

December 3, 2009

TO: Members of the MAG Air Quality Technical Advisory Committee

FROM: Doug Kukino, Glendale, Chair

SUBJECT: MEETING NOTIFICATION AND TRANSMITTAL OF TENTATIVE AGENDA

Thursday, December 10, 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 Kukino 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 October 29, 2009 Meeting Minutes

4. Evaluation of Proposed PM-10 Certified Street Sweeper Projects for FY 2010 CMAQ Funding

An evaluation of proposed PM-10 Certified Street Sweeper Projects for Federal Fiscal Year 2010 Congestion Mitigation and Air Quality Improvement (CMAQ) Funds has been conducted. The deadline for submitting projects was September 18, 2009.

The FY 2010 Unified Planning Work Program and Annual Budget and FY 2008-2012 MAG Transportation Improvement Program contain \$1,310,000 in FY 2010 CMAQ funding to encourage the purchase and utilization of PM-10 certified street sweepers. An additional \$354,018 in CMAQ is available from sweeper projects that have been requested to be deleted and from savings on sweepers that

2. For information.

3. Review and approve the October 29, 2009 meeting minutes.

4. For information, discussion, and recommendation of a prioritized list of proposed PM-10 Certified Street Sweeper Projects for FY 2010 CMAQ funding to the MAG Management Committee.

have cost less than anticipated, for a total amount of \$1,664,018. A minimum local cash match of 5.7 percent is required.

Nine projects requesting federal funds were evaluated. The MAG Air Quality Technical Advisory Committee is requested to recommend a prioritized list of proposed PM-10 Certified Street Sweeper Projects for FY 2010 CMAQ funding to the MAG Management Committee. Please refer to the enclosed material.

5. Evaluation of Proposed PM-10 Paving Unpaved Road Projects for FY 2013 CMAQ Funding

An evaluation of proposed PM-10 Paving Unpaved Road Projects for Federal Fiscal Year 2013 Congestion Mitigation and Air Quality Improvement (CMAQ) Funds has been conducted. The deadline for submitting projects was September 18, 2009.

An amount of \$4,513,000 in FY 2013 CMAQ funding was approved by the MAG Regional Council for the programming of projects for MAG Federal Funding on January 30, 2008. It is requested that the Paving Unpaved Road Projects be ranked and forwarded to the Transportation Review Committee. Please refer to the enclosed material.

6. 2008 Implementation Status of Committed Measures in the MAG 2007 Five Percent Plan for PM-10 for the Maricopa County Nonattainment Area

In accordance with the Clean Air Act, the MAG 2007 Five Percent Plan for PM-10 was submitted to the Environmental Protection Agency by December 31, 2007. In order to reduce PM-10, a broad range of commitments to implement measures were received from the State, Maricopa County, and the twenty-three local governments in the PM-10

5. For information, discussion, and recommendation to rank the Proposed PM-10 Paving Unpaved Road Projects for FY 2013 CMAQ funding and forward to the MAG Transportation Review Committee.

6. For information, discussion, and recommendation to forward the 2008 Implementation Status of Committed Measures in the MAG Five Percent Plan for PM-10 in the Maricopa County Nonattainment Area to the Governor's Office, Legislature, Arizona Department of Environmental Quality and the Environmental Protection Agency.

nonattainment area. The plan includes fifty-three committed control measures which began implementation in 2008.

On May 23, 2007, the MAG Regional Council approved additional items for the Suggested List of Measures to Reduce PM-10. One of the items was that each year, MAG would issue a report on the status of the implementation of the committed measures for this region by the cities, towns, Maricopa County and the State. The report would then be made available to the Governor's Office, Legislature, Arizona Department of Environmental Quality and the Environmental Protection Agency.

A report has been prepared which provides the implementation status of the committed measures for calendar year 2008. Please refer to the enclosed material.

7. Motion to Reconsider Decision to Send a Letter to the MAG Regional Council on Reallocating the CMAQ Funding in the Regional Transportation Plan to Increase the Funding for Air Quality Projects

At the October 29, 2009 meeting, the MAG Air Quality Technical Advisory Committee reviewed the evaluation of proposed projects for Congestion Mitigation and Air Quality Improvement funds. One of the motions approved by the Committee was to send a letter to the MAG Regional Council requesting that the Regional Council consider reallocating the CMAQ funding in the Regional Transportation Plan to increase the funding available for Air Quality Projects that reduce PM-10. Since that time, interest has been expressed in reconsidering the motion to send a letter to the Regional Council. A motion to reconsider must be made by a Committee member who voted in favor of sending the letter to the MAG Regional Council.

7. For information, discussion, and reconsideration of the motion approved on October 29, 2009 to send a letter to the MAG Regional Council requesting that the Regional Council consider reallocating the CMAQ funding in the Regional Transportation Plan to increase the funding available for Air Quality Projects that reduce PM-10. If the motion for reconsideration passes, the Air Quality Technical Advisory Committee will be provided an opportunity to vote again on the motion to send a letter to the MAG Regional Council requesting that the Regional Council consider reallocating the CMAQ funding in the Regional Transportation Plan to increase the funding available for Air Quality Projects that reduce PM-10.

8. Reconsideration of Motion to Send a Letter to the MAG Regional Council on Reallocating the CMAQ Funding in the Regional Transportation Plan to Increase the Funding for Air Quality Projects

At the October 29, 2009 meeting, a motion approved by the Committee was to send a letter to the MAG Regional Council requesting that the Regional Council consider reallocating the CMAQ funding in the Regional Transportation Plan to increase the funding available for Air Quality Projects that reduce PM-10. If the motion for reconsideration passes in Agenda Item #7, the Air Quality Technical Advisory Committee will be provided an opportunity to vote again on the motion to send a letter to the MAG Regional Council requesting that the Regional Council consider reallocating the CMAQ funding in the Regional Transportation Plan to increase the funding available for Air Quality Projects that reduce PM-10.

9. Lawsuit Filed by the Arizona Center for Law in the Public Interest for PM-10

On December 2, 2009, the Arizona Center for Law in the Public Interest filed a lawsuit in the U.S. District Court for the District of Arizona against the Environmental Protection Agency (EPA) for failure to take action on the MAG Five Percent Plan for PM-10. The plan was submitted to EPA by the federal deadline of December 31, 2007. According to the complaint, EPA should have taken action to approve or disapprove the plan by June 30, 2009 under the Clean Air Act. The Center is requesting that the Court order EPA to: immediately begin rulemaking to approve or disapprove in whole or in part, the Five Percent Plan; publish in the Federal Register a proposed rule approving or disapproving the Five Percent Plan within one month; and publish and promulgate a final rule approving or disapproving the Five Percent Plan in the

8. For information, discussion, and possible action on the motion to send a letter to the MAG Regional Council requesting that the Regional Council consider reallocating the CMAQ funding in the Regional Transportation Plan to increase the funding available for Air Quality Projects that reduce PM-10.

9. For information and discussion.

Federal Register within three months. A copy of the complaint is provided. Please refer to the enclosed material.

10. Call for Future Agenda Items

The next meeting of the Committee has been tentatively scheduled for Thursday, January 28, 2010 at 1:30 p.m. For your convenience, the Tentative Meeting Schedule for the MAG Air Quality Technical Advisory Committee for January - November 2010 is provided. The Chairman will invite the Committee members to suggest future agenda items. Please refer to the enclosed material.

10. For information and discussion.

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

Thursday, October 29, 2009
MAG Office
Phoenix, Arizona

MEMBERS ATTENDING

Doug Kukino, City of Glendale, Chairman
Gaye Knight, Phoenix, Vice Chair
Sue McDermott, Avondale
Elizabeth Biggins-Ramer, Buckeye
*Jim Weiss, Chandler
#Jamie McCullough, El Mirage
Kurt Sharp for Tami Ryall, Gilbert
Cato Esquivel, Goodyear
#Greg Edwards for Scott Bouchie, Mesa
Larry Person, Scottsdale
#Antonio DeLaCruz, Surprise
Oddvar Tveit, Tempe
#Mark Hannah, Youngtown
*Walter Bouchard, Citizen Representative
*Corey Woods, American Lung Association of Arizona
Grant Smedley, Salt River Project
Brian O'Donnell, Southwest Gas Corporation
Mark Hajduk, Arizona Public Service Company
#Gina Grey, Western States Petroleum Association
*Randi Alcott, Valley Metro/RPTA
Dave Berry, Arizona Motor Transport Association
Jeannette Fish, Maricopa County Farm Bureau
Steve Trussell for 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
Dean Giles, Maricopa Association of Governments
Patrisia Magallon, Maricopa Association of
Governments
Adam Xia, Maricopa Association of Governments
Ranjith, Dandanyakula, Maricopa Association of
Governments
Eileen Yazzie, Maricopa Association of Governments
Dan Caitlin, Fort McDowell Yavapai Nation

Michelle Wilson, City of Glendale
Kathleen Sommer, Maricopa County Air Quality
Department
Linda Branch-Dash Maricopa County Air Quality
Department
Heather Hodgman, City of Apache Junction
Scott DiBiase, Pinal County Air Quality
Joonwon Joo, Arizona Department of
Transportation
Steve Peplau, Arizona Department of
Environmental Quality

1. Call to Order

A meeting of the MAG Air Quality Technical Advisory Committee was conducted on October 29, 2009. Doug Kukino, City of Glendale, Chair, called the meeting to order at approximately 1:31 p.m. Jamie McCullough, City of El Mirage; Greg Edwards, City of Mesa; Antonio DeLaCruz, City of Surprise; and Mark Hannah, Town of Youngtown, attended the meeting via telephone conference call.

2. Call to the Audience

Mr. Kukino 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 September 24, 2009 Meeting Minutes

The Committee reviewed the minutes from the September 24, 2009 meeting. Gaye Knight, City of Phoenix, moved and Larry Person, City of Scottsdale, seconded and the motion to approve the September 24, 2009 meeting minutes carried unanimously.

4. Evaluation of Proposed FY 2014 CMAQ Projects for the FY 2011-2015 MAG TIP

Dean Giles, MAG provided an update on the Evaluation of Proposed FY 2014 CMAQ projects for the FY 2011-2015 MAG TIP. He stated that MAG has conducted an evaluation of the estimated emission reductions for the proposed FY 2014 Congestion Mitigation and Air Quality (CMAQ) projects for fiscal year 2011-2015 Transportation Improvement Program. Mr. Giles added that the projects were due to MAG by September 18, 2009. In accordance with the Draft MAG Federal Fund Programming Principles, the Air Quality Technical Advisory Committee may make a recommendation to forward the CMAQ evaluation to the Transportation Review Committee (TRC) and modal committees for their use in prioritizing the CMAQ projects. Mr. Giles indicated that MAG used CMAQ methodologies to evaluate 38 proposed projects. He mentioned the workshop conducted by MAG in March on the CMAQ methodologies. Mr. Giles commented that the workshop focused on the updated emission factors that are consistent with the ozone and PM-10 plans. He added that the emission reductions for total organic gases, nitrogen oxides, and PM-10 can be found in the table in kilograms per day. Mr. Giles stated that tables one through four provide the results of the CMAQ project evaluations that are ranked in descending order by cost effectiveness, in CMAQ dollars per metric ton.

Mr. Giles stated that table one for the air quality projects indicate the lump sum amount for PM-10 certified street sweepers and PM-10 paved/unpaved road projects for fiscal year 2014. Mr. Giles noted that MAG staff anticipate to have the sweeper projects for fiscal year 2010 and the paving projects for fiscal year 2013 at the next Committee meeting. In addition, the air quality projects include the Regional Rideshare Program, Telework and Ozone Education Program, Trip Reduction Program and the Travel Reduction Program. Mr. Giles indicated that these projects are currently under review at the MAG Regional Council Executive Committee for their effectiveness and to potentially stream line those projects. He added that any ranking of these projects is subject to change based on the decisions made by the MAG Regional Council Executive Committee.

Mr. Giles commented on tables two through four; table two contains bicycle projects; table three, pedestrian projects; and table four, Intelligent Transportation Systems (ITS) projects. He stated that the ITS Committee is scheduled to meet on November 17, 2009 and the TRC will be considering the projects at the meeting on December 14, 2009. Mr. Giles added that if TRC makes a recommendation, then the MAG Management, Transportation Policy Committee (TPC) and the MAG Regional Council will hear these items in January 2010. He mentioned that this item is for information, discussion, and recommendation to forward the evaluation of the proposed fiscal year 2014 CMAQ projects tables one through four to the TRC and modal committees for use in prioritizing projects. Mr. Giles indicated that the Committee may rank the air quality projects in table one and forward their recommendation to the TRC for consideration at the December 14, 2009 meeting.

Larry Person, City of Scottsdale, commented on the different categories of projects. He noted that the Arterial Life Cycle Program (ALCP) does not contain any projects. Mr. Person mentioned the ITS projects and inquired about the amount of projects in that category. Mr. Giles responded that the Arterial Life Cycle Program and the Intelligent Transportation Systems projects are combined. He added that there is not an specific item for ITS since the Regional Transportation Plan (RTP) includes the Arterial Life Cycle Program and arterial projects. Eileen Yazzie, MAG, stated that the ALCP set aside CMAQ funds to be programmed with ITS projects. She noted that table four includes ALCP and ITS projects. Ms. Yazzie added that the total amount for this category is \$6.8 million. She indicated that the projects were received from jurisdictions across the valley, therefore, the amount requested has always been higher than the amount of funds available in all the modal categories.

Brian O'Donnell stated that the tables normally indicate the money available and the projects that will be covered by the allotment of money. He noted that table one is the only table that indicates the projects covered by the allotment of money. Mr. O'Donnell inquired if the amount of projects in each table can be discussed as well as the allotment of money. Mr. Giles responded that for the Air Quality Projects, \$7.503 million in funding is available for the amount of projects listed. Mr. O'Donnell inquired if all the projects were covered in that category. Mr. Giles responded that is correct. He added that for tables two and three, the funding is identified as one and the amount available is \$8.737 million; however, the CMAQ requested is \$17,421,137 million.

Mr. O'Donnell inquired if the projects in those tables are covered. Mr. Giles responded that they are not all covered. Mr. O'Donnell inquired on the projects covered by funding on tables two and three. Ms. Yazzie responded that the role of the Air Quality Technical Advisory Committee is to review and approve the CMAQ scores. She added that the ranking process for bicycle and pedestrian projects is done at the Bicycle Technical Advisory Committee which will forward the evaluations to the TRC and through the MAG Committee process. Ms. Yazzie indicated that the ranking, prioritizing and ordering of the ITS projects is also done at the Intelligent Transportation Systems Technical Advisory Committee and forwarded to the TRC and through the Committee process. Mr. O'Donnell inquired if the Committee will be recommending tables two and three. Lindy Bauer, MAG, responded that role of the Committee is to forward the CMAQ evaluations with the exception of the air quality projects. She added that the Committee has an opportunity to recommend a ranking on table one, which includes the air quality projects, in addition to forwarding the CMAQ evaluations. Mr. O'Donnell inquired if the Committee is just recommending table one and forwarding the evaluation of one, two and three. Ms. Bauer responded that is correct. She added that Attachment D indicates funding percent by mode. Ms. Bauer mentioned that bicycle and pedestrian projects are lumped together. She commented that in order to rank a project by cost effectiveness per mode, bicycle and pedestrian are separated.

Oddvar Tveit, City of Tempe, commented on the tables and inquired on the criteria used to identify the bike and pedestrian projects. Mr. Giles responded that the information was contained from the application received by the jurisdiction. He commented that the projects that were identified as pedestrian were added to the pedestrian table and the projects identified as bicycle or multi-use were added to the bicycle table.

Diane Arnst, Arizona Department of Environmental Quality (ADEQ), inquired on the bike and pedestrian projects which are funded at higher levels than the air quality projects out of the CMAQ funds. She added that at the September 5, 2007 meeting, the Air Quality Technical Advisory Committee made a motion to recommend that the MAG Regional Council allocate more CMAQ funds to paving dirt roads. Ms. Arnst indicated that MAG's road inventory identified 1,892 miles of public unpaved roads. She noted that the allocation remained unchanged since 2003. Mr. Giles responded that these allocations are current in the Regional Transportation Plan. Ms. Arnst inquired if the motion was carried on to the MAG Regional Council for consideration. Ms. Yazzie responded that the motion was carried forward to the TRC. She added that the TRC is in charge of programming the Transportation Improvement Program (TIP) with federal funds, regional funds and local funds. Ms. Yazzie noted that the motion did not move forward at the time.

Ms. Arnst commented on the congestion mitigation scores. She added that Mr. Giles mentioned at the May 27, 2008 meeting, that MAG hired a consultant to work on a Congestion Management Process. Ms. Arnst inquired on the deadline for the congestion mitigation scores. Ms. Yazzie responded that the Congestion Management System (CMS) is under the Safe, Accountable, Flexible, Efficient Transportation Equity Act, A Legacy for Users (SAFETEA-LU). She added that the Congestion Management System is now called the Congestion Management Process. Ms. Yazzie indicated that MAG has been working with the consultant team since May 2008. She mentioned that the consultant team was hired to do a three tier study, report, and process. The first tier, the best practice study of performance measure monitoring and congestion management process was completed in the late summer, early fall 2008. Ms. Yazzie indicated that the second tier which is the performance measure monitoring is currently being completed. She added that this tier included the entire system of regionwide transit, bicycle/pedestrian, freeway, and highway. Ms. Yazzie stated that the third tier, the congestion management study will be under way and will have an approximate eight month schedule for completion. Mr. Kukino inquired if the work products are available for Committee members. Ms. Yazzie responded that the Performance Measure Monitoring Framework was recently posted on the MAG website. She added that the review and the executive summary was provided to the TRC and that the Committee may contact Monique De Los Rios Urban, MAG, for any additional information.

Ms. Arnst made a motion to recommend table one through the committee process and Dave Berry, Arizona Motor Transport Association, seconded. Mr. Kukino inquired on the process to approve the additional tables. Ms. Bauer responded that the Committee can have one motion for all the tables as listed on the agenda or the Committee could choose to have two separate motions. Mr. Kukino inquired if Ms. Arnst would like to expand the motion. Ms. Arnst responded no.

Mr. Berry stated that table four includes three projects that list over 700 miles with an attractive cost effective ranking. He inquired on the emission reductions for total organic gases (TOG) and nitrogen oxides (NOx) on an ITS strategic plan. Cathy Arthur, MAG, responded that the jurisdictions indicated the speed increases they assume will occur as a result of the implementation of the strategic plan. She added that the jurisdictions also included the amount of miles that are in their system. Ms. Arthur commented that both cases are showing a five mile per hour increase. She indicated that the

philosophy with the CMAQ methodology has been that MAG will provide the initial reduction associated with the implemented aspect of the project. Ms. Arthur mentioned that the only way MAG can approach this is by assuming the benefit when the plan is implemented.

Mr. Berry inquired if the Committee meant to develop or implement the plan. He added that if the plan is developed and not implemented the region may get no benefit. Ms. Arthur responded that MAG is assuming that the plan will lead to implementation. She added that the funding amount on the table is for development of the plan and not implementation. Mr. Berry inquired if there is proof that the resources are available to implement the plan. He stated that the region may be at risk of spending money and receiving no benefit in terms of air quality. Ms. Arthur replied that the applications are comprehensive and may provide that information. She inquired on the application. Ms. Yazzie responded that the application does not ask for further information on a design or a development of a plan or a design of a project. She added that receiving design or development funds for a federal project requires implementation as part of the Federal Highway Administration (FHWA) requirements. Ms. Yazzie indicated that implementation may occur at a later date; however, FHWA requires development within a five year time frame. She noted that these figures are for fiscal year 2014.

Mr. Berry inquired if a jurisdiction requests additional funds to implement, then the Committee would have to say no since there is zero air quality benefit from that implementation. Ms. Arthur responded that in that case, the cost of the strategic plan would be added in order to keep accumulating. She stated that if the jurisdiction requests CMAQ funds, then the same impact will be used. Ms. Arthur added that the CMAQ dollars would increase and the cost effectiveness will decrease. Mr. Berry stated that this can not be done in that manner since that level of benefit has already been paid. Ms. Arthur agreed and responded that the benefit would stay constant; however, the amount of CMAQ funds would increase which in this case is the numerator.

Mr. Berry stated that the incremental improvement for air quality will be zero since the benefit has already been accounted. He noted that the region keeps spending money on projects that will get no benefit. Mr. Berry mentioned his concern for the accounting part of the projects and added that he is not against funding for the next phase; however, the Committee needs to be realistic. He indicated that the region can not keep reclaiming credit for 298 kilograms of emissions year after year and in addition, attach more dollars. Ms. Arthur responded that these projects are being compared to the projects of this fiscal year. She added that the credit is not carried forward in any manner. Ms. Arthur indicated that this is intended to be used for prioritizing projects based on the air quality cost effectiveness for the fiscal year funding that is available. Mr. Berry stated that he does not agree that this process may be the proper way to handle the projects. Ms. Arthur indicated that MAG staff tries to anticipate if additional CMAQ funds will be requested in projects that are known. She added that this is not a perfect process since the city may not always know if CMAQ funds will be requested for their next phase. In addition, the cities may also not know the amount that they will request or if they will be locally funded.

Mr. Berry stated that when planning for the trucks in the year 2000, he could not claim those emission reductions until the trucks were received. He commented on claiming emission reductions when a purchase order is in place. Mr. Berry indicated his concern for reconciling the numbers in the plan with the performance improvement. He noted the street sweeper projects. Ms. Arthur responded that the Federal Highway Administration requires the jurisdictions to quantify every project that is being funded with CMAQ. She added that the approach is to use the cost effectiveness after the plan is

implemented versus the plan by itself which would have no air quality benefit. Ms. Arthur indicated that MAG staff is doing the best they can to accommodate the rules that the Federal Highway Administration has established. She commented that this is what is expected to happen after the plan is implemented which incidently will be beyond fiscal year 2014. Mr. Berry suggested that the cost be placed in the year 2014 and the benefits be added into the anticipated year. Ms. Arthur responded that MAG staff will consider the suggestion. Mr. Berry mentioned that he is not against the project. Ms. Arthur stated that this is a good way to handle the awkward delay.

Mr. Person commented on the paving unpaved roads program. He mentioned the footnote in page four which indicates that the item is in support of paved or stabilized existing public dirt roads and alleys. Mr. Person inquired if the funding is available for stabilization as well as paving unpaved roads. He added that the City of Scottsdale has stabilized three times a year for an approximate cost of \$25,000. Mr. Person indicated that stabilizing 15 to 20 miles of road will have a higher cost effectiveness than paving 9 miles of road. He stated that he is hopeful that this money is available for the various jurisdictions in the region to stabilize miles of unpaved road as well as paving a few miles. Mr. Giles responded that the funding is for paving unpaved roads. He stated that the Federal Highway Administration was contacted with regard to stabilization techniques that might be available for funding. Mr. Giles added that FHWA indicated that they were not willing to fund those types of activities that are maintenance related. Ms. Knight mentioned that the City of Phoenix looked into stabilizing roads versus paving roads. She commented that asphalt will be used once as opposed to stabilizing roads which will require \$25,000 a year for approximately 20 years in order to keep them stable. Ms. Knight noted that the Federal Highway Administration will not fund stabilization. She inquired on stabilizing a dirt road when the budget is not available. Mr. Person agreed with Ms. Knight. He responded that stabilization would buy the jurisdictions three to five years until the economy turned around and subsequently be able to get development to pave those roads. Mr. Person indicated that the cities are stabilizing and reducing dust generation from unpaved roads. He added that this is a joint effort between development and the cities to gain more dust control and ultimately pave those roads.

Mr. Kukino called for a vote on the motion to forward table one, The Evaluation of the Proposed Air Quality Projects for the Federal Fiscal Year 2014 to the Transportation Review Committee. The motion passed unanimously.

Ms. Knight made a motion to approve the technical information provided by MAG staff in tables two through four. She added that the Committee could have a discussion at another time about why Regional Council chose not to take the advise of the Committee. Ms. Knight moved to forward tables two through four and Mr. O'Donnell seconded.

Ms. Arnst mentioned her concern with cost effectiveness. She stated that beyond the two lines in table two, the PM-10 emissions total 2.95 kilograms a day at a cost of \$4.6 million. Ms. Arnst added that table one has more than one hundred kilograms a day for a total of \$7.5 million. She indicated that this does not seem like a good way to achieve PM-10 reductions with the magnitude of problems the region faces. Mr. Kukino stated that the role of the Committee is technical in nature and to consider the analysis that was done by MAG. Mr. Kukino inquired if that was the correct assumption. Ms. Bauer responded that is correct. Mr. Person inquired on the way the motion was worded. He stated that he agreed with the second statement made by Ms. Knight; however he would not be in favor of the first statement. Ms. Knight responded that the second statement, to forward tables two through four was correct.

Mr. Berry commented that Proposition 400 had buckets where certain funds and certain projects would fall into. He inquired if the bicycle and pedestrian projects are not being ranked in air quality since the CMAQ funds have already been committed to those uses. Ms. Bauer responded that the air quality information for the bicycle and pedestrian projects are available. She noted that Attachment D has a table from the Regional Transportation Plan. Ms. Bauer added that the funding percent by mode was allocated within the Regional Transportation Plan. The voters have the expectation that these types of projects are part of the Regional Transportation Plan. She mentioned that bicycle and pedestrian projects are also transportation control measures from other types of air quality plans such as the Carbon Monoxide and Ozone. Ms. Bauer noted that the region is a maintenance area for Carbon Monoxide. She indicated that these projects are considered transportation control measures under Section 108(f) of the Clean Air Act.

Ms. Arnst stated that the question about the buckets came up at the September 25, 2007 Air Quality Technical Advisory Committee meeting. She added that the Committee also questioned if the buckets applied to the half-cent sales tax or if firewalls were applied to the CMAQ funds. Ms. Arnst commented that Ms. Yazzie responded that the buckets and firewalls applied to the half-cent sales tax and that the CMAQ funds were not covered by the firewalls. Ms. Yazzie agreed and stated that the funds in Proposition 400 do not affect the bicycle, pedestrian, paved dirt roads, and ITS projects. She added that the CMAQ funds, as noted on Attachment D, is more of a policy direction and are not fire walled. Ms. Yazzie mentioned the Transportation Policy Committee and the amount of work done on the multi-modal Regional Transportation Plan. She indicated that Proposition 400 half-cent sales tax are firewalled in State Statute. The Transportation Policy Committee and Regional Council moved forward with the RTP and has continuously approved the plan when updated.

Mr. O'Donnell inquired on the motion. Mr. Kukino responded that the motion was to forward tables two through four to the MAG Transportation Review Committee and other modal committees for prioritization. Mr. Berry stated that another motion to consider is to not recommend any of the projects and recommend that the funds be spent only on projects that have the most air quality benefit for the least amount of dollars. He added that the Committee could send the wrong message by approving this priority of spending when there are other worthy projects that will have a bigger impact on air quality. Mr. Kukino commented that the Committee is tasked to look at the technical aspects of the ranking based on the modeling and not make decisions on which priorities are more important.

Amanda McGennis, Associated General Contractors, commented that the Committee should vote on the original motion made by Ms. Knight which was based on the technical merits of the tables. She added that the difference is that the motion would call for a vote on the technical merits and not the projects. Ms. McGennis asked for a roll vote on the motion. Mr. Kukino inquired if Ms. McGennis was asking to vote on the original motion. Ms. McGennis responded that she would ask for a roll call vote on any motion decided by the Committee. Ms. Knight stated that she would be happy to withdraw the motion and try a different motion when the Committee reaches a consensus on the way they would like the motion to be worded. Mr. O'Donnell agreed and the motion was withdrawn.

Ms. Knight indicated that the CMAQ process was large and complex. She added that she did not want to take the bike and pedestrian projects off the table. Ms. Knight commented that the concept of funding bicycle, pedestrian and ITS projects are useful; however, the projects do not compete with the air quality projects on the table. She mentioned the amount of funding for the projects and stated that the air quality projects are fairly low which justifies the concern of the Committee. Ms. Knight added that two motions can be suggested and that tables two through four be forwarded based on technical

merit. She commented that the Committee can turn the motion down which will indicate that the Committee has a concern on the allocation of funds. Ms. Knight mentioned that the Committee could also forward the tables and have an additional motion that states that the Committee would like to continue a discussion on the issue. Mr. Kukino requested that the motion be repeated. Ms. Knight moved that the Committee forward tables two through four based on the technical merit. She added that the Committee could decide if they would like to add an additional motion concerning the distribution of funding. Steve Trussell, Arizona Rock Products Association, inquired if the motion meant that MAG properly completed the analysis. Mr. Kukino responded that is correct.

Mr. Berry commented on his concern for two motions. He stated that the Committee could choose not to forward the tables and indicate that the technical work is proper; however, the Committee chose not to forward tables two through four since the money is not being spent on projects that benefit air quality. Mr. Berry added that this will demonstrate that the Committee is willing to make a stand on the allocation of CMAQ funds. He mentioned the industries that are making sacrifices to help air quality. Jeannette Fish, Maricopa County Farm Bureau, reminded the Committee that this funding is for congestion mitigation. She stated that she would hate for the Committee to have too much input and fight against something that in the long run is federal funding. Ms. Fish added that she is in support of using all the funding available to help with the air quality problem.

Mr. Kukino stated that his sense is that the Committee wants to send a message that the projects need to be prioritized by air quality benefit. Ms. Bauer commented that while she understood the concern of the Committee since PM-10 is the most serious air pollution problem in this area, Ms. Bauer indicated that CMAQ funding is a tough pot of money to spend since it has a lot of environmental hoops to go through. She mentioned that some local governments have returned CMAQ funds and have indicated that they rather use local funding to pave dirt roads since its faster and less expensive to use. Ms. Bauer commented on the dirt roads and stated that public monies cannot be used on a private dirt road. She added that MAG staff has been hopeful that the CMAQ evaluation will be forwarded since the other committees take into account the cost effectiveness and the impact of the measures on tables one through four when making recommendations to rank the projects.

Ms. Knight expressed her appreciation for the effort that MAG does on the Congestion Mitigation and Air Quality process. She stated that the Committee can pass table one and abstain from table two through four which will demonstrate their concern on the allocation of funding related to air quality. Ms. Yazzie mentioned that the motion is to forward the tables to the other modal committees including TRC, MAG Management, TPC and the MAG Regional Council based on technical merit. She indicated that if the Committee decides not to move forward with the tables, the CMAQ scores will not carry forward. Ms. Yazzie added that the CMAQ scores are involved in the evaluation processes for the Bicycle/Pedestrian and ITS Committees. She noted that the CM in CMAQ denotes Congestion Mitigation. The ITS and Bicycle/Pedestrian projects are eligible under CMAQ Federal Guidance. Ms. Yazzie indicated that there is policy direction approved through the RTP that the funds be used for these programs. She added that the TRC expects to see and evaluate the CMAQ scores every year when the CMAQ projects are forwarded.

Mr. Trussell stated that he agreed with Ms. Arnst and Mr. Berry that a message needs to be sent that the Committee made a motion to forward to the MAG Regional Council their concern on air quality. He added that the Committee can abstain, send a clarification on their decision or forward the technical merit approval and express their concern on where the money is being spent. Mr. Person indicated that the 2007 recommendation did not appear to go forward to the MAG Management Committee,

Executive Committee, and Regional Council. He added that the recommendation was stopped at the Transportation Policy Committee. Ms. Yazzie stated that the Transportation Review Committee is tasked with programming the TIP. She added that the TRC is a major collective multi-modal transportation group that reviews funding as well as programming. Ms. Yazzie commented that the TRC received the recommendation but decided not to move forward with it at that time. She mentioned the summary transmittals and indicated that those transmittals identify each committee where the item was heard. Ms. Yazzie stated that she was unaware of the language that was carried forward; however, the summary transmittal did reference that there was a motion of the Air Quality Technical Advisory Committee.

Mr. Person stated that the Committee wanted to communicate to the MAG Regional Council that the TRC has its own criteria and rationale for ranking the projects and that the Air Quality Technical Advisory Committee has a different set of concerns and priorities. He indicated that he would like the same recommendation from 2007 to be repeated and not filter through the TRC. Mr. Person commented that the recommendation not go in the form of a CMAQ motion but in the form as the role of a technical advisory committee to the MAG Management Committee and have it forwarded through them.

Mr. Berry stated that a letter be drafted from this Committee to the MAG Regional Council expressing their concerns. He added that the letter should not go through any filters and have the MAG Regional Council add it to the agenda as an item for discussion. Mr. Berry indicated that the Committee forward the tables from a technical stand point and not from an air quality ranking stand point. He commented that it is discouraging that the Committee has spent a great deal of time on the issue and has not been able to get any resolution. Mr. Berry recommended that the Chair of the Air Quality Technical Advisory Committee draft a letter and send it to the Committee for review. Ms. Arnst stated that she would second that motion to send a letter from this Committee to the MAG Regional Council requesting that reallocation be added to the agenda as an item. Ms. Bauer commented that this Committee is a technical advisory committee. She noted that these projects are added to the TIP which is built by the TRC. Ms. Bauer indicated that the policy statement made by this Committee in 2007 was regarding the reallocation. She added that the Transportation Policy Committee deals with the allocations by funding mode which is a policy issue. Ms. Bauer mentioned that MAG has an established committee process. Mr. Berry stated that the Committee would feel much better if the letter was elevated to the highest level. He added that the letter indicate their concern about not spending the funds wisely considering that the region could face health and economic impacts since it is a nonattainment area.

Ms. Knight stated that the Committee would not be having this discussion if the bicycle and pedestrian projects were relatively proportional to the air quality funds. Ms. Arnst stated that the projects could be evaluated on the basis of congestion mitigation if the information was available to determine which of those projects help mitigate congestion. Ms. Yazzie commented on the Congestion Management Process and responded that she was unsure if the bicycle, pedestrian and ITS projects would return to this Committee for congestion mitigation review. She added that those modes would most likely be handled by their modal technical advisory committees for congestion mitigation purposes and not air quality. Ms. Yazzie indicated that this Committee does the ranking and technical evaluation since it is the Air Quality Technical Advisory Committee. Ms. Arnst stated that this process is called Congestion Mitigation and Air Quality. Ms. Yazzie agreed and thanked the Committee for doing the air quality portion of the CMAQ.

Ms. Arnst commented that another concern is the cost effectiveness per ton. She stated that stationary sources are about \$5,000 a ton or less when evaluating by cost effectiveness. Ms. Arnst added that the least expensive bicycle project is \$6,000 per ton. She requested to vote on the motion that was seconded. Mr. Kukino inquired on the deadline to forward the recommendation to the other Committees. Mr. Giles responded that the ITS Committee is expected to meet on November 10, 2009. Mr. Kukino inquired on the motion. Ms. Arnst stated that the motion should be phrased in a positive sense, requesting to reallocate more funds to the air quality projects including to the paving of unpaved roads. She added that the motion should also lower the CMAQ funds for bicycle and pedestrian projects. Ms. Arnst noted that these projects may be worthy of consideration; however, the concern is funding them out of the CMAQ funds.

Mr. Berry stated that the motion included to approve tables two through four on the technical merit. He added that the second part of the motion is to send a letter indicating that funds should go to the most cost effective air quality projects. Mr. Kukino inquired if that was the motion. Ms. Arnst replied yes.

Mr. Person mentioned his concern for forwarding the recommendation to the TRC. He commented on the committee structure chart. Mr. Person requested that the letter be forwarded through the MAG Management Committee and not the Transportation Policy Committee in order to follow the Committee structure line of command at MAG. He added that the letter does not necessarily need to be addressed directly to the MAG Regional Council. Mr. Person inquired if the Committee makes advisory recommendations through the MAG Management. Ms. Bauer responded that is correct for air quality plans and PM-10 street sweepers.

Mr. Tveit suggested that the motions be separated. He stated that tables two through four be forwarded to the Transportation Review Committee based on the technical merit. Mr. Tveit added that the second part of the motion which is the letter should be forwarded to the MAG Management Committee. He indicated that there may be a problem if the motions are sent together. Mr. Berry withdrew the motion and Ms. Arnst agreed to withdraw the second on the motion. Mr. Berry made a motion to send a letter to the MAG Regional Council. Ms. Arnst seconded, and indicated that the letter be forwarded to the MAG Regional Council on reconsidering allocations. Ms. Knight commented that she was comfortable with the statement made by Ms. Arnst. She added that the letter to the MAG Regional Council should request that the Committee reconsider the heavier allocation toward air quality. Ms. Knight mentioned her concern with Mr. Berry's comments. She added that the comment requested that funds only be allocated to projects based on air quality merits which would jeopardize bicycle and ITS projects. Mr. Berry responded that the Committee is just trying to make a point and elevate the issue.

Mr. Kukino called for a vote to forward a letter concerning the allocation of funds to the MAG Regional Council. The motion passed with one member voting no. Mr. Berry made a motion to forward tables two through four based on the technical merit to the appropriate committees. Ms. Knight seconded, and the motion passed with one abstention.

5. Update on the Inventory of Unpaved Roads

Randy Sedlacek, MAG, provided an update on the Inventory of Unpaved Roads. He stated that MAG GIS staff revised the unpaved road data in response to additional data submitted by member agencies in October 2009. Mr. Sedlacek added that the regional public and private unpaved road maps were updated with the information. As requested at the previous Air Quality Technical Advisory

Committee meeting, the PM-10 monitors were added to the regional unpaved road maps. Mr. Sedlacek presented a table summarizing the public and private unpaved road mileage as of October 2009. He indicated that the total miles of public unpaved roads in the PM-10 nonattainment area is estimated at 613 miles. Mr. Sedlacek mentioned that the total miles of private unpaved roads in the PM-10 nonattainment area is estimated at 1,271 miles. He noted that the 1,884 is the total miles of unpaved roads.

Mr. Sedlacek presented a table which provides the changes in miles of public and private unpaved roads that occurred as a result of the October 2009 update. He stated that the number of public unpaved road miles for the PM-10 nonattainment area decreased by 21 miles. Mr. Sedlacek added that the cities and towns category decreased by 64 miles while the Arizona State Trust Land increased by 43 miles. He indicated that the private unpaved roads inventory increased by 13 miles in the PM-10 nonattainment area. Mr. Sedlacek noted the small decrease in the miles of private unpaved roads in unincorporated Maricopa County as a result of the new data.

Mr. Sedlacek presented a map with the locations of the public unpaved roads and the PM-10 monitors. He stated that the public unpaved roads are denoted in dark red. Mr. Sedlacek added that the map has a listing of the PM-10 monitors including the Buckeye and Combs monitors which are outside the nonattainment area. Mr. Sedlacek mentioned that the majority of the public unpaved roads are along the periphery of the PM-10 nonattainment area. He presented a map of the private unpaved roads in the nonattainment area. Mr. Sedlacek mentioned that the private unpaved roads are denoted in the color blue and also found along the periphery of the nonattainment area.

Mr. O'Donnell inquired if the maps show the locations of the PM-10 monitors. Mr. Sedlacek responded that is correct. Mr. O'Donnell inquired which monitors are violating. Mr. Sedlacek responded that the West 43rd Avenue and Durango monitors have historically shown the most exceedances. He noted that the region has shown great improvement in the last few years.

Mannie Carpenter, Valley Forward, inquired about the change in mileage. Mr. Sedlacek responded that the time period for the change was from September through October 2009. He added that the inventory was updated since additional information was received. Mr. Sedlacek noted that this information was not a trend. Mr. Sedlacek stated that the public unpaved roads for the cities and towns decreased by 64 miles and the Arizona State Trust Land public unpaved roads increased by 43 miles. Ms. Bauer stated that MAG had received some information where some unpaved roads from the Arizona State Trust Land were inadvertently allocated to the cities and towns unpaved road inventory. She thanked the jurisdictions for the clarification on this issue.

Ms. Knight stated that the City of Phoenix was one of those jurisdictions to question their inventory. She added that there was State Land within the borders of the City of Phoenix. Ms. Knight indicated that the City of Phoenix requested to separate the State Land unpaved roads from the City of Phoenix unpaved roads. She mentioned that the State is responsible for paving roads that are State Land. Ms. Knight thanked MAG for their effort and attention to detail.

Mr. Person thanked MAG for their cooperation with the various member agencies. He mentioned that the inventory is the baseline and it is a shame no historic data is available. Mr. Person commented on the West 43rd Avenue and Durango Complex monitors. Ms. Knight stated that the City of Phoenix has invested over \$20 million in those areas.

6. Status Report on Air Quality Monitoring Data

Julie Hoffman, MAG, stated that the 2009 air quality monitoring data for eight-hour ozone and PM-10 has been compiled and provided at each place. She added that the data shows the exceedances that have occurred this year. Ms. Hoffman commented that for ozone, there has been nine exceedances of the .075 parts per million standard in the current eight-hour ozone nonattainment area. She noted the exceedances at the Tonto National Monument monitor and the Queen Valley monitor which are located outside the current nonattainment area. The Queen Valley monitor is located within the eight-hour ozone nonattainment area boundary recommended by the Governor in March 2009 for the .075 parts per million standard. Ms. Hoffman mentioned that EPA has since announced that they are reconsidering the .075 parts per million standard. She stated that the eight-hour ozone standard is calculated by taking the three-year average of the 4th highest ozone concentration. Ms. Hoffman noted that the larger table at each place provides the current three year period, 2007-2009. She added that the North Phoenix monitor is the only monitor that is currently violating the .075 parts per million standard. Ms. Hoffman indicated that the monitors shown in bold font violated the standard last year. Ms. Hoffman commented that eleven monitors violated the .075 parts per million eight-hour ozone standard in 2008, thirteen if including the Tonto and Queen Valley monitors.

Ms. Hoffman stated that the PM-10 table provides the 2009 exceedances through October 29, 2009. She added that there has been 24 exceedances that have occurred on seven days at ten different sites. Ms. Hoffman commented that ADEQ will be looking at these sites to determine if they qualify as exceptional events. Mr. O'Donnell inquired about the standard. Ms. Hoffman responded that the 24-Hour PM-10 standard is 150 parts per million.

Steve Peplau, ADEQ, stated that the 2009 PM-10 data is currently under review. He mentioned that he will discuss the request for comments on the 2008 exceptional events that were recently published. First, he commented that the 2006 and 2007 final review has not been received from EPA. He added that EPA revised the Exceptional Event Policy in December 2007. Mr. Peplau indicated that ADEQ and EPA have been trying to interpret that policy and respond through the exceptional events submittals. He commented that the 2006 and 2007 events were submitted in 2008. Mr. Peplau noted that EPA responded in June 2009. He stated that EPA had a series of questions and comments on the report. Mr. Peplau added that ADEQ revised the exceptional events that were submitted. He indicated that ADEQ has prepared 2008 white papers that were recently released for public notice.

Mr. Peplau mentioned that there were six items commented on by EPA. The items included the event effects on air quality. He added that EPA requested a discussion on why only three monitors of 17 exceeded the standard. Mr. Peplau indicated that EPA also mentioned that ADEQ focused on the monitors that exceeded and did not explain the monitors that did not exceed. The second item mentioned by EPA was that the event was not reasonably controllable or preventable and that a discussion or citation was not provided pertaining to the controls of anthropogenic sources in up wind locations. Mr. Peplau discussed wind transporting pollutants from other locations. He mentioned the time that would be involved in studying other areas and their impacts on the Valley for each event. Mr. Peplau indicated that ADEQ is still discussing this item with EPA. The third item mentioned was that the event is caused by human activity unlikely to re-occur at a particular location or is caused by a natural event. Mr. Peplau stated that ADEQ includes an analysis of winds during an event that were unusual, which is a term used in the preamble of the policy; however, it was not defined. He added that Michael Flag, EPA, requested that ADEQ develop a white paper defining unusual winds in Arizona. Mr. Peplau noted that ADEQ has been working on this for the last three months. The fourth item was

a clear and causal relationship between the exceedances and a claimed event. Mr. Peplau commented on storms from Yuma that blew dust into the Phoenix area. He added that EPA requested that the Yuma and Phoenix events be separated. The fifth item mentioned was that the event was associated with measured concentrations in excess of the normal historical fluctuations including background. Mr. Peplau stated that ADEQ is analyzing the exceedances and wind events that are occurring to prove that the events submitted are only within the top five percent of the data and therefore above normal. He discussed haboobs and indicated that they are unusual and outside the norm. The sixth item mentioned by EPA was that there be no exceedances or violations but for the event. Mr. Peplau indicated that ADEQ has satisfied this request.

Mr. Peplau stated that one of the items discussed by EPA was the level of wind or weather that overcomes the Best Available Control Measures (BACM). He commented that the exact percentages for control measures are not available. Mr. Peplau added that ADEQ will study the activity before the condition and during the condition to get a threshold of when BACM breaks down by the wind. He discussed the white paper for High Wind Exceptional Events and Control Measures for PM-10 Areas. Mr. Peplau indicated that a draft form is included in the packet that could be used by inspectors when events are occurring. He stated that ADEQ is also classifying the events into buckets. Mr. Peplau added that some of the events are easy and may not require ADEQ to spend a lot of time on them. Other events require more analysis. He mentioned the challenges with micro-bursts. He discussed winds transporting dust from Mexico and California. Mr. Peplau stated that when wind speeds are low during maximum concentrations, ADEQ will determine whether BACMs were used. He mentioned the failure of BACMs during micro-bursts and finding the threshold. Mr. Peplau stated that this white paper focused on the need of implementation, enforcement and documentation around the monitors. The four monitors studied included Buckeye, West 43rd Avenue, Durango and Higley.

Mr. Peplau discussed the white paper by Shawn Kendall called the Impact of Exceptional Events to Unusual Winds. He added that this white paper discusses the unusual winds through statistical analysis of the data. Mr. Peplau mentioned that a literature search was conducted since there are different miles per hour on different events. He mentioned that the conclusions include that wind speed, direction, vegetation, and soil types are very important. Mr. Peplau commented on data from historical wind and particulate matter in Arizona and the wind threshold effects. He stated that ADEQ has been working on a program to crunch data from the national weather service as well as the AAAD data. Mr. Peplau noted the graphs in the white paper. He mentioned that 40,000 hours of observations were included in that review. Mr. Peplau added that the dust has a lift-off at approximately ten miles per hour when using the hourly wind speeds versus particulates. He indicated that the graph starts taking off when the gust is over 20 miles per hour which is only five percent of the time. Mr. Peplau stated that this information backs up the previous work that showed that the exceptional events only occur five percent of the time which is the 95 percentile that EPA requests. He added that is another level of technical review to prove the reason we live in the desert. Mr. Peplau commented that ADEQ has done an extensive amount of work and is hoping that this will allow the region to claim those events as exceptional events. He commented on the final submissions for 2008 and stated that ADEQ will correct the 2006 and 2007 submissions to bring them to standard set by EPA.

Elizabeth Biggins-Ramer, Town of Buckeye, mentioned the land use types being considered in the analysis and inquired if agriculture is considered in the land use type. Mr. Peplau responded that ADEQ is studying the soil types and transport in the areas where the monitors concentrations tend to be the highest. He indicated that ADEQ has been working on a soil analysis using the United States Department of Agriculture soils reports. Mr. Peplau mentioned the soils and lower thresholds with

the wind. He noted that ADEQ is looking into those relationships and agriculture will be part of that analysis.

7. EPA Evaluation of Pinal County for Possible PM-2.5 and PM-10 Designations

Ms. Bauer stated that MAG has provided the Committee with a copy of the letter from EPA dated October 14, 2009 notifying the Governor that Pinal County may have potential designations for the 24-hour and annual PM-2.5 and the PM-10 standards. She commented that EPA will be looking at neighboring counties such as Maricopa County which is included in the Federal Register. Mr. Bauer mentioned that EPA does note in the letter to the Governor, that EPA recommends that the Governor assess the boundary issue for PM-10 differently than for PM-2.5 due to the nature of those two pollutants.

8. EPA to Reconsider the Eight-Hour Ozone Standard

Ms. Bauer stated that on September 16, 2009, that EPA announced its intention to reconsider the 2008 Eight-Hour Ozone Standard which is .075 parts per million. Ms. Bauer mentioned that EPA indicated that it did not go according to the recommendation of its own panel. She discussed the expected schedule which includes the proposal in December 2009, final reconsideration in August 2010 and the final designations by August 2011. Ms. Bauer indicated that the plans would still be due in December 2013.

9. Call for Future Agenda Items

Beverly Chenausky, Arizona Department of Transportation, requested that an update be provided on the CMAQ process and congestion mitigation scores. She stated that a presentation would help the Committee understand the technical document. Ms. Chenausky added that it may be useful to have a representative from the Federal Highway Administration to explain the CMAQ process from their point of view. She mentioned her concern of splitting up the congestion score from air quality since federal guidance indicates consultation with air quality on all the projects that are funded through CMAQ. Ms. Chenausky commented that a one-on-one overview of the Federal Regulations related to the CMAQ program may also be useful. She mentioned the CMAQ methodology and process.

Mr. Trussell commented on the Dysart, Glendale and West Chandler monitors. He inquired if the monitors were intermittent and the amount of times the exceedances were counted. Mr. Trussell inquired on the progress of making those monitors continuous monitors. Jo Crumbaker, Maricopa County Air Quality Department, responded that under the Code of Regulations, if the monitor is converted to continuous by the first day of the first quarter following the exceedance, this case October 1st, it only counts as one. Ms. Crumbaker added that the County had continuous emission monitors on all three sites by October 1, 2009. She thanked MAG for helping in this process under the current economic conditions. Mr. Trussell also thanked MAG and the County for their effort in that process.

Mr. Kukino commented on the Gallup Poll memorandum. Ms. Bauer stated that a link is provided in the memorandum where everyone can participate in the Gallup Poll that is being conducted. She added that the Gallup Poll is to determine what type of Arizona people want. Ms. Bauer noted that all of the MAG Committees are being encouraged to participate.

Mr. Kukino announced that the next meeting of the Committee has been tentatively scheduled for December 10, 2009 at 1:30 p.m. With no further comments, the meeting was adjourned at 3:18 p.m.

December 3, 2009

TO: Members of the MAG Air Quality Technical Advisory Committee

FROM: Dean Giles, Air Quality Planning Program Specialist

SUBJECT: EVALUATION OF PROPOSED PM-10 CERTIFIED STREET SWEEPER PROJECTS
FOR FY 2010 CMAQ FUNDING

The Maricopa Association of Governments staff has evaluated proposed PM-10 Certified Street Sweeper Projects for emission reductions and corresponding cost-effectiveness for FY 2010 Congestion Mitigation and Air Quality Improvement (CMAQ) Funds. Nine projects requesting approximately \$1.664 million in federal funds were received. The evaluation of these projects and supplemental information are included in the attachment. The proposed projects have been listed in order of cost-effectiveness based on the amount of CMAQ funding requested. Following consideration of this information, the MAG Air Quality Technical Advisory Committee will be requested to recommend a prioritized list of PM-10 Certified Street Sweeper Projects for FY 2010 CMAQ funding to the MAG Management Committee.

BACKGROUND

The MAG 2007 Five Percent Plan for PM-10 contains the committed measure "PM-10 Efficient Street Sweepers". The FY 2010 Unified Planning Work Program and FY 2008-2012 MAG Transportation Improvement Program contain \$1,310,000 in FY 2010 CMAQ funding to encourage the purchase and utilization of PM-10 certified street sweepers. An additional \$354,018 in CMAQ is available from sweeper projects that have been requested to be deleted and from savings on sweepers that have cost less than anticipated, for a total amount of \$1,664,018. The purpose of the CMAQ program is to fund projects and programs in nonattainment and maintenance areas that assist in achieving air quality standards. A minimum local cash match of 5.7 percent on the CMAQ eligible portion of the project is required.

On August 10, 2009, MAG solicited PM-10 certified street sweeper projects in the Maricopa County PM-10 Nonattainment Area from member agencies. Eligible street sweepers are defined as those which have been certified by the South Coast Air Quality Management District as meeting that agency's Rule 1186 certification standards. Project requests were due by September 18, 2009.

Also, at this time the federal appropriations process has been limited to a number of continuing resolutions with the most recent set to expire on December 18, 2009. It is anticipated that Congress and the administration will pass and adopt full FY 2010 appropriations for U.S. Department of Transportation programs before this date. If the FY 2010 appropriations is not enacted by December 18, it is expected

that an additional short-term continuing resolution may be adopted. Federal funding for the sweeper projects is contingent upon funds being provided to the Arizona Department of Transportation. It is important to note that MAG authorization letters to agencies approved for FY 2010 street sweeper projects will follow after federal CMAQ Funds become available.

EVALUATION AND PROJECT RANKING

According to the Draft FY 2009 MAG Federal Fund Programming Principles, project applications are to be reviewed by the MAG Street Committee. On October 13 and November 10, 2009 the Street Committee conducted a review of the PM-10 Certified Street Sweeper project applications. A final review of the sweeper applications, including any clarified information from the applicant, was provided at the Street Committee meeting on November 10, 2009.

MAG staff estimated the emission reductions and cost-effectiveness using the CMAQ funding requested, based on the revised methodology that has been updated to be consistent with the methodology used in the MAG 2007 Five Percent Plan for PM-10. Federal CMAQ guidance requires that the estimated emission reductions for each project submitted for CMAQ funding be considered during project selection. The FY 2010 PM-10 Certified Street Sweeper Project requests, evaluation, and supplemental information are provided in the attachment. The proposed projects have been listed in descending order of cost-effectiveness based on the amount of CMAQ funding requested.

Following consideration of this information, the MAG Air Quality Technical Advisory Committee will be requested to make a recommendation on a prioritized list of proposed projects for FY 2010 CMAQ funding to the MAG Management Committee. After the MAG Regional Council approval of projects for funding, MAG will issue a formal authorization to proceed with the purchase of the proposed street sweepers in a letter to the project sponsor. To assist MAG in reducing the amount of obligated federal funds, MAG is requesting that street sweepers be purchased and reimbursement be requested by the project sponsor within one year plus ten calendar days from the date of the MAG authorization letter.

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

Attachment

List of Proposed PM-10 Certified Street Sweeper Projects for FY 2010 CMAQ Funding

\$1,664,018 in CMAQ Funding is Available for Sweeper Projects

Agency	Federal Cost	Local Cost	Total Cost *	Daily Emission Reduction (Kilograms/day)	Cost-Effectiveness (CMAQ dollar cost per annual metric ton reduced)	The requested certified street sweeper will:				Have local resources been committed for additional staff or equipment to support the sweeper project?		Please indicate in what geographical area(s) the requested certified street sweeper will operate	Number of certified street sweepers owned and operated by your agency. ++
						Replace non-certified sweeper	Expand	Increase Frequency	Replace older certified sweeper	Yes	No		
Gilbert #1	\$210,598	\$12,730	\$223,328	318	\$258			✓		✓		Baseline Road (north), Cooper Road (east), West boundary, South boundary	12
Gilbert #2	\$210,598	\$12,730	\$223,328	310	\$265			✓		✓		Baseline Road (north) Lindsay Road (east), Gilbert Road (west), Williams Field Road (south)	12
Phoenix #1 †	\$178,940	\$10,816	\$189,756	167	\$417				✓	✓		Camelback Road to Pecos Road, Central Avenue to 107 th Avenue and 111 th Avenue	36
Maricopa County †	\$165,025	\$9,975	\$175,000	86	\$748		✓				✓	Entire Maricopa County, within PM-10 areas only.	7
Peoria	\$197,225	\$11,931	\$209,156	62	\$1,236		✓	✓		✓		Peoria City Limits: Northern Avenue to SR 74 and 67 th Avenue to El Mirage Road	5
Tempe	\$186,774	\$11,290	\$198,064	59	\$1,241				✓		✓	US 60 south to Ray Road, Loop 101 Price Frontage Road west to 48 th Street	7
Phoenix #2 †	\$178,940	\$10,816	\$189,756	45	\$1,557				✓	✓		Camelback Road to Pecos Road, Central Avenue to 56 th Street	36
Apache Junction †	\$173,000	\$11,874	\$184,874	17	\$4,014			✓	✓	✓		Meridian Drive to Mountain View Road; McKellips Road to Baseline Avenue	3
Scottsdale Airport	\$162,918	\$9,848	\$172,766	2	\$28,600	✓					✓	Scottsdale Airport entrance road, runway, taxiways, and perimeter road	0
Total	\$1,664,018												

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

† Proposed sweeper projects for Apache Junction, Maricopa County, Phoenix #1, and Phoenix #2 indicate sweeping adjacent to a PM-10 monitor.

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

December 3, 2009

TO: Members of the MAG Air Quality Technical Advisory Committee

FROM: Dean Giles, Air Quality Planning Program Specialist

SUBJECT: EVALUATION OF PROPOSED PM-10 PAVING UNPAVED ROAD PROJECTS FOR FY 2013 CMAQ FUNDING

The Maricopa Association of Governments staff has evaluated proposed PM-10 Paving Unpaved Road Projects for emission reductions and corresponding cost-effectiveness for FY 2013 Congestion Mitigation and Air Quality Improvement (CMAQ) Funds. Thirteen unpaved road, alley, and shoulder projects requesting approximately \$10.4 million in federal funds were evaluated. Attachment A provides the proposed projects listed in order of cost-effectiveness based on the amount of CMAQ funding requested. Attachment B provides the proposed projects listed in order of PM-10 emission reductions. Following consideration of this information, the MAG Air Quality Technical Advisory Committee will be requested to rank the PM-10 Paving Unpaved Road Projects for FY 2013 CMAQ funding to be forwarded to the MAG Transportation Review Committee.

BACKGROUND

The paving of dirt roads supports committed measures in the MAG Five Percent Plan for PM-10. An amount of \$4,513,000 in FY 2013 CMAQ funding was approved by the MAG Regional Council for the programming of projects for MAG Federal Funding on January 30, 2008. A minimum local cash match of 5.7 percent on the CMAQ eligible portion of the project is required. On August 10, 2009, MAG solicited PM-10 Paving Unpaved Road Projects in the Maricopa County PM-10 Nonattainment Area from member agencies. Project requests were due by September 18, 2009.

EVALUATION AND PROJECT RANKING

According to the Draft FY 2009 MAG Federal Fund Programming Principles, project applications are to be reviewed by the MAG Street Committee. On October 13 and November 10, 2009 the Street Committee conducted a review of the PM-10 Paving Unpaved Road project applications. A final review of the paving applications, including any clarified information from the applicant, was provided at the Street Committee meeting on November 10, 2009.

MAG staff estimated the emission reductions and cost-effectiveness using the CMAQ funding requested, based on the revised methodology that has been updated to be consistent with the methodology used

in the MAG 2007 Five Percent Plan for PM-10. Federal CMAQ guidance requires that the estimated emission reductions for each project submitted for CMAQ funding be considered during project selection. The evaluation of the proposed FY 2013 PM-10 Paving Unpaved Road Projects is included in Attachment A and Attachment B. In Attachment A, the proposed projects have been listed in descending order of cost-effectiveness based on the amount of CMAQ funding requested. Also, in Attachment B, the proposed projects have been listed in descending order of PM-10 emission reductions.

Following consideration of this information, the MAG Air Quality Technical Advisory Committee will be requested to rank the proposed PM-10 Paving Unpaved Road Projects for FY 2013 CMAQ funding to be forwarded to the MAG Transportation Review Committee. The MAG Transportation Review Committee may consider the PM-10 Paving Unpaved Road Projects in December 2009. The recommendations may be considered by the MAG Management Committee, the Transportation Policy Committee, and the MAG Regional Council in January 2010.

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

Attachment

Proposed PM-10 Paving Unpaved Road Projects For FY 2013 CMAQ Funding Listed in Order of Cost Effectiveness

\$4,513,000 available in FY 2013

Agency	Location	Work Type	FY	Length (miles)	Emission Reduction Weighted TOG(kg/day)	Emission Reduction Weighted NOx(kg/day)	Emission Reduction Weighted PM10(kg/day)	Emission Reduction Weighted Total(kg/day)	Cost Effectiveness (\$/met.ton)	CMAQ Funds Requested
Tempe	Holdeman Neighborhood Alley Stabilization	Stabilize unpaved alleys.	2013	4.25	0.00	0.00	141.05	141.05	\$693	\$531,097
Gilbert	164th Street between Riggs Road and Stacey Road	Pave unpaved road.	2013	0.75	0.00	0.00	57.78	57.78	\$791	\$248,125
Phoenix *	Various locations on 23 segments, including alleys in Quarter Section 01-33 from 24th St (west), Baseline Rd (north), 28th St (east), and South Mountain Ave (south).	Dust Proof unpaved alleys.	2013	33.0	0.00	0.00	199.13	199.13	\$1,140	\$1,232,750
Gilbert	156th Street from Riggs Road to 0.25 miles south	Pave unpaved road.	2013	0.25	0.00	0.00	12.05	12.05	\$1,353	\$88,500
Buckeye	7th Street-Norton Drive from Beloat Road (South)	Pave unpaved road.	2013	0.4	0.00	0.00	24.20	24.20	\$1,775	\$233,225
Tempe	North Tempe Neighborhood Alley Stabilization	Stabilize unpaved alleys.	2013	10.5	0.00	0.00	79.20	79.20	\$2,235	\$961,105
Surprise	Various locations on 10 segments, including Cactus Road 143rd Avenue to Bullard Avenue (North Side)	Pave unpaved shoulders.	2013	8.1	0.00	0.00	43.96	43.96	\$2,388	\$570,000
Maricopa County	87th Avenue, from Deer Valley Road to Peoria CL (Via Montoya Rd)	Pave unpaved road.	2013	0.25	0.00	0.00	24.74	24.74	\$4,529	\$422,305
Subtotal										\$4,287,107
Amount Available										\$4,513,000
Balance										\$225,893
Peoria	Lake Pleasant Parkway from Loop 303 to A74	Pave unpaved shoulders.	2013	1.92	0.00	0.00	12.45	12.45	\$5,948	\$401,983
Peoria	67th Avenue from Hatfield Road to Happy Valley Road	Pave unpaved shoulders.	2013	2.92	0.00	0.00	10.97	10.97	\$5,974	\$355,965
Guadalupe	Various locations on 8 segments, including the alley between Calle Maravilla and Calle Sahuaro.	Pave unpaved alleys.	2013	1.41	0.00	0.00	14.34	14.34	\$20,552	\$1,600,301
Peoria	New River Road, E/W shoulders, Carefree Highway to End of City Maintenance	Pave unpaved shoulders.	2013	11.659	0.00	0.00	22.37	22.37	\$23,758	\$2,885,912
Guadalupe	Various locations on 6 segments, including Calle Maravilla, between Calle Iglesia and Calle Magdalena	Pave unpaved shoulder and install curb and gutter.	2013	1.36	0.00	0.00	3.65	3.65	\$46,929	\$930,180
Total										\$10,461,448

* Phoenix project contains 5.1 miles of alleys to be paved within 1.0 mile of a PM-10 monitor.

Proposed PM-10 Paving Unpaved Road Projects For FY 2013 CMAQ Funding Listed in Order of PM-10 Emission Reductions

\$4,513,000 available in FY 2013

Agency	Location	Work Type	FY	Length (miles)	Emission Reduction Weighted TOG(kg/day)	Emission Reduction Weighted NOx(kg/day)	Emission Reduction Weighted PM10(kg/day)	Emission Reduction Weighted Total(kg/day)	Cost Effectiveness (\$/met.ton)	CMAQ Funds Requested
Phoenix *	Various locations on 23 segments, including alleys in Quarter Section 01-33 from 24th St (west), Baseline Rd (north), 28th St (east), and South Mountain Ave (south).	Dust Proof unpaved alleys.	2013	33.0	0.00	0.00	199.13	199.13	\$1,140	\$1,232,750
Tempe	Holdeman Neighborhood Alley Stabilization	Stabilize unpaved alleys.	2013	4.25	0.00	0.00	141.05	141.05	\$693	\$531,097
Tempe	North Tempe Neighborhood Alley Stabilization	Stabilize unpaved alleys.	2013	10.5	0.00	0.00	79.20	79.20	\$2,235	\$961,105
Gilbert	164th Street between Riggs Road and Stacey Road	Pave unpaved road.	2013	0.75	0.00	0.00	57.78	57.78	\$791	\$248,125
Surprise	Various locations on 10 segments, including Cactus Road 143rd Avenue to Bullard Avenue (North Side)	Pave unpaved shoulders.	2013	8.1	0.00	0.00	43.96	43.96	\$2,388	\$570,000
Maricopa County	87th Avenue, from Deer Valley Road to Peoria CL (Via Montoya Rd)	Pave unpaved road.	2013	0.25	0.00	0.00	24.74	24.74	\$4,529	\$422,305
Buckeye	7th Street-Norton Drive from Beloat Road (South)	Pave unpaved road.	2013	0.4	0.00	0.00	24.20	24.20	\$1,775	\$233,225
Subtotal										\$4,198,607
Amount Available										\$4,513,000
Balance										\$314,393
Peoria	New River Road, E/W shoulders, Carefree Highway to End of City Maintenance	Pave unpaved shoulders.	2013	11.659	0.00	0.00	22.37	22.37	\$23,758	\$2,885,912
Guadalupe	Various locations on 8 segments, including the alley between Calle Maravilla and Calle Sahuaro.	Pave unpaved alleys.	2013	1.41	0.00	0.00	14.34	14.34	\$20,552	\$1,600,301
Peoria	Lake Pleasant Parkway from Loop 303 to A74	Pave unpaved shoulders.	2013	1.92	0.00	0.00	12.45	12.45	\$5,948	\$401,983
Gilbert	156th Street from Riggs Road to 0.25 miles south	Pave unpaved road.	2013	0.25	0.00	0.00	12.05	12.05	\$1,353	\$88,500
Peoria	67th Avenue from Hatfield Road to Happy Valley Road	Pave unpaved shoulders.	2013	2.92	0.00	0.00	10.97	10.97	\$5,974	\$355,965
Guadalupe	Various locations on 6 segments, including Calle Maravilla, between Calle Iglesia and Calle Magdalena	Pave unpaved shoulder and install curb and gutter.	2013	1.36	0.00	0.00	3.65	3.65	\$46,929	\$930,180
Total										\$10,461,448

* Phoenix project contains 5.1 miles of alleys to be paved within 1.0 mile of a PM-10 monitor.

**2008 IMPLEMENTATION STATUS OF COMMITTED MEASURES
IN THE MAG 2007 FIVE PERCENT PLAN FOR PM-10 FOR THE
MARICOPA COUNTY NONATTAINMENT AREA**

DECEMBER 2009



2008 IMPLEMENTATION STATUS OF COMMITTED MEASURES IN THE MAG 2007 FIVE PERCENT PLAN FOR PM-10 FOR THE MARICOPA COUNTY NONATTAINMENT AREA

The MAG 2007 Five Percent Plan for PM-10 for the Maricopa County Nonattainment Area was submitted to the Environmental Protection Agency (EPA) in December 2007. In order to reduce PM-10, a broad range of commitments to implement measures were received from the State, Maricopa County, and the twenty-three local governments in the PM-10 nonattainment area. The plan includes fifty-three committed control measures which began implementation in 2008. The Maricopa Association of Governments is tracking the implementation of the measures in the plan.

A tracking form was prepared to assist the implementing entities in reporting the progress made to implement measures for calendar year 2008. This tracking form was sent to MAG member agencies on March 12, 2009. All completed tracking forms were received by July 22, 2009. MAG has summarized the status of the implementation of the committed measures for calendar year 2008 in Table 1. Table 2 provides additional policies and actions initiated by the Maricopa County Air Quality Department in 2009. In general, the implementation results for 2008 meet or exceed the commitments made to implement a majority of the measures in the MAG Five Percent Plan for PM-10.

Figure 1 illustrates the PM-10 emission reductions in 2010 for the committed control measures that were quantified for numeric credit to meet the five percent per year target and demonstrate attainment. Figure 2 provides the PM-10 emission reductions in 2010 for the committed contingency measures that were quantified for numeric credit. In some cases, the emission reductions represent the impact of multiple, reinforcing measures.

BACKGROUND INFORMATION

In accordance with the Clean Air Act, the MAG 2007 Five Percent Plan for PM-10 was submitted to the Environmental Protection Agency by December 31, 2007. The plan was required to reduce PM-10 emissions by five percent per year until the standard is met. In order to attain the standard, the region needs three years of clean data at the monitors (2008, 2009, 2010). It is important to attain the PM-10 standard as quickly as possible or additional years of five percent reductions may need to be added to the plan. The Executive Summary for the MAG 2007 Five Percent Plan for PM-10 is attached.

On May 23, 2007, the MAG Regional Council approved additional items for the Suggested List of Measures to Reduce PM-10. One of the items was that each year, MAG would issue a report on the status of the implementation of the committed measures for this region by the cities, towns, Maricopa County and the State. The report would be made available to the Governor's Office, Legislature, Arizona Department of Environmental Quality and the Environmental Protection Agency. This report provides the implementation status of committed measures for calendar year 2008.

The forms for tracking the implementation of committed measures were developed with input from the implementing entities. MAG conducted three workshops to discuss the tracking of the measures on December 18, 2007; September 23, 2008; and March 31, 2009. The draft forms were also transmitted in October 2008 to give advance notice of the types of information that would be needed by MAG.

Monitored exceedances of the 24-hour PM-10 standard have declined since 2006, as shown in Figure 3. There can be no more than three daily exceedances at any PM-10 monitor over a three year period in order for the standard to be met. The measures described in this tracking report will be important in reducing PM-10 emissions, to enable the region to meet the standard by 2010. MAG will continue to monitor the implementation status of the measures, as well as monitor PM-10 concentrations.

TABLE 1
2008 IMPLEMENTATION STATUS OF COMMITTED MEASURES
IN THE MAG 2007 FIVE PERCENT PLAN FOR PM-10

COMMITTED MEASURE IN THE MAG 2007 FIVE PERCENT PLAN FOR PM-10	2008 IMPLEMENTATION STATUS	IMPLEMENTING ENTITY
Fugitive Dust Control Rules		
<p>1. Public education and outreach with assistance from local governments. Quantified for numeric credit as a contingency measure.</p>	<p>353 Articles (internal and public media, newsletters, etc.) were published. 119 Media / Events (specific air events, booths on air quality at other events, media, etc.) were held. Over 137,000 visits to the Maricopa County Air Quality Department website; over 24,000 visits to the Air Quality news page. In addition to publishing articles and conducting events, Maricopa County and 14 local governments performed other types of public education and outreach activities.</p>	<p>County, State, local governments</p>
<p>2. Extensive Dust Control Training Program. Quantified for numeric credit to meet the five percent per year target and demonstrate attainment.</p>	<p>Dust Control training program required by Senate Bill (SB) 1552. (A.R.S. § 49-474.05 A. & B.) In March 2008, Maricopa County adopted Rule 310, Rule 280, and Rule 316 revisions in regard to dust control training. Maricopa County hired 2 dust control compliance and 2 administrative support personnel to coordinate and conduct the training program. 11,100 individuals completed County-certified dust control training classes. This includes training conducted by certified trainers in local government. One local government has provided all applicable workers with dust control training. In one jurisdiction, 63 staff received training and certificates for the Maricopa County Basic Dust Control Rule 310 and 1 staff member received the Comprehensive Dust Control Rule 310 training and certificate. In one federal agency, 2 staff members completed training to become certified dust control coordinators.</p>	<p>County, private sector</p>

COMMITTED MEASURE IN THE MAG 2007 FIVE PERCENT PLAN FOR PM-10	2008 IMPLEMENTATION STATUS	IMPLEMENTING ENTITY
<p>3. Dust Managers required at construction sites of 50 acres and greater.</p> <p>Quantified for numeric credit to meet the five percent per year target and demonstrate attainment.</p>	<p>Dust managers required by SB 1552. (A.R.S. § 49-474.05 A. & E.)</p> <p>In March 2008, Maricopa County adopted Rule 310 and Rule 316 revisions in regard to dust managers.</p>	<p>County</p>
<p>4. Dedicated enforcement coordinator for unpaved roads, unpaved parking, and vacant lots.</p>	<p>Maricopa County assigned a supervisor to oversee the vacant lot program.</p>	<p>County</p>
<p>5. Establish a certification program for Dust Free Developments to serve as an industry standard.</p> <p>Quantified for numeric credit as a contingency measure.</p>	<p>SB 1552 required ADEQ to establish a certification program. (A.R.S. § 49-457.02 A.)</p> <p>This measure was not implemented because ADEQ delayed the certification program indefinitely due to budgetary constraints.</p> <p>Maricopa County will support ADEQ's efforts (when ADEQ's budgetary constraints are lifted) to develop a program to certify and publicize companies that routinely demonstrate exceptional efforts to reduce airborne dust.</p> <p>As the regulatory authority, Maricopa County will provide verifications of eligible companies as necessary to implement this program and as requested by ADEQ.</p>	<p>State, County</p>
<p>6. Better defined tarping requirements in Rule 310 to include enclosure of the bed.</p>	<p>In March 2008, Maricopa County adopted Rule 310 and Rule 310.01 revisions in regard to tarping.</p> <p>Maricopa County changed the requirements regarding loading haul trucks (i.e., load all haul trucks such that at no time shall the highest point of the bulk material be higher than the sides, front, and back of the cargo container area).</p>	<p>County</p>

COMMITTED MEASURE IN THE MAG 2007 FIVE PERCENT PLAN FOR PM-10	2008 IMPLEMENTATION STATUS	IMPLEMENTING ENTITY
<p>7. Conduct mobile monitoring to measure PM-10 and issue NOVs.</p>	<p>In December 2008, Maricopa County filled 1 chemical engineering position for the mobile monitoring program.</p> <p>In February 2009, the mobile monitoring van was delivered to Maricopa County.</p>	<p>County</p>
<p>8. Conduct nighttime and weekend consistent inspections.</p> <p>Quantified for numeric credit to meet the five percent per year target and demonstrate attainment.</p>	<p>Although Maricopa County conducted nighttime and weekend inspections during 2008, the program was not fully implemented, as the department was focused on hiring and training additional staff.</p> <p>Nighttime and weekend inspections conducted in 2008 included complaint inspections and targeted inspections of specific industries that operate at night and on weekends.</p> <p>In 2009, Maricopa County initiated a pilot nighttime and weekend inspection program. Following the pilot program, the County initiated a cross-training program for all inspectors to better utilize their abilities to deal with all circumstances and source types they may encounter.</p>	<p>County</p>
<p>9. Increase consistent inspection frequency for permitted sources.</p> <p>Quantified for numeric credit to meet the five percent per year target and demonstrate attainment.</p>	<p>In March 2008, Maricopa County adopted Rule 280 revisions in regard to inspection frequency.</p> <p>Maricopa County hired 32 inspectors, 13 administrative and permit technicians, 6 inspector supervisors, and 4 administrative supervisors for the Dust Control Compliance Program.</p> <p>Maricopa County issued 4,355 permits for dust control sources (Rule 310).</p> <p>Maricopa County conducted 12,303 inspections of dust control permitted sources (Rule 310).</p> <p>Maricopa County hired 5 inspectors for nonmetallic mineral processing facilities (Rule 316). These 5 inspector positions are included in the 32 inspector positions mentioned above.</p> <p>Maricopa County issued 117 permits for nonmetallic processing facilities (Rule 316).</p> <p>Maricopa County conducted 443 inspections of nonmetallic mineral processing facilities (Rule 316).</p>	<p>County</p>

COMMITTED MEASURE IN THE MAG 2007 FIVE PERCENT PLAN FOR PM-10	2008 IMPLEMENTATION STATUS	IMPLEMENTING ENTITY
<p>10. Increase number of proactive consistent inspections in areas of highest PM-10 emissions densities.</p> <p>Quantified for numeric credit to meet the five percent per year target and demonstrate attainment.</p>	<p>Maricopa County conducted monitor surveillance on six days.</p>	<p>County</p>
<p>11. Notify violators more rapidly to promote immediate compliance.</p>	<p>Maricopa County Air Quality Department (MCAQD) continued the standard practice of dust compliance inspectors who observe potential violations making reasonable efforts to inform a person on-site or call the permit holder so that measures can be taken to prevent, reduce, or mitigate dust generation before a violation occurs.</p>	<p>County</p>
<p>12. Provide timely notification regarding high pollution days.</p>	<p>Maricopa County sent 1,154,570 text alerts and messages to subscribers for high pollution advisories (HPAs) and health watches.</p> <p>Since August 2008, Maricopa County sent 25 emails and 77 text messages to 4,870 subscribers.</p> <p>Maricopa County posted news articles, related to particulate matter HPAs and health watches, on its website.</p> <p>Maricopa County website visits: 20,727 unique visitors; average pages visited = 3.24; average time spent = 2.22 minutes.</p>	<p>County</p>

COMMITTED MEASURE IN THE MAG 2007 FIVE PERCENT PLAN FOR PM-10	2008 IMPLEMENTATION STATUS	IMPLEMENTING ENTITY
<p>13. Develop a program for subcontractors.</p>	<p>Subcontractor program required by SB 1552. (A.R.S. § 49-474.06 A.)</p> <p>In March 2008, Maricopa County adopted Rule 200 and Rule 280 revisions in regard to the subcontractor registration program.</p> <p>Maricopa County hired 4 permit technicians to administer the subcontractor registration program. These positions are included in the 55 positions noted in Committed Measure #9.</p> <p>Maricopa County registered 4,882 subcontractors.</p>	<p>County</p>
<p>14. Reduce dragout and trackout emissions from nonpermitted sources.</p> <p>Quantified for numeric credit as a contingency measure.</p>	<p>In March 2008, Maricopa County adopted Rule 310.01 revisions in regard to dragout and trackout.</p> <p>Maricopa County added the requirement to install a trackout control device to sections covering unpaved parking lots and off-site hauling of bulk materials by livestock operations. Also, in Rule 310.01, Maricopa County added the definitions of "trackout/carryout" and "trackout control device".</p>	<p>County</p>
<p>15. Cover loads/haul trucks in Apache Junction.</p> <p>Quantified for numeric credit as a contingency measure.</p>	<p>In early 2008, the City of Apache Junction adopted an ordinance to cover loads/haul trucks.</p>	<p>City of Apache Junction</p>
<p>16. Require dust coordinators at earthmoving sites of 5-50 acres.</p> <p>Quantified for numeric credit to meet the five percent per year target and demonstrate attainment.</p>	<p>Dust coordinator required by SB 1552. (A.R.S. § 49-474.05 A. & E.)</p> <p>In March 2008, Maricopa County adopted Rule 310 and Rule 316 revisions in regard to dust coordinators.</p>	<p>County</p>

COMMITTED MEASURE IN THE MAG 2007 FIVE PERCENT PLAN FOR PM-10	2008 IMPLEMENTATION STATUS	IMPLEMENTING ENTITY
<p>36. Require barriers in addition to Rule 310 stabilization requirements for construction where all activity has ceased, except for sites in compliance with storm water permits.</p> <p>Quantified for numeric credit to meet the five percent per year target and demonstrate attainment.</p>	<p>In March 2008, Maricopa County adopted Rule 310 revisions in regard to barriers.</p> <p>Maricopa County revised long-term stabilization control measures to reduce the period of inactivity to 30 days and added the requirement for barriers, if water is chosen as the control option.</p>	<p>County</p>
<p>37. Reduce the tolerance of trackout to 25 feet before immediate cleanup is required for construction sites be placed in Maricopa County Rule 310.</p> <p>Quantified for numeric credit to meet the five percent per year target and demonstrate attainment.</p>	<p>In March 2008, Maricopa County adopted Rule 310 revisions in regard to the trackout requirements by reducing the toleration of trackout to 25 feet before cleanup is required.</p>	<p>County</p>
<p>38. No visible emissions across the property line be placed in Maricopa County Rule 310 and 310.01, and in local ordinances for nonpermitted sources appropriate.</p> <p>Quantified for numeric credit to meet the five percent per year target and demonstrate attainment.</p>	<p>In March 2008, Maricopa County adopted Rule 310 and Rule 310.01 revisions in regard to visible emissions.</p> <p>One local government adopted an ordinance that restricts visible emissions from crossing property lines.</p>	<p>County, local governments</p>
<p>49. Allow Peace Officer enforcement of load covering.</p>	<p>SB 1552 amended existing state law to require that for the purpose of highway safety or air pollution prevention, a person shall not drive or move a vehicle on a highway unless the vehicle is constructed or loaded in a manner to prevent any of its load from dropping, sifting, leaking or otherwise escaping from the vehicle. (A.R.S. § 28-1098 A. - C.)</p>	<p>State</p>

COMMITTED MEASURE IN THE MAG 2007 FIVE PERCENT PLAN FOR PM-10	2008 IMPLEMENTATION STATUS	IMPLEMENTING ENTITY
Industry		
<p>17. Fully implement Rule 316.</p> <p>Quantified for numeric credit as a contingency measure.</p>	<p>The Rule 316 litigation was settled on June 20, 2007. As a result, the June 8, 2005, version of Rule 316 was in place as of the settlement date. Maricopa County is enforcing the provision of Rule 316 for nonmetallic mineral processing sources of PM-10.</p>	<p>County</p>
<p>39. Modeling cumulative impacts - The measure would need further definition by Maricopa County and the Arizona Department of Environmental Quality and be subject to input to ensure that unintended consequences for temporary uses are not created.</p>	<p>Maricopa County and the Arizona Department of Environmental Quality have prepared a draft cumulative air quality modeling policy and guidance. The draft is undergoing internal and management review at the Maricopa County Air Quality Department.</p> <p>It is important to note that no emission reduction credit was quantified for this measure in the Five Percent Plan.</p>	<p>State, County</p>
Nonroad Activities		
<p>18. Ban or discourage use of leaf blowers on high pollution advisory days.</p>	<p>Program to ban or discourage leaf blowers required by SB 1552. (A.R.S. § 9-500.04 A.5.(a). and A.R.S. § 11-877 A.1.)</p> <p>Maricopa County and 22 local governments have implemented programs that restrict or prohibit the use of leaf blowers on high pollution advisory days.</p>	<p>County, local governments</p>

COMMITTED MEASURE IN THE MAG 2007 FIVE PERCENT PLAN FOR PM-10	2008 IMPLEMENTATION STATUS	IMPLEMENTING ENTITY
<p>19. Reduce off-road vehicle use in areas with high off-road vehicle activity impoundment or confiscation of vehicles for repeat violations.</p> <p>Quantified for numeric credit as a contingency measure.</p>	<p>Ordinance to prohibit off-road vehicle use required by SB 1552. (A.R.S. § 9-500.27 A.- E. and A.R.S. § 49-457.03)</p> <p>In February 2008, Maricopa County adopted the P-28 Off-Road Vehicle Use in Unincorporated Areas of Maricopa County Ordinance. This ordinance was developed to address dust concerns raised by vehicle use and trespass on private and public property. It is intended to complement Maricopa County Rule 310.01, which focuses on property owners' responsibility to maintain soil stabilization.</p> <p>Currently, the Maricopa County Ordinance P-28 is undergoing revisions to its penalty structure, which is intended to provide more flexibility in adjudicating cases. Until these revisions are approved, the County is developing information on frequent complaint areas and access points, enforcement history, ongoing outreach efforts by police departments, Justice Court procedures, and database needs. In addition to responding to complainants' concerns, MCAQD has organized a group of inspectors to gather this type of information and begin making direct contacts in the field. In 2009, MCAQD initiated efforts to develop a partnership with law enforcement agencies, not only to address the inspectors' limited authority on these contacts, but also to provide a consistent enforcement message to the public.</p> <p>23 local governments have new or existing ordinances to prevent or discourage off-road vehicle use and restrict access to areas with high off-road vehicle use.</p> <p>ADEQ distributed 3,700 hard copies of "Nature Rules" map to off-road highway vehicle (OHV) dealers and posted materials on the Arizona State Parks website (website received 11,660 visits), ADEQ's website (website received 2,741 visits), and the Arizona Game and Fish Department website.</p>	<p>County, State, local governments, private sector</p>

COMMITTED MEASURE IN THE MAG 2007 FIVE PERCENT PLAN FOR PM-10	2008 IMPLEMENTATION STATUS	IMPLEMENTING ENTITY
<p>19. Reduce off-road vehicle use in areas with high off-road vehicle activity impoundment or confiscation of vehicles for repeat violations - CONTINUED.</p>	<p>Maricopa County, 17 local governments, and ADEQ, have conducted public education and outreach to discourage off-road vehicle use in the PM-10 nonattainment area.</p> <p>The Tonto National Forest included a segment on dust control education in its off-highway vehicle (OHV) training program.</p> <p>8 jurisdictions with high off-road activity have restricted vehicle use by installing signs and/or physical barriers.</p> <p>One local government stabilized 57 acres with hydroseed and posted "No Trespassing" signs on 4.1 miles of vacant areas in two washes.</p> <p>Arizona State Trust Land spent \$159,203 to implement the following control measures: installation of 1,037 linear feet of concrete barriers; installation of 7,352 linear feet of chain link fence; purchase of 300 "No Trespassing" signs; purchase and installation of two 10-foot gates; posting of 38 "Area Closed by Commissioners Orders" signs; posting of 2 "Closed for Soil Stabilization" signs; posting of 14 "No Trespassing" signs; and increasing the presence of law enforcement.</p> <p>Arizona State Parks installed one kiosk and two access gates; replaced 1 mile of fencing; provided outreach at 77 official events; and provided 3,100 public information contacts.</p> <p>Arizona Game and Fish Department issued 27 citations for violations of the OHV law.</p>	<p>County, State, local governments, private sector</p>

COMMITTED MEASURE IN THE MAG 2007 FIVE PERCENT PLAN FOR PM-10	2008 IMPLEMENTATION STATUS	IMPLEMENTING ENTITY
<p>20. Provide incentives to retrofit nonroad diesel engines and encourage early replacements with advanced technologies.</p>	<p>In 2007, the Arizona Legislature adopted Senate Bill 1552 which included a voluntary diesel equipment retrofit program. (A.R.S. § 49-474.07 A. - D.)</p> <p>According to A.R.S. § 49-474.07 A., a County with a population of more than four hundred thousand persons shall operate and administer a voluntary diesel emissions retrofit program in the county for the purpose of reducing particulate emissions from diesel equipment. The program shall provide for real and quantifiable emissions reductions based on actual emissions reductions by an amount greater than that already required by applicable law, rule, permit or order and computed based on the percentage emissions reductions from the testing of the diesel retrofit equipment prescribed in Subsection C as applied to the rated emissions of the engine and using the standard operating hours of the equipment.</p> <p>Maricopa County Air Quality Department (MCAQD) has indicated that A.R.S. § 49-474.07 did not establish a fund to provide incentives to retrofit nonroad engines, but rather established provisions applicable to permitted stationary source diesel powered equipment. Under the provisions of ARS 49-474.07, the permittee may retain one-half of the particulate emissions reductions from retrofit of diesel equipment operated at the permitted site for purposes of receiving a permit modification or a new permit provision that allows for extended hours of operation for the permitted equipment. The provisions of ARS § 49-747.07 are undergoing legal review and analysis during the current statewide new source review rulemaking, and if implemented, will require revision of MCAQD's stationary source permitting program and applicable rules. However, this review and analysis has no bearing on the Five Percent Plan or on Committed Measure #20.</p> <p>It is important to note that no emission reduction credit was quantified for this measure in the Five Percent Plan.</p>	<p>State</p>

COMMITTED MEASURE IN THE MAG 2007 FIVE PERCENT PLAN FOR PM-10	2008 IMPLEMENTATION STATUS	IMPLEMENTING ENTITY
<p>21. Ban leaf blowers from blowing debris into streets.</p> <p>Quantified for numeric credit to meet the five percent per year target and demonstrate attainment.</p>	<p>Ordinance required by SB 1552. (A.R.S. § 9-500.04 A.5.(b), A.R.S. § 11-877 A.2., and A.R.S. § 49-457.01 B.)</p> <p>Maricopa County adopted the P-25 Leaf Blower Restriction Ordinance to ban leaf blowers from blowing debris into streets in Maricopa County. In addition, 23 local governments have new or existing ordinances to ban leaf blowers from blowing debris into streets.</p>	<p>County, local governments</p>
<p>22. Implement a leaf blower outreach program.</p> <p>Quantified for numeric credit to meet the five percent per year target and demonstrate attainment.</p>	<p>Leaf blower outreach program required by SB 1552. (A.R.S. § 49-457.01 D., E. and F.)</p> <p>ADEQ produced and distributed 8,000 hard copies of leaf blower fact sheets to six retail leaf blower outlets.</p> <p>ADEQ distributed warning signs for posting on HPA days to leaf blower rental outlets.</p> <p>ADEQ authored an article about the unsafe use of leaf blowers that was published in the Arizona Landscape Contractors Association's (ALCA) Influence magazine. A public-awareness advertisement was published in the ALCA Influence and Southwest Horticulture.</p> <p>ADEQ's leaf blower outreach materials, which were posted on the agency's website, received a total of 11,491 visits. ADEQ adapted and posted a leaf blower training manual, provided by the Outdoor Power Equipment Institute, on ADEQ's website. Those materials received 1,659 unique visits.</p> <p>A number of cities and towns also conduct leaf blower outreach as part of the efforts reported in Committed Measure #1.</p>	<p>State, private sector</p>

COMMITTED MEASURE IN THE MAG 2007 FIVE PERCENT PLAN FOR PM-10	2008 IMPLEMENTATION STATUS	IMPLEMENTING ENTITY
<p>23. Ban ATV use on high pollution days.</p> <p>Quantified for numeric credit to meet the five percent per year target and demonstrate attainment.</p>	<p>All terrain vehicle (ATV) ban required by SB 1552. (A.R.S. § 49-457.03)</p> <p>ADEQ distributed HPA forecasts to subscribers and to the U.S. Forest Service, U.S. Bureau of Land Management, Arizona State Land Department, Arizona Game and Fish Department, Arizona State Parks Department, and the Maricopa County Air Quality Department. ADEQ also posted HPA forecasts and warnings on the agency's website and works with television broadcast stations to communicate HPA notices to the public.</p> <p>On February 27, 2009, Fox Motorsports filmed a half-hour program focused on off-highway vehicle (OHV) use and the 5% Plan requirements on High Pollution Advisory Days. Representatives of ADEQ, MCAQD, Arizona Game and Fish, Arizona State Lands, U.S. Bureau of Land Management and the Arizona Rock Products Association were filmed near the Hassayampa River for this program. Broadcast date has not yet been scheduled.</p> <p>ADEQ: "Law enforcement officers who are authorized under Title 28 will enforce this requirement. On Federal Lands, the Federal agency with jurisdiction enforces it".</p>	<p>State</p>
<p>45. Prohibit use of leaf blowers on unstabilized surfaces.</p> <p>Quantified for numeric credit to meet the five percent per year target and demonstrate attainment.</p>	<p>Ordinance required by SB 1552. (A.R.S. § 11-877 A.3. and A.R.S. § 49-457.01 C.)</p> <p>Maricopa County adopted an ordinance to prohibit use of leaf blowers on unstabilized surfaces. In addition, a local government, although not required, adopted this ordinance.</p>	<p>County</p>
<p>46. Outreach to off-road vehicle purchasers.</p>	<p>The Arizona State Parks Department has convened a Dealer Pilot Program Committee to develop printed dust abatement educational materials for off-road vehicle renters/purchasers. ADEQ participates in these committee meetings.</p>	<p>State</p>

COMMITTED MEASURE IN THE MAG 2007 FIVE PERCENT PLAN FOR PM-10	2008 IMPLEMENTATION STATUS	IMPLEMENTING ENTITY
Paved Roads		
<p>24. Sweep street with PM-10 certified street sweepers. Quantified for numeric credit as a contingency measure.</p>	<p>SB 1552 requires that new or renewed contracts for street sweeping on city streets must be conducted with PM-10 certified street sweepers. (A.R.S. § 9-500.04 A.9. and A.R.S. § 49-474.01 A.8.)</p> <p>The 3 local governments that issue street sweeping contracts require that their contractors use PM-10 certified street sweepers.</p> <p>Local governments purchased 8 PM-10 certified street sweepers with CMAQ funds and 3 PM-10 certified street sweepers with other funds.</p> <p>ADOT's current contract for sweeping State Highways does not require use of PM-10 certified street sweepers (one street sweeper is not PM-10 certified). However, when the ADOT street sweeping contract is renewed, the contract will be revised to require that only PM-10 certified street sweepers are to be used.</p>	<p>State, County, local governments</p>
<p>52. Coordinate public transit services with Pinal County.</p>	<p>ADOT has coordinated public transit services with Pinal County. See the following websites for information regarding this coordination:</p> <p>(1) Arizona Rural Transit Needs Study Final Report - May 2008 (http://mpd.azdot.gov/transit/documents/Rural_Transit_Needs_Study_Final_Report_May_2008.pdf)</p> <p>(2) Maricopa 5311 information (http://mpd.azdot.gov/transit/Maricopa.asp).</p>	<p>State</p>
<p>53. Repave or overlay paved roads with rubberized asphalt. Quantified for numeric credit to meet the five percent per year target and demonstrate attainment.</p>	<p>ADOT repaved 12.5 miles of State Highways with rubberized asphalt pavement (7.29 miles more than the commitment).</p>	<p>State</p>

COMMITTED MEASURE IN THE MAG 2007 FIVE PERCENT PLAN FOR PM-10	2008 IMPLEMENTATION STATUS	IMPLEMENTING ENTITY
Unpaved Parking Lots		
<p>25. Pave or stabilize existing unpaved parking lots.</p> <p>Quantified for numeric credit to meet the five percent per year target and demonstrate attainment.</p>	<p>Ordinance required by SB 1552. (A.R.S. § 9-500.04 A.6. & A.7. and A.R.S. § 49-474.01 A.5. & A.6.)</p> <p>Maricopa County revised parking lot provisions in Rule 310.01 (Fugitive Dust from Non-traditional Sources of Fugitive Dust) to synchronize with SB 1552 requirements. These rule revisions were adopted in March 2008.</p> <p>23 local governments have new or existing ordinances to require paving or stabilizing existing unpaved parking lots.</p> <p>212 Maricopa County and local government staff are enforcing the ordinances.</p> <p>Maricopa County performed 186 inspections of unpaved parking lots.</p> <p>One local government:</p> <ul style="list-style-type: none"> • Paved 39,446 square yards of unpaved parking lots with AC pavement; • Stabilized 45,496 square yards of unpaved parking lots with turf; and • Stabilized 51,524 square yards of unpaved parking lots with a polymer stabilizer. <p>One local government paved/stabilized eight existing town-owned unpaved parking lots with a total surface area of 340,365 square feet.</p>	<p>County, local governments</p>

COMMITTED MEASURE IN THE MAG 2007 FIVE PERCENT PLAN FOR PM-10	2008 IMPLEMENTATION STATUS	IMPLEMENTING ENTITY
Unpaved Roads, Alleys, and Shoulders		
<p>26. Pave or stabilize existing public dirt roads and alleys. Quantified for numeric credit as a contingency measure.</p>	<p>Plan requirements for paving or stabilizing public dirt roads and alleys were amended by SB 1552. (A.R.S. § 9-500.04 A.3. and A.R.S. § 49-474.01 A.4.)</p> <p>In March 2008, Maricopa County adopted Rule 310.01 revisions in regard to unpaved roads and alleys.</p> <p>Maricopa County and 19 local governments have developed or updated plans to pave or stabilize targeted public dirt roads and alleys.</p> <p>Maricopa County and local governments have implemented this measure for:</p> <p><u>Public Dirt Roads</u></p> <p>By paving 25.02 miles of public dirt roads (15.07 miles more than the commitments) and stabilizing 36.76 miles of public dirt roads (3.09 miles less than the commitments), with a total of 61.78 miles of public dirt roads paved or stabilized (11.98 miles more than the commitments).</p> <p><u>Dirt Alleys</u></p> <p>By paving 65.89 miles of dirt alleys (20.74 miles more than the commitments) and stabilizing 175.71 miles of dirt alleys (69.36 miles more than the commitments) with a total of 241.60 miles of dirt alleys paved or stabilized (90.10 miles more than the commitments).</p> <p>One local government improved 7 intersections by paving turn lanes and/or shoulders.</p>	<p>County, local governments</p>
<p>27. Limit speeds to 15 miles per hour on high traffic dirt roads. Quantified for numeric credit as a contingency measure.</p>	<p>5 local governments have posted 26.30 miles of dirt roads and alleys with 15 mph (or less) speed limit signs (42.30 miles less than the commitments).</p> <p>Note: For Committed Measure #26, jurisdictions paved or stabilized 11.98 more miles of dirt roads and 90.10 more miles of dirt alleys than commitments in the MAG Five Percent Plan for PM-10. The PM-10 emission reductions attributable to paving and stabilizing 102 extra miles of dirt roads and alleys far exceed the benefit of posting lower speed limits on 42 miles of dirt roads and alleys.</p> <p>Several jurisdictions report that all high traffic dirt roads have been paved.</p>	<p>County, local governments</p>

COMMITTED MEASURE IN THE MAG 2007 FIVE PERCENT PLAN FOR PM-10	2008 IMPLEMENTATION STATUS	IMPLEMENTING ENTITY
<p>28. Pave or stabilize unpaved shoulders.</p> <p>Quantified for numeric credit to meet the five percent per year target and demonstrate attainment.</p>	<p>Plan requirements to pave or stabilize unpaved shoulders were amended by SB 1552. (A.R.S. § 9-500.04 A.3. and A.R.S. § 49-474.01 A.4.)</p> <p>Maricopa County and 19 local governments have developed or updated plans to pave or stabilize unpaved shoulders on targeted arterials.</p> <p>ADOT, Maricopa County, and local governments implemented this measure by paving 139.13 curbs miles of dirt shoulders (107.63 curbs miles more than the commitments) and stabilizing 272.81 curbs miles of dirt shoulders (59.56 curbs miles more than the commitments), with a total of 411.94 curbs miles of dirt shoulders paved or stabilized (167.19 curbs miles more than the commitments).</p> <p>ADOT added 19.26 curbs miles of curb and gutter.</p> <p>One local government improved 7 intersections by paving turn lanes and/or shoulders.</p>	<p>County, State, local governments</p>
<p>43. MAG allocate \$5 million in FY 2007 MAG federal funds matched on a 50/50 basis by MAG member agencies for paving dirt roads and shoulder projects and that these projects be immediately submitted to MAG for consideration at the July meetings of the MAG Management Committee and Regional Council for an amendment to the Transportation Improvement Program. These funds would be on a nonsupplanting basis for new projects.</p> <p>Quantified for numeric credit as a contingency measure.</p>	<p>\$5 million is programmed in the FY 2007-2011 MAG Transportation Improvement Program to fund 9 projects that pave dirt roads and shoulders in the PM-10 nonattainment area.</p>	<p>MAG, local governments</p>

COMMITTED MEASURE IN THE MAG 2007 FIVE PERCENT PLAN FOR PM-10	2008 IMPLEMENTATION STATUS	IMPLEMENTING ENTITY
Unpaved Surfaces		
<p>29. Create a fund for paving and stabilizing in high pollution areas.</p>	<p>Four of Maricopa County's settlement agreements for air quality violations included supplemental environmental projects.</p>	<p>County</p>
<p>40. MAG member agencies reexamine existing ordinances to ensure that nonpermitted sources, such as unpaved parking, unpaved staging areas, unpaved roads, unpaved shoulders, vacant lots and open areas, receive priority attention.</p>	<p>One local government re-examined existing ordinances to ensure non-permitted sources received priority attention.</p>	<p>MAG member agencies</p>
Vacant Lots		
<p>30. Strengthen and increase enforcement of 310.01 for vacant lots.</p> <p>Quantified for numeric credit to meet the five percent per year target and demonstrate attainment.</p>	<p>Maricopa County hired a supervisor to oversee the vacant lot program. This staff position was also included in the data provided for Committed Measures #4 and #9.</p> <p>Maricopa County conducted 5,005 vacant lot inspections.</p>	<p>County</p>
<p>31. Restrict vehicular use and parking on vacant lots.</p> <p>Quantified for numeric credit to meet the five percent per year target and demonstrate attainment.</p>	<p>Ordinance required by SB 1552. (A.R.S. § 9-500.04 A.8. and A.R.S. § 49-474.01 A.7.)</p> <p>In February 2008, Maricopa County adopted the P-27 Vehicle Parking and Use on Unstabilized Vacant Lots Ordinance.</p> <p>In addition, 23 local governments have new or existing ordinances to prohibit vehicle trespass on vacant land.</p>	<p>County, local governments</p>

COMMITTED MEASURE IN THE MAG 2007 FIVE PERCENT PLAN FOR PM-10	2008 IMPLEMENTATION STATUS	IMPLEMENTING ENTITY
<p>32. Enhanced enforcement of trespass ordinances and codes.</p> <p>Quantified for numeric credit to meet the five percent per year target and demonstrate attainment.</p>	<p>In February 2008, Maricopa County adopted the P-28 Off-Road Vehicle Use in Unincorporated Areas of Maricopa County and P-27 Vehicle Parking and Use on Unstabilized Vacant Lots ordinances.</p> <p>In addition, 18 local governments report increased enforcement of vehicle trespass ordinances and codes for vacant lots.</p>	<p>County, local governments</p>
<p>33. Ability to assess liens on parcels to cover the costs of stabilizing them (Recover costs of stabilizing vacant lots).</p> <p>Quantified for numeric credit to meet the five percent per year target and demonstrate attainment.</p>	<p>SB 1552 requires rule revisions for stabilization of disturbed surfaces of vacant lots. (A.R.S. § 49-474.01 A.11.)</p> <p>Maricopa County adopted Rule 310.01 revisions in March 2008 to incorporate A.R.S. § 49-474.01 A.11. to allow the County to recover stabilization costs through the penalty process.</p>	<p>County</p>
Open Burning / Woodburning		
<p>34. Increase fines for open burning.</p> <p>Quantified for numeric credit to meet the five percent per year target and demonstrate attainment.</p>	<p>SB 1552 requires increasing the fines for unlawful open burning. (A.R.S. § 11-871 D.4. and A.R.S. § 49-501 G.)</p> <p>In March 2008, Maricopa County revised the Residential Woodburning Restriction Ordinance to increase the civil penalty to \$250 for the fourth or any subsequent violation of the ordinance in accordance with Senate Bill 1552.</p> <p>Maricopa County responded to 158 illegal open burning complaints and 30 wrongful fireplace use complaints which resulted in 11 documented violations of Rule 314 (Open Outdoor Fires and Indoor Fireplaces at Commercial and Institutional Establishments) and 20 warnings for violations of Ordinance P- 26 (Residential Woodburning Restriction Ordinance).</p>	<p>State, County</p>

COMMITTED MEASURE IN THE MAG 2007 FIVE PERCENT PLAN FOR PM-10	2008 IMPLEMENTATION STATUS	IMPLEMENTING ENTITY
<p>35. Restrict use of outdoor fireplaces and pits and ambience fireplaces in the hospitality industry.</p> <p>Quantified for numeric credit to meet the five percent per year target and demonstrate attainment.</p>	<p>SB 1552 requires Maricopa County to prohibit use of wood-burning chimineas, outdoor fire pits, and similar outdoor fires on County No-Burn Days. (A.R.S. § 49-501 F.)</p> <p>In March 2008, Maricopa County adopted revisions to P-26 (Residential Woodburning Restriction Ordinance) and Rule 314 (Open Outdoor Fires and Indoor Fireplaces at Commercial and Institutional Establishments) to restrict use of outdoor fireplaces and pits and ambience fireplaces in the hospitality industry.</p>	<p>State, County</p>
<p>47. Ban open burning during the ozone season.</p> <p>Quantified for numeric credit to meet the five percent per year target and demonstrate attainment.</p>	<p>Open burning ban from May 1 through September 30 each year required by SB 1552. (A.R.S. § 49-501 A.2.)</p> <p>Maricopa County implemented an open burning ban during the ozone season by adding these requirements to Rule 314 (Open Outdoor Fires and Indoor Fireplaces at Commercial and Institutional Establishments) and to P-26 (Residential Woodburning Restriction Ordinance).</p>	<p>County</p>
<p>48. Require residential woodburning ordinances to include no burn restrictions on high pollution advisory days.</p> <p>Quantified for numeric credit to meet the five percent per year target and demonstrate attainment.</p>	<p>Revision of County ordinance required by SB 1552. (A.R.S. § 11-871 B.)</p> <p>The "no burn restrictions on HPA days" was already a requirement in Maricopa County's Residential Woodburning Restriction ordinance.</p> <p>Note: Maricopa County revisions to the Residential Woodburning Ordinance, adopted in March 2008, pertained to Committed Measure #35.</p> <p>See Committed Measure #34 for data on complaints received by the County in regard to open burning and wrongful fireplace use.</p>	<p>County</p>

COMMITTED MEASURE IN THE MAG 2007 FIVE PERCENT PLAN FOR PM-10	2008 IMPLEMENTATION STATUS	IMPLEMENTING ENTITY
Agriculture		
<p>41. Forward to the Governor's Agricultural Best Management Practices Committee that cessation of tilling be required on high wind days and that agricultural best management practices be required in existing Area A.</p>	<p>Agricultural Best Management Practices required in Area A by SB 1552. (A.R.S. § 49-457 H. & N.6. and A.R.S. § 49-542 Sec. 20.)</p> <p>On September 25, 2007, the Governor's Agricultural Best Management Practices (BMP) Committee revised its rule to double the number of BMPs that farmers must implement, added 5 BMP choices (including cessation of tilling on High Pollution Advisory Days), and expanded the area for BMPs.</p> <p>Arizona State Rules 18-2-610 and 611 were revised, effective November 14, 2007, to comply with Senate Bill (SB) 1552. The Legislature adopted a requirement in SB 1552 that expanded the regulated area for Agricultural BMPs to include the portion of Area A in Maricopa County and increased the number of required Agricultural BMPs from one to two from each category by December 31, 2007.</p>	State
<p>42. The Arizona State Legislature provide funding to the Arizona Department of Environmental Quality for four agriculture dust compliance officers for a total of five inspectors.</p>	<p>According to ADEQ information provided to MAG for the Five Percent Plan, the Legislature provided funding for two additional agriculture dust compliance officers.</p>	State
<p>50. Require two agricultural best management practices. Quantified for numeric credit as a contingency measure.</p>	<p>Required by SB 1552. (A.R.S. § 49-457 H. & N.6. and A.R.S. § 49-542 Sec. 20.)</p> <p>Arizona State Rules 18-2-610 and 611 were revised, effective November 14, 2007, to comply with Senate Bill (SB) 1552.</p> <p>The Legislature adopted a requirement in SB 1552 that expanded the regulated area for Agricultural BMPs to include the portion of Area A in Maricopa County and increased the number of required Ag BMPs from one to two from each category by December 31, 2007.</p>	State

COMMITTED MEASURE IN THE MAG 2007 FIVE PERCENT PLAN FOR PM-10	2008 IMPLEMENTATION STATUS	IMPLEMENTING ENTITY
All Sources		
<p>44. Maricopa County should increase consistent enforcement in areas where PM-10 violations continue to occur, along with efforts throughout the region. When an area continually experiences higher PM-10 concentrations than other areas, increased enforcement in areas experiencing high monitor readings is needed to protect public health.</p> <p>Quantified for numeric credit to meet the five percent per year target and demonstrate attainment.</p>	<p>Maricopa County has increased consistent enforcement in areas where PM-10 violations continue to occur.</p> <p>In March 2008, Maricopa County revised Rule 280 (Fees) to cover increased staffing levels for the MCAQD as a result of Maricopa County's Five Percent Plan commitments.</p>	County

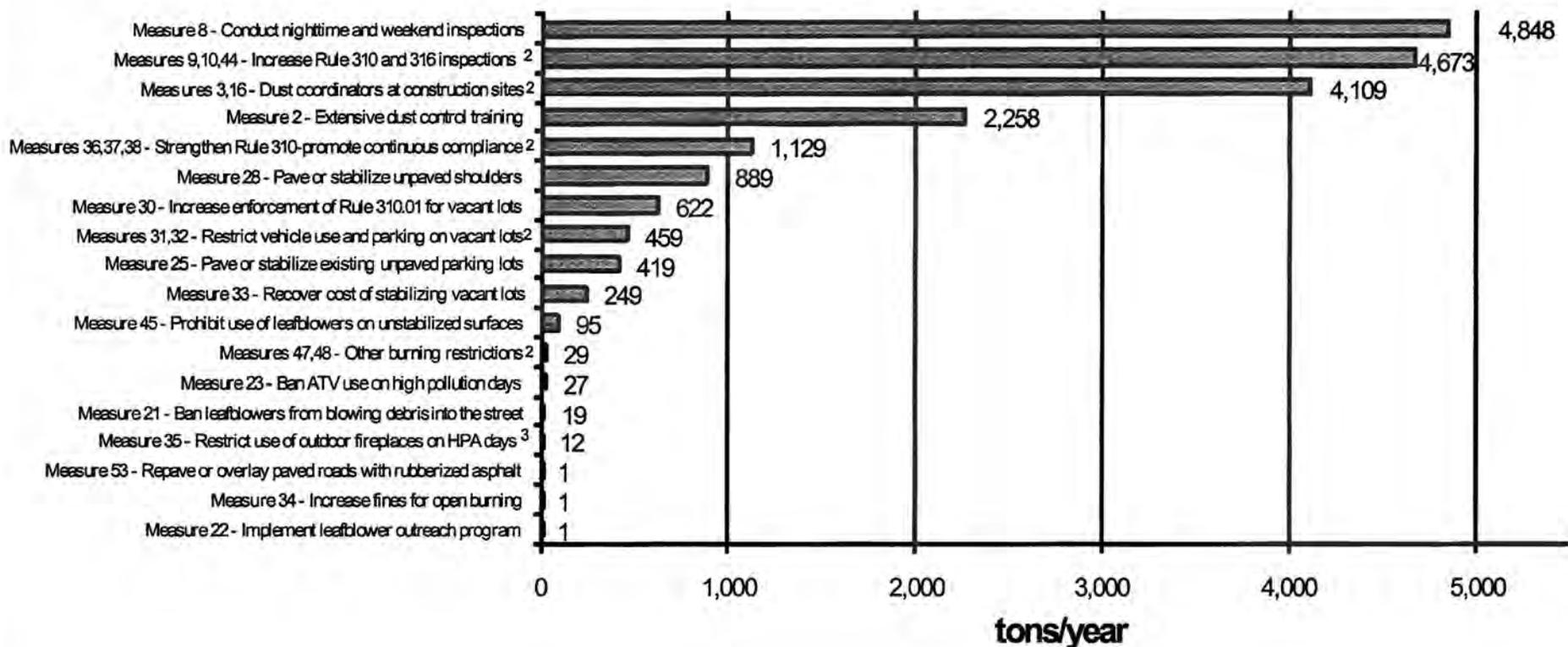
Table 2, on the following page, lists additional policies and actions that the Maricopa County Air Quality Department (MCAQD) initiated during 2009 (as described in a September 22, 2009 letter) to further reduce particulate emissions.

**TABLE 2
ADDITIONAL POLICIES AND ACTIONS INITIATED BY MCAQD IN 2009**

In a September 22, 2009 letter, the Maricopa County Air Quality Department indicated that, in addition to other measures, the following new policies are being initiated during 2009 to further reduce particulate emissions:

1.	Daily follow up inspections at <u>each</u> stationary source that has been issued an emissions related violation notice until the source demonstrates compliance.
2.	Increased stationary source inspection frequency.
3.	Dedicated funded account and active contract for sweeper clean up of any trackout identified by a field inspector.
4.	Implementation of an Assistant Inspector program, wherein air monitoring personnel are trained to identify potential fugitive dust emission issues and stationary source emissions and relay the observation to field inspectors.
5.	Aerial inspection program on selected HPA days coordinated with field personnel for prompt investigation of aerial observations of dust emissions.
6.	Revision to the Enforcement Penalty program calling for maximum penalties for emission violations on NAAQS exceedance days.
7.	Proposed particulate speciation study at selected air monitoring sites exceeding the NAAQS specifically focused on speciated particulates on HPA and NAAQS exceedance days.
8.	Critical area inspection program focusing increased localized field site inspections concentrated in and around air monitoring sites when the PM levels exceed 125 µg/m ³ .
9.	Targeted department PM NAAQS task force charged with developing effective field controls on potential sources of PM around air monitoring sites.
10.	Focused education notice concerning all businesses and residences within ½ mile of all monitoring sites, advising of the department's focus on PM regulations and controls.
11.	Review and development of an improved PM emission inventory on HPA and NAAQS days; looking to move the inventory from a paper inventory to a field inventory.
12.	Proposed focused regulation development of sources impacting air monitors exceeding PM NAAQS; e.g. auto crushing and reclamation rule for the West 43rd Avenue monitor.
13.	Proposed area stabilization programs with localized focus in and around air monitors.
14.	Regular area source inspections program localized around air monitoring stations exceeding NAAQS.

Figure 1
Reductions in 2010 for Committed Control Measures
in the Five Percent Plan for PM-10¹

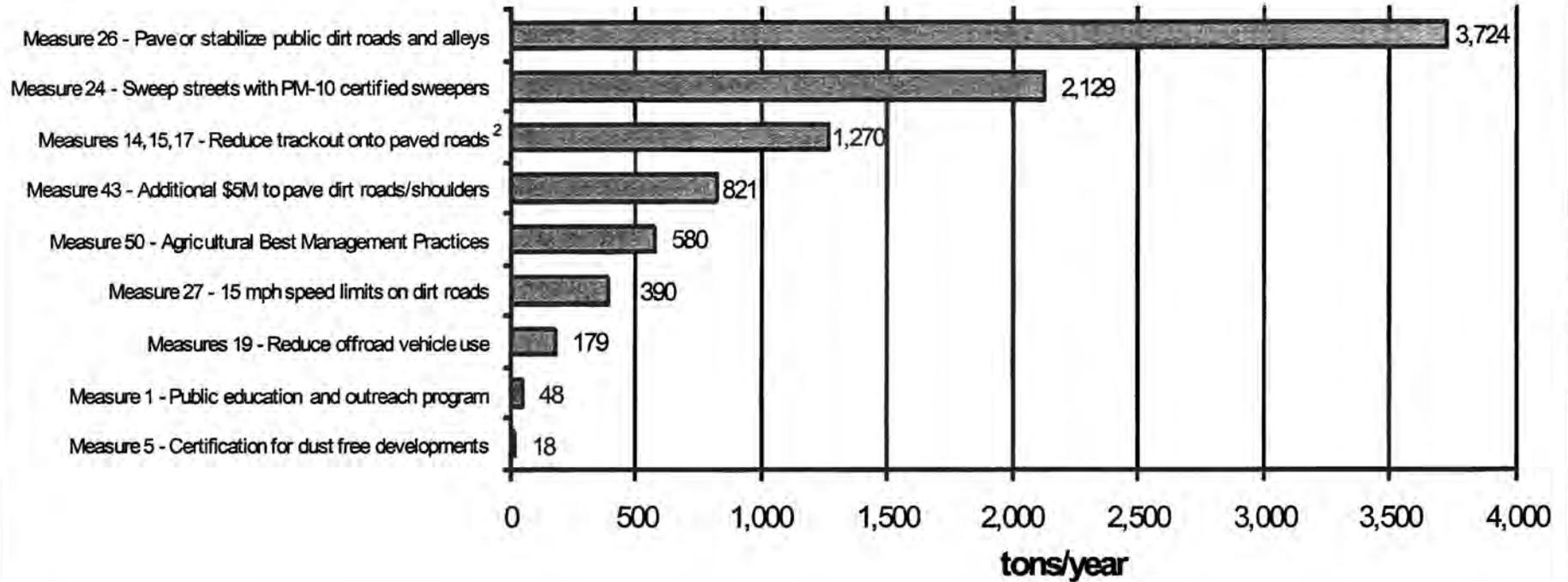


¹Committed measures quantified for numeric credit to meet the five percent per year target and demonstrate attainment.

²In these cases, the emission reductions represent the combined impact of multiple, reinforcing measures.

³HPA days = high pollution advisory days

Figure 2
Reductions in 2010 for Contingency Measures
in the Five Percent Plan for PM-10¹



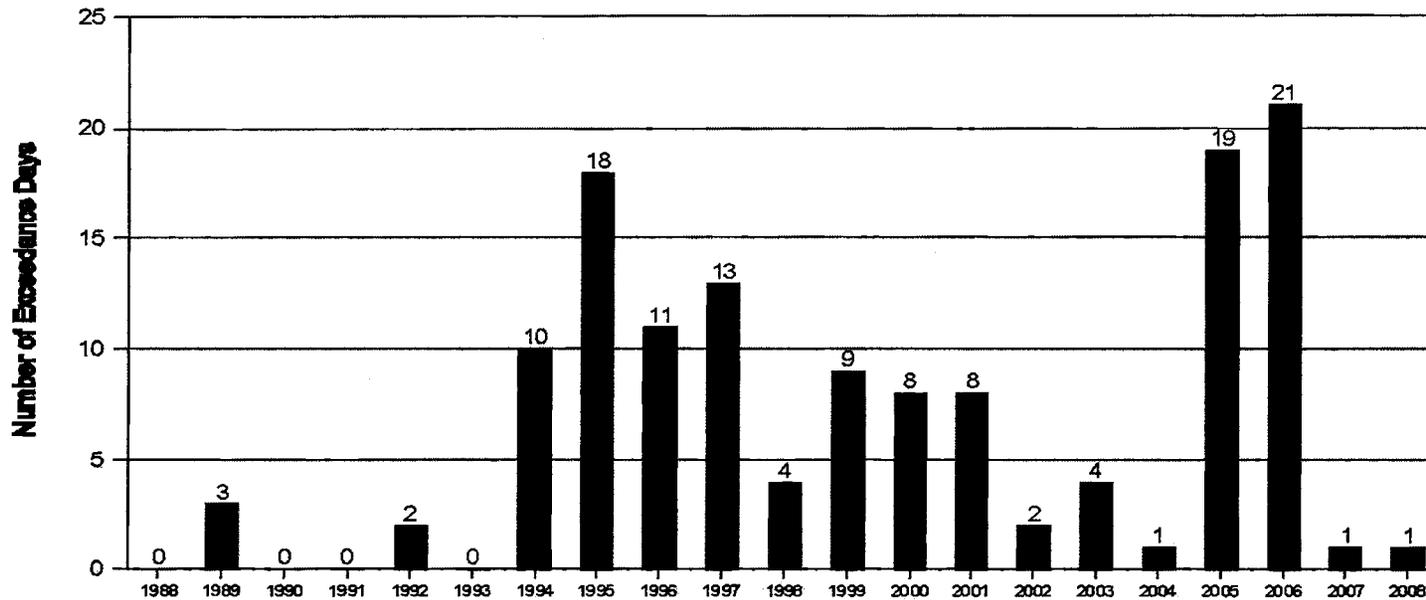
¹Committed measures quantified for numeric credit as contingency measures.

²For "Reduce trackout onto paved roads," the emission reduction represents the combined impact of Measures 14, 15 and 17.

Figure 3

PM-10 Monitoring Data

Days Exceeding the 24-Hour PM-10 Standard in Maricopa County



Notes:

1. Exceedance days that are approved or pending approval by EPA as natural or exceptional events have been removed from this chart. The Arizona Department of Environmental Quality has prepared and submitted natural or exceptional events reports to the Environmental Protection Agency.
2. Most of the exceedances before 2004 were recorded by filter-based monitors that measured PM-10 concentrations on every sixth day. Since 2004, the filter-based monitors that exceeded the PM-10 standard have been replaced with monitors that measure PM-10 concentrations every day.
3. The 2007 exceedance occurred at the Buckeye monitor, which is outside of the PM-10 nonattainment area.
4. The 2008 exceedance occurred at the Durango Complex monitor.

ATTACHMENT

**MAG 2007 FIVE PERCENT PLAN FOR PM-10 FOR THE
MARICOPA COUNTY NONATTAINMENT AREA**

EXECUTIVE SUMMARY

**MAG 2007 FIVE PERCENT PLAN FOR PM-10 FOR THE
MARICOPA COUNTY NONATTAINMENT AREA**

EXECUTIVE SUMMARY



MAG 2007 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 Maricopa Association of Governments 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.

Based upon the 1990 Clean Air Act Amendments, the Maricopa County nonattainment area was initially classified as Moderate for PM-10 particulate pollution. However, on May 10, 1996, the nonattainment area was reclassified to Serious due to failure to attain the particulate standard by December 31, 1994. The Serious Area reclassification was effective on June 10, 1996.

The Revised MAG 1999 Serious Area Particulate Plan for PM-10 for the Maricopa County Nonattainment Area was submitted to the Environmental Protection Agency (EPA) in February 2000. On July 25, 2002, EPA published a notice of final approval for the plan. Collectively, the plan contained approximately seventy-seven committed control measures from the State and local governments. The plan demonstrated attainment of the PM-10 standard by December 31, 2006.

In order to be in attainment, the region needed three years of clean data at the monitors for 2004, 2005, and 2006. However, there were numerous exceedances of the 24-hour standard in 2005 and 2006. On June 6, 2007, EPA published a final notice with its findings that the Maricopa County nonattainment area had failed to attain the PM-10 standard by the federal deadline of December 31, 2006.

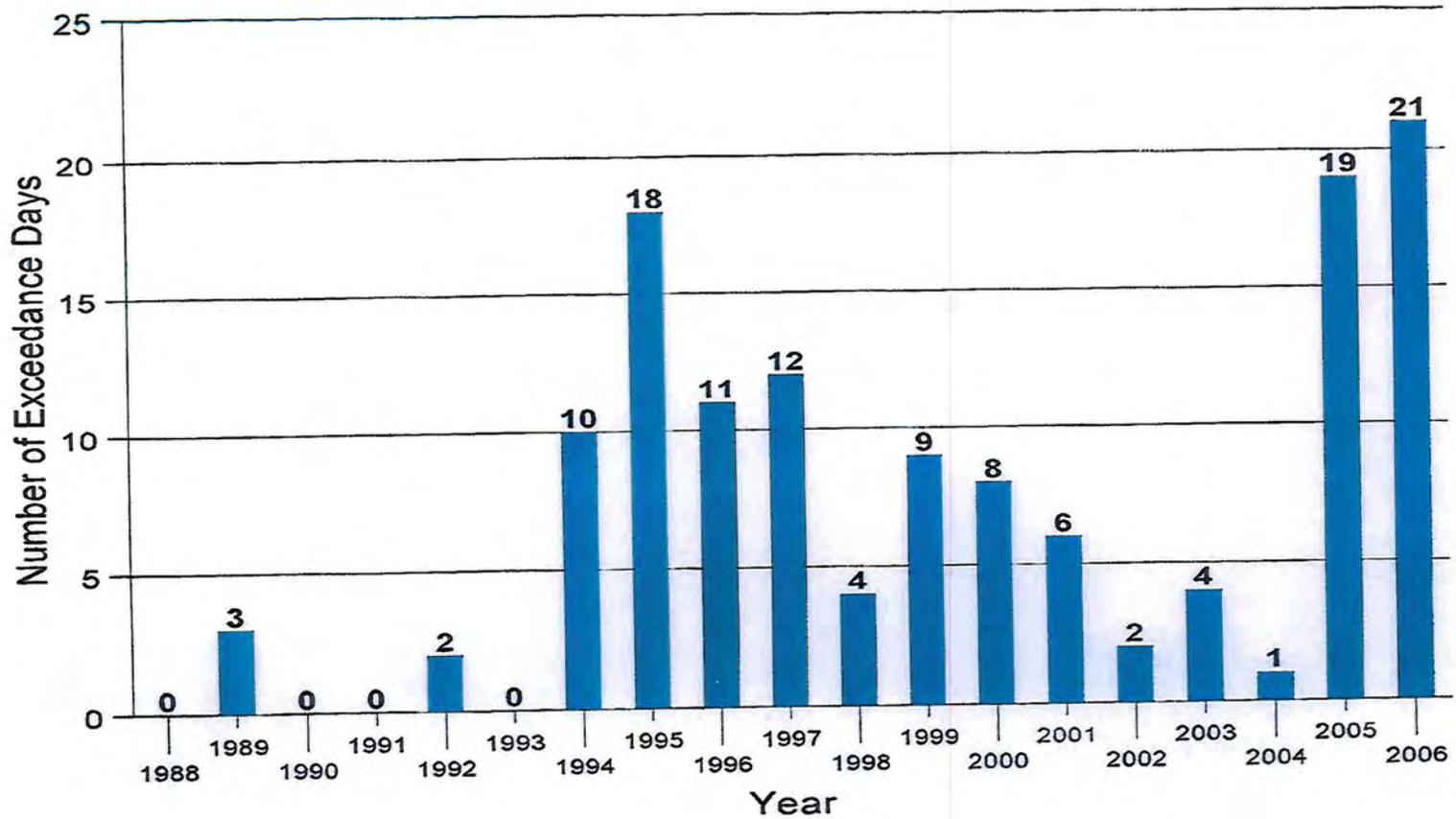
In accordance with Section 189 (d) of the Clean Air Act, the Five Percent Plan for PM-10 is due to the Environmental Protection Agency by December 31, 2007. The plan is required to reduce PM-10 emissions by at least five percent per year until the standard is attained as measured by the monitors. The 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.

Particulate air pollution can occur throughout the year. The formation of PM-10 particulate pollution is dependent upon several factors. Among these factors are stagnant masses, severe temperature inversions in the winter, high winds in the summer, and fine, silty soils characteristic of desert locations. In the Maricopa County nonattainment area, particulate matter (PM-10) concentrations are elevated during various seasons of the year and under different weather conditions. The variability is due to the diverse composition of PM-10 and the sources contributing to this diversity.

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 2004,

FIGURE ES-1

NUMBER OF 24-HOUR PM-10 EXCEEDANCE DAYS



Note: The Arizona Department of Environmental Quality began flagging natural and exceptional events in 2004. Exceedances that have been approved or are pending approval by EPA as natural or exceptional events have been removed from this chart.

Sources: 1988 - 1997 - Revised MAG 1999 Serious Area Particulate Plan for PM-10 for the Maricopa County Nonattainment Area, February 2000.
1998 - 2006 - EPA Air Quality System; Maricopa County Network Reviews; ADEQ Air Quality Reports.

there was one exceedance day of the 24-hour standard. However, in 2005 there were 19 exceedance days and in 2006 there were 21 exceedance days of the 24-hour standard. Figure ES-2 indicates the monitors where exceedances occurred. The violations of the standard at the Bethune Elementary School, Durango Complex, and West 43rd Avenue monitors caused the region to fail to attain the PM-10 standard by the December 31, 2006 attainment date.

A rigorous planning effort was conducted to prepare the MAG 2007 Five Percent Plan for PM-10. An extensive Preliminary Draft Comprehensive List of Measures was compiled for evaluation. The MAG Analysis of Particulate Control Measure Cost Effectiveness report provided an evaluation of forty-six control measures. For each measure, the following information was prepared: narrative description; suggested implementing entity; estimate of the cost of implementation; estimate of the PM-10 emission reduction potential; estimate of the cost effectiveness (\$/ton of PM-10 reduced); and discussion of implementation issues and comments. In preparing the information for the analysis, measures from other PM-10 Serious Areas were reviewed and contacts were established. Relevant dust control literature reviews were performed to obtain data on measured emission reductions. Contacts were established with local agencies and businesses in Maricopa County to determine the cost of labor, equipment, materials, etc.

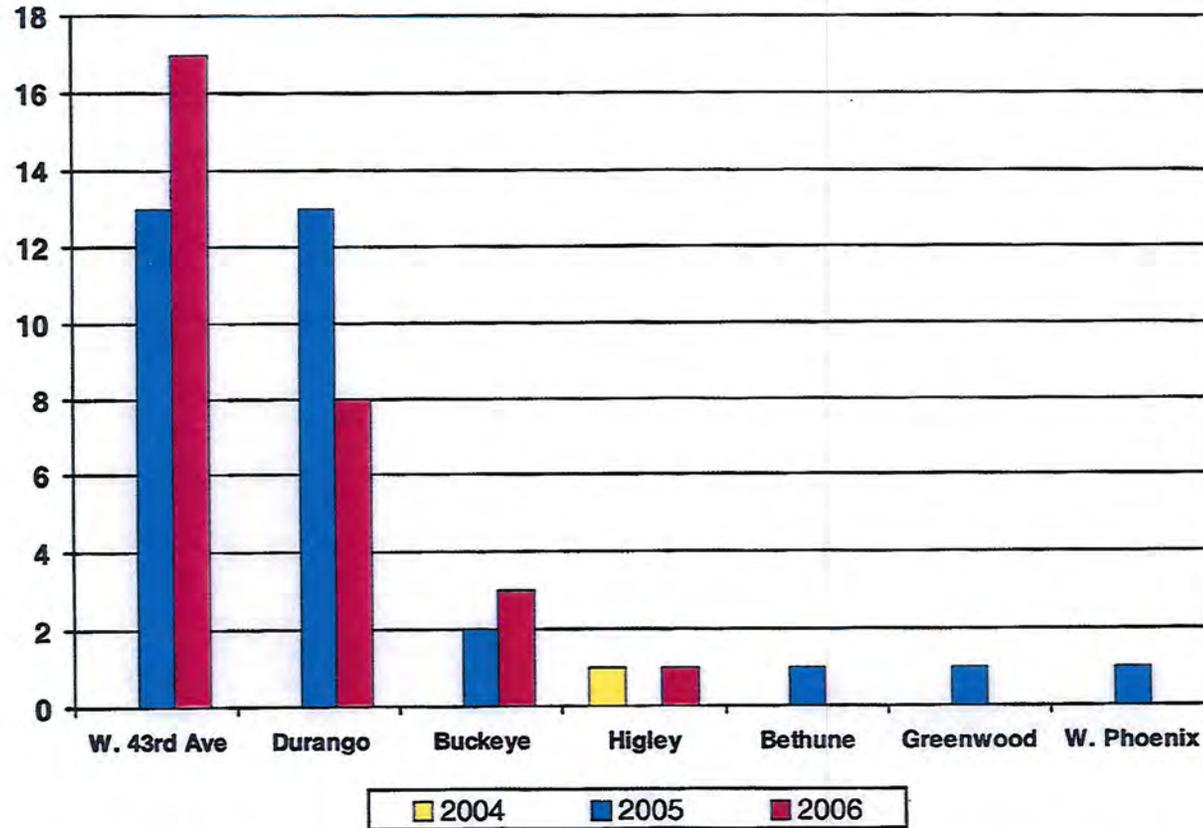
The MAG PM-10 Source Attribution and Deposition Study was another major study which provided information for the evaluation of control measures. The study was designed to identify the sources of emissions contributing to violations of the PM-10 standard at monitors in the nonattainment area during stagnant conditions and characterize the deposition of PM-10 particles emitted by these sources. The MAG consultants for the study were T&B Systems and Sierra Research. The key questions addressed in the study were:

1. Where are the specific source areas and/or sources in the Salt River region that contribute to the particulate matter (PM) loading at the Durango Complex and West 43rd monitoring sites?
2. To obtain useful results from models such as AERMOD, can the regional particle size distribution be characterized on an area basis (i.e., is there an area of uniformity that can be generalized?)
3. What are the causes of heavy PM loading during the morning hours at the Durango and West 43rd monitors? Are the diurnal variations of PM-10 and peaks due to reentrainment of paved road dust, or due to other activities in the surrounding areas that are coincident with traffic peaks?

The approach used for the study involved assessing existing meteorological and PM data; selecting monitoring tools; establishing a sampling plan; defining routes for mobile sampling; determining locations of meteorological data collection; selecting locations to investigate dispersion of roadway sources; conducting sampling in two phases;

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). Exceedances due to natural events have been removed from the AQS by EPA.
2. The exceedance at the Bethune, Greenwood, and W. Phoenix monitors occurred on 12/12/05.

coordinating with local agencies for related data; and performing daily review of collected data to identify insights, opportunities and problems. The monitoring tools for the study included: a particle lidar; mobile monitoring; DustTrak optical PM-10 monitors; DustTrak optical PM-2.5 monitors; an aerodynamic particle size analyzer; MiniVol filter based samplers; a sodar; and a SCAMPER vehicle. The SCAMPER (System for Continuous Aerosol Monitoring of Particulate Emissions from Roadways) vehicle was used to measure PM-10 from paved roads. From November 15, 2006 through December 14, 2006, extensive measurements were taken in the Salt River area using state-of-the-art technologies.

In general, the study identified a number of sources of PM-10 in the Salt River area. They included: trackout; dragout from unpaved or poorly maintained paved roads or parking lots; unpaved shoulders; unpaved roads; open burning; agriculture; and vehicle activity on unpaved parking areas and vacant lots. Preliminary results from the study were used in the evaluation of control measures and the final results were used in the modeling attainment demonstration.

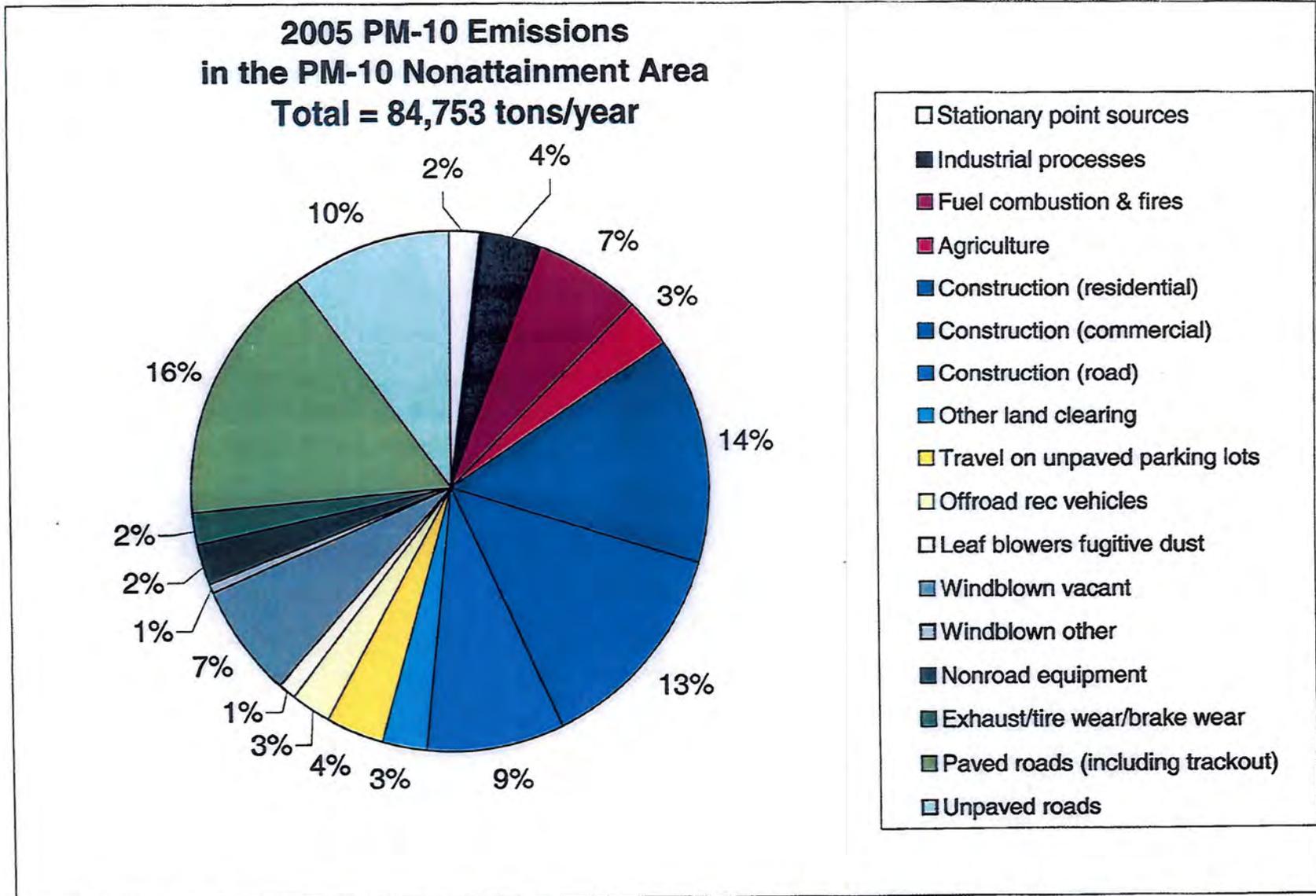
Based upon the Maricopa County Air Quality Department 2005 Periodic Emissions Inventory for PM-10 for the Maricopa County Nonattainment Area, the primary sources of PM-10 are: Paved Roads (including trackout) 16 percent; Construction (residential) 14 percent; Construction (commercial) 13 percent; Unpaved Roads 10 percent; Construction (road) 9 percent; Fuel Combustion and Fires (industrial natural gas and fuel oil, commercial/institutional natural gas and fuel oil, and residential natural gas, wood and fuel oil) 7 percent; and Windblown Vacant (vacant lots) 7 percent. The sources are depicted in Figure ES-3.

The emissions in the 2005 Periodic Emissions Inventory for PM-10 were projected to 2007, 2008, 2009, and 2010. The total controlled emissions of 97,436 tons in the 2007 projected inventory were used to calculate the five percent reduction target in emissions (see Figure ES-4). This number was multiplied by five percent to determine the PM-10 emissions reduction target of 4,872 tons per year. To meet this annual target, the 2008 emissions with committed control measures must be at least 4,872 tons less than the base case 2008 emissions; the controlled 2009 emissions must be at least 9,744 tons less than the 2009 base case emissions; and the controlled 2010 emissions must be at least 14,616 tons less than the 2010 base case emissions.

In order to reduce PM-10, a broad range of commitments to implement measures were received from the State, Maricopa County, and the twenty-three local governments in the PM-10 nonattainment area. Collectively, the MAG 2007 Five Percent Plan for PM-10 includes fifty-three committed measures.

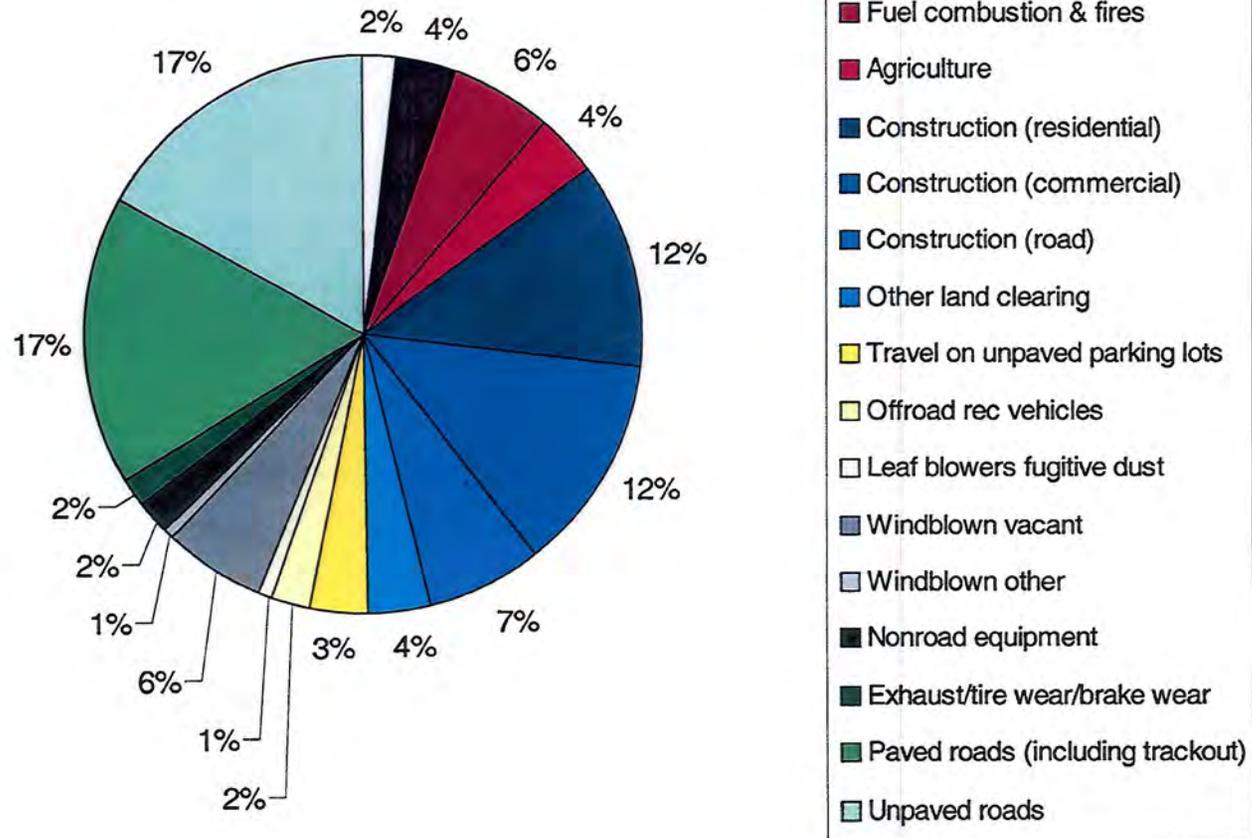
The key committed measures that were quantified as control measures include: Dust Managers/Coordinators at Earthmoving Sites; Increase Rule 310 and 316 Inspections; Extensive Dust Control Training; Conduct Nighttime and Weekend Inspections; Strengthen Rule 310 to Promote Continuous Compliance; Pave or Stabilize Dirt Shoulders; Pave or

FIGURE ES-3



Source: 2005 Periodic Emissions Inventory for the Maricopa County, Arizona Nonattainment Area. Maricopa County Air Quality Department. May 2007.

Figure ES-4
2007 PM-10 Emissions
with Committed Control Measures
Total = 97,436 tons/year



Stabilize Unpaved Parking Lots; Restrict Vehicle Use on Vacant Lots; Strengthen Rule 310.01 for Vacant Lots; and Recover the Cost of Stabilizing Vacant Lots.

The committed control measures were quantified in order to model attainment and meet the five percent reduction targets. The PM-10 emissions reductions for the committed control measures are shown in Figure ES-5.

With the implementation of the committed control measures, the total PM-10 emissions in 2010 are 82,829 tons (See Figure ES-6), which represents a 19.3 percent reduction in the 2010 base case emissions. These reductions are necessary to model attainment of the PM-10 standard at all monitors as expeditiously as practicable, which is 2010. The total reductions due to the committed control measures also exceed the annual five percent reduction targets in 2008, 2009 and 2010, as indicated in Table ES-1.

In accordance with the Clean Air Act, the MAG 2007 Five Percent Plan for PM-10 also contains contingency measures. The contingency measures are committed measures in the adopted plan which achieve emissions reductions beyond those measures relied upon to model attainment of the standard and demonstrate progress toward attainment (i.e., five percent reductions, reasonable further progress, and milestones).

The key committed measures in the Five Percent Plan that were quantified as contingency measures are: Pave or Stabilize Dirt Roads and Alleys; Sweep with PM-10 Certified Street Sweepers; Reduce Trackout Onto Paved Roads; Additional Five Million Dollars in FY 2007 MAG Federal Funds for Paving Dirt Roads and Shoulders; Agricultural Best Management Practices; 15 Mile Per Hour Speed Limits on Dirt Roads; Reduce Offroad Vehicle Use; Certification for Dust Free Developments; and Public Education and Outreach Program.

EPA guidance indicates that contingency measures should provide emissions reductions equivalent to one year of reasonable further progress. The reasonable further progress requirements for Serious PM-10 nonattainment areas are included in Section 189(c) of the Clean Air Act. For the Five Percent Plan, one year of reasonable further progress is equivalent to a reduction in PM-10 emissions of 4,869 tons.

Figure ES-7 shows the impacts of the individual contingency measures in 2010. Collectively, the contingency measures reduce PM-10 emissions by 5,223 tons in 2008, 7,213 tons in 2009, and 9,159 tons in 2010 versus the contingency target of 4,869 tons per year, as shown in Table ES-1.

The total 2010 PM-10 emissions with committed control measures and committed contingency measures are 73,670 tons (see Figure ES-8). Together, these measures reduce base case PM-10 emissions by 28.2 percent in 2010.

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 2010, the PM-10 emissions from these four source categories total 103.3 metric tons per day. This represents the onroad mobile source emissions budget for conformity.

**Figure ES-5
 Reductions in 2010 for Committed Control Measures
 in the Five Percent Plan for PM-10**

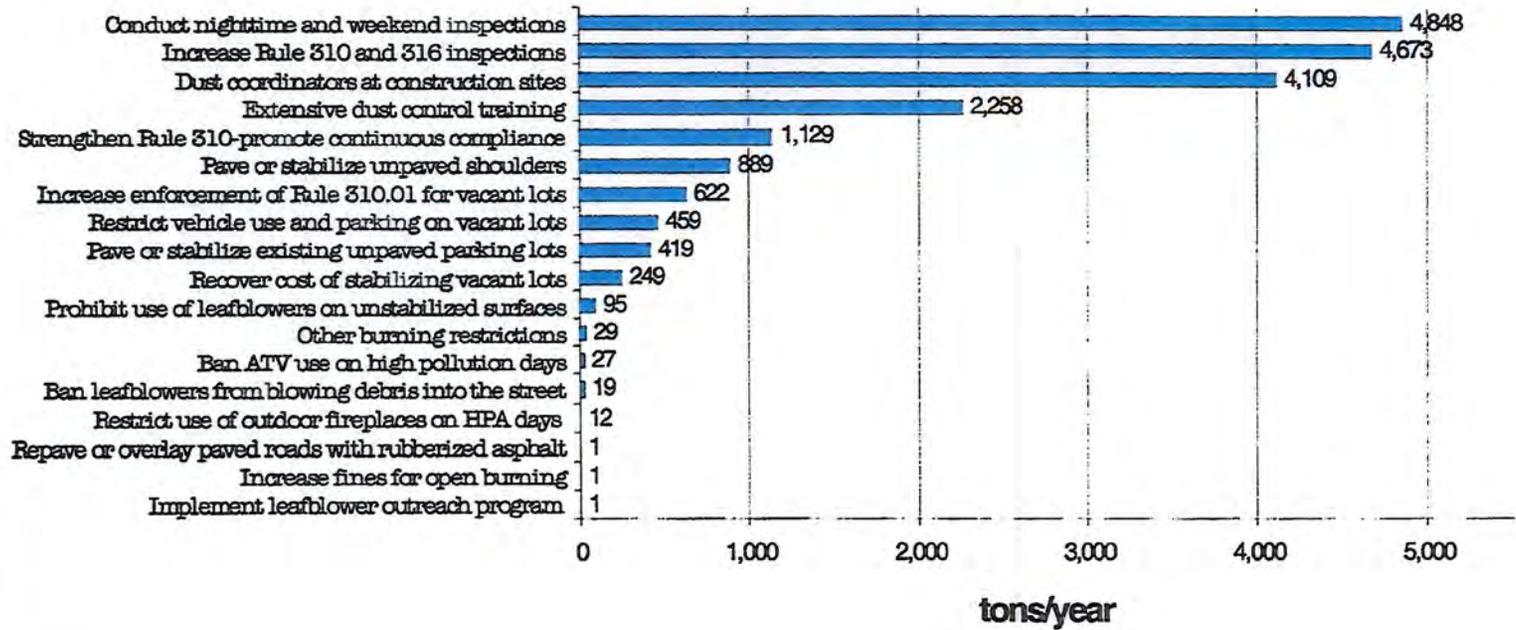


Figure ES-6
2010 PM-10 Emissions
with Committed Control Measures
Total = 82,829 tons/year
(19.3% reduction)

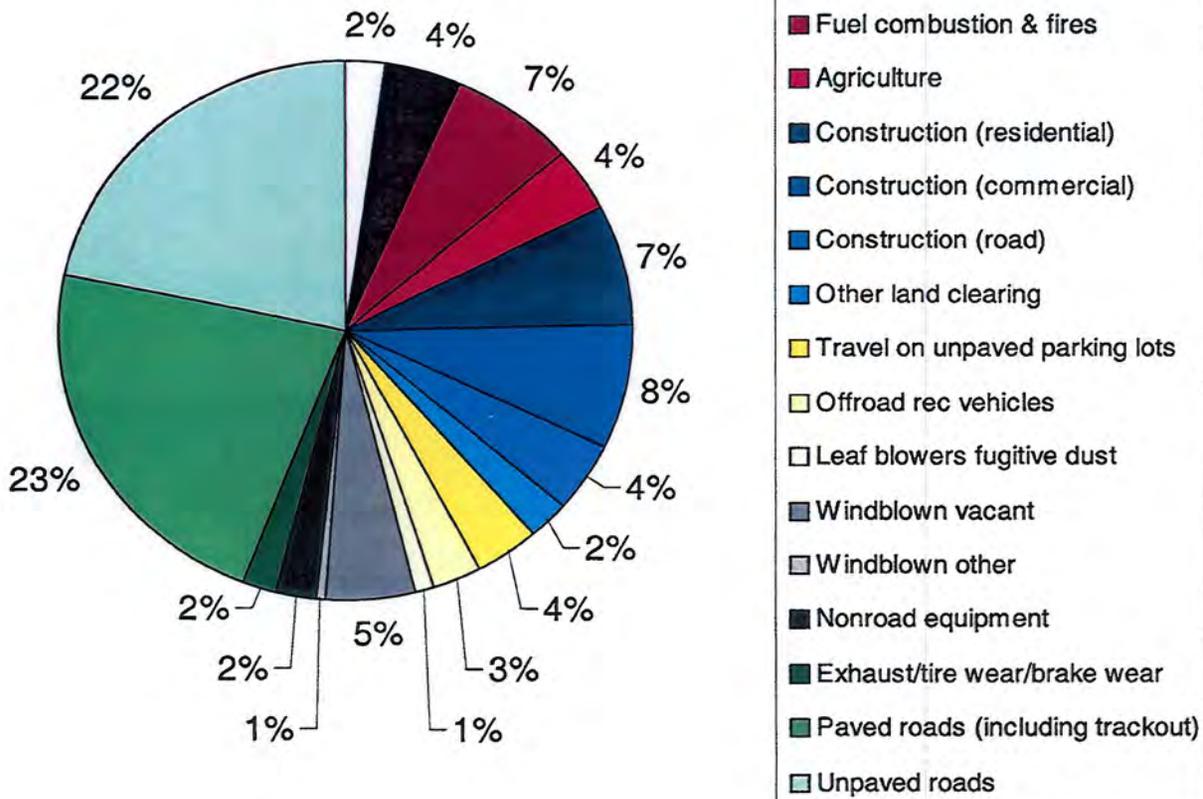


TABLE ES-1

EMISSIONS REDUCTIONS FOR COMMITTED CONTROL MEASURES QUANTIFIED TO MODEL ATTAINMENT AND MEET THE FIVE PERCENT REDUCTION REQUIREMENT

- 6,605 tons vs. five percent reduction target of 4,872 tons in 2008
- 15,423 tons vs. five percent reduction target of 9,744 tons in 2009
- 19,840 tons vs. five percent reduction target of 14,616 tons in 2010

EMISSIONS REDUCTIONS FOR COMMITTED CONTINGENCY MEASURES QUANTIFIED TO MEET THE CONTINGENCY MEASURE REQUIREMENT

- 5,223 tons vs. contingency reduction target of 4,869 tons in 2008
- 7,213 tons vs. contingency reduction target of 4,869 tons in 2009
- 9,159 tons vs. contingency reduction target of 4,869 tons in 2010

Figure ES-7
Reductions in 2010 for Contingency Measures
in the Five Percent Plan for PM-10

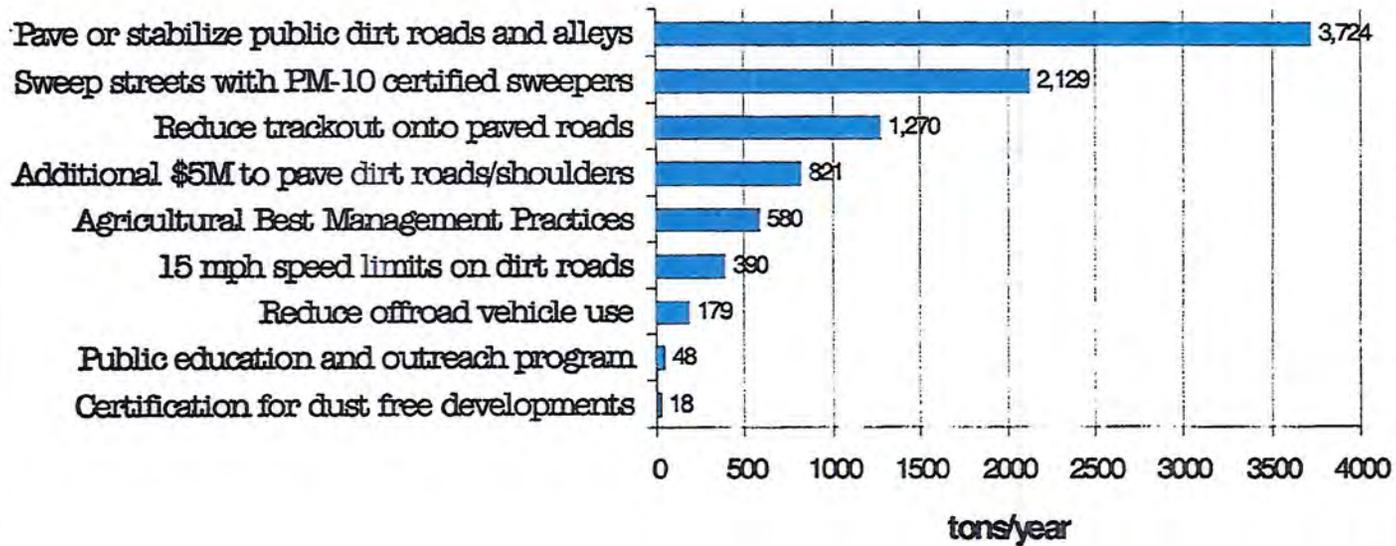
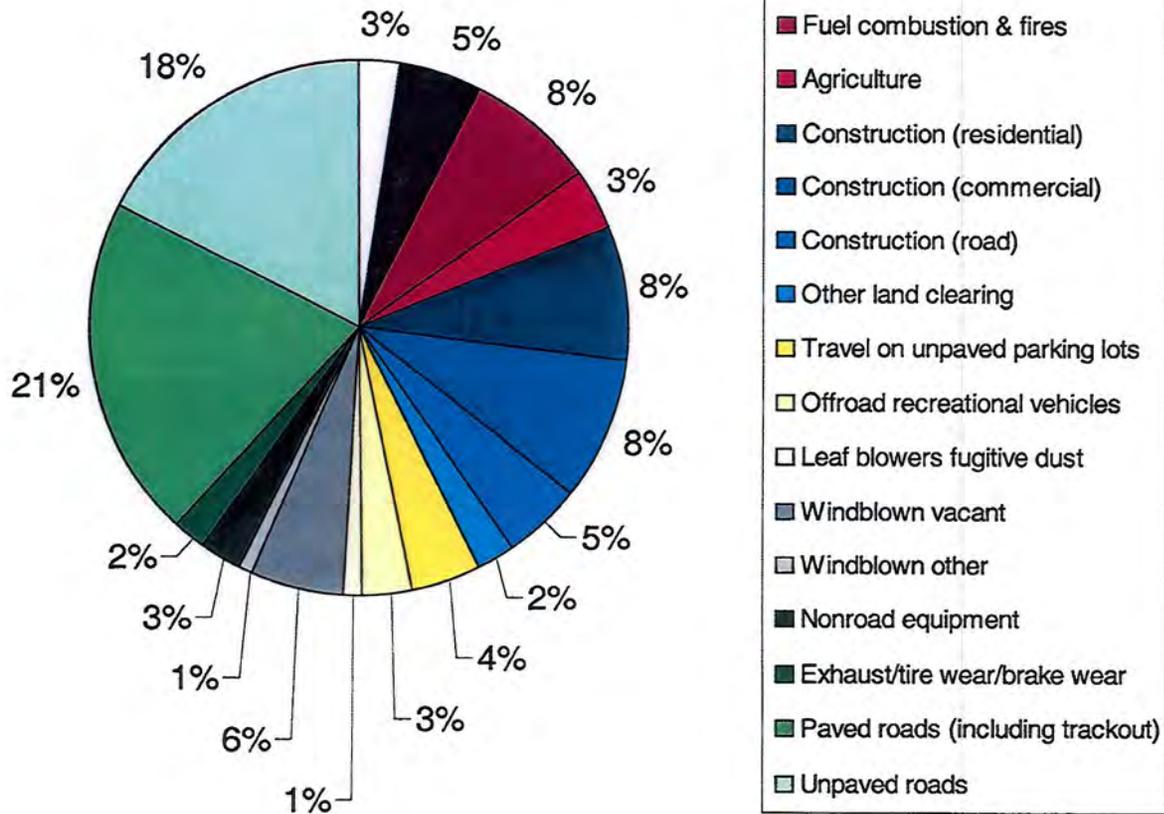


Figure ES-8
2010 PM-10 Emissions
with Committed Control and Contingency Measures
Total = 73,670 tons/year
(28.2% reduction)



Agenda Item #9

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Sandra L. Bahr, Diane E. Brown, and
David Matusow,

Plaintiffs,

vs.

Lisa Jackson, in her official capacity as
Administrator of the United States
Environmental Protection Agency, and the
United States Environmental Protection
Agency.

Defendants.

) Case No.:

) COMPLAINT

Plaintiffs, by and through their attorneys, the Arizona Center for Law in the Public Interest, for their Complaint against defendants allege as follows:

NATURE OF ACTION

1. This is an action to compel the United States Environmental Protection Agency and its Administrator (collectively "the Administrator") to perform nondiscretionary duties under the Clean Air Act (the "Act"). Specifically, the Administrator has a duty to act upon the "MAG 2007 Five Percent Plan for PM-10 for the Maricopa County Nonattainment Area," Maricopa Association of Governments, 2007

1 (“5% Plan”) which was submitted by the State of Arizona. The Administrator has failed
2 to take action on the 5% Plan as required by 42 U.S.C. §7410(k)(2).

3 JURISDICTION AND VENUE

4 2. The Court has jurisdiction over this action pursuant to 42 U.S.C.
5 §7604(a)(2), 28 U.S.C. §1331, 28 U.S.C. §§2201 and 2202, and 28 U.S.C. §1361. Venue
6 lies in the District of Arizona, pursuant to 28 U.S.C. §§1391(b) & (e) and Rule 1, Rules
7 of Practice for the United States District Court for the District of Arizona, because the
8 cause of action arises in the District of Arizona.

9 ADMINISTRATIVE PREREQUISITE TO THE FILING OF THIS ACTION

10 3. On August 10, 2009, plaintiffs served notice on the Administrator of the
11 matters complained of herein pursuant to 42 U.S.C. §7604(b) and 40 C.F.R. §§54.1-3.

12 PARTIES

13 4. Plaintiffs Sandra L. Bahr, Diane E. Brown, and David Matusow live, work
14 recreate, and own property in “Area A,” an area encompassing metropolitan Phoenix
15 (hereinafter referred to in this Complaint as “Phoenix”) that has been designated by the
16 Administrator as “serious nonattainment” in failing to meet federal health and welfare
17 standards for airborne particulates. Levels of airborne particulates in Phoenix threaten,
18 and are anticipated to threaten the health and welfare of Bahr, Brown, Matusow and the
19 public. Bahr, Brown and Matusow are adversely affected by being forced to breathe air
20 in Phoenix that is less pure than required under the Act with respect to particulates. The
21 excessive levels of particulate pollution in Phoenix threaten the health, welfare, and
22 economic well-being of Bahr, Brown, Matusow, their families and the public.

23 5. The Administrator's failure to timely perform the nondiscretionary duties
24 complained of herein adversely affects Bahr, Brown and Matusow, and deprives them of
25 health, welfare, and procedural protections to which they are entitled under the Act. The
26 relief sought herein would redress those injuries.

1 13. When Phoenix failed to achieve attainment by the attainment deadline of
2 December 31, 1994, pursuant to section 188(b) of the Act, 42 U.S.C. §7512(b), on May
3 10, 1996, EPA reclassified Phoenix as a “serious” PM₁₀ nonattainment area. 61 Fed Reg.
4 21372.

5 14. Pursuant to section 189(b)(2) of the Act, 42 U.S.C. §7513a(b)(2), the State
6 of Arizona was required to submit a serious area plan addressing both the 24-hour and
7 annual PM₁₀ NAAQS for Phoenix by December 10, 1997. This plan, referred to in the
8 Act as a state implementation plan (“SIP”), was to include specific control measures to
9 reduce PM₁₀ pollution. Among other things, the Act required the SIP to ensure that all
10 best available control measures for the control of PM₁₀ would be implemented by May
11 10, 2000. 42 U.S.C. §7513a(b)(1)(B). The Act further required the SIP to contain a
12 demonstration either that the plan would produce attainment of the PM₁₀ NAAQS by
13 December 31, 2001 or that attainment by that date was impracticable. 42 U.S.C.
14 §§7502(c)(1), 7513(c)(2), and 7513a(b). The Act required the SIP to include numerous
15 other provisions to promote attainment and maintenance of the PM₁₀ NAAQS, and to be
16 adopted after public notice and hearing. See, e.g. 42 U.S.C. §7410(a), 7502(c), 7513a(c).

17 15. The Serious Area PM₁₀ Plan (“SAPP”) was first submitted on July 8, 1999.
18 EPA found the plan "complete" on August 4, 1999 but in November 1999, EPA notified
19 the state that additional work needed to be done in order for EPA to approve it.
20 Consequently, on February 23, 2000, the state submitted a revised SAPP, which was
21 found "complete" by EPA on February 25, 2000.

22 16. On April 13, 2000, EPA proposed to approve the Serious Area PM₁₀ plan
23 for the annual standard, but took no action on the 24 hour standard. Consequently, in
24 May 2001, plaintiffs Bahr and Matusow filed a citizen suit in U.S. District Court on
25 behalf of Phoenix residents to compel EPA to take action. *Bahr v. Whitman*, CIV 01-
26 0835 PHX ROS (D. Ariz.) The parties entered into a Consent Decree requiring EPA to

1 take action on the 24 hour standard on or before September 14, 2001, and to approve or
2 disapprove the entire plan by January 14, 2002. *Id.*, consent decree entered October 2,
3 2001.

4 17. On Thursday, July 25, 2002, EPA published its final approval of the SAPP.
5 The approval also granted the Phoenix area the maximum five year extension of the
6 attainment deadline, giving the area until December 31, 2006 to come into compliance
7 with the NAAQS.

8 18. Residents of the Phoenix area filed a Petition for Review of the SAPP with
9 the Ninth Circuit Court of Appeals. *Vigil v. Leavitt*, 381 F. 3d 826 (9th Cir. 2004). In
10 ruling on that Petition, the Ninth Circuit held that EPA's approval of the SAPP was
11 arbitrary and capricious and remanded the action to the EPA for further consideration of
12 whether Arizona's decision to reject requiring "clean" diesel fuel as an emissions control
13 measure satisfied the Clean Air Act's requirement that the plan include "best available
14 control measures" (BACM) and "most stringent measures" (MSM). The Court also
15 remanded the question of Arizona's eligibility for the extension of the attainment deadline
16 insofar as that question depended on EPA's determination regarding MSM.

17 19. In June 2005, EPA proposed to reapprove the BACM and MSM
18 demonstrations and finalized the reapproval in July 2006. Phoenix residents again
19 petitioned for review, however, that action was resolved through a voluntary remand
20 when it became apparent that the state would not be able to meet the extended December
21 31, 2006 deadline for attainment.

22 20. In March 2007, EPA filed a proposed finding of nonattainment and the
23 final notice of nonattainment was published on June 6, 2007 (72 Fed. Reg. 31183).

24 21. Under section 189(d) of the CAA, serious PM-10 nonattainment areas that
25 fail to attain are required to submit within 12 months of the applicable attainment date,
26 "plan revisions which provide for attainment of the PM-10 air quality standard and, from

1 the date of such submission until attainment, for an annual reduction in PM-10 or PM-10
2 precursor emissions within the area of not less than 5 percent of the amount of such
3 emissions as reported in the most recent inventory prepared for such area.” 42 U.S.C.
4 §7513a(d).

5 CLAIM FOR RELIEF

6 (The Administrator's Failure to Act on the 5% Plan)

7 22. Plaintiffs incorporate by reference paragraphs 1 through 21 as though fully
8 set forth herein.

9 23. Arizona submitted its 5% plan to EPA by the December 2007 deadline.

10 24. Pursuant to section 110(k)(1)(A) of the Act, 42 U.S.C. §7410 (k)(1)(A), the
11 Administrator has promulgated minimum criteria (completeness criteria) that any plan
12 submission must meet before the Administrator is required to act on the submission.

13 25. EPA had six months, or until June 30, 2008 to find the plan “complete.”
14 42 U.S.C. §7410(k)(1)(b). Because EPA did not take action by that date, the plan was
15 deemed “complete” by operation of law. *Id.*

16 26. Pursuant to section 110(k)(2) of the Act, within 12 months of a
17 determination by the Administrator that a state has submitted a plan or plan revision that
18 meets the minimum criteria, the Administrator shall act on the submission in accordance
19 with section 110(k)(3), which section requires the Administrator to approve or disapprove
20 a plan, in whole or in part. 42 U.S.C. §7410(k)(2), (3). Therefore, the Administrator had
21 until June 30, 2009 to approve or disapprove the 5% Plan.

22 27. No proposed or final action has been taken on the 5% Plan by the
23 Administrator.

24 28. Thus, the Administrator is in violation of her nondiscretionary duty
25 pursuant to section 110(k)(2) to take action on a plan submission. The Administrator's
26

1 violation of such nondiscretionary duty is ongoing. Plaintiffs are informed and believe
2 that such violation will continue unless enjoined by order of this Court.

3 29. Plaintiffs are suffering and will suffer irreparable harm because of the
4 Administrator's failure to timely perform her nondiscretionary duty to take action on the
5 submitted 5% Plan.

6 30. For all of the foregoing reasons, plaintiffs are entitled to an order of this
7 Court directing the Administrator to either approve or disapprove, in whole or in part, the
8 5% Plan as soon as possible on a specific timetable.

9 WHEREFORE, plaintiffs respectfully request that the Court:

- 10 A. Declare that the Administrator is in violation of her nondiscretionary duty
11 under section 110(k)(2) of the Act, 42 U.S.C. §7410(k)(2), to take action on the
12 5% Plan within 12 months of finding it complete;
- 13 B. Issue a mandatory injunction requiring the Administrator to perform her
14 nondiscretionary duty under section 110(k)(2) of the Act to take action on the
15 submitted plan, and specifically ordering the Administrator to:
- 16 i. Immediately commence rulemaking to approve or disapprove
17 in whole or in part, the 5% Plan.
- 18 ii. Publish in the Federal Register a proposed rule approving or
19 disapproving the 5% Plan within 1 month;
- 20 iii. Publish and promulgate a final rule approving or
21 disapproving the 5% Plan in the Federal Register within 3
22 months;
- 23 C. Retain jurisdiction of this matter for purposes of enforcing and effectuating the
24 Court's order;
- 25 D. Grant plaintiffs their reasonable costs of litigation, including their attorney's
26 and expert witness fees; and,

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E. Grant such further relief as the Court deems just and proper.

Dated this 2nd day of December, 2009.

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

s/ Joy E. Herr-Cardillo
Joy E. Herr-Cardillo
Timothy M. Hogan

**TENTATIVE MEETING SCHEDULE FOR THE
MAG AIR QUALITY TECHNICAL ADVISORY COMMITTEE**

JANUARY - NOVEMBER 2010

Saguaro Conference Room

Thursday, January 28, 2010 - 1:30 p.m.

Thursday, February 25, 2010 - 1:30 p.m.

Thursday, March 25, 2010 - 1:30 p.m.

Thursday, April 29, 2010 - 1:30 p.m.

TUESDAY, May 25, 2010 - 1:30 p.m.

Thursday, June 24, 2010 - 1:30 p.m.

Thursday, July 29, 2010 - 1:30 p.m.

Thursday, August 26, 2010 - 1:30 p.m. **IF NECESSARY**

Thursday, September 23, 2010 - 1:30 p.m.

Thursday, October 28, 2010 - 1:30 p.m.

TUESDAY, November 30, 2010 - 1:30 p.m.

Note: This schedule is subject to change. Flexibility is needed to meet federal Clean Air Act mandates and changes in guidance from the Environmental Protection Agency.