket on June 10, 2014, the date the final rulemaking was published. ER 108; AR F.4.

Dysart	**5**	**1**	**2**
Glendale	**5**	**1**	**2**
Greenwood	**7**	**2**	**3.33****
Higley	**8**	**4***	**4**
JLG Supersite	**10**	**2**	**4**
North Phoenix	**4**	**1**	**1.66**
South Phoenix	**9***	**3**	**4**
Tempe	0	1	.33
West 43rd	**7**	**7***	**4.66**
West Chandler	**11**	**5***	**5.33**
West Phoenix	**8**	**1**	**3**
Zuni Hills	**3**	**2***	**1.66**
Total	105	30	

*Includes one or more recorded exceedance not submitted as EE per tracking sheet;
**Includes one exceedance recorded in 2010.

Thus, given the number of monitors recording enough exceedances to cause violations, the exceedances are, by EPA's definition, very "frequent." Moreover, as the following chart shows, 46 of the 135 exceedances that EPA has proposed to exclude are greater than 250 μg/m^3, 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 μg/m^3") ER 124. And the severe exceedances are spread over 14 different days:

Exceedances with 24 Averages > 250 μg/m^3

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 43rd	369
8/25/2011	Buckeye	388
8/25/2011	Durango Complex	436
8/27/2011	Durango Complex	261
8/27/2011	West 43rd	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 43rd	254

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, EPA's analysis regarding whether the sources of the exceedances were not reasonably controllable or the exceedances were preventable should have been probing and consistent with the Interim Guidance. Instead, in the analysis accompanying the concurrence letters, EPA simply took at face value the assertions by ADEQ that BACM level controls were in place at the time of the events—even though EPA had itself advised the State that the current agricultural controls were no longer BACM. EPA simply concurred—without acknowledging the inconsistency—that the events were not reasonably preventable. See Concurrence Documents, ER 11-107, *passim* (discussed more fully below).

Moreover, when the 135 exceedances from 2011 and 2012 are considered in the aggregate, and compared to the exceedances that the state also flagged as due to exceptional events in 2006, 2007, 2008, and 2009, as well as the 30 exceedances

flagged in 2013, there is a clear pattern that demonstrates that these are neither exceptional nor isolated events:

Exceedances Flagged As Exceptional Events by Month

Monitors Reporting Exceedances (number of days exceedances reported)

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec
2013				12(1)		10(1)	2(1)	5(2)		1		
2012		1				20(2)	4(1)	4(2)	1			
2011		2(1)					36(6)	30(6)	18(3)	2(1)	17(1)	
2010												
2009			2(2)	1			15(2)		2(1)	5(1)		
2008			2(2)	1	1	3(1)	2(2)			2(2)	4(2)	
2007			1	2(1)	1	2(1)	6(1)	4(3)		2(2)	2(1)	
2006			3(1)	12(2)	1	1						
Total		3(2)	8(6)	28(6)	3(3)	36(6)	65(13)	43(13)	21(5)	12(7)	23(4)	

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 EPA's concurrence is contrary to law are discussed more fully below.

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 EER submissions, ADEQ repeatedly made 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. *See* "Excerpts from State Submittals on Exceptional Events", ER 191-210, which catalogs the boilerplate language repeatedly used by the State in each of its EER submissions. That assertion, however, is misleading at best. Moreover, although having BACM in place during the time of the event is an important consideration, as noted above, EPA has indicated that it may not be sufficient on its own. Interim Guidance, p 15, ER 127. According to EPA, BACM measures may be insufficient if the SIP has not been recently reviewed. *Id.* In its Interim Guidance, EPA indicated that it generally 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.* Further, the controls must be specific to windblown dust, as opposed to other conditions, such as winter stagnation events. *Id.*

As set forth in the Statement of Facts above, the last full BACM demonstration approved by EPA for the Area was in 2002, with a supplemental analysis of CARB diesel (not a control specific to windblown dust) in response to a remand in 2006, well outside the three year window recognized by EPA in its guidance. Moreover, 105 of the 135 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 Maricopa BMP Rule was subsequently revised in 2011, 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 late March 2012 at the earliest. 2015 Five Percent Plan, Appendix D, AR B.1.c, ER 353-55; A.C.C. R18-2-610.01(B)("A commercial farmer, who begins a regulated agricultural activity after January 1, 2012, shall comply with this Section within three months of beginning the regulated agricultural activity.") Thus, for at least 105 of the 135 exceedances at issue, the State cannot satisfy the requirement that dust originating from anthropogenic sources within the nonattainment area were actually controlled with BACM.

As for the exceedances that occurred after the Rule was revised, the record does not support the State's claim (and EPA's concurrence) that BACM was in place during that time period either. In 2010, while revisions to the Maricopa BMP Rule were being considered, EPA wrote the BMP Committee and suggested that in light of all of the High Wind Exceptional Event requests, the Committee should consider making "no till" and "no harvest" mandatory on high wind days. The Committee, however, ignored that suggestion and the revised Maricopa BMP Rule continues to treat no till / no harvest on high wind days only as voluntary—one of several control measures that a source can choose to implement. A.C.C. R18-2-610.01(E)(6)(7). Nor does the current rule require a commercial farmer to adopt the most effective BMP that is feasible. A farmer in a serious nonattainment area need only select any two control measures off the menu regardless of efficacy; and a farmer in a moderate nonattainment area is only required to select one. *Id.* at (C) and (D). Thus, although agricultural controls were in place at the time of the 2011 and 2012 events, by EPA's own assessment, they weren't BACM level controls at least through the entirety of 2011, and likely into 2012.

Yet, in spite of these previous pronouncements by EPA that the Agricultural BMP Rule no longer qualified as BACM, both in a formal rulemaking and in official correspondence with the State, in its concurrence analysis, EPA ignored its earlier assessments and simply repeated the State's assertion that "BACM-

approved control measures on significant anthropogenic sources were in place and enforced during the events…." ER 11-107 *passim*.[9] EPA did not even address the fact that the BACM analysis relied upon by the State, completed in 2002, was far outside the minimum three year window it had identified in the Interim Guidance let alone attempt to explain why it was departing from that recommendation. Nor did EPA make any attempt to determine or even address whether, notwithstanding the out of date demonstration, the controls in place during the events did, in fact, represent BACM. EPA and ADEQ simply ignored the EPA's finding in 2010 that the Agricultural BMP Rule was no longer BACM, and relied instead, without explanation, upon the outdated, prior approval of the Rule over a decade ago to claim that there were "BACM-approved controls" in place.

It is a well established principle that an agency has a duty to explain when it makes a decision that departs from precedent. *See Atchison, Topeka & Santa Fe Ry. Co. v. Wichita Bd. of Trade,* 412 U.S. 800, 808 (1973) (plurality opinion) (describing an "agency's duty to explain its departure from prior norms" and holding that when an agency departs from prior norms, its reasons "must be clearly set forth so that the reviewing court may understand the basis of the agency's

[9] As a review of the documentation shows, just as the State's submittals included boilerplate language regarding "BACM-approved" measures (See ER 191-120 for quoted excerpts), the EPA's concurrence document simply quoted that boilerplate uncritically, accepting it at face value. *See e.g*. AR D.3.a at p. 2-3 (ER 14-15); AR D.3.b at pp. 5, 9, 14, 23, 29 (ER 26, 30, 35, 44, 50 respectively).

action and so may judge the consistency of that action with the agency's mandate"). This principle applies when an agency applies a legal standard inconsistently, *see, e.g., W. States Petroleum Ass'n v. EPA*, 87 F.3d 280, 285 (9th Cir. 1996), or departs from longstanding practice "without supplying a reasoned analysis for its change of course," *Nw. Envtl. Def. Ctr. v. Bonneville Power Admin.,* 477 F.3d 668, 687-88 (9th Cir. 2007). As this Court explained in *Northwest Environmental,* "an agency changing its course must supply a reasoned analysis indicating that prior policies and standards are being deliberately changed, not casually ignored, and if an agency glosses over or swerves from prior precedents without discussion it may cross the line from the tolerably terse to the intolerably mute." *Id.* (internal quotation omitted). The same principle applies when an agency departs from its own guidance, *see, e.g., Redland Genstar, Inc. v. United States,* 39 Fed. Cl. 220, 234 (Fed. Cl. 1997)("The Corps is certainly entitled to depart from previous practice and the non-binding engineering guidance …but it must provide a rational basis for doing so.").

Thus, EPA's decision to exclude all 135 exceedances under the EER without first addressing its own earlier conclusions regarding the lack of BACM level controls on agricultural emissions in the nonattainment area or explaining its departure from the stated requirement in the Interim Guidance that BACM demonstrations must be relatively recent, preferably within three years, to establish

that anthropogenic sources were "reasonably controlled," was arbitrary and capricious and contrary to law.

In the final rulemaking, EPA attempts to justify the reliance on the 2002 demonstration by first asserting that most of the emissions in the area are from construction, paved and unpaved road dust, and windblown dust, and then claiming without any record support that "the range of potential measures for controlling emissions from these source categories…have not significantly changed since 2002." 79 Fed. Reg. at 33112, ER 6. Thus, EPA concludes that it was appropriate to rely upon the 2002 BACM demonstrations. However, EPA immediately undercuts that rationalization by pointing out that since 2002, the State has submitted and EPA has approved several SIP revisions to rules regulating windblown dust which are more stringent than those found to be BACM in 2002. This increase in stringency clearly indicates that the control measures found to be BACM in 2002 are no longer the "best available control measures," or certainly "most stringent measures." It may be that with the intervening SIP revisions and their more stringent controls, the measures currently in place are, indeed, BACM and/or MSM. However, because EPA has declined to require an updated BACM and MSM demonstration and failed to address the issue in its concurrence, we cannot know whether that is true or not.

Finally, EPA argues that the Interim Guidance's three year guideline does not preclude the State or EPA from relying upon a BACM demonstration more than three years old. *Id*. Petitioners do not disagree. Yet, it is fundamental that if the State and EPA are going to depart from the Guidance's recommendation, it is incumbent upon them to acknowledge the departure and explain why it is justified under the circumstances. Not only did they fail to do so here, they ignored EPA's own findings that at least some of the controls were, in fact, no longer BACM.

EPA's excuse for ignoring its earlier pronouncements regarding the Agricultural BMP Rule is to downplay the significance of agricultural emissions in the area. *Id.* This rationale, provided only in the final rulemaking in the response to comments and not discussed anywhere in the concurrence documents, might have some validity if EPA had focused on the source of emissions for the exceedances at issue, as opposed to the annual inventory. The State's submittals for the exceedances clearly recognize that agricultural emissions, both inside and outside the Area, are among the sources of windblown dust, which is undoubtedly why the documentation also includes the Agricultural BMP Rule among the control measures that the State claims are "BACM-approved." (The Maricopa Agricultural BMP Rule is cited as a BACM-approved control measure in every single EER submission) *see, e.g*. AR D.3.f, pp. 39-40; D.3.g, 2/19/2011 submission, pp. 17-18; 7/18/2011 submission, p. 18.

What is even more indefensible, however, is EPA's final claim that because the State was able to model its required 5% reduction without relying on additional reductions from the Maricopa Agricultural BMP Rule, those reductions were not necessary to demonstrate "attainment." 79 Fed. Reg. at 33109, ER 3. This "through-the-looking-glass" justification completely ignores that the demonstrated attainment is a fiction, and that the State was only able to "demonstrate" it by ignoring 135 exceedances of which at least 105 occurred when the state, by EPA's own assessment, did not have BACM level control measures in place all anthropogenic sources. Instead of simply ignoring the multiple violations of the standard to achieve "attainment" on paper, EPA should be insisting that the State adopt and implement BACM level controls both within and outside the nonattainment area so that in the future, high winds do not routinely create a wall of dust that overtakes the region and the public health is protected. In order words, require actual attainment.

B. The State 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 [are] to be considered potential contributing sources." Interim Guidance, 6.3.2.3 Basic controls analysis, ER 153. 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." *Id.* 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" under the circumstances.

First, in all but one of the exceptional events demonstrations submitted by the State, it claims that the events were caused by "winds transporting dust from desert areas" of Pinal County or Pima and Pinal counties. See ER 191-210. However, the State makes no attempt to determine the various contributing sources located in the region, as required under the Interim Guidance. *See, e.g*. Interim Guidance 3.1.5.1 ("[T]he air agency should identify likely contributing sources in the upwind source area...."), ER 130. Using virtually identical language in each submittal, the State attempts to excuse this omission by, essentially, claiming that it is too hard:

> The nature of these monsoonal dust events is such that specific source areas are difficult to determine as outflow from thunderstorms can carry dust over vast distances encompassing many source areas. Because of this, it is more appropriate to speak of general source regions for these monsoonal dust storms which typically are identified based upon the locations

> of the thunderstorms that are believed to have created the dust generating and carrying outflow winds.

See ER 191-210. Other than characterizing the source region as "desert" of Pinal County or "deserts" of Pinal and Pima Counties, the State makes no effort to identify the specific sources of the dust or to distinguish between natural sources and anthropogenic sources. However, that issue is critical to the determination of whether the event qualifies as a "natural event" under the EER.

While several of the thunderstorms that gave rise to the high winds in question no doubt traveled over undisturbed, natural desert, the region to the south of the Area also contains a significant number of anthropogenic sources of dust. In fact, western Pinal County, designated nonattainment for PM-10, 77 Fed. Reg. 32024 (May 31, 2012), records some of the highest monitor readings for particulate matter in the State of Arizona. See "U.S. EPA Fact Sheet, West Pinal County, Arizona Redesignation to Nonattainment for the 1987 24-hour PM10 National Ambient Air Quality Standard, May 22, 2012, available at http://www.epa.gov/region9/air/az/pinal/Pinal-PM10-factsheet.pdf (last accessed 10/12/2014) ("Fact Sheet"). Sources for PM-10 emissions in the West Pinal Nonattainment Area include on-road emissions, cattle operations, agriculture, and construction. 77 Fed. Reg. at 32027. These sources of PM-10 are located throughout the western portion of Pinal County. *Id.* *See also,* Fact Sheet, p. 4.

Yet, the State's submission makes no effort to assess the extent to which these sources contributed to the exceedances at the Area's monitors.

Second, the fact that some of the sources that contributed to the exceedances 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. Interim Guidance, Frequently Asked Questions, p. 26. 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). *Id.* 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.

Finally the controls cited by the State for Pinal County do not qualify as "reasonable controls." As EPA noted in its Interim Guidance, even BACM/RACM level controls may not be sufficient to establish that sources were subject to "reasonable controls." Interim Guidance at 15, ER. 126. And not even the State has suggested that the Pinal County control measures are close to BACM. A review of the control measures cited by the State (Pinal County Article 2 and

Article 3, reproduced in the Addendum) demonstrates that they do not provide "reasonable controls" for all of the emission sources in the case of a high wind event. Article 2 addresses dust-causing activities including some agricultural activities, but does not require any sort of control that is designed to prevent emissions caused solely by high wind events. Article 3 is more specific than Article 2 and admittedly more stringent than Article 2, but its applicability is limited to construction sites. As EPA acknowledged in its final rulemaking, agricultural emissions are a significant source in portions of Pinal County. 79 Fed. Reg. at 33113, ER 7.

The fact that a western section of Pinal County was only recently designated nonattainment and is in the process of preparing its moderate nonattainment SIP does not excuse the required showing that sources in that county were subject to "reasonable controls" in order to exclude the data under the EER. Moreover, had they evaluated the reasonableness of the controls in Pinal County in 2011 and 2012, both ADEQ and EPA should have taken into account the fact high wind events have been particularly problematic in both Pinal County and the Area since at least 2005 (see 2012 Five Percent Plan, Table 3-3; ER 284; AR B.1.a at 3-10). Thus, the State has been on notice of the problem for almost a decade now and has an obligation separate and apart from any SIP requirements for Pinal County to address this serious public health issue

If the State is so determined to achieve "attainment" in the Area by excluding the overwhelming majority of exceedances under the EER, it is obligated, at a minimum, to ensure that the anthropogenic sources of dust outside the nonattainment area and frequently in the path of high winds are subject to some reasonable level of control. Because it has not done that in the case of the 135 exceedances experienced in 2011 and 2012, EPA abused its discretion when it concurred in the submittals and excluded the data.

II. EPA's Failure to Require State to Demonstrate Compliance with All Applicable CAA Requirements Including an Up-to-Date BACM Analysis Was Contrary to Law.

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. In its finding in 2007 that the Area failed to attain, EPA first noted that serious PM-10 nonattainment areas that fail to attain are required to submit plan revisions which provide for attainment and, from the date of submission until attainment, provide for an annual reduction in PM-10 or PM-10 precursor emissions of not less than 5 percent. 72 Fed. Reg. at 31184. EPA further directed that "[i]n addition to the attainment demonstration and 5 percent requirements, the plans under section 189(d) for the Phoenix. . . nonattainment area[ ] must address all applicable requirements of the CAA . . . ." *Id.* at 31184-85.

In evaluating the 2012 Five Percent Plan, EPA addressed 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)(20(E)(i)). 79 Fed. Reg. at 7118 *et seq*., ER 211-219, AR A.2. However, EPA omitted entirely any discussion or analysis of the requirement for PM-10 serious area plans found in CAA section 189(b)(1)(B) (requiring a BACM demonstration) and CAA section 188(e) (requiring states seeking extension of the attainment date for serious areas to include 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 sought and obtained a five year extension of its attainment date pursuant to §188(e) in 2001, extending its attainment date to December 31, 2006. There was no legitimate reason for EPA 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).

Of course, if EPA were to require a demonstration of BACM and MSM as part of the 2012 Five Percent Plan submission, the State could not satisfy it. As EPA noted when it proposed a partial disapproval of the 2007 Five Percent Plan in

2010, the Maricopa Agricultural BMP Rule is no longer BACM. Nor is it MSM. Although an earlier version of the Rule was approved as both BACM and MSM in 2002, as EPA has advised the State both in correspondence and in a proposed rulemaking in 2010, since then several air pollution control agencies in California and Nevada have adopted new control measures that are more stringent than Arizona's only SIP-approved BMP Rule.

And, even though Arizona has strengthened its BMP Rule, the revised Rule was not included in the 2012 Five Percent Plan. *See* 2012 Five Percent Plan, Appendix D, ER 343-55, AR B.1.c. Moreover, since the State withdrew the 2007 Five Percent Plan, the 2007 BMP, which EPA also found to be deficient, was never approved into the SIP. Thus, because the only agricultural controls included in the current SIP—those approved in 2002—no longer represent BACM and MSM, there is no way that the State could demonstrate that its SIP satisfies the BACM requirement of §189(b)(1)(B) or the MSM requirement of §188(e).

Similarly, with respect to control measures for other sources, like fugitive dust, or on-road or off-road emissions, without an updated demonstration, it is impossible for EPA to determine whether with the 2012 Five Percent Plan revision, the requirements of Sections 189(b)(1)(B) and 188(e) continue to be met.

In its Response to Comments in the Final Rulemaking, EPA asserts that BACM/MSM are only "triggered" under the Act when an area is reclassified to

Serious or seeks an extension under §188(e). 79 Fed. Reg. at 33109, ER 3. That position, however, is contradicted by EPA's own statements in the 2010 Proposed Rulemaking when it proposed to disapprove the 2007 Five Percent Plan because the Agricultural BMP, which was included as a contingency measure, was no longer BACM.

Further, this most recent suggestion by EPA that the BACM and MSM requirements are somehow static in time is contrary to the long expressed view that under the structural scheme of the CAA, areas with more serious pollution problems are required to implement increasingly stringent control measures but are provided additional time to reach attainment. Addendum, 59 Fed. Reg. at 42010. *See EEOC v. Arabian American Oil Co.,* 499 U.S. 244, 245 (1991)(little deference to changed agency interpretation that conflicts with prior view closer in time to enactment, where agency offers no basis for change).

Because BACM is, by definition, defined by its "availability," it necessarily follows that, over time, what constitutes BACM will inevitably change. And when it changes, nonattainment areas are required to adjust accordingly. *See e.g. Latino Issues Forum v. United States EPA,* 558 F.3d 936, 946 (9th Cir. 2009)("The EPA noted the possibility of new practices in its approval of Rule 4550, stating that BACM might change over time 'to a progressively tighter or more ambitious program at later dates.'"). *See also* 61 Fed. Reg. 59456 (Sept. 23, 2002) (EPA

rejected submitted revision to Arizona SIP that included a previously approved opacity rule because EPA found the existing rule no longer met RACM).

But even if we accept for purposes of argument EPA's contention that BACM is only required when it is "triggered" by something in the Act, it nonetheless follows that the exceptional events provisions serve as such a trigger when a state seeks to exclude data in a serious nonattainment area. According to EPA's own Interim Guidance, whether existing controls satisfy BACM is a crucial inquiry in the evaluation of a state's request to treat an exceedance as an "exceptional event." Here, by concurring in the State's request to exclude 135 exceedances and approving the 2012 Five-Percent Plan, with its fictitious attainment demonstration, without at least requiring the State to make an updated BACM and MSM demonstration, EPA has abused its discretion and acted contrary to law.

III. 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.

Section 172(c)(9) of the Act requires all nonattainment area plans to include contingency measures that will kick in if the area fails to timely achieve emission reductions or attainment. 42 U.S.C. § 7502(c)(9). The Act defines contingency measures as "specific measures to be undertaken *if* the area fails" to achieve timely progress or attainment, not previously mandated measures that have failed to do the

job. 42 U.S.C. § 7509(c)(9)(emphasis added). EPA's own 1992 guidance provided that "contingency measures should consist of *other* available control measures that are *not included* in the control strategy." 57 Fed. Reg. 13498, 13543 (Apr. 16, 1992), AR C.3. (emphasis added). In the context of discussing ozone plans, that same guidance described contingency measures as "*additional* measures *not already adopted* to meet the RFP or other requirements" that provide emission reductions "in addition to those already scheduled to occur in accordance with the plan." *Id.* at 13511 n.2 (emphasis added).

As EPA further explained in the Addendum to its General Preamble,

> The purpose of contingency measures is to ensure that additional measures beyond or in addition to the required "core" control measures (i.e. RACM for moderate areas and BACM for serious areas) immediately take effect when the area fails to make RFP or to attain the PM-10 NAAQS *in order to provide interim public health and welfare protection.* The protection is considered "interim" because the statute often provides for a more formal SIP revision in order to correct, for example, the failure of an area to attain the PM-10 NAAQS (e.g., section 189(b)-serious area plan required upon finding of failure of moderate area to attain the PM-10 NAAQS under 188(b)(2)-and 189(d) (plan revisions required upon failure of serious area to attain the PM-10 NAAQS)). Thus, EPA has noted previously that contingency measures should consist of *other available control measures not contained in the applicable core control strategy* (emphasis added).

59 Fed. Reg. 41998, 42015 (Aug. 16, 1994).

The 2012 Five Percent Plan purports to include five "contingency measures." See Plan, Table 6-22; ER 343; AR B.1.a at 6-39. These "contingency

measures," however, are not, as the Act requires, measures that will be undertaken *if* the area fails to achieve timely progress or attainment. They are measures that have all been completed. Three of the measures involve paving or stabilizing roads and road shoulders, and the projects were completed in 2011. Likewise the measure to lower speed limits on dirt roads and alleys was completed by 2011. The only potentially "continuing" measure is the PM-10 certified sweepers which were all purchased by 2009. *Id.*

The only reason that these control measures are characterized as "contingency measures" in the Plan is because the State did not rely upon them to demonstrate how it planned to achieve the required five percent reductions, reasonable further progress, and attainment. 79 Fed. Reg. at 7124, ER 217.

The problem with this approach is that if the demonstrations prove to be incorrect (which as the Area's history demonstrates, they often are) and the Area fails to meet the required milestones—even with the already implemented but "uncounted" measures—then when interim public health and safety protections are needed, there are no new measures ready to implement. At that point, the fact that the State did not rely upon the "contingency measures" in its attainment demonstration is meaningless from a public health standpoint. If the state fails to make RFP 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. Under the 2012 Five Percent Plan, the public does not have that protection.

In its proposed rulemaking, EPA cited *LEAN v. EPA,* 382 F. 3d 575 (5th Cir. 2004) as support for its decision to allow the state to designate already implemented control measures as contingency measures. 79 Fed. Reg. at 7124, ER 217. The holding in that case is premised upon the contention that the Act's language regarding "contingency measures," specifically the phrase, "to be undertaken" is ambiguous. 382 F. 3d. at 583. The court acknowledged that the language of the statute had a prospective, forward-looking orientation, but concluded that because it was silent as to early implementation, it was ambiguous. Thus the court held that given the ambiguity, it would be unfair to penalize an area for implementing a control measure early. *Id.* The *LEAN* court also based its holding regarding early implementation on the fact that the contingency measure in that case was "continuing in nature." *Id.* at 584. Yet, it ultimately held that it was not a proper contingency measure because the control measure involved a facility located outside the nonattainment area. *Id.*

With respect to the plain language of the statute, Petitioners believe the court in *LEAN* was mistaken when it found the provision ambiguous. As the original interpretations by EPA of "contingency measures" make clear, the plain language of Section 172(c)(9) contemplates additional controls that go into effect if and

when an area fails to meet a required milestone. Moreover, the facts of our case are easily distinguishable from the facts in *LEAN*. Here, four of the five "contingency measures" cited by the State are completed, permanent infrastructure that are not intended to change in the face of a missed milestone. The acquisition of the PM-10 certified street sweepers in 2009 does not include any sort of commitment to increase sweeping in the event of a missed deadline. In sum, these control measures offer no additional interim protections to the public if RFP or attainment is not achieved. Rather, they represent a continuation of the status quo.

By not requiring the State to include true contingency measures that would be implemented as additional control measures to protect the public health if and when the Area fails to meet a required milestone, EPA has acted contrary to the express provisions of the Act.

CONCLUSION AND RELIEF REQUESTED

Petitioners respectfully request a determination by this Court that for all of the foregoing reasons, EPA's approval of the 2015 Five Percent Plan, including the finding of attainment based upon the exclusion of 135 "exceptional events," was an abuse of discretion and contrary to law. Petitioners further ask that they be awarded attorneys' fees pursuant to 42 U.S.C. § 7607(f).

Dated this 16th day of October, 2014.

Arizona Center for Law
in the Public Interest
2205 E. Speedway Blvd.
Tucson, Arizona 85719

_s/Joy E. Herr-Cardillo__
Joy E. Herr-Cardillo
Timothy M. Hogan
Counsel for Petitioners

STATEMENT OF RELATED CASES

Petitioners are unaware of any related cases.

CERTIFICATE OF COMPLIANCE

Pursuant to Fed. R. App. P. 32(a)(7)(C) and Ninth Circuit Rule 32-1, I certify that the attached Brief for Petitioners is proportionately spaced, has a typeface of 14 points, and contains 12,979 words.

_10/16/2014_____ _s/Joy E. Herr-Cardillo_____
Date Joy E. Herr-Cardillo

CERTIFICATE OF SERVICE

I hereby certify that on October 16, 2014. I electronically transmitted the Petitioners' Opening Brief to the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the Appellate CM/ECF system.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the Appellate CM/ECF system.

s/Joy E. Herr-Cardillo
Joy E. Herr-Cardillo

ADDENDUM

CLEAN AIR ACT, 42 U.S.C. §§ 7401, *et seq.* (excerpts)

40 C.F.R. §50.1, §50.14

A.C.C. R18-2-610.01

Pinal County Articles 2 and 3

UNITED STATES CODE SERVICE
Copyright © 2014 Matthew Bender & Company, Inc.
a member of the LexisNexis Group (TM)
All rights reserved.

*** Current through PL 113-184, approved 9/29/14 ***

TITLE 42. THE PUBLIC HEALTH AND WELFARE
CHAPTER 85. AIR POLLUTION PREVENTION AND CONTROL
PROGRAMS AND ACTIVITIES
AIR QUALITY AND EMISSION LIMITATIONS

Go to the United States Code Service Archive Directory

42 USCS § 7410

§ 7410. State implementation plans for national primary and secondary ambient air quality standards

(a) Adoption of plan by State; submission to Administrator; content of plan; revision; new sources; indirect source review program; supplemental or intermittent control systems.

(1) Each State shall, after reasonable notice and public hearings, adopt and submit to the Administrator, within 3 years (or such shorter period as the Administrator may prescribe) after the promulgation of a national primary ambient air quality standard (or any revision thereof) under section 109 [*42 USCS § 7409*] for any air pollutant, a plan which provides for implementation, maintenance, and enforcement of such primary standard in each air quality control region (or portion thereof) within such State. In addition, such State shall adopt and submit to the Administrator (either as a part of a plan submitted under the preceding sentence or separately) within 3 years (or such shorter period as the Administrator may prescribe) after the promulgation of a national ambient air quality secondary standard (or revision thereof), a plan which provides for implementation, maintenance, and enforcement of such secondary standard in each air quality control region (or portion thereof) within such State. Unless a separate public hearing is provided, each State shall consider its plan implementing such secondary standard at the hearing required by the first sentence of this paragraph.

(2) Each implementation plan submitted by a State under this Act shall be adopted by the State after reasonable notice and public hearing. Each such plan shall--

(A) include enforceable emission limitations and other control measures, means, or techniques (including economic incentives such as fees, marketable permits, and auctions of emissions rights), as well as schedules and timetables for compliance, as may be necessary or appropriate to meet the applicable requirements of this Act;

(B) provide for establishment and operation of appropriate devices, methods, systems, and procedures necessary to--

(i) monitor, compile, and analyze data on ambient air quality, and

(ii) upon request, make such data available to the Administrator;

(C) include a program to provide for the enforcement of the measures described in subparagraph (A), and regulation of the modification and construction of any stationary source within the areas covered by the plan as necessary to assure that national ambient air quality standards are achieved, including a permit program as required in parts C and D [*42 USCS §§ 7470* et seq., *7501* et seq.];

(D) contain adequate provisions--

(i) prohibiting, consistent with the provisions of this title, any source or other type of emissions activity within the State from emitting any air pollutant in amounts which will--

(I) contribute significantly to nonattainment in, or interfere with maintenance by, any other State with respect to any such national primary or secondary ambient air quality standard, or

(II) interfere with measures required to be included in the applicable implementation plan for any other State under part C [*42 USCS §§ 7470* et seq.] to prevent significant deterioration of air quality or to protect visibility,

(ii) insuring compliance with the applicable requirements of sections 126 and 115 [*42 USCS §§ 7426*, *7415*] (relating to interstate and international pollution abatement);

(E) provide (i) necessary assurances that the State (or, except where the Administrator deems inappropriate, the general purpose local government or governments, or a regional agency designated by the State or general purpose local governments for such purpose) will have adequate personnel, funding, and authority under State (and, as appropriate, local) law to carry out such implementation plan (and is not prohibited by any provision of Federal or State law from carrying out such implementation plan or portion thereof), (ii) requirements that the State comply with the requirements respecting State boards under section 128 [*42 USCS § 7428*], and (iii) necessary assurances that, where the State has relied on a local or regional government, agency, or instrumentality for the implementation of any plan provision, the State has responsibility for ensuring adequate implementation of such plan provision;

(F) require, as may be prescribed by the Administrator--

(i) the installation, maintenance, and replacement of equipment, and the implementation of other necessary steps, by owners or operators of stationary sources to monitor emissions from such sources,

(ii) periodic reports on the nature and amounts of emissions and emissions-related data from such sources, and

(iii) correlation of such reports by the State agency with any emission limitations or standards established pursuant to this Act, which reports shall be available at reasonable times for public inspection;

(G) provide for authority comparable to that in section 303 [*42 USCS § 7603*] and adequate contingency plans to implement such authority;

(H) provide for revision of such plan--

(i) from time to time as may be necessary to take account of revisions of such national primary or secondary ambient air quality standard or the availability of improved or more expeditious methods of attaining such standard, and

(ii) except as provided in paragraph (3)(C), whenever the Administrator finds on the basis of information available to the Administrator that the plan is substantially inadequate to attain the national ambient air quality standard which it implements or to otherwise comply with any additional requirements established under this Act;

(I) in the case of a plan or plan revision for an area designated as a nonattainment area, meet the applicable requirements of part D [*42 USCS §§ 7501* et seq.] (relating to nonattainment areas);

(J) meet the applicable requirements of section 121 [*42 USCS § 7421*] (relating to consultation), section 127 [*42 USCS § 7427*] (relating to public notification), and part C [*42 USCS §§ 7470* et seq.] (relating to prevention of significant deterioration of air quality and visibility protection);

(K) provide for--

(i) the performance of such air quality modeling as the Administrator may prescribe for the purpose of predicting the effect on ambient air quality of any emissions of any air pollutant for which the Administrator has established a national ambient air quality standard, and

(ii) the submission, upon request, of data related to such air quality modeling to the Administrator;

(L) require the owner or operator of each major stationary source to pay to the permitting authority, as a condition of any permit required under this Act, a fee sufficient to cover--

(i) the reasonable costs of reviewing and acting upon any application for such a permit, and

(ii) if the owner or operator receives a permit for such source, the reasonable costs of implementing and enforcing the terms and conditions of any such permit (not including any court costs or other costs associated with any enforcement action),

until such fee requirement is superseded with respect to such sources by the Administrator's approval of a fee program under title V [*42 USCS §§ 7661* et seq.]; and

(M) provide for consultation and participation by local political subdivisions affected by the plan.

(3) (A) [Repealed]

(B) As soon as practicable, the Administrator shall, consistent with the purposes of this Act and the Energy Supply and Environmental Coordination Act of 1974, review each State's applicable implementation plans and report to the State on whether such plans can be revised in relation to fuel burning stationary sources (or persons supplying fuel to such sources) without interfering with the attainment and maintenance of any national ambient air quality standard within the period permitted in this section. If the Administrator determines that any such plan can be revised, he shall notify the State that a plan revision may be submitted by the State. Any plan revision which is submitted by the State shall, after public notice and opportunity for public hearing, be approved by the Administrator if the revision relates only to fuel burning stationary sources (or persons supplying fuel to such sources), and the plan as revised complies with paragraph (2) of this subsection. The Administrator shall approve or disapprove any revision no later than three months after its submission.

(C) Neither the State, in the case of a plan (or portion thereof) approved under this subsection, nor the Administrator, in the case of a plan (or portion thereof) promulgated under subsection (c), shall be required to revise an applicable implementation plan because one or more exemptions under section 118 [*42 USCS § 7418*] (relating to

Federal facilities), enforcement orders under section 113(d), suspensions under section 110(f) or (g) [subsecs. (f) or (g) of this section] (relating to temporary energy or economic authority), orders under section 119 [*42 USCS § 7419*] (relating to primary nonferrous smelters), or extensions of compliance in decrees entered under section 113(e) (relating to iron- and steel-producing operations) have been granted, if such plan would have met the requirements of this section if no such exemptions, orders, or extensions had been granted.

(4) [Repealed]

(5) (A) (i) Any State may include in a State implementation plan, but the Administrator may not require as a condition of approval of such plan under this section, any indirect source review program. The Administrator may approve and enforce, as part of an applicable implementation plan, an indirect source review program which the State chooses to adopt and submit as part of its plan.

(ii) Except as provided in subparagraph (B), no plan promulgated by the Administrator shall include any indirect source review program for any air quality control region, or portion thereof.

(iii) Any State may revise an applicable implementation plan approved under section 110(a) [*42 USCS § 7410(a)*] to suspend or revoke any such program included in such plan, provided that such plan meets the requirements of this section.

(B) The Administrator shall have the authority to promulgate, implement and enforce regulations under section 110(c) [*42 USCS § 7410(c)*] respecting indirect source review programs which apply only to federally assisted highways, airports, and other major federally assisted indirect sources and federally owned or operated indirect sources.

(C) For purposes of this paragraph, the term "indirect source" means a facility, building, structure, installation, real property, road, or highway which attracts, or may attract, mobile sources of pollution. Such term includes parking lots, parking garages, and other facilities subject to any measure for management of parking supply (within the meaning of section 110(c)(2)(D)(ii) [*42 USCS § 7410(c)(2)(D)(ii)*]), including regulation of existing off-street parking but such term does not include new or existing on-street parking. Direct emissions sources or facilities at, within, or associated with, any indirect source shall not be deemed indirect sources for the purpose of this paragraph.

(D) For purposes of this paragraph the term "indirect source review program" means the facility-by-facility review of indirect sources of air pollution, including such measures as are necessary to assure, or assist in assuring, that a new or modified indirect source will not attract mobile sources of air pollution, the emissions from which would cause or contribute to air pollution concentrations--

(i) exceeding any national primary ambient air quality standard for a mobile source-related air pollutant after the primary standard attainment date, or

(ii) preventing maintenance of any such standard after such date.

(E) For purposes of this paragraph and paragraph (2)(B), the term "transportation control measure" does not include any measure which is an "indirect source review program".

(6) No State plan shall be treated as meeting the requirements of this section unless such plan provides that in the case of any source which uses a supplemental, or intermittent control system for purposes of meeting the requirements of an order under section 113(d) or section 119 (relating to primary nonferrous smelter orders) [*42 USCS § 7419*], the owner or operator of such source may not temporarily reduce the pay of any employee by reason of the use of such supplemental or intermittent or other dispersion dependent control system.

(b) Extension of period for submission of plans. The Administrator may, wherever he determines necessary, extend the period for submission of any plan or portion thereof which implements a national secondary ambient air quality standard for a period not to exceed 18 months from the date otherwise required for submission of such plan.

(c) Preparation and publication by Administrator of proposed regulations setting forth implementation plan; transportation regulations study and report; parking surcharge; suspension authority; plan implementation.

(1) The Administrator shall promulgate a Federal implementation plan at any time within 2 years after the Administrator--

(A) finds that a State has failed to make a required submission or finds that the plan or plan revision submitted by the State does not satisfy the minimum criteria established under section 110(k)(1)(A) [*42 USCS § 7410(k)(1)(A)*], or

(B) disapproves a State implementation plan submission in whole or in part,

unless the State corrects the deficiency, and the Administrator approves the plan or plan revision, before the Administrator promulgates such Federal implementation plan.

(2) (A) [Repealed]

(B) No parking surcharge regulation may be required by the Administrator under paragraph (1) of this subsection as a part of an applicable implementation plan. All parking surcharge regulations previously required by the Administrator shall be void upon the date of enactment of this subparagraph. This subparagraph shall not prevent the Administrator from approving parking surcharges if they are adopted and submitted by a State as part of an applicable implementation plan. The Administrator may not condition approval of any implementation plan submitted by a State on such plan's including a parking surcharge regulation.

(C) [Repealed]

(D) For purposes of this paragraph--

(i) The term "parking surcharge regulation" means a regulation imposing or requiring the imposition of any tax, surcharge, fee, or other charge on parking spaces, or any other area used for the temporary storage of motor vehicles.

(ii) The term "management of parking supply" shall include any requirement providing that any new facility containing a given number of parking spaces shall receive a permit or other prior approval, issuance of which is to be conditioned on air quality considerations.

(iii) The term "preferential bus/carpool lane" shall include any requirement for the setting aside of one or more lanes of a street or highway on a permanent or temporary basis for the exclusive use of buses or carpools, or both.

(E) No standard, plan, or requirement, relating to management of parking supply or preferential bus/carpool lanes shall be promulgated after the date of enactment of this paragraph [enacted June 22, 1974] by the Administrator pursuant to this section, unless such promulgation has been subjected to at least one public hearing which has been held in the area affected and for which reasonable notice has been given in such area. If substantial changes are made following public hearings, one or more additional hearings shall be held in such area after such notice.

(3) Upon application of the chief executive officer of any general purpose unit of local government, if the Administrator determines that such unit has adequate authority under State or local law, the Administrator may delegate to such unit the authority to implement and enforce within the jurisdiction of such unit any part of a plan promulgated under this subsection. Nothing in this paragraph shall prevent the Administrator from implementing or enforcing any applicable provision of a plan promulgated under this subsection.

(4) [Repealed]

(5) (A) Any measure in an applicable implementation plan which requires a toll or other charge for the use of a bridge located entirely within one city shall be eliminated from such plan by the Administrator upon application by the Governor of the State, which application shall include a certification by the Governor that he will revise such plan in accordance with subparagraph (B).

(B) In the case of any applicable implementation plan with respect to which a measure has been eliminated under subparagraph (A), such plan shall, not later than one year after the date of the enactment of this subparagraph [enacted Aug. 7, 1977], be revised to include comprehensive measures to:

(i) establish, expand, or improve public transportation measures to meet basic transportation needs, as expeditiously as is practicable; and

(ii) implement transportation control measures necessary to attain and maintain national ambient air quality standards,

and such revised plan shall, for the purpose of implementing such comprehensive public transportation measures, include requirements to use (insofar as is necessary) Federal grants, State or local funds, or any combination of such grants and funds as may be consistent with the terms of the legislation providing such grants and funds. Such measures shall, as a substitute for the tolls or charges eliminated under subparagraph (A), provide for emissions reductions equivalent to the reductions which may reasonably be expected to be achieved through the use of the tolls or charges eliminated.

(C) Any revision of an implementation plan for purposes of meeting the requirements of subparagraph (B) shall be submitted in coordination with any plan revision required under part D [*42 USCS §§ 7501* et seq.].

(d), (e) [Repealed]

(f) National or regional energy emergencies; determination by President.

(1) Upon application by the owner or operator of a fuel burning stationary source, and after notice and opportunity for public hearing, the Governor of the State in which such source is located may petition the President to determine that a national or regional energy emergency exists of such severity that--

(A) a temporary suspension of any part of the applicable implementation plan or of any requirement under section 411 (concerning excess emissions penalties or offsets) of title IV of the Act [*42 USCS § 7651j*] may be necessary, and

(B) other means of responding to the energy emergency may be inadequate.

Such determination shall not be delegable by the President to any other person. If the President determines that a national or regional energy emergency of such severity exists, a temporary emergency suspension of any part of an applicable implementation plan or of any requirement under section 411 (concerning excess emissions penalties or offsets) of title IV of the Act [*42 USCS § 7651j*] adopted by the State may be issued by the Governor of any State covered by the President's determination under the condition specified in paragraph (2) and may take effect immediately.

(2) A temporary emergency suspension under this subsection shall be issued to a source only if the Governor of such State finds that--

(A) there exists in the vicinity of such source a temporary energy emergency involving high levels of unemployment or loss of necessary energy supplies for residential dwellings; and

(B) such unemployment or loss can be totally or partially alleviated by such emergency suspension.

Not more than one such suspension may be issued for any source on the basis of the same set of circumstances or on the basis of the same emergency.

(3) A temporary emergency suspension issued by a Governor under this subsection shall remain in effect for a maximum of four months or such lesser period as may be specified in a disapproval order of the Administrator, if any. The Administrator may disapprove such suspension if he determines that it does not meet the requirements of paragraph (2).

(4) This subsection shall not apply in the case of a plan provision or requirement promulgated by the Administrator under subsection (c) of this section, but in any such case the President may grant a temporary emergency suspension for a four month period of any such provision or requirement if he makes the determinations and findings specified in paragraphs (1) and (2).

(5) The Governor may include in any temporary emergency suspension issued under this subsection a provision delaying for a period identical to the period of such suspension any compliance schedule (or increment of progress) to which such source is subject under section 119, as in effect before the date of the enactment of this paragraph [enacted Aug. 7, 1977] or section 113(d) of this Act, upon a finding that such source is unable to comply with such schedule (or increment) solely because of the conditions on the basis of which a suspension was issued under this subsection.

(g) Governor's authority to issue temporary emergency suspensions.

(1) In the case of any State which has adopted and submitted to the Administrator a proposed plan revision which the State determines--

(A) meets the requirements of this section, and

(B) is necessary (i) to prevent the closing for one year or more of any source of air pollution, and (ii) to prevent substantial increases in unemployment which would result from such closing, and

which the Administrator has not approved or disapproved under this section within 12 months of submission of the proposed plan revision, the Governor may issue a temporary emergency suspension of the part of the applicable implementation plan for such State which is proposed to be revised with respect to such source. The determination under subparagraph (B) may not be made with respect to a source which would close without regard to whether or not the proposed plan revision is approved.

(2) A temporary emergency suspension issued by a Governor under this subsection shall remain in effect for a maximum of four months or such lesser period as may be specified in a disapproval order of the Administrator. The Administrator may disapprove such suspension if he determines that it does not meet the requirements of this subsection.

(3) The Governor may include in any temporary emergency suspension issued under this subsection a provision delaying for a period identical to the period of such suspension any compliance schedule (or increment of progress) to which such source is subject under section 119 as in effect before the date of the enactment of this paragraph [enacted Aug. 7, 1977], or under section 113(d) upon a finding that such source is unable to comply with such schedule (or increment) solely because of the conditions on the basis of which a suspension was issued under this subsection.

(h) Publication of comprehensive document for each State setting forth requirements of applicable implementation plan.

(1) Not later than 5 years after the date of the enactment of the Clean Air Act Amendments of 1990 [enacted Nov. 15, 1990], and every 3 years thereafter, the Administrator shall assemble and publish a comprehensive document for each State setting forth all requirements of the applicable implementation plan for such State and shall publish notice in the Federal Register of the availability of such documents.

(2) The Administrator may promulgate such regulations as may be reasonably necessary to carry out the purpose of this subsection.

(i) Modification of requirements prohibited. Except for a primary nonferrous smelter order under section 119 [*42 USCS § 7419*], a suspension under section 110(f) or (g) [subsec. (f) or (g) of this section] (relating to emergency suspensions), an exemption under section 118 [*42 USCS § 7418*] (relating to certain Federal facilities), an order under section 113(d) (relating to compliance orders), a plan promulgation under section 110(c) [subsec. (c) of this section], or a plan revision under section 110(a)(3) [subsec. (a)(3) of this section], no order, suspension, plan revision, or other action modifying any requirement of an applicable implementation plan may be taken with respect to any stationary source by the State or by the Administrator.

(j) Technological systems of continuous emission reduction on new or modified stationary sources; compliance with performance standards. As a condition for issuance of any permit required under this title, the owner or operator of each new or modified stationary source which is required to obtain such a permit must show to the satisfaction of the permitting authority that the technological system of continuous emission reduction which is to be used will enable such source to comply with the standards of performance which are to apply to such source and that the construction or modification and operation of such source will be in compliance with all other requirements of this Act.

(k) Environmental Protection Agency action on plan submissions.

(1) Completeness of plan submissions.

(A) Completeness criteria. Within 9 months after the date of the enactment of the Clean Air Act Amendments of 1990 [enacted Nov. 15, 1990], the Administrator shall promulgate minimum criteria that any plan submission must meet before the Administrator is required to act on such submission under this subsection. The criteria shall be limited to the information necessary to enable the Administrator to determine whether the plan submission complies with the provisions of this Act.

(B) Completeness finding. Within 60 days of the Administrator's receipt of a plan or plan revision, but no later than 6 months after the date, if any, by which a State is required to submit the plan or revision, the Administrator shall determine whether the minimum criteria established pursuant to subparagraph (A) have been met. Any plan or plan revision that a State submits to the Administrator, and that has not been determined by the Administrator (by the date 6 months after receipt of the submission) to have failed to meet the minimum criteria established pursuant to subparagraph (A), shall on that date be deemed by operation of law to meet such minimum criteria.

(C) Effect of finding of incompleteness. Where the Administrator determines that a plan submission (or part thereof) does not meet the minimum criteria established pursuant to subparagraph (A), the State shall be treated as not having made the submission (or, in the Administrator's discretion, part thereof).

(2) Deadline for action. Within 12 months of a determination by the Administrator (or a determination deemed by operation of law) under paragraph (1) that a State has submitted a plan or plan revision (or, in the Administrator's discretion, part thereof) that meets the minimum criteria established pursuant to paragraph (1), if applicable (or, if those criteria are not applicable, within 12 months of submission of the plan or revision), the Administrator shall act on the submission in accordance with paragraph (3).

(3) Full and partial approval and disapproval. In the case of any submittal on which the Administrator is required to act under paragraph (2), the Administrator shall approve such submittal as a whole if it meets all of the applicable requirements of this Act. If a portion of the plan revision meets all the applicable requirements of this Act, the Administrator may approve the plan revision in part and disapprove the plan revision in part. The plan revision shall not be treated as meeting the requirements of this Act until the Administrator approves the entire plan revision as complying with the applicable requirements of this Act.

(4) Conditional approval. The Administrator may approve a plan revision based on a commitment of the State to adopt specific enforceable measures by a date certain, but not later than 1 year after the date of approval of the plan revision. Any such conditional approval shall be treated as a disapproval if the State fails to comply with such commitment.

(5) Calls for plan revisions. Whenever the Administrator finds that the applicable implementation plan for any area is substantially inadequate to attain or maintain the relevant national ambient air quality standard, to mitigate adequately the interstate pollutant transport described in section 176A or section 184 [*42 USCS § 7506a* or *§ 7511c*],

or to otherwise comply with any requirement of this Act, the Administrator shall require the State to revise the plan as necessary to correct such inadequacies. The Administrator shall notify the State of the inadequacies, and may establish reasonable deadlines (not to exceed 18 months after the date of such notice) for the submission of such plan revisions. Such findings and notice shall be public. Any finding under this paragraph shall, to the extent the Administrator deems appropriate, subject the State to the requirements of this Act to which the State was subject when it developed and submitted the plan for which such finding was made, except that the Administrator may adjust any dates applicable under such requirements as appropriate (except that the Administrator may not adjust any attainment date prescribed under part D [*42 USCS §§ 7501* et seq.], unless such date has elapsed).

(6) Corrections. Whenever the Administrator determines that the Administrator's action approving, disapproving, or promulgating any plan or plan revision (or part thereof), area designation, redesignation, classification, or reclassification was in error, the Administrator may in the same manner as the approval, disapproval, or promulgation revise such action as appropriate without requiring any further submission from the State. Such determination and the basis thereof shall be provided to the State and public.

(l) Plan revisions. Each revision to an implementation plan submitted by a State under this Act shall be adopted by such State after reasonable notice and public hearing. The Administrator shall not approve a revision of a plan if the revision would interfere with any applicable requirement concerning attainment and reasonable further progress (as defined in section 171 [*42 USCS § 7501*]), or any other applicable requirement of this Act.

(m) Sanctions. The Administrator may apply any of the sanctions listed in section 179(b) [*42 USCS § 7509(b)*] at any time (or at any time after) the Administrator makes a finding, disapproval, or determination under paragraphs (1) through (4), respectively, of section 179(a) [*42 USCS § 7509(a)*] in relation to any plan or plan item (as that term is defined by the Administrator) required under this Act, with respect to any portion of the State the Administrator determines reasonable and appropriate, for the purpose of ensuring that the requirements of this Act relating to such plan or plan item are met. The Administrator shall, by rule, establish criteria for exercising his authority under the previous sentence with respect to any deficiency referred to in section 179(a) [*42 USCS § 7509(a)*] to ensure that, during the 24-month period following the finding, disapproval, or determination referred to in section 179(a) [*42 USCS § 7509(a)*], such sanctions are not applied on a statewide basis where one or more political subdivisions covered by the applicable implementation plan are principally responsible for such deficiency.

(n) Savings clauses.

(1) Existing plan provisions. Any provision of any applicable implementation plan that was approved or promulgated by the Administrator pursuant to this section as in effect before the date of the enactment of the Clean Air Act Amendments of 1990 [enacted Nov. 15, 1990] shall remain in effect as part of such applicable implementation plan, except to the extent that a revision to such provision is approved or promulgated by the Administrator pursuant to this Act.

(2) Attainment dates. For any area not designated nonattainment, any plan or plan revision submitted or required to be submitted by a State--

(A) in response to the promulgation or revision of a national primary ambient air quality standard in effect on the date of the enactment of the Clean Air Act Amendments of 1990 [enacted Nov. 15, 1990], or

(B) in response to a finding of substantial inadequacy under subsection (a)(2) (as in effect immediately before the date of the enactment of the Clean Air Act Amendments of 1990) [enacted Nov. 15, 1990],

shall provide for attainment of the national primary ambient air quality standards within 3 years of the date of the enactment of the Clean Air Act Amendments of 1990 [enacted Nov. 15, 1990] or within 5 years of issuance of such finding of substantial inadequacy, whichever is later.

(3) Retention of construction moratorium in certain areas. In the case of an area to which, immediately before the date of the enactment of the Clean Air Act Amendments of 1990 [enacted Nov. 15, 1990], the prohibition on construction or modification of major stationary sources prescribed in subsection (a)(2)(I) (as in effect immediately before the date of the enactment of the Clean Air Act Amendments of 1990 [enacted Nov. 15, 1990]) applied by virtue of a finding of the Administrator that the State containing such area had not submitted an implementation plan meeting the requirements of section 172(b)(6) [*42 USCS § 7502(b)(6)*] (relating to establishment of a permit program) (as in effect immediately before the date of enactment of the Clean Air Act Amendments of 1990 [enacted Nov. 15, 1990]) or 172(a)(1) [*42 USCS § 7502(a)(1)*] (to the extent such requirements relate to provision for attainment of the primary national ambient air quality standard for sulfur oxides by December 31, 1982) as in effect immediately before the date of the enactment of the Clean Air Act Amendments of 1990 [enacted Nov. 15, 1990], no major stationary source of the relevant air pollutant or pollutants shall be constructed or modified in such area

until the Administrator finds that the plan for such area meets the applicable requirements of section 172(c)(5) [*42 USCS § 7502(c)(5)*] (relating to permit programs) or subpart 5 of part D [*42 USCS §§ 7514* et seq.] (relating to attainment of the primary national ambient air quality standard for sulfur dioxide), respectively.

(o) Indian tribes. If an Indian tribe submits an implementation plan to the Administrator pursuant to section 301(d) [*42 USCS § 7601(d)*], the plan shall be reviewed in accordance with the provisions for review set forth in this section for State plans, except as otherwise provided by regulation promulgated pursuant to section 301(d)(2) [*42 USCS § 7601(d)(2)*]. When such plan becomes effective in accordance with the regulations promulgated under section 301(d) [*42 USCS § 7601(d)*], the plan shall become applicable to all areas (except as expressly provided otherwise in the plan) located within the exterior boundaries of the reservation, notwithstanding the issuance of any patent and including rights-of-way running through the reservation.

(p) Reports. Any State shall submit, according to such schedule as the Administrator may prescribe, such reports as the Administrator may require relating to emission reductions, vehicle miles traveled, congestion levels, and any other information the Administrator may deem necessary to assess the development[,] effectiveness, need for revision, or implementation of any plan or plan revision required under this Act.

HISTORY:

(July 14, 1955, ch 360, Title I, Part A, § 110, as added Dec. 31, 1970, P.L. 91-604, § 4(a), 84 Stat. 1680; June 22, 1974, P.L. 93-319, § 4, 88 Stat. 256; Aug. 7, 1977, P.L. 95-95, Title I, §§ 107, 108, 91 Stat. 691, 693; Nov. 16, 1977, P.L. 95-190, § 14(a)(1)-(6), 91 Stat. 1399; July 17, 1981, P.L. 97-23, § 3, 95 Stat. 142; Nov. 15, 1990, P.L. 101-549, Title I, §§ 101(b)-(d), 102(h), 107(c), 108(d), Title IV, § 412, 104 Stat. 2404, 2422, 2464, 2466, 2634.)

105VV2

UNITED STATES CODE SERVICE
Copyright © 2014 Matthew Bender & Company, Inc.
a member of the LexisNexis Group (TM)
All rights reserved.

*** Current through PL 113-184, approved 9/29/14 ***

TITLE 42. THE PUBLIC HEALTH AND WELFARE
CHAPTER 85. AIR POLLUTION PREVENTION AND CONTROL
PROGRAMS AND ACTIVITIES
PLAN REQUIREMENTS FOR NONATTAINMENT AREAS
ADDITIONAL PROVISIONS FOR PARTICULATE MATTER NONATTAINMENT AREAS

Go to the United States Code Service Archive Directory

42 USCS § 7513

§ 7513. Classifications and attainment dates

(a) Initial classifications. Every area designated nonattainment for PM-10 pursuant to section 107(d) [*42 USCS § 7407(d)*] shall be classified at the time of such designation, by operation of law, as a moderate PM-10 nonattainment area (also referred to in this subpart [*42 USCS §§ 7513* et seq.] as a "Moderate Area") at the time of such designation. At the time of publication of the notice under section 107(d)(4) [*42 USCS § 7407(d)(4)*] (relating to area designations) for each PM-10 nonattainment area, the Administrator shall publish a notice announcing the classification of such area. The provisions of section 172(a)(1)(B) [*42 USCS § 7502(a)(1)(B)*] (relating to lack of notice-and-comment and judicial review) shall apply with respect to such classification.

(b) Reclassification as Serious.
(1) Reclassification before attainment date. The Administrator may reclassify as a Serious PM-10 nonattainment area (identified in this subpart [*42 USCS §§ 7513* et seq.] also as a "Serious Area") any area that the Administrator determines cannot practicably attain the national ambient air quality standard for PM-10 by the attainment date (as prescribed in subsection (c)) for Moderate Areas. The Administrator shall reclassify appropriate areas as Serious by the following dates:
(A) For areas designated nonattainment for PM-10 under section 107(d)(4) [*42 USCS § 7407(d)(4)*], the Administrator shall propose to reclassify appropriate areas by June 30, 1991, and take final action by December 31, 1991.
(B) For areas subsequently designated nonattainment, the Administrator shall reclassify appropriate areas within 18 months after the required date for the State's submission of a SIP for the Moderate Area.
(2) Reclassification upon failure to attain. Within 6 months following the applicable attainment date for a PM-10 nonattainment area, the Administrator shall determine whether the area attained the standard by that date. If the Administrator finds that any Moderate Area is not in attainment after the applicable attainment date--
(A) the area shall be reclassified by operation of law as a Serious Area; and
(B) the Administrator shall publish a notice in the Federal Register no later than 6 months following the attainment date, identifying the area as having failed to attain and identifying the reclassification described under subparagraph (A).

(c) Attainment dates. Except as provided under subsection (d), the attainment dates for PM-10 nonattainment areas shall be as follows:
(1) Moderate Areas. For a Moderate Area, the attainment date shall be as expeditiously as practicable but no later than the end of the sixth calendar year after the area's designation as nonattainment, except that, for areas designated nonattainment for PM-10 under section 107(d)(4) [*42 USCS § 7407(d)(4)*], the attainment date shall not extend beyond December 31, 1994.

(2) Serious Areas. For a Serious Area, the attainment date shall be as expeditiously as practicable but no later than the end of the tenth calendar year beginning after the area's designation as nonattainment, except that, for areas designated nonattainment for PM-10 under section 107(d)(4) [*42 USCS § 7407(d)(4)*], the date shall not extend beyond December 31, 2001.

(d) Extension of attainment date for Moderate Areas. Upon application by any State, the Administrator may extend for 1 additional year (hereinafter referred to as the "Extension Year") the date specified in paragraph [subsection] (c)(1) if--

(1) The State has complied with all requirements and commitments pertaining to the area in the applicable implementation plan; and

(2) no more than one exceedance of the 24-hour national ambient air quality standard level for PM-10 has occurred in the area in the year preceding the Extension Year, and the annual mean concentration of PM-10 in the area for such year is less than or equal to the standard level.

No more than 2 one-year extensions may be issued under the subsection for a single nonattainment area.

(e) Extension of attainment date for Serious Areas. Upon application by any State, the Administrator may extend the attainment date for a Serious Area beyond the date specified under subsection (c), if attainment by the date established under subsection (c) would be impracticable, the State has complied with all requirements and commitments pertaining to that area in the implementation plan, and the State demonstrates 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. At the time of such application, the State must submit a revision to the implementation plan that includes a demonstration of attainment by the most expeditious alternative date practicable. In determining whether to grant an extension, and the appropriate length of time for any such extension, the Administrator may consider the nature and extent of nonattainment, the types and numbers of sources or other emitting activities in the area (including the influence of uncontrollable natural sources and transboundary emissions from foreign countries), the population exposed to concentrations in excess of the standard, the presence and concentration of potentially toxic substances in the mix of particulate emissions in the area, and the technological and economic feasibility of various control measures. The Administrator may not approve an extension until the State submits an attainment demonstration for the area. The Administrator may grant at most one such extension for an area, of no more than 5 years.

(f) Waivers for certain areas. The Administrator may, on a case-by-case basis, waive any requirement applicable to any Serious Area under this subpart [*42 USCS §§ 7513* et seq.] where the Administrator determines that anthropogenic sources of PM-10 do not contribute significantly to the violation of the PM-10 standard in the area. The Administrator may also waive a specific date for attainment of the standard where the Administrator determines that nonanthropogenic sources of PM-10 contribute significantly to the violation of the PM-10 standard in the area.

HISTORY:

(July 14, 1955, ch 350, Title I, Part D, Subpart 4, § 188, as added Nov. 15, 1990, P.L. 101-549, Title I, § 105(a), 104 Stat. 2458.)

UNITED STATES CODE SERVICE
Copyright © 2014 Matthew Bender & Company, Inc.
a member of the LexisNexis Group (TM)
All rights reserved.

*** Current through PL 113-184, approved 9/29/14 ***

TITLE 42. THE PUBLIC HEALTH AND WELFARE
CHAPTER 85. AIR POLLUTION PREVENTION AND CONTROL
PROGRAMS AND ACTIVITIES
PLAN REQUIREMENTS FOR NONATTAINMENT AREAS
ADDITIONAL PROVISIONS FOR PARTICULATE MATTER NONATTAINMENT AREAS

Go to the United States Code Service Archive Directory

42 USCS § 7513a

§ 7513a. Plan provisions and schedules for plan submissions

(a) Moderate Areas.
(1) Plan provisions. Each State in which all or part of a Moderate Area is located shall submit, according to the applicable schedule under paragraph (2), an implementation plan that includes each of the following:
(A) For the purpose of meeting the requirements of section 172(c)(5) [*42 USCS § 7502(c)(5)*], a permit program providing that permits meeting the requirements of section 173 [*42 USCS § 7503*] are required for the construction and operation of new and modified major stationary sources of PM-10.
(B) Either (i) a demonstration (including air quality modeling) that the plan will provide for attainment by the applicable attainment date; or (ii) a demonstration that attainment by such date is impracticable.
(C) Provisions to assure that reasonably available control measures for the control of PM-10 shall be implemented no later than December 10, 1993, or 4 years after designation in the case of an area classified as moderate after the date of the enactment of the Clean Air Act Amendments of 1990.
(2) Schedule for plan submissions. A State shall submit the plan required under subparagraph (1) no later than the following:
(A) Within 1 year of the date of the enactment of the Clean Air Act Amendments of 1990, for areas designated nonattainment under section 107(d)(4) [*42 USCS § 7407(d)(4)*], except that the provision required under subparagraph (1)(A) shall be submitted no later than June 30, 1992.
(B) 18 months after the designation as nonattainment, for those areas designated nonattainment after the designations prescribed under section 107(d)(4) [*42 USCS § 7407(d)(4)*].

(b) Serious Areas.
(1) Plan provisions. In addition to the provisions submitted to meet the requirements of paragraph [subsection] (a)(1) (relating to Moderate Areas), each State in which all or part of a Serious Area is located shall submit an implementation plan for such area that includes each of the following:
(A) A demonstration (including air quality modeling)--
(i) that the plan provides for attainment of the PM-10 national ambient air quality standard by the applicable attainment date, or
(ii) for any area for which the State is seeking, pursuant to section 188(e) [*42 USCS § 7513(e)*], an extension of the attainment date beyond the date set forth in section 188(c) [*42 USCS § 7513(c)*], that attainment by that date would be impracticable, and that the plan provides for attainment by the most expeditious alternative date practicable.
(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.
(2) Schedule for plan submissions. A State shall submit the demonstration required for an area under paragraph (1)(A) no later than 4 years after reclassification of the area to Serious, except that for areas reclassified under section 188(b)(2) [*42 USCS § 7513(b)(2)*], the State shall submit the attainment demonstration within 18 months

after reclassification to Serious. A State shall submit the provisions described under paragraph (1)(B) no later than 18 months after reclassification of the area as a Serious Area.

(3) Major sources. For any Serious Area, the terms "major source" and "major stationary source" include any stationary source or group of stationary sources located within a contiguous area and under common control that emits, or has the potential to emit, at least 70 tons per year of PM-10.

(c) Milestones.

(1) Plan revisions demonstrating attainment submitted to the Administrator for approval under this subpart [*42 USCS §§ 7513* et seq.] shall contain quantitative milestones which are to be achieved every 3 years until the area is redesignated attainment and which demonstrate reasonable further progress, as defined in section 171(1) [*42 USCS § 7501(1)*], toward attainment by the applicable date.

(2) Not later than 90 days after the date on which a milestone applicable to the area occurs, each State in which all or part of such area is located shall submit to the Administrator a demonstration that all measures in the plan approved under this section have been implemented and that the milestone has been met. A demonstration under this subsection shall be submitted in such form and manner, and shall contain such information and analysis, as the Administrator shall require. The Administrator shall determine whether or not a State's demonstration under this subsection is adequate within 90 days after the Administrator's receipt of a demonstration which contains the information and analysis required by the Administrator.

(3) If a State fails to submit a demonstration under paragraph (2) with respect to a milestone within the required period or if the Administrator determines that the area has not met any applicable milestone, the Administrator shall require the State, within 9 months after such failure or determination to submit a plan revision that assures that the State will achieve the next milestone (or attain the national ambient air quality standard for PM-10, if there is no next milestone) by the applicable date.

(d) Failure to attain. In the case of a Serious PM-10 nonattainment area in which the PM-10 standard is not attained by the applicable attainment date, the State in which such area is located shall, after notice and opportunity for public comment, submit within 12 months after the applicable attainment date, plan revisions which provide for attainment of the PM-10 air quality standard and, from the date of such submission until attainment, for an annual reduction in PM-10 or PM-10 precursor emissions within the area of not less than 5 percent of the amount of such emissions as reported in the most recent inventory prepared for such area.

(e) PM-10 precursors. The control requirements applicable under plans in effect under this part [*42 USCS §§ 7501* et seq.] for major stationary sources of PM-10 shall also apply to major stationary sources of PM-10 precursors, except where the Administrator determines that such sources do not contribute significantly to PM-10 levels which exceed the standard in the area. The Administrator shall issue guidelines regarding the application of the preceding sentence.

HISTORY:

(July 14, 1955, ch 350, Title I, Part D, Subpart 4, § 189, as added Nov. 15, 1990, P.L. 101-549, Title I, § 105(a), 104 Stat. 2460.)

UNITED STATES CODE SERVICE
Copyright © 2014 Matthew Bender & Company, Inc.
a member of the LexisNexis Group (TM)
All rights reserved.

*** Current through PL 113-184, approved 9/29/14 ***

TITLE 42. THE PUBLIC HEALTH AND WELFARE
CHAPTER 85. AIR POLLUTION PREVENTION AND CONTROL
GENERAL PROVISIONS

Go to the United States Code Service Archive Directory

42 USCS § 7619

§ 7619. Air quality monitoring

(a) In general. After notice and opportunity for public hearing, the Administrator shall promulgate regulations establishing an air quality monitoring system throughout the United States which--
(1) utilizes uniform air quality monitoring criteria and methodology and measures such air quality according to a uniform air quality index,
(2) provides for air quality monitoring stations in major urban areas and other appropriate areas throughout the United States to provide monitoring such as will supplement (but not duplicate) air quality monitoring carried out by the States required under any applicable implementation plan,
(3) provides for daily analysis and reporting of air quality based upon such uniform air quality index, and
(4) provides for recordkeeping with respect to such monitoring data and for periodic analysis and reporting to the general public by the Administrator with respect to air quality based upon such data.

The operation of such air quality monitoring system may be carried out by the Administrator or by such other departments, agencies, or entities of the Federal Government (including the National Weather Service) as the President may deem appropriate. Any air quality monitoring system required under any applicable implementation plan under section 110 [*42 USCS § 7410*] shall, as soon as practicable following promulgation of regulations under this section, utilize the standard criteria and methodology, and measure air quality according to the standard index, established under such regulations.

(b) Air quality monitoring data influenced by exceptional events.
(1) Definition of exceptional event. In this section:
(A) In general. The term "exceptional event" means an event that--
(i) affects air quality;
(ii) is not reasonably controllable or preventable;
(iii) is an event caused by human activity that is unlikely to recur at a particular location or a natural event; and
(iv) is determined by the Administrator through the process established in the regulations promulgated under paragraph (2) to be an exceptional event.
(B) Exclusions. In this subsection, the term "exceptional event" does not include--
(i) stagnation of air masses or meteorological inversions;
(ii) a meteorological event involving high temperatures or lack of precipitation; or
(iii) air pollution relating to source noncompliance.
(2) Regulations.
(A) Proposed regulations. Not later than March 1, 2006, after consultation with Federal land managers and State air pollution control agencies, the Administrator shall publish in the Federal Register proposed regulations governing the review and handling of air quality monitoring data influenced by exceptional events.
(B) Final regulations. Not later than 1 year after the date on which the Administrator publishes proposed regulations under subparagraph (A), and after providing an opportunity for interested persons to make oral presentations of views, data, and arguments regarding the proposed regulations, the Administrator shall promulgate

final regulations governing the review and handling or [of] air quality monitoring data influenced by an exceptional event that are consistent with paragraph (3).

(3) Principles and requirements.

(A) Principles. In promulgating regulations under this section, the Administrator shall follow--

(i) the principle that protection of public health is the highest priority;

(ii) the principle that timely information should be provided to the public in any case in which the air quality is unhealthy;

(iii) the principle that all ambient air quality data should be included in a timely manner, [in] an appropriate Federal air quality database that is accessible to the public;

(iv) the principle that each State must take necessary measures to safeguard public health regardless of the source of the air pollution; and

(v) the principle that air quality data should be carefully screened to ensure that events not likely to recur are represented accurately in all monitoring data and analyses.

(B) Requirements. Regulations promulgated under this section shall, at a minimum, provide that--

(i) the occurrence of an exceptional event must be demonstrated by reliable, accurate data that is promptly produced and provided by Federal, State, or local government agencies;

(ii) a clear causal relationship must exist between the measured exceedances of a national ambient air quality standard and the exceptional event to demonstrate that the exceptional event caused a specific air pollution concentration at a particular air quality monitoring location;

(iii) there is a public process for determining whether an event is exceptional; and

(iv) there are criteria and procedures for the Governor of a State to petition the Administrator to exclude air quality monitoring data that is directly due to exceptional events from use in determinations by the Administrator with respect to exceedances or violations of the national ambient air quality standards.

(4) Interim provision. Until the effective date of a regulation promulgated under paragraph (2), the following guidance issued by the Administrator shall continue to apply:

(A) Guidance on the identification and use of air quality data affected by exceptional events (July 1986).

(B) Areas affected by PM-10 natural events, May 30, 1996.

(C) Appendices I, K, and N to part 50 of title 40, Code of Federal Regulations.

HISTORY:

(July 14, 1955, ch 360, Title III, § 319, as added Aug. 7, 1977, P.L. 95-95, Title III, § 309, 91 Stat. 781.)

(As amended Aug. 10, 2005, P.L. 109-59, Title VI, § 6013, 119 Stat. 1882.)

LEXISNEXIS' CODE OF FEDERAL REGULATIONS
Copyright (c) 2014, by Matthew Bender & Company, a member
of the LexisNexis Group. All rights reserved.

*** This document is current through the October 9, 2014 ***
*** issue of the Federal Register ***

TITLE 40 -- PROTECTION OF ENVIRONMENT
CHAPTER I -- ENVIRONMENTAL PROTECTION AGENCY
SUBCHAPTER C -- AIR PROGRAMS
PART 50 -- NATIONAL PRIMARY AND SECONDARY AMBIENT AIR QUALITY STANDARDS

Go to the CFR Archive Directory

40 CFR 50.1

§ 50.1 Definitions.

[PUBLISHER'S NOTE: *72 FR 13560, 13580,* Mar. 22, 2007, purported to add paragraphs (j) and (k), however text for paragraph (l) was also provided. Paragraph (l) has been added in accordance with the apparent intent of the agency. It is expected that the agency will publish a correction in the Federal Register.]

(a) As used in this part, all terms not defined herein shall have the meaning given them by the Act.

(b) Act means the Clean Air Act, as amended *(42 U.S.C. 1857*-18571, as amended by Pub. L. 91-604).

(c) Agency means the Environmental Protection Agency.

(d) Administrator means the Administrator of the Environmental Protection Agency.

(e) Ambient air means that portion of the atmosphere, external to buildings, to which the general public has access.

(f) Reference method means a method of sampling and analyzing the ambient air for an air pollutant that is specified as a reference method in an appendix to this part, or a method that has been designated as a reference method in accordance with part 53 of this chapter; it does not include a method for which a reference method designation has been cancelled in accordance with § 53.11 or § 53.16 of this chapter.

(g) Equivalent method means a method of sampling and analyzing the ambient air for an air pollutant that has been designated as an equivalent method in accordance with part 53 of this chapter; it does not include a method for which an equivalent method designation has been cancelled in accordance with § 53.11 or § 53.16 of this chapter.

(h) Traceable means that a local standard has been compared and certified either directly or via not more than one intermediate standard, to a primary standard such as a National Bureau of Standards Standard Reference Material (NBS SRM), or a USEPA/NBS-approved Certified Reference Material (CRM).

(i) Indian country is as defined in *18 U.S.C. 1151.*

(j) Exceptional event means an event that affects air quality, is not reasonably controllable or preventable, is an event caused by human activity that is unlikely to recur at a particular location or a natural event, and is determined by the Administrator in accordance with *40 CFR 50.14* to be an exceptional event. It does not include stagnation of air masses or meteorological inversions, a meteorological event involving high temperatures or lack of precipitation, or air pollution relating to source noncompliance.

(k) Natural event means an event in which human activity plays little or no direct causal role.

(l) Exceedance with respect to a national ambient air quality standard means one occurrence of a measured or modeled concentration that exceeds the specified concentration level of such standard for the averaging period specified by the standard.

HISTORY: *[36 FR 22384,* Nov. 25, 1971, as amended at *41 FR 11253,* Mar. 17, 1976; *48 FR 2529,* Jan. 20, 1983; *63 FR 7254, 7274,* Feb. 12, 1998; *72 FR 13560, 13580,* Mar. 22, 2007]

LEXISNEXIS' CODE OF FEDERAL REGULATIONS

Copyright (c) 2014, by Matthew Bender & Company, a member
of the LexisNexis Group. All rights reserved.

*** This document is current through the October 9, 2014 ***
*** issue of the Federal Register ***

TITLE 40 -- PROTECTION OF ENVIRONMENT
CHAPTER I -- ENVIRONMENTAL PROTECTION AGENCY
SUBCHAPTER C -- AIR PROGRAMS
PART 50 -- NATIONAL PRIMARY AND SECONDARY AMBIENT AIR QUALITY STANDARDS

Go to the CFR Archive Directory

40 CFR 50.14

§ 50.14 Treatment of air quality monitoring data influenced by exceptional events.

(a) Requirements. (1) A State may request EPA to exclude data showing exceedances or violations of the national ambient air quality standard that are directly due to an exceptional event from use in determinations by demonstrating to EPA's satisfaction that such event caused a specific air pollution concentration at a particular air quality monitoring location.

(2) Demonstration to justify data exclusion may include any reliable and accurate data, but must demonstrate a clear causal relationship between the measured exceedance or violation of such standard and the event in accordance with paragraph (c)(3)(iv) of this section.

(b) Determinations by EPA. (1) EPA shall exclude data from use in determinations of exceedances and NAAQS violations where a State demonstrates to EPA's satisfaction that an exceptional event caused a specific air pollution concentration in excess of one or more national ambient air quality standards at a particular air quality monitoring location and otherwise satisfies the requirements of this section.

(2) EPA shall exclude data from use in determinations of exceedances and NAAQS violations where a State demonstrates to EPA's satisfaction that emissions from fireworks displays caused a specific air pollution concentration in excess of one or more national ambient air quality standards at a particular air quality monitoring location and otherwise satisfies the requirements of this section. Such data will be treated in the same manner as exceptional events under this rule, provided a State demonstrates that such use of fireworks is significantly integral to traditional national, ethnic, or other cultural events including, but not limited to July Fourth celebrations which satisfy the requirements of this section.

(3) EPA shall exclude data from use in determinations of exceedances and NAAQS violations, where a State demonstrates to EPA's satisfaction that emissions from prescribed fires caused a specific air pollution concentration in excess of one or more national ambient air quality standards at a particular air quality monitoring location and otherwise satisfies the requirements of this section provided that such emissions are from prescribed fires that EPA determines meets the definition in § 50.1(j), and provided that the State has certified to EPA that it has adopted and is implementing a Smoke Management Program or the State has ensured that the burner employed basic smoke management practices. If an exceptional event occurs using the basic smoke management practices approach, the State must undertake a review of its approach to ensure public health is being protected and must include consideration of development of a SMP.

(4) [Reserved]

(c) Schedules and Procedures. (1) Public notification.

(i) All States and, where applicable, their political subdivisions must notify the public promptly whenever an event occurs or is reasonably anticipated to occur which may result in the exceedance of an applicable air quality standard.

(ii) [Reserved.]

(2) Flagging of data.

(i) A State shall notify EPA of its intent to exclude one or more measured exceedances of an applicable ambient air quality standard as being due to an exceptional event by placing a flag in the appropriate field for the data record of concern which has been submitted to the AQS database.

(ii) Flags placed on data in accordance with this section shall be deemed informational only, and the data shall not be excluded from determinations with respect to exceedances or violations of the national ambient air quality standards unless and until, following the State's submittal of its demonstration pursuant to paragraph (c)(3) of this section and EPA review, EPA notifies the State of its concurrence by placing a concurrence flag in the appropriate field for the data record in the AQS database.

(iii) Flags placed on data as being due to an exceptional event together with an initial description of the event shall be submitted to EPA not later than July 1st of the calendar year following the year in which the flagged measurement occurred, except as allowed under paragraph (c)(2)(iv) or (c)(2)(v) of this section.

(iv) For PM[2.5] data collected during calendar years 2004-2006, that the State identifies as resulting from an exceptional event, the State must notify EPA of the flag and submit an initial description of the event no later than October 1, 2007. EPA may grant an extension, if a State requests an extension, and permit the State to submit the notification of the flag and initial description by no later than December 1, 2007.

(v) For lead (Pb) data collected during calendar years 2006-2008, that the State identifies as resulting from an exceptional event, the State must notify EPA of the flag and submit an initial description of the event no later than July 1, 2009. For Pb data collected during calendar year 2009, that the State identifies as resulting from an exceptional event, the State must notify EPA of the flag and submit an initial description of the event no later than July 1, 2010. For Pb data collected during calendar year 2010, that the State identifies as resulting from an exceptional event, the State must notify EPA of the flag and submit an initial description of the event no later than May 1, 2011.

(vi) When EPA sets a NAAQS for a new pollutant or revises the NAAQS for an existing pollutant, it may revise or set a new schedule for flagging exceptional event data, providing initial data descriptions and providing detailed data documentation in AQS for the initial designations of areas for those NAAQS. Table 1 provides the schedule for submission of flags with initial descriptions in AQS and detailed documentation. These schedules shall apply for those data which will or may influence the initial designation of areas for those NAAQS. EPA anticipates revising Table 1 as necessary to accommodate revised data submission schedules for new or revised NAAQS.

Table 1--Special Schedules for Exceptional Event Flagging and Documentation Submission for Data To Be Used in Initial Designations for New or Revised NAAQS

NAAQS pollutant/ standard/(level)/ promulgation date	Air quality data collected for calendar year	Event flagging & initial description deadline	Detailed documentation submission deadline
PM[2.5]/24-Hr Standard (35 [mu]g/m<3>) Promulgated October 17, 2006	2004-2006	October 1, 2007	April 15, 2008.
Ozone/8-Hr Standard (0.075 ppm) Promulgated March 12, 2008	2005-2007 2008 2009	June 18, 2009 June 18, 2009 60 days after the end of the	June 18, 2009. June 18, 2009. 60 days after the end of the

Table 1--Special Schedules for Exceptional Event Flagging and Documentation Submission for Data To Be Used in Initial Designations for New or Revised NAAQS

NAAQS pollutant/ standard/(level)/ promulgation date	Air quality data collected for calendar year	Event flagging & initial description deadline	Detailed documentation submission deadline
		calendar quarter in which the event occurred or February 5, 2010, whichever date occurs first.	calendar quarter in which the event occurred or February 5, 2010, whichever date occurs first.
NO[2]/1-Hr Standard (100 ppb) Promulgated February 9, 2010	2008 2009 2010	July 1, 2010 July 1, 2010 fna April 1, 2011	January 22, 2011. January 22, 2011. July 1, 2011.
SO[2]/1-Hr Standard (75 ppb) Promulgated June 22, 2010	2008 2009 2010 2011	October 1, 2010 October 1, 2010 June 1, 2011 60 days after the end of the calendar quarter in which the event occurred or March 31, 2012, whichever date occurs first	June 1, 2011. June 1, 2011. June 1, 2011. 60 days after the end of the calendar quarter in which the event occurred or March 31, 2012, whichever date occurs first.
PM[2.5]/Primary Annual Standard (12 [mu]g/m<3>) Promulgated December 14, 2012	2010 and 2011 2012 2013	July 1, 2013 July 1, 2013 fna July 1, 2014 fna	December 12, 2013. December 12, 2013. August 1, 2014.

fna This date is the same as the general schedule in *40 CFR 50.14*.

Note: The table of revised deadlines only applies to data EPA will use to establish the initial area designations for new or revised NAAQS. The general schedule applies for all other purposes, most notably, for data used by the EPA for redesignations to attainment.

(3) Submission of demonstrations.

(i) A State that has flagged data as being due to an exceptional event and is requesting exclusion of the affected measurement data shall, after notice and opportunity for public comment, submit a demonstration to justify data exclusion to EPA not later than the lesser of, 3 years following the end of the calendar quarter in which the flagged concentration was recorded or, 12 months prior to the date that a regulatory decision must be made by EPA. A State must submit the public comments it received along with its demonstration to EPA.

(ii) A State that flags data collected during calendar years 2004-2006, pursuant to paragraph (c)(2)(iv) of this section, must adopt the procedures and requirements specified in paragraph (c)(3)(i) of this section and must include a demonstration to justify the exclusion of the data not later than the submittal of the Governor's recommendation letter on nonattainment areas.

(iii) A State that flags Pb data collected during calendar years 2006-2009, pursuant to paragraph (c)(2)(v) of this section shall, after notice and opportunity for public comment, submit to EPA a demonstration to justify exclusion of the data not later than October 15, 2010. A State that flags Pb data collected during calendar year 2010 shall, after notice and opportunity for public comment, submit to EPA a demonstration to justify the exclusion of the

data not later than May 1, 2011. A state must submit the public comments it received along with its demonstration to EPA.

(iv) The demonstration to justify data exclusion shall provide evidence that:

(A) The event satisfies the criteria set forth in *40 CFR 50.1(j)*;

(B) There is a clear causal relationship between the measurement under consideration and the event that is claimed to have affected the air quality in the area;

(C) The event is associated with a measured concentration in excess of normal historical fluctuations, including background; and

(D) There would have been no exceedance or violation but for the event.

(v) With the submission of the demonstration, the State must document that the public comment process was followed.

(vi) [Reserved.]

(A) [Reserved]

HISTORY: *[72 FR 13560, 13580,* Mar. 22, 2007; *72 FR 28612,* May 22, 2007; *73 FR 58042, 58046,* Oct. 6, 2008, withdrawn at *73 FR 76219,* Dec. 16, 2008; *73 FR 66964, 67051,* Nov. 12, 2008; *73 FR 70597,* Nov. 21, 2008; *74 FR 23307, 23312,* May 19, 2009; *75 FR 6474, 6531,* Feb. 9, 2010; *75 FR 35520, 35592,* June 22, 2010; *78 FR 3086, 3277,* Jan. 15, 2013]

R18-2-609. Agricultural Practices

A person shall not cause, suffer, allow, or permit the performance of agricultural practices outside the Phoenix and Yuma planning areas, as defined in 40 CFR 81.303, which is incorporated by reference in R18-2-210, including tilling of land and application of fertilizers without taking reasonable precautions to prevent excessive amounts of particulate matter from becoming airborne.

Historical Note

Section R18-2-609 renumbered from R18-2-409 effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 6 A.A.R. 2009, effective May 12, 2000 (Supp. 00-2). Amended by final rulemaking at 11 A.A.R. 2210, effective July 18, 2005 (Supp. 05-2).

R18-2-610. Definitions for R18-2-610.01

The definitions in R18-2-101 and the following definitions apply to R18-2-610.01:

1. "Access restriction" means reducing the number of trips driven on agricultural aprons and access roads by restricting or eliminating public access to noncropland with signs or physical obstruction.
2. "Aggregate cover" means gravel, concrete, recycled road base, caliche, or other similar material applied to noncropland to a depth sufficient to reduce dust generated from vehicle movement, wind or other erosive forces.
3. "Area A" means the area delineated according to A.R.S. § 49-541(1).
4. "Best management practice" means a technique verified by scientific research, that on a case-by-case basis is practical, economically feasible, and effective in reducing PM_{10} emissions from a regulated agricultural activity.
5. "Cessation of Night Tilling" means the discontinuation of night tillage tilling on a day identified by the *Maricopa County Dust Control Forecast* as being high risk of dust generation.
6. "Chemical irrigation" means reducing the number of passes across a commercial farm by applying a fertilizer, pesticide, or other agricultural chemical to cropland through an irrigation system.
7. "Combining tractor operations" means reducing soil compaction and the number of passes across a commercial farm by using a tractor, implement, harvester, or other farming support vehicle to perform two or more tillage, cultivation, planting, or harvesting operations at the same time.
8. "Commercial farm" means 10 or more contiguous acres of land used for agricultural purposes within the boundary of the Maricopa PM_{10} nonattainment area and Maricopa County portion of Area A or a PM_{10} nonattainment area designated after June 1, 2009 as stated in A.R.S. § 49-457(P)(1)(f).
9. "Commercial farmer" means an individual, entity, or joint operation in general control of a commercial farm.
10. "Committee" means the Governor's Agricultural Best Management Practices Committee.
11. "Cover crop" means reducing wind erosion and PM_{10} emissions by using plants or a green manure crop seasonally to protect soil surfaces between crops and control soil movement.
12. "Critical area planting" means reducing PM_{10} emissions and wind erosion by planting trees, shrubs, vines, grasses, or other vegetative cover on noncropland in order to maintain adequate ground cover.
13. "Cropland" means land on a commercial farm that:
    a. Is within the time-frame of final harvest to plant emergence;
    b Has been tilled in a prior year and is suitable for crop production, but is currently fallow; or
    c. Is a turn-row.
14. "Cross-wind ridges" means stabilizing soil and reducing PM_{10} emissions and wind erosion by creating soil ridges in a commercial farm by tillage or planting operations. Ridges should be aligned as perpendicular as possible to the prevailing wind direction. Soil should be stable enough to sustain effective ridges.
15. "Cross-wind strip-cropping" means stabilizing soil and reducing PM_{10} emissions by growing strips of at least two crops: herbaceous cover or managing crop or herbaceous residue as a protective cover within the same field. Strips should be aligned as perpendicular as possible to the prevailing wind directions.
16. "Equipment modification" means reducing PM_{10} emissions and soil erosion during tillage and harvest operations by modifying and maintaining an existing piece of agricultural equipment, purchasing new equipment, increasing equipment size, modifying land planting and land leveling, matching the equipment to row spacing, or grafting to new varieties or technological improvements.
17. "Fallow Field" means an area of land that is routinely cultivated, planted and harvested and is unplanted for one or more growing seasons or planting cycles, but is intended to be placed back in agricultural production.
18. "Forage Crop" means a product grown for consumption by any domestic animal.
19. "Genetically Modified" means a living organism whose genetic material has been altered, changing one or more of its characteristics.
20. "GMO: Genetically Modified Organism" means a plant that has been altered by a genetic exchange with another organism.
21. "GPS: Global Position Satellite System" means using a satellite navigation system on farm equipment to calculate position in the field.
22. "Green Chop" means reducing soil compaction, soil disturbance and the number of passes across a commercial farm by harvesting of a Forage Crop without allowing it to dry in the field.
23. "Integrated Pest Management" means reducing soil compaction and the number of passes in a commercial farm for spraying by using a combination of techniques including organic, conventional, and biological farming practices to suppress pest problems.
24. "Limited harvest activity during a high-wind event" means performing no harvest or soil preparation activity when the measured wind speed as measured by a hand held anemometer is more than 25 miles per hour at the commercial farm site.
25. "Limited tillage activity during a high-wind event" means performing no tillage or soil preparation activity when the measured wind speed as measured by a hand held anemometer is more than 25 miles per hour at the commercial farm site.
26. "Maricopa PM_{10} nonattainment area" means the Phoenix planning area as defined in 40 CFR 81.303, which is incorporated by reference in R18-2-210.
27. "Mulching" means reducing PM_{10} emissions and wind erosion and preserving soil moisture by applying a protective layer of plant residue or other material that is not produced onsite to a soil surface to reduce soil movement.
28. "Multi-year crop" means reducing PM_{10} emissions from wind erosion or tillage by protecting the soil surface by

growing a crop, pasture, or orchard that is grown, or will be grown, on a continuous basis for more than one year.

29. "Noncropland" means any commercial farm land that:
    a. Is no longer used for agricultural production;
    b. Is no longer suitable for production of crops;
    c. Is subject to a restrictive easement or contract that prohibits use for the production of crops; or
    d. Includes a private farm road, ditch, ditch bank, equipment yard, storage yard, or well head.
30. "Night Tilling" means preparing the land for the raising of crops between the hours of 2:00 a.m. and 8:00 a.m.
31. "Organic farming practices" means using biological or non-chemical agricultural methods.
32. "Organic material application" means applying animal waste or biosolids to a soil surface.
33. "Permanent cover" means reducing PM_{10} emissions and wind erosion by maintaining a long-term perennial vegetative cover on cropland that is temporarily not producing a major crop.
34. "Planting based on soil moisture" means applying water or having enough moisture in the soil to germinate the seed prior to planting.
35. "Precision Farming" means reducing the number of passes across a commercial farm by using GPS to precisely guide farm equipment in the field.
36. "Reduce vehicle speed" means reducing PM_{10} emissions and soil erosion from the operation of farm vehicles or farm equipment on unpaved private farm roads at speeds not to exceed 20 mph.
37. "Reduced harvest activity" means reducing the number of mechanical harvest passes.
38. "Reduced tillage system" means reducing the number of tillage operations.
39. "Regulated agricultural activity" means a regulated agricultural activity as defined in A.R.S. § 49-457(P)(5).
40. "Regulated area" means a regulated area as defined in A.R.S. § 49-457(P)(6).
41. "Residue management" means reducing PM_{10} emissions and wind erosion by managing the amount and distribution of crop and other plant residues on a soil surface between the time of harvest of one crop and the emergence of a new crop.
42. "Sequential cropping" means reducing PM_{10} emissions and wind erosion by growing crops in a sequence or close rotation that limits the amount of time bare soil is exposed on a commercial farm to 30 days or less.
43. "Shuttle System/Larger Carrier" means reducing the number of passes in a commercial farm by using multiple or larger bins/trailers per trip to haul commodity from the field.
44. "Significant Agricultural Earth Moving Activities" means either leveling activities conducted on a commercial farm that disturb the soil more than 4 inches below the surface, or the creation, maintenance and relocation of: ditches, canals, ponds, irrigation lines, tailwater recovery systems (agricultural sumps) and other water conveyances, not to include activities performed on cropland for crop preparation, cultivation or harvest.
45. "Stabilization of soil prior to plant emergence" means reducing PM_{10} emissions by applying water to soil in between planting and crop emergence in order to cause the soil to form a crust.
46. "Surface roughening" means reducing PM_{10} emissions and wind erosion by manipulating a soil surface in order to produce or maintain clods.
47. "Stagnant Air Conditions" means a meteorological regime where warm air aloft overlies cooler air near the surface and little if any vertical mixing occurs.
48. "Synthetic particulate suppressant" means reducing PM_{10} emissions and wind erosion by providing a surface barrier or binding soil particles together on noncropland with a manufactured product such as lignosulfate, calcium chloride, magnesium chloride, an emulsion of a petroleum product, an enzyme product, or polyacrylamide that is used to control particulate matter.
49. "Tillage and harvest" means any mechanical practice that physically disturbs cropland or crops on a commercial farm.
50. "Tillage based on soil moisture" means reducing PM_{10} emissions by irrigating fields to the depth of the proposed cut prior to soil disturbances or conducting tillage to coincide with precipitation.
51. "Timing of a tillage operation" means performing tillage operations that minimize the amount of time the soil surface is susceptible to wind erosion resulting in PM_{10}.
52. "Track-out control system" means reducing PM_{10} emissions by using a device or system to remove mud or soil from a vehicle or equipment before the vehicle enters a paved public road.
53. "Transgenic Crops" means reducing the need for tillage or cultivation operations, the number of chemical spray applications, or soil disturbances by using plants that are genetically modified.
54. "Transplanting" means reducing the number of passes in a commercial farm and minimizing soil disturbance by utilizing plants already in a growth state as compared to seeding.
55. "Watering" means reducing PM_{10} emissions and wind erosion by applying water to noncropland bare soil surfaces during periods of high traffic until the surfaces are visibly moist.
56. "Wind barrier" means reducing PM_{10} emissions and wind erosion by constructing a fence or structure, or providing a woody vegetative barrier by planting a row of trees or shrubs, perpendicular or across the prevailing wind direction to reduce wind speed by changing the pattern of air flow over the land surface.

Historical Note

Former Section R18-2-610 renumbered to R18-2-612; new Section R18-2-610 adopted by final rulemaking at 6 A.A.R. 2009, effective May 12, 2000 (Supp. 00-2). Amended by exempt rulemaking at 13 A.A.R. 4326, effective November 14, 2007 (Supp. 07-4). Amended by exempt rulemaking at 18 A.A.R. 137, effective December 29, 2011 (Supp. 11-4). Subsection (A) corrected at the request of the Department, Office File No. M12-133, filed April 5, 2012 (Supp. 11-4).

R18-2-610.01. Agricultural PM_{10} General Permit for Crop Operations; PM_{10} Nonattainment Areas

A. A commercial farmer shall comply with this Section by January 1, 2012. Until the end of the transition period on March 31, 2013, a commercial farmer shall maintain a record demonstrating compliance with this Section. The record shall be provided to the Director within two business days of notice to the commercial farmer. The record shall contain:

1. The name of the commercial farmer;
2. The mailing address or physical address of the commercial farm; and
3. The best management practices selected for tillage and harvest, noncropland, and cropland.

B. A commercial farmer, who begins a regulated agricultural activity after January 1, 2012, shall comply with this Section within three months of beginning the regulated agricultural activity.

C. A commercial farmer within a Serious PM_{10} Nonattainment Area shall implement at least two best management practices from each category to reduce PM_{10} emissions.

D. A commercial farmer within a Moderate PM_{10} Nonattainment Area shall implement at least one best management practice from each category to reduce PM_{10} emissions.

E. A commercial farmer shall implement from the following best management practices, as described in subsection (C) or (D), during harvest and tillage activities:
1. Chemical irrigation,
2. Combining tractor operations,
3. Equipment modification,
4. Green Chop,
5. Integrated Pest Management,
6. Limited harvest activity during a high-wind event,
7. Limited tillage activity during a high-wind event,
8. Multi-year crop,
9. Cessation of Night Tilling,
10. Planting based on soil moisture,
11. Precision Farming,
12. Reduced harvest activity,
13. Reduced tillage system,
14. Tillage based on soil moisture,
15. Timing of a tillage operation,
16. Transgenic Crops,
17. Transplanting, or
18. Shuttle System/Larger Carrier.

F. A commercial farmer shall implement from the following best management practices, as described in subsection (C) or (D), to reduce PM_{10} emissions from noncropland:
1. Access restriction,
2. Aggregate cover,
3. Wind barrier,
4. Critical area planting,
5. Organic material application,
6. Reduce vehicle speed,
7. Synthetic particulate suppressant,
8. Track-out control system, or
9. Watering.

G. A commercial farmer shall implement from the following best management practices, as described in subsection (C) or (D), to reduce PM_{10} emissions from cropland:
1. Wind barrier,
2. Cover crop,
3. Cross-wind ridges,
4. Cross-wind strip-cropping,
5. Integrated Pest Management,
6. Organic material application,
7. Mulching,
8. Multi-year crop,
9. Permanent cover,
10. Stabilization of soil prior to plant emergence,
11. Precision Farming,
12. Residue management,
13. Sequential cropping, or
14. Surface roughening.

H. A commercial farmer shall implement from the following best management practices, as described in subsection (C) or (D), when conducting Significant Agricultural Earth Moving Activities as defined in R18-2-610:
1. Apply water prior to conducting Significant Agricultural Earth Moving Activities and/or time Significant Agricultural Earth Moving Activities to coincide with precipitation;
2. Apply water during Significant Agricultural Earth Moving Activities;
3. Limit activities during high wind events;
4. Conduct Significant Agricultural Earth Moving Activities in a manner to minimize the number of passes by using equipment that is the most efficient means of moving the soil; or
5. Conduct Significant Agricultural Earth Moving Activities as close to possible to planting or otherwise stabilize the soil, except for emergency maintenance purposes.

I. Beginning March 31, 2013, or within 90 days after the start of a new regulated agricultural activity, whichever is later, the commercial farmer shall complete and submit a Best Management Practices Program General Permit Record Form to the Arizona Department of Agriculture. Thereafter, the commercial farmer shall also complete and submit a Best Management Practices Program General Permit Record Form to the Arizona Department of Agriculture on March 31 of each calendar year. The Best Management Practice Program General Permit Record form shall include the following information:
1. At least the required number of best management practices as described in subsection (C) or (D) that the commercial farmer implemented during the previous calendar year;
2. At least the required number of best management practices as described in subsection (C) or (D) that the commercial farmer intends to implement during the current calendar year;
3. The name, business address, and phone number of the commercial farmer responsible for the preparation and implementation of the best management practices;
4. The signature of the commercial farmer and the date the form was signed.

J. Beginning in Calendar Year 2014, and no more than once every subsequent three calendar years, the Director shall provide the commercial farmer with a Best Management Practices Program Periodic Survey. The commercial farmer may complete and submit the survey to the Arizona Department of Agriculture. The Periodic Survey shall include the following information:
1. The type and acreage of each crop type planted during the calendar year that the survey is conducted,
2. The total miles of unpaved roads at the commercial farm, and
3. The total acreage of the unpaved equipment and traffic areas at the commercial farm.

K. Records of any changes to the Best Management Practices identified in the most recently submitted Best Management Practices Program General Permit Record Form shall be kept by the commercial farmer onsite and made available for review within two business days of notice to the commercial farmer.

L. A person may petition the Committee to consider different practices to control PM_{10} emissions not contained in either of the categories of subsection (E), (F), (G), or (H). The Committee may require on-farm demonstration trials to be conducted under the conditions established by the Committee. The proposed new practices shall not become effective unless approved by the Committee.

M. A commercial farmer shall maintain a record demonstrating compliance with this Section for three years. Records shall include a copy of the complete Best Management Practice Program General Permit Record Form to confirm implementation of each best management practice.

N. The Director shall not assess a fee to a commercial farmer for coverage under the agricultural PM_{10} general permit.

O. A commercial farmer shall ensure that the implementation of all selected best management practices does not violate any other local, state, or federal law.

P. The Director shall document noncompliance with this Section before issuing a compliance order.

Q. A commercial farmer who is not in compliance with this Section is subject to the provisions in A.R.S. § 49-457(I), (J), and (K).

Historical Note

New Section made by exempt rulemaking at 18 A.A.R. 137, effective December 29, 2011 (Supp. 11-4).

R18-2-611. Definitions for R18-2-611.01

The definitions in R18-2-101 and the following definitions apply to R18-2-611.01:

1. The following definitions apply to a commercial dairy operation:
   a. "Aggregate cover" means gravel, concrete, recycled road base, caliche, or other similar material applied to unpaved roads or feed lanes to a depth sufficient to reduce dust generated from vehicle movement, wind or other erosive forces.
   b. "Apply a fibrous layer" means reducing PM_{10} emissions by spreading shredded or deconstructed plant materials to cover loose soil in high animal traffic areas.
   c. "Bunkers" means below ground level storage systems for storing large amount of silage, which is covered with a plastic tarp.
   d. "Calves" means young dairy stock under two months of age.
   e. "Cement cattle walkways to milk barn" means reducing PM_{10} emissions by fencing pathways from the corrals to the milking barn, which are surfaces with concrete floors.
   f. "Commercial animal operator" means an individual, entity, or joint operation in general control of an animal operation.
   g. "Commercial dairy operation" means a dairy operation with more than 150 dairy cattle within the boundary of the Maricopa PM_{10} nonattainment area and Maricopa County portion of Area A or a PM_{10} nonattainment area designated after June 1, 2009 as stated in A.R.S. § 49-457(P)(1)(f).
   h. "Cover manure hauling trucks" means reducing PM_{10} emissions by completely covering the top of the loaded area.
   i. "Covers for silage" means reducing PM_{10} emissions and wind erosion by using large plastic tarps to completely cover silage.
   j. "Do not run cattle" means reducing PM_{10} emissions by walking dairy cattle to the milking barn.
   k. "Feed higher moisture feed to dairy cattle" means reducing PM_{10} emissions by feeding dairy cattle one or a combination of the following:
      i. Add water to ration mix to achieve a 20% minimum moisture level,
      ii. Add molasses or tallow to ration mix at a minimum of 1%,
      iii. Add silage, or
      iv. Add Green Chop.
   l. "Feed green chop" means feeding high moisture feed that contains at least 30% moisture directly to dairy cattle.
   m. "Groom manure surface" means reducing PM_{10} emissions and wind erosion by:
      i. Flushing or vacuuming lanes daily,
      ii. Scraping and harrowing pens on a weekly basis, and
      iii. Removing manure every four months with equipment that leaves an even corral surface of compacted manure on top of the soil.
   n. "Hutches" means raised, roofed enclosures that protect the calves from the elements.
   o. "Pile manure between cleanings" means reducing PM_{10} emissions by collecting loose surface materials within the confines of the surface area of the occupied feed pen to contain the loose manure materials.
   p. "Provide cooling in corral" means reducing PM_{10} emissions by using evaporative coolers under the corral shades to reduce the ambient air temperature, thereby increasing stocking density in the cool areas of the corrals.
   q. "Provide shade in corral" means reducing PM_{10} emissions by increasing stocking density and reducing animal movement by using a permanent structure, which provides at least 16 square feet per animal of shaded pen surface.
   r. "Push equipment" means manure harvesting equipment pushed in front of a tractor.
   s. "Regulated agricultural activity" means a regulated agricultural activity as defined in A.R.S. § 49-457(P)(5).
   t. "Regulated area" means a regulated area as defined in A.R.S. § 49-457(P)(6).
   u. "Silage" means fermented, high-moisture fodder that can be fed to ruminants, such as cattle and sheep; usually made from grass crops including corn, sorghum or other cereals, by using the entire green plant.
   v. "Store and maintain feed stock" means reducing PM_{10} emissions and wind erosion by storing feed stock in a covered area where the commodity is surrounded on at least three sides by a structure so that the feed stock is adequately contained.
   w. "Synthetic particulate suppressant" as defined in R18-2-610.
   x. "Use drag equipment to maintain pens" means reducing PM_{10} emissions by using manure harvesting equipment pulled behind a tractor instead of using push equipment.
   y. "Use free stall housing" means reducing PM_{10} emissions by enclosing one cow per stall, which are outfitted with concrete floors.
   z. "Water misting systems" means reducing PM_{10} emissions from dry manure by using systems that project a cloud of very small water particles onto the manure surface.
   aa. "Wind barrier" means reducing PM_{10} emissions and wind erosion by constructing a fence or structure, or providing a woody vegetative barrier by planting a row of trees or shrubs, perpendicular or across the prevailing wind direction to reduce wind speed by changing the pattern of air flow over the land surface.
2. The following definitions apply to a commercial beef cattle feedlot:
   a. "Add moisture to pen surface" means reducing PM_{10} emissions and wind erosion by applying at

ARTICLE 2.
FUGITIVE DUST

4-2-020. General

The purpose of this article is to reasonably regulate operations which periodically may cause fugitive dust emissions into the atmosphere.

[Adopted effective June 29, 1993. Revised 12/4/2002.]

4-2-030. Definitions

For the purpose of this article, the following definitions shall apply:

1. MOTOR VEHICLE - A self-propelled vehicle weighing less than six thousand pounds that is designed for carrying persons or property on a street or highway.
2. REASONABLE PRECAUTION - Measures taken to prevent fugitive dust from becoming airborne which result in the lowest emission limitation by the application of control technology that is reasonably available considering technological and economic feasibility.
3. URBAN or SUBURBAN OPEN AREA - An unsubdivided tract of land surrounding a substantial urban development of a residential, industrial, or commercial nature and which, though near or within the limits of some city or town, may be used for agriculture, be uncultivated, or lie fallow.
4. VACANT LOT - A subdivided residential or commercial lot which contains no buildings or structures of a temporary or permanent nature.

[Adopted effective June 29, 1993. Revised 12/4/2002.]

4-2-040. Standards

A. No person shall cause, suffer, allow, or permit a building or its appurtenances, subdivision site, driveway, parking area, vacant lot or sales lot, or an urban or suburban open area to be constructed, used, altered, repaired, demolished, cleared, or leveled, or the earth to be moved or excavated, or fill dirt to be deposited, without taking reasonable precautions to effectively prevent fugitive dust from becoming airborne.

B. No person shall cause, suffer, allow, or permit a vacant lot, or an urban or suburban open area, to be driven over or used by motor vehicles, such as but not limited to all-terrain vehicles, trucks, cars, cycles, bikes, or buggies, without taking reasonable precautions to effectively prevent fugitive dust from becoming airborne.

C. No person shall cause, suffer, allow or permit the performance of agricultural practices including but not limited to tilling of land and application of fertilizers without taking reasonable precautions to prevent particulate matter from becoming airborne.

D. No person shall disturb or remove soil or natural cover from any area without taking reasonable precautions to effectively prevent fugitive dust from becoming airborne.

E. No person shall crush, screen, handle or convey materials or cause, suffer, allow or permit material to be stacked, piled or otherwise stored without taking reasonable precautions to effectively prevent fugitive dust from becoming airborne.

F. Stacking and reclaiming machinery utilized at storage piles shall be operated at all times with a minimum fall of material and in such manner, or with the use of spray bars and wetting agents, as to prevent excessive amounts of particulate matter from becoming airborne. Other reasonable precautions shall be taken, as necessary, to effectively prevent fugitive dust from becoming airborne.

G. No person shall cause, suffer, allow or permit transportation of materials likely to give rise to fugitive dust without taking reasonable precautions to prevent fugitive dust from becoming airborne. Earth and other material that is tracked out or transported by trucking and earth moving equipment on paved streets shall be removed by the party or person responsible for such deposits. Removal of earth from paved streets shall not violate the visibility standard in Chapter 2.

H. No person shall operate, maintain, use or permit the use of any commercial feedlot or commercial livestock area for purposes of feeding or displaying animals, or engage in other activity such as racing and exercising, without taking reasonable precautions to effectively prevent fugitive dust from becoming airborne.

I. No person shall cause, suffer, allow, or permit the use, repair, construction or reconstruction of any road or alley without taking every reasonable precaution to effectively prevent fugitive dust from becoming airborne.

J. No person shall operate a motor vehicle for recreational purposes in a dry wash, riverbed or open area in such a way as to cause or contribute to visible dust emissions which then cross property lines into a residential, recreational, institutional, educational, retail sales, hotel or business premises. For purposes

of this subsection "motor vehicles" shall include, but not be limited to trucks, cars, cycles, bikes, buggies and 3-wheelers. Any person who violates the provisions of this subsection shall be subject to prosecution under A.R. S. §49-513.

K. No person shall cause, suffer, allow, or permit construction of mineral tailing piles without taking reasonable precautions to prevent excessive amounts of particulate matter from becoming airborne. For purposes of controlling emissions from mineral tailings piles, reasonable precautions shall mean wetting, chemical stabilization, revegetation or such other measures as may be approved by the Control Officer.

[Adopted effective June 29, 1993. Amended October 27, 2004.]

4-2-050. Monitoring and records

A. Sources subject to §4-2-040. shall also be subject to the visible opacity limitations in Chapter 2, Article 8.

B. Opacity observations for visible emissions of fugitive dust shall be conducted in accordance with techniques specified in Reference Method 9 in the Arizona Testing Manual for Air Pollutant Emissions.

[Adopted effective June 29, 1993. Revised May 14, 1997. Amended October 27, 2004.]

ARTICLE 3. CONSTRUCTION SITES - FUGITIVE DUST

4-3-060. General Provisions

A. Intent; Applicability; Exceptions

1. Intent

   The intent of this section is to improve the control of excessive fugitive dust emissions that have been traditionally associated with construction, earthwork and land development, and thereby minimize nuisance impacts.

2. Effective Date

   Except for the registration requirements noted in A. 6(e), the approval date of the regulations and prohibitions set forth in this section is the date the Board of Supervisors adopts the final rule, unless the board of Supervisors specifies a later

date. The rules will become effective 60 days after the final publication in the Arizona Administrative Register.

3. Geographic Scope
   These rules shall be effective throughout Pinal County.
4. Affected Activities
   Within the meaning of this section, land stripping, earthmoving, blasting, trenching, road construction, grading, landscaping, stockpiling excavated materials, storing excavated materials, loading excavated materials, or any other activity associated with land development which results in a disturbed surface area or dust generating operations, shall all constitute " affected activities" if the disturbed surface area is greater than 0. 1 acre.
5. Affected Parties
   The requirements and prohibitions of this rule shall independently apply to the land owner, and to any contractor or subcontractor operating on the job site, provided that full compliance with this rule by one of those parties shall operate to the benefit of each.
6. Exceptions
   Subject to the exceptions below, the prohibitions, registration requirements and performance standards of this section shall apply to all affected activities.
   Specific exceptions include:
   a. The registration requirements of this section shall not apply to any facility operating under authority of a permit issued pursuant to ARS §§49-426 or 49-480.
   b. In the case of an emergency, action may be taken to stabilize the situation before submitting an air quality earthmoving activity registration form. Upon stabilizing the emergency situation, an air quality earthmoving activity registration form shall be submitted.
   c. In the case of legitimate vehicle test and development facilities and operations conducted by or for an equipment manufacturer, where dust is required to test and validate the design integrity, product quality and/or commercial acceptance, those activities shall be exempt from the registration requirements under this rule.
   d. The registration requirements of this section shall not apply to road maintenance activities. However, road maintenance activities must include control measures and work practices to reduce dust generation. A dust control plan must be prepared and available upon request, which shall contain an explanation of the control measures and work practices to be utilized on the project or site.
   e. The registration requirements of this section shall apply to public contracts, for work located outside of "Area A, " bid on or after December 30, 2002, and private contracts bids on the date the contract is signed.
   f. The registration requirements shall not apply with respect to affected activities associated with the emergency repair of utilities.

B. General Prohibition
   Subject to the exemptions set forth in this section, it constitutes a violation of this rule for any person to cause or permit the use of any powered equipment for the purpose of conducting any affected activity, without:

1. Providing an earthmoving registration form to the control officer, obtaining a written acknowledgement from the control officer, and complying with the provisions of the registration notice; and
2. Complying with the universal performance standard defined in this rule (see 4-3-090).

[Adopted December 13, 2000, and effective March 1, 2001. Revised 12/4/2002.]

4-3-070. Definitions

See Article 3 (General Provisions and Definitions) of this code for definitions of terms that are used but not specifically defined in this rule.

1. "Affected Area" as used in this rule, means a job or construction site which is greater than 0.1 acres and where affected activities associated with land development disturb the surface of the earth in Pinal County.
2. "Bulk material" as used in this rule, means any material including but not limited to earth, rock, silt, sediment, sand, gravel, soil, fill, aggregate less than 2 inches in length or diameter, dirt, mud, demolition debris, trash, cinders, pumice, saw dust, and dry concrete, which are capable of producing fugitive dust at an industrial, institutional, commercial, governmental, construction and/or demolition site.
3. "Bulk material handling, storage and/or transporting operation" as used in this rule, means the use of equipment, haul trucks, and/or motor vehicles, such as but not limited to, the loading, unloading, conveying, transporting, piling, stacking, screening, grading, or moving of bulk materials, which are capable of producing fugitive dust at an industrial, institutional, commercial, governmental, construction, and/or demolition site.
4. "Carry-out/ trackout" as used in this rule means, any and all bulk materials that adhere to and agglomerate on the exterior surface of motor vehicles, haul trucks, and/or equipment (including tires) and that have fallen onto a paved roadway.
5. "Control measure" as used in this rule means, a preemptive or concurrent technique, practice, or procedure used to minimize the generation, emission, entrainment, suspension, and/or airborne transport of fugitive dust. Control measures include the following:

Control Measure	Description
a. Watering (pre-wetting)	Application of water by means of trucks, hoses, and/or sprinklers prior to conducting any land clearing. This will increase the moisture content of the soils and increase stability of the soil.
b. Watering (operational control)	In active earth-moving areas water should be applied at sufficient intervals and quantity to prevent visible emissions from extending more than 100 feet from the site's boundaries, as noted on the plot plan.
c. Watering (site stabilization)	Wind erosion control for inactive sites where there is no activity for seven (7) days or more.
d. Chemical stabilizers/dust suppressants	Effective in areas which are not subject to daily disturbances. Vendors can supply information on application methods and concentrations.

e. Wind barriers	Three to five-foot barriers (with 50% or less porosity), berms or equipment located adjacent to roadways or urban areas to reduce the amount of windblown material that leaves the site. Wind barriers must be implemented with watering or dust suppressants.
f. Cover haul vehicles	Entire surface area of hauled bulk materials should be covered with an anchored tarp, plastic or other material when the cargo container is empty or full.
g. Reduce speed limits	15 miles per hour maximum.
h. Gravel pad	A layer of washed gravel, rock, or crushed rock which is at least one inch or larger in diameter, maintained at the point of the intersection of a paved public roadway and a work site entrance to dislodge mud, dirt, and/or debris from the tires of motor vehicles, and/or haul trucks, prior to leaving the work site.
i. Grizzly	A device (i.e. rails, pipes, or grates) used to dislodge mud, dirt, and/or debris from the tires and undercarriage of motor vehicles and/or haul trucks prior to leaving the work site.
j. Wind sheltering	Enclose storage piles in silos or protected three sided barriers equal to bulk material height; line work site boundaries adjacent to roadways or urban areas with wind barriers.
k. Altering load-in/load-out procedures	Confine load-in-load out procedures to downwind side of the material and mist material with water prior to loading. Empty loader slowly and keep bucket close to the truck while dumping.
l. Other measures as proposed by registrant	Specific measures that are adequate to address nuisance issues at the earth moving activity site.

6. "Disturbed Surface Area" as used in this rule, means any portion of the earth' s surface that has been physically moved, uncovered, destabilized, or otherwise modified from its undisturbed natural condition, thereby increasing the potential for emission of fugitive dust.
   a. For trenches that are less than four feet in depth, it is assumed that a six (6) foot wide path of surface material will be disturbed as the trench is dug. Once the trench exceeds a length of 726 feet, 0. 1 acres of surface area has been disturbed. For trenches that are four feet or greater in depth, it is assumed that a twelve (12) foot wide path of surface material will be disturbed as the trench is dug. once the trench exceeds a length of 363 feet, 0. 1 acres of surface area has been disturbed. If the registrant identifies situations in which the amount of surface area should be calculated differently, a case-by-case determination would be made.

b. For calculations of disturbed surface areas for land clearing or earthmoving activities, 25 feet will be added to each dimension of all structures, driveways, concrete pads, and other construction projects being built on the site to allow for an equipment utilization zone. If this final figures exceeds 4,356 square feet, a dust registration is required for the site.

7. "Dust generating operation" as used in this rule, means any activity capable of generating fugitive dust, including but not limited to, land clearing, earthmoving, weed abatement by discing or blading, excavating, construction, demolition, material handling, storage and/or transporting operations, vehicle use and movement, the operation of any outdoor equipment, or unpaved parking lots. For the purpose of this rule, landscape maintenance and/or playing on a ballfield shall not be considered a dust generating operation. However, landscape maintenance shall not include grading, trenching, nor any other mechanized surface disturbing activities performed to establish initial landscapes or to redesign existing landscapes.
8. "Dust suppressant" as used in this rule, means water, hygroscopic material, solution of water and chemical surfactant foam, non-toxic chemical stabilizer or any other dust palliative, which is not prohibited by the U. S. Environmental Protection Agency (EPA) or the Arizona D epar tment of Environmental Quality (ADEQ), or any applicable law, rule, or regulation, as a treatment material for reducing fugitive dust emissions.
9. "Earthmoving activity" as used in this rule, means any land stripping, earthmoving, blasting, trenching, road construction, grading, landscaping, stockpiling excavated materials, storing excavated materials, loading excavated materials, or any other activity associated with land development where the objective is to disturb the surface of the earth, which shall all constitute " affected activities" if the job site is greater than 0. 1 acre. (See 4. 3. 600.A. 4 - General Provisions)
10. "Earthmoving operation" as used in this rule, means the use of any equipment for an activity which may generate fugitive dust, such as but not limited to cutting and filling, grading, leveling, excavating, trenching, loading or unloading bulk material, demolishing, blasting, drilling, adding to or removing bulk materials from open storage piles, back filling, soil mulching, landfill operations, or weed abatement by discing or blading.
11. "Freeboard" as used in this rule, means the vertical distance between the top edge of a cargo container and the highest point at which the bulk material contacts the sides, front, and back of the container.
12. "Fugitive dust" as used in this rule, means the regulated particulate matter, which is not collected by a capture system, which is entrained in the ambient air, and which is caused from human and/or natural activities, such as but not limited to, movement of soils, vehicles, equipment, blasting, and wind. For the purpose of this rule, fugitive dust does not include particulate matter emitted directly from the exhaust of motor vehicles and other internal combustion engines, from portable brazing, soldering, or welding equipment, and from piledrivers.
13. "Gravel pad" as used in this rule, means a layer of washed gravel, rock, or crushed rock which is at least one inch or larger in diameter, maintained at the point of intersection of a paved public roadway and a work site or source entrance to dislodge mud, dirt, and/or debris from the tire of the motor vehicles or haul trucks prior to leaving the work site.
14. "Grizzly" as used in this rule, means a device maintained at the point of intersection of a paved public roadway and a work site or source entrance to dislodge mud, dirt and/or debris from the tires of the motor vehicles or haul trucks prior to leaving the work site.
15. "Haul truck" as used in this rule, is any fully or partially open-bodied self-propelled vehicle including any non-motorized attachments, such as but not limited to, trailers or other

conveyances, which are connected to or propelled by the actual motorized portion of the vehicle used for transporting bulk materials.

16. "Motor vehicle" as used in this rule, is a self-propelled vehicle for use on the public roads and highways of the State of Arizona and required to be registered under the Arizona State Uniform Motor Vehicle Act, including any non-motorized attachments, such as but not limited to, trailers and other conveyances which are connected to or propelled by the actual motorized portion of the vehicle.
17. "Nuisance" as used in this rule, means to discharge from any source whatsoever one or more air contaminants or combinations thereof, in such concentration and of such duration as are to may tend to be injurious or to adversely affect human health or welfare, animal life, vegetables, or property, or as to interfere with the normal use and enjoyment of animal life, vegetation, or property.
18. "Off-road vehicle" as used in this rule, is any self-propelled conveyance specifically designed for off-road use, including but not limited to, off-road or all-terrain equipment, trucks, cars, motorcycles, motorbikes, or motorbuggies.
19. "Opacity" as used in this rule, means the degree to which emissions reduce the transmission of light and obscure the view of an object in the background.
20. "Owner, general contractor, and/or subcontractor" as used in this rule, is any person who owns, leases, operates, controls, or supervises a dust generating operation subject to the requirements of this rule.
21. "Public roadway" as used in this rule, means any roadways that are open to public travel.
22. "Road Construction" as used in this rule, means the use of any equipment for the paving or new construction of a road surface, street or highway.
23. "Road Maintenance" as used in this rule, means the use of any equipment for the repair and preservation of an old road surface, street or highway.
24. " Sensitive area" as used in this rule, means a neighborhood with man-made structures utilized for human residence or business.
25. "Source" as used in this rule, mans the construction site which is under common control or ownership, and all fixed or moveable objects on such site, which is a potential point of origin of fugitive dust.
26. " Stockpile" as used in this rule, is an open accumulation of bulk material with a 5% or greater silt content which in any one point attains a quantity greater than 10 cubic yards and is located on a disturbed surface area that is greater than 0.1 acres. Silt content shall be assumed to be 5% or greater unless the affected party can show, by testing in accordance with ASTM method C136-96a or other equivalent method approved in writing by the Control Officer and the EPA Administrator, that the silt content is less than 5%.
27. "Trackout control device" as used in this rule, means a gravel pad, grizzly, wheel wash system, or a paved area, located at the point of intersection of an unpaved area and a paved roadway, that controls or prevents vehicular trackout.
28. "Traffic hazard" as used in this rule, means a discharge from any source whatsoever such quantities of air contaminants, uncombined water, or other materials, which cause or have a tendency to cause interference with normal road use.
29. "Trench" as used in this rule, mans a long, narrow excavation dug in the earth (as for drainage).
30. "Unpaved haul/access road" as used in this rule, means any on-site unpaved road used by commercial, industrial, institutional, and/or governmental traffic.
31. "Unpaved parking lot" as used in this rule, means any area larger than 5,000 square feet that is not paved and that is used for parking, maneuvering, or storing motor vehicles.

32. "Unpaved road" as used in this rule, means any road or equipment path that is not paved. For the purpose of this rule, an unpaved road is not a horse trail, hiking path, bicycle path, or other similar path used exclusively for purposes other than travel by motor vehicles.
33. "Visible emissions" as used in this rule, means any emissions which are visually detectable without the aid of instruments and which contain particulate matter.
34. "Visibility impairment" as used in this rule, means any humanly perceptible change in visibility from that which would have existed under natural conditions.
35. "Wind barrier" as used in this rule, means any structure put up along a source's boundaries to reduce the amount of wind blown dust leaving the site. Creating a wind barrier includes but is not limited to installing wind fencing, construction of berms, or parking on-site equipment so that it blocks the wind.
36. "Wind-blown dust" as used in this rule, means visible emissions from any disturbed surface area, which are generated by wind action alone.
37. "Wind event" as used in this rule, means when the 60-minute average time and wind speed is greater or equal to 20 miles per hour, or such other wind speed/duration exemption threshold as may apply under Pinal County' s Natural Events Action Plan (NEAP) dated November 25, 1997:
    1. An 8-hour average wind speed in excess of 20 miles per hour (m. p. h.)
    2. A 1-1/2 hour average wind speed in excess of 22 m. p. h.
    3. A 1-hour average wind speed in excess of 25 m. p. h.
    4. A 15 minute average wind speed in excess of 30 m. p. h.
38. "Wind fencing" as used in this rule, means a 3 to 5 foot barrier with 50% or less porosity located adjacent to roadways or urban areas.
39. "Work site" as used in this rule, means any property upon which dust generating operations and/or earthmoving operations occur.
40. "Work practices" as used in this rule, means a technique or operational procedure used to minimize the generation, emission, entrainment, suspension, and/or airborne transport of fugitive dust. Work practices include the following:

Specific Activity	Work Practice
Bulk Material Hauling off-site onto paved public roadway	1. Load all trucks such that the freeboard is not less than three inches; and prevent spillage or loss of bulk material from holes or other openings in the conveyance; cover all haul trucks (empty or full) with a tarp or other suitable anchored material.
Bulk material hauling on-site (within work site)	2. Limit the vehicle speed to less than 15 mph; or apply water to the top of the load; or cover the hauled material.
Spillage, carry-out, erosion, and/or trackout	3. Install a suitable trackout control device from all work sites with a disturbed area of 5 acres or more and from all work sites where 100 cubic yards of bulk materials are hauled on/or off site per day.

Cleanup spillage, carry-out, erosion and/or trackout on the following schedule:	4. Immediately, when spillage, carry-out, and/or trackout extend a cumulative distance of 50 linear feet ore more; or at the end of the work day.
Unpaved easements, right-of-way, and access roads	5. Inside PM_{10} nonattainment area, restrict vehicular speeds to 15 miles per hour.
Open storage piles	6. During stacking, loading and unloading operations, apply water as necessary and/or construct and maintain wind barriers, storage silos, or a three-sided enclosure to surround pile and whose height is equal to the pile.
Weed abatement by discing or blading	7. Apply water before and during weed abatement.
Other work activities as provided by the registrant	8. Specific work practices that are adequate to address nuisance issues at the earth moving activity site.

[Adopted December 13, 2000, and effective March 1, 2001. Renumbered and revised 12/4/2002. Amended October 27, 2004.]

4-3-080. Registration Requirements

Prior to engaging in affected activities on a job site, at least one affected party shall file a registration form with the Control Officer, pay the appropriate fee in Appendix C, and receive a registration notice from the Control Officer.

1. Registration Form:
   a. The applicant shall present a registration on a form approved by the Control Officer, and shall include all essential identification information as specified on that form. A separate registration form is required for each site location not contiguous to the location on the original registration form, unless an annual block registration is approved.
   b. Each registration shall also include a plot plan with linear dimensions in feet. The plot plan must be on 8-1/2 by 11 inch paper, and may be on one or more sheets. The plan should identify the parcel, the street address, the direction north, the total area to be disturbed and indicates the sources of fugitive dust emission on the plot plan (delivery, transport and storage areas).
   c. Using the options on the registration form or in the applicant' s own words, each registration application shall contain an explanation of how the applicant will demonstrate compliance with this rule, by demonstrating after-the-fact that the control measures and work practices proposed in the registration were in fact utilized on the project. A demonstration of compliance would typically include a daily written log at the work site, or the maintenance of invoices and/or payments reflecting the cost of control measures.
   d. Annual Block Registration: The land owner, contractor, or subcontractor operating on the job site may submit to the Control Officer one Earthmoving Registration application for more than one earthmoving operation at which construction will commence within 12 months of registration issuance. The earthmoving operations must consist of routine operations: the expansion or extension of utilities, paved roads, unpaved roads, road shoulders, and/or alleys, and public right-of-ways at non-contiguous sites.

i. An annual block registration must include all the requirements listed above in this subsection (1 a. through 1 c.) and a description of each site and type of earthmoving activity to be conducted.

ii. For any project not listed in the Earthmoving Annual Block Registration Application, the applicant must notify the Control Officer in writing at least three working days prior to commencing the earthmoving activity. Such notification must include the site location, size, and type of earthmoving activity, and start date.

e. Registration Renewal: The first registration obtained for an affected project must cover a contiguous area (unless it is an " annual block registration") and it is valid for one year from the date of issue. If the project has not been completed at the end of the one-year period, the dust registration must be renewed. Upon renewal, the total acreage covered by the dust registration does not have to be contiguous, although all acreage covered by the renewed dust registration must have been included in the original dust registration.

2. Registration acknowledgment:

a. The registration acknowledgment from the control officer will contain the universal performance standard and conditions regarding the necessary control measures and work practices specific to the applicable project as proposed by the registrant.

b. The registration acknowledgment shall contain a provision that all registrants keep records documenting the actual application or implementation of the control measures delineated in the registration application for at least 30 days following the termination of the registration acknowledgment.

c. The registration acknowledgment shall be valid for a period of not more than one year from the date of issue, and may be renewed by providing the Control Officer a new registration application and payment of the appropriate fee.

d. Registrants shall notify the Control Officer within five working days of the start and completion of the project.

e. At all sites that are five acres or larger, registrants shall erect a project information sign at the main entrance that is visible to the public or at each end of the road construction project site. The sign shall be a minimum of 24 inches tall by 30 inches wide, have a white background, and have the words "DUST CONTROL" shown in black block lettering which is at least four inches high, and shall contain the following information in legible fashion"

i. Project Name

ii. Name and phone number of person(s) responsible for conducting project

iii. Text stating: " Dust Complaints? C all Pinal County Air Quality Control District at (520) 866-6929. "

[Adopted December 13, 2000, and effective March 1, 2001. Renumbered and revised 12/4/2002. Amended December 3, 2003. Amended October 27, 2004. Amended December 21, 2005.]

4-3-090. Universal Performance Standards

1. Within the affected area, a landowner or contractor shall not conduct or allow dust generating operations:

a. in a manner such that an unreasonable amount of dust is blown into sensitive areas so as to create a public nuisance;

b. in a manner such that opacity of the dust leaving the property exceeds twenty percent (20%) or greater as measured using Test Method 9 (40 CFR 60,

Appendix A) or an equivalent test method approved by the Control Officer and the EPA Administrator;

c. in a manner that will produce visibility impairment that could threaten public safety.

2. Failure to comply with these requirements shall presumptively constitute cause for the Control Officer or his authorized representative to order a halt to the offending activity. Failure by an owner, contractor or facility operator to respond to such an order from the Control Officer shall constitute a violation of this rule.

3. Violations: Generally any land owner, contractor, or subcontractor operating on the job site, who violates any Pinal County Air Quality Control District rule may be subject to an order of abatement, a civil action for injunctive relief or civil penalties, or may be found guilty of a Class I Misdemeanor.

4. Violation Exemptions:

   a. Wind Event: exceedances of the opacity limit that occur due to a wind event shall be exempted from enforcement action if the owner/general contractor demonstrates all of the following conditions:

      i. All control measures required in the registration acknowledgment were followed and one or more of the work practices were applied and maintained;

      ii. The 20% opacity exceedance could not have been prevented by better application, implementation, operation or maintenance of the control measures;

      iii. The occurrence of a wind event on the day(s) in question is documented by records of the Pinal County Air Quality Control District monitoring station in the affected area, from any other certified meteorological station, or by a wind instrument that is calibrated to the manufacturer' s standards and that is located at the site being investigated.

   b. No opacity violation shall apply to emergency maintenance of flood control channels and water retention basins, provided that control measures were being implemented.

5. Limited scope of rule

   Nothing in this rule shall authorize or permit any practice which is in violation of any statute, ordinance, rule or regulation.

[Adopted December 13, 2000, and effective March 1, 2001. Amended December 4, 2002. Amended October 27, 2004.]

Agenda Item #5J

MARICOPA ASSOCIATION OF GOVERNMENTS INFORMATION SUMMARY… for your review

DATE:
October 28, 2014

SUBJECT:
Approval of the Draft July 1, 2014 Maricopa County and Municipality Resident Population Updates

SUMMARY:
MAG staff has prepared draft July 1, 2014 Maricopa County and Municipality Resident Population Updates. The Updates, which are used to prepare budgets and set expenditure limitations, were prepared using the 2010 Census as the base and updated with housing unit data supplied and verified by MAG member agencies. Because there may be changes to the Maricopa County control total by the Arizona Department of Administration (ADOA), on October 28, 2014, the MAG Population Technical Advisory Committee (POPTAC) recommended approval of these draft Updates provided that the County control total is within one percent of the final control total.

The Arizona Department of Administration Council for Technical Solutions is currently reviewing these updates along with those for the remainder of the State. The Director of the Department of Economic Security (DES) is required to forward the Updates to the Economic Estimates Commission by December 15th of each year.

PUBLIC INPUT:
None.

PROS & CONS:
PROS: The July 1, 2014 Maricopa County and Municipality Resident Population Updates are needed to gauge growth in the region, prepare budgets and set expenditure limitations.

CONS: None.

TECHNICAL & POLICY IMPLICATIONS:
TECHNICAL: The July 1, 2014 Maricopa County and Municipality Resident Population Updates have been prepared using a methodology that is consistent for all counties and municipalities in the State of Arizona.

POLICY: The July 1, 2014 Maricopa County and Municipality Resident Population Updates are needed by local officials to accommodate and budget for growth.

ACTION NEEDED:
Recommend approval of the draft July 1, 2014 Maricopa County and Municipality Resident Population Updates provided that the Maricopa County control total is within one percent of the final control total.

PRIOR COMMITTEE ACTIONS:

MAG POPTAC: On October 28, 2014, the MAG Population Technical Advisory Committee unanimously recommended approval of the July 1, 2014 Maricopa County and Municipality Resident Population Updates provided that the Maricopa County control total is within one percent of the final control total.

MEMBERS ATTENDING

Patrick Banger, Gilbert, Chair
* Tracy Clark, ADOT
Larry Kirch, Apache Junction
Eric Morgan, Avondale
Andrea Marquez, Buckeye
Stacey Bridge-Denzak, Carefree
VACANT, Cave Creek
David de la Torre, Chandler
Thomas Doyle, El Mirage
Ken Valverde, Fountain Hills
VACANT, Gila Bend
Thomas Ritz, Glendale
VACANT, Goodyear
VACANT, Guadalupe
* Sonny Culbreth, Litchfield Park
Rodolfo Lopez for Kazi Haque, Maricopa
* Matt Holm, Maricopa County
Wahid Alam, Mesa
Paul Michaud, Paradise Valley
Shawn Kreuzwiesner, Peoria
Chris DePerro, Phoenix
* Travis Ashbaugh, Pinal County
Keith Newman for Brett Burningham, Queen Creek
* Bryan Meyers, Salt River Pima-Maricopa Indian Community
# Adam Yaron, Scottsdale
Lloyd Abrams, Surprise
Sherri Lesser, Tempe
Corey Whittaker, Valley Metro
Gayle Cooper, Youngtown
Joshua Wright, Wickenburg

Those attending by audioconference
* Those not present

MAG POPTAC Ad Hoc Subcommittee: On October 28, 2014, the MAG Population Technical Advisory Committee Ad Hoc Subcommittee unanimously recommended approval of the Maricopa County and Municipality July 1, 2014 Resident Population Updates provided that the Maricopa County control total is within one percent of the final control total.

MEMBERS ATTENDING

Joshua Wright, Wickenburg, Chair
David de la Torre, Chandler
Thomas Ritz, Glendale
Wahid Alam, Mesa
Chris DePerro, Phoenix
*Matt Holm, Maricopa County
*Adam Yaron, Scottsdale
*Sherri Lesser, Tempe

* Those not present
# Participated via audioconference

CONTACT PERSON:

Anubhav Bagley, MAG, (602) 254-6300.

DRAFT
Jurisdiction Population Update
(Maricopa County)

Census 2010 and July 1, 2014

Jurisdiction	Total Population			Percent Change		Share	
	April 1, 2010 (Census 2010)	July 1, 2014	Change	Overall	Annual	Share of Growth	Share of County
Apache Junction*	294	300	6	2.0%	0.48%	0.0%	0.0%
Avondale	76,238	78,018	1,780	2.3%	0.54%	0.9%	1.9%
Buckeye	50,876	58,745	7,869	15.5%	3.44%	4.2%	1.5%
Carefree	3,363	3,450	87	2.6%	0.60%	0.0%	0.1%
Cave Creek	5,015	5,349	334	6.7%	1.53%	0.2%	0.1%
Chandler^	236,326	249,193	12,867	5.4%	1.26%	6.8%	6.2%
El Mirage	31,797	32,826	1,029	3.2%	0.75%	0.5%	0.8%
Fort McDowell	971	990	19	2.0%	0.46%	0.0%	0.0%
Fountain Hills	22,489	23,069	580	2.6%	0.60%	0.3%	0.6%
Gila Bend	1,922	1,959	37	1.9%	0.45%	0.0%	0.0%
Gila River*	2,994	3,056	62	2.1%	0.48%	0.0%	0.1%
Gilbert^	208,352	235,276	26,924	12.9%	2.90%	14.3%	5.9%
Glendale	226,721	232,468	5,747	2.5%	0.59%	3.1%	5.8%
Goodyear	65,275	74,678	9,403	14.4%	3.22%	5.0%	1.9%
Guadalupe	5,523	6,078	555	10.0%	2.28%	0.3%	0.2%
Litchfield Park	5,476	5,887	411	7.5%	1.72%	0.2%	0.1%
Mesa	439,041	455,150	16,109	3.7%	0.85%	8.6%	11.4%
Paradise Valley	12,820	13,444	624	4.9%	1.12%	0.3%	0.3%
Peoria*	154,058	163,682	9,624	6.2%	1.44%	5.1%	4.1%
Phoenix^	1,447,128	1,505,070	57,942	4.0%	0.93%	30.8%	37.6%
Queen Creek*	25,912	31,279	5,367	20.7%	4.53%	2.9%	0.8%
Salt River	6,289	6,551	262	4.2%	0.96%	0.1%	0.2%
Scottsdale	217,385	225,490	8,105	3.7%	0.87%	4.3%	5.6%
Surprise	117,517	123,682	6,165	5.2%	1.21%	3.3%	3.1%
Tempe	161,719	169,384	7,665	4.7%	1.10%	4.1%	4.2%
Tolleson	6,545	6,771	226	3.5%	0.80%	0.1%	0.2%
Wickenburg	6,363	6,578	215	3.4%	0.78%	0.1%	0.2%
Youngtown	6,156	6,409	253	4.1%	0.95%	0.1%	0.2%
Balance of County^	272,552	280,168	7,616	2.8%	0.65%	4.1%	7.0%
Total	**3,817,117**	**4,005,000**	**187,883**	**4.9%**	**1.14%**	**100.0%**	**100.0%**

Note: Totals may not add due to rounding

* Maricopa County portion only

^ Census 2010 counts adjusted to reflect Census Count Question Resolutions

Sources: U.S. Census Bureau, Arizona State Demographer's Office, Maricopa Association of Governments

Last updated October 28, 2014

Agenda Item #5K

MARICOPA ASSOCIATION OF GOVERNMENTS INFORMATION SUMMARY… for your review

DATE:
October 28, 2014

SUBJECT:
Proposed 2015 Edition of the MAG Standard Specifications and Details for Public Works Construction

SUMMARY:
The MAG Standard Specifications and Details for Public Works Construction represent the best professional thinking of representatives from many agency Public Works/Engineering Departments, and are reviewed and refined by members of the construction industry. They were written to fulfill the need for uniform rules for public works construction performed for Maricopa County and the various cities and public agencies in the county. It further fulfills the need for adequate standards by the smaller communities and agencies who could not afford to promulgate such standards for themselves. The MAG Standard Specifications and Details Committee has completed its 2014 review of proposed revisions to the MAG publication. A summary of cases is shown in Attachment 1. A voting summary is shown in Attachment 2.

A summary of these recommendations has also been sent to MAG Public Works Directors for review for a period of one month. The package sent to the MAG Public Works Directors included links to the Draft 2015 Revised Specifications and Details. This information is available online for review at the following internet address: https://www.azmag.gov/Events/Event.asp?CMSID=6895

If no objections to any of the proposed revisions have been suggested within the month review time frame, then the proposed revisions will be regarded as approved and formal changes to the printed and electronic copies will be released. It is anticipated that the 2015 Edition of the Standard Specifications and Details for Public Works Construction will be available for purchase in early January 2015.

PUBLIC INPUT:
Development of these revisions has been achieved during open meetings of the MAG Specifications and Details Committee and has included input from working groups (that helped develop cases for the committee) as well as several professional contractor and utility groups, private companies and private citizens.

PROS & CONS:
PROS: Approval of the latest revisions will ensure that the MAG Specifications and Details reflect the latest and best practices in public works construction appropriate for MAG agencies.

CONS: Due to the constant evolutionary change inherent in the Specifications and Details process, annual updates to the printed and electronic versions are necessary.

TECHNICAL & POLICY IMPLICATIONS:
TECHNICAL: The MAG Specifications and Details are a series of recommendations developed over many years, principally by senior inspectors and their supervisors from many MAG agencies. These

recommendations are not prescriptive, but are often adopted entirely, or in part, by MAG agencies in developing public works projects.

POLICY: A formal review by the Management Committee is requested.

ACTION NEEDED:
Information and discussion.

PRIOR COMMITTEE ACTIONS:
MAG Specifications and Details Committee. Reviewed and provided recommendations for the cases submitted for consideration throughout 2013.

VOTING MEMBERS
Tom Wilhite, P.E.,Tempe, *Chair*
Jim Badowich, Avondale, *Vice Chair*
Craig Sharp, Buckeye
Warren White, P.E., Chandler
Antonio Hernandez, El Mirage
Wayne Costa, Florence
Tom Condit, Gilbert
Mark Ivanich, P.E., Glendale
Tom Vassalo, Goodyear
Robert Herz, P.E., RLS, Maricopa County DOT
Julie Christoph, P.E., Mesa
Dan Nissen, Peoria
Syd Anderson, Phoenix (Street Trans.)
Jami Erickson, Phoenix (Water)
Rodney Ramos, P.E., Scottsdale
Dan Shaffer, P.E., Surprise
Harvey Estrada, Valley Metro
Gregory Arrington, Youngtown

ADVISORY MEMBERS
Jeff Benedict, ARPA
Arvid Veidmark, AZUCA
Mike Sanders, AZUCA
Adrian Green, AGC
Brian Gallimore, AGC
Jeff Hearne, ARPA
Peter Kandaris, Independent
Paul R. Nebeker, Independent
Jacob Rodriguez, SRP

The MAG Public Works Directors are currently reviewing the proposed updates.

CONTACT PERSON:
Gordon Tyus, MAG, (602) 452-5035

2014 PROPOSED REVISIONS TO MAG SPECIFICATIONS AND DETAILS

(Updated information can be found on the website: http://www.azmag.gov/Projects/Project.asp?CMSID=1055&CMSID2=5827)

RECOMMENDATION SUMMARY
OF THE
MARICOPA ASSOCIATION OF GOVERNMENTS
STANDARD SPECIFICATIONS AND DETAILS COMMITTEE

October 10, 2014

Detailed information about each case is provided on the 2014 Specs and Details Cases Under Consideration page on the MAG website.
http://www.azmag.gov/Projects/Project.asp?CMSID=1055&CMSID2=5827
Most case files include a cover memo listing the purpose of each case and proposed changes. The final version of the working cases are posted, which often include the strike-through changes and other discussion points.

Further discussion on the cases is available in the committee meeting minutes which are posted separately for each meeting. Links can be found on the Standard Specifications & Details Committee page.
http://www.azmag.gov/Committees/Committee.asp?CMSID=1055

Final summary materials for review of the 2015 Edition of the MAG Specifications and Details for Public Works Construction manual including detailed attendance and voting records are posted on the Specifications & Details Public Works Directors Review Deadline page.
http://www.azmag.gov/Events/Event.asp?CMSID=6895

MARICOPA ASSOCIATION of GOVERNMENTS

2014 PROPOSED REVISIONS TO MAG SPECIFICATIONS AND DETAILS

(Updated information can be found on the website: http://www.azmag.gov/Projects/Project.asp?CMSID=1055&CMSID2=5827)

CASE	DESCRIPTION	PROPOSED BY	MEMBER	SUBMITTAL DATE Last Revision	VOTE DATE	VOTE	
	CARRY FORWARD CASES FROM 2013						
13-15	Case 13-15: Revisions to MAG Sections 101, 601, 603, 615, 618 for installing rigid and flexible pipe. Update Detail 200-1, 200-2 and 212. Update references in Sections 206, 355, 735, 739 and 740.	Chandler/ Water-Sewer WG	Warren White	05/01/2013 09/18/2014	**Approved** **10/01/2014**	13 0 0	Yes No Abstain
Summary	Case 13-15 is a major overhaul and rewrite of the pipe installation specifications. With the addition of new types of flexible pipe, it was determined that a clearer guide that allowed flexibility for different materials was needed. This case was initiated in the Water/Sewer working group, and has had input from industry representatives from the concrete and plastic pipe manufactures, contractors, and agency members. Several major changes were made. One was to incorporate Section 603 for HDPE pipe into Section 601 and make allowances for other types of flexible pipe. To do this, the trench width tables in Section 601 were revised and include dimensions both rigid and flexible pipe. The terminology for the different areas of the pipe zone was also updated to match ASTM standards. This will allow agencies to specify what materials to use for the bedding under the pipe, the haunching area up to the springline, the initial backfill up to 1 foot above the pipe, and the final backfill. The default material is ABC per Section 702; however, allowances were made for other granular fill materials, CLSM, and native fill, based on the zone, pipe type, and agency preference. The compaction requirement for Backfill Type I in Table 601-2 was raised to 95%. The revised Section 601 also restricted water consolidation to jetting, and provided additional restrictions. In addition to the re-written Section 601 that incorporated 603, several changes were made to related sections as listed below: • 101 ABBREVIATIONS AND DEFINITIONS – new and revised abbreviations and definitions to match ASTM standards. • 206 STRUCTURE EXCAVATION AND BACKFILL – revisions to coordinate with Table 601-2. • 355 UTILITY POTHOLES-KEYHOLE METHOD – revision to Section 355.3.1 for native backfill and Section 601 changes. • 603 Current Case efforts on flexible spec – Combined into 601 and so 603 is to be deleted. • 615 SANITARY SEWER LINE CONSTRUCTION – Revised materials subsection and referred to Section 601 for trenching. Removed references to 603. • 618 STORM DRAIN CONSTRUCTION – Revised materials subsection and referred to Section 601 for trenching. Removed references to 603. • 735 REINFORCED CONCRETE PIPE – Adjustments made due to revisions in Section 618 and changes approved by Case 14-07. • 739.1 and 740.1 – Changed the 603 reference to 601. • Coordination with other cases making changes to these sections including Case 14-11 to consolidate testing requirements. Finally, there were updates to Detail 200-1, 200-2 BACKFILL, PAVEMENT AND SURFACE REPLACEMENT and Detail 212 UTILITY POTHOLE REPAIR. Detail 200-1 was updated to reference the correct sections and use the updated terminology. There were also minor corrections to some of the hatching and notes. The trench cross-section detail in Detail 200-2 was updated to show the different areas in the pipe embedment zone, and the new terminology based on ASTM standards. The section view of Detail 212 was updated to conform to Section 601. A handout of Section 601 prior to the vote had a few minor corrections and clarifications that were accepted prior to approval.						

2014 PROPOSED REVISIONS TO MAG SPECIFICATIONS AND DETAILS

(Updated information can be found on the website: http://www.azmag.gov/Projects/Project.asp?CMSID=1055&CMSID2=5827)

CASE	DESCRIPTION	PROPOSED BY	MEMBER	SUBMITTAL DATE Last Revision	VOTE DATE	VOTE	
13-21	Case 13-21: Create a new Section 742 Pre Cast Manhole. Add detail drawings for construction and installation. Update existing manhole details.	Buckeye/ Water-Sewer WG	Craig Sharp	06/05/2013 09/03/2014	**Approved** **09/03/2014**	14 0 0	Yes No Abstain
Summary	The purpose of the case was to create a new Section 742 Precast Manhole Bases with appropriate details. The Town of Buckeye developed specifications and details for the use of precast manholes as an option instead of cast-in place bases. These specifications and details were used as a basis to begin developing this option for use by MAG by the Water/Sewer working group. The case introduced draft installation standards in Section 742 as well as draft details for Precast Manhole Base construction, details and installation. As the case progressed it changed Section 742 to PRECAST MANHOLE to provide specifications for installing the entire precast manhole system including the base. In addition of providing a new Detail 420-2 PRECAST MANHOLE BASE, other manhole details were updated including 420-1, 420-3, 421 and 422. There were numerous updates to these details to match the current production and installation methods. They also removed manhole steps and bricks as part of Case 13-22. Detail 422 MANHOLE FRAME AND COVER ADJUSTMENT was revised to show both options of manholes installed in paved and unpaved areas. It also incorporated a Phoenix supplement to label the spacer types based on required thickness.						
13-22	Case 13-22: Update Sections 625 and 775 to remove references to steps and the use of bricks in manholes. Delete Detail 428 Manhole Steps.	Buckeye/ Water-Sewer WG	Craig Sharp	06/05/2013 09/03/2014	**Approved** **09/03/2014**	14 0 0	Yes No Abstain
Summary	The purpose of the case was to delete references for the use of bricks and steps in sanitary sewer manholes, specifically in Sections 625 and 775. Brick construction of manholes in no longer in practice, so this method will be deleted from the MAG standards. Steps also are no longer required. Due to safety concerns, workers use a safety line rather than internal steps. It was determined to leave the language for bricks in the specification, but only to be referenced for repair of existing brick manholes. All reference to the use of bricks in construction of new manholes was deleted. Section 625 MANHOLE CONSTRUCTION AND DROP SEWER CONNECTIONS was also revised to take into account changes made in related Case 13-21. The language in the regarding payments in Section 625 was also updated. Finally, Detail 428 MANHOLE STEPS was deleted and other details showing or referencing manhole steps were updated.						

2014 PROPOSED REVISIONS TO MAG SPECIFICATIONS AND DETAILS

(Updated information can be found on the website: http://www.azmag.gov/Projects/Project.asp?CMSID=1055&CMSID2=5827)

	NEW CASES FOR 2014						
14-01	**Case 14-01: Miscellaneous Corrections:** A. Change "transverse" to "longitudinal" in Section 321.8.2. B. In section 739.1 delete the extra occurrence of the word 'Pipe'. C. Delete "OR BRICK" from the title of Section 342. D. Change "forecast" to "for cast" in Section 750.3 Joint Requirements. E. Revise wording in Section 107.11 to match "careful and prudent manner" in Section 101.2. F. Change "off" to "of" in Section 211.3 G. Change "values" to "valves" in 336, 345, and 616. H. Remove steps from Details 429 and 522. Fix notes.	Scottsdale MCDOT Phoenix Buckeye	Rod Ramos Bob Herz Jami Erickson Craig Sharp	01/08/2014 09/24/2014	**Approved** **10/01/2014**	13 0 0	Yes No Abstain
Summary	This case was used as a repository for minor updates such as typographic errors or minor drafting corrections. The changes are listed in parts A-H above. All of the corrections were approved.						
14-02	Case 14-02: Revision to Section 405 Monuments. Update specification to match current details and requirements.	MCDOT	Bob Herz	01/08/2014 05/08/2014	**Approved** **06/04/2014**	12 0 0	Yes No Abstain
Summary	This case made revisions to Section 405 MONUMENTS and Detail 120 to meet current legal requirements. The specification was updated to match current details. The usage note for Type C Monument was deleted. Type B Monument was modified to have the depth recessed six inches below finished grade when located in an unpaved roadway or alley.						
14-03	Case 14-03: Updates to Guardrail Details. Revisions to Section 415 and/or inclusion of MCDOT guardrail details.	MCDOT	Bob Herz	01/08/2014	Carry Forward	0 0 0	Yes No Abstain
Summary	Maricopa County is planning to change to 31" high (instead of 28") guardrails, based on a recommendation from FHWA. This Midwest Guardrail System has splice points located between posts. It is still a strong post system, but with the splice points locate between the posts the W-beam is less prone to tearing. The new 31" high guardrail system will be used for new installations. Existing 28" high guardrail will remain in place and be maintained; no retrofitting is needed or planned. Since MAG currently refers to the County details, MAG will need to either update the specifications to match the new County details, or add the existing County details into the MAG details; however, the County has not completed the specifications and details for this new system of guardrails, so the case will be carried forward to 2015.						

2014 PROPOSED REVISIONS TO MAG SPECIFICATIONS AND DETAILS

(Updated information can be found on the website: http://www.azmag.gov/Projects/Project.asp?CMSID=1055&CMSID2=5827)

14-04	Case 14-04: Revision to Detail 552 Concrete Cut-off Walls. Move cut-off walls away from roadway edge and delete design related notes.	MCDOT	Bob Herz	01/08/2014 02/20/2014	**Approved** **05/07/2014**	12 0 1	Yes No Abstain
Summary	This case revises Detail 552 CONCRETE CUT-OFF WALLS. The purpose is to move cut-off walls away from the roadway edge. Scour holes are hazards that form at the edge of cut-off walls. The hazard should not be located at the edge of the roadway but should be no closer than the edge of the roadway shoulder. Other miscellaneous adjustments include the deletion of design related notes from the construction detail. After discussion, it was decided to re-title the detail as something more descriptive, such as FORD CROSSING WITH CUT-OFF WALLS. The detail also incorporated other minor revisions discussed during the meetings.						
14-05	Case 14-05: Revisions to Section 324 Portland Cement Concrete Pavement.	Concrete WG	Jeff Hearne	02/05/2014 07/09/2014	**Approved** **08/06/2014**	12 0 0	Yes No Abstain
Summary	This case made revisions to Section 324 – Portland Cement Concrete Pavement. A summary of the changes is shown below: 1) 324.2.2 Concrete Materials – This is a slight deviation from Section 725.3 Aggregates "The average value of 3 successive sand equivalent samples shall not be less than 70 when tested in accordance with ASTM D2419. No individual sample shall have a sand equivalent less than 65." MCDOT suggests elimination of 324.2.2 and renumbering the following section is 324.2. 2) 324.3.1 General – Grammatical corrections to the first sentence in paragraph two. 3) 324.3.9.1 General – Elimination of the redundant word "all" between "of" and "soil" in the third paragraph. 4) 324.4.2 Pavement Thickness – Add a sentence to the beginning of the second paragraph "Pavement thickness testing shall begin after achieving pavement smoothness compliance." MCDOT also wanted to change the measurement units in the last sentence in that paragraph – to match the current AASHTO T-148 requirements. It was determined to just eliminate them and let T-148 govern. 5) In reference to the last sentence in paragraph seven of 324.4.2 – MCDOT does not think that the issue of strength deficiency is clearly addressed and wants more clarity. The case proposed to eliminate that sentence which is out of place in the "Pavement Thickness" section and let the applicable requirements of Section 725 that is referenced in 324.2.1 govern over strength determinations and deficiencies – as is the case in all other 300 series sections that utilize concrete specified by section 725.						
14-06	Case 14-06: Revisions to Section 718 Preservative Seal for Asphalt Concrete.	Asphalt WG	Jeff Benedict	02/05/2014	Carry Forward	0 0 0	Yes No Abstain
Summary	This case is to update Section 718 PRESERVATIVE SEAL FOR ASPHALT CONCRETE to include the most common type of sealants currently in use, and to update the specifications and testing requirements for them as appropriate. This case currently is still under review at the Asphalt working group, and is awaiting additional feedback from industry experts. This case will be carried forward to 2015.						

2014 PROPOSED REVISIONS TO MAG SPECIFICATIONS AND DETAILS

(Updated information can be found on the website: http://www.azmag.gov/Projects/Project.asp?CMSID=1055&CMSID2=5827)

14-07	Case 14-07: Revision to Section 735 Reinforced Concrete Pipe and Section 618 Storm Drain Construction. Add Elliptical and Arch Reinforced Concrete Pipe.	MCDOT	Bob Herz	04/02/2014	**Approved 06/04/2014**	12 0 0	Yes No Abstain
Summary	This case made revisions to Section 735 REINFORCED CONCRETE PIPE and Section 618 STORM DRAIN CONSTRUCTION to add Elliptical and Arch RCP. Section 735 specification was modified to include reinforced concrete arch pipe and reinforced concrete elliptical pipe for use with storm and irrigation water. Section 618 was also modified to coordinate with modified Section 735.						
14-08	Case 14-08: New Section 607: Trenchless Installation of Smooth Wall Jacking Pipe. Includes Revisions to Section 618: Storm Drain Construction.	Water/Sewer WG	Jim Badowich	04/02/2014 06/04/2014	**Approved 06/04/2014**	12 0 0	Yes No Abstain
Summary	A new Section 607 TRENCHLESS INSTALLATION OF SMOOTH WALL JACKING PIPE was created. This case began by removing Section 618.4 Jacking Pipe, from Section 618 and updating it as a new Section 607. The new section includes the latest industry standards for trenchless installation of thirty-inch inside diameter (30” ID) and larger, tongue and groove smooth wall jacking pipe, installed by horizontal earth pipe jacking or hand tunneling. This case began in the Water/Sewer working group and extensive review by industry exports was provided. It includes subsections on Materials, Trenchless Operation, Dewatering, and Measurements and Payments. The case also updates the trenchless installation reference in Section 618.						
14-09	Case 14-09: Revision to Section 726 Concrete Curing Materials. Replace discontinued AASHTO references with current ASTM standards.	MCDOT	Bob Herz	04/02/2014	**Approved 06/04/2014**	12 0 0	Yes No Abstain
Summary	The case revises Section 726 CONCRETE CURING MATERIALS to replace AASHTO references discontinued in 2010 with current ASTM standards. Other minor language clarifications were included. The final update is as shown below: 726.2 MATERIALS: (A) Waterproof paper, or polyethylene film, shall conform to **ASTM C171.** (B) Liquid membrane-forming compounds shall conform to **ASTM C309.** Type 1 compound with either a Class A or Class B vehicle shall be used for concrete structures, except bridge decks, approach slabs, and portland cement concrete pavement. Type 2 white pigmented compound, with either a Class A or Class B vehicle shall be used for portland cement concrete pavement, bridge decks and approach slabs.						
14-10	Case 14-10: Include Language to Allow Use of Warm Mix Asphalt. Update Sections 321 and 710.	Asphalt WG	Jeff Benedict	05/07/2014 06/30/2014	**Approved 08/06/2014**	12 0 0	Yes No Abstain
Summary	This case is to allow the use of “warm mix” asphalt in local agency or MAG projects. This requires some additional language to Sections 321 and 710 to allow for lower production temperatures and changes to require reporting of the use of this technology. The case includes language allowing ADOT to maintain the approved list of technologies. It also shows requirements delineating what are to be included in the mix design.						

2014 PROPOSED REVISIONS TO MAG SPECIFICATIONS AND DETAILS

(Updated information can be found on the website: http://www.azmag.gov/Projects/Project.asp?CMSID=1055&CMSID2=5827)

14-11	Case 14-11: Delete the use of Asbestos-Cement Pipe in Valve Box Installations. Revise Details 391-1, 391-2 and 392.	MCDOT	Bob Herz	06/04/2014 08/14/2014	**Approved** **09/03/2014**	14 0 0	Yes No Abstain
Summary	Delete the use of Asbestos-Cement Pipe (ACP) in new Valve Box Installations. Revisions include: 1. Replaced ACP with PVC C900 pipe or approved equal. 2. Pictorial adjustments made to Details 391-1, 391-2, and 392. 3. Deleted the brick alternative for supporting the valve box riser pipe as requested by the committee. 4. Deleted requirement for a 12” riser pipe for lengths greater than 10’ as requested by the committee. 5. Additional revisions to the details as noted below: • Detail 391-1: Added Note 4: Cut riser pipe to length in field. Caution: If existing riser is asbestos-cement pipe (ACP) follow OSHA guidelines for working with ACP. • Detail 391-2: Revised the first sentence of Note 2 to read: If two or more sections of pipe are used to make the valve box riser, they shall be coupled or bonded to form debris-tight joints. • Detail 392: Deleted from the end of note 1 the following: “Once installed the cap must withstand, without slippage, a minimum vertical force of 50 pounds at a loading rate of 1 inch/minute.”						
14-12	Case 14-12: Proposed Revisions to Sections 336.3 and 336.4. Add pavement removal criteria to prevent full depth pavement cuts from being located within a lane wheel path and to prevent creation of narrow pavement edge strips.	MCDOT	Bob Herz	06/04/2014	Carry Forward	0 0 0	Yes No Abstain
Summary	The case proposed revisions to Sections 336.3 and 336.4 to add pavement removal criteria to prevent full depth pavement cuts from being located within a lane wheel path and to prevent creation of narrow pavement edge strips. There was quite a bit of discussion about creating language that identified the wheel path without requiring contractors to determine design issues in the roadway. There was also concern about increasing the amount and cost of pavement replacement. The case will be carried forward to 2015 for further discussion and clarification of language.						
14-13	Case 14-13: Revisions to Section 321. Incorporate MCDOT enhancements to Section 321 PLACEMENT AND CONSTRUCTION OF ASPHALT CONCRETE PAVEMENT into the MAG Specifications.	MCDOT	Bob Herz	06/04/2014 09/10/2014	**Approved** **10/01/2014**	12 1 0	Yes No Abstain
Summary	The purpose of the case was to incorporate MCDOT enhancements to Section 321 PLACEMENT AND CONSTRUCTION OF ASPHALT CONCRETE PAVEMENT into the MAG Specifications. There was little disagreement with the proposed changes except in the acceptance portion, and a revision to the wheel path language proposed in Case 14-12. The case approved all the other MCDOT supplements to Section 321 that were outlined on the case cover memo.						

2014 PROPOSED REVISIONS TO MAG SPECIFICATIONS AND DETAILS

(Updated information can be found on the website: http://www.azmag.gov/Projects/Project.asp?CMSID=1055&CMSID2=5827)

14-14	Case 14-14: Consolidate all testing requirements in a new Section 611.	Phoenix	Jami Erickson	06/04/2014 08/10/2014	**Approved** **09/03/2014**	14 0 0	Yes No Abstain
Summary	This case changes Section 611 DISINFECTING WATER MAINS into WATER, SEWER AND STORM DRAIN TESTING by consolidating all water/sewer-related testing requirements into one section. In addition to the requirements previously in Section 611, it adds testing sections for Hydrostatic Testing (from 610.15), Sewer Line Testing (from 615.11), and Post Installation Inspection of New Mainline Storm Drains (from 618.5). It also reorganized the Section and adds appropriate references to Section 611 in the sections where the testing specs were moved from. This new section will allow additional testing procedures to be updated in the future. Finally the language "evaluated and appropriate remedy, if any, shall be performed" was added to provide a remedy if the deflection or video tests fail.						
14-15	Case 14-15: Move Hydrostatic Testing from Section 610 to Section 611; update Table 610-1 consistent with AWWA; place Section 610 into sequential order.	Water/Sewer WG	Jim Badowich	06/04/2014 08/26/2014	**Approved** **09/03/2014**	14 0 0	Yes No Abstain
Summary	The purpose of the case was to move Hydrostatic Testing from Section 610 to Section 611; to update Table 610-1 consistent with AWWA; and to place Section 610 into sequential order. Revisions include: 1. Removed Hydrostatic Testing from Section 610 for incorporation into Section 611. 2. Updated Table 610.1 (Polywrap sizes) to be consistent with current (2005) AWWA C105-05 – includes updated sizing and addition of larger sizes per AWWA C105. 3. Combined “Restraints” section with “Blocking” section; renamed section “Blocking and Restraints” 4. Reorganized Section to improve sequential flow and renumbered subsections accordingly.						
14-16	Case 14-16: Revision to Section 310 - Placement and Construction of Aggregate Base Course. Change rock correction method to be consistent with Section 301.	Materials WG	Brian Gallimore	07/09/2014	**Approved** **09/03/2014**	14 0 0	Yes No Abstain
Summary	Revised Section 310 Placement of Construction of Aggregate Base Course to Change rock method correction to be consistent with Section 301. Section 310.3 COMPACTION will reference ARIZ-227C instead of AASHTO T.						
14-17	Case 14-17: Create New Section 322 Asphalt Stamping. Provide specifications for materials and methods.	Materials WG	Brian Gallimore	07/09/2014	Carry Forward	0 0 0	Yes No Abstain
Summary	The case proposed creating a new SECTION 322 ASPHALT STAMPING. The specification was based on a supplement created by the Town of Gilbert. Revisions to the draft included discussions on including a warranty period, questions about requiring prequalification of contractors, concern about the age of pavement when stamping, and the potential for oil to streak onto the painted surface. This case was recommended to carry forward to 2015 to review in the working group and address these concerns.						

2014 PROPOSED REVISIONS TO MAG SPECIFICATIONS AND DETAILS

(Updated information can be found on the website: http://www.azmag.gov/Projects/Project.asp?CMSID=1055&CMSID2=5827)

14-18	Case 14-18: Change all occurrences of the term "sidewalk ramp" in Section 340 to "curb ramp" to prevent confusion.	MCDOT	Bob Herz	07/09/2014 08/06/2014	**Approved** **09/03/2014**	14 0 0	Yes No Abstain
Summary	This case changes the term "sidewalk ramp" in Section 340 to "curb ramp." This is to conform to ADA nomenclature and be consistent with the various 235 Details. The case includes a search and replace of these terms throughout Section 340. Initially the case proposed to also modify the second paragraph of Section 340.5 to prevent confusion regarding the curb and gutter pay item associated with valley gutters (Detail 240). The committee could not come to a consensus on how the curb and gutter was measured and decided to not include this modification in the approved case.						
14-19	Case 14-19: Revisions to Section 325 and 717. Add provisions for terminal-blended asphalt-rubber binder.	Materials WG	Brian Gallimore	07/09/2014 09/18/2014	**Approved** **10/01/2014**	13 0 0	Yes No Abstain
Summary	The purpose of the case was to incorporate revisions to Section 325, "PLACEMENT AND CONSTRUCTION OF ASPHALT-RUBBER ASPHALT CONCRETE" and Section 717, "ASPHALT-RUBBER ASPHALT CONCRETE" to include the following revisions: • 325.2.1: Added provisions for terminal-blended asphalt-rubber binder (ARB). Added and revised wording to improve clarity. The word "terminal" was replace with "facility" to differentiate wet process ARB from "Terminal Blend" modified binder. • 325.2.2 and 325.5: Added and revised wording to improve clarity. • 325.7.2: Minor wording revisions. Specified end dumps as the default truck type. Added language that will allow the Engineer to approve Belly dumps in certain circumstances. • 325.7.3: Correction of referenced Section number. • 325.8: Removed redundant wording and revised wording for clarity. • 325.9.1: Incorporated MCDOT's language for Acceptance Criteria section introduction. • 325.9.2: Added wording to address additional means of performing acceptance testing (allow grade samples to be used for acceptance testing) to provide flexibility to agencies. The section was divided into 2 subsections; one for plant obtained samples, one for grade obtained samples. Removed Air Void criteria from this section because it is independent of where the sample was obtained. Gradation table moved to this section. • 325.9.2.1: This section addresses sampling from the plant and testing of ARAC via nuclear method. • 325.9.2.2: This section is new and addresses sampling from the grade and testing of ARAC via ignition method and adding language for ignition calibration protocol. The allowable ARB range is the same as plant based samples, however an ARB penalty table was included to address ARB deficiencies since the plant can't be adjusted during production (unlike plant-based sampling). The penalties were modeled after table 321-4. • 325.9.3: Added and revised wording to improve clarity. Updated table number reference. • 325.9.4: Added language for referee testing the requirements associated. • 325.9.5.2.1: Added and revised wording to improve clarity. Added sentence that provides the Engineer with the option to core. • 325.9.5.2.2: Removed requirement that the nuclear gauge used be a thin lift style. Added sentence that giving Engineer with the option to core. • 717.2.1: Added and revised wording to improve clarity. The word "terminal" was replace with "facility" to differentiate wet process ARB from "Terminal Blend" modified binder (PG 76-22 TR+). • 717.2.1.2: The term "asphalt-rubber binder" was replaced with "ARB". There are several similar occurrences in the document. • 717.2.1.4 and 717.3.2: Added and revised wording to improve clarity.						

MAG Specification & Detail Committee
VOTING SUMMARY for 2014

Case No.	Title – Section/Detail	Vote Date	Avondale	Buckeye	Chandler	El Mirage	Florence	Gilbert	Glendale	Goodyear	Maricopa County	Mesa	Peoria	Phoenix	Scottsdale	Surprise	Tempe	Valley Metro	Youngtown	Voting Summary Y-N-A-NP
13-15	Revisions to MAG Sections 101,601, 603, 615, 618 and 735 for rigid and flexible pipe. Update Details 200-1, 200-2, and 212. Update references in 206, 355, 745, 739, and 740.	10/01/2014	Y	Y	Y	Y	—	—	—	Y	Y	—	Y	Y	Y	Y	Y	Y	Y	**13-0-0-4**
13-21*	Create a new Section 742 Pre Cast Manhole Bases. Add detail drawings for construction and installation. Update existing manhole details.	09/03/2014	Y	Y	Y	Y	—	—	Y	—	Y	Y	Y	Y	Y	Y	Y	Y	Y	**14-0-0-3**
13-22*	Update Sections 625 and 775 to remove references to steps and the use of bricks in manholes.	09/03/2014	Y	Y	Y	Y	—	—	Y	—	Y	Y	Y	Y	Y	Y	Y	Y	Y	**14-0-0-3**
14-01	Miscellaneous Corrections: A. through H.	10/01/2014	Y	Y	Y	Y	—	—	—	Y	Y	—	Y	Y	Y	Y	Y	Y	Y	**13-0-0-4**
14-02	Revision to Section 405 Monuments. Update specification to match current details and requirements.	06/04/2014	Y	Y	Y	Y	—	—	Y	—	Y	Y	Y	Y	—	Y	Y	—	Y	**12-0-0-5**
14-03	Updates to Guardrail Details. Revisions to Section 415 and/or inclusion of MCDOT guardrail details.	Carry Forward																		**0-0-0-0**
14-04	Revision to Detail 552 Concrete Cut-off Walls. Move cut-off walls away from roadway edge and delete design related notes.	05/07/2014	Y	Y	Y	Y	—	Y	—	Y	Y	Y	—	A	Y	Y	Y	—	Y	**12-0-1-4**
14-05	Revisions to Section 324 Portland Cement Concrete Pavement.	08/06/2014	Y	Y	Y	Y	—	Y	—	—	Y	—	Y	Y	Y	Y	—	Y	Y	**12-0-0-5**

Voting Abbreviations: **Y**: Yes **N**: No **A**: Abstain — : Not Present (NP)

*: Indicates changes made to proposal prior to vote.

MAG Specification & Detail Committee

VOTING SUMMARY for 2014

Case No.	Title – Section/Detail	Vote Date	Avondale	Buckeye	Chandler	El Mirage	Florence	Gilbert	Glendale	Goodyear	Maricopa County	Mesa	Peoria	Phoenix	Scottsdale	Surprise	Tempe	Valley Metro	Youngtown	Voting Summary Y-N-A-NP
14-06	Revisions to Section 718 Preservative Seal for Asphalt Concrete.	Carry Forward																		**0-0-0-0**
14-07	Revision to Section 735 Reinforced Concrete Pipe and Section 618 Storm Drain Construction. Add Elliptical and Arch Reinforced Concrete Pipe.	06/04/2014	Y	Y	Y	Y	—	—	Y	—	Y	Y	Y	Y	—	Y	Y	—	Y	**12-0-0-5**
14-08*	New Section 607: Trenchless Installation of Smooth Wall Jacking Pipe. Includes Revisions to Section 618: Storm Drain Construction.	06/04/2014	Y	Y	Y	Y	—	—	Y	—	Y	Y	Y	Y	—	Y	Y	—	Y	**12-0-0-5**
14-09	Revision to Section 726 Concrete Curing Materials. Replace discontinued AASHTO references with current ASTM standards.	06/04/2014	Y	Y	Y	Y	—	—	Y	—	Y	Y	Y	Y	—	Y	Y	—	Y	**12-0-0-5**
14-10*	Include Language to Allow Use of Warm Mix Asphalt. Update Sections 321 and 710.	08/06/2014	Y	Y	Y	Y	—	Y	—	—	Y	—	Y	Y	Y	Y	—	Y	Y	**12-0-0-5**
14-11	Delete the use of Asbestos-Cement Pipe in Valve Box Installations.	09/03/2014	Y	Y	Y	Y	—	—	Y	—	Y	Y	Y	Y	Y	Y	Y	Y	Y	**14-0-0-3**
14-12	Proposed Revisions to Sections 336.3 and 336.4. Add pavement removal criteria to prevent full depth pavement cuts from being located within a lane wheel path	Carry Forward																		**0-0-0-0**
14-13	Revisions to Section 321. Incorporate MCDOT enhancements to Section 321 PLACEMENT AND CONSTRUCTION OF ASPHALT CONCRETE PAVEMENT into the MAG Specifications.	10/01/2014	Y	Y	Y	Y	—	—	—	Y	Y	—	Y	N	Y	Y	Y	Y	Y	**12-1-0-4**

Voting Abbreviations: **Y**: Yes **N**: No **A**: Abstain — : Not Present (NP)

*: Indicates changes made to proposal prior to vote.

MAG Specification & Detail Committee

VOTING SUMMARY for 2014

Case No.	Title – Section/Detail	Vote Date	Avondale	Buckeye	Chandler	El Mirage	Florence	Gilbert	Glendale	Goodyear	Maricopa County	Mesa	Peoria	Phoenix	Scottsdale	Surprise	Tempe	Valley Metro	Youngtown	Voting Summary Y-N-A-NP
14-14	Consolidate all testing requirements in a new Section 611.	09/03/2014	Y	Y	Y	Y	—	—	Y	—	Y	Y	Y	Y	Y	Y	Y	Y	Y	**14-0-0-3**
14-15	Move Hydrostatic Testing from Section 610 to Section 611; to update Table 610-1 consistent with AWWA; to place Section 610 into sequential order.	09/03/2014	Y	Y	Y	Y	—	—	Y	—	Y	Y	Y	Y	Y	Y	Y	Y	Y	**14-0-0-3**
14-16	Revision to Section 310 - Construction of Aggregate Base Course. Change rock correction method to be consistent with Section 301.	09/03/2014	Y	Y	Y	Y	—	—	Y	—	Y	Y	Y	Y	Y	Y	Y	Y	Y	**14-0-0-3**
14-17	Create New Section 322 Asphalt Stamping. Provide specifications for materials and methods.	Carry Forward																		**0-0-0-0**
14-18	Change all occurrences of the term “sidewalk ramp” in section 340 to “curb ramp” to prevent confusion.	09/03/2014	Y	Y	Y	Y	—	—	Y	—	Y	Y	Y	Y	Y	Y	Y	Y	Y	**14-0-0-3**
14-19	Revisions to Section 325 and 717. Add provisions for terminal-blended asphalt-rubber binder (ARB).	10/01/2014	Y	Y	Y	Y	—	—	—	Y	Y	—	Y	Y	Y	Y	Y	Y	Y	**13-0-0-4**

Voting Abbreviations: **Y**: Yes **N**: No **A**: Abstain — : Not Present (NP)

∗: Indicates changes made to proposal prior to vote.

Agenda Item #6

MARICOPA ASSOCIATION OF GOVERNMENTS INFORMATION SUMMARY… for your review

DATE:
October 28, 2014

SUBJECT:
Proposed Major Amendment to the MAG Regional Transportation Plan to Add the Light Rail Transit Extension on Central Avenue: Washington/Jefferson to Baseline Road

SUMMARY:
This agenda item is the second of three MAG Committee steps in approving a Major Amendment to the MAG Regional Transportation Plan (RTP). The first MAG Committee request was to initiate the RTP Major Amendment Process and request outside consultation as required by state statute. The second MAG Committee request (addressed under this agenda item) is to approve the amendment to the RTP for air quality conformity analysis. The third and final MAG Committee step will be in the Spring of 2015 for final approval when the air quality conformity analysis is complete.

On August 27, 2014, the MAG Regional Council requested consultation on the proposed major amendment to the Regional Transportation Plan to add a five (5) mile light rail transit (LRT) extension on Central Avenue: Washington/Jefferson to Baseline Road. Formal comment on the proposed major amendment is required by state statute, A.R.S. 28-6353, from the State Transportation Board, the Regional Public Transportation Authority (RPTA), and the Maricopa County Board of Supervisors. Cities and towns, Native American Indian communities, and the Citizens Transportation Oversight Committee (CTOC) may also provide comments.

On September 12, 2014, the State Transportation Board recommended approval, on September 18, 2014, the Regional Public Transportation Authority recommended approval, and on September 25, 2014, the Maricopa County Board of Supervisors recommended approval of the proposed major amendment.

With this recommended approval, the air quality conformity analysis process and technical modifications to the RTP can move forward. Once the air quality analysis is complete, the results will move through the MAG Committee process in Spring 2015 for approval.

The changes to the RTP for the proposed major amendment are documented in the attachment as noted with highlighted text and an updated map. For more information, please access the South Central LPA Report here: http://www.azmag.gov/Events/Event.asp?CMSID=5712, and the project page here: http://www.valleymetro.org/projects_and_planning/project_detail/south_central

PUBLIC INPUT:
None.

PROS & CONS:
PROS: The LPA for the South Central LRT extension was selected because it offers the highest ridership potential, greatest level of mobility improvements, potential for economic development and has the highest level of community support.

CONS: None.

TECHNICAL & POLICY IMPLICATIONS:

TECHNICAL: The alternatives analysis conducted by METRO found that the recommended LPA will best meet the purpose and need for the project, meeting the travel demands of increased riders anticipated within the South Central Avenue study area as well as providing the potential to promote economic development opportunities in coordination with transit-supportive policies and investments by the City of Phoenix.

POLICY: The South Central LPA was accepted by the City of Phoenix Council in December 2013 and the METRO Board of Directors on June 19, 2014. The proposed amendment is a major amendment to the Regional Transportation Plan (RTP) since more than one-mile of fixed guideway transit is being added.

ACTION NEEDED:

Recommend approval of the proposed major amendment to the Regional Transportation Plan to add a five (5) mile light rail transit (LRT) extension on Central Avenue: Washington/Jefferson to Baseline Road and that the Regional Transportation Plan be amended subject to the necessary air quality conformity analysis.

PRIOR COMMITTEE ACTIONS:

On October 23, 2014, the Transportation Review Committee recommended approval of the proposed major amendment to the Regional Transportation Plan to add a five (5) mile light rail transit (LRT) extension on Central Avenue: Washington/Jefferson to Baseline Road and that the Regional Transportation Plan be amended subject to the necessary air quality conformity analysis.

MEMBERS ATTENDING

Avondale: David Fitzhugh, Chair
ADOT: Kwi-Sung Kang for Floyd Roehrich
Buckeye: Scott Lowe
* Cave Creek: Ian Cordwell
Chandler: Dan Cook
El Mirage: Chris Hauser for Jorge Gastelum
Fountain Hills: Randy Harrel
Gila Bend: Ernie Rubi
* Gila River Indian Community: Tim Oliver
Gilbert: Kristin Myers for Leah Hubbard
Glendale: Debbie Albert
Goodyear: Cato Esquivel
Litchfield Park: Woody Scoutten
* Maricopa (City): Paul Jepson
Maricopa County: Lynne Hilliard for John Hauskins
Mesa: Jeff Martin for Scott Butler
* Paradise Valley: Jim Shano
Peoria: Andrew Granger
Phoenix: Ray Dovalina for Rick Naimark
Queen Creek: Mohamed Youssef
Scottsdale: Todd Taylor for Paul Basha
Surprise: Mike Gent
Tempe: Shelly Seyler
Valley Metro: John Farry
\# Wickenburg: Vince Lorefice
Youngtown: Grant Anderson

EX-OFFICIO MEMBERS ATTENDING

* Street Committee: Maria Deeb, Mesa
* ITS Committee: Catherine Hollow, Tempe
FHWA: Ed Stillings
* Bicycle/Pedestrian Committee: Denise Lacey, Maricopa County
* Transportation Safety Committee: Renate Ehm, Mesa

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

On August 27, 2014, the MAG Regional Council unanimously approved (1) the Locally Preferred Alternative (LPA) for the South Central Avenue project, including light rail transit on Central Avenue from Washington/Jefferson to Baseline Road; and (2) to consult with the State Transportation Board, the

Maricopa County Board of Supervisors, the Regional Public Transportation Authority, the Indian Communities, the cities and towns in Maricopa County, and the Citizens Transportation Oversight Committee for the major amendment process, as required by A.R.S. 28-6353, on the proposal to add the five-mile light rail transit (LRT) extension on Central Avenue from downtown Phoenix (near the existing LRT turns at Washington and Jefferson streets) to Baseline Road to the 2035 Regional Transportation Plan, contingent on the finding of air quality conformity.

MEMBERS ATTENDING

Mayor Michael LeVault, Youngtown, Chair
Mayor W. J. "Jim" Lane, Scottsdale, Vice Chair
Vice Mayor Robin Barker, Apache Junction
Mayor Kenneth Weise, 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 Alex Finter, Mesa
Mayor Scott LeMarr, Paradise Valley
* Mayor Bob Barrett, 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 Sharon Wolcott, Surprise
Mayor Mark Mitchell, Tempe
* Mayor Adolfo Gamez, Tolleson
* Mayor John Cook, Wickenburg
Mr. Roc Arnett, Citizens Transportation Oversight Committee
Mr. Joseph La Rue, State Transportation Board
Mr. Jack Sellers, State Transportation Board

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

On August 13, 2014, the MAG Transportation Policy Committee recommended approval with one no vote *(in Italics*) of (1) the Locally Preferred Alternative (LPA) for the South Central Avenue project, including light rail transit on Central Avenue from Washington/Jefferson to Baseline Road; and (2) consult with the State Transportation Board, the Maricopa County Board of Supervisors, the Regional Public Transportation Authority, the Indian Communities, the cities and towns in Maricopa County, and the Citizens Transportation Oversight Committee for the major amendment process, as required by A.R.S. 28-6353, on the proposal to add the five-mile light rail transit (LRT) extension on Central Avenue from downtown Phoenix (near the existing LRT turns at Washington and Jefferson streets) to Baseline Road to the 2035 Regional Transportation Plan, contingent on the finding of air quality conformity.

MEMBERS ATTENDING

Councilmember Jack Sellers, Chandler, Chair
Mayor Jerry Weiers, Glendale, Vice Chair
Mr. F. Rockne Arnett, Citizens Transportation Oversight Committee
Mr. Dave Berry, Swift Transportation
* Mr. Jed Billings, FNF Construction
* Mayor Bob Barrett, Peoria
* Councilmember Ben Cooper, Gilbert
# Mayor Alex Finter, Mesa
Mr. Charles Huellmantel, Huellmantel and Affiliates
Supervisor Clint Hickman, Maricopa County
* Mr. Mark Killian, The Killian Company/Sunny Mesa, Inc.
Mayor W. J. "Jim" Lane, Scottsdale
Mr. Joseph La Rue, State Transportation Board

* Lt. Governor Stephen Roe Lewis, Gila River Indian Community
* Mayor Georgia Lord, Goodyear
Mayor Mark Mitchell, Tempe
Mayor Lana Mook, El Mirage
* Mr. Garrett Newland, Macerich
* Mayor Tom Rankin, Florence
Mayor Greg Stanton, Phoenix
Ms. Karrin Kunasek Taylor, DMB Properties
\# Mayor Kenneth Weise, Avondale
* Mayor Sharon Wolcott, Surprise

* Not present
\# Participated by telephone conference call + Participated by videoconference call

On August 6, 2014, the MAG Management Committee recommended approval of (1) the Locally Preferred Alternative (LPA) for the South Central Avenue project, including light rail transit on Central Avenue from Washington/Jefferson to Baseline Road; and (2) consult with the State Transportation Board, the Maricopa County Board of Supervisors, the Regional Public Transportation Authority, the Indian Communities, the cities and towns in Maricopa County, and the Citizens Transportation Oversight Committee for the major amendment process, as required by A.R.S. 28-6353, on the proposal to add the five-mile light rail transit (LRT) extension on Central Avenue from downtown Phoenix (near the existing LRT turns at Washington and Jefferson streets) to Baseline Road to the 2035 Regional Transportation Plan, contingent on the finding of air quality conformity.

MEMBERS ATTENDING

Christopher Brady, Mesa, Chair
Rick Buss, Gila Bend, Vice Chair
\# Matt Busby for George Hoffman, Apache Junction
* David Fitzhugh, Avondale
\# George Diaz for Stephen Cleveland, Buckeye
* Gary Neiss, Carefree
* Peter Jankowski, Cave Creek
Patrice Kraus for Rich Dlugas, Chandler
Dr. Spencer Isom, El Mirage
Charles Montoya, Florence
Alfonso Rodriguez for Phil Dorchester, Fort McDowell Yavapai Nation
Ken Buchanan, Fountain Hills
* Tina Notah, Gila River Indian Community
Patrick Banger, Gilbert
Brent Stoddard for Brenda S. Fischer, Glendale
Brian Dalke, Goodyear
Rosemary Arellano, Guadalupe
Darryl Crossman, Litchfield Park
Gregory Rose, City of Maricopa
* Jim Bacon, Paradise Valley
Carl Swenson, Peoria
Ed Zuercher, Phoenix
\# Louis Andersen for Greg Stanley, Pinal Co.
John Kross, Queen Creek
* Bryan Meyers, Salt River Pima-Maricopa Indian Community
* Fritz Behring, Scottsdale
Michael Celaya for Bob Wingenroth, Surprise
Andrew Ching, Tempe
\# Chris Hagen for Reyes Medrano, Tolleson
Joshua Wright, Wickenburg
Jeanne Blackman, Youngtown
Floyd Roehrich 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.

On July 31, 2014, the Transportation Review Committee recommended approval of (1) the Locally Preferred Alternative (LPA) for the South Central Avenue project, including light rail transit on Central Avenue from Washington/Jefferson to Baseline Road; and (2) consult with the State Transportation Board, the Maricopa County Board of Supervisors, the Regional Public Transportation Authority, the Indian Communities, the cities and towns in Maricopa County, and the Citizens Transportation Oversight Committee for the major amendment process, as required by A.R.S. 28-6353, on the proposal to add the five-mile light rail transit (LRT) extension on Central Avenue from downtown Phoenix (near the existing LRT turns at Washington and Jefferson streets) to Baseline Road to the 2035 Regional Transportation Plan, contingent on the finding of air quality conformity.

MEMBERS ATTENDING

Avondale: David Fitzhugh, Chair
Phoenix: Rick Naimark, Vice Chair
ADOT: Brent Cain for Floyd Roehrich
Buckeye: Scott Lowe
* Cave Creek: Ian Cordwell
Chandler: Mike Mah for Dan Cook
El Mirage: Jorge Gastelum
* Fountain Hills: Randy Harrel
Gila Bend: Ernie Rubi
Gila River Indian Community: Tim Oliver
Gilbert: Kristin Myers for Leah Hubbard
Glendale: Bob Darr for Debbie Albert
Goodyear: Cato Esquivel
Litchfield Park: Woody Scoutten
* Maricopa (City): Paul Jepson
Maricopa County: John Hauskins
Mesa: Scott Butler
* Paradise Valley: Jim Shano
Peoria: Dan Nissen for Andrew Granger
Queen Creek: Mohamed Youssef
Scottsdale: Paul Basha
Surprise: Mike Gent for Dick McKinley
Tempe: Shelly Seyler
Valley Metro: John Farry
* Wickenburg: Vince Lorefice
Youngtown: Grant Anderson

EX-OFFICIO MEMBERS ATTENDING

* Street Committee: Dana Owsiany, Phoenix
* ITS Committee: Catherine Hollow, Tempe
FHWA: Tomas Deitering for Ed Stillings
Bicycle/Pedestrian Committee: Denise Lacey, Maricopa County
* Transportation Safety Committee: Renate Ehm, Mesa

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

On July 10, 2014, the Transit Committee recommended approval of (1) the Locally Preferred Alternative (LPA) for the South Central project, including light rail transit on Central Avenue from Washington/Jefferson to Baseline Road; and (2) consult with the State Transportation Board, the Maricopa County Board of Supervisors, the Regional Public Transportation Authority, the Indian Communities, the cities and towns in Maricopa County, and the Citizens Transportation Oversight Committee for the major amendment process, as required by A.R.S. 28-6353, on the proposal to add the five-mile light rail transit (LRT) extension on Central Avenue from Downtown Phoenix (near the existing LRT turns at Washington and Jefferson streets) to Baseline Road to the 2035 Regional Transportation Plan, contingent on the finding of air quality conformity.

MEMBERS ATTENDING

ADOT: Nicole Patrick
Avondale: Kristen Sexton
* Buckeye: Andrea Marquez
Chandler: Dan Cook for RJ Zeder
El Mirage: Jorge Gastelum
Gilbert: Kristin Myers
Glendale: Matthew Dudley for Debbie Albert
Goodyear: Cato Esquivel
Maricopa: David Maestas
* Maricopa County DOT: Mitch Wagner
Mesa: Jodi Sorrell
* Paradise Valley: Jeremy Knapp
Peoria: Bill Mattingly as Proxy
Phoenix: Ken Kessler for Maria Hyatt
Queen Creek: Mohamed Youssef
Scottsdale: Madeline Clemann, Chair
Surprise: Martin Lucero for David Kohlbeck
Tempe: Robert Yabes
Tolleson: Chris Hagen
Valley Metro: Wulf Grote
Youngtown: Grant Anderson

*Members neither present nor represented by proxy. + - Attended by Videoconference
- Attended by Audioconference

CONTACT PERSON:
Eileen O. Yazzie, (602) 254-6300

2035 REGIONAL TRANSPORTATION PLAN (RTP)

JANUARY 2014

REGIONAL TRANSPORTATION PLAN

MARICOPA ASSOCIATION of GOVERNMENTS

throughout the RTP planning period. Figure 10-8 indicates how services will be phased in over the planning period.

- LINK Service - In addition to the two current LINK routes, there is one additional route planned to open on Scottsdale/Rural Road by FY 2015, which will be funded using regional funds. Figure 10-8 includes this route.

Planned Paratransit Services

Paratransit service includes various types of passenger transportation that offers a shared-ride origin to destination service that provides transportation for passengers unable to access fixed route local bus service. It can also allow groups of employees to self-organize and operate a carpool service, providing a flexible transit solution for those trips not well served by more conventional fixed route service. Paratransit includes dial-a-ride (DAR)/demand response (DR) transportation services, shared-ride taxis, car-pooling and vanpooling.

- Dial-A-Ride - It is anticipated that dial-a-ride (DAR) service covered by the Americans with Disabilities Act (ADA) will grow commensurate to the number of fixed route bus miles expanded on per year.

- Vanpools - The future of the regional vanpool program is expected to grow due to its level of convenience and ease of customization to meet user's needs. Regional sources fund the purchase of the van only, while the operations support for this program comes from local funds, including passenger fares.

Planned High Capacity Transit

High Capacity Transit (HCT) falls into two categories, HCT/All Day and HCT/Peak Period. HCT/All Day typically operates two-way service, seven days a week, and operates in an exclusive guideway. HCT/Peak Period provides higher speed, high volume commuter or regional access. This service typically operates Monday through Friday during the morning and evening time periods. A detailed listing of the timing and cost of planned high capacity service and capital improvements is provided in Appendix D.

- HCT/All Day –Fixed route bus or rail vehicles (e.g., light rail, streetcar) are used for this service, operating solely in an exclusive guideway. Passenger access is available at stations located approximately every half-mile to one mile.

  - *Light Rail Transit/High Capacity Transit:* The RTP includes a ~~59.7~~ **64.7**-mile HCT system, which incorporates the Minimum Operating Segment (MOS) and ~~eight~~ **nine** future extensions. The amount identified in the RTP from all funding sources for LRT/HCT expenditures during the planning period totals $~~6.4~~ **7** billion (YOE $'s). Of this total,

$3.3 billion will be regionally funded and $3.~~1~~**8** billion will be funded from local sources. Proposition 400 half-cent sales tax funding will not be used for operating expenses on any part of the LRT/HCT system. Operating funds, which include farebox receipts, will come from participating jurisdictions.

It should also be noted that local sources will provide a significant share of the funding for the extension to downtown Glendale and the Northwest Extension. For these segments, regional funding in the form of federal transit funds may provide approximately one-half of the funding, with local sources providing the remaining half. An exception is Phase I of the Northwest Extension, which will not be covered by any federal funding. It is anticipated that a small amount of half-cent funds will be applied to these two segments for certain support infrastructure elements.

In addition, provisions are made to fund regional LRT/HCT support infrastructure. Table 10-2 lists the HCT extensions and attributes. Figure 10-9 indicates how services will be phased in over the 22-year planning period.

TABLE 10-2
HIGH CAPACITY TRANSIT/LIGHT RAIL - EXTENSIONS

Extension Route Name, Location	Technology	Length	Year Open
Central Mesa (to Mesa Dr.), Mesa	LRT	3.1	2016
Northwest Phase I, Phoenix	LRT	3.2	2016
Northwest Phase II, Phoenix	LRT	TBD	2026
Tempe Streetcar, Tempe	Street Car	2.6	2016
West Phoenix / Central Glendale, Phoenix and Glendale	TBD*	5.0	2026
Capitol / I-10 West, Phoenix	LRT	11.0	2023
Northeast, Phoenix	TBD*	12.0	2032
Central Mesa (to Gilbert Rd.), Mesa	LRT	1.9	2017
South Central, Phoenix	**LRT**	**5**	**2035**

*TBD – To be determined

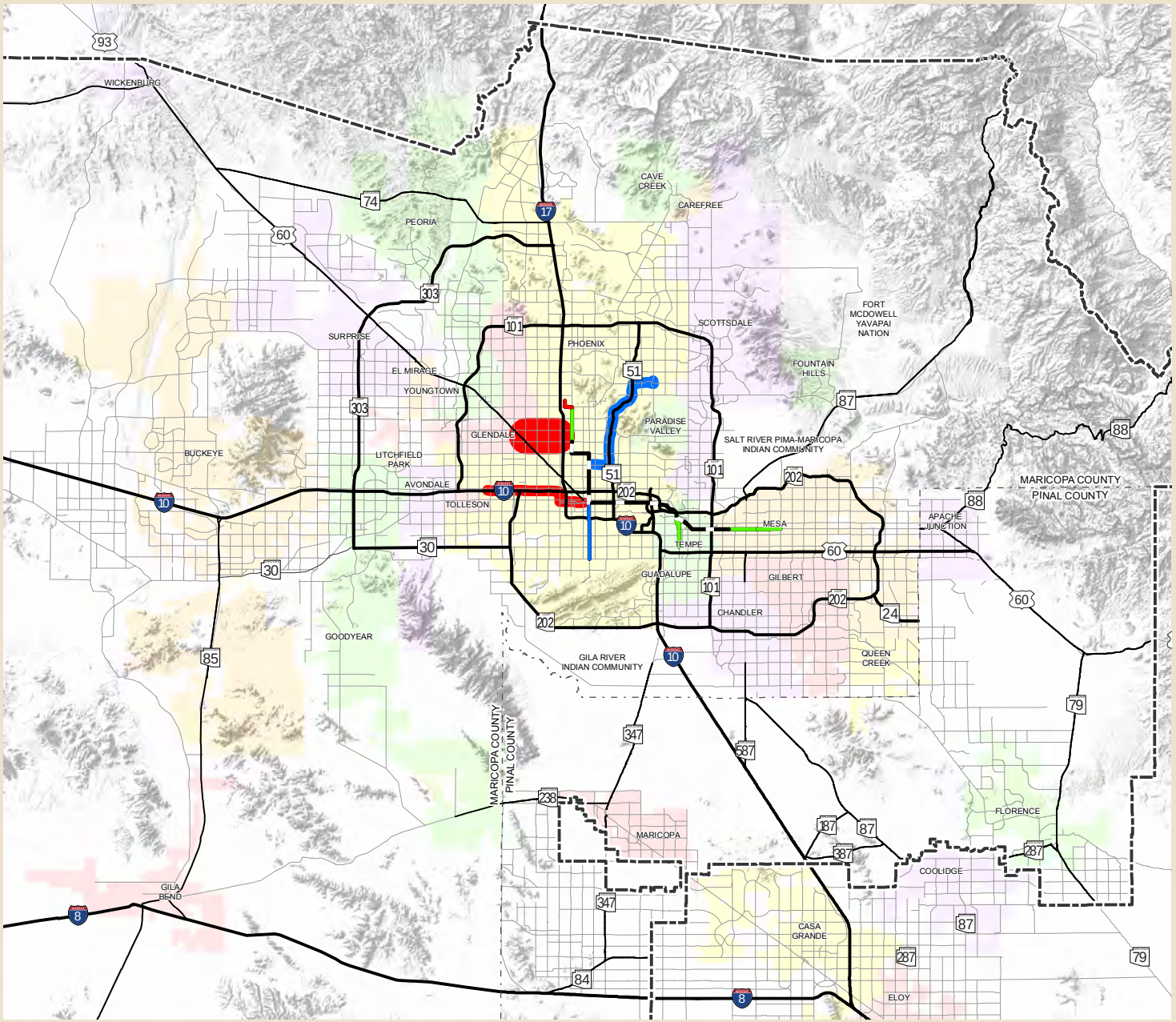
- *SkyTrain (Stage One-A):* The SkyTrain (Stage One) 1.7 mile segment from the LRT station at 44th St. to Airport Terminal 4 opened in April 2013. Stage One-A, which continues from Terminal 4 to Terminal 3 for 0.7 miles with a short walkway to Terminal 2, will open in early 2015. In the future, SkyTrain (Stage Two) will extend the SkyTrain an additional 1.8 miles to the Rental Car Center. On April 22, 2009, the MAG Regional Council approved inclusion of Stage Two as an illustrative project in

2035
Regional Transportation Plan
Fig. 10-9

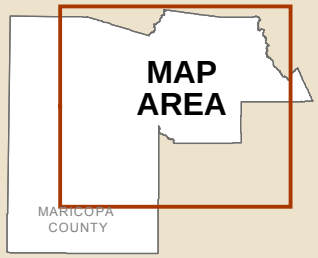
REGIONAL TRANSPORTATION PLAN

MARICOPA ASSOCIATION of GOVERNMENTS

Regional Light Rail Transit (LRT)/ High Capacity Transit Extensions
(FY 2014 - FY 2035)



- Group 1 (FY 2014 - FY 2018)
- Group 2 (FY 2019 - FY 2026)
- Group 3 (FY 2027 - FY 2035)
- Completed Minimum Operating Segment
- Freeways
- Highways
- Other Roads
- Metropolitan Planning Area Boundary
- County Boundary



While every effort has been made to ensure the accuracy of this information, the Maricopa Association of Governments makes no warranty, expressed or implied, as to its accuracy and expressly disclaims liability for the accuracy thereof.

© 2014, All Rights Reserved

Miles 0 5 10 15

N

Alignments for new freeway, highway, arterial, and light rail/high capacity transit facilities will be determined following the completion of appropriate design and environmental studies.

I:\Projects\RTP\MXDs\2013_Plan_Update\New_MPO\10-9_LRT_HCT_Amend_Central_Ave_Extension.mxd

TABLE 10-3: TRANSIT FUNDING PLAN: FY 2014 through FY 2035

FUNDING (Year of Expenditure $'s in Millions)		
		Totals
Regional Funds		
MAG Half-Cent Sales Tax	4,515.5	
MAG Federal Transit Funds	2,937.8	
MAG Federal CMAQ	415.7	
Beginning Balance (Regional Funds)	68.1	
Bond Proceeds	225.0	
Allowance for Debt Service and Other Expenses	(381.4)	
Total Regional Funds		7,780.7
Local / Other		
Fixed Route Bus Fares	~~1675.4~~ 1691.4	
Light Rail Transit/High Capacity Transit Fares	498.1	
Paratransit Vehicle Fares	130.6	
Vanpool Fares	68.1	
LTAF	299.1	
Local Funds	~~6602.4~~ 7282.4	
Total Local/Other Funds		~~9273.7~~ 9969.7
Total Funding		**~~17054.4~~ 17750.4**
EXPENDITURES (Year of Expenditure $'s in Millions)		
		Totals
Regionally Funded Projects		
Capital		
Regional Bus Fleet	1,084.7	
Bus Maintenance and Passenger Facilities	357.4	
Light Rail Transit/High Capacity Transit Regional Infrastructure	350.2	
Light Rail Transit/High Capacity Transit Extensions	3,063.1	
Paratransit (Americans with Disabilities Act, or ADA, compliant)	79.9	
Vanpool	42.0	
Rural/Non-Fixed Route Transit	2.2	
Total Capital		4,979.5
Operating		
Supergrid	1,457.3	
Freeway Rapid Bus and Express Bus	269.2	
LINK Service	148.8	
Regional Passenger Support Services	203.3	
Paratransit (ADA-compliant)	768.5	
Light Rail Transit/High Capacity Transit	0.0	
Rural/Non-Fixed Route Transit	10.5	
Vanpool	68.1	
Planning and Programming	97.5	
Total Operating		3,023.2
FTA Funds Forecast Contingency		(222.0)
Total Regionally Funded Projects		7,780.7
Locally / Other Funded Projects		
Capital		
Local Fixed Route Service	964.2	
Paratransit	52.5	
Light Rail Transit/High Capacity Transit	~~841.6~~ 1521.6	
Total Capital		~~1858.3~~ 2538.3
Operating Costs		
Local Fixed Route Bus Service	4,485.8	
Paratransit	694.6	
Light Rail Transit/High Capacity Transit	~~1836.2~~ 1852.2	
Planning, Programming and Other Support	176.8	
Total Operating		~~7193.4~~ 7209.4
FTA Funds Forecast Contingency		222.0
Total Locally/Other Funded Projects		~~9273.7~~ 9969.7
Total Expenditures		**~~17054.4~~ 17750.4**

Appendix D

Regional Transit Projects

TABLE D-3
2035 REGIONAL TRANSPORTATION PLAN
REGIONAL LIGHT RAIL TRANSIT/HIGH CAPACITY TRANSIT - OPERATING

ROUTE		OPERATING COSTS FY 2014 - FY 2035 (2013 $'S in THOUSANDS)	PLAN GROUP *
LRT/HCT Segments			
	CP/EV	810,885	Group 1
	Northwest Phase I	67,743	Group 1
	Northwest Phase II	13,620	Group 3
	Central Mesa	65,626	Group 1
	Tempe Streetcar	52,963	Group 1
	Capitol / I-10 West	143,087	Group 2
	Northeast Phoenix	37,011	Group 3
	Gilbert Road Extension	40,808	Group 1
	West Phoenix / Central Glendale	48,645	Group 3
	South Central	**16,000**	**Group 3**
Total		**~~1,280,386~~ 1,296,386**	

TABLE D-4
2035 REGIONAL TRANSPORTATION PLAN
REGIONAL LIGHT RAIL TRANSIT/HIGH CAPACITY TRANSIT - CAPITAL

ROUTE		CAPITAL COSTS FY 2014 - FY 2035 (2013 $'S in THOUSANDS)	PLAN GROUP
LRT/HCT Segments			
	Northwest Phase I	174,369	Group 1
	Central Mesa	111,438	Group 1
	Tempe Streetcar	105,908	Group 1
	West Phoenix / Central Glendale	411,692	Group 2,3
	Northwest Phase II	115,651	Group 2,3
	Capitol / I-10 West	895,920	Group 1,2
	Northeast Phoenix	961,216	Group 2,3
	Gilbert Road Extension	122,814	Group 1
	South Central Extension	**680,000**	**Group 3**
Sub-total		**~~2,899,008~~ 3,579,009**	
LRT Systemwide Support			
	Systemwide Support Infrastructure	91,238	Group 1,2
	Capital Project Development	36,301	Group 1,2,3
	System Planning and Design	2,939	Group 1
	Utility Reimbursements	142,924	Group 1,2,3
Sub-total		**273,402**	Group 1,2,3
TOTAL		**~~3,172,410~~ 3,852,411**	

* Plan Groups:

Group 1 (FY 2014 - FY 2018)
Group 2 (FY 2019 - FY 2026)
Group 3 (FY 2027 - FY 2035)

For transit capital expenditures, the group designation indicates the period when equipment or other capital items are acquired, or when construction of facilities is funded. For light rail transit/high capacity transit (LRT/HCT) operations, the group designation indicates the period when service is initiated. Funding continues during subsequent periods, and service improvements on certain routes may also be initiated in a later period. Operating costs reflect total costs and are not offset by farebox receipts. No regional funding is provided for LRT/HCT operating expenses.

ADOT
Director's Office

Janice K. Brewer, Governor
John S. Halikowski, Director
John H. Nichols, Deputy Director for Business Operations
Floyd Roehrich, Jr., Deputy Director for Policy
Jennifer Toth, Deputy Director for Transportation

September 15, 2014

Dennis Smith
Executive Director
Maricopa Association of Governments
302 N. 1st Avenue, Suite 300
Phoenix, AZ 85003

Dear Mr. Smith:

As set forth in Arizona Revised Statute (A.R.S.) 28-6353, the State Transportation Board by majority vote at its September 12, 2014 Board meeting, recommends approval of the proposed major amendment to the MAG 2035 Regional Transportation Plan to add a five (5) mile light rail transit (LRT) extension on Central Avenue from downtown Phoenix, near the existing light rail transit line as it turns at Washington and Jefferson streets, terminating at Baseline Road. The State Transportation Board has no further comments on the proposed major amendment.

If you require any additional information or have questions, please contact me at (602) 712-7550 or email at froehrichjr@azdot.gov.

Sincerely,

Floyd P. Roehrich, Jr., PE
Deputy Director for Policy

c: Joseph La Rue, Board Member, State Transportation Board
Jack Sellers, Board Member, State Transportation Board
Scott Omer, Multimodal Division Director, Arizona Department of Transportation

Maricopa Association of Governments
Received
SEP 17 2014

Maricopa County

County Manager's Office

301 West Jefferson Street
10th Floor
Phoenix, AZ 85003-2143
Phone: 602-506-3098
Fax: 602-506-3328
www.maricopa.gov

September 25, 2014

The Honorable Jack Sellers
Chair, Transportation Policy Committee
Maricopa Association of Governments
302 North 1st Avenue, Suite 300
Phoenix, AZ 85003

RE: Maricopa Association of Governments Regional Transportation Plan: Light Rail Transit Extension

Dear Chairman Sellers:

The Maricopa County Board of Supervisors appreciated the opportunity to comment on the proposed amendment to the Maricopa Association of Governments (MAG) Regional Transportation Plan (RTP), as described in Dennis Smith's August 28, 2014 letter.

Pursuant to Arizona Revised Statute (A.R.S) 28-6353, this memo shall serve to provide written notice that the Maricopa County Board of Supervisors approved on September 25, 2014 the proposed Major Amendment to the Maricopa Association of Governments (MAG) Regional Transportation Plan (RTP) which will add to the 2035 MAG RTP the Light Rail Extension on Central Avenue from Washington Street/Jefferson Street to Baseline Road. The Board of Supervisors notes that the proposed changes fall wholly within the jurisdiction of the City of Phoenix and the project will be entirely funded through City of Phoenix sales tax funds and possible federal funding.

The Board looks forward to future consultation on issues affecting the MAG Regional Transportation Plan. We compliment MAG on its attention to the RTP amendment and review processes outlined in state law.

Respectfully,

Tom Manos
County Manager

VALLEY METRO

Valley Metro.org | 101 N. First Avenue | Suite 1300 | Phoenix, AZ 85003
T 602.262.7433 F 602.262.2682 TTY 602.251.2039

September 29, 2014 SCCE-00008

Dennis Smith, Executive Director
Maricopa Association of Governments
302 N. 1st Avenue, Suite 300
Phoenix, AZ 85004

RE: Major Amendment to the Regional Transportation Plan – Light Rail Transit Extension from Downtown Phoenix to Baseline Road along Central Avenue in Phoenix, AZ

Dear Mr. Smith:

Please find attached Resolution 2014-01 passed by the Valley Metro Regional Public Transportation Authority (RPTA) Board of Directors on September 18, 2014 recommending that the Maricopa Association of Governments (MAG) Regional Council approve the major amendment to the Regional Transportation Plan (RTP) to extend light rail transit (LRT) from Downtown Phoenix to Baseline Road along Central Avenue. We request that you forward this action to the MAG Transportation Policy Committee to consider as part of its recommendation to the Regional Council.

Valley Metro looks forward to a positive recommendation to amend the RTP, begin the project development process, and initiate the environmental and conceptual engineering documents. As stated in the attached Resolution, advancing public transportation is critical to the future of economic vitality of the region, and this project is an essential component of the transportation network in the valley.

Sincerely,

Stephen R. Banta
Chief Executive Officer

Attachment: Valley Metro RPTA Resolution 2014-01

RESOLUTION 2014-01
A RESOLUTION OF THE
VALLEY METRO REGIONAL PUBLIC TRANSPORTATION AUTHORITY
REGARDING THE MAJOR AMENDMENT TO THE REGIONAL TRANSPORTATION PLAN
EXTENDING THE LIGHT RAIL CORRIDOR
SOUTH ON SOUTH CENTRAL AVENUE TO BASELINE ROAD

WHEREAS, Valley Metro Rail, Inc. completed an Alternatives Analysis of a high capacity corridor along South Central Avenue in Phoenix that recommended light rail as the preferred technology extending from downtown Phoenix to Baseline Road; and

WHEREAS, Maricopa Association of Governments has adopted the Locally Preferred Alternative for the corridor to be included in the Regional Transportation Plan; and

WHEREAS, the City of Phoenix has developed a financial plan to fund the design, construction and operation of the extension from downtown Phoenix to Baseline Road, and

WHEREAS, the extension to Baseline Road requires a major amendment to the Regional Transportation Plan pursuant to A.R.S. 28-6301.7(b); and

WHEREAS, Maricopa Association of Governments Transportation Policy Committee has recommended approval of the major amendment and beginning a thirty day review period pursuant to A.R.S. 28-6353.E.2; and

WHEREAS, A.R.S. 28-6353.E.2 requires the Board of Directors of the Regional Public Transportation Authority, by a majority vote of the members, to submit a written recommendation to the Transportation Policy Committee that the proposed amendment be approved, modified or disapproved; and

WHEREAS, the development and expansion of public transportation is critical to the future economic vitality of the region and is an essential component of the transportation network in the valley;

NOW THEREFORE BE IT RESOLVED, that the Valley Metro Regional Public Transportation Authority's Board of Directors recommends that the Maricopa Association of Governments Transportation Policy Committee approve the major amendment to the Regional Transportation Plan extending light rail in Phoenix south on South Central Avenue to Baseline Road.

Passed and Adopted by the Valley Metro Regional Public Transportation Authority Board of Directors this 18th day of September, 2014.

Trinity Donovan, Chair
Board of Directors
Valley Metro Regional Public Transportation Authority

Agenda Item #7

MARICOPA ASSOCIATION OF GOVERNMENTS INFORMATION SUMMARY… for your review

DATE:
October 28, 2014

SUBJECT:
Draft MAG 208 Water Quality Management Plan Amendment for the West Valley Regional Water Reclamation Facility

SUMMARY:
The City of Glendale and Maricopa County have requested that the MAG 208 Water Quality Management Plan be amended to include the West Valley Regional Water Reclamation Facility with an ultimate capacity of eight million gallons per day. The facility would be located in the Glendale Municipal Planning Area and serve a portion of the Glendale Municipal Planning Area that includes unincorporated areas of Maricopa County. Reclaimed water from the proposed facility would be disposed of through reuse, recharge, and a potential Arizona Pollutant Discharge Elimination System Permit discharge to Bullard Wash south of Litchfield Park via a below-ground pipeline; Roosevelt Irrigation District Canal south of Litchfield Park via a below-ground pipeline; and/or to the Agua Fria River via existing concrete lined stormwater channels.

The project is located within three miles of the City of Avondale, City of Buckeye, City of El Mirage, City of Goodyear, City of Litchfield Park, City of Surprise, Town of Youngtown, and Luke Air Force Base. EPCOR Water Arizona, Inc. has made commitments regarding nuisance impacts, initial start-up procedures, and sludge disposal to address concerns. The jurisdictions have indicated no objections to the proposed facility providing there is not surface discharge of effluent to Bullard Wash.

Once the West Valley Regional Water Reclamation Facility becomes operational, flows currently sent to the existing Russell Ranch Water Reclamation Facility, located in the Glendale Municipal Planning Area, would be redirected to the new facility. The Russell Ranch Facility would then be retired. However, if there is an unforeseen delay in the construction of the West Valley Regional Facility, short-term treatment capacity improvements may be implemented at the Russell Ranch Facility as an interim treatment solution for initial development. The capacity of the Russell Ranch Water Reclamation Facility would not exceed the 400,000 gallons per day ultimate capacity currently identified in the MAG 208 Plan.

On May 21, 2014, the MAG Water Quality Advisory Committee authorized a public hearing on the Draft MAG 208 Water Quality Management Plan Amendment for the West Valley Regional Water Reclamation Facility. The MAG Water Quality Advisory Committee conducted the public hearing on August 21, 2014. Immediately following the public hearing, the Committee considered public comments received and tabled the Draft 208 Amendment. After the August 21, 2014 public hearing and Committee meeting, a response to the public comments was prepared. In addition, a joint letter from EPCOR Water Arizona, Inc. and Liberty Utilities as well as a letter from the Central Arizona Project (CAP) were provided to indicate issues related to the recharge projects will be addressed through permitting at the Arizona Department of Water Resources (ADWR) and that there are no objections to the Draft 208 Amendment. On October 21, 2014, the Water Quality Advisory Committee reviewed the response to comments and letters and recommended approval of the Draft 208 Amendment. The

amendment is posted on the MAG website at: http://www.azmag.gov/Documents/WQAC_2014-07-02_Draft-MAG-208-Plan-Amendment-for-the-West-Valley-Regional-WRF.pdf.

PUBLIC INPUT:

On August 21, 2014, the MAG Water Quality Advisory Committee conducted a public hearing on the Draft MAG 208 Water Quality Management Plan Amendment for the West Valley Regional Water Reclamation Facility. At the public hearing, three testimonies were submitted. In addition, there were questions from two Committee members on the testimony provided.

A representative from Liberty Utilities provided testimony on the Draft 208 Plan Amendment. The comments included: Liberty Utilities is located just south of the proposed West Valley Regional Water Reclamation Facility; statements made by the applicant at the August 21st Committee meeting regarding the Liberty Utilities and Central Arizona Groundwater Replenishment District (CAGRD) recharge facility were grossly misrepresented; Liberty Utilities and Central Arizona Project have been working since 2010 on completing the recharge facility in the West Valley within the Liberty Utilities certificated area; Liberty Utilities and CAP have signed a 100-year agreement as of February 2014 for recharging the Litchfield Park Service Company's (LPSCO's) effluent that cannot be sold to its reuse customers; Liberty Utilities and CAP have selected an optimum site for recharge which was accomplished through hydrologic testing; over $300,000 has been invested in hydrologic environmental feasibility tests; the recharge facility they are looking at is currently within 4,000 feet of the proposed West Valley Regional Water Reclamation Facility; they are in escrow on the land for this project; Liberty Utilities, CAP, and the Arizona Department of Water Resources have initiated a permitting process for the recharge facility; Liberty Utilities and CAP plan on recharging approximately 5,000 to 6,000 acre feet of effluent annually and subsequently increase over the years; Liberty Utilities has a 5.1 million gallons per day (mgd) facility located three miles to the south and is permitted up to 8.2 mgd with another MAG-approved facility that Liberty Utilities owns land on to the west on McDowell Road that is also permitted for 8.2 mgd; the infrastructure is currently in place and ties within 1,000 feet of the recharge project; the map provided includes the locations of recharge projects currently in the West Valley; the close proximity of the EPCOR facility to Liberty Utilities is quite concerning when it comes to recharge; CAP is co-owner of the effluent distribution line; what we are asking is that you understand what is actually going on in the area, I am not sure everybody is fully aware; this is more than a proposed facility, it is down the road, in escrow and there is money down on the land; the facility will hopefully be in the ground within 20 months; and we are asking to really consider this when it comes to planning and how it may impact Liberty Utilities and CAP over a long-term project.

A representative from Central Arizona Project provided testimony on the Draft 208 Plan Amendment. The comments included: I am an attorney with CAP and here on behalf of one of CAP's authorities, the responsibility for operating the Central Arizona Groundwater Replenishment District; CAGRD provides a mechanism for new developments in the CAP service area to demonstrate an assured water supply; CAGRD is for subdivisions, water providers, and developers that do not have access to renewable supplies such as CAP water or Salt River Project surface supplies, they are still able under state law to develop and get an assured water supply certificate and get their plat approved if they can demonstrate they have access to groundwater and if they join the CAGRD and promise to pay the GRD assessments; the CAGRD's responsibility is to acquire a renewable supply of water and recharge that water, replace it, replenish it to keep the aquifer whole; it is a way of sustainable development and a vitally important water management tool, particularly in the West Valley; many West Valley providers and developers serve CAGRD member lands; I felt it was important for CAP to come and give its perspective and provide information on the partnership when you are making planning decisions; the partnership between Liberty Utilities and CAP is really an innovative, amazing, great partnership that is the culmination of over five years of work; in February 2014, the Central Arizona Water Conservation District (CAWCD) Board, the CAP Board, and Liberty Utilities management executed an agreement providing for a 100-year lease by Liberty Utilities of effluent produced by its Palm Valley Water

Reclamation Facility to CAGRD for a water supply that it can use to replenish groundwater pumped by its members; the agreement also provided for the joint development of an effluent recharge project; we undertook two separate hydrologic feasibility studies to locate a recharge site that could store a minimum of 5,000 acre feet of effluent a year; CAWCD has moved forward and executed the agreement; close to $5 million has been deposited in escrow and they hope to close on escrow in November 2014; the permitting process for the recharge project and underground storage facility has been initiated with the Arizona Department of Water Resources; CAWCD is really excited about this partnership and hope to see more of them in the future; the partnership provides significant benefit to CACWD, its GRD members, to Liberty Utilities, and to other municipal water providers in the area by providing a mechanism for GRD to offset pumping by its members in the area of hydrologic impact; our members are located in the area of the Liberty Utilities service area and the groundwater pumping is going to be replenished in the same area; the partnership also provides CAWCD and its members with a long-term lease of effluent which is extremely valuable for the CAGRD and CAP; access to critical infrastructure is necessary to perform our replenishment obligation; it provides hydrologic benefits of groundwater recharge to the entire area, to other municipal providers that are located in the area that may be reliant on groundwater for their supply; I wanted to make you aware of the significant investment and planning that has gone into this partnership; we would be concerned about the location of a recharge facility 4,000 feet from our planned site and facility; and it would be incompatible and inconsistent with our ability to move forward with our recharge facility.

The Fort McDowell Yavapai Nation representative on the MAG Water Quality Advisory Committee asked questions on the testimony provided. She inquired what CAGRD would do if the EPCOR facility was approved. She asked how CAGRD would move on with Liberty Utilities. The representative from CAP provided the following response during the public hearing: if the EPCOR facility was approved and the recharge component of the facility constructed, it would render really impossible and ineffective our ability to construct our planned effluent recharge project; it would undermine the critical element component of our deal; our deal marries a water supply, which is effluent, with the necessary infrastructure to replenish it, which is our underground storage facility; and we believe it would render impossible the performance of our agreement. The Fort McDowell Yavapai Nation representative asked if it is possible to marry the two facilities in which the effluent discharge would actually go over to the Liberty Utilities facility or if those discussions are premature. The representative from CAP responded during the public hearing that she is not in a position to answer that question.

The City of Tempe representative on the MAG Water Quality Advisory Committee asked questions on the testimony provided. He asked if CAGRD's concern is that if the EPCOR facility is permitted from a recharge standpoint, that there would not be adequate capacity in the aquifer to accommodate the full permitted flows of both facilities. The representative from CAP responded during the public hearing that is correct. The City of Tempe representative inquired if CAP/Liberty Utilities and the West Valley Facility have submitted their recharge applications to the Arizona Department of Water Resources. The representative from CAP provided the following response during the public hearing: I cannot speak for that; we have not formally filed our permits yet; we met with the ADWR on several occasions; and we had our pre-application meetings but our permit application itself has not yet been filed.

A representative from EPCOR Water provided testimony on the Draft 208 Plan Amendment. The comments included: I wanted to address the recharge issue brought up and congratulate and thank Liberty Utilities; we agree this is an area of groundwater decline, it is an area that needs recharge; as Glendale will point out, they want to keep their water there for that reason; this is a straightforward permitting issue by the Arizona Department of Water Resources; this is not really a 208 issue; we have had discussions with ADWR as well; I think it is possible to marry these two facilities, they do not have to be separate; our discussions with ADWR is there is sufficient separation; if there is not sufficient separation, our facility would be permitted for less; and it is really straightforward.

PROS & CONS:

PROS: Approval of the 208 Plan Amendment for the West Valley Regional Water Reclamation Facility would make the facility consistent with the MAG 208 Plan. The MAG 208 Water Quality Management Plan is the key guiding document used by Maricopa County and the Arizona Department of Environmental Quality in granting permits for wastewater treatment systems in the MAG region.

CONS: Currently, there do not appear to be any negative impacts associated with the approval of the MAG 208 Water Quality Management Plan Amendment. EPCOR Water, Liberty Utilities, and Central Arizona Project have indicated that any issues related to the recharge projects will be addressed through the permitting process at the Arizona Department of Water Resources.

TECHNICAL & POLICY IMPLICATIONS:

TECHNICAL: The West Valley Regional Water Reclamation Facility is needed to accommodate growth anticipated in the western portion of the Glendale Municipal Planning Area.

POLICY: The MAG 208 Water Quality Management Plan is the key guiding document used by Maricopa County and the Arizona Department of Environmental Quality in granting permits for wastewater treatment systems in the MAG region. Approval of the 208 Plan Amendment would enable the facility to be deemed consistent with the MAG 208 Plan. Consistency is necessary for permit approvals.

ACTION NEEDED:

Recommend approval of the Draft MAG 208 Water Quality Management Amendment for the West Valley Regional Water Reclamation Facility.

PRIOR COMMITTEE ACTIONS:

Water Quality Advisory Committee: On October 21, 2014, the MAG Water Quality Advisory Committee recommended approval of the Draft MAG 208 Water Quality Management Plan Amendment for the West Valley Regional Water Reclamation Facility, with one member voting no (*italics*) and one member abstaining (shaded).

MEMBERS ATTENDING

Randy Gottler, Phoenix, Chair
Barbara Chappell, Avondale, Vice Chair
Roger Klingler for Arnold Coronado, Buckeye
Anupa Jain, Chandler
Jamie McCullough for Larry Dobrosky, El Mirage
Mark Horn, Gilbert
Javier Setovich, Glendale
Mark Seamans, Goodyear
Daniel Cleavenger, Mesa
Michael Weber, Peoria
Greg Homol, Queen Creek
Christine Nunez for Terry Lowe, Surprise
Richard Sacks for Suzanne Grendahl, Scottsdale
David McNeil, Tempe
Reyes Medrano for Mark Berrelez, Tolleson
Kevin Chadwick, Maricopa County
Henry Day, Arizona Public Service Company
Jim Kudlinski, Salt River Project
*Summer Waters, University of Arizona Cooperative Extension
Sherrie Logg for Michael Byrd, Salt River Pima-Maricopa Indian Community
*Carole Coe Klopatek, Fort McDowell Yavapai Nation
Glenn Stark, Gila River Indian Community

*Those members neither present nor represented by proxy.
#Attended by telephone conference call.

Water Quality Advisory Committee: On August 21, 2014, the MAG Water Quality Advisory Committee conducted a public hearing on the Draft MAG 208 Water Quality Management Plan Amendment for the West Valley Regional Water Reclamation Facility. Immediately following the hearing, the Committee considered public comments received and tabled the Draft 208 Amendment, with six members voting no (*italics*).

MEMBERS ATTENDING

Heather Finden for Randy Gottler, Phoenix
Barbara Chappell, Avondale, Vice Chair
Roger Klingler for Arnold Coronado, Buckeye
Anupa Jain, Chandler
Larry Dobrosky, El Mirage
* Mark Horn, Gilbert
Javier Setovich, Glendale
* Mark Seamans, Goodyear
* Daniel Cleavenger, Mesa
Michael Weber, Peoria
Greg Homol, Queen Creek
Christine Nunez for Terry Lowe, Surprise
* Suzanne Grendahl, Scottsdale
David McNeil, Tempe
Reyes Medrano for Mark Berrelez, Tolleson
Dale Bodiya for Kevin Chadwick, Maricopa County
Henry Day for John Boyer, Pinnacle West Capital/Arizona Public Service
Jim Kudlinski, Salt River Project
* Summer Waters, University of Arizona Cooperative Extension
Sherrie Logg for Michael Byrd, Salt River Pima-Maricopa Indian Community
Carole Coe Klopatek, Fort McDowell Yavapai Nation
*Glenn Stark, Gila River Indian Community

*Those members neither present nor represented by proxy.
#Attended by telephone conference call.

CONTACT PERSON:
Julie Hoffman, Environmental Planning Program Manager, (602) 254-6300.

GLENDALE

October 8, 2014

Julie Hoffman
Environmental Planner
Maricopa Association of Governments
302 N. 1st Avenue, Suite 300
Phoenix, Arizona 85003

RE: MAG 208 Amendment application – MAG 208 Amendment application – EPCOR's Loop 303 West Valley Regional Water Reclamation Facility.

Dear Ms. Hoffman,

Attached are two letters provided by EPCOR Water, Liberty Utilities, and the Central Arizona Project. These letters address an agreed plan of action related to the discussion on August 21, 2014 of potential conflicts between proposed facilities in the area.

Glendale would like your office to share these letters with the Water Quality Advisory Committee members before the next scheduled meeting. We appreciate your assistance.

Sincerely,

Javier Setovich, P.E.
Deputy Director, Water Services Department
City of Glendale

Cc: Frank Metzler, EPCOR Water
Dale Bodiya, P.E, Maricopa County

Attachments: Liberty/Epcor Letter
CAP Letter

City of Glendale
Water Services • 7070 W Northern Avenue • Glendale, Arizona 85303 • (623) 930-4100 • Fax (623) 930-4110

CAP
CENTRAL ARIZONA PROJECT

October 8, 2014

Randy Gottler, Deputy Water Services Director
City of Phoenix, Chairman
Water Quality Advisory Committee
Maricopa Association of Governments
200 W. Washington Street
Phoenix, AZ 85003

Re: City of Glendale's Proposed MAG 208 Amendment for the West Valley Regional Water Reclamation Facility

Dear Chairman Gottler:

On August 21, 2014, the Water Quality Advisory Committee (Committee) of the Maricopa Association of Governments (MAG) held a public hearing to discuss the proposed MAG 208 Amendment for the West Valley Regional Water Reclamation Facility (WVRWRF). At the hearing, a representative from Central Arizona Project (CAP) provided comments regarding one aspect of the proposed WVRWRF, the location of planned effluent recharge basins associated with the treatment facility. Those comments advised the Committee that CAP, acting in its capacity as the Central Arizona Groundwater Replenishment District (CAGRD), had been working for the past five years to develop and implement an important partnership with Liberty Utilities. The partnership provides for the lease of Liberty effluent to CAP and sharing of costs to develop an effluent recharge facility in Liberty's service area to recharge Liberty's effluent for the joint benefit of CAGRD and Liberty. CAP expressed concern that the proposed effluent recharge basins associated with the WVRWRF might interfere with or undermine Liberty's ability to permit and operate the Liberty effluent recharge project. The main purpose of CAP's comments was to advise the Committee of CAP's significant investment of time and public monies (CAGRD tax assessments) in the development of its partnership with Liberty.

The Arizona Department of Water Resources (ADWR) is the state agency having jurisdiction over the permitting of underground storage facilities (USFs), such as the proposed effluent recharge project associated with the WVRWRF and the proposed Liberty effluent recharge project. Any issues arising from the competing USF applications of EPCOR and Liberty will be resolved by ADWR pursuant to state law.

P.O. Box 43020 – Phoenix, AZ 85080-3020 • 23636 North Seventh Street – Phoenix, AZ 85024 • 623-869-2333 • www.cap-az.com

Accordingly, CAP has no objection to the City of Glendale's proposed WVRWRF MAG 208 Amendment.

Sincerely,

for Dennis Rule
Manager, CAGRD

cc: Greg Sorensen, President, Liberty Utilities, Arizona
Troy Day, Vice President Arizona Operations, EPCOR Water
Suzanne Ticknor, Senior Attorney, CAWCD

October 8, 2014

Randy Gottler
Deputy Water Services Director - City of Phoenix,
Chairman, Water Quality Advisory Committee
Maricopa Association of Governments
302 North 1st Ave., Ste. 300
Phoenix, Arizona 85003

Re: EPCOR Water Arizona Inc. and Liberty Utilities (Litchfield Park Water & Sewer) Corp. MAG 208 Amendments and Proposed Effluent Recharge Projects

Dear Chairman Gottler:

On August 21, 2014, the Water Quality Advisory Committee (WQAC) of the Maricopa Association of Governments (MAG) held a public hearing to discuss the proposed MAG 208 Amendment filed by EPCOR Water Arizona, Inc. (EPCOR) for the West Valley Regional Water Reclamation Facility (WVRWRF). As you know, EPCOR's proposed WVRWRF includes an effluent recharge site. During public comments on August 21, Liberty Utilities (Litchfield Park Water & Sewer) Corp. (Liberty) and the Central Arizona Water Conservation District (CAWCD), a division of the Central Arizona Project (CAP), advised WQAC that EPCOR's proposed recharge site is located in close proximity to a joint Effluent Recharge Project between Liberty and CAWCD/CAP. During those comments, Liberty and CAWCD expressed concerns regarding the proximity of EPCOR's proposed WVRWRF effluent recharge basins to CAWCD/Liberty's joint Effluent Recharge Project. At the August 21 meeting, WQAC decided to postpone consideration of EPCOR's MAG 208 Amendment pending further discussions and clarification regarding the CAWCD/Liberty Effluent Recharge Project and EPCOR's effluent recharge site.

In addition to EPCOR's proposed MAG 208 Amendment, Liberty is in the process of preparing and filing a MAG 208 Water Quality Management Plan Amendment for a service area expansion for various developments that have requested wastewater utility service from Liberty. Those new service areas are located north of Camelback Road, east of Reems Road, west of El Mirage Road and south of Northern Avenue.

Since the August 21 meeting, Liberty and EPCOR have met and conferred regarding each party's proposed recharge projects and each party's proposed MAG 208 amendments. Liberty and EPCOR agree that any issues relating to siting of the Liberty/CAWCD Effluent Recharge Project and the EPCOR effluent recharge site will be addressed by the Arizona Department of Water Resources (ADWR) through its applicable permitting process.

By this letter, EPCOR and Liberty agree that neither party has any objection to the other party's proposed MAG 208 Amendments noted above. As such, EPCOR and Liberty jointly request that MAG and its appropriate member communities proceed with processing of Liberty's and EPCOR's respective proposed MAG 208 Amendments as quickly as possible.

We appreciate your professional courtesy and cooperation on these issues.

Sincerely,

Greg Sorenson
President
Liberty Utilities

Troy Day
Vice President of Operations
EPCOR Water Arizona, Inc.

cc: Javier Setovich
Deputy Director, Water Services (City of Glendale)
7070 W. Northern Avenue
Glendale, AZ 85303
jsetovich@glendaleaz.com

MARICOPA ASSOCIATION OF GOVERNMENTS

DRAFT MAG 208 WATER QUALITY MANAGEMENT PLAN AMENDMENT

FOR THE WEST VALLEY REGIONAL WATER RECLAMATION FACILITY

(PUBLIC HEARING)

Phoenix, Arizona
August 21, 2014
3:35 p.m.

PREPARED FOR:

MARICOPA ASSOCIATION OF GOVERNMENTS

(ORIGINAL)

Reported by:
Sheryl L. Henke, RPR
Arizona CCR No. 50745

OTTMAR
Ottmar & Associates, Inc.
3770 N. 7th Street, Suite150
Phoenix, AZ 85014
T 602.485.1488
F 602.485.1605
Toll free 1.866.485.1444

1 MARICOPA ASSOCIATION OF GOVERNMENTS, Draft
2 MAG 208 Water Quality Management Plan Amendment for the
3 West Valley Regional Water Reclamation Facility, Public
4 Hearing, taken on August 21, 2014, commencing at 3:35
5 p.m., at Maricopa Association of Governments, 302 North
6 1st Avenue, Saguaro Room, Phoenix, Arizona, before
7 SHERYL L. HENKE, a Certified Reporter in the State of
8 Arizona.
9
10 MAG WATER QUALITY ADVISORY COMMITTEE MEMBERS ATTENDING:
11 Heather Finden for Randy Gottler, Phoenix, Chair
Barbara Chappell, Avondale, Vice Chair
12 Roger Klingler for Arnold Coronado, Buckeye
Larry Dobrosky, El Mirage
13 Javier Setovich, Glendale
Michael Weber, Peoria
14 Greg Homol, Queen Creek
Christine Nunez for Terry Lowe, Surprise
15 David McNeil, Tempe
Reyes Medrano for Mark Berrelez, Tolleson
16 Dale Bodiya for Kevin Chadwick, Maricopa County
Henry Day for Pinnacle West Capital/Arizona Public
17 Service
Sherrie Logg for Michael Byrd, Salt River Pima-Maricopa
18 Indian Community
19
20 MAG WATER QUALITY ADVISORY COMMITTEE MEMBERS ATTENDING
BY TELEPHONE CONFERENCE CALL:
21
Anupa Jain, Chandler
22 Jim Kudlinski, Salt River Project
Carole Coe Klopatek, Fort McDowell Yavapai Nation
23
24
25

1 OTHERS PRESENT:

2

Julie Hoffman, Maricopa Association of Governments
3 Kara Johnson, Maricopa Association of Governments
Lindy Bauer, Maricopa Association of Governments
4 Frank Metzler, EPCOR Water
Troy Day, EPCOR Water
5 Rebecca Stenholm, EPCOR Water
Andy Brown, EPCOR Water
6 Jared Carr, EPCOR Water
Mike Worlton, EPCOR Water
7 Martin Stanek, EPCOR Water
Frederick H. Tack, GHD Inc.
8 Bhaskar Kolluri, Liberty Utilities
Matthew Garlick, Liberty Utilities
9 Suzanne Ticknor, Central Arizona Project
Steve Carlson, Liberty Utilities
10 Mayor Adolfo Gamez, City of Tolleson
Chris Hagen, City of Tolleson
11 George Good, City of Tolleson
John Paul Lopez, City of Tolleson
12 Jeff Grant, Daily News-Sun

13

14

15

16

17

18

19

20

21

22

23

24

25

(Commencement of public hearing at 3:35 p.m.)

MS. CHAPPELL: Okay, agenda item 4. I now open the public hearing on the Draft MAG 208 Water Quality Management Plan Amendment for the West Valley Regional Water Reclamation Facility.

We begin with a briefing on the draft amendment. Following the briefing, hearing participants are invited to make comments for the public record. The court reporter is present to provide an official record of the hearing. Written comments are also welcome. For those wishing to speak on the draft amendment for the West Valley Regional Water Reclamation Facility, please fill out a public hearing card located on the tables in the meeting room and hand it to MAG staff.

First, Frank Metzler of EPCOR will provide a briefing on the Draft 208 Amendment.

MR. METZLER: Good afternoon. Can everybody hear me? Good. Okay.

Well, first off, my name is Frank Metzler. I'm an engineering project manager with EPCOR Water Arizona. And I want to thank you for the opportunity to talk about this proposed MAG 208

1 Amendment this afternoon.
2 I'm responsible for the planning,
3 engineering, design and construction of the West Valley
4 Regional Water Reclamation Facility. And I just have
5 about 15 slides that I would like to go over to give
6 you a little background of what we're up to and where
7 we're headed with this project.
8 So very briefly, I'm going to tell you a
9 little bit about where the proposed facility is located
10 and what the service area will look like. I will tell
11 you a little about the scope and the need for the
12 facility. I'll tell you a little bit about the design
13 of the facility itself.
14 I'll talk about some of the costs
15 associated with the construction of the facility and
16 the associated wastewater collection system. Then I'll
17 talk a little bit about the project schedule. And then
18 I'll touch briefly at the end of the presentation on
19 the Russell Ranch Water Reclamation Facility, which is
20 an existing package plant near the location of the West
21 Valley Facility.
22 A little bit about the overall site to
23 give you a perspective on where we're located here.
24 The West Valley Regional Water Reclamation Facility is
25 basically located north and west of Luke Air Force

1 Base, and the size of the service area is approximately
2 17 square miles. It's roughly a five mile by five mile
3 block. But a chunk of it is taken out in the southeast
4 corner. So we're just to the north and west of Luke
5 Air Force Base.
6 Peoria Avenue would be the northern
7 boundary of the proposed service area. Camelback Road
8 would be the southern boundary. Citrus Road would be
9 the western boundary. And Litchfield Road would be the
10 approximate eastern boundary for the proposed service
11 area.
12 Right now the land out there is composed
13 primarily of agricultural property with some low
14 density residential lands. These lands fall within the
15 Glendale Municipal Planning Area and unincorporated
16 Maricopa County. And this area is currently -- a lot
17 of this area is already currently served by the EPCOR
18 White Tanks Water Treatment Plant, which is located to
19 the northwest of this area.
20 Okay. Here's a slightly closer view of
21 the proposed wastewater service area. The red boundary
22 indicates the outer boundary of the proposed 208
23 Amendment that we're here to talk about today. The
24 colored-in parcels represent those landowners who have
25 already executed agreements with EPCOR requesting

1 wastewater service at some point in the future.
2 So those colored-in parcels there
3 represent about 3,600 acres, which is composed of a
4 mixture of residential lands, commercial lands and
5 industrial lands.
6 All right. Big picture overview of our
7 plan. The plan here is that EPCOR Water Arizona will
8 be the regulated water, wastewater and recycled water
9 service provider within the proposed service area. At
10 the same time as this MAG 208 Amendment is ongoing, we
11 also have a concurrent application to expand EPCOR's
12 Agua Fria wastewater CC&N, or to create a new
13 wastewater CC&N depending on how ongoing discussions
14 with the Arizona Corporation Commission unfold.
15 As I mentioned, we already have signed
16 agreements with 19 landowners for approximately 3,600
17 acres of land in the vicinity of Luke Air Force Base.
18 And the existing Russell Ranch Water Reclamation
19 Facility will be retired after the West Valley Regional
20 Water Reclamation Facility is constructed and is
21 operating. And a connection is established between
22 those two plants.
23 All right. Let's talk a little bit about
24 projected population flows and need for the facility.
25 Last fall EPCOR and Water Works Engineers prepared a

1 wastewater master plan that looked at the proposed and
2 projected land uses in the service area. And we
3 projected build-out of that service area over a 30-year
4 window.
5 So as any of you who are involved in
6 paying for and developing municipal infrastructure are
7 aware population projections and development
8 projections are not a science, it's more of an art
9 form.
10 The projections that we're sharing with
11 you today represent something on the higher end of the
12 continuum of aggressive versus slow. So just recognize
13 that these are all projections. And none of us really
14 has a crystal ball as to what the future holds in store
15 in the service area.
16 So the projections that we developed were
17 based on a conceptual land use plan that was prepared
18 by the Loop 303 Phase 1 landowners several years ago.
19 And that land use plan is very consistent with the long
20 range general plan for the City of Goodyear.
21 As you can see here looking out to 2045,
22 our projections right now are that there would be
23 approximately 23,000 residential, full-time residential
24 customers or residents out there. There would be
25 approximately 7,000 dwelling units, which includes both

1 new housing and existing housing that may or may not be
2 tied into the wastewater service system. And the
3 long-term projected build-out wastewater flow for the
4 service area would be approximately 7 million gallons.
5 And then we have a 1 million gallon per day margin of
6 safety on the design of our facility.
7 All right. In terms of land uses and
8 contribution of wastewater flow across different
9 sectors of land use, approximately 40 per cent of the
10 area that would produce wastewater flows would be
11 residential flows. Approximately 43 per cent would be
12 a mixture of industrial and commercial land uses. And
13 then you would have the remainder as a mixture of
14 schools and other land uses; recreational facilities
15 and that sort of thing.
16 All right. Let's talk a little bit about
17 the actual facility itself. The West Valley Regional
18 Water Reclamation Facility will be a conventional water
19 reclamation facility with tertiary treatment.
20 The initial capacity of the first phase
21 of the facility, which we're designing right now and
22 we're at 60 per cent design, would be 150,000 gallons
23 per day in ground concrete and steel plant. The
24 ultimate capacity of the facility, as I mentioned,
25 would be approximately 8 million gallons, but that

1 would take about 30 years.
2 The site that we're going to build the
3 facility on is approximately 40 acres in size. The
4 facility will produce class A+ effluent, which is
5 suitable for a wide range of uses, including
6 groundwater recharge and reclaim uses for irrigation,
7 common area irrigation and other non-potable uses.
8 Our primary focus for reuse of the water
9 is either on-site recharge, and that recharge will be
10 -- will help address the issues with the Luke Cone of
11 Depression. In addition, we will provide water for the
12 users in the vicinity of the service area for
13 non-potable uses, reducing the demand on our water
14 resources.
15 We will investigate the possibility of
16 teaming with the Central Arizona Groundwater
17 Replenishment District to create a long-term
18 groundwater saving facility or recharge facility that
19 can address other issues of water supply and
20 sustainability in the West Valley. And we'll also
21 consider groundwater savings facility.
22 Although we intend to completely achieve
23 on-site recharge of our effluent train, as well as
24 providing that product for local non-potable uses. We
25 will also explore the possibility of an AZPDES

1 discharge to give us flexibility in the event of an
2 extreme wet event where flows of the facility exceed
3 our ability to achieve recharge, and our customers
4 don't have a demand for the water at that time.
5 We'll coordinate those issues we already
6 have, and we'll continue to coordinate those issues
7 with the adjacent communities.
8 The biosolids will be dewatered and sent
9 to the landfill.
10 All right. In terms of the construction
11 of the facility itself, the facility will have full
12 odor and noise control using the best available
13 demonstrated control technologies. And it will consist
14 of all the usual suspects in a conventional wastewater
15 treatment plant.
16 Influent pump station, screen and grit
17 removal, bioreactors, clarification, tertiary
18 filtration, chlorination and de-chlorination, sludge
19 holding and dewatering, on-site recharge basins with
20 avian controls to address potential issues of bird
21 strikes associated with the Luke Air Force Base
22 operations.
23 We've been in close coordination with the
24 Air Force Base. And they have already provided us
25 guidance and requirements for the design of the

1 recharge basins, which we have already incorporated
2 into the design of the facility.
3 And once again there will be an enclosure
4 of all nuisance-causing components so that there are no
5 impacts to adjacent neighbors and residents.
6 All right. Here's a conceptual layout of
7 the facility and how it will be scaleable to address
8 gradual growth in the service area. The facility will
9 be -- the slopes out here run north to south, basically
10 northwest to southeast. So the facility is going to
11 run from a north to south orientation.
12 And the first phase of the facility,
13 which you can see right here, will be 150,000 gallon
14 treatment train. And when it's time to expand the
15 150,000 gallon treatment train into 500,000 gallons, we
16 won't have to tear any equipment out. We'll just add
17 on to that initial treatment train to achieve 500,000
18 gallons of treatment capacity.
19 So it's very important for us to not have
20 to build anything that we then have to take back out of
21 the ground afterwards.
22 As you can see, as flows in the area grow
23 and as we see growth coming and we need to provide more
24 wastewater treatment, we will expand the facility in a
25 scalable matter from east to west. And we have plenty

1 of real estate in order to expand.
2 All right. Here's just a quick snapshot,
3 it's a little dark, I apologize for that. But this is
4 3D rendering of what the facility is going to look
5 like. Our design firm is using this to help us
6 understand how all the components fit together to make
7 sure that we don't have any design issues. But as you
8 can see, it looks like a typical conventional
9 wastewater treatment plant.
10 The initial recharge basins will be
11 located in the southeast corner of the property.
12 Ultimately the recharge basins will completely surround
13 the facility. We'll also have fencing around the
14 treatment train, and then fencing around the recharge
15 basins.
16 Okay. Let's talk a little bit about
17 cost. According to the best available information that
18 we have at present, using the growth projections that
19 we used in the wastewater master plan, our plan is to
20 build a first phase of the treatment train at 150,000
21 gallons per day.
22 Our intent is to start construction on
23 that facility next year and complete that construction
24 in about a one-year window. And our best available
25 information right now is that that initial 150,000

1 gallon treatment train will cost about $2.4 million.
2 As growth and the need for additional
3 capacity dictate in the area, we will add on to that
4 facility. The next phase will be turning that 150,000
5 gallon treatment train into a 500,000 gallon treatment
6 train that will cost approximately $7.5 million for the
7 facility.
8 After that as we move forward, we can add
9 additional treatment capacity in 500,000 gallon, 1
10 million, any increment of 500,000 gallons, we can add
11 additional treatment out there as necessary to stay
12 ahead of the growth curve. There is obviously an
13 economy of scale as you move forward. And as you add
14 additional capacity, it will drive the cost down for
15 construction.
16 The other column on the far right
17 represents the investment in the collection system. A
18 wastewater treatment plant is no good if you don't have
19 sewer lines to get the flow to the plant. So those
20 costs represent the long range projected investment in
21 the wastewater sewer system to get those flows to the
22 plant.
23 All right. Where are we right now. We
24 have applied for and received from Maricopa County
25 Community Planning and Development Department the use

1 compatibility and consistency determination which
2 indicates that both the County and Luke Air Force Base
3 are in agreement and are comfortable with our proposed
4 plans for siting this facility at this location. We
5 obtained that last month. We are at 60 per cent design
6 for the water reclamation facility. I think I'm
7 getting the drawings tomorrow.
8 We're at approximately 30 per cent design
9 for the sewer lines, for the initial sewer lines that
10 will feed flows from Russell Ranch and from Granite
11 Vista developments to the West Valley Regional Water
12 Reclamation Facility.
13 I anticipate that the design for the
14 sewer system and the West Valley Facility will be
15 complete by this December. We intend to obtain our
16 military compatibility permit from the County in
17 January or February of 2015. We intend to obtain our
18 CC&N from the Corporation Commission in early 2015.
19 I'm shooting for an Approval to Construct in early 2015
20 with construction starting April 2015.
21 We need to be ready to build when the
22 developers and the residents of the area are ready for
23 a new plant. So we're pushing ourselves to make sure
24 we're ready in time. The start may be later than that
25 depending on the needs of the -- our partners,

1 developers and residents in that area.
2 All right. Here's a long laundry list of
3 the permits and approvals that are required to be
4 obtained in order to start construction on a facility.
5 And we're working on all of these. We're on various
6 stages of completion for all of these different permits
7 and approvals.
8 All right. Financing. We talked about
9 costs, let's talk about financing. The underlying
10 principal for the development of the Loop 303 West
11 Valley Regional Water Reclamation Facility and the
12 associated collection facilities is that growth pays
13 for growth.
14 The funds that will come to EPCOR in
15 order for us to construct the plant and the sewer
16 system will be a combination of Contributions in Aid of
17 Construction, Advances in Aid of Construction with
18 repayment windows that are specified in our agreements.
19 The funding, the cash flow from those
20 lands are tied to the development process. So as
21 people obtain their final plat approvals and their
22 building permits, there are specific milestones and
23 associated cash contributions flowing from those
24 developers to EPCOR to pay for the infrastructure.
25 The 40-acre site for the water

1 reclamation facility will be conveyed from the 303
2 landowners to EPCOR at no cost to EPCOR or to its
3 customers. And if necessary during the development of
4 the system, if there is a particular time where a cash
5 infusion is necessary to help with completion of the
6 infrastructure, EPCOR can infuse equity as necessary.
7 All right. The last slide I have for you
8 talks about the Russell Ranch Water Reclamation
9 Facility. The Russell Ranch Water Reclamation Facility
10 is a small package plant, which is located just outside
11 the outer boundary of this proposed 208 MAG Amendment.
12 There is a development referred to as Russell Ranch,
13 which at build-out I think will be approximately 450
14 houses. Right now I think that number is around 210
15 houses, 210 customers.
16 This facility is already in the MAG 208
17 Regional Water Quality Management Plan. And it was
18 permitted from a MAG perspective for 400,000 gallons
19 per day. We have an existing Aquifer Protection Permit
20 with ADEQ for 198,000 gallons per day. The current
21 permitted flow inflow into the facility is 60,000
22 gallons per day, and the current actually observed
23 inflow is approximately 35,000 gallons per day.
24 Right now EPCOR is in the process of
25 evaluating the costs and the options to add additional

1 treatment at the Russell Ranch package plant to keep it
2 operating as a functional wastewater solution for the
3 residents of Russell Ranch, and potentially for the
4 Granite Vista Phase 1 Development, which is a few miles
5 to the north. You can see it up here.
6 As it stands right now, the Granite Vista
7 Phase 1 Development, which represents about 380 houses,
8 would be the first development out of the chute that
9 would require additional wastewater treatment capacity
10 in this area.
11 So we are working -- at the same time
12 that we're working to design and construct the West
13 Valley Regional Water Reclamation Facility, we're also
14 designing and planning for the possibility of adding
15 capacity at Russell Ranch so that when Granite Vista
16 Phase 1 is ready to sell houses there will be a place
17 where those flows can go.
18 Our long-term plan, we've been very clear
19 about this, is that ultimately the Russell Ranch Water
20 Reclamation Facility, which is a package plant and is
21 not intended to be a permanent solution, ultimately
22 that facility will be retired. And the flows from
23 Russell Ranch will be connected to the West Valley
24 Regional Water Reclamation Facility.
25 And with that I've covered all 15 slides.

1 I don't know whether I should take questions or -- but
2 here's my number and my e-mail. If you have any
3 questions give me a ring, if you don't get your answer
4 today.
5 MS. CHAPPELL: Okay. Thank you.
6 MR. KLINGLER: Can we ask questions at
7 this point? Is that appropriate?
8 MS. CHAPPELL: No. At this time we need
9 to open for public comment. I have a couple cards
10 currently in front of me. I would like to open for
11 those comments first. Anything to talk about at this
12 point in time will be public record.
13 MR. KLINGLER: And then you will close
14 the public hearing and Mr. Metzler will be available
15 later. Okay.
16 MS. CHAPPELL: If you'd like to make a
17 public comment, you can do so as well.
18 Do we have any other comment cards?
19 Anybody else like to fill out a speaker card? Okay, we
20 have no others.
21 So the first one I have here is Matthew
22 Garlick of Liberty Utilities. Thank you.
23 MR. GARLICK: Thank you. We've got some
24 handouts we're just sending out.
25 My name is Matthew Garlick, director of

1 operations for Liberty Utilities. We are located just
2 south of the proposed WRF that is currently in front of
3 you today. The reason I'm here today is on
4 August 21st, the last meeting, there was some
5 statements made regarding our facility, that Liberty
6 Utilities and CAGRD were looking to build a facility in
7 a nearby area to conduct recharge.
8 I'm here today to inform you that we
9 think those statements are grossly misrepresented by
10 the applicant. Liberty is rapidly deploying and has
11 been working on the project for quite a long time.
12 Liberty and CAP, Central Arizona Project, sister
13 organization, CAGRD, have been working since 2010 on
14 completing the water recharge facility in the West
15 Valley within Liberty's certificated area.
16 Liberty and CAP have signed a 100-year
17 agreement as of February 2014 of this year in which we
18 perform -- we put together a partnership and a
19 relationship for recharging of LPSCO's effluent that
20 cannot be sold to its reuse customers.
21 Liberty and CAP have entered into a due
22 diligence and selected an optimum site for water
23 recharge. And that was accomplished through hydrologic
24 testing at multiple sites within our service territory.
25 And we've invested over $300,000 in hydrologic

1 environmental feasibility tests. Liberty and CAP is --
2 the facility we're looking at is currently within
3 4,000 feet of this proposed wastewater facility that
4 you have in front of you today.
5 We are currently in escrow on the land
6 for this project that we're moving forward with.
7 Liberty and CAP and ADWR have already initiated a
8 permitting process for this recharge facility. Liberty
9 and CAP plan on recharging approximately 5 to
10 6,000 acre feet of effluent annually and subsequently
11 increase over the years.
12 Liberty currently has a 5.1 million
13 gallon facility located three miles to the south and is
14 permitted up to 8.2 MGD, with another MAG-approved
15 plant that we own land on further to the west on
16 McDowell Road, which is permitted also for another 8.2.
17 That infrastructure is currently in place today. And
18 it actually ties within 1,000 feet of that recharge
19 project.
20 In front of you, you will see the
21 locations of recharge projects currently in the West
22 Valley. You can see them kind of spattered all along.
23 If you notice, the close proximity to Liberty and the
24 EPCOR facility is quite concerning when it comes to
25 recharge.

1 Liberty and CAP, like I said, have owned
2 that facility, and our co-owners, CAP is co-owner of
3 the effluent distribution line. And what we're asking
4 today is that you understand what is actually going on
5 in the area. So that I'm not sure everybody's fully
6 aware of this.
7 And that's what we're here today to
8 communicate to you; that this is more than a proposed
9 facility. This facility is down the road. This
10 facility is in escrow. There is money down on the
11 land. This facility will be in the ground hopefully
12 within 20 months.
13 We're asking today to really consider
14 that when it comes to planning and how it may affect
15 Liberty and CAP over a long-term project. Thank you.
16 MS. CHAPPELL: Okay. Now, I have a
17 Suzanne Ticknor with Central Arizona Project.
18 MS. TICKNOR: Good afternoon, committee
19 members. My name is Suzanne Ticknor. I'm an attorney
20 with Central Arizona Project. And I'm here today on
21 behalf of one of CAP's authorities, which is the
22 responsibility for operating the Central Arizona
23 Groundwater Replenishment District, also known as the
24 CAGRD. The CAGRD, what it does is, it provides a
25 mechanism for new developments in the CAP service area

1 to demonstrate an assured water supply.
2 The CAGRD really for subdivisions, water
3 providers, developers that do not have access to
4 renewable supplies, such as CAP water or SRP surface
5 supplies, they still are able under state law to
6 develop and get an assured water supply certificate and
7 get their plat approved, if they can demonstrate they
8 have access to groundwater, and if they join the CAGRD
9 and promise to pay the GRD assessments.
10 The GRD then -- or the CAGRD's
11 responsibility is to acquire a renewable supply of
12 water and recharge that water, replace it, replenish it
13 to keep the aquifer whole. It's a way of sustainable
14 development. It's a vitally important water management
15 tool, particularly for the West Valley. Many West
16 Valley providers and developers serve CAGRD member
17 lands.
18 So I wanted to -- I was made aware of
19 today of this hearing. And I felt that it was
20 important for CAP to come and provide its perspective
21 and just to provide information for you all when you're
22 making planning decisions on the important partnership
23 that we have moved ahead with in Liberty; really
24 innovative, amazing, great partnership.
25 The partnership is a culmination of over

1 five years of work. In February of this year the CAWCD
2 board, the CAP board and Liberty's management executed
3 an agreement. The agreement provides, among other
4 things, for the lease by Liberty of effluent produced
5 by its Palm Valley Wastewater Reclamation Facility. A
6 100-year use of that effluent to the CAGRD. To provide
7 the CAGRD a water supply that it can use to replenish
8 groundwater pumped by its members.
9 That agreement also provided for the
10 joint development of an effluent recharge project, of
11 the infrastructure necessary for the CAGRD to make use
12 of the effluent that it was leasing for 100 years.
13 To get to this point as Matthew,
14 Mr. Garlick, had previously testified, we undertook two
15 separate hydrologic feasibility studies to locate a
16 site for a viable, cost effective effluent recharge
17 project that was capable of storing a minimum of 5,000
18 acre feet of effluent a year.
19 CAWCD has moved forward. We executed our
20 agreement. We deposited close to $5 million in escrow.
21 Liberty has committed over a million dollars of its
22 funds as well to advance this project.
23 We are -- we have selected a site,
24 studied the site. As Mr. Garlick testified, that site
25 is in escrow. We hope to close on escrow on that land

1 in November of this year. We have initiated the
2 permitting process for our recharge project and
3 underground storage facility, initiated that with
4 Arizona Department of Water Resources.
5 I just wanted to convey that CAWCD is
6 really excited about this partnership with Liberty.
7 It's an innovative, important partnership that we hope
8 to see more of in the future. It provides significant
9 benefit to CAWCD, its GRD members, to Liberty, and to
10 other municipal water providers in the area.
11 And it does so by first providing a
12 mechanism for GRD to offset groundwater pumping by its
13 members in the area of hydrologic impact. So our
14 members are located in the area of Liberty's service
15 area. And so that groundwater pumping is going to be
16 replenished in the same area. That's a beautiful thing
17 as far as we're concerned.
18 It also -- this partnership also provides
19 CAWCD and its members with a long-term lease of
20 effluent, a 100-year lease. Extremely valuable for the
21 CAGRD and for CAP. Access to critical infrastructure.
22 Necessary for us to perform our replenishment
23 obligation.
24 And finally it provides hydrologic
25 benefits of groundwater recharge to -- to the entire

area. To other municipal providers that are located in the area and may be reliant on groundwater for their supply.

In closing, I wanted to make you aware of the significant investment and planning that has gone into this partnership. We would be concerned about the location of another recharge facility 4,000 feet from our planned site and facility. It would be incompatible and inconsistent really with our ability to move forward with our recharge facility.

And with that, I will conclude my comments. Thank you very much.

MS. CHAPPELL: Thank you. I have one more speaker.

MR. MCNEIL: I was wondering whether and when it would be appropriate to ask clarifying questions on the comments that are being made; if we will have that opportunity or not.

MS. CHAPPELL: After the public hearing unless, of course, you wanted to make a public comment, that would be your course. Okay. So after we close the public hearing, we will open to discussion by the members.

MR. MCNEIL: Thank you.

MS. KLOPATEK: Madam Chairwoman.

MS. CHAPPELL: Yes.

MS. KLOPATEK: Is it possible to actually ask the public a clarifying question?

MS. CHAPPELL: Sorry about that. I guess if there was one point you wanted to make, we could probably get clarification, but in the sake of time we were hoping to get through the public comments, close the public hearing and then open for discussion.

MS. KLOPATEK: But it's actually asking a question of the last speaker to clarify something.

MS. CHAPPELL: Okay, yeah, we'll hear it.

MS. KLOPATEK: In regard to CAGRD, what would CAGRD do if this facility were to be approved? How would CAGRD move on the facility with Liberty?

MS. TICKNOR: That's a very good question. If this facility were approved and the recharge component of the proposed wastewater facility were constructed, it would render really impossible and ineffective our ability to construct our planned effluent recharge project. That would undermine the critical element component of our deal.

Our deal marries a water supply with effluent, which is effluent, with the necessary infrastructure to replenish it, which is our underground storage facility.

1 So we believe that it would -- I mean,
2 how can I say, render impossible the performance of our
3 agreement.
4 MS. KLOPATEK: May I ask a second
5 question, Madam Chairwoman?
6 MS. CHAPPELL: Sure.
7 MS. KLOPATEK: Is it possible to marry
8 the two facilities in which the effluent discharge
9 would actually go over to Liberty's facility, or are
10 those discussions just premature?
11 MS. TICKNOR: I am not in a position to
12 answer that question.
13 MS. KLOPATEK: All right. Thank you.
14 MR. MCNEIL: May I ask a brief question?
15 I just want to clarify, is the concern, is CAGRD's
16 concern that if this facility is permitted from a
17 recharge standpoint, that there would not be adequate
18 capacity in the aquifer to accommodate the full
19 permitted flows of both facilities?
20 MS. TICKNOR: That's correct.
21 MR. MCNEIL: And the next question I have
22 is, you've got your recharge applications into ADWR.
23 Has the West Valley Facility also already submitted
24 recharge applications?
25 MS. TICKNOR: I don't -- I don't know. I

1 don't think so. I don't think there -- if Frank is
2 here. I can't -- I can't speak for that. And we have
3 not -- we have our permits. We haven't formally filed
4 them yet. We've met with ADWR on several occasions.
5 We had our pre-application meetings, but the permit --
6 our permit app itself has not yet been filed.
7 MR. MCNEIL: Thank you.
8 MS. CHAPPELL: Thank you. Okay. I would
9 like to call Troy Day of EPCOR.
10 MR. DAY: Well, thank you. I'm Troy Day
11 with EPCOR Water. Thank you for hearing my comments.
12 I wanted to address the recharge issue that was brought
13 up, and I wanted to congratulate and thank Liberty. We
14 agree this is an area of groundwater decline. It is an
15 area that needs recharge. As Glendale will point out,
16 they want to keep their water there for exactly that
17 reason.
18 This is a very straightforward permitting
19 issue by the Department of Water Resources. This is
20 not really a 208 issue. It is a Department of Water
21 Resource issue. And it's a very straightforward
22 permitting issue. We've had the discussions with DWR
23 as well.
24 To the previous caller's question, I
25 think it is possible to marry these two. They don't

have to be separate. And our discussions with DWR is there is sufficient separation. And if there isn't, our facility would be permitted for less. It's really fairly straightforward.

And I would be happy to take any questions.

MS. CHAPPELL: Thank you. Do we have any other public comments for the record? I've gone through the cards I have.

Okay. Seeing none, I would like to close the public hearing at this time and request that the court reporter end the transcript. Thank you.

(4:12 p.m.)

1 STATE OF ARIZONA)
) SS.
2 COUNTY OF MARICOPA)

3 BE IT KNOWN that the foregoing transcript was
4 taken before me, SHERYL L. HENKE, a Certified Court
5 Reporter in the State of Arizona; that the transcript
6 of proceedings was taken down by me in shorthand and
7 thereafter reduced to print under my direction; that
8 the foregoing pages are a true and correct transcript
9 of all proceedings, all done to the best of my skill
10 and ability.

11 I further certify that I am in no way related to
12 any of the parties hereto nor am I in any way
13 interested in the outcome hereof.

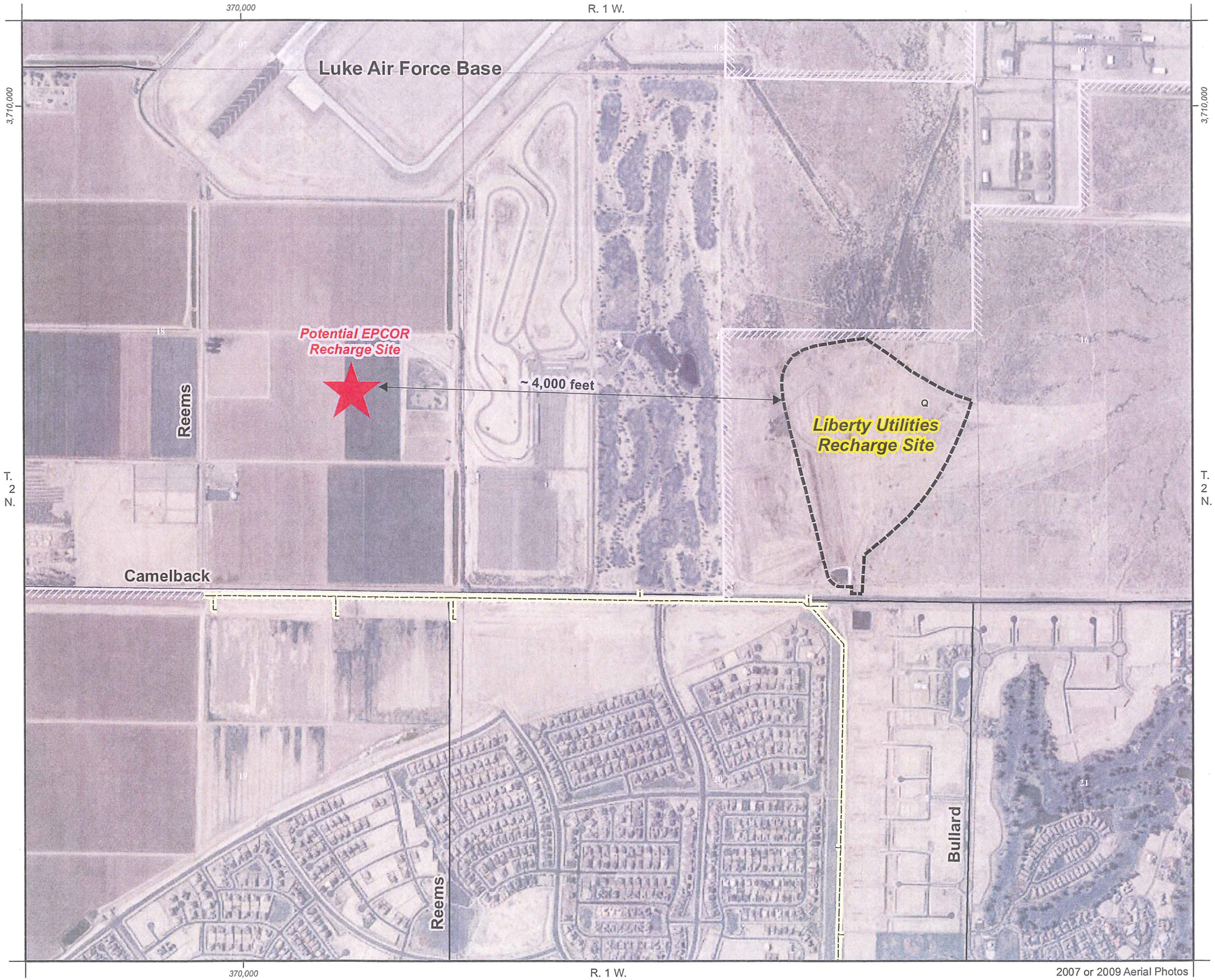
14 Dated at Phoenix, Arizona, this 26th day of
15 August, 2014.

16 Sheryl L. Henke

17

18 SHERYL L. HENKE - Digital Signature
AZ Certified Court Reporter No. 50745

19
20
21
22
23
24
25



EXPLANATION

Liberty Utilities Service Area

Water Service Area Boundary

Effluent Pipeline

N

0 500 1,000 1,500 2,000

Feet

CAGRD CENTRAL ARIZONA GROUNDWATER REPLENISHMENT DISTRICT

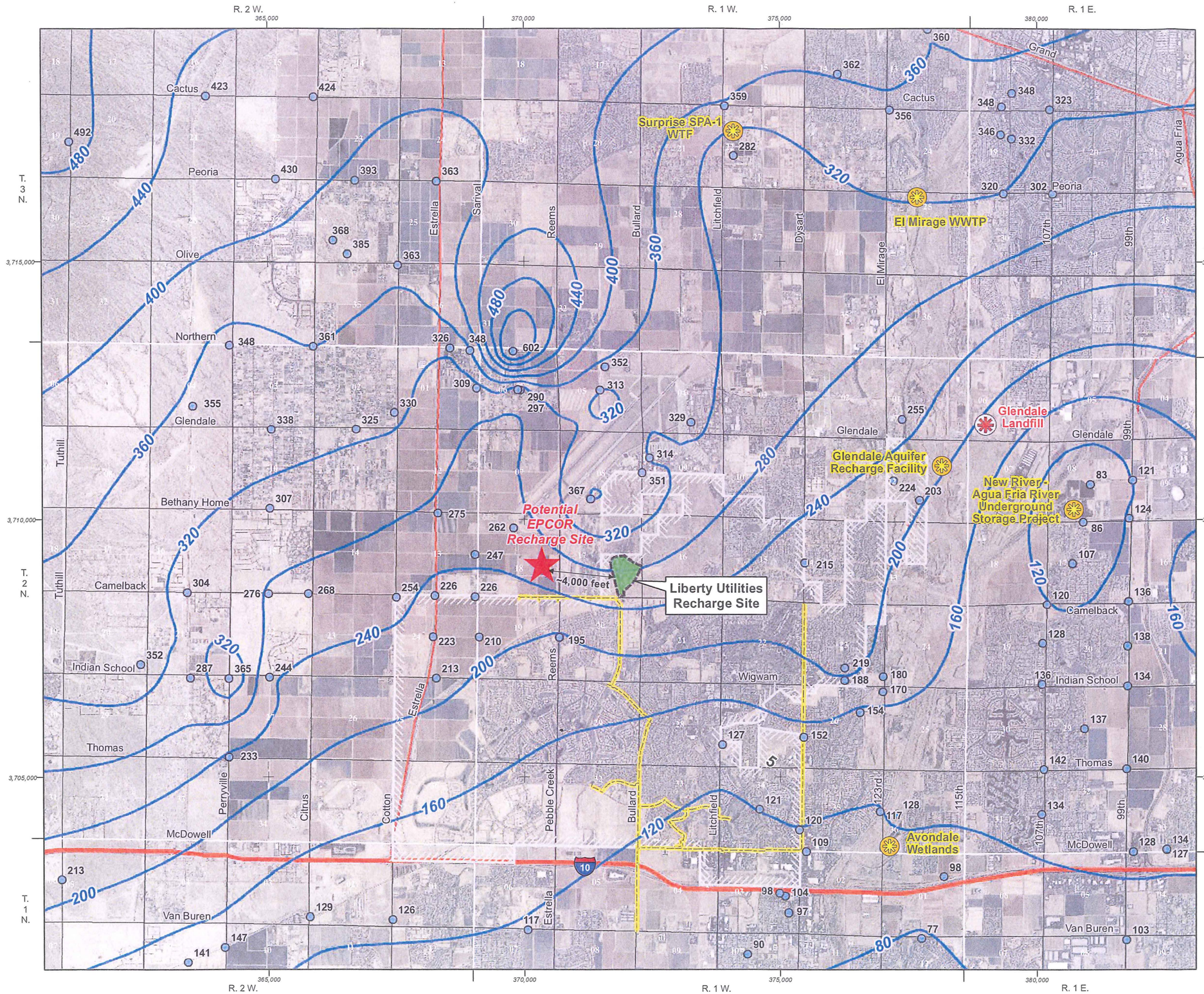
Liberty Utilities

LOCATION MAP FOR LIBERTY UTILITIES RECHARGE PROJECT

MONTGOMERY & ASSOCIATES

Water Resource Consultants

GIS-tuc\1340.03\LocationMap.mxd\21Aug2014



EXPLANATION

- Glendale Landfill
- Underground Storage Facility
- 905 — Well Location and Depth to Groundwater Level, Winter 2008-2009, in feet below land surface
- —240— Countour of Depth to Groundwater Level (40 foot intervals)

Liberty Water Service Area

- Water Service Area Boundary
- Effluent Pipeline

0 6,000 12,000
Feet

CAGRD Central Arizona Groundwater Replenishment District
Liberty Utilities

REGIONAL MAP FOR LIBERTY UTILITIES RECHARGE PROJECT

MONTGOMERY & ASSOCIATES
Water Resource Consultants

GIS-tuc\1340.03\LibertyWater_RegionalMap\21Aug2014

2007 Aerial Photos (http://imagery.azmap.org/arcgis/services)

RESPONSE TO PUBLIC COMMENTS ON THE
DRAFT MAG 208 WATER QUALITY MANAGEMENT PLANT AMENDMENT
FOR THE WEST VALLEY REGIONAL WATER RECLAMATION FACILITY

AUGUST 21, 2014 PUBLIC HEARING

The Maricopa Association of Governments (MAG) appreciates the comments made during the public comment period for the Draft MAG 208 Water Quality Management Plan Amendment for the West Valley Regional Water Reclamation Facility. An advertised public hearing on the draft amendment was conducted by the MAG Water Quality Advisory Committee (WQAC) on August 21, 2014. At the public hearing, three testimonies were submitted. In addition, there were questions from Committee members on the testimony provided. These comments and the responses provided during the public hearing are noted in the response to comments.

The comments provided during the August 21, 2014 public hearing were forwarded to the City of Glendale and Maricopa County for response, since they are the jurisdictions that officially requested that MAG initiate the 208 amendment process for the Draft MAG 208 Plan Amendment for the West Valley Regional Water Reclamation Facility. The response to comments is provided below.

COMMENTS FROM LIBERTY UTILITIES (Testimony from Matthew Garlick, on August 21, 2014)

Comment: We've got some handouts we're just sending out. My name is Matthew Garlick, director of operations for Liberty Utilities. We are located just south of the proposed WRF that is currently in front of you today. The reason I'm here today is on August 21st, the last meeting, there was some statements made regarding our facility, that Liberty Utilities and the Central Arizona Groundwater Replenishment District (CAGRD) were looking to build a facility in a nearby area to conduct recharge. I'm here today to inform you that we think those statements are grossly misrepresented by the applicant. Liberty is rapidly deploying and has been working on the project for quite a long time. Liberty and the Central Arizona Project (CAP), sister organization, CAGRD, have been working since 2010 on completing the water recharge facility in the West Valley within Liberty's certificated area.

Response: During the MAG Water Quality Advisory Committee meeting held on May 21st, 2014, EPCOR explained that it intends to conduct long-term surficial recharge of Class A+ effluent at the proposed plant site, and that the area has been deemed suitable for recharge activities based on observed performance of recharge basins at the EPCOR Russell Ranch Water Reclamation Facility located three miles to the west, as well as infiltration data from the proposed WVRWRF site. EPCOR also mentioned it was our understanding that Liberty Utilities and the Central Arizona Groundwater Replenishment District were also planning to construct and operate a recharge facility somewhere in the vicinity of the proposed WVRWRF. EPCOR did not know the specific location of the proposed Liberty/CAGRD recharge facility, the construction timetable, or

the proposed volumes of recharge envisioned by Liberty/CAGRD when we made the presentation in May. On September 23, 2014, Liberty, CAGRD, and EPCOR met to discuss the issue of the two proposed recharge facilities, and have jointly committed to work through any potential recharge permitting challenges with the Arizona Department of Water Resources. EPCOR and Liberty have signed a joint letter to this effect which will be provided to the MAG WQAC, and CAGRD has signed a similar letter also addressed to the Chair of the WQAC.

Comment: Liberty and CAP have signed a 100-year agreement as of February 2014 of this year in which we put together a partnership and a relationship for recharging of LPSCO's effluent that cannot be sold to its reuse customers. Liberty and CAP have entered into a due diligence and selected an optimum site for water recharge. This was accomplished through hydrologic testing at multiple sites within our service territory. We've invested over $300,000 in hydrologic environmental feasibility tests. The facility we're looking at is currently within 4,000 feet of this proposed wastewater facility that you have in front of you today.

Response: EPCOR only became aware of the proposed Liberty/CAGRD joint recharge project in January of 2014 after we had completed a water reclamation facility siting analysis, paid for multiple real estate appraisals, coordinated with Luke Air Force Base, and initiated negotiations with the landowner for acquisition of the proposed site. The proposed site of the WVRWRF was chosen as the optimal site based on a variety of siting criteria. EPCOR was unaware of the general location of the proposed Liberty/CAGRD facility until after concluding our siting analysis process. EPCOR looks forward to working through these issues with Liberty, CAGRD and ADWR during the Underground Storage Facility permitting process.

Comment: We are currently in escrow on the land for this project that we're moving forward with. Liberty and CAP and the Arizona Department of Water Resources (ADWR) have already initiated a permitting process for this recharge facility. Liberty and CAP plan on recharging approximately 5 to 6,000 acre feet of effluent annually and subsequently increase over the years. Liberty currently has a 5.1 million gallon facility located three miles to the south and is permitted up to 8.2 million gallons per day (mgd), with another MAG-approved plant that we own land on further to the west on McDowell Road, which is permitted also for another 8.2. That infrastructure is currently in place today. It actually ties within 1,000 feet of that recharge project. In front of you, you will see the locations of recharge projects currently in the West Valley. You can see them kind of spattered all along. If you notice, the close proximity to Liberty and the EPCOR facility is quite concerning when it comes to recharge.

Response: EPCOR recognizes the concerns of Liberty Utilities and CAGRD regarding the proximity of the proposed recharge projects, but we believe the two facilities as proposed will be hydrologically compatible and permittable by the Arizona Department of Water Resources (ADWR). EPCOR has requested the assistance of ADWR to facilitate a comprehensive and collaborative regional approach among all concerned parties to permit and implement groundwater recharge projects in the general vicinity of

the Luke Cone of Depression for the benefit of the West Valley. EPCOR looks forward to working through these issues with Liberty, CAGRD and ADWR during the Underground Storage Facility permitting process.

Comment: Liberty and CAP, like I said, have owned that facility, and our co-owners, CAP is co-owner of the effluent distribution line. What we're asking today is that you understand what is actually going on in the area. I'm not sure everybody's fully aware of this. That's what we're here today to communicate to you; that this is more than a proposed facility. This facility is down the road. This facility is in escrow. There is money down on the land. This facility will be in the ground hopefully within 20 months. We're asking today to really consider that when it comes to planning and how it may affect Liberty and CAP over a long-term project.

Response: EPCOR has signed agreements with the City of Glendale and eighteen landowners to provide wastewater service for approximately 3,600 acres of land in the vicinity of Luke Air Force Base. These agreements were originally executed in October of 2012, based on negotiations which began in 2010. The site of the proposed WVRWRF facility, including the associated recharge basin, was determined in close coordination with those landowners. EPCOR has committed significant capital and staff resources to move this project forward just as Liberty and CAGRD have done for their project. EPCOR anticipates having an operational water reclamation facility in early 2016 at which time we will commence recharge operations. EPCOR looks forward to working through these issues with Liberty, CAGRD and ADWR during the Underground Storage Facility permitting process.

COMMENTS FROM CENTRAL ARIZONA PROJECT (Testimony from Suzanne Ticknor, on August 21, 2014)

Comment: I'm an attorney with Central Arizona Project. I'm here today on behalf of one of CAP's authorities, which is the responsibility for operating the Central Arizona Groundwater Replenishment District, also known as the CAGRD. The CAGRD, what it does is it provides a mechanism for new developments in the CAP service area to demonstrate an assured water supply. The CAGRD really is for subdivisions, water providers, developers that do not have access to renewable supplies, such as CAP water or Salt River Project (SRP) surface supplies, they still are able under state law to develop and get an assured water supply certificate and get their plat approved, if they can demonstrate they have access to groundwater, and if they join the CAGRD and promise to pay the GRD assessments. The CAGRD's responsibility is to acquire a renewable supply of water and recharge that water, replace it, replenish it to keep the aquifer whole. It's a way of sustainable development. It's a vitally important water management tool, particularly for the West Valley. Many West Valley providers and developers serve CAGRD member lands.

Response: EPCOR enthusiastically supports the mission and efforts of CAGRD to provide an assured water supply within the District’s area of responsibility. EPCOR also recognizes and embraces the critical importance of establishing a long term sustainable

water supply for areas that do not have a designation of assured water supply such as the proposed Loop 303 service area. Recharge of reclaimed effluent in areas experiencing declining water tables is recognized as direct action to address this problem, and this is one reason why EPCOR proposes to conduct recharge at this location. EPCOR looks forward to working through these issues with Liberty, CAGRD and ADWR during the Underground Storage Facility permitting process. In addition, EPCOR supports the development of a collaborative comprehensive regional effluent recharge strategy which evaluates the challenges and opportunities associated with groundwater recharge and establishes implementable strategies to optimize the use of this critically important water resource for the benefit of the region. We are committed to working with our fellow members of WESTCAPS and other relevant communities and agencies towards that end.

Comment: I was made aware of today of this hearing. I felt that it was important for CAP to come and provide its perspective and just to provide information for you all when you're making planning decisions on the important partnership that we have moved ahead with in Liberty; really innovative, amazing, great partnership. The partnership is a culmination of over five years of work. In February of this year the Central Arizona Water Conservation District (CAWCD) Board, the CAP Board, and Liberty's management executed an agreement. The agreement provides, among other things, for the lease by Liberty of effluent produced by its Palm Valley Wastewater Reclamation Facility, a 100-year use of that effluent to the CAGRD, to provide the CAGRD a water supply that it can use to replenish groundwater pumped by its members. That agreement also provided for the joint development of an effluent recharge project of the infrastructure necessary for the CAGRD to make use of the effluent that it was leasing for 100 years. To get to this point, as Mr. Garlick had previously testified, we undertook two separate hydrologic feasibility studies to locate a site for a viable, cost effective effluent recharge project that was capable of storing a minimum of 5,000 acre feet of effluent a year. CAWCD has moved forward. We executed our agreement. We deposited close to $5 million in escrow. Liberty has committed over $1 million of its funds as well to advance this project. We have selected a site, studied the site. As Mr. Garlick testified, that site is in escrow. We hope to close on escrow on that land in November of this year. We have initiated the permitting process for our recharge project and underground storage facility, initiated that with the Arizona Department of Water Resources.

Response: EPCOR has filed an application with ADWR for an underground storage facility permit at the proposed WVRWRF site for approximately 9,000 acre feet per day at build-out in 2045 (Application #71-223849.0000). We have committed significant funding and effort to see this project move forward, as has CAGRD and Liberty with their project. EPCOR looks forward to working through these issues with Liberty, CAGRD and ADWR during the Underground Storage Facility permitting process.

Comment: I just wanted to convey that CAWCD is really excited about this partnership with Liberty. It's an innovative, important partnership that we hope to see more of in the future. It provides significant benefit to CAWCD, its GRD members, to Liberty, and to other municipal water providers in the area. It does so by first providing a mechanism

for GRD to offset groundwater pumping by its members in the area of hydrologic impact. Our members are located in the area of Liberty's service area. That groundwater pumping is going to be replenished in the same area. That's a beautiful thing as far as we're concerned. This partnership also provides CAWCD and its members with a long-term lease of effluent, a 100-year lease, extremely valuable for the CAGRD and for CAP. Access to critical infrastructure, necessary for us to perform our replenishment obligation. Finally, it provides hydrologic benefits of groundwater recharge to the entire area, to other municipal providers that are located in the area and may be reliant on groundwater for their supply.

Response: EPCOR agrees wholeheartedly that the recharge of Class A+ effluent in this area is a critically important step to help establish an assured water supply. We applaud the partnership of CAGRD and Liberty to accomplish this, and we look forward to opportunities to also partner with CAGRD on similar projects in the future.

Comment: In closing, I wanted to make you aware of the significant investment and planning that has gone into this partnership. We would be concerned about the location of another recharge facility 4,000 feet from our planned site and facility. It would be incompatible and inconsistent with our ability to move forward with our recharge facility.

Response: EPCOR believes the two facilities are compatible and permittable as proposed, and we look forward to working with CAGRD, Liberty Utilities, and surrounding municipalities, with the assistance of ADWR, to develop a comprehensive strategy to coordinate and facilitate more groundwater recharge in this area.

COMMENTS FROM THE MAG WATER QUALITY ADVISORY COMMITTEE MEMBER FOR THE FORT MCDOWELL YAVAPAI NATION ON THE TESTIMONY PROVIDED BY SUZANNE TICKNOR, CENTRAL ARIZONA PROJECT (Comments by Carol Coe Klopatek, on August 21, 2014)

Comment: In regard to CAGRD, what would CAGRD do if this facility were to be approved? How would CAGRD move on the facility with Liberty?

Response provided by Suzanne Ticknor, Central Arizona Project, at the public hearing: That's a very good question. If this facility was approved and the recharge component of the proposed wastewater facility was constructed, it would render really impossible and ineffective our ability to construct our planned effluent recharge project. That would undermine the critical element component of our deal. Our deal marries a water supply with effluent, which is effluent, with the necessary infrastructure to replenish it, which is our underground storage facility. So we believe that it would render impossible the performance of our agreement.

Response: EPCOR respectfully disagrees with CAGRD's assertion. The technical information we have developed to date indicates the two facilities are not incompatible.

EPCOR looks forward to working through these issues with Liberty, CAGRD and ADWR during the Underground Storage Facility permitting process.

Comment: Is it possible to marry the two facilities in which the effluent discharge would actually go over to Liberty's facility, or are those discussions just premature?

Response provided by Suzanne Ticknor, Central Arizona Project, at the public hearing: I am not in a position to answer that question.

Response: Recharging the same total volume of water at one facility with a set surface area would be more challenging than recharging that same volume at two facilities with a larger total surface area which are separated horizontally by 4000'. EPCOR is willing to discuss a mutually beneficial partnership with CAGRD and Liberty to find a way to get all of this water in the ground, reduce investment in redundant infrastructure, and find ways to minimize costs. EPCOR looks forward to working through these issues with Liberty, CAGRD and ADWR during the Underground Storage Facility permitting process.

COMMENTS FROM THE MAG WATER QUALITY ADVISORY COMMITTEE MEMBER FOR THE CITY OF TEMPE ON THE TESTIMONY PROVIDED BY SUZANNE TICKNOR, CENTRAL ARIZONA PROJECT (Comments by David McNeil, on August 21, 2014)

Comment: I just want to clarify, is CAGRD's concern that if this facility is permitted from a recharge standpoint, that there would not be adequate capacity in the aquifer to accommodate the full permitted flows of both facilities?

Response provided by Suzanne Ticknor, Central Arizona Project, at the public hearing: That's correct.

Response: EPCOR respectfully disagrees with CAGRD's assertion. These facilities will be located over the Luke Cone of Depression, which is an area experiencing significant groundwater table declines and associated land subsidence, and is projected to see even greater water table declines in the coming years without direct action to rectify the situation. The aquifer in this area is an ideal location for groundwater recharge.

Comment: You've got your recharge applications into ADWR. Has the West Valley Facility also already submitted recharge applications?

Response provided by Suzanne Ticknor, Central Arizona Project, at the public hearing: I don't know. I don't think so. I can't speak for that. We have not -- we have our permits. We haven't formally filed them yet. We've met with ADWR on several occasions. We had our pre-application meetings, but our permit app itself has not yet been filed.

Response: In August 2014, EPCOR filed an application with ADWR for an underground storage facility permit at the proposed WVRWRF site for approximately 9,000 acre feet

per day at build-out in 2045 (Application #71-223849.0000). Liberty Utilities subsequently filed an application for a USF permit in late September or early October, 2014. EPCOR is committed to working with Liberty, CAGRD and ADWR to find a mutually beneficial solution to permit and operate these two facilities in a compatible manner.

COMMENTS FROM EPCOR WATER (Testimony from Troy Day, on August 21, 2014)

Comment: I wanted to address the recharge issue that was brought up, and I wanted to congratulate and thank Liberty. We agree this is an area of groundwater decline. It is an area that needs recharge. As Glendale will point out, they want to keep their water there for exactly that reason. This is a very straightforward permitting issue by the Department of Water Resources. This is not really a 208 issue. It is a Department of Water Resource issue. It's a very straightforward permitting issue. We've had the discussions with DWR as well. To the previous caller's question, I think it is possible to marry these two. They don't have to be separate. Our discussions with DWR is there is sufficient separation. If there isn't, our facility would be permitted for less. It's really fairly straightforward.

Response: On September 23, 2014, Liberty, CAGRD, and EPCOR met to discuss the issue of the two proposed recharge facilities, and have jointly committed to work through any potential recharge permitting challenges with the Arizona Department of Water Resources. EPCOR and Liberty have signed a joint letter to this effect which will be provided to the MAG WQAC, and CAGRD has signed a similar letter also addressed to the Chair of the WQAC.

Agenda Item #8

DRAFT
RESOLUTION OF SUPPORT
FOR ACCELERATION OF THE SR 189 PROJECT

WHEREAS, the regional planning agencies throughout Arizona, including the Central Arizona Governments (CAG), Central Yavapai Metropolitan Planning Organization (CYMPO), Flagstaff Metropolitan Planning Organization (FMPO), Maricopa Association of Governments (MAG), Northern Arizona Council of Governments (NACOG), Pima Association of Governments (PAG), SouthEastern Arizona Governments Organization (SEAGO), Western Arizona Council of Governments (WACOG), and Yuma Metropolitan Planning Organization (YMPO), and other regional planning agencies and Native American Communities that may wish to join in this effort, hereafter referred to as the Regional Planning Agencies, desire to advocate for advancement of the preferred build alternative of the SR 189 project into the ADOT Five-Year Transportation Facilities Construction Program; and

WHEREAS, Mexico is the largest bilateral trading partner with Arizona, accounting for an estimated $30 million in two-way trade each day; and

WHEREAS, trade between the US and Mexico is expected to increase dramatically over the next decade, and Arizona is well positioned to become a global leader in international commerce by virtue of our proximity to the 13th largest economy in the world; and

WHEREAS, the Mariposa LPOE at Nogales, Arizona, is one of the ten busiest cargo ports along the US-Mexico Border, processing more than 85 percent of the commercial vehicles, and approximately 89% of the trade value crossing the Arizona-Sonora border; and

WHEREAS, the massive explosion in manufacturing occurring in Mexico, coupled with the expansion of the Sea Port of Guaymas, Sonora, could triple the current commercial traffic through the Mariposa LPOE and onto State Route 189 over the next decade; and

WHEREAS, State Route 189 serves as a bypass route for commercial truck traffic to and from Mexico and provides a critical international commerce connection from the Mariposa LPOE to Interstate 19; and

WHEREAS, to effectively enhance and facilitate the flow of international commerce, it is necessary to advance the improvements to State Route 189 leading to and from the Mariposa port of entry to support import and export trade; and

WHEREAS, the Regional Planning Agencies have previously resolved to jointly support highway and rail infrastructure that supports our Arizona/Mexico ports of entry and urged the State Transportation Board to consider the economic development potential of projects in the Arizona Department of Transportation's Long-Range Transportation Plan, and to explore additional funding and creative financing to implement projects such as SR 189 for the economic vitality of Arizona.

NOW, THEREFORE, BE IT RESOLVED BY THE REGIONAL PLANNING AGENCIES as follows:

That it is the intent of the respective Regional Planning Agencies to work cooperatively to jointly advocate to the Arizona Department of Transportation, the Federal Highway Administration, the State Transportation Board, Arizona's Congressional Delegation, the Arizona Legislature, and other public and private stakeholders, to explore additional funding, creative financing, and additional statutory flexibility in order to advance the construction of the preferred build

alternative for SR 189 into the ADOT Five-Year Transportation Facilities Construction Program while holding harmless those projects currently programmed therein.

PASSED, ADOPTED AND APPROVED BY THE REGIONAL PLANNING AGENCIES OF CENTRAL ARIZONA ASSOCIATION OF GOVERNMENTS, CENTRAL YAVAPAI METROPOLITAN PLANNING ORGANIZATION, FLAGSTAFF METROPOLITAN PLANNING ORGANIZATION, MARICOPA ASSOCIATION OF GOVERNMENTS, NORTHERN ARIZONA ASSOCIATION OF GOVERNMENTS, PIMA ASSOCIATION OF GOVERNMENTS, SOUTHEASTERN ARIZONA GOVERNMENTS ORGANIZATION, WESTERN ARIZONA COUNCIL OF GOVERNMENTS, AND YUMA METROPOLITAN PLANNING ORGANIZATION, ON THE DATES PROVIDED BELOW.

_____
Tom Rankin, Chair
CAG Regional Council
Mayor, Town of Florence

_____
Date

_____
Kenneth Hall
CAG Executive Director

_____
Darryl Croft, Chair
CYMPO Executive Board
Vice Mayor, Town of Chino Valley

_____
Date

_____
Christopher Bridges
CYMPO Administrator

_____
Matt Ryan, Chair
FMPO Executive Board
County Supervisor, Coconino

_____
Date

_____
David Wessel
FMPO Manager

_____
Mark Nexsen, Chair
LHMPO Executive Board
Mayor, Lake Havasu City

_____
Date

_____
Jean Knight
LHMPO Manager

Michael LeVault, Chair
MAG Regional Council
Mayor, Town of Youngtown

Date

Dennis Smith
MAG Executive Director

Wade Carlisle, Chair
NACOG Regional Council
Councilman, City of Holbrook

Date

Chris Fetzer
NACOG Executive Director

Jonathan Rothschild, Chair
PAG Regional Council
Mayor, City of Tucson

Date

Farhad Moghimi
PAG Executive Director

Bob Jackson, Chair
SCMPO Executive Board
Mayor, City of Casa Grande

Date

Sharon Mitchell
SCMPO Director

Fredrick Mueller, Chair
SVMPO Executive Board
Mayor, City of Sierra Vista

Date

Daniel Coxworth
SVMPO Administrator

David Gomez, Chair
SEAGO Executive Board
County Supervisor, Greenlee

Date

Randy Heiss
SEAGO Executive Director

Janice Shelton, Chair
WACOG Executive Board of Directors
Superintendent, La Paz County Schools

Date

Brian H. Babiars
WACOG Executive Director

Greg Ferguson, Chair
YMPO Executive Board
County Supervisor, Yuma

Date

Charlene FitzGerald
YMPO Executive Director

SR 189 ADVANCEMENT – FACT SHEET

Mexico is the largest bilateral trading partner with Arizona, accounting for an estimated $30 million in two-way trade each day. Trade between the US and Mexico is expected to increase dramatically over the next decade, and Arizona is well positioned to become a global leader in international commerce by virtue of our proximity to the 13th largest economy in the world. Supporting facts:

- Manufacturing outsourcing studies and business articles by top consulting firms and business news outlets have recognized Mexico as being the top venue for manufacturing foreign direct investment, ranking above China, Brazil and India.

- Manufacturing currently accounts for approximately 35 percent of Mexico's gross domestic product and Mexico is beginning to overtake China as a manufacturing base for many companies.

- The Sea Port of Guaymas, Sonora , located 260 miles south of Nogales, Arizona, is undergoing a major expansion and when the expansion is complete, Guaymas will be Mexico's 2nd largest seaport by volume with the capacity for more than 30 million tons of cargo annually.

The Mariposa LPOE at Nogales, Arizona, is one of the ten busiest cargo ports along the US-Mexico Border, processing more than 85 percent of the commercial vehicles, and approximately 89% of the trade value crossing the Arizona-Sonora border. The massive explosion in manufacturing that is occurring in Mexico, coupled with the expansion of the Sea Port of Guaymas, Sonora, could triple the current commercial traffic through the Mariposa LPOE and onto State Route 189 over the next decade. Supporting facts:

- According to US Customs and Border Protection, in 2011, the dollar value of trade goods transported through the Mariposa Port of Entry was estimated at $20-$25 billion, and in 2014, the value is estimated to be $30-35 billion, representing a 50 to 75 percent increase in the value of trade over a three year period.

- Data from US Customs and Border Protection adjusted to calendar years shows that the volume of truck traffic has also grown. Truck volumes grew approximately 13 percent from 276,877 trucks in 2009 to 311,669 trucks in 2013.

- With the completion of the $225 million reconstruction and modernization of the Mariposa LPOE, commercial traffic volumes are expected to climb from the current average of 1,600 trucks per day to more than 3,000 trucks by the peak of produce season in January 2015.

- Of the 2,000 new Customs officers authorized nationwide in the most recent federal budget, 170 of those officers have been allotted to Arizona with 120 of those officers destined for Nogales to staff the improved Mariposa LPOE.

State Route 189 serves as a bypass route for commercial truck traffic to and from Mexico and provides a critical international commerce connection from the Mariposa LPOE to Interstate 19. To effectively enhance and facilitate the flow of international commerce and relieve the current congestion, it is necessary to advance the improvements to State Route 189 leading to and from the Mariposa port of entry to support import and export trade. Supporting facts:

- During the peak of the produce season, SR 189 already experiences considerable traffic congestion. The newly expanded Mariposa LPOE will be fully operational and properly staffed by fall of 2014. This additional traffic on the already congested highway will make SR 189 the state's biggest bottleneck in the flow of cross-border commerce and severely impede Arizona's ability to compete in international trade.

- Arizona's COGs and MPOs have previously passed resolutions to jointly support highway and rail infrastructure that supports our Arizona/Mexico ports of entry and have urged the State Transportation Board to consider the economic development potential of projects in the Arizona Department of Transportation's Long-Range Transportation Plan, and to explore additional funding and creative financing to implement projects such as SR 189 for the economic vitality of Arizona.

To clarify the COG and MPO intent as to "holding harmless" those projects currently programmed in the ADOT Five-Year Transportation Facilities Construction Program – this means we recognize and respect that these projects have been long in the project planning and development process and we do not wish to sacrifice the hard work nor delay the economic benefit their implementation will bring. Rather, it is our intent to find a way to fund the preferred build alternative for SR 189 that is above the line in terms of available funds through the methods described in the Statement of Resolution.

Agenda Item #9

MARICOPA ASSOCIATION OF GOVERNMENTS INFORMATION SUMMARY… for your review

DATE:
October 28, 2014

SUBJECT:
Federal Fiscal Year 2014 Year End Closeout Report of Federal Highway Administration Suballocated MAG Regional Funds, and Evaluation of Federal Fiscal Year 2015 Funding Levels

SUMMARY:
On July 6, 2012, the Moving Ahead for Progress in the 21st Century (MAP-21) Surface Transportation Authorization Act was signed into law. Through a continuing resolution, the federal funding levels for federal fiscal year (FFY) 2015 surface transportation programs have authorized through December 11, 2014. FFY 2014 Federal Highway Administration (FHWA) funding suballocated to the MAG region includes Congestion Mitigation and Air Quality (CMAQ), Surface Transportation Program (STP), Highway Safety Improvement Program (HSIP), Transportation Alternatives (TAP), planning funds (SPR) and (PL) programs. Closeout for those funding sources was reported by the Arizona Department of Transportation (ADOT) in late October for FFY 2014. An update is being provided for the FFY 2014 year end, and an estimated outlook for FFY 2015.

An evaluation of FFY 2014 funding shows apportionments with obligation authority applied at $103.3 million, Final Vouchers (FV) and project cost savings of $8.2 million, and incoming loans of $4.3 million. All suballocations and additional revenues were fully expended through the repayment of loans, debt service, and a combination of project closeouts held in January 2014, approved by Regional Council in February 2014, and by advance construction funding conversion in the Arterial Life Cycle Program. This year the MAG region ended with $0 in carry forward. Please refer to Table A for additional detail on the revenues and expenditures for FY 2014.

It is expected that federal funding for FFY 2015 will be authorized at the same amount as FFY 2014. The Obligation Authority (OA) is currently unknown at this time, and is also pending legislative action. MAG will be working under the reasonable assumption that the suballocated programs will receive a full year authorization at the same level as FFY 2013, with at least a 94.6 percent OA (programming limit). It is also assumed via an ADOT estimate, that the final vouchers and project cost savings can be expected at approximately $4 million. Currently estimated project authorizations for FFY 2015 are over programmed by $13.2 million. Many projects annually request to defer, which then releases funding back to the program in the current year. To ensure that all MAG regional funding is fully utilized each year and minimize the risk of loss of funding to the region, staff will closely monitor federal funding legislative actions, and the results from member agency project status report information, and will announce FFY 2015 Closeout if funding is available. A summary of estimated revenues and expenditures for FFY 2015 is included at the bottom of table A.

PUBLIC INPUT:
None.

PROS & CONS:
PROS: All Federal Highway Administration suballocated funding was fully utilized for FY 2014, removing the risk of federal recision, and state sweeps.

CONS: none

TECHNICAL & POLICY IMPLICATIONS:
TECHNICAL: Postponement of holding Closeout for the Federal Highway Administration sub-allocated funding at this time is necessary due to the current over programmed status. When information is returned from the project status workbook reports, the program funding will be reviewed.

POLICY: Previously adopted MAG policies on the allocation of uncommitted and redistributed federal funds to projects have been followed.

ACTION NEEDED:
Information and discussion.

PRIOR COMMITTEE ACTIONS:
This item was presented for information and discussion at the October 23 Transportation Review Committee meeting.

MEMBERS ATTENDING

Avondale: David Fitzhugh, Chair
ADOT: Kwi-Sung Kang for Floyd Roehrich
Buckeye: Scott Lowe
* Cave Creek: Ian Cordwell
Chandler: Dan Cook
El Mirage: Chris Hauser for Jorge Gastelum
Fountain Hills: Randy Harrel
Gila Bend: Ernie Rubi
* Gila River Indian Community: Tim Oliver
Gilbert: Kristin Myers for Leah Hubbard
Glendale: Debbie Albert
Goodyear: Cato Esquivel
Litchfield Park: Woody Scoutten
* Maricopa (City): Paul Jepson
Maricopa County: Lynne Hilliard for John Hauskins
Mesa: Jeff Martin for Scott Butler
* Paradise Valley: Jim Shano
Peoria: Andrew Granger
Phoenix: Ray Dovalina for Rick Naimark
Queen Creek: Mohamed Youssef
Scottsdale: Todd Taylor for Paul Basha
Surprise: Mike Gent
Tempe: Shelly Seyler
Valley Metro: John Farry
Wickenburg: Vince Lorefice
Youngtown: Grant Anderson

EX-OFFICIO MEMBERS ATTENDING

* Street Committee: Maria Deeb, Mesa
* ITS Committee: Catherine Hollow, Tempe
FHWA: Ed Stillings
* Bicycle/Pedestrian Committee: Denise Lacey, Maricopa County
* Transportation Safety Committee: Renate Ehm, Mesa

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

CONTACT PERSON:
Teri Kennedy, (602) 254-6300.

Table A

10/20/2014

FFY 2014 SUB-ALLOCATED MAG FHWA FUNDS: Actuals

r1

Description	CMAQ	CMAQ 2_5	HSIP*	PL*	SPR*	STP other	STP OVER 200K	TA OTHER	TA OVER 200K	Total
FY2014 Apportionments with OA Applied /1	**$ 42,533,594**	**$ 616,377**	**$ 1,908,289**	**$ 3,787,871**	**$ 1,437,500**	**$ 3,367,619**	**$ 45,406,018**	**$ 442,836**	**$ 3,787,789**	**$ 103,287,892**
Loans In /7	-	-	49,157	-	-	4,252,198	-	-	-	**4,301,355**
Loans Out /8	(713,569)	-	-	-	-	-	-	-	-	**(713,569)**
Repayments In /9	-	-	-	-	-	-	-	-	-	
Repayments Out /10	-	-	-	-	(1,250,000)	-	-	-	-	(1,250,000)
Transfers In /11	-	-	-	-	-	-	-	-	-	**-**
Transfers Out /12	-	-	-	-	-	-	-	-	-	**-**
MAG DEBT SERVICE ESTIMATE	-	-	-	-	-	-	(33,779,743)	-	-	**(33,779,743)**
Other OA Carry Forward**		-	-	-	-	-	208,753	-	-	**208,753**
Total Available with OA applied/1	**$ 41,820,025**	**$ 616,377**	**$ 1,957,446**	**$ 4,007,900**	**$ 187,500**	**$ 7,619,817**	**$ 11,835,029**	**$ 442,836**	**$ 3,787,789**	**$ 72,054,688**
Final Vouchers (FV) and Awards	$ 5,385,192	$ -	$ 591,369	$ -	$ -	$ -	$ 2,225,660			**$ 8,202,222**

Description	CMAQ	CMAQ 2_5	HSIP*	PL*	SPR*	STP other	STP OVER 200K	TA OTHER	TA OVER 200K	Total
Total OA Apportionments plus FV and Awards	$ 47,205,217	$ 616,377	$ 2,548,815	$ 4,007,900	$ 187,500	$ 7,619,817	$ 14,060,689	$ 442,836	$ 3,787,789	$ 80,256,910
Less Project Authorizations	$ 41,441,144	$ 264,040	$ 2,548,815	$ 4,007,900	$ 187,500	$ (201,738)	$ 29,697,001	$ 320,822	$ 2,211,456	$ 80,476,939
Ending Balance (Total Avail. minus Prjt Authorizations)	5,764,073	352,337	0	-	-	7,821,555	(15,636,312)	122,014	1,576,333	(0)
OA Carry Forward to FY2015/2	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**

* Obligation Authority (OA) not applied; flat distribution.

** OA carry forward or correction only (not apportionment).

1 Apportionments have OA applied to certain programs. Loans, repayments, transfers, debt service do not have OA applied. OA to apportionments for FFY 14 has been rounded.

2 All OA expires at end fo the year. Loaned OA is retained for return year. Rounding may occur.

FFY 2015 ESTIMATED: SUB-ALLOCATED MAG FHWA FUNDS

OA Funding Available/1	CMAQ	CMAQ 2_5	HSIP	PL*	SPR *	STP other	STP OVER 200K	TA OTHER	TA OVER 200K	Total
OA Applied rate:										
0.94634256	$ 45,711,504	$ 662,429	$ 1,855,052	$ 3,787,871	$ 1,437,500	$ 3,619,231	$ 48,798,542	$ 475,922	$ 4,070,795	$ 110,418,846
Loans and Repayments in	-	-	-	-	-	4,252,198	713,569	-	-	4,965,767
Loans and Repayments out	-	-	-	-	(1,250,000)		-	-	-	(1,250,000)
MAG DEBT SERVICE	-	-	-	-	-	-	(34,100,000)	-	-	(34,100,000)
Total Available with OA applied	**$ 45,711,504**	**$ 662,429**	**$ 1,855,052**	**$ 3,787,871**	**$ 187,500**	**$ 7,871,429**	**$ 15,412,111**	**$ 475,922**	**$ 4,070,795**	**$ 80,034,613**
Plus Final Vouchers and Awards Expected	$ 2,640,000						$ 1,360,000			$ 4,000,000
Less TIP Expected Project Authorizations	55,559,999	1,388,409	1,308,501	3,787,871	187,500	-	32,052,754	130,000	2,801,118	97,216,152
Ending Balance (Total Avail. minus Prjt Authorizations)	$ (7,208,495)	$ (725,980)	$ 546,551	$ -	$ -	$ 7,871,429	$ (15,280,643)	$ 345,922	$ 1,269,677	$ (13,181,538)

* Obligation Authority (OA) not applied; flat distribution.

1 Apportionments have estimated OA applied to certain programs. Loans, repayments, transfers, debt service do not have OA applied. OA to apportionments for FFY 15 has been rounded.

Agenda Item #10

MARICOPA ASSOCIATION OF GOVERNMENTS INFORMATION SUMMARY… for your review

DATE:
October 28, 2014

SUBJECT:
Southeast Valley Transit System Study

SUMMARY:
On May 22, 2013, the MAG Regional Council approved the FY 2014 MAG Unified Planning Work Program and Annual Budget, which included funding for the Southeast Valley Transit System Study. MAG and Valley Metro are conducting the Southeast Valley Transit System Study, which commenced in Spring 2014 and will be completed in Summer 2015. The study will analyze transit services and ridership demand in transit-established and transit-aspiring communities within the Southeast Valley. The study will identify efficiencies in current and planned transit services in the study area. A key outcome will be to identify short-, mid-, and long- term recommendations to promote an integrated, demand driven, and performance-based transit system that connects the communities of the Southeast Valley and provides links to the existing and planned regional transit network. The study will also identify a performance based, integrated, demand driven transit system that effectively and efficiently connects areas within the Southeast Valley of the MAG region as well as to existing and planned regional transit improvements such as high-capacity transit. Communities participating in the study are Apache Junction, Chandler, Florence, Gila River Indian Community, Gilbert, Guadalupe, Maricopa, Mesa, Phoenix, Queen Creek, Tempe and the surrounding portions of Maricopa County and Pinal County.

PUBLIC INPUT:
The study is incorporating a continuous eighteen month public involvement process which includes surveys, and meetings for the general public, and presentations before various councils and boards of participating study members and Project Advisory Committee (PAC) stakeholders. The PAC comprises representatives of the stakeholder jurisdictions and the agencies that operate or plan for transit in the study area. Media and public communication will be conducted through Valley Metro Community Relations. Public communications via the stakeholders participating on the PAC will be coordinated through specific contacts as discussed at individual PAC member meetings

PROS & CONS:
PROS: A key outcome will be to identify short-, mid-, and long- term recommendations to promote an integrated, demand driven, and performance-based transit system that connects the communities of the Southeast Valley and provides links to the existing and planned regional transit network.

CONS: None.

TECHNICAL & POLICY IMPLICATIONS:
TECHNICAL: The resulting transit service study will identify capital and operating requirements, needs based service options, and funding opportunities for transit service in the Southeast Valley.

POLICY: The Southeast Valley Transit System Study will provide decision-makers in the Southeast Valley with a comprehensive perspective on the needs and opportunities as well as the cost implications of implementing transit service.

ACTION NEEDED:
Information and discussion.

PRIOR COMMITTEE ACTIONS:
On October 23, 2014, the MAG Transportation Review Committee was presented the SEV Study item.

MEMBERS ATTENDING

Avondale: David Fitzhugh, Chair
ADOT: Kwi-Sung Kang for Floyd Roehrich
Buckeye: Scott Lowe
* Cave Creek: Ian Cordwell
Chandler: Dan Cook
El Mirage: Chris Hauser for Jorge Gastelum
Fountain Hills: Randy Harrel
Gila Bend: Ernie Rubi
* Gila River Indian Community: Tim Oliver
Gilbert: Kristin Myers for Leah Hubbard
Glendale: Debbie Albert
Goodyear: Cato Esquivel
Litchfield Park: Woody Scoutten
* Maricopa (City): Paul Jepson
Maricopa County: Lynne Hilliard for John Hauskins
Mesa: Jeff Martin for Scott Butler
* Paradise Valley: Jim Shano
Peoria: Andrew Granger
Phoenix: Ray Dovalina for Rick Naimark
Queen Creek: Mohamed Youssef
Scottsdale: Todd Taylor for Paul Basha
Surprise: Mike Gent
Tempe: Shelly Seyler
Valley Metro: John Farry
Wickenburg: Vince Lorefice
Youngtown: Grant Anderson

EX-OFFICIO MEMBERS ATTENDING

* Street Committee: Maria Deeb, Mesa
* ITS Committee: Catherine Hollow, 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

On October 9, 2014, the MAG Transit Committee was presented the SEV Study item.

MEMBERS ATTENDING

ADOT: Nicole Patrick
Avondale: Kristen Sexton
Buckeye: Sean Banda for Andrea Marquez
Chandler: Jason Crampton for RJ Zeder
* El Mirage: Jose Macias for Jorge Gastelum
# Gilbert: Kristin Myers
Glendale: Debbie Albert
Goodyear: Cato Esquivel
Maricopa: Kazi Haque for David Maestas
Maricopa County DOT: Suparna Dasgupta
Mesa: Jodi Sorrell
* Paradise Valley: Jeremy Knapp
Peoria: Stuart Kent as Proxy
Phoenix: Maria Hyatt, Vice Chair
* Queen Creek: Mohamed Youssef
Scottsdale: Madeline Clemann, Chair
Surprise: Martin Lucero
Tempe: Robert Yabes
* Tolleson: Chris Hagen
Valley Metro: Wulf Grote
Youngtown: Grant Anderson

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

CONTACT PERSON:
Marc Pearsall, (602) 254-6300.

SOUTHEAST VALLEY TRANSIT SYSTEM STUDY

MARICOPA ASSOCIATION of GOVERNMENTS | VALLEY METRO

PROJECT UPDATE | **SPRING 2014**

BACKGROUND

The Maricopa Association of Governments and Valley Metro are jointly conducting a study of the transit system in the Southeast Valley which includes; Apache Junction, Chandler, Florence, the Gila River Indian Community, Gilbert, Guadalupe, Maricopa, Mesa, Phoenix, Queen Creek, Tempe and the surrounding portions of Maricopa and Pinal Counties. The primary purpose of this study is to identify short, mid, and long-term recommendations that will advance the transit system throughout the study area. The study will begin with an evaluation of the existing transit conditions followed by an analysis of the transit needs for the area, including:

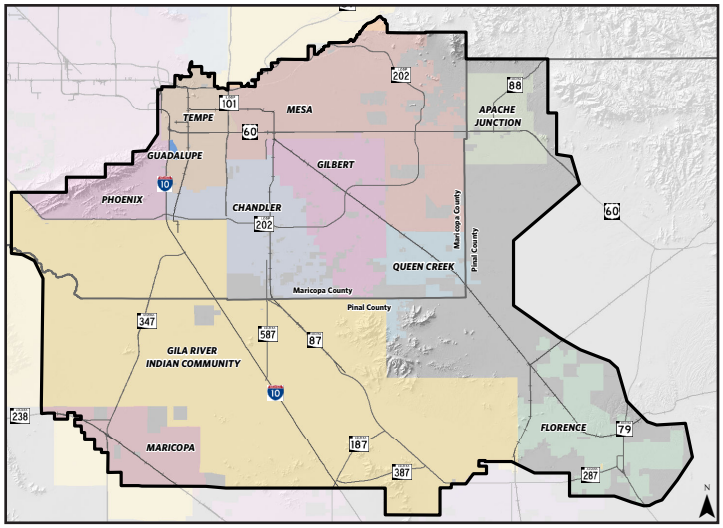
- A review of existing services
- Analysis of current and future travel demands to determine where there might be unmet needs
- Planning for future population growth and economic development
- Community input

NEXT STEPS

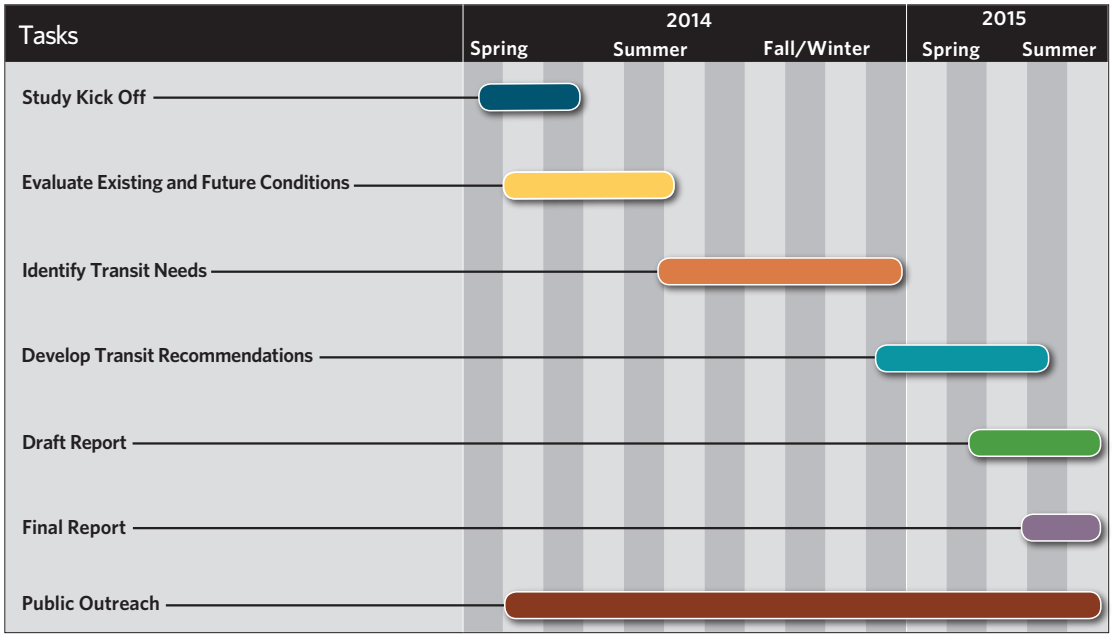
The study will continue through the spring of 2015 with a final report issued at the end of summer 2015.

Please visit the project website at *valleymetro.org/SEVTSS* to complete a public survey that will be incorporated into the study's report.

STUDY MAP



STUDY SCHEDULE



FOR MORE INFORMATION

Sonya Pastor La Sota, Community Outreach Coordinator
602.744.5584
spastor@valleymetro.org

STAY INFORMED

Website: valleymetro.org/sevtss
Facebook: facebook.com/valleymetro
Twitter: @valleymetro

To receive information in alternative formats, call 602.744.5552 | TTY 602.251.2039

MKQ/2518