



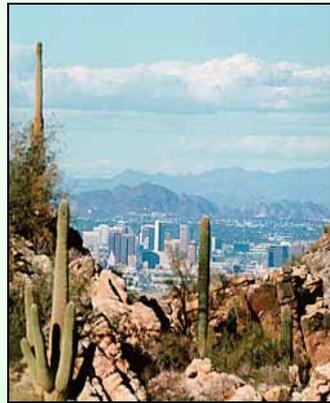
Update on Exceptional Events and MAG Five Percent Plan for PM-10

MAG Air Quality Technical Advisory Committee

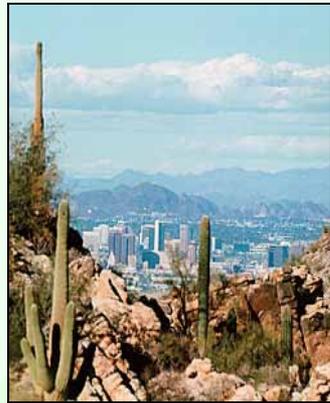
June 24, 2010



EPA Meeting on Exceptional Events and Five Percent Plan for PM-10-May 25, 2010

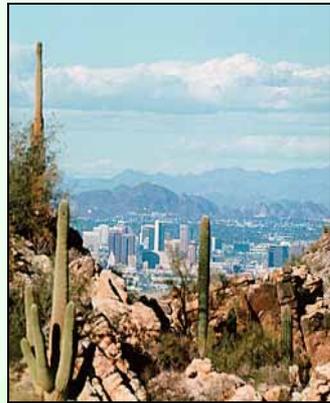


- n **EPA does NOT concur with the Arizona Department of Environmental Quality documentation for 4 high wind exceptional events at the West 43rd Avenue monitor**
 - l Four exceedances will count as a violation at the monitor
 - l No 1st year of clean data at the monitors
 - l No attainment of the standard by 2010
- n **EPA Region IX Administrator acknowledged that the EPA Exceptional Events Rule has problems – it is flawed**
 - l Western States Air Resources Council (15 states) has identified several issues with the implementation of the rule
- n **EPA intends to disapprove the MAG 2007 Five Percent Plan for PM-10**
- n **Timing of disapproval action is unknown**
 - l EPA is negotiating with the Arizona Center in the Public Interest on the deadline for disapproval action



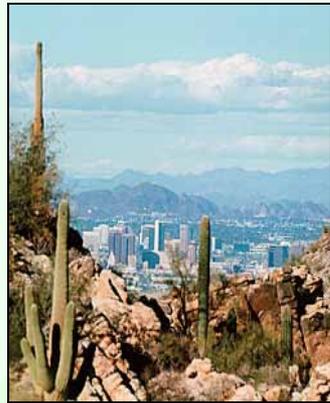
EPA Notice of Lodging of Proposed Consent Decree in U.S. District Court for Arizona-June 23, 2010

- n **EPA and the Arizona Center for Law in the Public Interest have agreed to a settlement on the timetable for EPA to take action on the Five Percent Plan for PM-10**
 - | By Sept. 3, 2010-EPA will sign a notice of proposed action
 - | By Jan. 28, 2011-EPA will sign a notice of final action
- n **EPA will publish a notice in the Federal Register of the proposed consent decree and request public comments**
 - | A reasonable opportunity for public comments will be provided
 - | EPA will respond to comments
 - | If comments do not disclose facts or other considerations which indicate that the consent decree is inappropriate, improper, inadequate, or inconsistent with the Clean Air Act, EPA will move for entry of the consent decree



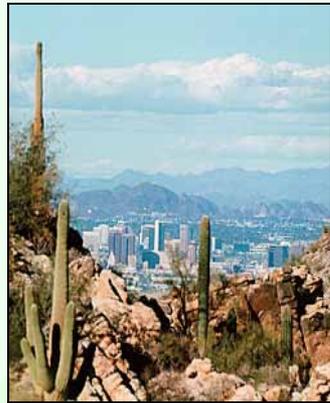
EPA Concerns - Exceptional Events

- n **Four high wind days in 2008**
 - | March 14, April 16, April 30, and June 4
 - | W 43rd Ave monitor exceeded PM-10 standard
- n **Additional information was prepared by MAG consultant Sierra Research to supplement ADEQ's exceptional event documentation**
- n **Products to date**
 - | Surface roughness and friction velocity maps
 - | Table with maximum anthropogenic PM-10 contributions based on land use
 - | Paper explaining why PM-10 concentrations are higher at W. 43rd Ave than downwind monitors
 - | Graphs showing winds were exceptionally high



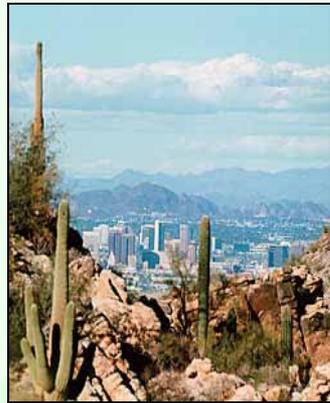
Consequences of Plan Disapproval Action

- n **Conformity Freeze – 30 to 90 days after final disapproval in Federal Register**
 - | Only projects in 1st four years of the conforming TIP and Regional Transportation Plan (RTP) can proceed.
 - | No new TIPs, RTPs or projects until a Five Percent Plan revision is submitted that fulfills the Clean Air Act requirements, EPA finds the conformity budget adequate or EPA approves the submission, and conformity to the plan revision is determined.



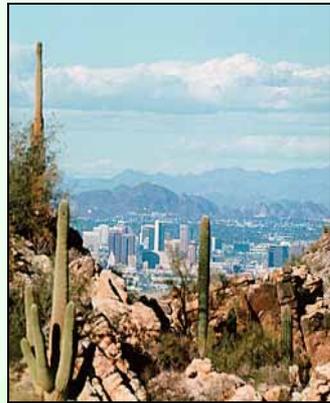
Consequences of Plan Disapproval Action

- n **Clean Air Act sanctions would be imposed if the problem is not corrected within**
 - l 18 months from disapproval action
 - n Tighter controls on major industries (2:1 offsets in emissions)
 - l 24 months from disapproval action
 - n Loss of federal highway funds - \$1.7B at risk in Draft FY 2011-2015 MAG Transportation Improvement Program (TIP)
 - n Federal implementation plan imposed
- n **Imposition of highway sanctions may trigger a conformity lapse**
 - l Major projects in \$7.3B Draft TIP could not proceed



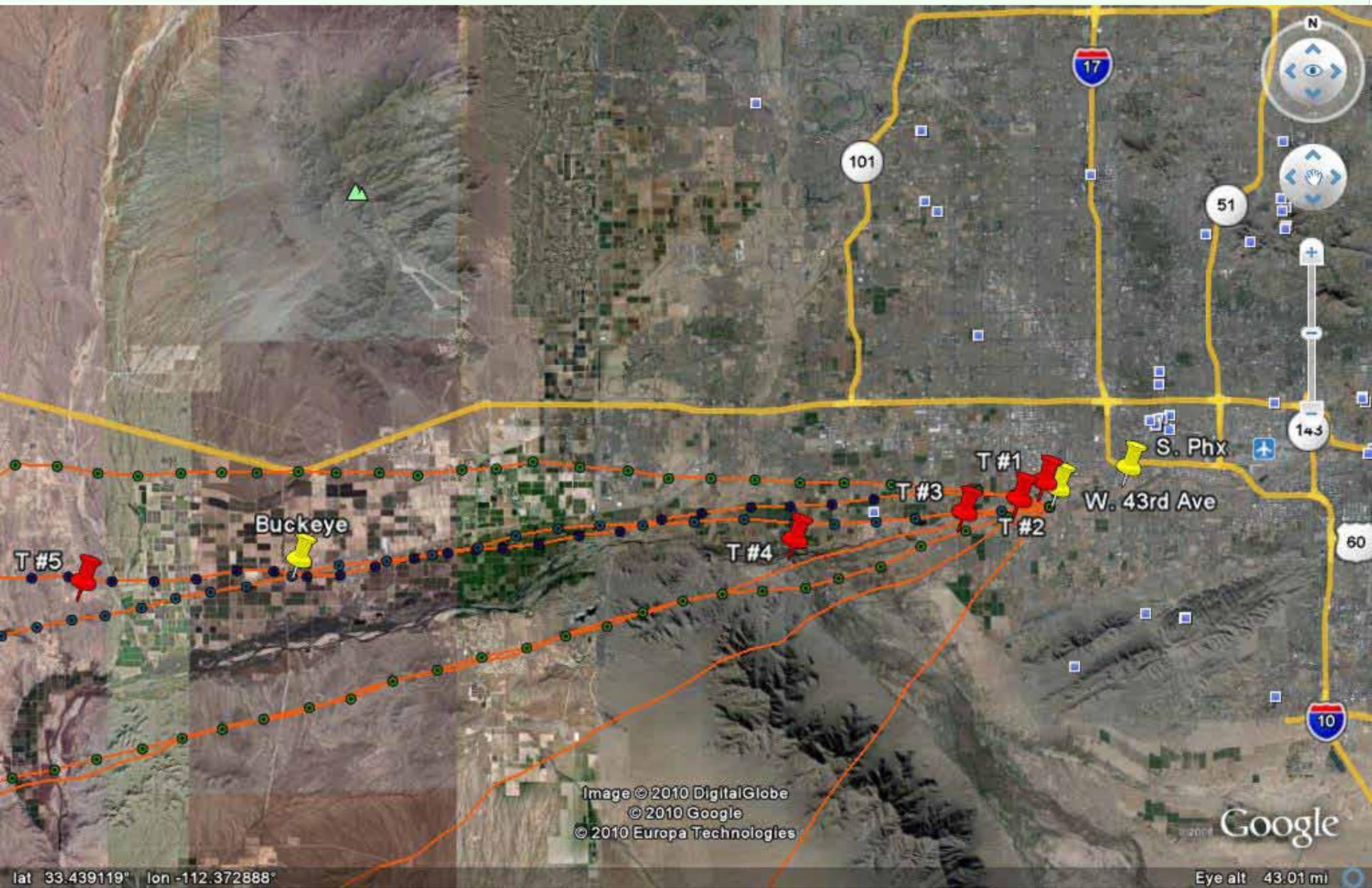
Consequences for the Five Percent Plan for PM-10

- n **New emissions inventory needed**
 - l Major downturn in economy since 2005 has changed mix of sources
 - l New 2008 inventory will be completed June 30, 2010
- n **May need to add more measures to reduce emissions by 5 percent per year until attainment, as measured at the monitors**
- n **Will need to revise modeling in the Plan**
- n **Will need 3 years of clean data at all PM-10 monitors for attainment**



Data Collection Effort Underway

- n **Air quality and meteorological monitoring and analysis**
 - | Cooperative effort on the part of ADEQ, ASU, EPA, MAG, and MCAQD
 - | Identify sources contributing to elevated PM-10 levels at W. 43rd Ave under windy conditions, including:
 - n Nearby sources
 - n Unique soil conditions
 - n Transport from outside the area



lat 33.439119° lon -112.372888°

Eye alt 43.01 mi



Next Steps



- n **Complete Data Collection in Vicinity of the West 43rd Avenue Monitor**
- n **Address Plan issues as quickly as possible**
- n **Prevent violations at the monitors**
- n **Obtain a conformity finding on the new Draft 2011 – 2015 TIP and RTP 2010 Update**
- n **Seek assistance from the Governor and Congressional Delegation to suspend EPA action on Five Percent Plan for PM-10 until flawed Exceptional Events Rule is fixed**
- n **Explore possible legal challenge**



For More Information

Contact:

Lindy Bauer, MAG
(602) 254-6300

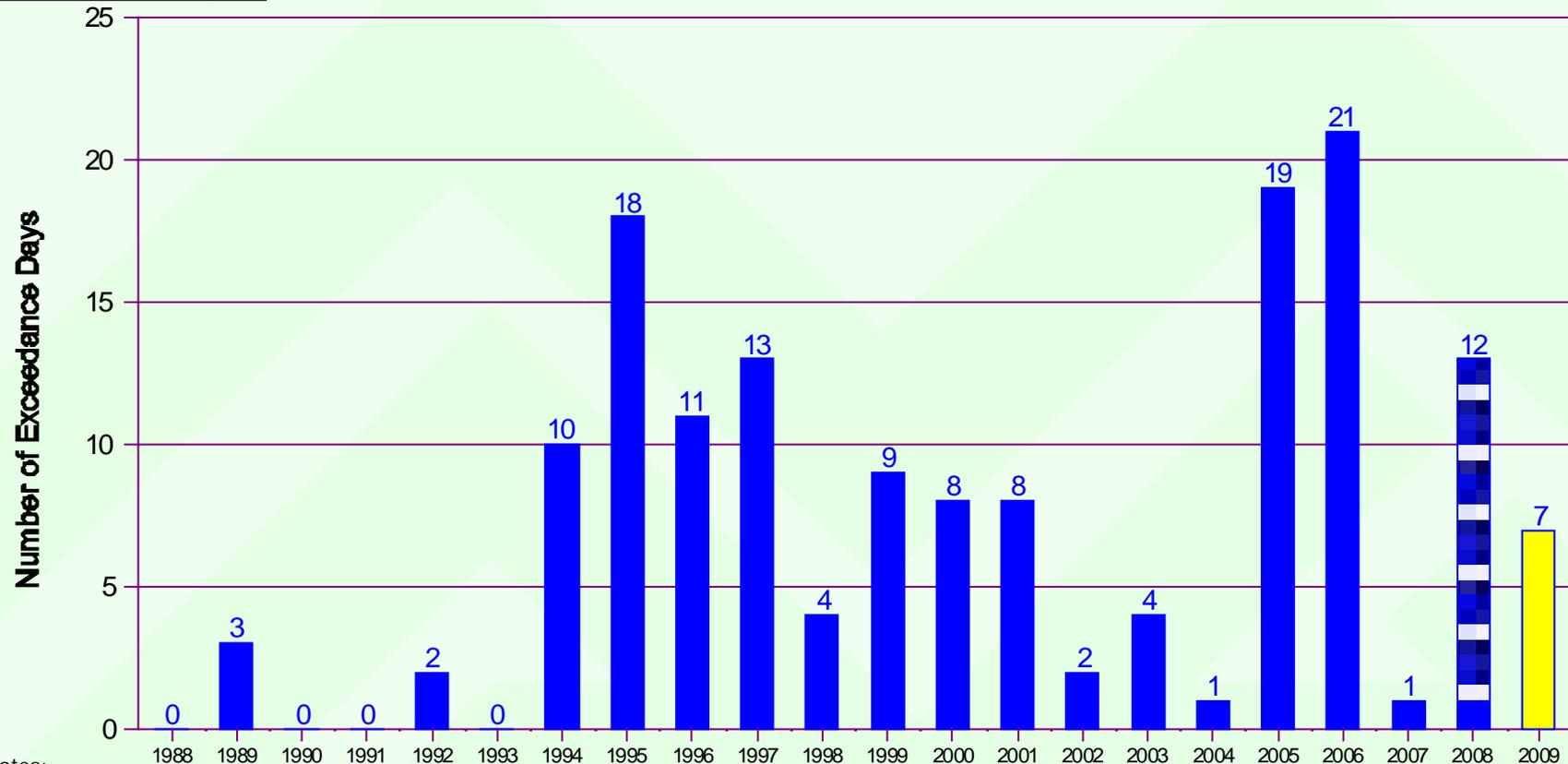
www.mag.maricopa.gov





PM-10 Monitoring Data

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



Notes:

1. The hatched blue area represents 11 exceedance days in 2008 that ADEQ has documented as exceptional/natural events, but have not been approved by EPA.
2. Some or all of the 7 exceedance days in 2009 (shown in yellow) may be exceptional/natural events, but these have not yet been documented by ADEQ or approved by EPA. The 2009 exceedances represent preliminary data as of October 27, 2009.
3. Exceedance days that have been approved by EPA as exceptional/natural events have been removed from this chart.
4. 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.
5. Chart also includes exceedance days at the Buckeye monitor, which is outside the PM-10 nonattainment area.



Five Percent Plan for PM-10

- n **Required by Clean Air Act Section 189(d)** - For Serious nonattainment areas that do not meet the PM-10 standard by the attainment date (December 31, 2006)
- n **Five Percent Plan due one year later**
 - | MAG submitted Plan to EPA by Dec 31, 2007
- n **Plan shows PM-10 emission reductions of 5% per year until the standard is attained in 2010**
 - | Commitments received for 53 new measures
 - | 5% emission reductions in 2008, 2009 and 2010
 - | Modeling demonstrates attainment in 2010
 - | 3 years of clean data needed at all PM-10 monitors in 2008, 2009 and 2010

Phoenix-Owned Parcel with 404 Permit

43rd Avenue Air Quality Monitor

Rio Salado Oeste Environmental Restoration Project
U.S. Army Corps of Engineers in partnership with
City of Phoenix and the
Flood Control District of Maricopa County

Legend

- Take line / Project limits
- Property Ownership**
 - City of Phoenix
 - State of Arizona
 - Maricopa County
 - Bureau of Land Management
 - Private
 - Gila River Indian Community

0 2,000 4,000 Feet

Source: Files provided by USACE
Aerial photo: ESRI/ArcGIS Online
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RIO SALADO OESTE CDDR
LAND OWNERSHIP MAP

DATE 12/17/09
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