

September 17, 2009

TO: Members of the MAG Air Quality Technical Advisory Committee

FROM: John Kross, Queen Creek, Chair

SUBJECT: MEETING NOTIFICATION AND TRANSMITTAL OF TENTATIVE AGENDA

Thursday, September 24, 2009 - 1:30 p.m.
MAG Office, Suite 200 - Saguaro Room
302 North 1st Avenue, Phoenix

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

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

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

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

TENTATIVE AGENDA

COMMITTEE ACTION REQUESTED

1. Call to Order

2. Call to the Audience

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

3. Approval of the May 26, 2009 Meeting Minutes

4. New MAG Committee Operating Policies and Procedures

On July 22, 2009, the MAG Regional Council approved the MAG Committee Operating Policies and Procedures. The approval of these policies and procedures modifies, and in some cases, clarifies, the understanding and former practice of several MAG processes, including officer appointments. Appointment of officers for technical and policy committees, with the exception of the Transportation Policy Committee, will be made by the MAG Regional Council Executive Committee. Officer positions have one-year terms, with possible reappointment to serve up to one additional term, by consent of the respective committee.

2. For information.

3. Review and approve the May 26, 2009 meeting minutes.

4. For information and discussion.

Letters of interest have been received from MAG member agencies for the Chair and Vice Chair of the MAG Air Quality Technical Advisory Committee. It is anticipated that the appointments will be made at the September 21, 2009 meeting of the MAG Regional Council Executive Committee.

5. Update on CMAQ Projects for the Federal Fiscal Year 2009 Interim Year End Closeout

On May 26, 2009, the MAG Air Quality Technical Advisory Committee made a recommendation to forward the evaluation of the proposed Congestion Mitigation and Air Quality Improvement (CMAQ) Projects submitted for Federal Fiscal Year 2009 Interim Year End Closeout to the Transportation Review Committee for use in prioritizing projects. The MAG Regional Council took action on the projects in July 2009. An update on the Federal Fiscal Year 2009 Year End Final Closeout will be provided.

6. Inventory of Unpaved Roads

On May 23, 2007, the MAG Regional Council approved thirteen additional measures for the Suggested List of Measures to Reduce PM-10 Particulate Matter. One of these measures requires MAG to conduct an annual inventory of unpaved roads and estimated traffic counts by jurisdiction to measure progress in eliminating unpaved roads. Following an extensive process to develop the inventory, MAG has prepared maps of the unpaved roads in the PM-10 nonattainment area which also include average daily traffic data. A presentation on the inventory will be provided.

5. For information and discussion.

6. For information and discussion.

7. Notice of Intent to File A Lawsuit From the Arizona Center for Law in the Public Interest for PM-10

On August 4, 2009, the Arizona Center for Law in the Public Interest provided a notice of intent to file a lawsuit against the Environmental Protection Agency (EPA) for failure to take action on the MAG Five Percent Plan for PM-10 which was submitted to EPA by the federal deadline of December 31, 2007. The notice also indicated the EPA had failed to take final action on the Maricopa County Rule 316. If EPA does not correct the situation within 60 days, the Arizona Center for Law in the Public Interest intends to file a lawsuit. Please refer to the enclosed material.

8. Tentative MAG Air Quality Project Schedule

A Tentative MAG Air Quality Project Schedule for July 1, 2009 through June 30, 2011 has been prepared which describes the major regional air quality planning activities. Please refer to the enclosed material.

9. Call for Future Agenda Items

The next meeting of the Committee has been tentatively scheduled for Thursday, October 29, 2009 at 1:30 p.m. The Chairman will invite the Committee members to suggest future agenda items.

7. For information and discussion.

8. For information and discussion.

9. For information and discussion.

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

Tuesday, May 26, 2009
MAG Office
Phoenix, Arizona

MEMBERS ATTENDING

John Kross, Town of Queen Creek, Chairman

*Sue McDermott, Avondale

Elizabeth Biggins-Ramer, Buckeye

#Jim Weiss, Chandler

#Jamie McCullough, El Mirage

Kurt Sharp for Tami Ryall, Gilbert

Doug Kukino, Glendale

Cato Esquivel for James Nichols, Goodyear

#Greg Edwards for Scott Bouchie, Mesa

#Gaye Knight, Phoenix

#Larry Person, Scottsdale

#Lynn Lipe for Antonio DeLaCruz, Surprise

*Oddvar Tveit, Tempe

*Mark Hannah, Youngtown

*Walter Bouchard, Citizen Representative

*Corey Woods, American Lung Association of Arizona

Grant Smedley for Barbara Sprungl, Salt River Project

Brian O'Donnell, Southwest Gas Corporation

*Mark Hajduk, Arizona Public Service Company

#Gina Grey, Western States Petroleum Association

Peggy Rubach for Randi Alcott, Valley Metro/RPTA

*Dave Berry, Arizona Motor Transport Association

Jeannette Fish, Maricopa County Farm Bureau

*Russell Bowers, Arizona Rock Products Association

*Greater Phoenix Chamber of Commerce

*Amanda McGennis, Associated General Contractors

*Spencer Kamps, Homebuilders Association of Central Arizona

*Mannie Carpenter, Valley Forward

*Erin Taylor, University of Arizona Cooperative Extension

Beverly Chenausky, Arizona Department of Transportation

Diane Arnst, Arizona Department of Environmental Quality

#Wienke Tax, Environmental Protection Agency

Jo Crumbaker, Maricopa County Air Quality Department

Duane Yantorno, Arizona Department of Weights and Measures

*Ed Stillings, Federal Highway Administration

*Judi Nelson, Arizona State University

#Christopher Horan, Salt River Pima-Maricopa Indian Community

*David Rueckert, Citizen Representative

*Members neither present nor represented by proxy.

#Participated via telephone conference call.

+Participated via video conference call.

OTHERS PRESENT

Lindy Bauer, Maricopa Association of Governments

Julie Hoffman, Maricopa Association of Governments

Randy Sedlacek, Maricopa Association of Governments

Cathy Arthur, Maricopa Association of Governments

Eileen Yazzie, Maricopa Association of Governments

Taejoo Shin, Maricopa Association of Governments

Dean Giles, Maricopa Association of Governments

Linda Branch-Dasch, Maricopa County Department of Transportation

Shane Kiesow, Apache Junction

#Jennifer Pena, Litchfield Park

Mark Young, Queen Creek

Ramona Simpson, Queen Creek

Russell Van Leuven, AZ Department of Agriculture

Eddie Caine, Valley Metro/RPTA

Tony Bowman, Valley Metro/RPTA

Joonwon Joo, Arizona Department of Transportation

1. Call to Order

A meeting of the MAG Air Quality Technical Advisory Committee was conducted on May 26, 2009. John Kross, Town of Queen Creek, Chair, called the meeting to order at approximately 1:30 p.m. Jamie McCullough, City of El Mirage; Jim Weiss, City of Chandler; Chris Horan, Salt River Pima-Maricopa Indian Community; Larry Person, City of Scottsdale; Gina Grey, Western States Petroleum Association; Greg Edwards, City of Mesa; Wienke Tax, Environmental Protection Agency; Gaye Knight, City of Phoenix; Lynn Lipe, City of Surprise; and Jennifer Pena, City of Litchfield Park, attended the meeting via telephone conference call.

2. Call to the Audience

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

3. Approval of the April 30, 2009 Meeting Minutes

The Committee reviewed the minutes from the April 30, 2009 meeting. Doug Kukino, City of Glendale, moved and Brian O'Donnell, Southwest Gas Corporation, seconded and the motion to approve the April 30, 2009 meeting minutes carried unanimously.

4. Evaluation of Proposed CMAQ Projects for the Federal Fiscal Year 2009 Interim Year End Closeout

Dean Giles, Maricopa Association of Governments (MAG), presented the evaluation of proposed Congestion Mitigation and Air Quality Improvement (CMAQ) projects for Federal Fiscal Year 2009 Interim Year End Closeout. He stated that the deadline for submittal of the projects was April 20, 2009. Mr. Giles indicated that by May 6, 2009, 56 projects requesting approximately \$64.2 million were submitted. He mentioned that the projects primarily include existing projects from the Transportation Improvement Program (TIP) that are requesting to be advanced or requesting additional funds. Mr. Giles stated that there are also 12 new projects. He indicated that projects need to be ready for bid by the end of the current fiscal year. Mr. Giles mentioned that, consistent with the FY 2009 Draft MAG Federal Fund Programming Principles, the proposed closeout projects are forwarded to the MAG Transportation Review Committee (TRC) for consideration. He noted that a copy of the materials included in the agenda packet are also at each place.

Mr. Giles stated that Attachment A contains the results of the project evaluation with the estimated emission reductions listed in order of cost-effectiveness based on the total CMAQ funds for the project. He indicated that the Committee is requested to make a possible recommendation to forward the CMAQ evaluation in Attachment A to the TRC for use in prioritizing projects at their May 28, 2009 meeting.

Mr. Giles discussed Attachment B, which contains the Air Quality Projects. He noted that the Air Quality Projects are also included in Attachment A. Mr. Giles stated that the six Air Quality Projects represent the paving projects and the remaining eight PM-10 certified street sweepers for FY 2009. He mentioned that the street sweepers are for Paradise Valley, Tempe, Scottsdale, Salt River Pima-Maricopa Indian Community, Chandler, Youngtown, and two for Buckeye. Mr. Giles indicated that the Air Quality Projects generally include the Transportation Control Measures and other measures

considered by the Committee. He stated that the Committee may make a recommendation to forward the Air Quality Projects to the TRC for consideration at their May 28, 2009 meeting.

Mr. Giles mentioned that the total CMAQ funds requested totals approximately \$64.2 million; however, as of May 19, 2009, member agencies have only submitted requests to defer or delete federal funds from projects for approximately \$13.7 million. He stated that with the \$13.7 million available, projects in Attachment A would be funded through the Surprise project with TIP Number SUR10-614.

Mr. O'Donnell asked if the Air Quality Projects are included in the \$13.7 million and part of Attachment A. Mr. Giles responded that Attachment B contains the Air Quality Projects that are requesting funding. The \$13.7 million is the amount of funding available from projects that have either requested to be deferred or deleted from the TIP. He added that the Air Quality Projects in Attachment B are listed in the top eight projects of Attachment A.

Diane Arnst, Arizona Department of Environmental Quality, referred to the Valley Metro project to purchase 14 replacement buses. She inquired about other sources of funding for purchasing buses. Mr. Giles replied that the initial funding for the project was Proposition 400 funds; however, Valley Metro is requesting CMAQ funds at this time.

Ms. Arnst stated that she wanted the record to reflect that the agenda packet was not received until the morning of the Committee meeting. Lindy Bauer, MAG, indicated that the agenda packet was mailed to the Committee; however, it was discovered that the agenda was not posted to the MAG website. She stated that she further learned that the website was experiencing difficulties. Ms. Bauer added that MAG is in the process of conducting website maintenance and switching to a different server; therefore, there has been a series of web errors that were unanticipated. She apologized for the inconvenience.

Peggy Rubach, Valley Metro/Regional Public Transportation Authority (RPTA), inquired if the \$13.7 million that is available in closeout funds includes projects that received stimulus money. Eileen Yazzie, MAG, replied that there were no projects programmed with federal funds that released federal funds and took an American Recovery and Reinvestment Act (ARRA) project. She noted that there were a number of projects that were programmed with federal funds that added ARRA funds to their current federally funded projects. Ms. Yazzie stated that the \$13.7 million is the amount of projects that have requested to be deferred at this point in time.

Ms. Rubach stated that all agencies were requested to submit projects for ARRA funds. She noted that some projects received funding. Ms. Rubach referred to the Valley Metro van replacement project. She indicated that the project qualifies for CMAQ funds and typically MAG sets aside money for replacement vans. She noted that everyone was encouraged to develop a list of projects that qualify. Ms. Rubach mentioned that this is the reason for the additional projects in Attachment A. Ms. Yazzie responded that the project was originally programmed with Public Transportation Funds from Proposition 400. She noted that in Proposition 400, the transit portion alone has a \$1 billion loss. Ms. Yazzie stated that Valley Metro is looking for other revenue sources due to this loss. She added that the closeout project list is lengthy since revenues have come in short.

Larry Person, City of Scottsdale, moved that the Committee accept the proposed list with the exception that all projects with a note of 10, 11 or 12 be moved to the top of the list. He stated that the projects with a note of 10, 11, or 12 support PM-10 measures and he believes that they are of higher priority than carbon monoxide measures at this time. Ms. Arnst seconded the motion. Mr. Kross asked if there

are any comments from MAG staff regarding the motion. He indicated that all of the projects would be forwarded to the TRC with a focus on the Five Percent Plan for PM-10. Ms. Bauer stated that the Committee could make the recommendation and note that the Five Percent Plan for PM-10 is a priority.

Mr. O'Donnell stated that he has no issues with the motion; however, all of the projects would be funded with the \$13.7 million. He stated that it would really matter if the entire \$13.7 million is not available.

Gaye Knight, City of Phoenix, asked if the motion would remove the Glendale and Mesa projects that are included in the first eight projects in Attachment A and replace them with the Fountain Hills and Surprise projects. Mr. Person responded that the motion would reorder the project placing the PM-10 projects at the top of the list. He added that all of the projects that would be funded by the \$13.7 million in the original order would still be funded; however, the order has been changed to put priority on the PM-10 projects.

Ms. Rubach inquired if the \$13.7 million available is the total amount of funding for all areas and not just air quality. She noted that there will be other projects requesting closeout funding. Ms. Rubach indicated that due to the downturn in the economy, RPTA and the City of Phoenix have had to change their bus service, cutting early and late hours. She indicated that this impacts service workers. Ms. Rubach mentioned that the van purchase project would provide an opportunity to those workers who would no longer be able to use bus service. She asked if the motion would remove the project to purchase vans from the list unless the entire \$13.7 million becomes available. Mr. Giles responded that the motion just reorders the projects so that those with a note of 10, 11 or 12 are moved to the top of the list. Mr. Kross discussed the certainty of the \$13.7 million. He stated that at this point in time \$13.7 million is the amount of funding available.

Mr. Person clarified that the Valley Metro project to purchase vans falls below all the projects with a note of 10, 11 or 12; therefore, that project would not move on the list as a result of the motion. Mr. Kross called for a vote on the motion to accept the proposed list with the exception that all projects with a note of 10, 11 or 12 be moved to the top of the list. The motion passed unanimously.

5. Valley Telework and Ozone Alert Program Update

Tony Bowman, Valley Metro/RPTA, provided an update on the Valley Telework and Ozone Alert Program. He stated that Valley Metro uses information from previous years to help guide them into the future. Mr. Bowman indicated that the change to the eight-hour ozone standard last year caused there to be more High Pollution Advisory (HPA) days. He noted that there were 44 health watches in 2008 and 11 HPA days. Mr. Bowman discussed that vehicles are a significant contributor of nitrogen oxide and volatile organic compound emissions in the Valley.

Mr. Bowman discussed the results of the 2008 Transportation Demand Management (TDM) Annual Survey. He indicated that 89 percent of Valley residents recalled hearing HPA notices in 2008 and that most recalled hearing about HPA days via television. Mr. Bowman noted that Valley Metro did not purchase television time; however, they spoke with assignment editors to make HPAs and ozone pollution more of a news event. He indicated that this is a switch from previous years when Valley Metro spoke with meteorologists. Mr. Bowman further discussed the results of the TDM Survey. He indicated that 41 percent of the people who recalled hearing about HPA notices took action. Mr. Bowman also mentioned the importance of online and email in terms of communicating the message.

Mr. Bowman stated that Valley Metro is a solution provider which means they provide alternative modes of transportation for residents within the Valley. He indicated that Valley Metro reaches all four corners of the Valley with the new Express service, bi-directional routes, LINK and light rail. In addition, they have invested existing resources into new online tools that track real-time pollution and cost savings associated with alternative mode usage on individual and company-wide levels.

Mr. Bowman discussed the communication and media/public relations objectives of Valley Metro. He stated that Valley Metro is conducting a proactive season-long public relations and paid-media communications campaign in order to expand public awareness about how sharing the ride can impact ozone pollution levels. Mr. Bowman noted that the audience for the campaign is business commuters and transportation coordinators. He indicated that an individual has 19 different opportunities to receive the information. Mr. Bowman discussed the paid media which includes online, out-of-home, and radio. He noted that online and radio allow Valley Metro to get the message out the day before the HPA day. Mr. Bowman presented the media flowchart and indicated that the out-of-home media will be mall floor talkers that will draw the attention of the target audience.

Mr. Bowman discussed employer outreach. He noted that Valley Metro is in contact with 1,200 transportation coordinators on a continuous basis, which represent over 600,000 employees. Mr. Bowman stated that the main focus this year is "What's in it for me". He mentioned that Valley Metro is promoting a summer ozone contest rewarding for consistent behavior.

Mr. Bowman mentioned the Valley Metro public relations tactics. These tactics include issuing two announcements during the HPA season about how Valley residents are helping the pollution problem, offering feature story ideas and expert interviews to newsrooms through the season, and providing summer ozone kits to member city public information officers. He stated that Valley Metro is also able to leverage its website where it is receiving unprecedented levels of traffic. He indicated that Valley Metro is able to customize communications to correlate with the air quality forecast.

Mr. Bowman discussed the measurements from a medium standpoint. He stated that the measurements include: traffic to ValleyMetro.org; traffic to HPA and ozone pollution landing pages; customer service call volume; traffic to SharetheRide.com; vanpool and carpool requests; web banner tracking; earned media; and HPA awareness as measured in the 2010 TDM Survey.

Mr. Bowman mentioned that Valley Metro has a new Share the Ride online tool. He stated that the new tool features account creation, commute tracking, a cost calculator, customizable text information, route adjustment, and incentive point generation. Mr. Bowman indicated that the system can track pollution, fuel, and money saved on a daily basis. He discussed a contest as part of the online tool. Mr. Bowman noted that all prizes are donated by private partners. He indicated that in one month, more than 2,700 individuals have already signed up and more than 14,300 alternative mode trips have been logged in the new system.

Mr. Person mentioned the increase in HPA days and health watches. He stated that for those who disseminate the information to staff, it can be difficult to explain the difference in action requested. Mr. Person indicated that with so many HPA days and health watches, Scottsdale only sends out the HPA day notices. He mentioned that staff associates the notices with action items. Mr. Person inquired about a consistency in the message and better educating staff. Mr. Bowman replied that there is a tri-agency media release from ADEQ, Maricopa County, and Valley Metro of the HPA and health watch notices to eliminate confusion. He indicated that the media release and online resources discuss

the differences between an HPA day and health watch. Mr. Bowman added that Valley Metro is making an effort to educate the public about the difference between HPA days and health watches.

Mr. Bowman discussed telework and its benefit to preventing ozone pollution. He indicated that there was a need to increase telework penetration in the business community. Mr. Bowman stated that Valley Metro hired Eddie Caine who is a national leader in telework best practices. He mentioned that based on research, Valley Metro found that telework is really about the employer. Mr. Bowman indicated that American Express teleworkers produce 43 percent more business than employees at the office. He added that AT&T reports an annual real estate savings of \$550 million due to its telework program. Mr. Bowman also discussed the benefits of other company telework programs.

Mr. Bowman mentioned that research has shown that telework is a corporate decision, not an employee decision. He stated that the definition of telework is working anywhere other than your main office. Mr. Bowman indicated that research also showed that telework is a privilege and it is not for everyone. He added that telework is most effective when it is measured regularly, well managed, the standards and expectations are set, and the concept is well supported by senior management. In addition, the research showed that it is all about the bottom line. Mr. Bowman indicated that there is a need to communicate what an organization gets out of implementing a formalized telework program. He added that without executive buy-in and measurable results, the program will likely not be sustainable.

Mr. Bowman stated that 20 percent of all employed residents telework at least one day per week. He indicated that 669 of the 1,200 Trip Reduction Program employers have teleworkers and 432 of them list telework as a trip reduction strategy. Mr. Bowman mentioned that the target market for telework is the decision makers at Valley companies whose employees have jobs considered eligible for telecommuting and influencers such as business consultants, community leaders and legislatures that have an impact in a business infrastructure and the local community.

Mr. Bowman discussed the telework communication objectives. The objectives include: increase the number of Valley organizations implementing telework programs; improve business community perceptions of telework; improve the success of established employer telework programs; and increase awareness of Valley Metro tools, services and resources.

Mr. Bowman provided a case study based on Valley Metro's projections of a telework program. He stated that the real value to the organization of having 48 employees teleworking two days per week was a savings of \$715,583. The savings includes increased productivity, improved attendance, reduced turnover, and real estate and leased parking savings. He stated that this type of information will be provided to employers to show that telework is important and viable in their organizations.

Mr. Bowman stated that Valley Metro has partnered with Commuter Challenge to provide organizations the tools to calculate their savings from telework. He indicated that the tools are available through ValleyMetro.org. Mr. Bowman mentioned that Valley Metro will provide this information to decision makers by creating a telework webinar series and e-blasts to employers. In addition, Valley Metro has identified 12 opportunities for talking to the media about telework resources and its benefits. Mr. Bowman indicated that Valley Metro is targeting business leaders and human resources directors with the paid media. He added that they have identified 23 opportunities to speak to business leaders.

Mr. Bowman discussed the telework measurements which include the response rate to direct mail and webinar attendance. Additional measurements include: building the Business Services database;

monitoring activity on the Valley Metro website and forums; monitoring traffic on social media Twitter and Hi5; and aid in the development of five new telework programs. Mr. Bowman stated that his presentation makes up the activities occurring as part of the Telework and Ozone Outreach Program agreement Valley Metro has with MAG.

Beverly Chenausky, Arizona Department of Transportation, referred to the Share the Ride tool and commented on a joint effort to have a statewide program. Mr. Bowman replied that the new system has the ability to match a commute anywhere in Arizona since it is tied to Google Mapping. He noted that the old system used a company that no longer wanted to support it. Mr. Bowman stated that the new system is viable for everyone, but most viable for Maricopa County residents. He added that all of the individuals that have signed up with the system are in Maricopa County.

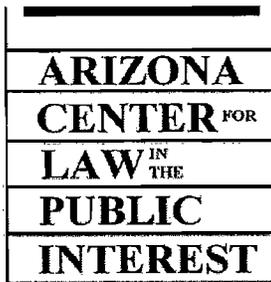
Ms. Knight referred to the case study presented. She inquired about the cost savings in parking and office space when the employees would still be at the office three days per week. Mr. Bowman replied that telework allows for hot desking; therefore, fewer desks are needed for the same amount of people. In addition, there is a savings for parking spaces since employees would be on a defined schedule allowing resources to be reallocated. Eddie Caine, Valley Metro/RPTA, stated that part of the cost saving realized is from approximately 12 full-time customer service representatives that work from their home and have no office space at Valley Metro. He added that the genuine savings will be in alternative office concepts. Mr. Caine stated that Valley Metro has not experimented yet in hoteling, free addressing, or hot desking; however, there are a lot of existing opportunities in the model. He indicated that the real estate savings is in the full-time teleworkers, office sharing, and in utilizing space that would normally require offices.

Ms. Knight commented that employees in the case study only telecommuted two days a week and would therefore be in the office three days a week. She indicated that telework is more difficult for cities because of the customer service they provide. Ms. Knight mentioned that employers with employees that telecommute one or two days per month would not receive the kind of savings illustrated in the case study. Mr. Caine stated that he can provide Ms. Knight with information on how the Commuter Challenge system works. He added that there is savings that can be realized outside the reduction in office space. Ms. Arnst inquired about the term hot desking. Mr. Bowman responded that hot desking refers to several people sharing one desk. He stated that with telework, one employee would use the desk while the other is teleworking.

Mr. Kross asked about the outreach and collaboration with other public agencies, in particular the Maricopa County Air Quality Department. Mr. Bowman replied that Valley Metro has seen a greater collaboration on the air quality message among the agencies that take part in the program. He referred to the tri-agency press release, the relationship Valley Metro has with MAG, and the Regional Marketing Committee. Mr. Bowman stated that everyone is helping to spread the word; however, the program is still in its infancy. He added that Valley Metro has invested time on the front end to make sure it is on target. Mr. Kross indicated that not all areas of the Valley have bus service and some of those potential customers may tune out the message once they hear it is from Valley Metro versus another agency that is saying the same thing. He commented on collaboration with regard to information on the air quality issue.

6. Call for Future Agenda Items

Mr. Kross announced that the next meeting of the Committee has been tentatively scheduled for June 25, 2009 at 1:30 p.m. With no further comments, the meeting was adjourned at 2:30 p.m.



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JOY E. HERR-CARDILLO
STAFF ATTORNEY

August 4, 2009

CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Lisa Jackson, Administrator
Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

RE: Notice of citizen suit under §304 of Clean Air Act --Phoenix PM₁₀ Serious
Nonattainment Area

Dear Ms. Jackson:

Pursuant to 42 U.S.C. §7604(a)(2), we hereby provide notice of our intent to file a citizen suit to compel performance of certain nondiscretionary duties imposed upon you under the Clean Air Act (the CAA).

In 1996, the Phoenix area was classified as a serious PM-10 nonattainment area under the CAA and was required to develop a nonattainment plan that provided for expeditious attainment of both the annual and 24 hours PM-10 standards and met the other applicable CAA plan requirements for serious areas. See 61 FR 21372 (May 10, 1996). Since 1996, Arizona has made several SIP submittals and adopted various control measures but continues to violate the 24 hour standard. This letter addresses two of those submittals, the Revised Salt River Plan and the 5% Plan.

Revised Salt River Plan:

In May, 1997, the state submitted a Plan for Attainment of the 24-hour PM-10 Standard--Maricopa County PM-10 Nonattainment Area, as a SIP revision. This plan, known as the microscale plan, included attainment and RFP demonstrations for the 24-hour PM-10 standard at the Salt River air quality monitoring site as well as three other "microscale"

Letter to Lisa Jackson
Page 2 of 4
August 4, 2009

monitoring sites in the Phoenix area (Maryvale, Gilbert, and West Chandler). The demonstration for the Salt River site showed that, with additional controls adopted by the local air quality agencies, Maricopa County Environmental Services Department, attainment at the site would occur by May 1998. EPA approved the attainment and RFP demonstrations for the Salt River site and Maricopa County's controls on August 4, 1997.(62 Fed. Reg. 41856).

In 2002, however, due to continuing violations of the 24-hour standard at the Salt River air quality monitoring site, EPA found the microscale plan inadequate and directed Arizona to submit a revision to correct SIP inadequacies (67 Fed. Reg. 44369). The state was required to submit its SIP revision by February 2, 2004.

In response to EPA's SIP call, Arizona submitted multiple PM-10 plans for the Salt River area, beginning with a January 27, 2004 submittal, deemed complete August 4, 2004, and followed by August 2, 2004 and August 29, 2005 submittals. EPA took no formal action approving or disapproving these submittals (although action should have been taken no later than August 4, 2005). On October 7, 2005 the state submitted a Revised PM-10 State Implementation Plan for the Salt River Area, and a supplemental November 29, 2005 submittal, Revised PM-10 State Implementation Plan for the Salt River Area Additional Submittals, which superseded the previous three submittals (hereinafter collectively the "Revised Salt River Plan"). EPA deemed the Revised Salt River Plan complete on December 8, 2005 and proposed to approve it on July 12, 2006 (71 Fed.Reg. 39251).

Pursuant to 42 U.S.C. §7410(k)(2), within 12 months of a determination by the administrator that a state has submitted a plan or plan revision that meets the minimum criteria, the Administrator "shall" act on the submission. Although EPA found the Revised Salt River Plan complete on December 8, 2005 and proposed to approve the Revised Salt River Plan in July, 2006, no final action was taken by the statutory deadline.

On May 2, 2007 this office sent EPA a letter notifying the agency of our intent to bring a citizen suit under §304 based on EPA's failure to take final action on the Revised Salt River Plan within 12 months of finding the plan complete. Thereafter, on August 21, 2007, EPA finalized its approval of the SIP except for Rule 316, nonmetallic mining. (72 Fed. Reg. 46564). In the final approval, EPA indicated that it was re-evaluating Rule 316 and would address it in a separate rulemaking. As of this date, no final action has been taken on the Rule 316 submittal.

5% Plan:

The 5% Plan is the latest submittal in connection with the Serious Area Plan for the entire nonattainment area. The serious area PM₁₀ plan was first submitted on July 8, 1999. EPA found the plan "complete" on August 4, 1999 but in November 1999, EPA notified the state that additional work needed to be done in order for EPA to approve it. Consequently, on February 23, 2000, the state submitted a revised Serious Area PM₁₀ plan, which was found "complete" by EPA on February 25, 2000.

On April 13, 2000, EPA proposed to approve the Serious Area PM₁₀ plan for the annual standard, but took no action on the 24 hour standard. Consequently, in May 2001, this office 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.) 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.*, consent decree entered October 2, 2001.

On Thursday, July 25, 2002, EPA published its final approval of the Serious Area Plan. 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. On behalf of residents of the Phoenix area, this office filed a Petition for Review of the Serious Area Plan with the Ninth Circuit Court of Appeals. *Vigil v. Leavitt*, 381 F. 3d 826 (9th Cir. 2004). In ruling on that Petition, the Ninth Circuit held that EPA's approval of the Serious Area Plan was arbitrary and capricious and remanded the action to the 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.

In June 2005, EPA proposed to reapprove the BACM and MSM demonstrations and finalized the reapproval in July 2006. This office again petitioned for review, however, that action was resolved through a voluntary remand when it became apparent that 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).

Under section 189(d) of the CAA, serious PM-10 nonattainment areas that fail to attain 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).

Arizona submitted its 5% 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. *Id.* Once a plan is deemed complete, EPA then has 12 months to approve or disapprove the plan. *Id.* at (k)(2). Thus, in the case of the Phoenix area's 5% plan, EPA had until June 30, 2009 to approve or disapprove the submitted plan. As of this date, EPA has taken no action on the 5% plan and it is our understanding that it may be several weeks, or perhaps longer, before any formal action is taken.

Letter to Lisa Jackson
Page 4 of 4
August 4, 2009

We contend that in failing to take final action with regard to Rule 316 of the Revised Salt River Plan and any action with respect to the Phoenix area 5% plan, EPA has failed to timely perform non-discretionary duties under the CAA. If EPA does not correct the above-described failure to perform nondiscretionary duties within 60 days, be advised that we intend to initiate legal action under §304(a)(2) of the CAA to compel compliance. This notice is submitted on behalf of:

Sandra L. Bahr
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Diane E. Brown
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43311 N. 18th Street
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I am acting as counsel for the above-named parties and ask that all communications regarding this matter be directed to me at the address shown in the letterhead.

Sincerely,



Joy E. Herr-Cardillo

Cc: Laura Yoshii, Acting Regional Administrator, EPA Region 9
Colleen McKaughan, Associate Director, Air Division, EPA Region 9
Benjamin H. Grumbles, Director, Arizona Department of Environmental Quality

	YEAR 2009						YEAR 2010												YEAR 2011						
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	
EVALUATION AND IMPLEMENTATION OF MOVES MODEL																									
Evaluate draft MOVES model						▲																			
Implement final MOVES model																									
Apply MOVES model																									
GENERAL PLAN REVIEW																									
Review and Comment on General Plans/Amendments																									▲
GREENHOUSE GAS REDUCTION REQUIREMENTS - MONITOR FEDERAL LEGISLATION																									
American Clean Energy and Security Act of 2009																									
CLEAN TEA																									
Surface Transportation Authorization Act of 2009																									
PM-10 FIVE PERCENT PLAN																									
Supplemental Analyses (if necessary)																									
Track Plan Implementation										▲												▲			
Unpaved Road Inventory (update with CMAQ Annual Report)												▲													▲
PM-10 PAVE UNPAVED ROAD PROJECTS EVALUATION																									
Projects Due to MAG			▲															▲							
Air Quality Evaluation of Projects				▲													▲								
AQTAC Recommendation						▲													▲						
Transportation Review Committee Recommendation						▲													▲						
Management Committee Recommendation							▲													▲					
Regional Council Action							▲													▲					

	YEAR 2009						YEAR 2010												YEAR 2011					
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
PM-10 STREET SWEEPER PROJECTS EVALUATION																								
Stakeholder Input		▲												▲										
Projects Due to MAG			▲												▲									
Air Quality Evaluation of Projects				▲												▲								
AQTAC Recommendation						▲												▲						
Management Committee Recommendation							▲												▲					
Regional Council Action							▲												▲					
REGIONAL HAZE																								
Review WRAP Mobile Source and Other Documents																								▲
Review Plan Elements for Additional Class I Areas																								▲
Participate in ADEQ Stakeholders Advisory Group																								▲
Submit Additional Class I Area Plans to EPA																								▲

Upcoming Planning Activities

- Carbon Monoxide Maintenance Plan Revision - Due April 8, 2013 (Clean Air Act, Section 175, requires a revision to the maintenance plan eight years following the redesignation to attainment (April 8, 2005). The maintenance year for the revision is required to be ten years after the expiration of the ten year period in the original maintenance plan (December 2015). The new maintenance year will be December 2025.)