

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

Thursday, September 22, 2011  
MAG Office  
Phoenix, Arizona

MEMBERS ATTENDING

Oddvar Tveit, Tempe, Chairman  
Elizabeth Biggins-Ramer, Buckeye, Vice Chair  
# Shirley Gunther for Kristen Sexton, Avondale  
# Jon Sherrill for Jim Weiss, Chandler  
Jamie McCullough, El Mirage  
Kurt Sharp, Gilbert  
Doug Kukino, Glendale  
Cato Esquivel, Goodyear  
Scott Bouchie, Mesa  
William Mattingly, Peoria  
Phil McNeely, Phoenix  
Tim Conner, Scottsdale  
Antonio DeLaCruz, Surprise  
\* Mark Hannah, Youngtown  
# Ramona Simpson, Queen Creek  
\* 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  
# Dawn M. Coomer, Valley Metro/RPTA  
\* Dave Berry, Arizona Motor Transport Association  
Jeannette Fish, Maricopa County Farm Bureau

\*Steve Trussell, Arizona Rock Products Association  
Amy Bratt, 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  
\*Environmental Protection Agency  
Jo Crumbaker, Maricopa County Air Quality  
Department  
\*Duane Yantorno, Arizona Department of Weights  
and Measures  
\*Ed Stillings, Federal Highway Administration  
Mary Springer for Judi Nelson, Arizona State  
University  
Christopher Horan, Salt River Pima-Maricopa  
Indian Community

\*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  
Dean Giles, Maricopa Association of Governments  
Taejoo Shin, Maricopa Association of Governments  
Matt Poppen, Maricopa Association of Governments  
Julie Hoffman, Maricopa Association of Governments  
Kara Johnson, Maricopa Association of Governments  
# Matt Busby, City of Apache Junction  
Joe Gibbs, City of Phoenix  
Denise Lacey, Maricopa County Department of  
Transportation  
Bruce Campbell, Arizona State Land Department

Rusty Van Leuven, Arizona Department of  
Agriculture  
# Wendy Crites, Salt River Project  
Joonwon Joo, Arizona Department of  
Transportation  
Dan Catlin, Fort McDowell Indian Community  
Scott DiBiase, Pinal County Air Quality  
Michelle Wilson, City of Glendale  
Doris McClay, City of Scottsdale  
Matt Tsark, Strand Associates, Inc.

1. Call to Order

A meeting of the Maricopa Association of Governments (MAG) Air Quality Technical Advisory Committee (AQTAC) was conducted on September 22, 2011. Oddvar Tveit, City of Tempe, Chair, called the meeting to order at approximately 1:30 p.m. Shirley Gunther, City of Avondale; Jon Sherrill, City of Chandler; Ramona Simpson, Town of Queen Creek; Dawn M. Coomer, Valley Metro/RPTA; Amanda McGennis, Associated General Contractors; Matt Busby, City of Apache Junction; and Wendy Crites, Salt River Project, attended the meeting via telephone conference call.

2. Call to the Audience

Mr. Tveit 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. New Chair and Vice Chair of the MAG Air Quality Technical Advisory Committee

On June 13, 2011, the MAG Regional Council Executive Committee appointed Oddvar Tveit, Tempe, as the new Chair of the MAG Air Quality Technical Advisory Committee. Elizabeth Biggins-Ramer, Buckeye, was appointed as the new Vice Chair. Lindy Bauer, MAG, congratulated them on their appointments. She also thanked Doug Kukino, City of Glendale, on behalf of the MAG staff for his flexibility and knowledge as the prior Chair of the Committee.

4. Approval of the May 24, 2011 Meeting Minutes

The Committee reviewed the minutes from the May 24, 2011 meeting. Ms. Biggins-Ramer moved and William Mattingly, City of Peoria, seconded, and the motion to approve the May 24, 2011 meeting minutes carried unanimously.

5. Update on CMAQ Projects for the Federal Fiscal Year 2011 Interim Year End Closeout

Dean Giles, MAG, provided an update on the Congestion Mitigation and Air Quality Improvement (CMAQ) projects for the Federal Fiscal Year 2011 Interim Year End Closeout. Mr. Giles stated that on May 24, 2011 the AQTAC made a recommendation to forward the CMAQ evaluation ranked by PM-10 emission reductions to the Transportation Review Committee (TRC) for use in prioritizing proposed CMAQ projects for the closeout funds. When the evaluation was presented to this Committee there was only one paving project on the list. As mentioned at that time, one of the scenarios to be considered by the TRC was to reallocate CMAQ funding from deleted air quality projects back to other air quality projects. Mr. Giles stated that on May 26, 2011 the TRC made a recommendation to the MAG Management Committee to program \$ 1.9 million in fiscal year 2011 CMAQ closeout funds to PM-10 pave unpaved road projects. The MAG Management Committee concurred with the recommendation. The projects are sponsored by Maricopa County, City of El Mirage, City of Chandler, City of Phoenix and City of Surprise and will pave 72 miles of alleys and 8.1 miles of roads. In addition to those projects, there were several pedestrian and bicycle and intelligent transportation system projects that were funded. On June 29, 2011, the MAG Regional Council approved the CMAQ Interim Closeout.

6. MAG Video “Prevent Dust: Do Your Part”

Ms. Bauer introduced a new video produced by MAG titled “Prevent Dust: Do Your Part.” She thanked those who participated in the video, which features the dust reducing activities that are being implemented by the local governments, the state, business, and industry. The video also indicates that citizens need to do their part to mitigate dust pollution. The video was played for the Committee.

Phil McNeely, City of Phoenix, thanked MAG for producing the “Prevent Dust: Do Your Part” video. He noted that in March 2011 the City of Phoenix created a Dust Reduction Task Force which recommended the creation of three videos for the city. The first video was slated to be a training video for the Police Department. The second video was proposed for internal staff utilization. He indicated that the third video was to address the citizenry and what they can do to prevent dust. Mr. McNeely explained that the video that was just presented to the Committee has a lot of the elements that the city was looking to include in their videos. He stated that MAG created two shortened videos for the city. The first video is for staff training and the other is for the public. Mr. McNeely also noted that the Police Force is using the shortened citizen awareness video for neighborhood watch meetings, planning meetings and other applicable settings. He indicated that he has copies of the videos for those who are interested. Mr. McNeely added that the City of Phoenix has also created a city specific outreach brochure titled “Dust Hurts”, accessible in English and Spanish, to aid in dust pollution awareness. The brochure was provided to the Committee.

7. Update on the MAG Five Percent Plan for PM-10

Ms. Bauer provided an update on the Five Percent Plan for PM-10. She began by thanking Jeannette Fish, Maricopa County Farm Bureau. She indicated that the Maricopa County Farm Bureau invited a delegation of mayors from the Southwest Valley to come to their meeting on June 29, 2011 and discuss the dust issue in the Valley. Ms. Bauer commented that the mayors really appreciated the opportunity to speak with the agricultural community and join together in reducing PM-10 pollution.

Ms. Bauer reported that on July 8, 2011 the Environmental Protection Agency (EPA) indicated that credit could be taken for the measures that have been implemented as part of the Five Percent Plan for PM-10, which has been withdrawn. The current measures in place by the cities, county, and private sector have been effective and EPA is recognizing the value of these measures. She stated that it appears that the region will not need additional measures to demonstrate the five percent reductions in emissions. Ms. Bauer continued in stating that this should also result in enough contingency and the reasonable further progress requirements. She noted that the region will still have to demonstrate attainment at the monitors. Sierra Research, MAG consultant, has been working diligently with the MAG staff on the attainment demonstration modeling. She stated that they have recently developed a conceptual model that EPA is responding well to with regard to the attainment demonstration. Ms. Bauer mentioned that she will keep the Committee updated on these matters.

Ms. Bauer discussed the 2011 PM-10 exceedances. To date, the region has had 85 exceedances of the PM-10 standard, 84 of which appear to be a result of exceptional events that are natural in origin. This translates into 18 days of exceptional events and a tremendous workload for the Arizona Department of Environmental Quality (ADEQ). Ms. Bauer explained that ADEQ has to compile documents with a great deal of data to be submitted to EPA. EPA then needs to concur that these were exceptional events. According to the San Joaquin Valley United Air Pollution Control District, it is estimated that approximately 453 staff hours are required to prepare one high wind exceptional event report. Based on this information, the documentation of the 18 exceptional event days equates to approximately

1,019 work days of staff time. The region also experienced exceptional events in 2009; however, ADEQ, and MAG agrees, that the 2011 exceptional events should be addressed first since it is critical that the region is clean at the monitors this year. Ms. Bauer announced that ADEQ has created a tentative date of October 1, 2011 in which they will have a draft for the first few events in July, from July 2, 2011 through July 7, 2011. EPA has agreed to review the draft informally and provide comments to the State. Ms. Bauer stated that MAG and Maricopa County are assisting ADEQ in preparing the exceptional events documentation.

Matt Poppen, MAG, provided an introduction to the draft exceptional events documentation being prepared by MAG. He emphasized that these draft documents require a great deal of high level information despite being categorized as basic events by the EPA. Mr. Poppen explained that one of the required elements of an exceptional events demonstration is a presentation showing a clear causal connection between the event and the exceedance. A clear causal connection must establish that the event, whether it be a thunderstorm, haboob, or micro burst, directly caused the high PM-10 concentrations at the monitor. EPA requires several pieces of evidence in order to determine the clear causal connection including: geographic extent of the event, the transport of the emissions, spatial relationship between the event and the emissions, the source of the emissions, and EPA also requests to see how the whole event is played out through time. Mr. Poppen presented a set of exceptional event demonstration maps for the July 4, 2011 event that chronicled the impact of thunderstorm outflow from 6:30 p.m. to 12:00 a.m. The event lead to two exceedances of the PM-10 standard at the Higley and West Chandler monitors. He explained that these maps are designed to show all of the evidence in one place that EPA requires in a clear causal connection demonstration. The maps present sustained wind speed and gusts, wind direction, PM-10 concentrations, visibility, meteorological conditions, and monitoring stations all in one regional format. Mr. Poppen noted that these exceptional event demonstration maps should aid in explaining where the events originated and how dust from the events impacted Maricopa County monitors.

Ms. Bauer commented that while EPA aimed to streamline the exceptional event documentation when it released the guidance in May, it is a tremendous work effort. Currently, ADEQ is considering hiring a consultant to help with the exceptional event documentation. She added that it causes one to think about whether it would be better for states to make the determination on exceptional events, in consultation with EPA. Ms. Bauer stated that this is a thought, an idea at MAG. She mentioned that the MAG legal counsel is looking at the issue. She noted that EPA also has a tremendous work load due to the exceptional event documentation. Ms. Bauer explained that there is no official position from MAG; however it is an idea being explored.

Mark Hajduk, Arizona Public Service Company, asked about how the process would be different. Ms. Bauer replied that currently under the exceptional events language in the Clean Air Act and the EPA Exceptional Events Rule, EPA has the primary authority to concur or not concur. The idea mentioned would give the state authority to make the determination of an exceptional event since the state is closer to their own unique circumstances, meteorology, and conditions. The determination would be made in consultation with EPA.

8. Comments on the Draft EPA Guidance Documents on the Implementation of the Exceptional Events Rule

Mr. Poppen gave an update about the Draft EPA Guidance Document on the Implementation of the Exceptional Events Rule (EER). Mr. Poppen stated that on June 29, 2011 MAG submitted comments to EPA on the draft guidance documents. He also noted that ADEQ and the Western States Air

Resources Council (WESTAR) also submitted comments. Mr. Poppen stated that MAG comments included the following: EPA should provide that implementation of Reasonably Available Control Measures (RACM) and Best Available Control Measures (BACM) will be considered to meet EER requirements related to “reasonably controllable or preventable;” EPA should not specify a minimum wind speed for definition of an exceptional event or create a regulatory presumption as to minimum wind speed; EPA should not link the “recurrence” criteria in the statutory exceptional event definition to requirements for additional controls or to otherwise establish a “more than once a year” definition of recurrence; if EPA decides to allow for voluntary High Wind Action Plans, the Agency should not require continual revision and updating of the plans; EPA should recognize that exceptional events can and do occur a one monitor while other monitors in the same area may not violate an air quality standard; EPA should accelerate the contemplated timeframe for review and decisions on exceptional events and not require up to 18 months for Agency review of complete requests for treatment of data as an exceptional event; and EPA should consider additional technical information with regard to wind speed and aerodynamic entrainment and correct errors in its analysis of these matters.

Mr. Poppen pointed out that EPA has received comments from several agencies and are currently in the process of reviewing the comments. Mr. Poppen noted that in a June 6, 2011 teleconference presentation by EPA Region IX, EPA indicated that a finalized version of the guidance document would be available in November. Ms. Biggins-Ramer inquired if MAG was going to follow up the comments provided to EPA with the exceptional event demonstration maps from the earlier presentation. She commented that the maps were well communicated and would be a great partner to the comments provided to EPA. Mr. Poppen responded that the visuals will be included in the draft exceptional event demonstration to be submitted to EPA by ADEQ in October covering the July 2, 2011 to July 8, 2011 exceedance days.

Mr. Hajduk asked if Mr. Poppen expected a lot of changes with the upcoming Draft Exceptional Event Guidance that may result in corrections to the documents and materials that have already been prepared. Mr. Poppen responded that he was unsure how EPA will respond to the comments, but ADEQ, MAG, and the Maricopa County Air Quality Department have been working on preparing the best available documentation to thoroughly explain that local exceedances are natural, exceptional events. Mr. Poppen explained that it is unknown if EPA will change their guidance in a way that would affect the current documentation.

9. Court Order in the Lawsuit Filed Against the State for the Repeal of the Lottery Funds for Transit

Ms. Bauer explained that on September 2, 2011 the U.S. District Court for the District Court of Arizona issued a court order in the lawsuit filed by the Arizona Center for Law in the Public Interest against the State regarding the repeal of the Local Transportation Assistance Fund (LTAF) by the Legislature in 2010. The court found that the deposit of lottery funds into the LTAF as required in the air quality plans remains in full force and effect. The court intends to enter an appropriate injunction to reinstate the deposit and disbursement of the lottery funds into and from LTAF as required by the air quality plans. The court also ordered the parties by September 23, 2011 to jointly come to an agreement on exactly what the court injunction should indicate. If the parties cannot come to an agreement, then they are to submit memoranda setting forth their positions on an appropriate injunction.

10. Withdrawal of the EPA Proposed New Eight-Hour Ozone Standards

Ms. Bauer announced that on September 2, 2011 President Barack Obama directed EPA to withdraw its proposed new eight-hour ozone standards. She stated that MAG had just received an email from Colleen McKaughan, EPA Region IX, regarding the withdrawal. The email included a memorandum from EPA indicating that the current ozone standard of .075 parts per million (ppm) will remain the standard until at least the next scheduled review in 2013. The memorandum also indicates that EPA will be designating areas as in attainment, nonattainment, or unclassifiable. A copy of this memorandum was provided at each place. The email from Ms. McKaughan also stated that most likely the Phoenix Metropolitan area is the only nonattainment area in Arizona for the .075 ppm standard, which was established by EPA in 2008. According Ms. McKaughn, the region would be classified as a marginal ozone nonattainment area with a design value of .077 ppm for 2008 to 2010.

Ms. Bauer updated the Committee on where the region stands with regard to the .075 ppm ozone standard. She referred to a table provided to the Committee and stated that the eight-hour ozone standard is calculated by taking the three year average of the annual fourth high. Based on preliminary data through September 20, 2011, the region has one violating monitor for the 2009-2011 time period. The North Phoenix monitor is currently at .077 ppm. She added that the same is true for 2008-2010 in which the North Phoenix monitor violated with the same value of .077 ppm. Based on the information from Ms. McKaughan, the .077 ppm value will be the region's design value which would categorize the area as a marginal nonattainment under the Clean Air Act. Ms. Bauer stated that MAG staff will review the requirements for a marginal nonattainment area in preparation; however, the EPA memorandum indicates that marginal nonattainment areas have the least amount of mandatory requirements to meet. Ms. Bauer noted that perhaps by the time the plan is submitted, the area would be in attainment of the ozone standard. Ms. Bauer also indicated that the EPA memorandum mentions several federal control measures that the region will be able to take advantage of which would lessen the economic burden on the State, business, and local governments in the effort of reaching attainment.

Grant Smedley, Salt River Project, inquired if the State will now have to reevaluate the appropriate boundary for the marginal nonattainment area. Ms. Bauer responded that the memorandum indicates that EPA is going to review the boundaries that the states have already submitted. Ms. Bauer noted that the boundary has already been submitted by the Governor to EPA. Once EPA notifies the State of the designations, the State will have an opportunity to provide comment to EPA.

Diane Arnst, Arizona Department of Environmental Quality, commented on the current procedure under the Clean Air Act which states that EPA will issue a 120 day letter if EPA intends to modify the recommendations of the Governor. The Governor would then have another opportunity to submit additional information in response.

Mr. Hajduk requested a time schedule and inquired about opportunities to comment. He noted that even if the region is marginal nonattainment, there are still impacts on the regulated community. Ms. Bauer replied that MAG staff would be happy to comply with his request.

11. Call for Future Agenda Items

Mr. Tveit requested suggestions for future agenda items. Mr. Tveit stated that he looks forward to updates with regard to the Exceptional Events Rule. Ms. Fish commented on The Arizona Republic article that was included with the agenda and pointed out that the article refers to dryland farming

which is not a current farming method in the region. With no further comments, Mr. Tveit moved to adjourn the meeting and Mr. McNeely seconded the motion. The meeting was adjourned at 2:38 p.m.