

February 16, 2012

TO: Members of the MAG Air Quality Technical Advisory Committee

FROM: Oddvar Tveit, Tempe, Chair

SUBJECT: MEETING NOTIFICATION AND TRANSMITTAL OF TENTATIVE AGENDA

Thursday, February 23, 2012 - 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 Tveit 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 November 29, 2011 Meeting Minutes

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

The Arizona Department of Environmental Quality (ADEQ) has now submitted information for the Draft MAG 2012 Five Percent Plan for PM-10 regarding their commitment to assess the effectiveness of the voluntary and emerging control measure (Dust Action General Permit). The ADEQ and Environmental Protection Agency (EPA) are having additional discussions regarding the Agricultural Best Management Practices Program. Once these items are addressed, the draft plan document will be completed.

In addition, the region needs three years of clean data as measured by the monitors for EPA to determine that the standard has been

2. For information.

3. Review and approve the November 29, 2011 meeting minutes.

4. For information and discussion.

met. It is critical for the MAG member agencies, business and industry, and the public to maintain aggressive efforts to prevent exceedances at the monitors and throughout the region. To date in 2012, there have been two PM-10 exceptional events due to a frontal high wind system on January 21, 2012, and residual dust on January 22, 2012.

ADEQ is continuing to prepare the documentation for the 21 days of exceptional events in 2011 with technical assistance from Maricopa County and MAG staff. The documentation for the first group of exceptional events for July 2-8, 2011, is now available for a 30 day public comment period. It is anticipated that the documentation will be submitted officially in March 2012. Due to the extensive documentation required, ADEQ will be hiring a consultant to prepare the documentation for the remaining 12 packages of exceptional events.

5. Update on the Activities of the ADOT Dust Task Force

The Arizona Department of Transportation (ADOT) is evaluating better ways of informing the driving public about windblown dust. Mike Hont, ADOT Tucson District Engineer of Operations, will provide an update on the activities of the ADOT Dust Task Force.

6. Air Quality Status Report

The air quality monitoring data for the region will be reviewed with the Committee. To date, the region has met the carbon monoxide standard and two of the ozone standards for several years. Please refer to the attached material.

5. For information and discussion.

6. For information and discussion.

7. EPA Proposed Ozone Nonattainment Area Boundary and Proposed Rule for Implementation of the 2008 Ozone Standards

On December 9, 2011, EPA sent a letter to the Governor that proposed the nonattainment area boundary for the 2008 eight-hour ozone standard (0.075 parts per million) based upon a recent recommendation from ADEQ. The proposed boundary would expand the current nonattainment area to the west and southwest where new power plants are located. Also, on February 7, 2012, EPA proposed a rule for the implementation of the 2008 ozone standards that addresses the nonattainment area classifications approach and attainment deadlines. This proposal is the first of two rules that will guide implementation of the 2008 ozone standards. The next proposed rule will address anti-backsliding, State Implementation Plan deadlines, and policies on required control measures. Please refer to the attached material.

8. MAG Committee Operating Policies and Procedures Change

On January 25, 2012, the MAG Regional Council approved updating the MAG Committee Operating Policies and Procedures, Terms of Officers, to two-year terms for the technical and other policy committees. Please refer to the attached material.

9. Legislative Update

H.B. 2798 Air Quality Dust Plan; Reports requires municipalities and counties in Area A, the Arizona Department of Transportation, Arizona Department of Environmental Quality (ADEQ) and agencies responsible for enforcing restrictions on off-highway vehicles to submit annual reports regarding particulate measures to ADEQ by March 30 of each year. H.B. 2798 provides

7. For information and discussion.

8. For information and discussion.

9. For information and discussion.

for record keeping and enforcement in accordance with the state's State Implementation Plan requirements. Please refer to the attached material.

10. Proposed Funding for an Air Quality Project for the MAG FY 2013 Work Program

Additional funding in the amount of \$280,000 is being proposed for the Air Quality Technical Assistance On-Call Project for the MAG FY 2013 Unified Planning Work Program. In general, the Air Quality Technical Assistance On-Call Project is for technical assistance in the preparation of an Eight-Hour Ozone Plan and supplemental technical analyses and information that may need to be provided to the Environmental Protection Agency for the MAG 2012 Five Percent Plan for PM-10. Technical assistance may also be needed for air quality modeling; air quality monitoring and meteorology; exceptional events; traffic surveys and emissions inventories; dirt road inventories; statistical analysis of data; collection and analysis of field data; analysis of control measures; air quality plan preparation; CMAQ evaluation methodologies; and transportation conformity.

11. Call for Future Agenda Items

The next meeting of the Committee has been tentatively scheduled for **Thursday, April 26, 2012** at 1:30 p.m. The Chairman will invite the Committee members to suggest future agenda items.

10. For information and discussion.

11. For information and discussion.

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

Tuesday, November 29, 2011
MAG Office
Phoenix, Arizona

MEMBERS ATTENDING

Oddvar Tveit, Tempe, Chairman	Steve Trussell, Arizona Rock Products Association
Elizabeth Biggins-Ramer, Buckeye, Vice Chair	Amy Bratt, Greater Phoenix Chamber of Commerce
Kristen Sexton, Avondale	Amanda McGennis, Associated General Contractors
# Jim Weiss, Chandler	Spencer Kamps, Homebuilders Association of Central Arizona
# Jamie McCullough, El Mirage	# Mannie Carpenter, Valley Forward
Kurt Sharp, Gilbert	*Kai Umeda, University of Arizona Cooperative Extension
Doug Kukino, Glendale	Beverly Chenausky, Arizona Department of Transportation
* Cato Esquivel, Goodyear	Diane Arnst, Arizona Department of Environmental Quality
# Greg Edwards for Scott Bouchie, Mesa	*Environmental Protection Agency
William Mattingly, Peoria	Jo Crumbaker, Maricopa County Air Quality Department
Phil McNeely, Phoenix	* Duane Yantorno, Arizona Department of Weights and Measures
* Tim Conner, Scottsdale	Ed Stillings, Federal Highway Administration
# Antonio DeLaCruz, Surprise	* Judi Nelson, Arizona State University
# Mark Hannah, Youngtown	Stan Belone for Christopher Horan, Salt River Pima-Maricopa Indian Community
Ramona Simpson, Queen Creek	
* American Lung Association of Arizona	
# Wendy Crites for Grant Smedley, Salt River Project	
Brian O'Donnell, Southwest Gas Corporation	
Mark Hajduk, Arizona Public Service Company	
# Susan Stephens for Gina Grey, Western States Petroleum Association	
* Dawn M. Coomer, Valley Metro/RPTA	
Dave Berry, Arizona Motor Transport Association	
Jeannette Fish, Maricopa County Farm Bureau	

*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	Mitch Wagner, Maricopa County Department of Transportation
Dean Giles, Maricopa Association of Governments	Dan Catlin, Fort McDowell Indian Community
Taejoo Shin, Maricopa Association of Governments	Scott DiBiase, Pinal County Air Quality
Matt Poppen, Maricopa Association of Governments	Matt Tsark, Strand Associates, Inc.
Julie Hoffman, Maricopa Association of Governments	Frank Schinzel, Maricopa County Air Quality
Kara Johnson, Maricopa Association of Governments	Joe Gibbs, City of Phoenix
Adam Xia, Maricopa Association of Governments	Syd Anderson, City of Phoenix
Feng Liu, Maricopa Association of Governments	Michelle Wilson, City of Glendale
Cathy Arthur, Maricopa Association of Governments	Shane Kiesow, City of Apache Junction
Randy Sedlacek, Maricopa Association of Governments	Bob Downing, Maricopa County Air Quality Department

1. Call to Order

A meeting of the Maricopa Association of Governments (MAG) Air Quality Technical Advisory Committee (AQTAC) was conducted on November 29, 2011. Oddvar Tveit, City of Tempe, Chair, called the meeting to order at approximately 1:30 p.m. Jim Weiss, City of Chandler; Wendy Crites, Salt River Project; Jamie McCullough, City of El Mirage; Greg Edwards, City of Mesa; Mannie Carpenter, Valley Forward; Susan Stephens, Western States Petroleum Association; Mark Hannah, Town of Youngtown; and Antonio DeLaCruz, City of Surprise, 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. Mr. Tveit noted that no public comment cards had been received.

3. Approval of the October 27, 2011 Meeting Minutes

The Committee reviewed the minutes from the October 27, 2011 meeting. William Mattingly, City of Peoria, moved and Doug Kukino, City of Glendale, seconded, and the motion to approve the October 27, 2011 meeting minutes carried unanimously.

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

Matt Poppen, Maricopa Association of Governments, provided an update on the Draft Attainment Demonstration for the MAG 2012 Five Percent Plan. Attainment is modeled in the year 2012 for both the Salt River Area and the PM-10 nonattainment area. The Salt River Area includes the West 43rd Avenue, Durango Avenue and South Phoenix monitors. Mr. Poppen stated that the Environmental Protection Agency (EPA) had expressed particular interest in single exceedances at the West 43rd Avenue monitor. Therefore, the West 43rd Avenue monitor is a focus in modeling attainment. However, attainment needs to be demonstrated regionally, throughout the PM-10 nonattainment area.

Mr. Poppen indicated that the 2012 MAG Five Percent Plan for PM-10 is different in that only high wind days are modeled as part of the attainment demonstration. Mr. Poppen added that stagnant exceedances are no longer a problem in the region and EPA agrees that the control measures in place have effectively addressed this issue. However, high wind events need to be modeled and are the focus in the 2012 plan.

Mr. Poppen discussed high wind days. He indicated that high wind days are separated into high and low wind hours. Both the high and low wind hours are modeled based on the appropriate criteria. The hours are categorized as a high or low wind hour by using the cut point of 12 miles per hour (mph) average wind speed, as identified in the windblown dust inventory. Mr. Poppen stated that high wind hours are modeled using a technique called distance-weighted rollback along hourly back trajectories.

Brian O'Donnell, Southwest Gas Corporation, inquired about the 12 mph cut point. Mr. Poppen replied that the draft EPA Exceptional Event Rule high wind guidance has suggested a wind speed threshold of 25 mph for exceptional events; however, previous work done in consultation with EPA

on the development of the windblown dust inventory establishes a 12 mph wind speed threshold for the creation of windblown dust.

Mr. Poppen stated that the MAG 2012 Five Percent Plan uses distance-weighted rollback modeling along hourly back trajectories to demonstrate attainment on high wind days. Therefore, there is no dispersion modeling in this plan. Using the distance-weighted rollback modeling, reductions in emissions equals reductions in concentrations. Mr. Poppen gave the example that when a 30 percent reduction in emissions is identified, a 30 percent reduction in concentrations at the monitor is assumed. He stated that back trajectories are developed from five minute wind speed data at the monitor. For example, if wind speed was 16 mph, a back trajectory is calculated by receding 16 miles in accordance with the wind direction. Mr. Poppen discussed that low wind hours are modeled with simple rollback within defined domains around the particular monitor being modeled.

Mr. Poppen presented an overview of the implemented measures from the MAG 2007 Five Percent Plan that the MAG 2012 Five Percent Plan is using for credit. These measures show that the region meets the five percent PM-10 reduction requirement and the contingency requirement. Mr. Poppen noted that the measures that contribute to the five percent reductions are the measures used for attainment modeling. The measures that are part of the contingency requirement are not used in attainment modeling. Likewise, Mr. Poppen added that measures used for the contingency requirement cannot be used as credit in attainment modeling according to the Clean Air Act. The measures used to demonstrate the five percent reduction in PM-10 include: rule effectiveness for Maricopa County Rules 310, 310.01, and 316 between the years 2007 and 2010; PM-10 certified street sweeping of freeways with the Arizona Department of Transportation (ADOT) contract dated February 20, 2010; PM-10 certified street sweepers purchased with Congestion Mitigation and Air Quality (CMAQ) Improvement funds between January 1, 2007 and December 31, 2009; road, alley, and shoulder paving/stabilization projects completed in 2008 to 2011; speed limit reductions implemented in 2008 to 2011; and rubberized asphalt overlays completed by ADOT. The new measure for the 2012 plan is the Dust Action General Permit and other provisions of HB 2208 which increases rule effectiveness for Rule 310.01 sources only.

Spencer Kamps, Homebuilders Association of Central Arizona, inquired why the dates of the measures used to calculate reductions vary. Mr. Poppen responded that the dates correlate to projects that have been implemented and MAG is able to verify their completion. Mr. Kamps asked if credit could be taken through 2011. Mr. Poppen replied that was correct. Mr. Kamps asked if no new street sweepers have been purchased with CMAQ funding since 2009. Cathy Arthur, Maricopa Association of Governments, responded that after 2010, the assumption is that street sweeping benefits increase at the rate of vehicle miles traveled (VMT). Therefore, credit is not being taken for additional sweepers purchased after 2010. She indicated that the main reason is that most of the sweepers purchased since 2010 are replacing older PM-10 certified street sweepers. Ms. Arthur added that additional credit is not being taken since credit has already been taken for those sweepers. She stated that credit beyond 2010 is not being taken for street sweeper purchases, but credit is being taken for increased VMT. Ms. Arthur noted that as VMT increases, sweeping benefit increases. She mentioned that credit for sweepers purchased in 2010 is not taken in 2010 because the benefits of a street sweeper purchased in one year are not credited until the subsequent year, i.e., after a full year of use. She indicated that these protocols are being followed in order to be as conservative as possible.

Mr. Poppen discussed attainment modeling. He stated that to begin modeling attainment a design day needs to be selected. For the MAG 2012 Five Percent Plan design days were selected from the year

2007 since this is considered the base year. Mr. Poppen explained that 2007 is considered the base year because this was the year before the measures were implemented. He indicated that there were 19 exceedances of the PM-10 standard in 2007 on 11 individual days. Mr. Poppen stated a major criteria used in selecting design days was to identify the days least likely to be high wind exceptional events. He noted that exceedances from the Buckeye monitor were not chosen as design days since this monitor lies outside the PM-10 nonattainment area. Likewise, Mr. Poppen stated that the Coyote Lakes monitor was a special purpose monitor that is no longer in operation and was also excluded.

Mr. Poppen stated that the dates in which to choose design dates consist of days with frontal system high winds. The date chosen for the Salt River Area was May 4, 2007- exceedance at the West 43rd Avenue monitor. The date selected for the PM-10 nonattainment area as a whole was June 6, 2007- exceedances at West 43rd Avenue and Higley monitors. Mr. Poppen indicated that these dates were the least likely to be categorized as exceptional events due to lower elevated wind speeds. Dates with higher wind speeds were not chosen as design days because they are more clearly linked with exceptional events. Mr. Poppen noted that only the West 43rd Avenue monitor is modeled for the May 4, 2007 date. He stated that seven monitors recorded PM-10 24-hour averages on June 6, 2007 and all were modeled. Mr. Poppen commented that there are not more monitors on June 6, 2007 that recorded 24-hour PM-10 averages since filter-based monitors operating on a one-in-six sampling schedule did not record values on June 6, 2007.

Mr. Poppen presented a table of the design days' wind speeds by hour, in which the low and high wind hours are presented. The high and low wind hours have differing modeling requirements. Mr. Poppen discussed a chart that graphs wind speed and PM-10 in relation to each other on May 4, 2007 at the West 43rd Avenue monitor. For this day the PM-10 24-hour average was 197.3 $\mu\text{g}/\text{m}^3$ with an hourly average as high as 600 $\mu\text{g}/\text{m}^3$. Mr. Poppen notes that most of the high hourly PM-10 concentrations are associated with higher wind speeds.

Mr. Poppen presented an illustration of the May 4, 2007 high and low wind domains. The high wind domains are based upon back trajectories developed from the recorded wind speeds at the monitor. Mr. Poppen noted that the black lines in the illustrations are hourly back trajectories that represent wind speed and direction during the hour of interest at the monitor. The yellow buffering around the back trajectories is the area in which windblown dust emission inventories for that hour are created. Mr. Poppen stated that the windblown dust emission inventory area constitutes a mile north and south of the back trajectories. The low wind hours only use emissions that are included in the low wind domain. Mr. Poppen noted that the low wind domain for the West 43rd Avenue monitor is the Salt River Area domain that has been used in previous PM-10 plans.

Mark Hajduk, Arizona Public Service Company, referenced an analysis of the area where temporary PM-10 monitors were placed. Mr. Hajduk asked if the data in that analysis reflects the back trajectory analysis and if it has any impact on the approval of the modeling attainment demonstration. Mr. Poppen responded that EPA is agreeable with how the back trajectory is developed. The back trajectory modeling uses five minute data from the monitor, which is what EPA prefers, as opposed to high split modeling. Mr. Poppen discussed that EPA guidelines for the low wind domain is that everything in that domain should have similar land uses and/or that the monitor is impacted by the same mix of sources. He stated that in terms of windblown dust, the direction of the wind is key to knowing where the high PM-10 concentrations emerged. Mr. Hajduk inquired about the temporary monitors. Mr. Poppen replied that the temporary monitoring data is used to develop distance weighting of the windblown dust inventory. He added that temporary monitors were placed due west

of the West 43rd Avenue monitor. One of these monitors was used to develop background values. Mr. Poppen stated that indeed the temporary monitors do inform the modeling in terms of how to weight emissions over distance.

Mr. O'Donnell inquired when the Salt River monitor was relocated to the West 43rd Avenue monitor location. Jo Crumbaker, Maricopa County Air Quality Department, responded that she did not have the date in which that monitor moved locations from the Salt River Service Center to West 43rd Avenue. However, she stated that there was not Salt River Service Center data available in 2007.

Mr. Poppen presented a table that displays how the high wind inventories are developed. Using the methodology in the 2008 Periodic Emissions Inventory on the calculation of windblown dust, the rule effectiveness rates serve as a surrogate for how much of the soil is disturbed. Mr. Poppen added that as rule effectiveness increases it is assumed that less of the soil is disturbed over time, which decreases PM-10 emissions. The table presented the un-weighted windblown dust emissions from the May 4, 2007 design day using both rule effectiveness rates from 2007 and then using rule effectiveness rates from 2012. Mr. Poppen noted that PM-10 sources further away from the monitor have less impact on the monitor. For the modeling, emissions need to be weighed by their distance from the monitor. Mr. Poppen explained that dividing the PM-10 emissions by the distance from the monitor results in the distance weighted emissions for 2007 and 2012. The difference in emissions between 2007 and 2012 is applied to the concentration. Mr. Poppen provided an example from the table that if the percent reduction of weighed emissions is 33.8 percent, between 2007 and 2012, then there would be a reduction of the PM-10 concentrations for that hour by 33.8 percent to help show attainment.

Mr. Poppen displayed a table for the May 4, 2007 low wind hours. He stated that modeling low wind hours are simpler. Mr. Poppen indicated that the low wind hour emissions for the Salt River low wind domain are calculated using the annual 2007 PM-10 nonattainment area emissions inventory and assigning it to the land uses in that area. This is repeated using the 2012 emissions inventory that has been developed. The difference between the 2007 and 2012 data produces the reductions achieved during low wind hours. The total percent reduction for the low wind hours of May 4, 2007 equals 34.3 percent which can then be applied to the low wind hours.

Mr. Kamps inquired if the parentheses on the May 4, 2007 low wind hours table indicate an increase in PM-10. Mr. Poppen replied that the parentheses do illustrate an increase of PM-10 (or a decrease in percent reduction) in areas of residential, commercial, and vacant land use. He mentioned that PM-10 has increased in the residential land use category due to increased population growth in which there are no new emission controls for that particular land use. The increases in PM-10 for the commercial land use is due to products of combustion, not fugitive dust.

Steve Trussell, Arizona Rock Products Association, asked what the changes are that have lead to the decrease in PM-10 with regard to transportation, industrial, and construction land uses. Mr. Poppen replied that the industrial category includes sources that have permits with Maricopa County. He discussed that transportation land uses mainly include emissions from cars. Mr. Poppen noted that contingency measures are not used for credit in the attainment modeling. The contingency measures include road paving projects and street sweeping. Mr. Poppen commented that if the measures used for contingency were included in demonstrating attainment, there would be a greater increase in reduction of PM-10 for transportation. He added that the contingency measures cannot be included to show emission reductions because those contingency emissions are above and beyond what is required for attainment modeling and the five percent reduction requirement. Mr. Poppen stated that

Rule 310 permits make up most of the PM-10 reductions for construction land use. He discussed that off highway vehicle travel, leaf blowers, and other miscellaneous sources like wildfires fall under the vacant/open land use category. Mr. Poppen noted that the reductions on this table are for low wind hours.

Mr. Kamps inquired where the concept of dragout fits into the table. Mr. Poppen responded that the plan has a simple approach to low wind hours since EPA agrees that the region is not having issues with low wind exceedances. Due to this EPA recognition, the emissions inventory is not as detailed as it was in the withdrawn 2007 Five Percent Plan for PM-10. Mr. Poppen noted that a stagnation violation of the PM-10 standard has not occurred since 2006. A simpler, straightforward emissions inventory and rollback modeling have been developed for the new MAG 2012 Five Percent Plan with regard to low wind reductions.

Mr. Kamps asked what changes equaled a 24.6 percent PM-10 reduction in industrial land use. Mr. Poppen replied that the reduction resulted from a mixture of measures and growth factors. He discussed that the measures that exist in this category coupled with growth factors of the economy at that time produced the PM-10 reduction. Mr. Poppen noted that rule effectiveness is included since, Rule 316, and Rule 310.01 are part of the industrial land use category.

Dave Berry, Arizona Motor Transport Association, inquired about the low wind and high wind domains. Mr. Poppen replied that the low wind domain is the immediate area around the monitor, as indicated by the orange box on the illustration. Mr. Berry asked what the 405 acres listed under the transportation land use includes. Mr. Poppen responded that the 405 acres constitutes major roadways in the area. Mr. Berry inquired if the emissions were a function of VMT in the area. Mr. Poppen responded that the annual emissions inventory is used and assigned to land uses. Using this methodology a tons per acre rate is calculated. Mr. Poppen explained that the tons per acre rate is multiplied by the acres that exist in the Salt River Area. Mr. Berry asked if this process is prescribed by EPA. Mr. Poppen replied that MAG staff has been working with EPA in the Five Percent Technical Committee meetings. He stated that EPA is very familiar and aided in the decision that the rollback approach and this conceptual model be used for low wind hour modeling. Mr. Poppen discussed that the simpler approach for low wind days uses the concept that reductions in emissions equals reductions in concentrations. Mr. Berry inquired if this methodology is used elsewhere. Mr. Poppen responded that rollback modeling is used frequently and the process was used in the previous 2007 PM-10 Plan for modeling some monitor data.

Mr. Poppen presented a table used for attainment demonstration of the May 4, 2007 design day. He noted that background concentration is included in the table. Background concentration data was taken from Arlington, a temporary monitor, that is approximately ten miles west of the PM-10 nonattainment area border. Mr. Poppen stated that in terms of modeling, the background concentrations are assumed to never decrease. He commented that background concentrations need to be subtracted before reductions can be applied for both low and high wind hours. Once each hour has gone through the appropriate calculations the 24-hour average is calculated. Mr. Poppen indicated that the 24-hour average for May 4, 2007 was $197.3 \mu\text{g}/\text{m}^3$ and the 24-hour average for 2012 after rollback modeling was $134.1 \mu\text{g}/\text{m}^3$. The 2012 PM-10 24-hour average of $134.1 \mu\text{g}/\text{m}^3$ is well below the standard of $150 \mu\text{g}/\text{m}^3$. Mr. Poppen noted that attainment is demonstrated in 2012 for this monitor using this methodology.

Mr. Kamps asked for a clarification on the calculation of the 24-hour PM-10 average. Mr. Poppen replied that each hour has a 2007 concentration in which the background concentration is subtracted. He stated that the reductions are then applied to that number. After that calculation is completed the background concentration is added back in and the 2012 controlled PM-10 concentration is averaged to arrive at the 24-hour average. Mr. Kamps inquired why the background numbers do not change when the wind speed is a fluctuating factor. Mr. Poppen responded that the MAG consultant, Sierra Research, had calculated the background calculations that were used in the 2012 plan. He indicated that the table displays the low wind background concentration of $14.9 \mu\text{g}/\text{m}^3$ and the high wind background concentration of $21.9 \mu\text{g}/\text{m}^3$ which is based on the average concentrations during low or high wind hours.

Mr. Kamps inquired why an average is used for background concentration as opposed to the actual wind speed. Mr. Poppen replied that averages are used for background concentrations to be conservative in the modeling. He discussed that average background concentrations only have issues when wind speeds increase drastically because the higher the wind speed, more sources become factors. When the wind speeds are extremely elevated and more sources are involved it becomes difficult to discern anthropogenic and nonanthropogenic sources. Another approach that was used in the MAG 2007 Plan was to look at values from a very remote site. However, Mr. Poppen stated that the values from the remote site were similar to the averages at the monitor west of the nonattainment area. He noted that the modeling is conservative in that there is an acknowledgment that there will always be an approximate minimum of $20 \mu\text{g}/\text{m}^3$ concentration during high wind hours. Mr. Poppen stated that this is a conservative approach and the methodology was chosen with EPA approvability in mind.

Mr. Kamps asked if an increase to background would be more conservative. Mr. Poppen replied that with an increase of background concentration, the appearance of exceptional event days is more likely. He stated that to be consistent in the modeling, the design days are considered not to be exceptional events. By modeling these days it is assumed anthropogenic sources have caused the exceedances. An increase in background concentration would possibly place these days into the exceptional events category. Mr. Poppen stated that the Arizona Department of Environmental Quality (ADEQ) has said that the exceedances of the PM-10 standard in 2008, 2009, and 2010 are due to exceptional events and attainment was achieved in 2010. However, he stated that EPA has rejected four exceedances in 2008. In order to move forward with the MAG Five Percent Plan, the plan needs to assume the modeled days are not exceptional events.

Mr. O'Donnell referred to the May 4, 2007 high wind hours table and inquired about the distance of emissions from the monitor. Mr. Poppen responded that the hourly back trajectories are as long as the wind speed. He stated that if an emission source is 20 miles away, it cannot have the same weight as a source only a mile away. This is why the emissions from the source are divided by however many feet the source is from the monitor. Mr. Poppen gave the example if emissions are 20 miles away one would divide by 20, which is the distance. He stated that in this modeling exercise, feet are used as the unit of measurement.

Mr. Poppen presented graphs for the West 43rd Avenue and Higley monitors, which exceeded on the June 6, 2007 design day. He mentioned that modeling is being done for seven monitors that recorded 24-hour PM-10 concentrations on June 6, 2007. Mr. Poppen noted that there are no back trajectories for the State Super Site monitor due to winds that did not exceed 12 mph. This monitor is modeled

only using the low wind domain. Mr. Poppen indicated that there are three low wind domains that are being modeled on this day.

Mr. Poppen presented a table displaying the June 6, 2007 West 43rd Avenue monitor high wind hour weighted emission reduction, which totaled 34.8 percent. He also presented that the low wind hours totaled an emission percent reduction of 34.3 percent. Utilizing these reductions, an exceedance value of 225.7 $\mu\text{g}/\text{m}^3$ on June 6, 2007 is calculated to have a concentration value of 153.8 $\mu\text{g}/\text{m}^3$ in 2012 after rollback modeling. Mr. Poppen noted that the 153.8 $\mu\text{g}/\text{m}^3$ value meets the standard since it is below 155 $\mu\text{g}/\text{m}^3$. He stated that June 6, 2007 was considered a max concentration day. Despite this design day being considered a max concentration day, modeling was able to demonstrate attainment.

Mr. Kamps inquired about the axis of the graph for the June 6, 2007 Higley monitor exceedance. Mr. Poppen responded that the right axis displays wind speed and the left axis displays PM-10 concentrations. He explained that both axis are labeled to allow both factors of wind speed and PM-10 concentrations to be displayed simultaneously. Mr. Poppen noted that the draft Attainment Demonstration for the MAG 2012 Five Percent Plan presentation is very technical, and the purpose of this presentation was to provide a transparent overview of the modeling with the Committee.

Mr. Poppen presented June 6, 2007 design day high wind hours for the Higley monitor. He did note that less benefit is reaped at the Higley monitor during high wind hours due to less sources of windblown dust. Conversely, the Higley monitor low wind hours demonstrate increased percent emission reduction. Mr. Poppen noted that a greater benefit for low wind reduction is due to a concentration of construction activity in 2007 around the monitor. He indicated that the 24-hour average PM-10 concentration for June 6, 2007 was 181.1 $\mu\text{g}/\text{m}^3$ and the 24-hour average for 2012 was 127.5 $\mu\text{g}/\text{m}^3$. The 2012 PM-10 24-hour average of 127.5 $\mu\text{g}/\text{m}^3$ is well below the standard of 150 $\mu\text{g}/\text{m}^3$. Therefore, attainment is demonstrated in 2012 at the Higley monitor.

Mr. Poppen stated that there were five other monitoring sites that were part of the attainment demonstration for June 6, 2007. The other active monitoring sites on this design day did not exceed, but were still included in the nonattainment rollback modeling and are part of the plan. Mr. Poppen discussed that when the rollback modeling was applied to the 24-hour average PM-10 concentrations measured in micrograms per cubic meter at the other sites, the results were as follows: Central Phoenix emissions reduced from 107.0 to 81.7; Durango emissions reduced from 133.7 to 94.6; Greenwood emissions reduced from 121.7 to 94.0; State Super Site emissions reduced from 80.6 to 64.8; and West Phoenix emissions reduced from 108.8 to 85.7.

Mr. Poppen summarized that attainment in 2012 is modeled for the two high wind design days of May 4, 2007, Salt River Area only, and June 6, 2007 which encompasses the entire PM-10 nonattainment area. He displayed the attainment modeling results of the 24-hour average PM-10 concentrations for 2007 and the controlled values in 2012, which demonstrates attainment at the monitors in 2012.

Mr. Poppen commented that rollback modeling assumes reductions in emissions equals reductions in concentrations at the monitor. He indicated that the control measures put in place in 2008, 2009, and 2010 have indeed been effective at reducing emissions. Mr. Poppen presented a table that displays the annual average PM-10 concentrations by monitor for years 2007 through 2010. The monitors display an average of 44 $\mu\text{g}/\text{m}^3$ for the year 2007 and an average of 27 $\mu\text{g}/\text{m}^3$ for 2010 showing a major decrease in annual PM-10 concentrations. Mr. Poppen also presented a graph of the same data. The graph illustrates that PM-10 concentrations have decreased from 2007 to 2010.

Mr. Berry inquired what would occur if the winds exceeded what is currently modeled. Mr. Poppen stated that when originally reviewing the data from 2007, the high wind exceedance days were considered to be exceptional events and attainment would thus have been met in 2010. However, EPA proposed that the region had not reached attainment in 2010. Mr. Poppen noted that two exceedance days were then chosen to be modeled on the basis that these two days were the least likely to be considered exceptional events.

Mr. Berry asked if the wind speeds that were modeled for these days would become the threshold for the category of exceptional events. Mr. Poppen stated that the new plan needed design days in which to model attainment. He stated that ADEQ had originally designated May 4, 2007 and June 6, 2007 as exceptional events; however, EPA has not agreed with four exceptional events in 2008 that would have resulted in attainment in the region. These days were chosen in order to move forward with a new plan.

Mr. Berry inquired if the correlation between PM-10 concentration and wind speed was a linear relationship. Mr. Poppen replied that the relationship between the PM-10 concentrations and wind speed is not linear and was better reflected by a power relationship.

Mr. Trussell asked if the reductions for the design day low wind hours were averages since they were the same. Mr. Poppen responded that the tons per acre that is applied is the same for the low wind domains since they are all based on the annual PM-10 nonattainment area inventory. However, Mr. Poppen noted that a difference comes into play for the total area because within a low wind area there are different distributions of sources. He gave the example that the Salt River Area had a low wind reduction of 34.3 percent, but the Higley area had a reduction of 38.5 percent due to differing sources of the two areas. The Higley domain saw a greater reduction because it contained more construction land use than the Salt River Area.

Mr. Kamps inquired how the acres are remaining constant for the land use calculations. Mr. Poppen replied that the acres remain constant. He stated that the 2007 inventory is divided by the 2007 land uses to get the tons per acre calculation and the same is done for 2012. He noted that 2012 emissions are less due to increased rule effectiveness and growth factors; however, the acreage is held constant. Mr. Kamps asked how growth factor is included. Mr. Poppen responded that growth is a factor with regard to population, VMT, and employment, but not in land use acreage. If the acreage were to change, development of the inventories would need to change as well.

Mr. Kamps asked why attainment is reached at the West 43rd Avenue monitor on June 6, 2007 when the standard is 150 $\mu\text{g}/\text{m}^3$, but the attainment demonstration number is 153.8 $\mu\text{g}/\text{m}^3$. Mr. Poppen responded that indeed the standard is 150 $\mu\text{g}/\text{m}^3$; however, the concentration can be up to 155 $\mu\text{g}/\text{m}^3$ since the number is rounded to the nearest ten. As long as a number is below 155 $\mu\text{g}/\text{m}^3$, the standard is met.

Mr. Kamps commented that the bulk of emission reductions is increased rule effectiveness for Rules 310, 310.01, and 316. He added that attainment is tight at the West 43rd Avenue monitor and asked if other controls are needed. Mr. Kamps noted that the rules were in place in 2008 and the region is still violating. He inquired if additional control measures will be required with respect to rules 310, 310.01, and 316. Mr. Poppen replied that the attainment demonstration exhibits that attainment can be met in 2012 based on the current measures in place.

Lindy Bauer, Maricopa Association of Governments, stated that this information is being provided in order to keep the process transparent. She thanked the Committee for their patience with such a technical presentation.

Ms. Bauer updated the Committee on the 2011 PM-10 exceedances. To date, there have been 102 exceedances across the monitoring network, 101 of which are due to exceptional events. She noted that ADEQ is preparing the documentation for the 2011 exceptional events with assistance from Maricopa County and MAG staff. Ms. Bauer stated that the first group of exceptional events documentation for July 2, 2011 through July 8, 2011 was submitted to EPA for an informal review at the end of October. She mentioned that ADEQ was going to start documenting the exceptional events from 2009 in order to demonstrate three years of clean data; however, the numerous exceptional events of 2011 caused ADEQ to change course. Ms. Bauer indicated that once the 2011 exceptional events documentation is submitted, the 2009 exceptional events documentation will be completed.

Ms. Bauer discussed that the San Joaquin Valley Unified Air Pollution Control District estimates that it takes approximately 453 staff hours to document one high wind exceptional event. She noted that the region has had 21 days of exceptional events in 2011. She added that 2010 was a clean year. However, considering the tremendous workload for the exceptional events documentation. Ms. Bauer stated that MAG staff has been working with legal counsel on legislative remedies. She stated that draft legislation has been prepared that is designed to streamline the exceptional events process. Ms. Bauer indicated that the legislation is attempting to make the process more reasonable for all parties involved, which include EPA, the State, the Tribes and local governments. She noted that EPA has a heavy workload as well in reviewing the documentation once it is submitted. Ms. Bauer added that the efforts by EPA to agree to informally review and provide comments on the July 2, 2011 through July 8, 2011 documentation are appreciated. She discussed that the overriding concept of the draft legislation is that perhaps the states are in the best position to make the exceptional event determination, after consultation with EPA. The EPA would still be heavily involved in the process; however, the decision would be returned to the State and Tribal level.

Ms. Bauer stated that under the Clean Air Act there are some exclusions for exceptional events. Some of these exclusions include lack of precipitation and high temperatures. Ms. Bauer noted that many bills that are passed have definitions, but not exclusions. She referred to the time when the region experienced over 100 days of extended drought in 2005-2006. Ms. Bauer also stated that the draft legislation defines high wind due to a lack of definition in the EPA Exceptional Events Rule. EPA has acknowledged that their Exceptional Events Rule is flawed, so the legislation is designed to fix these flaws. Ms. Bauer noted that the draft legislation is in the beginning phases and no action has been taken. She added that the draft legislation has been provided to the MAG Regional Council Executive Committee. Mayor Hallman, Chair of the MAG Regional Council, sent a letter to EPA on November 22, 2011 communicating this information in hopes of EPA finding the legislation productive as well. A copy of the draft legislation was provided in the Committee agenda packet.

Ms. Bauer mentioned that the region has entered into a time of year where the opportunity for stagnation exceedances increases. She commented that Amanda McGennis, Associated General Contractors, had previously mentioned the benefits of using a tack coat in road work. The tack coat can help keep dust and PM-10 levels down. Ms. Bauer added that this topic was discussed at the MAG Management Committee meeting in November 2010. She introduced Syd Anderson, City of Phoenix Transportation and Street Department, to discuss the tack coat approach.

Mr. Anderson presented information regarding the overlay program and the processes that the City of Phoenix is looking into to minimize dust during road work. In the past, after a road was milled and before it was overlaid the specifications for dust proofing were generic. Mr. Anderson stated that a contractor was only required to take minimal dust minimization precautions such as additional watering. He indicated that after the City obtained stimulus funds, the City was required to develop an overlay program within a short period of time. Due to the short time frame Phoenix was unable to crack seal the streets six months to a year ahead of schedule, when it was usually completed. Therefore, a full face milling, from curb to curb, was done before the streets could be overlaid. He noted that the City also created a High Wind Advisory Task Force around the same time. This task force required various departments to assemble prospective programs to minimize dust impact on high wind advisory days.

Mr. Anderson stated that due to these events, the Street Transportation Department at the City of Phoenix researched the application of a tack coat after a street is milled. Previously, by conducting a full face milling, the City milled down approximately one inch. Typically a surface course on a street is one and one-half inches before another material is reached. Therefore, there would only be about one-half inch remaining on the street. Mr. Anderson indicated that the material would break down and become airborne from vehicles driving on it. He indicated that watering the one-half inch milled road did not work because it required constant watering to keep the dust down. Mr. Anderson stated that this is when the City started using tack coat to manage dust. He added that tack coat was already a bid item in the project and is used between the layers of asphalt. Mr. Anderson noted that initially Phoenix decided to go with half the amount after a street was milled. The tack coat was applied to lock in any particles that might be disturbed when vehicles drive over it. Mr. Anderson stated that the other half of the tack coat was used after the top layer of overlay was complete. He discussed that this method worked well for the City of Phoenix and there was no additional money needed by the contractor. Mr. Anderson mentioned that with the reduction in stimulus funds, the City has returned to crack sealing roads approximately six months ahead of time. Phoenix now utilizes edge milling which consists of milling only the curb lane, approximately 12 feet from the curb. Mr. Anderson stated that in edge milling, the mill tapers from one inch to zero which does not create the dust problems that resulted from milling the whole street. He discussed that a tack coat will continue to be used in the curb lane to reduce dust.

Mr. Anderson also noted that the City is looking to establish scenarios where contractors perform other necessary tasks that do not involve dust creation on high wind advisory days given enough lead time with the project. The City of Phoenix is also looking to make sure contractors are better informed on dust prevention in the pre-project and project specification phases. Mr. Anderson stated that he is a member of the MAG Standard Specifications and Details Committee in which he hopes to bring up some of these issues. He mentioned that discussion with the MAG Standard Specifications and Details Committee could bring about a regional specification to assist in preventing dust. Mr. Anderson stated that he would keep the Committee informed.

5. Update on the Supplemental Revision for the Eight-Hour Ozone Maintenance Plan

Ms. Bauer presented an update on the supplemental revision for the MAG Eight-Hour Ozone Maintenance Plan. She stated that EPA had requested supplemental modeling for interim years for the Eight-Hour Ozone Maintenance Plan that had already been submitted to EPA. The plan demonstrated maintenance for the 1997 eight-hour ozone standard of 0.08 parts per million for 2025. There have been no violations of the 0.08 standard since 2004. Ms. Bauer stated that EPA has

reinstated the 0.075 parts per million standard. On November 3, 2011, she stated that an email was received from EPA stating that the new ozone standard requires a fresh look at ozone and advised against investing any more time and energy into revising the maintenance plan at this time. Ms. Bauer added that EPA will be scheduling a conference call to discuss the topic in the future.

Mr. Hajduk mentioned a lawsuit against EPA for not ruling on the State Implementation Plan (SIP). He asked if this points to the direction of EPA approving the SIP. Ms. Bauer replied that EPA may have entered into a consent decree with the parties of the lawsuit.

6. Call for Future Agenda Items

Mr. Tveit requested suggestions for future agenda items. He noted that he is interested in hearing an update on the draft legislation for exceptional events. The next Committee meeting has been tentatively scheduled for January 26, 2012 at 1:30 p.m. With no further comments, the meeting was adjourned at 2:49 p.m.

MAG Commitment to Air Quality

The Maricopa Association of Governments (MAG), Maricopa County, and Arizona Department of Environmental Quality have an impressive record in improving the quality of our air. Below are just a few of the region's air quality achievements.

- ❖ The MAG region was one of the first areas in the country to implement an alternative fuels program to help resolve the carbon monoxide issue.
- ❖ The region has one of the most stringent vehicle emissions inspection maintenance programs in the country.
- ❖ MAG is currently a cosponsor of a pilot project to implement electric vehicle charging stations in the region.
- ❖ The region has met the federal air quality standard for carbon monoxide. The nonattainment area is now a maintenance area.
- ❖ There have been no violations of the one-hour ozone standard since 1996. The region also was re-designated as a maintenance area for that pollutant. There have been no violations of the .08 parts per million eight-hour ozone standard since 2004. We have had only one violation at one monitor of the newly-implemented stricter ozone standard of .075 (in 2011).
- ❖ The region also meets the fine particulate standard (PM-2.5).
- ❖ In the area of PM-10, the MAG Revised 1999 Serious Area Plan contained 77 aggressive measures to reduce dust. This Plan was one of the first in the nation and was heralded by the Environmental Protection Agency as one of the most comprehensive plans in the country.
- ❖ The PM-10 Plan submitted by MAG in 2007 contained another 53 aggressive measures that are in addition to the Serious Area Plan measures. In fact, every city and town within the nonattainment area, and Maricopa County, have implemented dust control measures to address dust pollution. A tracking report indicates the cities and towns have gone above and beyond their commitments.
- ❖ In addition, the MAG Regional Council has allocated a total of \$24.9 million in Congestion Mitigation and Air Quality (CMAQ) funds over the last 12 years to purchase clean, dust-reducing street sweepers. It has allocated \$33.6 million for paving unpaved roads from fiscal 2007 to 2014.
- ❖ Since the MAG Five Percent Plan was submitted in 2007, there have been no exceedances at monitors during stagnant conditions.



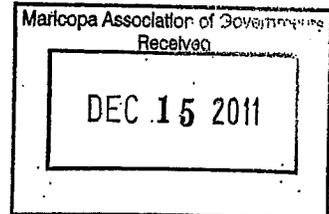
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

Agenda Item #7

OFFICE OF THE
REGIONAL ADMINISTRATOR

DEC 09 2011

The Honorable Janice Brewer
State of Arizona
1700 West Washington
Phoenix, Arizona 85007



Dear Governor Brewer:

Thank you for your recommendations dated March 12, 2009 and December 1, 2011 on air quality designations for the revised 2008 National Ambient Air Quality Standards for ozone throughout Arizona. I appreciate the information Arizona shared with the U.S. Environmental Protection Agency as we move forward to improve ozone air quality. The purpose of this letter is to notify you of the U.S. Environmental Protection Agency's preliminary decision to designate the Phoenix area of Arizona as nonattainment for the revised 2008 ozone NAAQS, according to your recommendations, and to inform you of our approach for completing the designations for the revised ozone NAAQS.

On March 12, 2008, the EPA revised its NAAQS for ground-level ozone to provide increased protection of public health and the environment. The EPA lowered the primary 8-hour ozone standard from 0.08 parts per million (ppm) to 0.075 ppm to protect against health effects associated with ozone exposure, including a range of serious respiratory illnesses and increased premature death from heart or lung disease. The EPA revised the secondary 8-hour ozone standard, making it identical to the primary standard, to protect against welfare effects, including impacts on sensitive vegetation and forested ecosystems.

History shows us that better health and cleaner air go hand-in-hand with economic growth. Working closely with the states and tribes, the EPA is implementing the standards using a common sense approach that improves air quality and minimizes the burden on state and local governments. As part of this routine process, EPA is working with the states to identify areas in the country that meet the standards and those that need to take steps to reduce ozone pollution. Within one year after a new or revised air quality standard is established, the Clean Air Act requires the Governor of each state to submit to the EPA a list of all areas in the state, with recommendations for whether each area meets the standard.

As a first step in implementing the 2008 ozone standards, the EPA asked states to submit their designation recommendations, including appropriate area boundaries, by March 12, 2009. In September 2009, the EPA announced it was reconsidering the 2008 ozone standards. The EPA later took steps to delay the designation process for the 2008 ozone standards pending outcome of the reconsideration. However, in September 2011, the Office of Management and Budget returned to EPA the draft final rule addressing the reconsideration of the 2008 standards. On September 22, 2011, the EPA restarted the implementation effort by issuing a memorandum to clarify for state and local agencies the status of the 2008 ozone standards and to outline plans for moving forward to implement them. The EPA indicated that it would proceed with initial area designations for the 2008 standards, and planned to use the recommendations states made in 2009 as updated by the most current, certified air quality data from 2008-2010. While the EPA did not request that

states submit updated designation recommendations, the EPA provided the opportunity for states to do so. Thank you for the December 1, 2011 updated designation recommendation from Arizona based on the assessment of 2008-2010 air quality data.

As required by the Clean Air Act, the EPA will designate an area as nonattainment if it is violating the 2008 ozone standards or contributing to a violation of the standards in a nearby area. Consistent with designations for previous ozone standards, the EPA intends to designate an area as unclassifiable/attainment if there are certified, quality-assured air quality monitoring data showing the area is meeting the ozone standards or there are no monitoring data for the area, and the EPA has not made a determination that the area is contributing to a violation in a nearby area.

After considering Arizona's December 1, 2011 ozone designation recommendations, which were based on 2008-2010 air quality data, as well as other relevant technical information, the EPA intends to support Arizona's recommended area designation and boundary for Phoenix-Mesa. The enclosed Technical Support Document provides a detailed analysis to support our preliminary decisions. The EPA intends to designate all other areas of the state as unclassifiable/attainment.

The EPA will continue to work with state officials regarding the appropriate boundary for the Phoenix-Mesa nonattainment area in Arizona. If Arizona has additional information that you would like the EPA to consider, please submit it to us by February 29, 2012. The EPA will also make its preliminary designation decisions and supporting documentation available to the general public for review and comment. We will be announcing a 30-day public comment period shortly in the *Federal Register*. After considering additional information we receive, the EPA plans to promulgate final ozone designations in the spring of 2012.

The EPA is committed to working with the states and tribes to share the responsibility of reducing ozone air pollution. Current and upcoming federal standards and safeguards, including pollution reduction rules for power plants, vehicles and fuels, will assure steady progress to reduce ozone-forming pollution and will protect public health in communities across the country. We look forward to a continued dialogue with you and your staff as we work together to implement the 2008 ozone standards. Should you have any questions, please do not hesitate to contact me or Amy Zimpfer, Associate Director, Air Division, of my staff at 415-947-4146 or zimpfer.amy@epa.gov.

Sincerely,



Jared Blumenfeld

Enclosure

cc: Henry Darwin, Director, Arizona Department of Environmental Quality
Eric Massey, Director, Air Quality Division, Arizona Department of Environmental Quality
Nancy Wrona, Policy Advisor, Arizona Department of Environmental Quality
Donald P. Gabrielson, Director, Pinal County Air Quality Control District
William Wiley, Director, Maricopa County Air Quality Department
Dennis Smith, Executive Director, Maricopa Association of Governments

cc: (without enclosure)

Clinton Pattea, President, Fort McDowell Yavapai Nation
Mark Frank, Environmental Specialist, Fort McDowell Yavapai Nation
Diane Enos, President, Salt River Pima-Maricopa Indian Community
Daniel Daggett, Acting ENPR Manager, Salt River Pima-Maricopa Indian Community
Ned Norris, Jr., Chairperson, Tohono O'odham Nation of Arizona
Lorinda Sam, Environmental Supervisor, Tohono O'odham Nation of Arizona

cc: (via electronic correspondence)

Gina McCarthy, Assistant Administrator for Air and Radiation
Stephen D. Page, Director, Office of Air Quality Planning and Standards

Technical Support Document for 2008 Ozone NAAQS Designations

**Arizona
Area Designations for the
2008 Ozone National Ambient Air Quality Standards**

The table below identifies the areas and associated counties or parts of counties in Arizona that EPA intends to designate as nonattainment for the 2008 ozone national ambient air quality standards (2008 NAAQS). In accordance with section 107(d) of the Clean Air Act, EPA must designate an area “nonattainment” if it is violating the 2008 ozone NAAQS or if it is contributing to a violation of the 2008 ozone NAAQS in a nearby area. The technical analyses supporting the boundaries for the individual nonattainment areas are provided below.

Intended Nonattainment Areas in Arizona

Area	Arizona’s Recommended Nonattainment Counties	EPA’s Intended Nonattainment Counties
Phoenix-Mesa*	Maricopa County (partial) Pinal County (partial)	Maricopa County (partial) Pinal County (partial)

*The intended Phoenix-Mesa area includes areas of Indian country. Table 1 below identifies the areas of Indian country that EPA intends to designate as part of the nonattainment area.

Designation of a state area may also affect Indian country. Areas of Indian country are located within the boundaries of the counties EPA intends to include as the Phoenix-Mesa nonattainment area. Designation of areas of Indian country is discussed further in the following technical analysis.

EPA intends to designate the remaining counties, portions of counties, and areas of Indian country in Arizona that are not listed in the table above as “unclassifiable/attainment” for the 2008 ozone NAAQS.

The analysis below provides the basis for intended nonattainment area boundaries. It relies on our analysis of which monitors are violating the 2008 ozone NAAQS, based on certified air quality monitoring data from 2008-2010, and an evaluation of whether nearby areas are contributing to such violations. EPA has evaluated contributions from nearby areas based on a weight of evidence analysis considering the factors identified below. EPA issued guidance on December 4, 2008 that identified these factors as ones EPA would consider in determining nonattainment area boundaries and recommended that states consider these factors in making their designations recommendations to EPA¹:

1. Air quality data (including the design value calculated for each federal reference method (FRM) or federal equivalent method (FEM) monitor in the area);
2. Emissions and emissions-related data (including location of sources and population, amount of emissions and emissions controls, and urban growth patterns);
3. Meteorology (weather/transport patterns);
4. Geography and topography (mountain ranges or other basin boundaries); and
5. Jurisdictional boundaries (e.g., counties, air districts, existing nonattainment areas, Indian country, metropolitan planning organizations (MPOs)).

¹ The December 4, 2008 guidance memorandum “Area Designations for the 2008 Revised Ozone National Ambient Air Quality Standards” refers to 9 factors. In this technical support document we have grouped the emissions-related factors together under the heading of “Emissions and Emissions-Related Data,” which results in 5 categories of factors.

Ground-level ozone generally is not emitted directly into the air, but is created by chemical reactions between oxides of nitrogen (NO_x) and volatile organic compounds (VOC) in the presence of sunlight. Because NO_x and VOC emissions from a broad range of sources over a wide area typically contribute to violations of the ozone standards, EPA believes it is important to consider whether there are contributing emissions from a broad geographic area. Accordingly, EPA chose to examine the 5 factors with respect to the larger of the Combined Statistical Area (CSA) or Core Based Statistical Area (CBSA) associated with the violating monitor(s).² All data and information used by EPA in this evaluation are the latest available to EPA and/or the latest information provided to EPA by states or tribes.

In EPA's designations guidance for the 2008 ozone NAAQS, EPA recommended examining CSA/CBSAs because certain factors used to establish CSAs and CBSAs are similar to the factors EPA is using in this technical analysis to determine if a nearby area is contributing to a violation of the 2008 ozone NAAQS. Congress required a similar approach in 1990 for areas classified as serious or above for the 1-hour ozone standard and EPA used the same basic approach in the designation process for the 1997 ozone NAAQS. Where a violating monitor is not located in a CSA or CBSA, EPA's guidance recommended using the boundary of the county containing the violating monitor as the starting point for considering the nonattainment area's boundary. Phoenix-Mesa-Glendale is defined by the Office of Management and Budget (OMB) as a metropolitan statistical area (MSA) and is comprised solely of Maricopa and Pinal Counties. The Phoenix-Mesa-Glendale MSA is not part of a larger CSA or CBSA.

Technical Analysis for Phoenix-Mesa

Figure 1 is a map of the existing Phoenix-Mesa nonattainment area. The map provides other relevant information including the locations and design values of air quality monitors, county names and boundaries, and indicates EPA's intended nonattainment designation. Also shown is the boundary of the existing area that is designated nonattainment. See Map 1 in Appendix 1 (also included in Factor 1 below) for a detailed map of the partial county boundaries that EPA intends to use for the nonattainment area boundary.

² Lists of CBSAs and CSAs and their geographic components are provided at www.census.gov/population/www/metroareas/metrodef.html. The lists are periodically updated by the Office of Management and Budget. EPA used the most recent update, based on 2008 population estimates, issued on December 1, 2009 (OMB Bulletin No. 10-02).

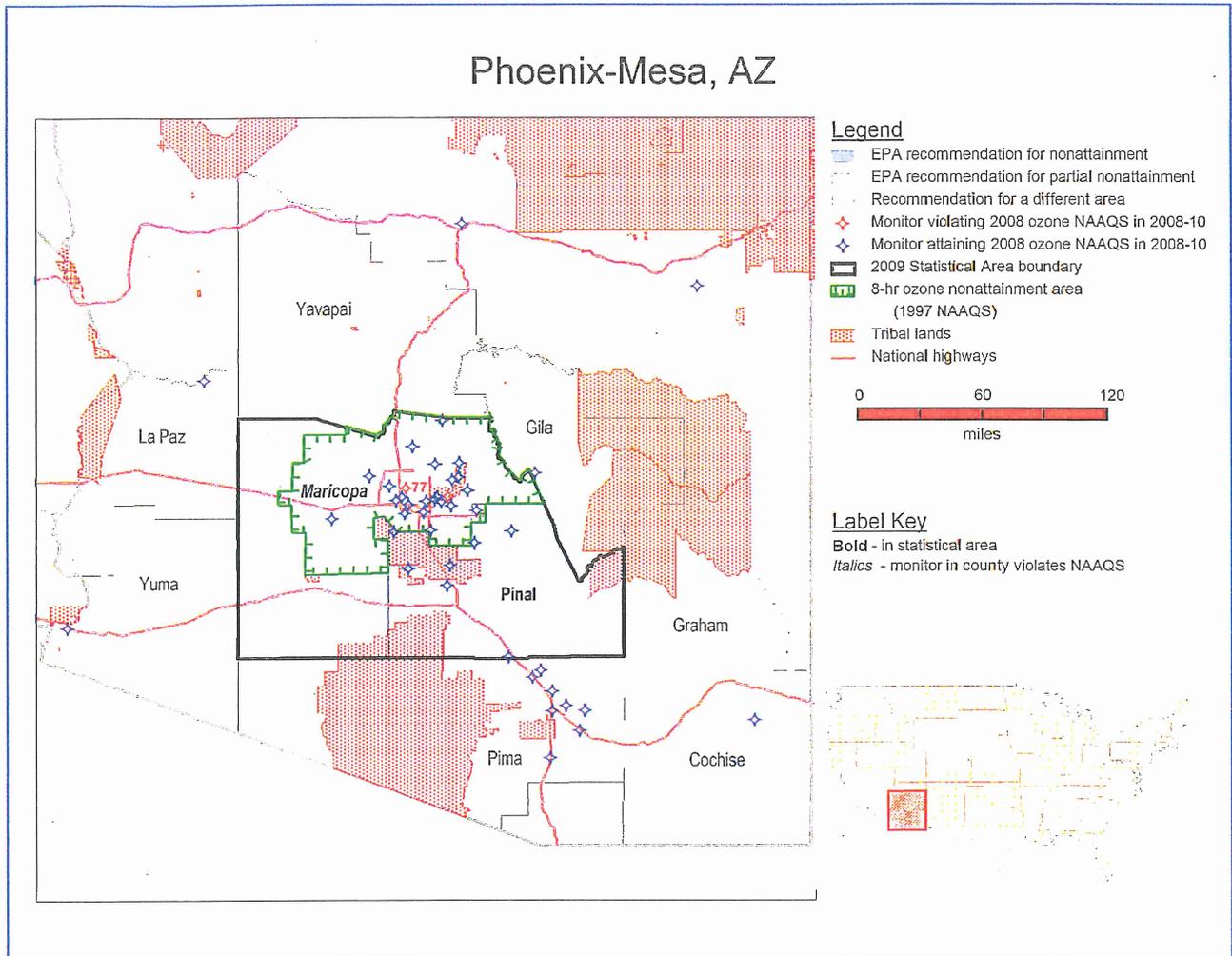


Figure 1

For purposes of the 1997 8-hour ozone NAAQS, portions of Maricopa and Pinal Counties were designated nonattainment. Pinal County was not included in the nonattainment area for the 1-hour ozone NAAQS. However, for the 1997 8-hour ozone NAAQS, EPA designated an area that included the 1-hour nonattainment area and added Apache Junction, a portion of Pinal County. This small city was part of the Phoenix PM₁₀ (particulate matter greater than 10 micrometers) nonattainment area. The Apache Junction portion of Pinal County was added to the Phoenix 1997 8-hour ozone nonattainment area partly because of its PM₁₀ nonattainment status, and partly because its population is associated with the greater Phoenix metropolitan area.

In March 2009, Arizona recommended that the same two partial counties, Maricopa and Pinal, be designated as “nonattainment” for the 2008 ozone NAAQS based on air quality data from 2006-2008, and additionally recommended extending the nonattainment boundaries at two locations in Maricopa County, and one location in Pinal County (letter from Janice Brewer, Governor, State of Arizona, to Laura Yoshii, Acting Regional Administrator, U.S. EPA Region IX, March 12, 2009 (hereafter, “ADEQ 2009 Recommendations”). ADEQ updated its 2009 recommendation on December 1, 2011 based on air quality data from 2008-2010 and preliminary data for 2009-2011. In its updated recommendation, the state continued to recommend extending the nonattainment boundary in two locations in Maricopa County, but withdrew its previous recommendation to extend the nonattainment boundary in Pinal County (letter from Henry R. Darwin, Director, Arizona Department of Environmental Quality, to Jared

Blumenfeld, Regional Administrator, U.S. EPA Region IX, December 1, 2011 (hereafter, “ADEQ 2011 Recommendations”). The 2009 and 2011 recommendations are based on data from Federal Equivalent Method (FEM) monitors sited and operated in accordance with 40 CFR Part 58.

In March 2009, the Gila River Indian Community recommended that portions of Gila River lands in Maricopa and Pinal Counties be designated as “attainment” for the 2008 ozone NAAQS (letter from William Rhodes, Governor, Gila River Indian Community, to Laura Yoshii, Acting Regional Administrator, U.S. EPA Region IX, March 11, 2009).

In March 2009, the Salt River Pima-Maricopa Indian Community recommended that portions of Salt River lands in Maricopa County be designated as “attainment/unclassifiable” for the 2008 ozone NAAQS (letter from Martin Harvier, Vice President, Salt River Pima-Maricopa Indian Community, to Laura Yoshii, Acting Regional Administrator, U.S. EPA Region IX, March 9, 2009).

In March 2009, the Tohono O’odham Nation of Arizona recommended that portions of Tohono O’odham lands in Maricopa, Pinal, and Pima Counties be designated as “attainment/unclassifiable” for the 2008 ozone NAAQS (letter from Ned Norris, Chairman, Tohono O’odham Nation, to Laura Yoshii, Acting Regional Administrator, U.S. EPA Region IX, March 11, 2009).

After considering these recommendations and based on EPA's technical analysis described below, EPA intends to designate two partial counties in Arizona and areas of Indian country (identified in Table 1 below) as “nonattainment” for the 2008 ozone NAAQS as the Phoenix-Mesa multi-jurisdictional nonattainment area.

Table 1. State’s and Tribe’s Recommended and EPA’s Intended Designated Nonattainment Counties or Areas of Indian country for Phoenix-Mesa.

Phoenix-Mesa	State and Tribe-Recommended Nonattainment Counties or Areas of Indian country	EPA Intended Nonattainment Counties or Areas of Indian country
Maricopa County	Maricopa County (p)	Maricopa County (p)
Pinal County	Pinal County (p)	Pinal County (p)
Fort McDowell Yavapai Nation	N/A ¹	Fort McDowell Yavapai Nation
Salt River Pima-Maricopa Indian Community	Attainment/unclassifiable	Salt River Pima-Maricopa Indian Community
Tohono O'odham Nation of Arizona ²	Attainment/unclassifiable	Tohono O'odham Nation of Arizona (p)

p = partial

EPA intended modifications to state or tribe recommendations are shown in **bold**.

¹ Tribe did not submit a recommendation.

² Tohono O’odham has non-contiguous land in the intended Phoenix-Mesa nonattainment area, in the intended attainment area portions of Pinal County and the intended attainment area of Pima County. Non-contiguous lands of Tohono O’odham will designated with the surrounding areas. This technical analysis addresses only those areas of Indian country within the intended Phoenix-Mesa nonattainment area.

Factor Assessment

Factor 1: Air Quality Data

For this factor, we considered 8-hour ozone design values in parts per million (ppm) for air quality monitors in counties in the existing 1997 8-hour ozone Phoenix-Mesa nonattainment area, based on data from the 2008-2010 period (i.e., the 2010 design value, or DV), which are the most recent years with fully-certified air quality data. A monitor's DV is the metric or statistic that indicates whether that monitor attains a specified air quality standard. The 2008 ozone NAAQS are met at a monitor when the annual fourth-highest daily maximum 8-hour average concentration, averaged over 3 years, is 0.075 ppm (75 parts per billion (ppb)) or less. A DV is only valid if minimum data completeness criteria are met. See 40 CFR part 50 Appendix P. Where several monitors are located in a county (or a designated nonattainment area or maintenance area), the DV for the county or area is determined by the monitor with the highest level.

[Note: Monitors that are eligible for providing design value data generally include State and Local Air Monitoring Stations (SLAMS) that are sited in accordance with 40 CFR Part 58, Appendix D (Section 4.1) and operating with a federal reference method (FRM) or federal equivalent method (FEM) monitor that meets the requirements of 40 CFR part 58, appendix A. All data from a special purpose monitor (SPM) using an FRM or FEM which has operated for more than 24 months is eligible for comparison to the NAAQS unless the monitoring agency demonstrates that the data came from a particular period during which the requirements of appendix A (quality assurance requirements) or appendix E (probe and monitoring path siting criteria) were not met.]

The existing Phoenix-Mesa nonattainment area for the 1997 ozone NAAQS comprises the central portion of Maricopa County and a small portion of northern Pinal County (see Map 1a in Appendix 2). The 2010 DVs for the ozone NAAQS for counties in the existing Phoenix-Mesa nonattainment area are shown in Table 2.

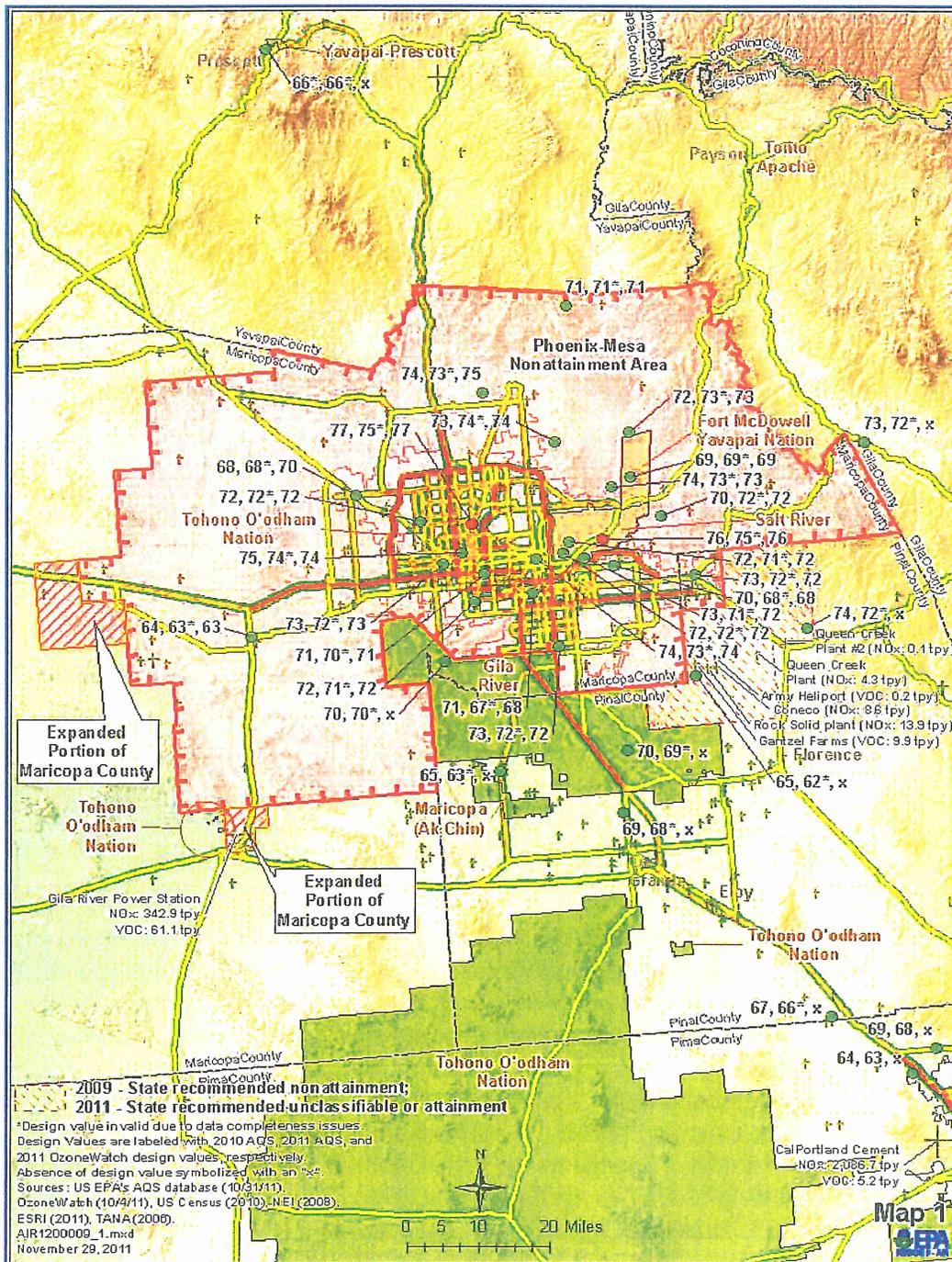
Table 2. Air Quality Data.

County	State Recommended Nonattainment?	2008-2010 Design Value (parts per billion)
Maricopa, AZ	Yes (partial)	77
Pinal, AZ	Yes (partial)	74

Ozone monitors relevant for comparison to the NAAQS and information from additional data sources within the existing Phoenix-Mesa nonattainment area and the surrounding area are shown in Appendix 1, Map 1 (also inserted below). Arizona's ozone season encompasses the entire year, but some ozone monitors in the existing Phoenix-Mesa nonattainment area have been approved to operate on a seasonal schedule per 40 CFR part 58, Appendix D, section 4.1(i). Certified, quality assured data are available in EPA's Air Quality System (AQS) for all areas through calendar year 2010. The Appendix 1 map includes preliminary 2011 DVs for the existing Phoenix-Mesa nonattainment area for informational purposes only. For each monitor, Appendix 1 lists the monitor, the 2008-2010 DV (certified and quality assured in AQS), the preliminary 2009-2011 DV (as available in AQS as of October 31, 2011), and a preliminary 2009-2011 DV using 2011 data from OzoneWatch³. Absence of a DV is symbolized with an "x".

³ The preliminary 2009-2011 design values indicated by OzoneWatch are based on AQS ozone data from 2009, 2010, and 2011, supplemented with 2011 data reported to AirNow (<http://airnow.gov>) on days for which no data currently exist in the

Appendix 3 lists the DVs for monitors in the existing Phoenix-Mesa nonattainment area. Monitors shown in bold are the DV monitors (i.e., the monitor with the highest DV) for each individual county. Monitors shown in red font are the DV monitor for the nonattainment area. Values with an asterisk do not meet data completeness, and therefore those DVs are not relevant for comparison to the NAAQS and are solely provided for informational purposes.



From Appendix 1, Map 1: For map legend describing monitors, emissions, traffic, population, and boundaries, see Appendix 1

AQS database. 2009 and 2010 AQS data were retrieved on July 20, 2011; 2011 AQS and AirNow data were compiled on October 4, 2011. Ultimately, attainment of the 8-hour ozone NAAQS will be determined entirely from data in AQS.

Monitors in Maricopa County show a violation of the 2008 8-hour ozone standard based on 2008-2010 data. These violating monitors are located within the portion of Maricopa County that was included as part of the designated nonattainment area for the 1997 ozone standard. Since the county contains violating monitors, Factor 1 supports including Maricopa County, in whole or in part, in the intended Phoenix-Mesa nonattainment area. A county (or partial county) must also be designated nonattainment if it contributes to a violation in a nearby area. Each county without a violating monitor that is located near a county with a violating monitor has been evaluated based on the weight of evidence of the five factors and other relevant information to determine whether it contributes to the nearby violation (see Factor 2 discussion, below). In addition, we evaluate those factors to determine whether to include all of Maricopa County or just a part within the designated nonattainment area.

Factor 2: Emissions and Emissions-Related Data

EPA evaluated emissions of ozone precursors, nitrogen oxides (NO_x) and volatile organic compounds (VOC), and other emissions-related data that provide information on areas contributing to violating monitors.

Emissions data

EPA evaluated county-level emission data for NO_x and VOC derived from the 2008 National Emissions Inventory (NEI), version 1.5. This is the most recently available NEI (see <http://www.epa.gov/ttn/chief/net/2008inventory.html>). Emissions in a nearby area indicate the potential for the area to contribute to observed violations. We will also consider any additional information we receive on changes to emissions levels that are not reflected in recent inventories. These changes include emissions reductions due to permanent and enforceable emissions controls that will be in place before final designations are issued and emissions increases due to new sources.

Table 3 shows emissions of NO_x and VOC (given in tons per year) for Maricopa and Pinal Counties.

Table 3. Total 2008 NO_x and VOC Emissions.

County	State Recommended Nonattainment?	NO _x (tpy)	VOC (tpy)
Maricopa, AZ	Yes (partial)	89,020	90,615
Pinal, AZ	Yes (partial)	11,668	11,531
Areawide:		100,688	102,146

Maricopa and Pinal Counties, with an area of approximately 9,200 square miles and 5,366 square miles, respectively, are among the largest counties in the nation, and, aside from the urban core, are comprised entirely of desert terrain. Emissions of ozone precursors shown in Table 2 represent emissions from the entire counties of Maricopa and Pinal, not just the portions of those counties recommended by the state for inclusion in the Phoenix-Mesa nonattainment area. Emissions of NO_x and VOC from Maricopa County are nearly eight times larger than NO_x and VOC emissions from Pinal County. Most of the stationary source emissions of ozone precursors are located in the center of the state-recommended nonattainment area (see Map 1 of Appendix 1), with additional stationary sources scattered in the western portion of the state-recommended nonattainment area of Maricopa County, and fewer stationary sources in the eastern and northern portions of the state-recommended nonattainment area of Maricopa County. Additional stationary sources are located in the small section of Pinal County that is included in the existing Phoenix-Mesa 1997 ozone nonattainment area. Numerous stationary sources are located in Pinal County outside of EPA's intended boundary for the Phoenix-Mesa nonattainment area, but are

widely scattered and generally located near roadways. In 2009, the state recommended expanding the existing ozone nonattainment area in the southwest portion of the area, in order to include the Gila River Power Station (see Map 1 of Appendix 1). Additionally, the state recommended extending the western boundary of the nonattainment area farther west into Maricopa County by 5 - 10 miles. This expansion incorporates a small (less than 100 tpy) power plant. In its updated recommendation submitted to EPA on December 1, 2011, the state continued to recommend extending the nonattainment boundary to incorporate these two areas of Maricopa County.

In 2009, the state had also recommended that the existing 1997 ozone nonattainment boundary be extended to the southeast to incorporate a larger portion of Pinal County. In 2011, the state's updated recommendation excluded this area. Several small (less than 15 tpy of NO_x or VOC) stationary sources of ozone precursor emissions are located in this area of Pinal County (see Map 1 of Appendix 1). These sources are more widely distributed geographically compared to the small portion of Pinal County that is part of the existing 1997 ozone nonattainment area.

In its February 2009 redesignation request and maintenance plan for the 1997 8-hour ozone NAAQS, the state provided information on the proportion of point source emissions from the entire county of Maricopa County compared to the those from the existing (for the 1997 ozone NAAQS) ozone nonattainment area⁴. Based on its 2005 periodic emission inventory, the state determined that the existing ozone nonattainment area, comprised of portions of Maricopa and Pinal counties, captured the majority of point sources of emissions from Maricopa County – the county that contributes dominantly to total emissions from Maricopa and Pinal counties (see Table 3). For 2005, the existing ozone nonattainment area represented 99% of VOC emissions from Maricopa County, and nearly 87% of NO_x emissions from Maricopa County. The state's recommendation to expand the Maricopa County portion of the nonattainment area to encompass new sources of ozone precursor emissions to the west and southwest of the existing nonattainment area should continue to ensure that relevant emissions sources are included in the nonattainment area designation.

Population density and degree of urbanization

EPA evaluated the population and vehicle use characteristics and trends of the area as indicators of the probable location and magnitude of non-point source emissions. These include ozone-creating emissions from on-road and off-road vehicles and engines, consumer products, residential fuel combustion, and consumer services. Areas of dense population or commercial development are an indicator of area source and mobile source NO_x and VOC emissions, which contribute to ozone formation. Rapid population or growth in vehicle miles traveled (VMT) (see below) in a county on the urban perimeter signifies increasing integration with the core urban area, and indicates that it may be appropriate to include the area associated with area source and mobile source emissions as part of the nonattainment area. Table 4 shows the population, population density, and population growth information for Maricopa and Pinal Counties.

⁴ See March 23, 2009 submittal of the 8-hour ozone redesignation request and maintenance plan for the Maricopa nonattainment area from Patrick Cunningham, Acting Director, ADEQ to Laura Yoshii, Acting Regional Administrator, EPA Region IX.

Table 4. Population and Growth.

County	State Recommended Nonattainment?	2010 Population	2010 Population Density (1000 pop/sq mi)	Absolute change in population (2000-2010)	Population % change (2000-2010)
Maricopa, AZ	Yes (partial)	3,817,117	0.41	719,617	+23%
Pinal, AZ	Yes (partial)	375,770	0.07	194,494	+107%
Areawide:		4,192,887	0.29	914,111	+28%

Sources: U.S. Census Bureau population estimates for 2010 as of August 4, 2011

(http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=DEC_10_PL_GCTPL2.STO5&prodType=table)

Population information shown in Table 4 represents all of Maricopa and Pinal Counties, not just the portions of those counties recommended by the state for inclusion in the 2008 ozone Phoenix-Mesa nonattainment area. Similar to the stationary source emissions of ozone precursors, the population of Maricopa County is substantially larger and denser than Pinal County. Although the percent change in population over 2000-2010 in Pinal County was very large (107%), its absolute change in population was still much smaller than Maricopa County's – less than a third. The largest population centers are located in Maricopa County (see Map 1a in Appendix 2). The eastern portion of the Phoenix metropolitan area extends into the Apache Junction portion of Pinal County and is included in the existing nonattainment area, as well as the state's recommended nonattainment area. Aside from the urbanized Phoenix area, the rest of both Maricopa and Pinal Counties are sparsely populated. The portion of Pinal County, which was included in the state's 2009 recommendation but excluded in the 2011 recommendation, contains a few population centers, but is generally more sparsely populated compared to Apache Junction, the portion of Pinal County that is part of the existing 1997 ozone nonattainment area.

In its February 2009 redesignation request and maintenance plan for the 1997 8-hour ozone NAAQS, the state also provided information on populations within the existing 1997 ozone nonattainment area and Maricopa County – the county that contributes dominantly to total emissions from Maricopa and Pinal Counties. Based on 2004 demographic data, the resident and non-resident populations within the existing ozone nonattainment area were 100.52% and 109.09% of the resident and non-resident populations of Maricopa County, respectively. Therefore, in 2004, the population of the existing 1997 ozone nonattainment area (consisting of portions of Maricopa and Pinal Counties) was greater than the population of Maricopa County.

Traffic (VMT) data

EPA evaluated the commuting patterns of residents in the area, as well as the total VMT for each county. In combination with the population/population density data and the location of main transportation arteries (see above), this information helps identify the probable location of non-point source emissions. A county with high VMT is generally an integral part of an urban area and indicates the presence of motor vehicle emissions that may contribute to ozone formation and nonattainment in the area. Rapid population or VMT growth in a county on the urban perimeter signifies increasing integration with the core urban area, and indicates that the associated area source and mobile source emissions may be appropriate to include in the nonattainment area. Table 5 shows total 2008 VMT for Maricopa and Pinal Counties.

Table 5. Traffic (VMT) data.

County	State Recommended Nonattainment?	2008 VMT* (million miles)
Maricopa, AZ	Yes (partial)	33,393
Pinal, AZ	Yes (partial)	3,972
Areawide:		37,365

*MOBILE model VMTs are those inputs into the NEI version 1.5.

The total 2008 VMT in Maricopa County was over 8 times higher than the 2008 VMT in Pinal County. The highest non-truck traffic volume occurs within the population centers located in the Maricopa County portion of the nonattainment area, with some heavy traffic on roads that run south, north, and to a lesser extent, west from the population centers (see Map 1 of Appendix 1).

Factor 3: Meteorology (weather/transport patterns)

EPA evaluated available meteorological data to help determine how meteorological conditions, such as weather, transport patterns and stagnation conditions would affect the fate and transport of precursor emissions contributing to ozone formation.

Maricopa and Pinal Counties lie in a hot desert area of Arizona, where summer temperatures regularly exceed 100 degrees F. In the absence of the strong winds associated with summer storms that sometimes occur in the area, the high temperatures are conducive to ozone formation. ADEQ has described the basic flow pattern that results in “sloshing” of pollutant towards the west, and then later in the day back toward the east:

“The mountain-valley flow defines the daily surface wind patterns in the Phoenix area in the absence of synoptic weather systems with associated cold fronts. As a result, Phoenix has a typical diurnal wind pattern that exists nearly year-round due to its geographical position within the valley. ... When the sun rises over the Superstitions in the east, the east-facing mountains in the west valley such as the White Tank Mountains begin to heat up. As the morning progresses, an energy imbalance is created where the warmer air over the White Tank Mountains rises while the cooler air over the east mountains such as the Superstition mountains sinks. This causes the surface winds across the valley to move from east to west.... By about 2 p.m., the mountains in the east part of the valley have more direct sunlight than the west. This imbalance in energy leads to a shift in surface winds from out of the west during the afternoon period. As the sun goes down, equal cooling takes place and winds decrease to nearly calm.”⁵

While the mountains to east and west provide partial barriers to transport of pollutants in certain directions (especially the northeast), they do not form a closed basin. There is opportunity for emissions from outside the immediate metropolitan Phoenix area to contribute to ozone formation. “Wind patterns in Phoenix suggest that ozone and ozone precursors can be transported in the morning from the far west and southern portions of the valley and impact monitors in the Phoenix valley.”⁶ In recognition of this, the state recommended extending the boundaries of the previous ozone nonattainment area. The recommendation included several new point sources to the west and southwest, as discussed above under Factor 2.

⁵ ADEQ 2009 Recommendations, p.44-45

⁶ ADEQ 2009 Recommendations, p.42

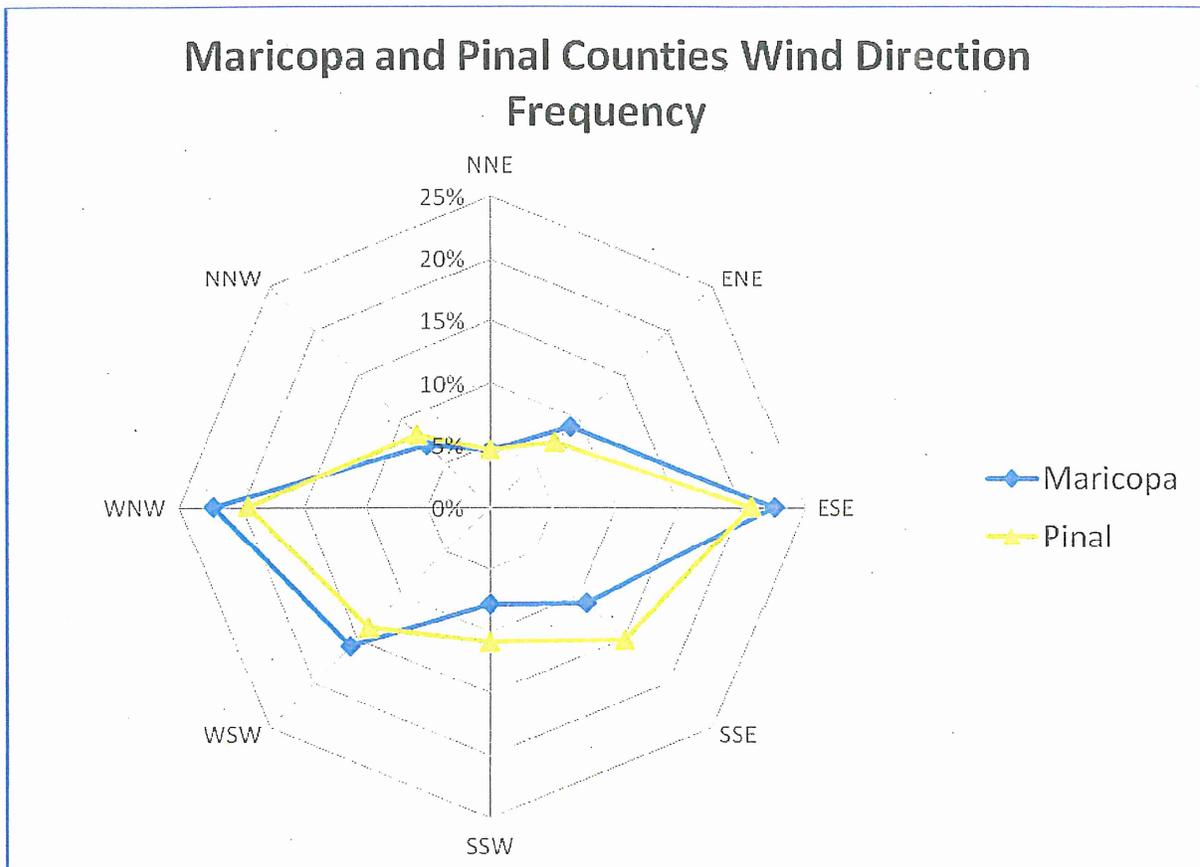


Figure 4

Factor 4: Geography/topography (mountain ranges or other air basin boundaries)

The geography/topography analysis evaluates the physical features of the land that might affect the airshed and, therefore, the distribution of ozone over the area.

The Phoenix-Mesa area is partly surrounded by mountains of varying heights. As described by the state:

“The Phoenix metropolitan area lies in a valley bordered by the Superstition Mountains to the east, the New River Mountains to the north and northeast, the Hieroglyphic Mountains to the northwest near Lake Pleasant, the White Tank Mountains in the west, the Estrella Mountains to the southwest, and the South Mountains to the south. The Salt River runs through the southern part of the metropolitan area and exits to the southwest with the Gila and Agua Fria Rivers joining it near Goodyear, and the Hassayampa River joining west of Palo Verde.”⁷

While the mountains to the east and west provide partial barriers to transport of pollutants in certain directions (especially the northeast), they do not form a closed basin. There is opportunity for emissions from outside the immediate metropolitan Phoenix area to contribute to ozone formation. “Wind patterns in Phoenix suggest that ozone and ozone precursors can be transported in the morning from the far west and southern portions of the valley and impact monitors in the Phoenix valley.”⁸ In recognition of this,

⁷ ADEQ 2009 Recommendations, p.44

⁸ ADEQ 2009 Recommendations, p.42

the state recommended a nonattainment area which incorporates source areas that are relatively far from central metropolitan Phoenix and the highest ozone concentrations.

Factor 5: Jurisdictional boundaries

For each potential nonattainment area, we considered existing jurisdictional boundaries to provide a clearly defined legal boundary and to help identify the areas appropriate for carrying out the air quality planning and enforcement functions for nonattainment areas. Examples of jurisdictional boundaries include existing/prior nonattainment area boundaries for ozone or other urban-scale pollutants, county lines, air district boundaries, township boundaries, areas covered by a metropolitan planning organization, state lines, areas of Indian country, and urban growth boundaries. Where existing jurisdictional boundaries were not adequate or appropriate to describe the nonattainment area, other clearly defined and permanent landmarks or geographic coordinates were considered.

The Phoenix-Mesa intended nonattainment area has previously established nonattainment boundaries associated with both the 1-hour and 1997 8-hour ozone NAAQS. The boundary of the Phoenix nonattainment area for the 1997 ozone NAAQS includes a large portion of Maricopa County and a small portion of Pinal County (Apache Junction). The state has recommended a slightly different boundary for the 2008 ozone NAAQS. The state has requested that EPA expand the boundary of the nonattainment area for the 2008 ozone NAAQS, relative to the boundary established for the 1997 ozone NAAQS.

The Phoenix-Mesa-Glendale metropolitan statistical area (MSA) is comprised solely of Maricopa and Pinal Counties. The Phoenix-Mesa-Glendale MSA is not part of a combined statistical area (CSA). The majority of the urban area lies mainly in Maricopa County, with a portion of the eastern urbanized area extending into Pinal County. The Maricopa Association of Governments (MAG), a metropolitan planning organization (MPO), has jurisdiction of both air and transportation planning for the metropolitan area. Together, Maricopa and Pinal counties comprise the Phoenix-Mesa-Glendale Metropolitan Statistical Area.⁹ The cities of Phoenix, Mesa and Glendale are entirely contained within Maricopa County. But, as noted above, the urbanized area extends into Pinal County.

The Maricopa County partial county boundary, for both the recommended area and the existing nonattainment area for the 1997 ozone NAAQS, follows the county boundary to the north, east and southeast (excluding Gila River Indian Community, see discussion below, and including a small portion of Pinal County that bounds the eastern edge of the Phoenix-Mesa urbanized area). The boundaries for this area are consistent with MAG's north, east, and southeast planning area boundaries. To the west and southwest, the ozone nonattainment area boundary follows township and range boundaries in a way that encompasses stationary and mobile sources and population centers. MAG defined an "Area A" for air pollution control purposes in the past, mainly associated with dust controls and other restrictions (e.g., no-burn days). Area A became part of the 1-hour ozone as well as the 1997 8-hour ozone nonattainment area. Area A is bounded to the west by township and range boundaries. For the western and southwestern boundaries for the designated Phoenix-Mesa nonattainment area for the 2008 ozone NAAQS, the state recommended including the entire existing area and two expanded areas in the east and south. This includes all of Area A, several township and ranges on the west that were included in prior ozone designations (for 1-hour and the 1997 8-hour ozone NAAQS), and several newly added

⁹ The Office of Management and Budget names such areas in decreasing ranking of populated areas within the MSA. Phoenix is therefore larger than Mesa, which is larger than Glendale.

township and range areas to the west and to the southwest. The state recommended these expanded boundaries because there are several large stationary sources located in those areas (e.g., power plants).

In 2009, the state recommended expanding the Pinal County portion of the existing ozone boundary to encompass a violating monitor and a planned power plant. However, on December 1, 2011, in an update to its 2009 recommendation, the state reverted to the existing Pinal partial county boundary, which includes only the Apache Junction portion. The state explained that more recent air quality monitoring in the formerly recommended area shows the previously violating monitor is now attaining the standard. In addition, economic conditions put the development of a power plant in the area in doubt.

The Phoenix-Mesa intended nonattainment area also includes an area of Indian country. As defined at 18 U.S.C. 1151, "Indian country" refers to: "(a) all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation, (b) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state, and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same." EPA recognizes the sovereignty of tribal governments, and has attempted to take the desires of the tribes into account in establishing appropriate nonattainment area boundaries.

Evaluation of Recommendation from Gila River Indian Community

Pursuant to section 107(d) of the Clean Air Act, EPA must designate as nonattainment those areas that violate the NAAQS and those areas that contribute to violations. EPA has evaluated the recommendation of the Gila River Indian Community (Gila River) based on currently available information.

In 1999, 2000, and 2003, Gila River recommended that their reservation lands in Maricopa and Pinal Counties be designated as "unclassifiable" for the 1997 ozone NAAQS (letter from Mary Thomas, Governor, Gila River Indian Community, to Felicia Marcus, Regional Administrator, U.S. EPA Region IX, September 2, 1999; Letter from Donald Antone, Governor, Gila River Indian Community, to Felicia Marcus, Regional Administrator, U.S. EPA Region IX, October 31, 2001; Letter from Richard Narcia, Governor, Gila River Indian Community, to Wayne Natri, Regional Administrator, U.S. EPA Region IX, July 3, 2003).

In 2003, EPA indicated that we agreed with the Gila River's recommendations and intended to designate the geographic area covered in those recommendations as attainment/unclassifiable (letter from Wayne Natri, Regional Administrator, U.S. EPA Region IX, to Richard Narcia, Governor, Gila River Indian Community, December 3, 2003).

In 2004, EPA established the Phoenix-Mesa nonattainment area boundaries for the 1997 ozone NAAQS that excluded the portions of Maricopa and Pinal Counties that encompass the Gila River.

In March 2009, Gila River again recommended that portions of Gila River in Maricopa and Pinal Counties be designated as "attainment" for the 2008 ozone NAAQS (letter from William Rhodes, Governor, Gila River Indian Community, to Laura Yoshii, Acting Regional Administrator, U.S. EPA Region IX, March 11, 2009).

Gila River is a federally recognized tribe with reservation lands in Maricopa and Pinal Counties. The majority of the tribal land is located in Pinal County and has not been subject to urbanization and is mainly a rural environment with two main population centers in St. Johns and Sacaton and over 35,000 acres of agricultural lands. Gila River has an on-reservation population of approximately 22, 000 people. These population centers are not integrated within the Phoenix metropolitan area and pale in comparison to the 3,800,000 people living in the adjacent Maricopa County. Also, The South Mountains to the north and the Estrella mountains in the west may provide some geographical and topographic barriers between the Phoenix-Mesa nonattainment area and the majority of Gila River reservation lands. These areas of Indian country and the adjacent proposed Phoenix-Mesa nonattainment areas are shown in Map 1a in Appendix 2.

Currently, Gila River operates a network of two ozone monitors within the tribal boundaries that represent both the northwestern and the central portions of the Gila River lands. The map in Appendix 1 shows monitor locations for the Phoenix-Mesa nonattainment area, including Gila River monitors. EPA anticipates relying on 2008-2010 data to designate this area. Appendix 1 provides preliminary 2011 data for informational purposes only. Based on the information currently available, both monitors operated by Gila River in their area of Indian country indicate that the area is attaining the 2008 ozone NAAQS for 2008-2010.

Based on the low population, the largely rural environment, the presence of some topographical barriers, and air quality data, EPA continues to agree that that the Gila River areas of Indian country have different ozone concentrations than surrounding areas and are not affected by the poor air quality present in the Phoenix-Mesa nonattainment area. Therefore, the portions of Gila River lands located in Maricopa and Pinal Counties should be excluded from the Phoenix-Mesa nonattainment area and designated unclassifiable/attainment, consistent with the designation of the adjacent areas in Pinal County.

Evaluation of Recommendation from Tohono O’odham Nation of Arizona

Pursuant to section 107(d) of the Clean Air Act, EPA must designate as nonattainment those areas that violate the NAAQS and those areas that contribute to violations. EPA has evaluated the recommendation of the Tohono O’odham Nation of Arizona (Tohono O’odham) based on currently available information.

In 2004, EPA established the Phoenix-Mesa nonattainment area boundaries for the 1997 ozone NAAQS. This nonattainment area did not include portions of Maricopa County that encompass non-contiguous reservation lands of Tohono O’odham.

In March 2009, Tohono O’odham recommended that the portions of Tohono O’odham in Maricopa, Pinal, and Pima Counties be designated as “attainment/unclassifiable” for the 2008 ozone NAAQS (letter from Ned Norris, Chairman, Tohono O’odham Nation, to Laura Yoshii, Acting Regional Administrator, U.S. EPA Region IX, March 11, 2009).

Tohono O’odham is a federally recognized tribe with non-contiguous reservation land in Maricopa, Pinal, and Pima Counties. These areas of Indian country and the surrounding proposed nonattainment areas are shown on Map 1a in Appendix 2. The majority of the Tribe’s reservation lands are located in Pinal and Pima counties, outside of the intended Phoenix-Mesa nonattainment area. However, some areas of Indian country taken into trust by the U.S.

Department of Interior for the Tribe in 2010 are located near Glendale, Arizona, which is about nine miles northwest of downtown Phoenix and near the center of the intended Phoenix-Mesa nonattainment area¹⁰. There are no geographic or topographical barriers that preclude air pollution transport from the surrounding intended Phoenix-Mesa nonattainment area. Based upon currently available information, it appears that these areas of Indian country are affected by the poor air quality that exists within the intended Phoenix-Mesa nonattainment area. Therefore, while the Tribe has recommended "attainment/unclassifiable" for all areas of Indian country, EPA intends to include the portions of Tohono O'odham lands located in Maricopa County (specifically, areas of Indian country located near Glendale, Arizona) as part of the Phoenix-Mesa nonattainment area. The remaining lands located in Pinal and Pima Counties are not contiguous and EPA intends to designate these lands as unclassifiable/attainment, consistent with the designation of the surrounding area.

Evaluation of Recommendation from Salt River Pima-Maricopa Indian Community

Pursuant to section 107(d) of the Clean Air Act, EPA must designate as nonattainment those areas that violate the NAAQS and those areas that contribute to violations. EPA has evaluated the recommendation of the Salt River Pima-Maricopa Indian Community (Salt River) based on currently available information.

In 2004, EPA established the Phoenix-Mesa nonattainment area boundaries for the 1997 ozone NAAQS that included portions of Maricopa County that encompass Salt River.

In March 2009, the Salt River Pima-Maricopa Indian Community recommended that portions of Salt River in Maricopa County be designated as "attainment/unclassifiable" for the 2008 ozone NAAQS (letter from Martin Harvier, Vice President, Salt River Pima-Maricopa Indian Community, to Laura Yoshii, Acting Regional Administrator, U.S. EPA Region IX, March 9, 2009). Based on the factors discussed below, EPA has preliminarily concluded that Salt River lands should be designated nonattainment as part of the Phoenix-Mesa nonattainment area for the 2008 ozone NAAQS.

Air Quality Data

Currently, Salt River operates a network of four ozone monitors within the tribal boundaries. Map 1 in Appendix 1 shows monitor locations for the Phoenix-Mesa nonattainment area, including Salt River monitors. For each monitor, Appendix 1 lists the monitor, the 2008-2010 design value (DV), the preliminary 2009-2011 DV (as available in AQS as of October 31, 2011), and a preliminary 2009-2011 DV using 2011 data from OzoneWatch.¹¹ Values with an asterisk do not meet data completeness, and therefore those DVs are not relevant for comparison to the

¹⁰ On June 23, 2010 the U.S. Department of Interior (DOI) approved a request from the Tohono O'odham Nation to take 53.54 acres of land held in fee by the Tribe and located in Maricopa County, AZ near Glendale, into trust (75 FR 21130). DOI made this approval pursuant to the *Gila Bend Indian Reservation Lands Replacement Act, P.L. 99-503, Stat 100 1798 (1986), Section 6(d)*, which mandates the following: "Any land which the Department of Interior holds in trust for the Tribe shall be deemed to be a Federal Indian Reservation for all purposes." EPA is designating this trust land along with the surrounding Phoenix nonattainment area. EPA notes that it is not making any determination on the Tribe's Reservation boundary through this designation process.

¹¹ The preliminary 2009-2011 design values indicated by OzoneWatch are based on AQS ozone data from 2009, 2010, and 2011, supplemented with 2011 data reported to AirNow (<http://airnow.gov>) on days for which no data currently exist in the AQS database. 2009 and 2010 AQS data were retrieved on July 20, 2011; 2011 AQS and AirNow data were compiled on October 4, 2011. Ultimately, attainment of the 8-hour ozone NAAQS will be determined entirely from data in AQS.

NAAQS and are solely provided for informational purposes. Absence of a DV is indicated with an "x." EPA plans to designate Arizona for the 2008 ozone NAAQS using certified 2008-2010 DV data; preliminary 2011 data are provided for informational purposes.

Based on the information currently available, the Red Mountain ozone monitor (AQS ID: TT6157021; see Appendix 3) operated by Salt River on tribal lands has a 2008-2010 8-hour design value of 0.076 ppm, which constitutes a violation of the 2008 ozone NAAQS.

Emissions and Emissions-Related Data

Salt River consists of 54,000 acres of reservation lands, which is home to over 10,000 tribal members. Salt River has some emissions sources within the tribal boundaries, including aggregate mining facilities, asphalt and concrete batch plants, and landfills. Also, two major roadways, the Pima Loop 101 (Highway 101- Pima Freeway) and the Beeline Highway (Arizona Highway 87), pass through Salt River.

General information on emissions, population density and degree of urbanization, traffic and commuting patterns for the Phoenix-Mesa nonattainment area can be found in the general intended Phoenix-Mesa nonattainment area Factor 2 discussion above and is applicable to Salt River. We do not have independent information solely for the Salt River reservation lands.

Meteorology (Weather/Transport Patterns)

Salt River is fairly integrated within the surrounding urban area and therefore the information for the intended Phoenix-Mesa nonattainment area discussed in Factor 3 also characterizes the meteorology and transport patterns for Salt River.

Geography/Topography

Salt River area does not have any geographical or topographical barriers that would prevent air pollution transport from the surrounding intended Phoenix-Mesa nonattainment area. Therefore, geography and topography support including Salt River with the surrounding area.

Jurisdictional Boundaries

Salt River is a federally recognized tribe located in the eastern portion of the Phoenix metropolitan area. Map 1a shows the locations and boundaries of Indian country within the intended Phoenix-Mesa nonattainment area.

Conclusion for Salt River

While Salt River has recommended an attainment/unclassifiable designation, based on the information currently available and the five factor analysis above, including information concerning a violating monitor on reservation lands, EPA has preliminarily concluded that Salt River should be designated nonattainment as part of the Phoenix-Mesa nonattainment area for the 2008 ozone NAAQS.

Conclusion

Based on the assessment of factors described above, EPA has preliminarily concluded that the following counties and areas of Indian country should be included as part of the Phoenix-Mesa nonattainment area because they are either violating the 2008 ozone NAAQS or contributing to a violation in a nearby area: Maricopa County (partial), Pinal County (partial), the Salt River-Pima Maricopa Indian Community, and the Tohono O'odham Nation of Arizona (partial).

Based on 2008-2010 DV data (Factor 1), Maricopa County contains two violating monitors and Pinal County does not contain any violating monitors. Consideration of only air quality data and the location of violating monitors indicates that all or part of Maricopa County should be included in the 2008 8-hour ozone nonattainment area.

Emissions of ozone precursors (Factor 2) from Maricopa County are over ten times larger than from Pinal County. The state's partial boundary recommendations for Maricopa and Pinal Counties include the dense population centers and roadways, as well as the majority of the stationary sources of ozone precursor emissions in Maricopa and Pinal Counties. Maricopa and Pinal Counties are geographically large. Outside of the densely populated urban Phoenix core, these counties are sparsely populated with relatively few stationary and mobile sources of ozone precursor emissions. The distribution of stationary and mobile emission sources (Factor 2) and information provided by the state in its redesignation request and maintenance plan for the 1997 8-hour ozone NAAQS – indicating that the majority of emissions in Maricopa County are well represented by the 1997 ozone nonattainment area – supports the state's recommendation to use the existing 1997 8-hour ozone nonattainment boundary while also expanding the boundaries in Maricopa County to encompass additional stationary sources located to the west and southwest. Because Pinal County contributes a small fraction to total ozone precursor emissions from Maricopa and Pinal Counties, and because stationary and mobile sources in Pinal County, outside the state-recommended nonattainment area, are widely distributed throughout the large county area, Factor 2 supports the state's recommendation to maintain the existing 1997 8-hour ozone nonattainment boundary around the Apache Junction area.

Meteorology and weather or transport patterns (Factor 3) and geography and topography (Factor 4) show that there is the potential for some contribution to ozone violations from emissions occurring toward the southeast, in Pinal County. In considering jurisdictional boundaries (Factor 5), EPA notes that the state's recommended nonattainment area boundaries expands the Maricopa County portion of the nonattainment area, but is otherwise consistent with the 1997 8-hour ozone nonattainment area.

Based on our analysis of all five factors, EPA supports the state's recommendation for the nonattainment area boundary in Maricopa and Pinal Counties.

Three tribes located within or near the boundaries of the Phoenix-Mesa intended nonattainment area submitted recommendations to EPA. EPA has preliminarily concluded that the portions of Gila River located in Maricopa and Pinal counties should be excluded from the intended Phoenix-Mesa nonattainment area and designated unclassifiable/attainment based on air quality data, the low population, the largely rural environment, and the presence of some topographical barriers. Based upon currently available information, it appears that the portions of Tohono O'odham located in Maricopa County are affected by the poor air quality. Therefore, EPA has preliminarily concluded that the portions of Tohono O'odham located in Maricopa County (specifically, areas of Indian country located in Glendale, Arizona) should be included as part of the intended Phoenix-Mesa nonattainment area. Because the remaining portions of Tohono O'odham are non-contiguous and are not located within

EPA's intended nonattainment area for the 2008 ozone NAAQS, EPA intends to designate the portions of Tohono O'odham located in Pinal and Pima Counties as unclassifiable/attainment consistent with the surrounding areas. EPA has also preliminarily concluded that Salt River should be designated nonattainment as part of the intended Phoenix-Mesa nonattainment area for the 2008 ozone NAAQS, due to a violating monitor on tribal lands and consideration of other factors discussed above.

Based on our consideration of all five factors, EPA has preliminarily concluded that Maricopa (partial) and Pinal (partial) Counties in Arizona and areas of Indian country – Salt River and Tohono O'odham (partial) – should be designated nonattainment for the 2008 ozone NAAQS as the Phoenix-Mesa multi-jurisdictional nonattainment area.

Appendix 1:

Map showing Monitors, Emissions, Vehicle Traffic, and General Population

Legend

- 2008-2010 AQS design value
- 2009-2011 AQS design value
- 2009-2011 Ozone Watch design value
- 88, 74*, x
Violating 8-Hour Ozone Monitor with 2009-2011 design value¹
- 88, 74*, x
Attaining 8-Hour Ozone Monitor with 2009-2011 design value¹

2008 NEI NO_x and VOC Point Source Emissions (Tons per year)

- + < 100 tons per year
- + 100 - 249
- + 250 - 499
- + 500 - 1,999
- + > 2,000

- Existing 1997 Ozone NAAQS and/or EPA-Intended 2008 Ozone NAAQS Nonattainment Area
- New EPA Recommendation for Attainment for areas currently designated Nonattainment for the 1997 Ozone NAAQS
- Existing/EPA-Recommended 8-Hour Ozone Nonattainment Area

County Boundary

Annual Average Daily Non-Truck Traffic (Volume/day)

- < 25,000
- 25,000 - 50,000
- 50,001 - 100,000
- 100,001 - 250,000
- > 250,000

Annual Average Daily Truck Traffic (Volume/day)

- 0 - 1,000
- 1,001 - 5,000
- 5,001 - 10,000
- 10,001 - 25,000
- > 25,000

*Design value invalid due to data completeness issues. Design Values are labeled with 2010 AQS, 2011 AQS, and 2011 OzoneWatch design values, respectively. Absence of design value symbolized with an "x".

Sources: US EPA's AQS database (10/31/11), US EPA's NEI (2008), OzoneWatch (10/4/11), US Census (2010), ESRI (2011), TANA (2006), FTA (2007).

¹ Monitors are color-coded based on the highest 2009-2011 design value between AQS or OzoneWatch.

² Areas of Indian country displayed here are intended for illustrative purposes only.

EPA does not have the authority to define official boundaries for areas of Indian country.

Hence, EPA does not guarantee the accuracy or completeness of Indian country boundaries displayed in this map.

- San Joaquin Valley
- Air District/Authority
- Fresno, CA Metro Area
- 2010 Census CBSA
- MOJAVE DESERT AIR BASIN
- Air Basin

- Urban Area
- Urban Area
- Minor Civil Division
- Township and Range

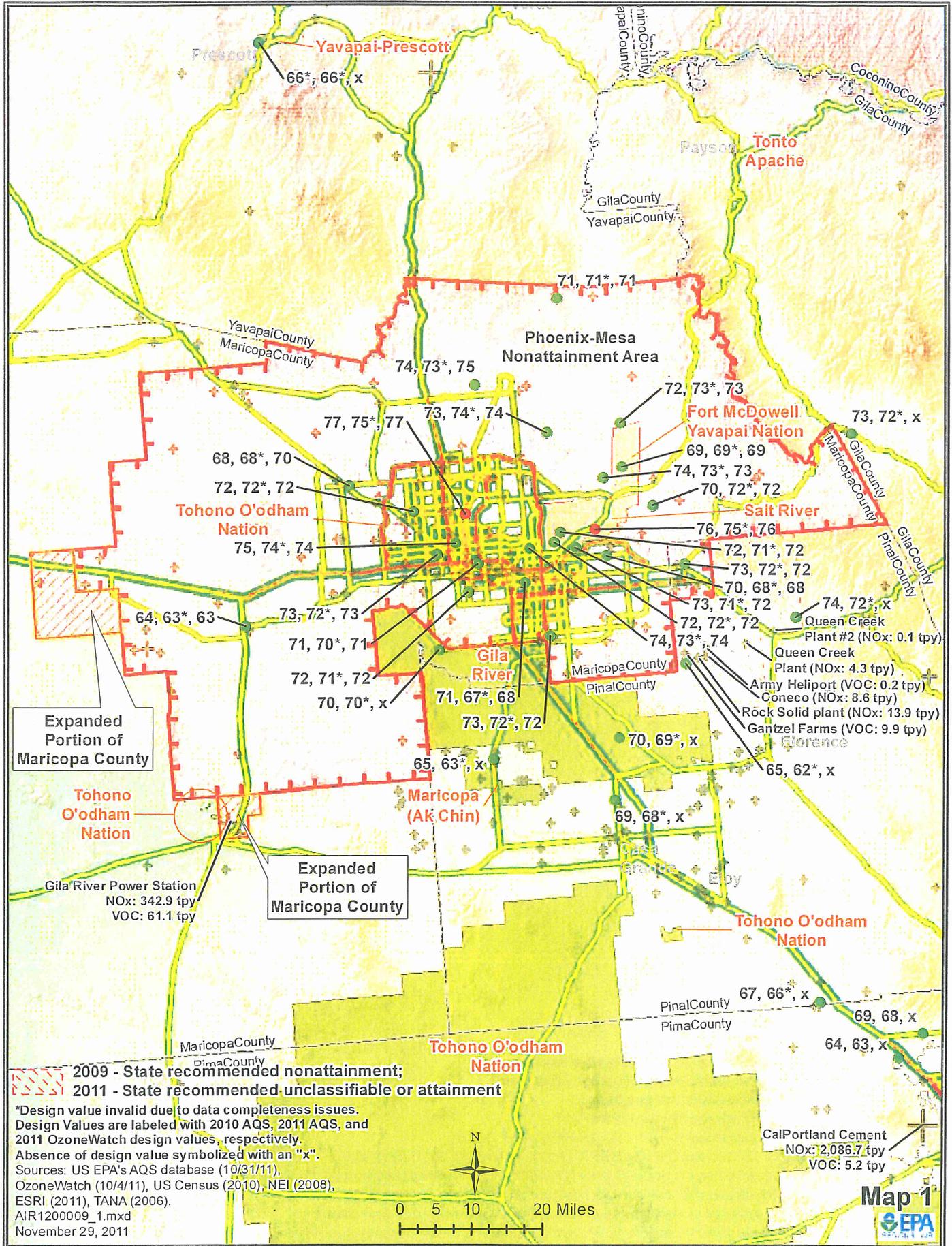
- Military Lands
- National Forest Service Lands
- National Park Service Lands

2010 Census Tract Population Density

- 100 - 499 people per square mile
- 500 - 1,999
- 2,000 - 3,499
- 3,500 - 4,999
- > 5,000

- State boundary
- Smith River Rancheria
- Tribal Lands²

- ## Elevation
- >14,000 ft
 - 12,000
 - 10,000
 - 8,000
 - 6,000
 - 4,000
 - 2,000
 - ~ MSL



Expanded Portion of Maricopa County

Tohono O'odham Nation

Gila River Power Station
NOx: 342.9 tpy
VOC: 61.1 tpy

Expanded Portion of Maricopa County

Maricopa (AK Chin)

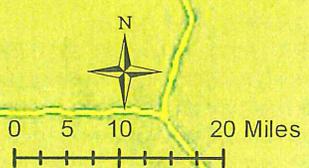
Queen Creek Plant #2 (NOx: 0.1 tpy)
Queen Creek Plant (NOx: 4.3 tpy)
Army Heliport (VOC: 0.2 tpy)
Coneco (NOx: 8.6 tpy)
Rock Solid plant (NOx: 13.9 tpy)
Gantzel Farms (VOC: 9.9 tpy)
Florence

Tohono O'odham Nation

Tohono O'odham Nation

2009 - State recommended nonattainment;
2011 - State recommended unclassifiable or attainment

*Design value invalid due to data completeness issues.
Design Values are labeled with 2010 AQS, 2011 AQS, and 2011 OzoneWatch design values, respectively.
Absence of design value symbolized with an "x".
Sources: US EPA's AQS database (10/31/11),
OzoneWatch (10/4/11), US Census (2010), NEI (2008),
ESRI (2011), TANA (2006).
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CalPortland Cement
NOx: 2,086.7 tpy
VOC: 5.2 tpy

Appendix 2:

Map showing Jurisdictional Boundaries and Detailed Population

Legend

- 2008-2010 AQS design value
- 2009-2011 AQS design value
- 2009-2011 Ozone Watch design value
- 88, 74*, x
Violating 8-Hour Ozone Monitor with 2009-2011 design value¹
- 88, 74*, x
Attaining 8-Hour Ozone Monitor with 2009-2011 design value¹

2008 NEI NO_x and VOC Point Source Emissions (Tons per year)

- + < 100 tons per year
- + 100 - 249
- + 250 - 499
- + 500 - 1,999
- + > 2,000

- Existing 1997 Ozone NAAQS and/or EPA-Intended 2008 Ozone NAAQS Nonattainment Area
- New EPA Recommendation for Attainment for areas currently designated Nonattainment for the 1997 Ozone NAAQS
- Existing/EPA-Recommended 8-Hour Ozone Nonattainment Area

County Boundary

Annual Average Daily Non-Truck Traffic (Volume/day)

- < 25,000
- 25,000 - 50,000
- 50,001 - 100,000
- 100,001 - 250,000
- > 250,000

Annual Average Daily Truck Traffic (Volume/day)

- 0 - 1,000
- 1,001 - 5,000
- 5,001 - 10,000
- 10,001 - 25,000
- > 25,000

*Design value invalid due to data completeness issues. Design Values are labeled with 2010 AQS, 2011 AQS, and 2011 OzoneWatch design values, respectively.

Absence of design value symbolized with an "x".

Sources: US EPA's AQS database (10/31/11), US EPA's NEI (2008), OzoneWatch (10/4/11), US Census (2010), ESRI (2011), TANA (2006), FTA (2007).

¹ Monitors are color-coded based on the highest 2009-2011 design value between AQS or OzoneWatch.

² Areas of Indian country displayed here are intended for illustrative purposes only.

EPA does not have the authority to define official boundaries for areas of Indian country.

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- San Joaquin Valley
- Air District/Authority
- Fresno, CA Metro Area
- 2010 Census CBSA
- MOJAVE DESERT AIR BASIN
- Air Basin

Urban Area

Urban Area

Minor Civil Division

Township and Range

Military Lands

National Forest Service Lands

National Park Service Lands

2010 Census Tract Population Density

- 100 - 499 people per square mile
- 500 - 1,999
- 2,000 - 3,499
- 3,500 - 4,999
- > 5,000

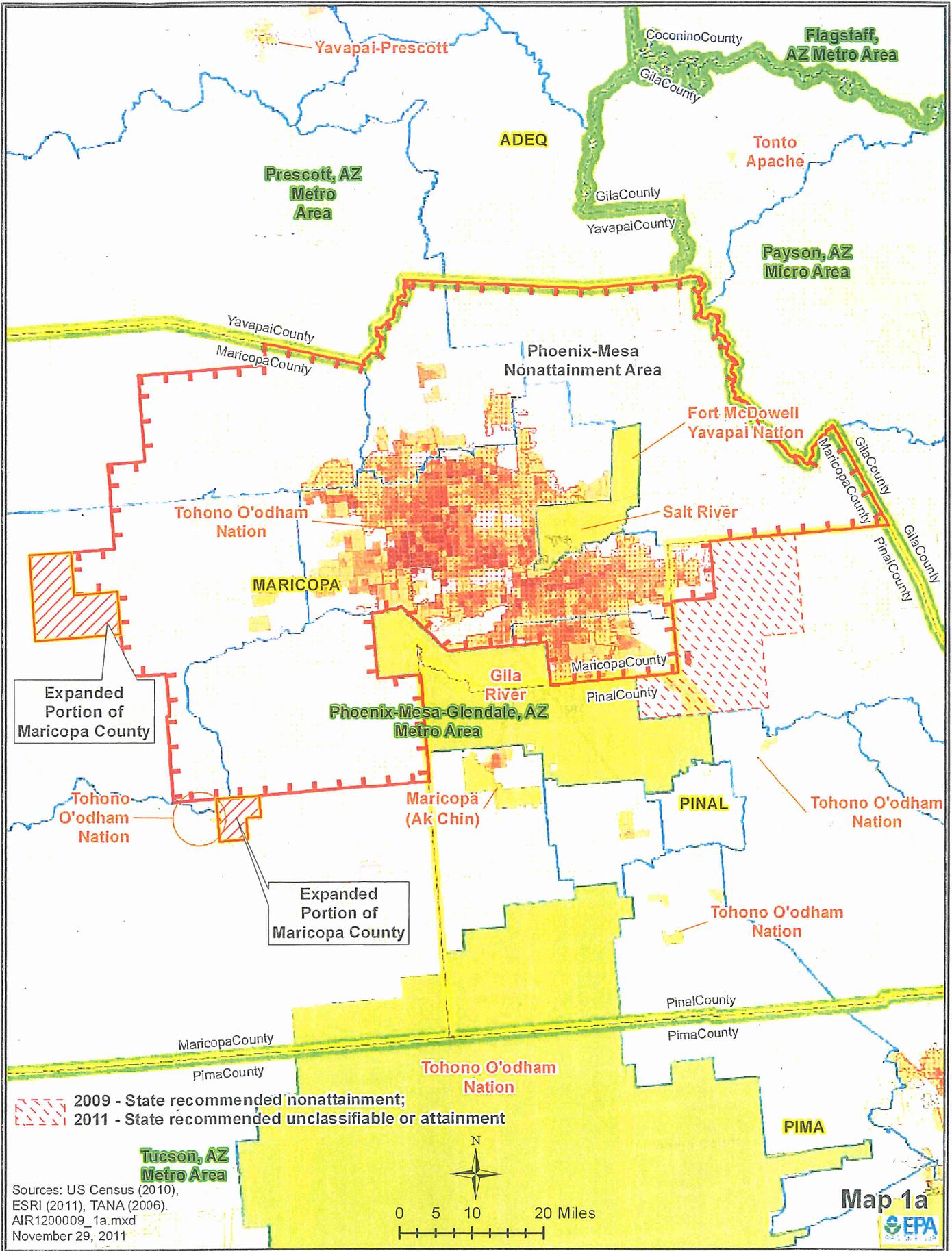
State boundary

Smith River Rancheria

Tribal Lands²

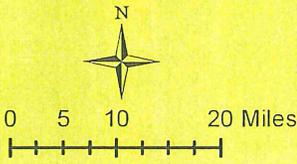
Elevation

- >14,000 ft
- 12,000
- 10,000
- 8,000
- 6,000
- 4,000
- 2,000
- ~ MSL



 2009 - State recommended nonattainment;
 2011 - State recommended unclassifiable or attainment

Sources: US Census (2010),
 ESRI (2011), TANA (2006).
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 November 29, 2011



Map 1a

Appendix 3:

Air Quality Monitoring Data Table

Appendix 3: Air Quality Monitoring Data Table

State	Proposed Nonattainment Area (if applicable)	County	AQS ID	DV	DV Source (2008-2010 AQS)
Arizona	Phoenix-Mesa	Maricopa	040131004	77	2008-2010 AQS DV
Arizona	Phoenix-Mesa	Maricopa	TT6157021	76	2008-2010 AQS DV
Arizona	Phoenix-Mesa	Maricopa	040139997	75	2008-2010 AQS DV
Arizona	Phoenix-Mesa	Maricopa	040133003	74	2008-2010 AQS DV
Arizona	Phoenix-Mesa	Maricopa	040134008	74	2008-2010 AQS DV
Arizona	Phoenix-Mesa	Maricopa	040139704	74	2008-2010 AQS DV
Arizona	Phoenix-Mesa	Maricopa	040130019	73	2008-2010 AQS DV
Arizona	Phoenix-Mesa	Maricopa	040132005	73	2008-2010 AQS DV
Arizona	Phoenix-Mesa	Maricopa	040134004	73	2008-2010 AQS DV
Arizona	Phoenix-Mesa	Maricopa	040132001	72	2008-2010 AQS DV
Arizona	Phoenix-Mesa	Maricopa	040134003	72	2008-2010 AQS DV
Arizona	Phoenix-Mesa	Maricopa	TT6157020	72	2008-2010 AQS DV
Arizona	Phoenix-Mesa	Maricopa	TT6157024	72	2008-2010 AQS DV
Arizona	Phoenix-Mesa	Maricopa	040139706	72	2008-2010 AQS DV
Arizona	Phoenix-Mesa	Maricopa	040133002	71	2008-2010 AQS DV
Arizona	Phoenix-Mesa	Maricopa	040134005	71	2008-2010 AQS DV
Arizona	Phoenix-Mesa	Maricopa	040139508	71	2008-2010 AQS DV
Arizona	Phoenix-Mesa	Maricopa	040131010	70	2008-2010 AQS DV
Arizona	Phoenix-Mesa	Maricopa	TT6147003	70	2008-2010 AQS DV
Arizona	Phoenix-Mesa	Maricopa	040139702	70	2008-2010 AQS DV
Arizona	Phoenix-Mesa	Maricopa	TT6135100	69	2008-2010 AQS DV
Arizona	Phoenix-Mesa	Maricopa	040134010	68	2008-2010 AQS DV
Arizona	Phoenix-Mesa	Maricopa	040134011	64	2008-2010 AQS DV
Arizona	Phoenix-Mesa	Pinal	040213001	73	2008-2010 AQS DV
Arizona	-	Cochise	040038001 ^a	68	2008-2010 AQS DV
Arizona	-	Coconino	040051008	69	2008-2010 AQS DV
Arizona	-	Coconino	040058001 ^a	68	2008-2010 AQS DV
Arizona	-	Gila	040070010	73	2008-2010 AQS DV

State	Proposed Nonattainment Area (if applicable)	County	AQS ID	DV	DV Source (2008-2010 AQS)
Arizona	-	La Paz	040128000	72	2008-2010 AQS DV
Arizona	-	Navajo	040170119 ^a	67	2008-2010 AQS DV
Arizona	-	Pima	040190021	69	2008-2010 AQS DV
Arizona	-	Pima	040191018	69	2008-2010 AQS DV
Arizona	-	Pima	040191020	68	2008-2010 AQS DV
Arizona	-	Pima	040191028	67	2008-2010 AQS DV
Arizona	-	Pima	040191011	65	2008-2010 AQS DV
Arizona	-	Pima	040191030	65	2008-2010 AQS DV
Arizona	-	Pima	040191032	64	2008-2010 AQS DV
Arizona	-	Pima	040191034	64	2008-2010 AQS DV
Arizona	-	Pinal	040218001	74	2008-2010 AQS DV
Arizona	-	Pinal	TT6147001	70	2008-2010 AQS DV
Arizona	-	Pinal	040213003	69	2008-2010 AQS DV
Arizona	-	Pinal	040213007	67	2008-2010 AQS DV
Arizona	-	Pinal	040213009	65	2008-2010 AQS DV
Arizona	-	Pinal	040213010	65	2008-2010 AQS DV
Arizona	-	Yavapai	040258033	66*	2008-2010 AQS DV
Arizona	-	Yuma	040278011	73	2008-2010 AQS DV

^a = Clean Air Status and Trends Network (CASTNET) monitor.

^b = Other National Park Service monitors.

* = Design Value (DV) does not meet data completeness requirements.

BOLD = DV monitor for the County

RED = DV for the proposed Nonattainment Area

BOLD AND RED = DV monitor for the proposed Nonattainment Area and the County

Grouped by Proposed Nonattainment Area, then by County.

FACT SHEET

**Proposed Rule - Implementation of the 2008 National Ambient Air Quality Standards for Ozone:
Nonattainment Area Classifications Approach and Attainment Deadlines**

Action

- On February 7, 2012, the U.S. Environmental Protection Agency (EPA) proposed a rule that would take a necessary step to implement the 2008 National Ambient Air Quality Standards (NAAQS) for ground-level ozone. EPA set those standards at 0.075 parts per million (ppm) on March 12, 2008.
- Implementation of the ozone standards is the shared responsibility of the EPA and the governments of states, tribes, and communities. This proposal would establish an approach for classifying ozone nonattainment areas – those areas not meeting the 2008 ozone standards. The EPA also seeks comment on options for schedules for each nonattainment area to meet the standards.
- This proposal is the first of two rules that will guide implementation of the 2008 ozone standards. An upcoming proposed rule will address other implementation issues such as anti-backsliding, State Implementation Plan deadlines, and policies on required control measures..
- The EPA classifies nonattainment areas based on the severity of their ozone problem. Under this graduated system, nonattainment areas with the worst air quality will have both the longest time to meet the standard and the largest set of mandatory planning and emissions control requirements. Classified areas fall into five categories: Marginal, Moderate, Serious, Severe, or Extreme.
 - The EPA is proposing to use a "percent-above-the-standard" approach to calculate the thresholds for these classifications. Under this approach, the EPA would apply the percentages that Congress laid out in the Clean Air Act for the 1-hour ozone standard to develop classification levels for the 2008 ozone standard.
 - The proposed rule also would set the deadlines for attainment for each classification. The EPA is taking comment on the date in a future year that a nonattainment area should be expected to attain by: either on the effective date of designations, or at the end of the calendar year.
 - The table below summarizes EPA’s proposed ozone air quality ranges for classifying nonattainment areas for the 2008 ozone standards. It also provides the proposed length of time each type of area would be expected to attain by.

Classification	Ozone Concentration Range (Parts Per Billion)	Attainment Date
Marginal	76 up to 86	3 years
Moderate	86 up to 100	6 years
Serious	100 up to 113	9 years

Severe-15	113 up to 119	15 years
Severe-17	119 up to 175	17 years
Extreme	Equal to or greater than 175	20 years

- The EPA also is proposing to:
 - Revoke the 1997 ozone standards one year after designations for the 2008 standards are effective. This revocation would be for purposes of transportation conformity only. Transportation conformity requires local transportation and air quality officials to coordinate planning to ensure that transportation related emissions from projects, such as road construction, do not interfere with an area’s ability to reach its clean air goals.
 - Allow voluntary area reclassifications under the 1997 ozone standards to be the same as the areas’ classification for the 2008 standards unless otherwise requested. This would apply to areas in California only.
- The EPA will work closely with states to provide assistance in implementing the 2008 ozone standards. For more information about the 2008 ozone standards, go to <http://www.epa.gov/air/ozonepollution/actions.html>

Background

- On March 12, 2008, the EPA revised its National Ambient Air Quality Standards for ozone by strengthening both the primary standard, designed to protect public health, and the secondary standard, set to protect the environment, to a level of 0.075 parts per million (ppm). These standards are in effect and EPA is moving forward with implementing the standards as required by the Clean Air Act. The 2008 ozone standards will provide additional public health benefits while the agency continues to work on the next regular review of the ozone standards.
- Breathing air containing ozone can reduce lung function and increase respiratory symptoms, aggravating asthma or other respiratory conditions. Ozone exposure also has been associated with increased susceptibility to respiratory infections, medication use by asthmatics, doctor visits, and emergency department visits and hospital admissions for individuals with respiratory disease. Ozone exposure may also contribute to premature death, especially in people with heart and lung disease.
- History shows us that better health and cleaner air go hand-in-hand with economic growth. Working closely with the states and tribes, EPA is implementing the 2008 ozone standards using a common sense approach that improves air quality and minimizes burden on state and local governments. As part of this routine process, EPA is working closely with the states to identify areas in the country that meet the standards and those that need to take steps to reduce air pollution.
- After EPA sets a new NAAQS or revises an existing standard, the Agency works with the states and some tribes to formally identify or “designate” areas as “unclassifiable/attainment” (meeting

the standard or expected to be meeting the standard despite a lack of monitoring data), “nonattainment” (not meeting the standard), or “unclassifiable” (insufficient data).

- The designation process begins with state governors evaluating air quality monitoring data across their state along with other factors such as sources of pollutants that form ozone, and weather patterns, then making recommendations to EPA for how all areas in the state should be designated. Tribal leaders may also make area recommendations but they are not required to do so.
- States and tribes provided their initial designation recommendations for the 2008 ozone standards in 2009 based on the most recent three years of air quality monitoring data – generally 2006 to 2008. Many states and tribes recently provided EPA with updates to these original recommendations. EPA plans to make final designations in Spring 2012 using air quality monitoring data from 2008, 2009 and 2010. The Agency will consider data through 2011 if a state certifies it as complete and submits it for consideration by February 29, 2012.
- Once designations take effect, they govern what subsequent regulatory actions states, tribes, and EPA must take in order to improve or preserve air quality in each area. EPA is working with the states and tribes to share the responsibility of reducing ozone air pollution. Current and upcoming federal standards and safeguards, including pollution reduction rules for power plants, vehicles and fuels, will assure steady progress to reduce smog-forming pollution and will protect public health in communities across the country.

How to Comment:

- EPA will accept comment on this proposal for 30 days following publication in the Federal Register.
- Comments should be identified by Docket ID No. EPA-HQ-OAR-2010-0885 and submitted by one of the following methods:
 - Federal eRulemaking Portal (<http://www.regulations.gov>),
 - e-mail (a-and-r-docket@epa.gov),
 - Mail (EPA Docket Center, Environmental Protection Agency, Mail code 6102T, 1200 Pennsylvania Avenue, NW, Washington, DC 20460), or
 - Hand delivery (EPA Docket Center, Environmental Protection Agency, Room 3334, 1301 Constitution Avenue, NW, Washington, DC).

For Further Information:

- To download a copy of the notice, go to EPA’s Worldwide Web site at: <http://www.epa.gov/air/ozonepollution/actions.html#impl>.
- Today’s proposed rule and other background information are also available either electronically at <http://www.regulations.gov>, EPA’s electronic public docket and comment system, or in hardcopy at the EPA Docket Center’s Public Reading Room.

- The Public Reading Room is located at EPA Headquarters, room number 3334 in the EPA West Building, 1301 Constitution Avenue, NW, Washington, DC. Hours of operation are 8:30 a.m. to 4:30 p.m. eastern standard time, Monday through Friday, excluding Federal holidays.
- Visitors are required to show photographic identification, pass through a metal detector, and sign the EPA visitor log. All visitor materials will be processed through an X-ray machine as well. Visitors will be provided a badge that must be visible at all times.
- Materials for this proposed action can be accessed using Docket ID No. EPA-HQ-OAR-2010-0885.
- For more information on the proposed rule, contact either Dr. Karl Pepple at (919)-541-2683 or e-mail at pepple.karl@epa.gov or Mr. Butch Stackhouse at (919)-541-5208 or e-mail at stackhouse.butch@epa.gov.

solvency issue, an abundance of caution dictates that the Board review the Fund's status next year. The Board recommended that an updated actuarial study be prepared in conjunction with the biennial report due to the Governor in 2013. In 2009, the Board asked DMRM to provide an analysis of Alternative Bonding Systems (ABS) conducted in other coal mining states. With the assistance of Pinnacle studying ABS systems in West Virginia and Kentucky, the Board believes that Ohio's ABS is at least as effective as those systems; the Board believes that a reasonable timeframe to reclaim forfeited sites is in the range of three to five years; should one of the largest five permit holders become insolvent, the Fund would likely be inadequate to allow reclamation within the 3 to 5-year range; and the Board will continue to study the model prepared by Pinnacle to refine, improve, and monitor this model of the Fund's inadequacy.

The full text of the program amendment is available for you to read at the locations listed above under **ADDRESSES**.

III. Public Comment Procedures

Under the provisions of 30 CFR 732.17(h), we are seeking your comments on whether the submission satisfies the applicable program approval criteria of 30 CFR 732.15. If we approve the amendment, it will become part of the Ohio program.

Electronic or Written Comments

If you submit written comments, they should be specific, confined to issues pertinent to the proposed regulations, and explain the reason for any recommended change(s). We appreciate any and all comments, but those most useful and likely to influence decisions on the final regulations will be those that either involve personal experience or include citations to and analyses of SMCRA, its legislative history, its implementing regulations, case law, other pertinent state or Federal laws or regulations, technical literature, or other relevant publications. We cannot ensure that comments received after the close of the comment period (see **DATES**) or sent to an address other than those listed above (see **ADDRESSES**) will be included in the docket for this rulemaking and considered.

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may

be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. We will not consider anonymous comments.

Public Hearing

If you wish to speak at the public hearing, contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4 p.m., local time February 29, 2012. If you are disabled and need reasonable accommodations to attend a public hearing, contact the person listed under **FOR FURTHER INFORMATION CONTACT**. We will arrange the location and time of the hearing with those persons requesting the hearing. If no one requests an opportunity to speak, we will not hold the hearing.

To assist the transcriber and ensure an accurate record, we request, if possible, that each person who speaks at a public hearing provide us with a written copy of his or her comments. The public hearing will continue on the specified date until everyone scheduled to speak has been given an opportunity to be heard. If you are in the audience and have not been scheduled to speak and wish to do so, you will be allowed to speak after those who have been scheduled. We will end the hearing after everyone scheduled to speak and others present in the audience who wish to speak, have been heard.

Public Meeting

If there is only limited interest in participating in a public hearing, we may hold a public meeting rather than a public hearing. If you wish to meet with us to discuss the submission, please request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings are open to the public and, if possible, we will post notices of meetings at the locations listed under **ADDRESSES**. We will make a written summary of each meeting a part of the administrative record.

IV. Procedural Determinations

Executive Order 12866—Regulatory Planning and Review

This rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866.

Other Laws and Executive Orders Affecting Rulemaking

When a State submits a program amendment to OSM for review, our regulations at 30 CFR 732.17(h) require us to publish a notice in the **Federal Register** indicating receipt of the

proposed amendment, its text or a summary of its terms, and an opportunity for public comment. We conclude our review of the proposed amendment after the close of the public comment period and determine whether the amendment should be approved, approved in part, or not approved. At that time, we will also make the determinations and certifications required by the various laws and executive orders governing the rulemaking process and include them in the final rule.

List of Subjects in 30 CFR Part 935

Intergovernmental relations, Surface mining, Underground mining.

Dated: November 23, 2011.

Thomas D. Shope,

Regional Director, Appalachian Region.

[FR Doc. 2012-3424 Filed 2-13-12; 8:45 am]

BILLING CODE 4310-05-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 50 and 51

[EPA-HQ-OAR-2010-0885, FRL-9630-6]

RIN 2060-AR32

Implementation of the 2008 National Ambient Air Quality Standards for Ozone: Nonattainment Area Classifications Approach, Attainment Deadlines and Revocation of the 1997 Ozone Standards for Transportation Conformity Purposes

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA is proposing thresholds for classifying nonattainment areas for the 2008 ozone National Ambient Air Quality Standards (NAAQS) (the "2008 ozone NAAQS") promulgated by the EPA on March 12, 2008. This proposal also addresses the timing of attainment dates for each classification. Finally, we are proposing to revoke the 1997 ozone NAAQS 1 year after the effective date of designations for the 2008 ozone NAAQS for transportation conformity purposes only.

DATES: Comments must be received on or before March 15, 2012. Please refer to **SUPPLEMENTARY INFORMATION** for additional information on the comment period.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-HQ-OAR-2010-0885, by one of the following methods:

• www.regulations.gov: Follow the on-line instructions for submitting comments.

• *Email*: a-and-r-docket@epa.gov
 • *Mail*: Air and Radiation Docket and Information Center, Attention Docket ID No. EPA-HQ-OAR-2010-0885, Environmental Protection Agency, 1301 Constitution Ave. NW., Washington, DC 20460. Mail Code: 2822T. Please include two copies if possible. In addition, please mail a copy of your comments on the information collection provisions to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attn: Desk Officer for EPA, 725 17th St. NW., Washington, DC 20503.

• *Hand Delivery*: Air and Radiation Docket and Information Center, Attention Docket ID No. EPA-HQ-OAR-2010-0885, Environmental Protection Agency in the EPA Headquarters Library, Room Number 3334 in the EPA West Building, located at 1301 Constitution Ave. NW., Washington, DC. The EPA/DC Public Reading Room is open from 8:30 a.m. to 4:30 p.m. Eastern Standard Time (EST), Monday through Friday, Air and Radiation Docket and Information Center.

Instructions: Direct your comments to Docket ID No. EPA-HQ-OAR-2010-0885. The EPA's policy is that all comments received will be included in the public docket without change and may be made available on-line at www.regulations.gov, including any personal information provided, unless the comment includes information claimed to be confidential business information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through www.regulations.gov or email. The www.regulations.gov Web site is an "anonymous access" system, which means the EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to the EPA without going through www.regulations.gov, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should

avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about the EPA's public docket, visit the EPA Docket Center homepage at <http://www.epa.gov/epahome/dockets.htm>. For additional instructions on submitting comments, go to the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: All documents in the docket are listed in www.regulations.gov. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in www.regulations.gov or in hard copy at the Air and Radiation Docket and Information Center in the EPA Headquarters Library, Room Number 3334 in the EPA West Building, located at 1301 Constitution Ave. NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744.

FOR FURTHER INFORMATION CONTACT: For further general information on this rulemaking, contact Dr. Karl Pepple, Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency (C539-01), Research Triangle Park, NC 27711, phone number (919) 541-2683, fax number (919) 541-0824 or by email at pepple.karl@epa.gov, or Mr. Butch Stackhouse, Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency (C539-01), Research Triangle Park, NC 27711, phone number (919) 541-5208, fax number (919) 541-0824 or by email at stackhouse.butch@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

Entities potentially affected directly by the proposed rule for this action include state, local, and tribal governments. Entities potentially affected indirectly by the proposed rule include owners and operators of sources of emissions [volatile organic compounds (VOCs) and nitrogen oxides (NO_x)] that contribute to ground-level ozone concentrations.

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI*. Do not submit this information to the EPA through www.regulations.gov or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD-ROM that you mail to the EPA, mark the outside of the disk or CD-ROM as CBI and then identify electronically within the disk or CD-ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed to be CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for Preparing Your Comments*. When submitting comments, remember to:

- Identify the rulemaking by docket number and other identifying information (subject heading, **Federal Register** date and page number).
- Follow directions—The agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.
- Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.
- Describe any assumptions and provide any technical information and/or data that you used.
- If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.
- Provide specific examples to illustrate your concerns, and suggest alternatives.
- Explain your views as clearly as possible, avoiding the use of profanity or personal threats.
- Make sure to submit your comments by the comment period deadline identified.

C. Where can I get a copy of this document and other related information?

In addition to being available in the docket, an electronic copy of this notice will be posted at <http://www.epa.gov/air/ozonepollution/actions.html#impl> under "recent actions."

D. How is this notice organized?

The information presented in this notice is organized as follows:

I. General Information

A. Does this action apply to me?

- B. What should I consider as I prepare my comments for EPA?
- C. Where can I get a copy of this document and other related information?
- D. How is this notice organized?
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- B. History of Nonattainment Area Classification Systems for the Ozone NAAQS
- C. Initial Area Designations for the 2008 Ozone NAAQS
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- C. What are we proposing as the attainment deadlines for nonattainment areas in each classification of the 2008 ozone NAAQS?
- IV. What is the EPA proposing regarding revocation of the 1997 ozone NAAQS at this time?
- A. What is the background for our proposal?
- B. What is the rationale for our proposal?
- C. Why is it necessary to revoke the 1997 ozone NAAQS now for transportation conformity purposes?
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- B. Paperwork Reduction Act
- C. Regulatory Flexibility Act
- D. Unfunded Mandates Reform Act
- E. Executive Order 13132: Federalism
- F. Executive Order 13175: Consultation and Coordination with Indian Tribal Governments
- G. Executive Order 13045: Protection of Children from Environmental Health and Safety Risks
- H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use.
- I. National Technology Transfer and Advancement Act
- J. Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations
- VII. Statutory Authority

II. Background for Proposal

A. Overview

On March 12, 2008,¹ the EPA revised the primary National Ambient Air Quality Standards (NAAQS) for ozone to a level of 0.075 parts per million (ppm) (annual fourth-highest daily maximum 8-hour concentration,

averaged over 3 years).^{2,3} On July 16, 2009, the EPA announced that it would initiate a rulemaking to reconsider the standard for various reasons, including the fact the 0.075 ppm level fell outside of the range recommended by the Clean Air Scientific Advisory Committee. Pending the outcome of that reconsideration, the EPA suspended further work on designating areas, including developing a classification approach for areas that would be designated nonattainment. In September 2011, the Office of Management and Budget (OMB) returned for further consideration the EPA's draft rulemaking to reconsider the 2008 ozone NAAQS.⁴ The current NAAQS for ozone thus remains at 0.075 ppm, as established in 2008. The 2008 NAAQS retains the same general form and averaging time as the 0.08 ppm NAAQS set in 1997 but is set at a more stringent level.

While the 2008 NAAQS was being reconsidered, the EPA deferred initial designation of areas as attainment or nonattainment with respect to that standard until March 12, 2011.⁵ (*See* 75 FR 2936.) Since this deadline has passed and the EPA's draft rulemaking to reconsider the 2008 ozone NAAQS has been returned by OMB for further consideration, the EPA is now proceeding with certain activities to implement the 2008 ozone NAAQS. In a separate action, the EPA will propose a rule to address the steps states will take to implement the NAAQS and the timing of those steps. In this action, we address the system for classifying nonattainment areas and a limited set of additional implementation issues.

A key first step after promulgating a new or revised NAAQS is for the EPA to issue initial area designations. Area designations establish which areas are meeting the NAAQS (attainment/unclassifiable) and which areas are not meeting the NAAQS (nonattainment), and the boundaries for those areas. Following the schedule provided in Clean Air Act (CAA) section 107(d),

² The secondary ozone standard, designed to protect public welfare, was set at the same level and with the same averaging time as the primary standard.

³ For a detailed explanation of the calculation of the 3-year 8-hour average, see 40 CFR part 50, Appendix I.

⁴ Memorandum from Cass R. Sunstein to Administrator Lisa Jackson, dated September 2, 2011.

⁵ The 2008 ozone NAAQS was promulgated on March 12, 2008. By the 2-year designation requirement found in CAA § 107(d)(1), the deadline for designating areas was March 12, 2010. The EPA determined that due to the reconsideration there was insufficient information to designate areas, and invoked the additional year for designations as allowed under CAA § 107(d)(1)(B).

states were required to submit designation recommendations for every area of each state to the EPA by March 12, 2009, which was 1 year after the promulgation date of the 2008 ozone NAAQS. The EPA has received these recommendations and has proceeded with the designations process based on these recommendations.

In accordance with CAA section 181(a)(1), each area designated as nonattainment for the 2008 ozone NAAQS will be classified by operation of law at the same time as the area is designated by the EPA. Therefore, the EPA intends to finalize classification thresholds on or before the date that initial area designations are issued by the Administrator. The planning and emission reduction requirements as well as the maximum attainment date for each area are based on that area's classification. Areas classified as marginal are subject to the least stringent planning and control requirements and shortest attainment period and those classified as severe are subject to the most stringent requirements and longest attainment period.

Under Subpart 2 of part D of title I of the CAA, state planning and emissions control requirements for ozone are determined, in part, by a nonattainment area's classification. In 1990, Congress amended part D of title I of the CAA by adding several new subparts, including subpart 2, which specifies implementation requirements for ozone nonattainment areas. These requirements apply in addition to the general State Implementation Plan (SIP) planning requirements applicable to all nonattainment areas under subpart 1 of part D. Under subpart 2, ozone nonattainment areas are classified based on the severity of their ozone levels (as determined based on the area's "design value," which represents the most recent 3-year average of the air quality in the area).⁶ Nonattainment areas with a "lower" classification have ozone levels that are closer to the standard than areas with a "higher" classification. The subpart 2 classification section provides an increasing amount of time from the date of designation to attain the standards for the progressively higher classifications: Marginal (3 years), Moderate (6 years), Serious (9 years), Severe-15 (15 years), Severe-17 (17 years), and Extreme (20 years).

⁶ The air quality design value for the 8-hour O₃ NAAQS is the 3-year average of the annual 4th highest daily maximum 8-hour average ozone concentrations.

¹ See 73 FR 16436.

Areas in the lower classification levels have fewer and/or less stringent mandatory air quality planning and control requirements than those in higher classifications. For instance, Marginal areas are exempt from the requirement to prepare an attainment demonstration and associated contingency measures, although such areas are required to adopt an emissions statement rule for stationary sources, submit a baseline emissions inventory, and implement a nonattainment area preconstruction permit program. A Moderate area needs to comply with the Marginal area requirements; in addition the state must submit a demonstration that the area will attain within 6 years after designation, and it must adopt (and submit for EPA approval) certain emissions control requirements, such as reasonably available control technology, a basic vehicle inspection and maintenance program if the area meets the applicable population thresholds, and provisions for increased offsets for new or modified sources under the state's new source review (NSR) program. The higher classifications similarly require additional emissions controls and stricter NSR offset requirements beyond those required for a Moderate area. In addition, under the higher classifications, smaller sources are considered "major sources" for permitting and other requirements.

B. History of Nonattainment Area Classification Systems for the Ozone NAAQS

The CAA was amended in 1990 to add specific provisions that apply to ozone nonattainment areas. These include timelines for both planning and implementation, and requirements for specific programs to reduce emissions that vary based on an area's classification. The ozone standard that was in effect at the time of the 1990 CAA amendments was a 1-hour exceedance-based standard of 0.12 ppm.⁷ Accordingly, the classification provisions in Table 1 in section 181 of subpart 2 of the CAA (also referred to herein as the "subpart 2 classification table") are specific to that 1-hour standard. In 1997, the EPA revised both the form and level of the ozone NAAQS to a 3-year average of the 4th highest daily maximum 8-hour averages.⁸ In a subsequent rulemaking, the EPA adapted the CAA's 1-hour classification thresholds to the new 8-hour standard⁹

⁷ For additional detail on the 1-hour ozone NAAQS, see 56 FR 56694.

⁸ See 40 CFR Appendix I.

⁹ Referred to as the Phase 1 Rule, see 40 CFR part 51, subpart X at 51.903.

and used the new 8-hour threshold values to classify certain areas designated nonattainment for the 1997 8-hour NAAQS. This approach for translating the CAA's 1-hour threshold values to 8-hour threshold values was challenged in litigation and was upheld by the court. See *South Coast Air Quality Management District v. Environmental Protection Agency*, 472 F.3d at 896–898.

C. Initial Area Designations for the 2008 Ozone NAAQS

Under CAA § 107(d), initial area designations are required when a NAAQS is revised. The process involves interaction between the EPA and states, starting with states preparing recommendations and submitting them to the EPA for review. If the EPA intends to modify a state's recommendation, the EPA must notify the state of such modification by letter no later than 120 days ("120 day letters") prior to making a final decision.¹⁰ For the 2008 ozone NAAQS, most states submitted designation recommendations to the EPA as required under section 107(d) in March 2009, 1 year after the 2008 NAAQS was promulgated. States also had the opportunity to update these recommendations in the fall of 2011, based on ambient air quality monitoring data for the years 2008–2010, which were (and still are) the most recent monitoring data available. Areas could elect to early certify their 2009–2011 data by February 29, 2012 for EPA to consider in the designation process.

The EPA plans to consider the state recommendations received in 2009 and any updates provided by the states based on current monitoring data in deciding whether to modify any recommendations. In the event that the EPA intends to modify a state's recommendation, the EPA will notify the state 120 days prior to issuing designations. The EPA's goal is to finalize designations by mid-2012.

D. Transportation Conformity and the 1997 Ozone NAAQS

In this rulemaking, the EPA is proposing to revoke the 1997 ozone NAAQS for transportation conformity purposes only.¹¹ The revocation of the

¹⁰ While CAA section 107, which governs the process for initial area designations, specifically addresses states, the EPA intends to follow the same process for tribes to the extent practicable, pursuant to section 301(d) of the CAA regarding tribal authority and the Tribal Authority Rule (63 FR 7254; February 12, 1998). The EPA is working with the tribes and tribal organizations regarding their participation in the designations process.

¹¹ When EPA revises a NAAQS, the prior NAAQS is not automatically revoked. Accordingly, both the

1997 ozone standard for this limited purpose would occur 1 year after the effective date of initial area designations for the 2008 ozone NAAQS. We believe this approach is the most logical because it would result in only one ozone NAAQS—the more protective 2008 ozone NAAQS—applying for purposes of transportation conformity, after the end of the 1-year transportation conformity grace period that applies to newly designated nonattainment areas (see CAA section 176(c)(6)). If the 1997 ozone NAAQS were to remain in place after conformity applies for the 2008 ozone NAAQS, areas currently in nonattainment or maintenance for the 1997 ozone NAAQS that are designated nonattainment for the 2008 ozone NAAQS would be required to implement the transportation conformity program for both ozone NAAQS concurrently. The EPA is proposing to revoke the 1997 ozone NAAQS for purposes of transportation conformity in an attempt to avoid this overlap of NAAQS for conformity requirements. The EPA intends to discuss potential revocation of the 1997 NAAQS for all other purposes in a future, separate rulemaking.

III. What are the proposed classification thresholds for nonattainment areas for the 2008 ozone NAAQS?

A. Proposed Classification Thresholds

1. Background

The subpart 2 classification table includes the classification thresholds for areas designated as nonattainment for the 1-hour ozone NAAQS. The subpart 2 classification table is based on 1-hour ozone nonattainment area design values (DVs) (i.e., beginning at a level of 0.121 ppm) because it was designed for implementation of the 0.12 ppm 1-hour standard, which was the effective ozone standard when Congress added the table to the CAA in 1990. Because the table is based on DVs for a 0.12 ppm 1-hour standard, we recognized in the rulemaking to implement the 1997 NAAQS that it did not make sense to apply the thresholds listed in the table for implementing the 1997 0.08 ppm 8-hour standard. The EPA believed that using 8-hour DVs to classify areas for the 8-hour standard would reflect the magnitude of the 8-hour ozone problem more accurately than would using the 1-hour DVs in the subpart 2 classification table. In addition, many of the areas that

1997 ozone NAAQS and the more stringent 2008 ozone NAAQS are active standards unless and until EPA takes action to revoke the previous 1997 standard.

were nonattainment for the 1997 8-hour NAAQS had 1-hour DVs less than 0.121 ppm and would not have been covered by the subpart 2 classification table at all.

We adopted by regulation a modified version of the subpart 2 classification table for the 1997 8-hour ozone standard which contains 8-hour DV thresholds for each classification, rather than the statutory 1-hour DV thresholds. We translated the classification thresholds in the subpart 2 classification table from 1-hour DVs to 8-hour DVs based on the percentage by which each classification threshold in the table exceeds the 1-hour ozone NAAQS. We noted that these percentages, as established by Congress in 1990, set the classification thresholds at certain percentages or fractions above the level of the standard.¹² We refer to this method as the “percent-above-the-standard” method. We are proposing to take the same approach for the 2008 ozone NAAQS. As we did for the 1997 8-hour NAAQS, we are proposing to establish by regulation a modified version of this classification table to account for the new level of 0.075 ppm as compared to the level of 0.08 ppm used to establish the classification table for the 1997 ozone NAAQS.

As we did for the 1997 NAAQS, the EPA analyzed various alternative options for establishing thresholds for classifications for the 2008 ozone

NAAQS. However, we are proposing to use the same “percent-above-the-standard” methodology as was used for the 1997 ozone standard.¹³ Options that were evaluated other than the one we are proposing are discussed in more detail in a background information document¹⁴ in the docket to this rulemaking. While the EPA believes the “percent-above-the-standard” method is appropriate for designating areas for the 2008 NAAQS, alternative methods may be appropriate to consider in developing classification thresholds for any future revisions to the ozone standards.

The percent-above-the-standard method is a simple and straightforward method for establishing classification thresholds that is based on principles inherent in the subpart 2 classification table itself. The principles include the following:

- Areas are grouped by the severity of their air quality problem as characterized by the degree of nonattainment based on their DV.
- Classification would occur “by operation of law” without relying on EPA exercising discretion for individual situations (prior to any application of the 5 percent adjustment provision under section 181(a)(4)). See section III.B of this rule for additional details on how EPA intends to address previous requests for voluntary bump-ups for the 1997 ozone NAAQS.
- Classification thresholds are derived from the structure or logic of the

CAA’s nonattainment area planning and control requirements, including the subpart 2 classification table, and consistent with the overall goal of subpart 2 of attaining the standards as expeditiously as practicable.

2. Proposed Classification Threshold Method—Percent-Above-the-Standard Method

In this section, we describe the EPA’s proposed methodology for establishing classification thresholds for purposes of classifying ozone nonattainment areas with respect to the 2008 ozone NAAQS. Using this approach for the 2008 NAAQS, the classification thresholds in the subpart 2 classification table would be translated into a corresponding set of 8-hour DVs by setting threshold DVs in the new table at the same percentages above the 2008 ozone NAAQS as the DV levels in the subpart 2 classification table are above the 1-hour ozone NAAQS. For example, the threshold separating the Marginal and Moderate classifications in the subpart 2 classification table (0.138 ppm) is 15 percent above the 1-hour ozone NAAQS (0.12 ppm). Thus, under this approach, the threshold separating the Marginal and Moderate classifications for the 2008 ozone NAAQS would be 0.075 ppm plus 15 percent, or 0.086 ppm. Table 1, below, depicts this proposed translation for classifications as it would apply for the 2008 ozone NAAQS.

TABLE 1—SUBPART 2 1-HOUR OZONE DESIGN VALUE CLASSIFICATION TABLE TRANSLATION TO 8-HOUR DESIGN VALUES FOR THE 2008 OZONE NAAQS OF 0.075 PPM

Area class		1-hour design value (ppm)	Percent above 1-hour ozone NAAQS	8-hr ozone design value (ppm)
Marginal	From	0.121	0.833	0.076
	up to ¹	0.138	15	0.086
Moderate	From	0.138	15	0.086
	up to ¹	0.160	33.333	0.100
Serious	From	0.160	33.333	0.100
	up to ¹	0.180	50	0.113
Severe-15	From	0.180	50	0.113
	up to ¹	0.190	58.333	0.119
Severe-17	From	0.190	58.333	0.119
	up to ¹	0.280	133.333	0.175
Extreme	equal to or above	0.280	133.333	0.175

Note 1: But not including.

Based on our analysis of air quality information from 2008–2010, we estimate that approximately 52 areas

had ambient ozone concentrations exceeding the 2008 ozone NAAQS. We use these 52 “hypothetical

nonattainment areas” for purposes of the following discussion.¹⁵ These

¹² The upper thresholds of the Marginal, Moderate, Serious, and Severe classifications are precise percentages or fractions above the level of the standard, namely 15 percent (3/20ths more than the standard), 33.33 percent (one-third more than the standard), 50 percent (one-half more than the standard), and 133.3 percent (one and one-third more than the standard).

¹³ Background Information Document: Development of Hypothetical Nonattainment Areas for Illustrating Proposed Classification Thresholds for Areas Designated Nonattainment for the 2008 0.075 PPM 8-Hour Ozone National Ambient Air Quality Standard. January 2012.

¹⁴ Background Information Document: Additional Options Considered for Classification of Nonattainment Areas under the 2008 Ozone NAAQS. January 2012.

¹⁵ Background Information Document: Development of Hypothetical Nonattainment Areas for Illustrating Proposed Classification Thresholds

hypothetical areas are intended to illustrate the distribution of areas into the proposed classifications. The actual number of total nonattainment areas and the classification of each area will depend on decisions made in the separate designations process under section 107(d). If we were to use the proposed thresholds in Table 1, above, as the basis for classifying nonattainment areas with respect to the 2008 ozone NAAQS, the 52 hypothetical nonattainment areas based on 2008–2010 air quality data would be distributed in each classification as shown in Table 2.

TABLE 2—NUMBER OF HYPOTHETICAL NONATTAINMENT AREAS IN EACH CLASSIFICATION UNDER THE 2008 OZONE NAAQS: PERCENT-ABOVE-THE-STANDARD METHOD

Classification	2008 O ₃ NAAQS (hypothetical areas)
Marginal	43
Moderate	6
Serious	3
Severe	0
Extreme	0
Total	52

The proposed classification method would result in the vast majority of nonattainment areas being classified as Marginal. It is possible that a few areas would have a later maximum statutory attainment date for their existing classification under the 1997 ozone NAAQS than they would have for their new classification under the 2008 NAAQS. For example, an area that would be classified Marginal for the more stringent 2008 ozone NAAQS (with an anticipated maximum statutory attainment date in 2015), may have been classified as Severe for the less-stringent 1997 ozone NAAQS (with a later maximum statutory attainment date in 2019).¹⁶ This issue did not arise when we promulgated the classification

structure for the 1997 NAAQS. (See section III.B of this rule for additional details on how EPA intends to address previous requests for voluntary bump-ups for the 1997 ozone NAAQS.)

Many Marginal areas are expected to attain the 2008 NAAQS within 3 years of designation (e.g., in 2015) due to reductions of ozone precursors resulting from a number of federal and state emission reduction programs that have already been adopted. Such programs include more stringent emission standards for onroad and nonroad vehicles and equipment (with associated fleet turnover), regional reductions in power plant emissions to address interstate transport,¹⁷ and potential future programs such as the boiler maximum achievable control technology standards. The EPA estimates that in about half of the Marginal areas, these reductions in conjunction with other ongoing state and federal controls should be sufficient to bring about attainment.¹⁸ In other areas, additional control measures may be needed for timely attainment.

3. Other Classification Methods Considered

A number of interested parties have recommended to the EPA other options for classification of ozone nonattainment areas. The EPA evaluated many other methods but we are not proposing them or soliciting comment on them because we did not find them as compelling for application to the 2008 ozone NAAQS as the option discussed in this proposal. We have included in the docket all written recommendations we have received in recent years regarding classification approaches. Other options that we considered but are not proposing are also summarized in the docket.¹⁹

B. Reclassification of Nonattainment Areas that Have Voluntarily Requested Higher Classifications

The CAA provides three mechanisms for addressing nonattainment areas that may not be able to attain by the

attainment date provided for their classification. First, section 181(a)(4) provides that within 90 days of designation and classification, the Administrator may exercise discretion to reclassify an area to a higher (or lower) classification if its DV is within 5 percent of the DV range of the higher (or lower) classification.²⁰ Any state interested in taking advantage of this flexibility should submit a request to the EPA in sufficient time for the Administrator to make a determination within the 90 days provided.

The second mechanism, provided in section 181(b)(2), requires that an area be reclassified to the next higher classification (i.e., “bumped-up”) if EPA determines that the area has failed to attain the standard by the attainment date and does not qualify for the first of two possible 1-year attainment date extensions allowed under the CAA (excluding Severe to Extreme reclassification).

The third mechanism, provided in section 181(b)(3), allows a state to voluntarily request that the EPA reclassify the area to a higher classification. The EPA has no discretion to deny such requests. Once an area is reclassified to a higher classification, it becomes subject to the associated additional planning and control requirements for that higher classification as well and must attain the standard no later than the later maximum attainment date for that classification.

There are seven areas for which states requested a voluntary reclassification with respect to the 1997 NAAQS. If these areas were classified based on 2008–2010 air quality data and pursuant to the classification structure proposed here, it is likely that they would have a lower classification and an earlier maximum attainment date for the 2008 NAAQS than such areas have for the 1997 ozone NAAQS. EPA has granted voluntary reclassification requests for six of these areas; the request for one area is still pending.²¹

¹⁶ for Areas Designated Nonattainment for the 2008 0.075 PPM 8-Hour Ozone National Ambient Air Quality Standard. January 2012. Most hypothetical nonattainment areas include multiple counties, based on the existing 1997 8-hour ozone nonattainment areas, Combined Statistical Area, or Core Based Statistical Area boundary associated with a violating monitor. Note that these areas are used for analytical purposes only. Actual nonattainment areas and boundaries will be determined through the designations process.

¹⁶ As indicated elsewhere in this preamble, the EPA intends to designate areas for the 2008 standard by mid-2012. Thus, a 3-year attainment deadline would be in 2015.

¹⁷ Federal Implementation Plans: Interstate Transport of Fine Particulate Matter and Ozone and Correction of SIP Approvals. August 8, 2011; 76 FR 48208.

¹⁸ Technical note to docket # EPA-HQ-OAR-2010-0885, February 2012. “The Hypothetical Nonattainment Area Projections of 2008–2010 Design Values to 2015.”

¹⁹ Background Information Document: Additional Options Considered for Classification of Nonattainment Areas under the Proposed 2008 Ozone NAAQS. January 2012.

²⁰ This CAA provision also provides the same authority for reclassifying areas to a lower classification, an approach that may not be relevant where the area in question is unlikely to attain by

the attainment date for the classification it receives at the time of designation.

²¹ Ventura County, CA was reclassified from Moderate to Serious (Approved 05/20/2008, 73 FR Page 29073, Effective: 06/19/2008). Houston-Galveston-Brazoria, TX was reclassified from Moderate to Severe-15 (Approved 10/01/2008, 73 FR Page 56983, Effective: 10/31/2008). Reclassification of the Los Angeles-South Coast, San Joaquin Valley, Riverside County, and Sacramento Metro areas (May 5, 2010, 75 FR 24409) became effective June 4, 2010. The requested voluntary reclassification of West Mojave Desert, CA from Moderate to Severe-17 is still pending with the EPA.

TABLE 3—AREAS FOR WHICH THE STATE REQUESTED A VOLUNTARY RECLASSIFICATION UNDER THE 1997 NAAQS

Nonattainment Area	State	Original 1997 NAAQS classification	Voluntary reclassification	Potential classification under 2008 NAAQS ¹
Los Angeles-South Coast Air Basin	CA	Severe	Extreme	Serious.
San Joaquin Valley	CA	Serious	Extreme	Serious.
Riverside County (Coachella Valley)	CA	Serious	Severe	Moderate.
Sacramento Metro	CA	Serious	Severe	Serious.
Ventura County	CA	Moderate	Serious	Moderate.
Western Mojave ²	CA	Moderate	Severe	Moderate.

Note 1: Based on thresholds proposed in this notice and 2008–2010 design values.

Note 2: This request for a reclassification is still pending.

The EPA is proposing that the approved prior voluntary reclassification requests for the 1997 ozone NAAQS would also apply for the more stringent 2008 ozone NAAQS unless the state explicitly requests otherwise. The areas to which this would apply are listed in Table 3.²² We believe this is an appropriate mechanism to address the limited situation where an area that was voluntarily reclassified for the 1997 ozone NAAQS would have an attainment date for the more stringent 2008 ozone NAAQS that is earlier than the area's attainment date for the less stringent 1997 NAAQS. Based on discussions with affected areas, we also believe it is reasonable to expect that the areas listed in Table 3 that requested a voluntary reclassification under the less stringent 1997 NAAQS would make the same request for the 2008 NAAQS. The EPA is proposing this approach in order to minimize burden on states and obviate the need to go through the voluntary reclassification process again.

C. What are we proposing as the attainment deadlines for nonattainment areas in each classification of the 2008 ozone NAAQS?

1. Background

The CAA provides that the primary NAAQS attainment dates for areas subject to subpart 2 must be as expeditious as practicable but no later than the deadlines provided in the subpart 2 classification table. The deadlines for attainment in the subpart 2 classification table are specified in terms of a certain number of years from the date of enactment of the 1990 Amendments to the CAA (i.e., November 15, 1990). For instance, the attainment date for Moderate areas is expressed as “6 years after November 15, 1990.” Because these time periods are clearly inappropriate for a new

standard promulgated in 2008, we must interpret the attainment deadlines in the subpart 2 classification table as they would apply to the 2008 NAAQS.

In the Phase 1 rule for implementation of the 1997 ozone NAAQS,²³ we interpreted these timeframes to run from the date that area designations and nonattainment classifications (by operation of law) became effective. We explained in the proposed and final rules for implementation of the 1997 ozone NAAQS that it was reasonable for these dates to run from the date of designation because other provisions of the CAA established the attainment date as a set period of time after designation. *See* 69 FR 23966–67; 68 FR 32817. As discussed below, we are proposing this same approach for the 2008 NAAQS and also proposing an alternate approach where the attainment dates would be at the end of the calendar year. We are proposing an alternate approach because we anticipate that designations for the 2008 NAAQS will be effective some time after the start of the 2012 ozone season²⁴ for most areas and possibly well into the summer. As explained in more detail below, the alternative approach would allow Marginal areas 3 full years to attain, Moderate areas 6 full years to attain, etc.

2. Proposal

The EPA is proposing two options for establishing the maximum attainment dates for areas in each nonattainment classification. Under the first option, the attainment dates would be the precise number of years specified in Table 1 with such time period running from the effective date of designation. Under the second option, the attainment dates would be December 31 of the year that is the specified number of years in Table 1 after designation. In order to fully evaluate the two options, we note that

the EPA intends to complete initial area designations for the 2008 ozone NAAQS no later than May 31, 2012. We anticipate the designations will be effective 60 days following publication in the *Federal Register* and that it will take approximately 2 weeks for the designations notice to be published. Under this scenario, designations would be effective by approximately mid-August 2012.

For the first option, we are proposing that the deadlines in the subpart 2 classification table would be specified in terms of a certain number of years from the effective date of designation for the 2008 standard. This is the same approach we took for the 1997 NAAQS. In this case, we would interpret “year” in the subpart 2 classification table to mean consecutive 365-day periods,²⁵ and we would substitute “after the effective date of designation” for the CAA’s “after November 15, 1990” language in the subpart 2 classification table. Under this approach the attainment deadline would fall a precise number of years after the effective date of designation. As an example, if the Administrator issued designations for the 2008 NAAQS on May 31, 2012, and the designations became effective on August 15, 2012, the attainment dates would run from August 15, 2012, such that a Marginal area would be required to attain the 2008 ozone standard by August 15, 2015.

For the second and the EPA’s preferred option, the attainment date would be specified as a certain number of years from the end of the calendar year in which an area’s nonattainment designation is effective. In other words, if the effective date of designations for the 2008 ozone NAAQS is August 15, 2012, the 3-year attainment deadline for Marginal areas would be December 31, 2015.

We are proposing this option as our preferred option for the 2008 ozone NAAQS because, as explained above, we believe it is likely that designations

²² Texas also requested voluntary reclassification for the Houston-Galveston-Brazoria nonattainment area for the 1997 ozone NAAQS. Texas has already indicated that they do not wish for that request to apply to the 2008 ozone NAAQS.

²³ 69 FR 23951.

²⁴ The ozone season for each state is defined in 40 CFR part 58, Appendix D, and, for most areas, runs from April to October. *See* also the July 16, 2009, Proposed Monitoring Rule (74 FR 34525).

²⁵ Except in the case of a leap year, where the year would be a rolling 366 day period.

will be effective in August 2012, which is late in the ozone season. Where the designation is effective late in the ozone season, under the first option a Marginal area effectively would have only two ozone seasons following designation to improve its air quality in order to attain by its attainment date. This is because compliance with the standard is based on air quality during the most recent three full consecutive ozone seasons, and the most recent 3 full ozone seasons preceding the attainment deadline in this case would run through the end of the previous year's ozone season. Because attainment is based on three full ozone seasons of air quality data, in order to attain "by" its attainment date, the area could not consider air quality for an ozone season during which the attainment date falls. For example, in the case of the 1997 ozone NAAQS, designations became effective on June 15, 2004, and areas had an attainment date of June 15 of the year falling 3, 6, etc. years after designation. Thus, in order for a Marginal area to attain by June 15, 2007, it could not consider air quality data from the 2007 ozone season, but instead was required to

demonstrate attainment based on the 3 years of air quality data from 2004–2006. In this situation, the area's attainment date effectively was December 31, 2006.

Because we anticipate designations will be effective late in the ozone season for the 2008 NAAQS, we are concerned that if a Marginal area is required to attain in August 2015, the area would effectively have only two ozone seasons (the 2013 and 2014 ozone seasons) from the date of designation to improve its air quality for the purpose of showing attainment. Accordingly, the state would need to both plan for and achieve all emission reductions necessary for the area to attain by the beginning of the 2014 ozone season, so that those reductions would be reflected in the air quality data considered for determining whether the area attained by its attainment date (i.e., attainment would be based on air quality data from 2012–2014). Similarly, a Moderate area would need to implement measures to attain by the beginning of the 2017 ozone season in order for those reductions to be reflected in the air quality data considered for purposes of determining

whether the area attained (data from 2015–2017) by August 2018.

We believe this second option is consistent with the time periods provided for attainment of the 1-hour ozone NAAQS at the time the CAA was amended. The CAA Amendments were enacted on November 15, 1990, after the end of the ozone season for virtually all areas, and for the few areas that had year-round ozone seasons, EPA interpreted the Act to allow consideration of air quality in the attainment year even though the attainment date fell on November 15. Thus, when the CAA was amended in mid-November 1990, 1-hour Marginal areas had three full ozone seasons to achieve any reductions necessary for attainment, and Moderate areas had six full ozone seasons, because the attainment deadline was the anniversary of the enactment of the 1990 CAA (November 15). Table 4 summarizes for each proposed option how we would interpret the maximum attainment dates for areas in each classification under the 2008 NAAQS, using an example where the effective date of designations is August 15, 2012.

TABLE 4—EXAMPLE OF PROPOSED ATTAINMENT DATES FOR THE 2008 STANDARD IF NONATTAINMENT DESIGNATIONS ARE EFFECTIVE AUGUST 15, 2012

Classification	Option 1	Option 2
Marginal	August 15, 2015	December 31, 2015.
Moderate	August 15, 2018	December 31, 2018.
Serious	August 15, 2021	December 31, 2021.
Severe	August 15, 2027 or 2029	December 31, 2027 or 2029.
Extreme	August 15, 2032	December 31, 2032.

IV. What is the EPA proposing regarding revocation of the 1997 ozone NAAQS at this time?

At this time, the EPA is proposing to revoke the 1997 ozone NAAQS 1 year after the effective date of designations for the 2008 ozone NAAQS for transportation conformity purposes only.²⁶ Revoking the 1997 ozone NAAQS for transportation conformity purposes, as described below, will bring certainty to the transportation planning

process in ozone nonattainment and maintenance areas. It will also ensure that backsliding does not occur for purposes of transportation conformity as areas designated nonattainment for the 2008 ozone NAAQS will be required to use adequate or approved SIP motor vehicle emissions budgets for the 1997 ozone NAAQS or 1-hour ozone NAAQS, if the area has such SIP budgets for one of these ozone NAAQS, until SIP budgets are found adequate or are approved for the 2008 ozone NAAQS as required by recent court decisions discussed below and as required by CAA 176(c)(1).²⁷ Specifically, CAA section 176(c)(1) states, in part, "No

metropolitan planning organization designated under section 134 of Title 23 shall give its approval to any project, program, or plan which does not conform to an implementation plan approved or promulgated under section 7410 of this title." In other words, adequate or approved motor vehicle emissions budgets for a prior NAAQS must be used in transportation conformity determinations for a revised NAAQS until such time that budgets for the revised NAAQS are either found adequate or are approved. The EPA is proposing this limited revocation of the 1997 ozone NAAQS at this time to provide certainty to the transportation planning process. In a subsequent rulemaking, the EPA will consider whether to also revoke the 1997 NAAQS for other purposes.

²⁶ Transportation conformity is required under CAA section 176(c) to ensure that transportation plans, transportation improvement programs (TIPs) and federally supported highway and transit projects are consistent with ("conform to") the purpose of the SIP. Conformity to the purpose of the SIP means that transportation activities will not cause new air quality violations, worsen existing violations, or delay timely attainment of the relevant NAAQS or interim reductions and milestones. The EPA's Transportation Conformity Rule (40 CFR 51.390 and Part 93, subpart A) establishes the criteria and procedures for determining whether transportation activities conform to the SIP.

²⁷ A motor vehicle emissions budget is that portion of the total allowable emissions defined in the submitted or approved control strategy implementation plan revision or maintenance plan for a certain date for the purpose of meeting reasonable further progress milestones or demonstrating attainment or maintenance of the NAAQS, for any criteria pollutant or its precursors, allocated to highway and transit vehicle use and emissions.

A. What is the background for our proposal?

At the time the EPA promulgated the 2008 NAAQS, the Administrator

determined that the 1997 ozone NAAQS was no longer sufficient to protect public health and the environment with an adequate margin of safety and that it was therefore necessary to establish a more stringent standard. 73 FR 16436 (Mar. 27, 2008). In determining how to transition from the 1997 NAAQS to the more stringent 2008 NAAQS, the EPA is now presented with the same situation that we faced with the transition from the 1-hour ozone NAAQS to the more stringent 1997 ozone NAAQS. For that transition, our Phase 1 implementation rule for the 1997 ozone NAAQS revoked the 1-hour ozone NAAQS for all purposes 1 year after the effective date of the initial area designations for the 1997 ozone NAAQS. (See 69 FR 23954). The Phase 1 rule also established comprehensive anti-backsliding provisions to ensure that requirements for the 1-hour ozone NAAQS would continue in place as areas transitioned to implementing the more stringent 1997 ozone standard.

The revocation of the 1-hour standard and the associated anti-backsliding provisions were the subject of litigation. In its December 2006 decision on that challenge, as modified following rehearing, the Court held with respect to the anti-backsliding approach for transportation conformity that 1-hour motor vehicle emissions budgets must be used where such budgets have been found adequate or approved, as part of 8-hour conformity determinations until 8-hour motor vehicle emissions budgets are available. (*South Coast Air Quality Management District v. EPA*, 472 F.3d at 882). In addition, the Court affirmed more broadly that in order for transportation conformity determinations to fulfill the requirements of CAA section 176(c)(1), motor vehicle emissions budgets for a prior NAAQS must be used in transportation conformity determinations under a revised NAAQS until emissions budgets for the revised NAAQS are either found adequate or are approved. Therefore, areas designated nonattainment for the 2008 ozone NAAQS that have adequate or approved SIP budgets for either the 1997 ozone NAAQS or the 1-hour ozone NAAQS must continue to use such budgets in transportation conformity determinations until budgets for the 2008 ozone NAAQS are found adequate or are approved.²⁸

²⁸ Areas without adequate or approved SIP budgets for either the 1997 ozone NAAQS or the 1-hour ozone NAAQS are required to demonstrate conformity using one or both of the interim emissions tests depending on their classification as required by 40 CFR 93.119.

B. What is the rationale for our proposal?

At this time, we are proposing to revoke the 1997 ozone NAAQS for transportation conformity purposes only. The revocation of the 1997 ozone NAAQS for this limited purpose would occur 1 year after the effective date of initial area designations for the 2008 ozone NAAQS. Similar to our rationale in the Phase 1 rule for implementation of the 1997 ozone NAAQS, we believe this approach makes the most sense because it would result in only one ozone NAAQS—the 2008 ozone NAAQS—applying for purposes of transportation conformity, after the end of the one-year transportation conformity grace period that applies to newly designated nonattainment areas. (CAA section 176(c)(6)). If the 1997 ozone NAAQS were to remain in place after conformity applies for the 2008 ozone NAAQS, metropolitan planning organizations and other state, local, and federal transportation and air quality agencies in areas that are currently nonattainment or maintenance for the 1997 ozone NAAQS and will be designated nonattainment for the 2008 ozone NAAQS would be required to implement the transportation conformity program for both ozone NAAQS concurrently. This could lead to unnecessary complexity for conformity determinations, especially if an area's boundaries for the two ozone NAAQS differ from one another and the same test of conformity cannot be used for both ozone NAAQS. Even where an area's boundaries are unchanged, different analysis years under the conformity rules may be required for each ozone NAAQS. Furthermore, we believe that it is more important to determine conformity for the new 2008 ozone NAAQS that is more protective of health and welfare.

For transportation conformity purposes, this proposal would provide a seamless transition from demonstrating conformity for the 1997 ozone NAAQS to demonstrating conformity for the 2008 ozone NAAQS. Revoking the 1997 ozone NAAQS 1 year after the effective date of designations for the limited purpose of transportation conformity would leave no gap in conformity's application in any 2008 ozone nonattainment areas.

C. Why is it necessary to revoke the 1997 ozone NAAQS now for transportation conformity purposes?

The EPA has determined that it is necessary to establish the date for the revocation of the 1997 ozone NAAQS as it applies for transportation conformity

purposes now in order to provide state and local transportation and air quality agencies with certainty as to what conformity requirements will apply after designations are finalized for the 2008 ozone NAAQS. Areas designated nonattainment for the 2008 ozone NAAQS will have 1 year after the effective date of the designation to complete a conformity determination for the 2008 ozone NAAQS. If an area does not complete the required conformity determination by the end of the 1-year grace period, the area will enter a conformity lapse until the required determination is completed.²⁹ Based on 2008–2010 air quality monitoring data, and as discussed elsewhere in today's notice, we anticipate that 52 areas would be designated as nonattainment areas and 44 of these areas are either nonattainment or maintenance for the 1997 ozone NAAQS. Areas designated nonattainment for the 2008 NAAQS will likely need the full 1-year grace period provided in CAA section 176(c)(6) to complete the required initial conformity determination. Those areas that are designated as either nonattainment or maintenance for the 1997 ozone NAAQS at the time they are designated as nonattainment for the 2008 ozone NAAQS will need certainty as to the specific requirements for that conformity determination. For example, they need to know what analysis years must be addressed and, if the boundaries for the two ozone NAAQS are different, they need to know whether to address conformity for both areas and which test or tests would apply.

By determining conformity for the 2008 standard, which is the more health and welfare protective standard, the EPA is both:

- Fulfilling the CAA's requirements for transportation conformity which include preventing new air quality violations, not making existing violations worse and not delaying any interim milestones; and
- Making the most efficient use of state and local resources in fulfilling those requirements.

In addition, a large number of areas that are currently required to determine conformity for the 1997 ozone NAAQS are attaining the 2008 ozone NAAQS based on 2008–2010 air quality data. If these areas are designated as attainment areas for the 2008 ozone NAAQS, they would not be required to demonstrate

²⁹ During a lapse, an area can proceed with only a limited amount of transportation projects including projects that are exempt from conformity, projects and project phases that had previously been approved and transportation control measures included in an approved SIP.

conformity for the 1997 ozone NAAQS, as of the effective date of the revocation of the 1997 ozone NAAQS. These areas would no longer have to expend resources to make conformity determinations for the 1997 ozone NAAQS.

D. Is the EPA proposing to revoke the 1997 ozone NAAQS for other purposes as part of this rulemaking?

As part of this rule, the EPA is not proposing to revoke the 1997 ozone NAAQS for purposes other than transportation conformity. Because of the necessity to quickly finalize a rule addressing nonattainment area classifications, we are not including a broad proposal here regarding revocation of the 1997 NAAQS and how anti-backsliding requirements might apply if the 1997 standard is revoked for purposes other than transportation conformity. We are developing a separate proposed rule that will address those issues and we expect to issue that proposed rule in the spring of 2012. We plan to address any comments on the issue of revocation and anti-backsliding for all requirements other than transportation conformity in the context of that future, separate rulemaking.

V. What does this rulemaking not address?

This proposed rulemaking does not propose to establish attainment or nonattainment designations for specific areas nor does it address the principles that will be considered in the designation process. Because the designations are not the subject of this proposed rule, we do not intend to respond to comments concerning designations in the context of this rulemaking.

In addition, this proposed rule does not address any specific SIP requirements associated with different classification categories. This proposed rule also does not address revocation of the 1997 ozone NAAQS for purposes other than transportation conformity. Similarly, anti-backsliding issues are not addressed in this rule. The remaining implementation requirements for the 2008 NAAQS will be addressed in a separate rulemaking. We do not intend to respond in the context of this rulemaking to comments pertaining to implementation issues that will be addressed by a future rulemaking.

VI. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is a "significant regulatory action" because it raises novel legal or policy issues arising out of legal mandates. Accordingly, EPA submitted this action to OMB for review under Executive Orders 12866 and 13563 (76 FR 3821, January 21, 2011) and any changes made in response to OMB recommendations have been documented in the docket for this action.

B. Paperwork Reduction Act

This action does not impose an information collection burden under the provisions of the *Paperwork Reduction Act*, 44 U.S.C. 3501 *et seq.* Burden is defined at 5 CFR 1320.3(b).

The EPA is proposing this Classifications Rule for the 2008 ozone NAAQS so that areas may be classified by operation of law at the time of designation as provided in section 181(a) of the CAA. This proposed rule would also revoke the 1997 ozone NAAQS for transportation conformity purposes only. The EPA is proposing this limited revocation in order to bring certainty to the transportation conformity process consistent with prior court decisions and CAA section 176(c). This rule, in conjunction with another implementation rule we plan to propose in the future, will help states identify planning requirements that apply for purposes of attaining and maintaining the 2008 ozone NAAQS. No new information needs to be collected from the states as a result of this proposed rule.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to prepare a regulatory flexibility analysis of any regulation subject to notice and comment rulemaking requirements under the Administrative Procedures Act or any other statute unless the agency certifies the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions.

For purposes of assessing the impacts of these proposed regulations on small entities, small entity is defined as: (1) A small business as defined in the Small Business Administration's (SBA) regulations at 13 CFR 121.201; (2) a

small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

The CAA requires the EPA to designate areas and provides for nonattainment areas to be classified by operation of law at the time of designation. This rule provides a method for establishing these classifications and interpreting the associated attainment deadlines. The CAA also requires that nonattainment and maintenance areas make transportation conformity determinations. This rule proposes to revoke the 1997 ozone NAAQS 1 year after the effective date of designations so that areas designated nonattainment for the 2008 ozone NAAQS are required to address conformity requirements for only the more protective 2008 ozone NAAQS.

After considering the economic impacts of this proposed rule on small entities, the EPA certifies that this action will not have a significant economic impact on a substantial number of small entities. This proposed rule will not impose any requirements on small entities.

We continue to be interested in the potential impacts of the proposed rule on small entities and welcome comments on issues related to such impacts.

D. Unfunded Mandates Reform Act

This action contains no federal mandate under the provisions of Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), 2 U.S.C. 1531–1538 for state, local, and tribal governments, in the aggregate, or the private sector. This action imposes no enforceable duty on any state, local or tribal governments or the private sector. Therefore, this action is not subject to the requirements of section 202 and 205 of the UMRA.

This action is not subject to the requirements of section 203 of UMRA because it contains no regulatory requirements that might significantly or uniquely affect small governments.

E. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. The

requirement to designate and classify nonattainment areas is imposed by the CAA as are the requirements for nonattainment and maintenance areas to make transportation conformity determinations. This proposed rule, if made final, would interpret how the classification provisions in section 181(a) will apply for purposes of the 2008 8-hour ozone NAAQS that was finalized on March 27, 2008. (See 73 FR 16436). It also proposes to revoke the 1997 ozone NAAQS 1 year after the effective date of designations for the 2008 ozone NAAQS for transportation conformity purposes only. Thus, Executive Order 13132 does not apply to these proposed regulations.

Although this action does not have federalism implications as defined in Executive Order 13132, the EPA recognizes that the adoption in 2008 of the more health-protective ozone standards will result in additional effort by state agencies responsible for managing air quality programs. Under the CAA, achieving these health benefits requires the combined efforts of the federal, state, and local governments, each accomplishing the tasks for which they are best suited. In the spirit of Executive Order 13121 and consistent with EPA policy to promote communications between the EPA and state and local governments, the EPA is soliciting comments on this proposal from state and local officials.

F. Executive Order 13175: Consultation and Coordination with Indian Tribal Governments

This action does not have tribal implications, as specified in Executive Order 13175 (65 FR 67249, November 9, 2000). The proposed rules do not have a substantial direct effect on one or more Indian tribes, since no tribe has to develop classification recommendations under these proposed regulatory revisions. This proposal revokes the 1997 ozone NAAQS for transportation and does not significantly or uniquely affect the communities of Indian tribal governments, as the CAA requires transportation conformity to apply in any area that is designated nonattainment or maintenance by the EPA. Furthermore, these proposed regulation revisions do not affect the relationship or distribution of power and responsibilities between the federal government and Indian tribes. The CAA and the Tribal Air Rule establish the relationship of the federal government and tribes in developing plans to attain the NAAQS, and these revisions to the regulations do nothing to modify that relationship. These proposed regulations revisions do not have tribal

implications. Thus, Executive Order 13175 does not apply to this action.

The EPA specifically solicits additional comment on this proposed action from tribal officials.

G. Executive Order 13045: Protection of Children from Environmental Health and Safety Risks

The EPA interprets Executive Order 13045 (62 FR 19885, April 23, 1997) as applying only to those regulatory actions that concern health or safety risks, such that the analysis required under section 5-501 of the Executive Order has the potential to influence the regulation. This action is not subject to Executive Order 13045 because it does not establish an environmental standard intended to mitigate health or safety risks.

H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This action is not a "significant energy action" as defined in Executive Order 13211 (66 FR 28355 (May 22, 2001)), because it is not likely to have a significant adverse effect on the supply, distribution, or use of energy. This action would establish classifications for areas that do not attain the 2008 ozone standard.

I. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer Advancement Act of 1995 (NTTAA), Public Law 104-113, section 12(d) (15 U.S.C. 272 note) directs the EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. The voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. NTTAA directs EPA to provide Congress, through OMB, explanations when the agency decides not to use available and applicable voluntary consensus standards.

These proposed revisions to the regulations do not involve technical standards. Therefore, the EPA is not considering the use of any voluntary consensus standards.

J. Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations

Executive Order 12898 (59 FR 7629 (Feb. 16, 1994)) establishes federal

executive policy on environmental justice. Its main provision directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States.

The EPA has determined that this proposed rule will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it does not affect the level of protection provided to human health or the environment. The proposed regulations would, if promulgated, establish classification thresholds for designated nonattainment areas for the 2008 ozone NAAQS, which are designed to protect all segments of the general populations. As such, they do not adversely affect the health or safety of minority or low-income populations and are designed to protect and enhance the health and safety of these and other populations. Today's action also proposes to revoke the 1997 ozone NAAQS for transportation conformity purposes only. Such a revocation would not lead to disproportionately high and adverse human health or environmental effects on minority or low-income populations as the CAA requires transportation conformity to apply in any area that is designated nonattainment or maintenance by the EPA. This proposed rule ensures that transportation conformity is demonstrated in all areas that are designated nonattainment for the more protective 2008 ozone NAAQS.

VII. Statutory Authority

The statutory authority for this action is provided by sections 110; 176; 181; and 301(a)(1) of the CAA, as amended (42 U.S.C. 7409; 42 U.S.C. 7506; 42 U.S.C. 7511; 42 U.S.C. 7601(a)(1)).

List of Subjects

40 CFR Part 50

Environmental protection, Air pollution control, Carbon monoxide, Lead, Nitrogen dioxide, Ozone, Particulate matter, Sulfur oxides.

40 CFR Part 51

Air pollution control, Intergovernmental relations, Ozone, Particulate matter, Transportation, Volatile organic compounds.

Dated: February 7, 2012.

Lisa P. Jackson,
Administrator.

For the reasons stated in the preamble, Title 40, Chapter I of the Code of Federal Regulations is proposed to be amended as follows:

PART 50—NATIONAL PRIMARY AND SECONDARY AMBIENT AIR QUALITY STANDARDS

1. The authority citation for Part 50 continues to read as follows:

Authority: 42 U.S.C. 7401, *et seq.*

2. Section 50.10 is amended by adding a paragraph (c) to read as follows:

§ 50.10 National 8-hour primary and secondary ambient air quality standards for ozone.

* * * * *

(c) The 1997 ozone NAAQS set forth in paragraph (a) of this section will no longer apply to an area for transportation conformity purposes 1 year after the effective date of the designation of the area for the 2008 ozone NAAQS pursuant to section 107 of the CAA. The 1997 ozone NAAQS set forth in this section will continue to remain applicable to all areas for all other purposes notwithstanding the promulgation of the 2008 ozone NAAQS under § 50.15 or the designation of areas for the 2008 ozone NAAQS. Area designations and classifications with respect to the 1997 ozone NAAQS are codified in 40 CFR part 81.

PART 51—REQUIREMENTS FOR PREPARATION, ADOPTION, AND SUBMITTAL OF IMPLEMENTATION PLANS

3. The authority citation for Part 51 continues to read as follows:

Authority: 23 U.S.C. 101; 42 U.S.C. 7401–7671q.

4. Part 51 is amended by adding a new subpart AA to read as follows:

Subpart AA—Provisions for Implementation of the 2008 Ozone National Ambient Air Quality Standards

Sec.

51.1100 Definitions.

51.1101 Applicability of Part 51.

51.1102 Classification and nonattainment area planning provisions.

51.1103 Application of classification and attainment date provisions in section 181 of subpart 2 of the CAA to areas subject to § 51.1102(a).

Subpart AA—Provisions for Implementation of the 2008 Ozone National Ambient Air Quality Standards.

§ 51.1100 Definitions.

The following definitions apply for purposes of this subpart. Any term not defined herein shall have the meaning as defined in 40 CFR 51.100.

(a) *1-hour NAAQS* means the 1-hour primary and secondary ozone national ambient air quality standards codified at 40 CFR 50.9.

(b) *1997 NAAQS* means the 8-hour primary and secondary ozone national ambient air quality standards codified at 40 CFR 50.10.

(c) *2008 NAAQS* means the 2008 primary and secondary ozone NAAQS codified at 40 CFR 50.15.

(d) *1-hour ozone design value* is the 1-hour ozone concentration calculated according to 40 CFR part 50, Appendix H and the interpretation methodology issued by the Administrator most recently before the date of the enactment of the CAA Amendments of 1990.

(e) *8-hour ozone design value* is the 8-hour ozone concentration calculated according to 40 CFR part 50, Appendix P.

(f) *CAA* means the Clean Air Act as codified at 42 U.S.C. 7401–7671q (2010).

(g) *Attainment area* means, unless otherwise indicated, an area designated as either attainment, unclassifiable, or attainment/unclassifiable.

(h) *Attainment year ozone season* shall mean the ozone season immediately preceding a nonattainment area's maximum attainment date.

(i) *Designation for the 2008 NAAQS* shall mean the effective date of the designation for an area for the 2008 NAAQS.

(j) *Higher classification/lower classification.* For purposes of determining whether a classification is higher or lower, classifications under subpart 2 are ranked from lowest to highest as follows: Marginal; Moderate; Serious; Severe; and Extreme.

(k) *Initially designated* means the first designation that becomes effective for an area for the 2008 NAAQS and does not include a redesignation to attainment or nonattainment for the 2008 NAAQS.

(l) *Maintenance area* means an area that was designated nonattainment for a specific NAAQS and was redesignated to attainment for that NAAQS subject to a maintenance plan as required by CAA section 175A.

(m) *Nitrogen Oxides (NO_x)* means the sum of nitric oxide and nitrogen dioxide in the flue gas or emission point, collectively expressed as nitrogen dioxide.

(n) *Ozone season* means for each state, the ozone monitoring season as defined in 40 CFR Part 58, Appendix D, section 2.5 for that state.

§ 51.1101 Applicability of Part 51.

The provisions in subparts A–X of part 51 apply to areas for purposes of the 2008 NAAQS to the extent they are not inconsistent with the provisions of this subpart.

§ 51.1102 Classification and nonattainment area planning provisions.

An area designated nonattainment for the 2008 NAAQS will be classified in accordance with CAA section 181, as interpreted in § 51.1103(a), and will be subject to the requirements of subpart 2 that apply for that classification.

§ 51.1103 Application of classification and attainment date provisions in section 181 of subpart 2 of the CAA areas subject to § 51.1102(a).

(a) In accordance with CAA section 181(a)(1), each area designated nonattainment for the 2008 ozone NAAQS shall be classified by operation of law at the time of designation. The classification shall be based on the 8-hour design value for the area at the time of designation, in accordance with Table 1. A state may request a higher or lower classification as provided in paragraphs (b) and (c) of this section. For each area classified under this section, the attainment date for the 2008 NAAQS shall be as expeditious as practicable but not later than the date provided in Table 1 as follows:

TABLE 1—CLASSIFICATION FOR 2008 8-HOUR OZONE NAAQS (0.075 PPM) FOR AREAS SUBJECT TO SECTION 51.1102(A)

Area class		8-Hour design value (ppm ozone)	Primary standard attainment date (years after designation for 2008 primary NAAQS)**
Marginal	from	0.076	3

TABLE 1—CLASSIFICATION FOR 2008 8-HOUR OZONE NAAQS (0.075 PPM) FOR AREAS SUBJECT TO SECTION 51.1102(A)—Continued

Area class		8-Hour design value (ppm ozone)	Primary standard attainment date (years after designation for 2008 primary NAAQS)**
Moderate	up to *	0.086	6
	from	0.086	
Serious	up to *	0.100	9
	from	0.100	
Severe-15	up to *	0.113	15
	from	0.113	
Severe-17	up to *	0.119	17
	from	0.119	
Extreme	up to *	0.175	20
	equal to or above	0.175	

* But not including.

**The attainment date is [Option 1: The date that is the specified number of years after the effective date of designations for the primary NAAQS. Option 2: December 31 of the calendar year].

(b) A state may request, and the Administrator must approve, a higher classification for any reason in accordance with CAA section 181(b)(3).

(c) A state may request, and the Administrator may in the Administrator's discretion approve, a higher or lower classification in accordance with CAA section 181(a)(4).

(d) Any area designated nonattainment that includes in whole or in part the following areas will be classified by operation of law for the 2008 ozone NAAQS in accordance with the voluntary classification request submitted and approved for each area for the 1997 ozone NAAQS: (For reference: Ventura Co, CA; Los Angeles-South Coast, CA; San Joaquin Valley, CA; Riverside County, CA; and Sacramento Metro, CA.)

[FR Doc. 2012-3284 Filed 2-13-12; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[EPA-HQ-OAR-2010-0873; FRL-9630-8]

RIN 2060-AH23

Quality Assurance Requirements for Continuous Opacity Monitoring Systems at Stationary Sources

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA is proposing to establish quality assurance and quality control (QA/QC) procedures for continuous opacity monitoring systems (COMS) used to demonstrate continuous compliance with opacity standards as

specified in federally enforceable regulations. This action is necessary because we do not currently have QA/QC procedures for COMS. This action would require COMS used to demonstrate continuous compliance to meet these procedures (referred to as Procedure 3).

DATES: Written comments must be received by March 15, 2012. If the EPA receives adverse comment, we will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-HQ-OAR-2010-0873 by mail to U.S. Environmental Protection Agency, Mail Code: 2822T, 1200 Pennsylvania Ave. NW., Washington, DC 20460. Please include a total of two copies. Comments may also be submitted electronically or through hand delivery/courier by following the detailed instructions in the **ADDRESSES** section of the direct final rule located in the rules section of this **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Ms. Lula H. Melton, U.S. EPA, Office of Air Quality Planning and Standards, Air Quality Assessment Division, Measurement Technology Group (Mail Code: E143-02), Research Triangle Park, NC 27711; telephone number: (919) 541-2910; fax number: (919) 541-0516; email address: melton.lula@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Why is the EPA issuing this proposed rule?

This document proposes to add QA/QC procedures for COMS used to demonstrate continuous compliance with opacity standards as specified in federally enforceable regulations. The quality assurance requirements will be

added as Procedure 3 to Appendix F of 40 CFR part 60. We have published a direct final rule adding QA/QC procedures for COMS used for compliance determination with opacity standards in federally enforceable standards to the quality assurance requirements in Appendix F of 40 CFR Part 60 in the "Rules and Regulations" section of this **Federal Register** because we view this as a noncontroversial action and anticipate no adverse comment. We have explained our reasons for this action in the preamble to the direct final rule.

If we receive no adverse comment, we will not take further action on this proposed rule. If we receive adverse comment, we will withdraw the direct final rule, and it will not take effect. We would address all public comments in any subsequent final rule based on this proposed rule.

We do not intend to institute a second comment period on this action. Any parties interested in commenting must do so at this time. For further information, please see the information provided in the **ADDRESSES** section of this document.

II. Does this action apply to me?

Procedure 3 applies to a COMS used to demonstrate continuous compliance with opacity standards as specified in federally enforceable regulations.

III. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a "significant regulatory action" under the terms of Executive Order 12866 (58 FR 51735,

February 16, 2012

TO: Members of the MAG Air Quality Technical Advisory Committee

FROM: Lindy Bauer, Environmental Director

SUBJECT: MAG COMMITTEE OPERATING POLICIES AND PROCEDURES

On January 25, 2012, the MAG Regional Council approved updating the MAG Committee Operating Policies and Procedures, Section 5.05 - Terms of Officers, to two-year terms for the technical and other policy committees. As a result of this action, the MAG Air Quality Technical Advisory Committee officers that were appointed in July 2011 will serve until June 30, 2013.

Prior to this change, officer appointments for technical and other policy committees were for one-year terms, with possible reappointment to serve up to one additional term by consent of the respective committee. MAG Committees have been operating under these policies and procedures for approximately 2 ½ years. Based on this experience, it was recommended that the terms for the technical and other policy committee officers be extended to two-year terms to provide more continuity. The terms of officers for the Regional Council, Executive Committee, Transportation Policy Committee, Management Committee and Economic Development Committee will remain the same.

If you have any questions, please contact me at the MAG Office at (602) 254-6300 or lbauer@azmag.gov.

c: MAG Management Committee
MAG Intergovernmental Representatives

HOUSE OF REPRESENTATIVES

HB 2798

air quality; dust plan; reports

Sponsors: Representative Reeve

DPA Committee on Transportation

X Caucus and COW

House Engrossed

OVERVIEW

HB 2798 establishes regulations for cities, towns, counties, and departments to submit annual reports regarding particulate measures.

HISTORY

The Clean Air Act (CAA) was established in 1990 to address the nation's problems with air pollutants. Through the CAA, the Environmental Protection Agency (EPA) sets primary and secondary standards for the amounts of any pollutant that can be in the air anywhere in the United States. Currently, there are six criteria pollutants included in the National Ambient Air Quality Standards (NAAQS): carbon monoxide, nitrogen dioxide, particulate matter (PM-10 and PM-2.5), ozone, sulfur dioxide, and lead.

The Arizona Department of Environmental Quality (ADEQ) protects and enhances public health, welfare and the environment in Arizona. Established by the Arizona Legislature in 1986 in response to growing concerns about groundwater quality, ADEQ today administers a variety of programs to improve the health and welfare of our citizens and ensure the quality of Arizona's air, land and water resources.

Area A is defined as the greater Phoenix metropolitan area, a portion of Apache Junction and a portion of Yavapai County. A large portion of Area A failed to reach attainment of the federal PM-10 health standards and is in the ongoing process with EPA to reach attainment. The Maricopa Association of Governments (MAG), which is the designated regional agency for air quality, is required to submit a State Implementation Plan (SIP) to the EPA that includes measures to reduce PM-10 emissions.

HB 2798 provides for record keeping and enforcement in accordance with the state's SIP requirements.

PROVISIONS

- Requires cities and towns in Area A to submit an annual report on or before March 30 of each year regarding the following activities:
 - Paving of unpaved roads and shoulders;
 - Restrictions on leaf blower usage;
 - Restrictions on parking, maneuvering in ingress and egress areas and vacant lots;
 - Certification and the usage of street sweepers; and
 - Off-road vehicle ordinances and compliances.
- Requires counties in Area A to submit an annual report on or before March 30 of each year regarding the following activities:
 - No burn restrictions for any high pollution advisory day;
 - Paving of unpaved roads and shoulders;
 - Restrictions on leaf blower usage;
 - Restrictions on parking, maneuvering in ingress and egress areas and vacant lots;
 - Certification and the usage of street sweepers;
 - Requirements for dust control training and site coordinators for permit required dust controlled locations; and
 - Requirements for dust control permit subcontractor registration.
- Requires the Arizona Department of Transportation (ADOT) to submit an annual report on or before March 30 of each year regarding the following:

- Restrictions or requirements in contracts or requests for proposals;
- Bids or other construction and service activities overseen by ADOT;
- County, city, and town ordinance or rule;
- Requests or contracts of ADOT; and
- Administration of other ADOT matters.
- Requires the appropriate departments or agencies responsible for enforcing restrictions on off-highway vehicles, all-terrain vehicles and off-road recreational motor vehicles during high pollution advisory days to submit an annual report on or before March 30 of each year regarding those activities to ADEQ.
- Requires ADEQ submit an annual report on or before March 30 of each year regarding the following activities on a form developed by the Director:
 - Development and dissemination of air quality dust forecasts;
 - Restriction on leaf blower usage;
 - Production and distribution of printed materials to persons who sell or rent off-highway vehicles, all-terrain vehicles, and off-road recreational motor vehicles; and
 - Dust action general permits which include best management practices for regulated activities before and during a day that forecasts high or moderate dust generation risk.
- Requires reports to contain a narrative description that identifies the employee or contractor who performs any inspection, enforcement, training, or other actions listed and the scope and frequency of the activities.
- Requires the Director of ADEQ to develop a form to be used for reports.

AMENDMENTS

Committee on Environment

- Makes technical and conforming changes.

----- DOCUMENT FOOTER -----

Fiftieth Legislature
 Second Regular Session 2

February 14, 2012

----- DOCUMENT FOOTER -----

REFERENCE TITLE: air quality; dust plan; reports

State of Arizona
House of Representatives
Fiftieth Legislature
Second Regular Session
2012

HB 2798

Introduced by
Representative Reeve

AN ACT

AMENDING TITLE 49, CHAPTER 3, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 49-411; RELATING TO AIR QUALITY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 49, chapter 3, article 1, Arizona Revised Statutes,
3 is amended by adding section 49-411, to read:

4 49-411. Particulate measures; cities, towns, counties,
5 departments; implementation; report

6 A. ON OR BEFORE MARCH 30 OF EACH CALENDAR YEAR, CITIES AND TOWNS IN
7 AREA A AS DEFINED IN SECTION 49-541 SHALL SUBMIT A REPORT REGARDING THE
8 FOLLOWING ACTIVITIES TO THE DEPARTMENT ON A FORM DEVELOPED BY THE DIRECTOR AS
9 PRESCRIBED IN SUBSECTION E OF THIS SECTION:

10 1. PAVING OF UNPAVED ROADS AND SHOULDERS AS PRESCRIBED IN SECTION
11 9-500.04, SUBSECTION A, PARAGRAPH 3.

12 2. RESTRICTIONS ON THE USE OF LEAF BLOWERS AS PRESCRIBED IN SECTION
13 9-500.04, SUBSECTION A, PARAGRAPH 5, EXCEPT THOSE ACTIVITIES EXEMPTED UNDER
14 SECTION 9-500.04, SUBSECTION H.

15 3. RESTRICTIONS ON PARKING, MANEUVERING, INGRESS AND EGRESS AREAS AND
16 VACANT LOTS AS PRESCRIBED IN SECTION 9-500.04, SUBSECTION A, PARAGRAPHS 6, 7
17 AND 8, EXCEPT THOSE ACTIVITIES EXEMPTED UNDER SECTION 9-500.04, SUBSECTION H.

18 4. CERTIFICATION AND USE OF STREET SWEEPERS AS PRESCRIBED IN SECTION
19 9-500.04, SUBSECTION A, PARAGRAPH 9.

20 5. OFF-ROAD VEHICLE ORDINANCES AND COMPLIANCE AS PRESCRIBED IN SECTION
21 9-500.27.

22 B. ON OR BEFORE MARCH 30 OF EACH CALENDAR YEAR, EACH COUNTY IN AREA A
23 AS DEFINED IN SECTION 49-541 THAT HAS ADOPTED RULES PURSUANT TO SECTION
24 49-479 REGARDING THE FOLLOWING ACTIVITIES SHALL SUBMIT A REPORT TO THE
25 DEPARTMENT ON A FORM DEVELOPED BY THE DIRECTOR AS PRESCRIBED IN SUBSECTION E
26 OF THIS SECTION:

27 1. NO BURN RESTRICTIONS FOR ANY HIGH POLLUTION ADVISORY DAY AS
28 PRESCRIBED IN SECTION 11-871, SUBSECTIONS B AND D.

29 2. RESTRICTIONS ON THE USE OF LEAF BLOWERS BY COUNTY EMPLOYEES AND
30 CONTRACTORS AND USE BY PRIVATE PERSONS IN THAT COUNTY AS PRESCRIBED IN
31 SECTION 11-877.

32 3. PAVING OF UNPAVED ROADS AND SHOULDERS AS PRESCRIBED IN SECTION
33 49-474.01, SUBSECTION A, PARAGRAPH 4.

34 4. RESTRICTIONS ON PARKING, MANEUVERING, INGRESS AND EGRESS AREAS AND
35 VACANT LOTS AS PRESCRIBED IN SECTION 49-474.01, SUBSECTION A, PARAGRAPHS 5, 6
36 AND 7.

37 5. CERTIFICATION AND USE OF STREET SWEEPERS AS PRESCRIBED IN SECTION
38 49-474.01, SUBSECTION A, PARAGRAPH 8.

39 6. REQUIREMENTS FOR DUST CONTROL TRAINING AND SITE COORDINATORS FOR
40 DUST CONTROL AT LOCATIONS AT WHICH DUST CONTROL PERMITS ARE REQUIRED AS
41 PRESCRIBED IN SECTION 49-474.05.

42 7. REQUIREMENTS FOR DUST CONTROL PERMIT SUBCONTRACTOR REGISTRATION AS
43 PRESCRIBED IN SECTION 49-474.06.

1 C. ON OR BEFORE MARCH 30 OF EACH CALENDAR YEAR, THE DEPARTMENT OF
2 TRANSPORTATION SHALL SUBMIT A REPORT TO THE DEPARTMENT OF ENVIRONMENTAL
3 QUALITY ON A FORM DEVELOPED BY THE DIRECTOR PURSUANT TO SUBSECTION E OF THIS
4 SECTION. THE REPORT SHALL COVER RESTRICTIONS OR REQUIREMENTS IN CONTRACTS OR
5 REQUESTS FOR PROPOSALS, BIDS OR OTHER CONSTRUCTION AND SERVICE ACTIVITIES
6 OVERSEEN BY THE DEPARTMENT IN AREA A AS DEFINED IN SECTION 49-541 INCLUDING
7 ANY REQUIREMENTS INCORPORATED BY REFERENCE TO STATE LAW, COUNTY ORDINANCE OR
8 RULE OR TO A CITY OR TOWN ORDINANCE OR RULE AND REQUIRED TO BE CONTAINED IN
9 BIDS, REQUESTS OR CONTRACTS OR IN THE ADMINISTRATION OF OTHER DEPARTMENT
10 MATTERS.

11 D. ON OR BEFORE MARCH 30 OF EACH CALENDAR YEAR, THE APPROPRIATE
12 DEPARTMENTS OR AGENCIES RESPONSIBLE FOR ENFORCING RESTRICTIONS ON OFF-HIGHWAY
13 VEHICLES, ALL-TERRAIN VEHICLES AND OFF-ROAD RECREATIONAL MOTOR VEHICLES
14 DURING HIGH POLLUTION ADVISORY DAYS AS PRESCRIBED IN SECTION 49-457.03 SHALL
15 SUBMIT A REPORT REGARDING THOSE ACTIVITIES TO THE DEPARTMENT ON A FORM
16 DEVELOPED BY THE DIRECTOR PURSUANT TO SUBSECTION E OF THIS SECTION.

17 E. ON OR BEFORE MARCH 30 OF EACH CALENDAR YEAR THE DEPARTMENT OF
18 ENVIRONMENTAL QUALITY SHALL PREPARE A REPORT OF ITS ACTIVITIES RELATED TO THE
19 FOLLOWING:

20 1. DEVELOPMENT AND DISSEMINATION OF AIR QUALITY DUST FORECASTS AS
21 PRESCRIBED IN SECTION 49-424, PARAGRAPH 11.

22 2. RESTRICTIONS ON THE USE OF LEAF BLOWERS AS PRESCRIBED IN SECTION
23 49-457.01.

24 3. PRODUCTION AND DISTRIBUTION OF PRINTED MATERIALS TO PERSONS WHO
25 SELL OR RENT OFF-HIGHWAY VEHICLES, ALL-TERRAIN VEHICLES AND OFF-ROAD
26 RECREATIONAL MOTOR VEHICLES AS PRESCRIBED IN SECTION 49-457.04, SUBSECTIONS B
27 AND C.

28 4. DUST ACTION GENERAL PERMITS INCLUDING BEST MANAGEMENT PRACTICES FOR
29 REGULATED ACTIVITIES BEFORE AND DURING A DAY THAT IS FORECAST TO BE AT HIGH
30 RISK OF DUST GENERATION AND AT MODERATE RISK OF DUST GENERATION AS PRESCRIBED
31 IN SECTION 49-457.05, SUBSECTIONS B, C AND D.

32 F. THE REPORTS PRESCRIBED BY THIS SECTION SHALL CONTAIN A NARRATIVE
33 DESCRIPTION THAT IDENTIFIES THE TYPE OF EMPLOYEE OR CONTRACTOR WHO PERFORMS
34 ANY INSPECTION, ENFORCEMENT, TRAINING OR OTHER ACTIONS RELATED TO THE LISTED
35 ACTIVITY AND A NARRATIVE DESCRIPTION OF THE SCOPE AND FREQUENCY OF THE
36 ACTIVITY. THE DIRECTOR SHALL DEVELOP A FORM TO BE USED FOR REPORTS REQUIRED
37 PURSUANT TO THIS SECTION.

COMMITTEE ON ENVIRONMENT

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2798

(Reference to printed bill)

- 1 Page 1, lines 9 and 25, strike "E" insert "F"
- 2 Page 2, lines 3 and 16, strike "E" insert "F"
- 3 Line 22, strike "RESTRICTIONS ON THE USE OF" insert "PRODUCTION AND DISTRIBUTION
- 4 OF PRINTED MATERIALS TO PERSONS WHO SELL OR RENT"
- 5 Line 23, after "49-457.01" insert ", SUBSECTION F"
- 6 Line 32, after "F." insert "THE DIRECTOR SHALL DEVELOP A FORM TO BE USED FOR
- 7 REPORTS REQUIRED PURSUANT TO THIS SECTION."
- 8 Line 36, after the period strike remainder of line; strike line 37
- 9 Amend title to conform

and, as so amended, it do pass

AMANDA A. REEVE
Chairman

2798-env
2/14/12
H:jmb

TENTATIVE MEETING SCHEDULE FOR THE
MAG AIR QUALITY TECHNICAL ADVISORY COMMITTEE

JANUARY - NOVEMBER 2012

Saguaro Conference Room

Thursday, January 26, 2012 - 1:30 p.m.

Thursday, February 23, 2012 - 1:30 p.m.

Thursday, March 22, 2012 - 1:30 p.m.

Thursday, April 26, 2012 - 1:30 p.m.

Thursday, May 24, 2012 - 1:30 p.m.

Thursday, June 28, 2012 - 1:30 p.m.

Thursday, July 26, 2012 - 1:30 p.m.

Thursday, August 23, 2012 - 1:30 p.m. IF NECESSARY

Thursday, September 20, 2012 - 1:30 p.m.

Thursday, October 25, 2012 - 1:30 p.m.

TUESDAY, November 27, 2012 - 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.