

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

Thursday, May 23, 2013
MAG Office
Phoenix, Arizona

MEMBERS ATTENDING

- Oddvar Tveit, Tempe, Chairman
- * Elizabeth Biggins-Ramer, Buckeye, Vice Chair
- Daniel Culotta, Avondale
- # Jon Sherrill for Jim Weiss, Chandler
- * Jamie McCullough, El Mirage
- Jessica Koberna, Gilbert
- Doug Kukino, Glendale
- * Cato Esquivel, Goodyear
- # Greg Edwards for Scott Bouchie, Mesa
- William Mattingly, Peoria
- Philip McNeely, Phoenix
- Tim Conner, Scottsdale
- # Antonio DeLaCruz, Surprise
- # Lloyce Robinson, Youngtown
- Ramona Simpson, Queen Creek
- * American Lung Association of Arizona
- # Wendy Crites for Kristin Watt, Salt River Project
- Rebecca Hudson, Southwest Gas Corporation
- Ann Carlton, Arizona Public Service Company
- # Gina Grey, Western States Petroleum Association
- * Robert Forrest, Valley Metro/RPTA
- * Dave Berry, Arizona Motor Transport Association
- Jeannette Fish, Maricopa County Farm Bureau
- * Steve Trussell, Arizona Rock Products Association
- * Amy Bratt, Greater Phoenix Chamber of Commerce
- # Amanda McGennis, Associated General Contractors
- * Spencer Kamps, Homebuilders Association of Central Arizona
- * Mannie Carpenter, Valley Forward
- Kai Umeda, University of Arizona Cooperative Extension
- # Beverly Chenausky, Arizona Department of Transportation
- Diane Arnst, Arizona Department of Environmental Quality
- * Environmental Protection Agency
- Jo Crumbaker, Maricopa County Air Quality Department
- Michelle Wilson, Arizona Department of Weights and Measures
- Ed Stillings, Federal Highway Administration
- Mariana Garay for Judi Nelson, Arizona State University
- Stan Belone for Christopher Horan, Salt River Pima-Maricopa Indian Community

- *Members neither present nor represented by proxy.
- #Participated via telephone conference call.
- +Participated via video conference call.

OTHERS PRESENT

- Lindy Bauer, Maricopa Association of Governments
- Dean Giles, Maricopa Association of Governments
- Matt Poppen, Maricopa Association of Governments
- Julie Hoffman, Maricopa Association of Governments
- Kara Johnson, Maricopa Association of Governments
- Feng Liu, Maricopa Association of Governments
- Adam Xia, Maricopa Association of Governments
- Patrick Shaw, Maricopa Association of Governments
- Tom Ekren, Maricopa County Air Quality Department
- Deborah Martinkovic, Maricopa County Air Quality Department
- Joonwon Joo, Arizona Department of Transportation
- Mitch Wagner, Maricopa County Department of Transportation
- Joe Gibbs, City of Phoenix
- Sam Brown, City of Scottsdale
- Rubben Lolly, City of Phoenix
- Syd Anderson, City of Phoenix

1. Call to Order

A meeting of the Maricopa Association of Governments (MAG) Air Quality Technical Advisory Committee (AQTAC) was conducted on May 23, 2013. Oddvar Tveit, City of Tempe, Chair, called the meeting to order at approximately 1:30 p.m. Jon Sherrill, City of Chandler; Greg Edwards, City of Mesa; Gina Grey, Western States Petroleum Association; Lloyce Robinson, Town of Youngtown; Amanda McGennis, Associated General Contractors; Antonio DeLaCruz, City of Surprise; Beverly Chenausky, Arizona Department of Transportation; and Wendy Crites, Salt River Project, attended the meeting via telephone conference call.

Chair Tveit indicated that copies of the handouts for the meeting are available. He noted for members attending through audio conference, the presentations for the meeting will be posted on the MAG website under Resources for the Committee agenda, whenever possible. If it is not possible to post them before the meeting, they will be posted after the meeting.

2. Call to the Audience

Chair 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. Chair Tveit noted that no public comment cards had been received.

3. Approval of the February 28, 2013 Meeting Minutes

The Committee reviewed the minutes from the February 28, 2013 meeting. Tim Connor, City of Scottsdale, moved and William Mattingly, City of Peoria, seconded, and the motion to approve the February 28, 2013 meeting minutes carried unanimously.

4. Update on the MAG 2012 Five Percent Plan for PM-10

Lindy Bauer, Maricopa Association of Governments, provided an update on the MAG 2012 Five Percent Plan for PM-10. She indicated that the Environmental Protection Agency (EPA) has started the approval process for the MAG 2012 Five Percent Plan for PM-10. On April 19, 2013, EPA proposed approval of several statutes included in the Plan that regulate PM-10 emissions from fugitive dust sources. Ms. Bauer commented that the Federal Register notice outlining the statutes proposed for approval has been provided in the agenda packet. The statutes include measures for targeting unpaved roads, alleys, and shoulders; leaf blower restrictions; restrictions for parking, maneuvering, ingress and egress areas and vacant lots; requirement for certified street sweepers; dust control training; and onsite dust control coordinators. Ms. Bauer stated that MAG views the proposed approval of the statutes as positive. Ms. Bauer also noted that EPA has indicated that their review of the exceptional event documentation is proceeding well.

Ms. Bauer discussed the lawsuit filed April 30, 2013 by the Arizona Center for Law in the Public Interest against EPA for failure to take action on the MAG 2012 Five Percent Plan for PM-10 or promulgate a Federal Implementation Plan by February 14, 2013. Ms. Bauer noted that the Arizona Center for Law in the Public Interest warned EPA in the 60 day notice that they may file the lawsuit if the deadline was

not met. She mentioned that a copy of the lawsuit was provided in the agenda packet. Ms. Bauer indicated that updates will be provided as further progress is made.

5. Evaluation of Innovative Control Measures and Existing Maricopa County Control Measures in the MAG 2012 Five Percent Plan for PM-10

Tom Ekren, Maricopa County, presented the Evaluation of PM-10 Control Measures in the MAG 2012 Five Percent Plan. He indicated that Maricopa County is in nonattainment for the PM-10 National Ambient Air Quality Standard. As required by the Clean Air Act, Maricopa County is to reduce PM-10 emissions by five percent each year until the standard is met. Mr. Ekren stated that the Plan quantified PM-10 emission reductions by taking credit for increases in rule effectiveness (RE) for three County rules. He noted that the more the rules are implemented effectively onsite, the greater amount of PM-10 being reduced from the ambient air. The three rules being studied for RE include: Rule 310, fugitive dust from dust-generating operations; Rule 316, nonmetallic mineral processing; and Rule 310.01 fugitive dust from non-traditional sources of fugitive dust. Examples of Rule 310.01 include: vacant lots and unpaved parking.

Mr. Ekren reviewed the purpose of the RE study. He discussed that the study evaluated whether anticipated PM-10 emission reductions were achieved for the year 2012. Mr. Ekren noted that the Plan quantifies that the RE for Rule 310 and 316 would remain the same for year 2012, however it contained a benefit for the Arizona Department of Environmental Quality (ADEQ) Dust Action General Permit. The RE study demonstrated that the Dust Action General Permit increased RE for Rule 310.01 by one percent. Mr. Ekren explained that this is allowed by EPA guidance documents.

Mr. Ekren provided the RE study methodology. He explained that the methodology for the RE study was developed in consultation with EPA. Furthermore, he stated that the same methodology as the previous RE studies was used. The methodology is a four step method. The first step is to define the parameters of the study, which has remained mainly the same over the years due to the same methodology. Mr. Ekren commented that the main difference between the RE studies are the time period. The second step is to identify relevant emission sources. He indicated that earthmoving permits are analyzed for Rule 310. The R316 permits are utilized for Rule 316. Mr. Ekren commented that vacant lots or other non-traditional sources like unpaved roads and parking are analyzed for the rule effectiveness of Rule 310.01. Thirdly, the RE study identifies relevant inspections. Mr. Ekren stated that only inspections that determine compliance with the rules will be used in the RE study. He stated that the fourth step is to identify relevant violations. He commented that only RE applicable violations are considered in the study.

Mr. Ekren discussed rule violations. He explained that only emission-based violations were included in the study, procedural violations were not included. Examples of emission-based violations include: failure to stabilize disturbed surface areas; failure to obtain a dust permit; and failure to maintain daily records of operations. Failure to erect and maintain a project information sign is an example of a procedural violation. Mr. Ekren noted that a majority of violations issued would be categorized as emission-based.

Mr. Ekren stated that once all the RE data is collected, the information is reduced to a unique source basis. He indicated that the number of sources issued an emissions-based violation is compared against the number of sources that were inspected. Mr. Ekren mentioned that this reduces “noise” in the data. He explained that the comparison also eliminates limited-observation inspections since they only

determine compliance with part of the rule. Mr. Ekren reported that the RE equation is one minus sources with an emissions-based violations over total sources inspected.

Mr. Ekren presented the rule effectiveness for Rule 316: nonmetallic mineral processing. The number of unique sources with emission-based violations was 27. There were 155 unique sources inspected. The RE for Rule 316 was 83 percent which is a 10 percent increase from the last study conducted in 2010.

Mr. Ekren discussed the RE for Rule 310: fugitive dust from dust-generating operations. The number of unique sources with emission-based violations was 216 and there were 2,971 unique source inspections. The rule effectiveness for Rule 310 was 93 percent, which is a decrease of one percent. However, the decrease is not a true one percent due to rounding to the nearest percentage.

Amanda McGennis, Associated General Contractors, asked who determines emission and procedural violation specifications. She commented on failure to complete training being an emission-based violation versus a procedural violation. Mr. Ekren replied that the methodology was created in consultation with EPA and is consistent with previous RE studies. Ms. McGennis inquired if industry input was received on the classification of emission-based violations. Jo Crumbaker, Maricopa County, responded that she was part of the initial methodology consultation with EPA. She indicated that EPA found that training impacts emissions which is why the requirement for training receives credit as an emission-based violation. Ms. Crumbaker added that there is an increment of emission reductions assumed for training programs.

Jeannette Fish, Maricopa County Farm Bureau, inquired about past rule effectiveness studies and when the RE parameters were established. Mr. Ekren replied that the first RE study, that established the RE methodology, was completed for the year 2007.

Mr. Ekren provided the RE rate for Rule 310.01: fugitive dust from non-traditional sources of fugitive dust. The number of unique sources with emission-based violations was 129. There were 5,431 unique source inspections. The rule effectiveness for Rule 310.01 was 98 percent, which is a two percent increase from the last RE study.

Mr. Ekren reported the rule effectiveness results. He stated that since 2007 a RE increase has occurred among all three rules being discussed. Mr. Ekren indicated that the most significant RE increase has been for Rule 316. The RE rate for Rule 316 has more than doubled from 40 percent in 2007 to 83 percent in 2012. All three Rules have seen an increase in rule effectiveness. Mr. Ekren commented that the 2012 MAG Five Percent Plan for PM-10 estimated a one percent increase to Rule 310.01 rule effectiveness as a result of the ADEQ Dust Action General Permit. He reported that there has been a two percent increase in Rule 310.01 RE. He added that there was also a 10 percent increase in RE for Rule 316.

Mr. Ekren related the RE results to the 2012 MAG Five Percent Plan for PM-10. He stated that the overall RE increases for Rule 310.01 and Rule 316 exceeded the reductions of PM-10 quantified in the Plan. The RE increase resulted in an actual reduction of 16,190 tons of PM-10. This is 101 tons greater than estimated by the Plan.

Tim Connor, City of Scottsdale, inquired how the study results are reported to EPA. Mr. Ekren replied that Maricopa County is required by resolution and the 2012 MAG Five Percent Plan for PM-10 to submit the RE report to EPA by May. He commented that the report has been submitted and no

comments have been received. Mr. Ekren indicated that since the RE methodology has remained consistent, comments may not be submitted on the study.

Chair Tveit asked if there has been RE increases for all three rules since 2007. Mr. Ekren responded that there have been RE increases every year for every rule, except for the one percent decrease reported this year on Rule 310. Mr. Ekren commented that this decrease is due to slight variation since the RE rate is so high for this rule. He mentioned that the methodology is being surveyed throughout the studies for potential future improvements. Mr. Ekren thanked the Committee.

6. City of Phoenix Miami Street/Superior Street Paving Project Completed

Philip McNeely, City of Phoenix, introduced Syd Anderson, City of Phoenix, to review the dust control treatment on Miami Street and Superior Avenue. Mr. McNeely stated that the West 43rd Avenue air quality monitor is located nearby. He indicated that Phoenix has done and continues to do many projects in the area to minimize dust. Mr. McNeely mentioned a project that restricts trespassing onto the dry section of the Salt River bed using fencing and a paving project on Broadway Road. Additionally, he indicated that there were some unpaved private roads that were stirring up dust. Mr. McNeely reported that the Phoenix Street Transportation Department began a year long process to find a methodology to pave these unpaved private roads.

Mr. Anderson discussed the Miami Street/Superior Avenue paving project. He noted that Miami Street and Superior Avenue are south of Lower Buckeye Road. Miami Street is about 1,430 feet long and 90 feet wide. Superior Avenue is approximately 1,000 feet long and 90 feet wide. Mr. Anderson stated that these dirt roads are used for egress to 51st Avenue by the developments on both sides. He added that the traffic count was considerably high during weekdays, mainly consisting of large industrial vehicles. Mr. Anderson indicated that the City has right-of-way (ROW) for a 700 foot portion of Miami Street, however since the other portion is privately owned, the Street Transportation Department's options were limited in resolving the issue.

Mr. Anderson provided the three acquisition options for the dust control treatment of Miami Street and Superior Avenue. He stated that the first option was to request dedication of ROW easements which was the lowest cost option to acquire permanent rights. The second option entailed purchasing ROW easements which would allow condemnation. The final option, that was chosen for the project, was to request right-of-entry to complete paving installation. The third option was the lowest cost without acquiring permanent rights.

Mr. Anderson reported on the outreach program that was developed to obtain authorization from the six property owners. He explained that the outreach process began with letters to the landowners explaining what the City was proposing to do, the process of the project, and the dust issues. Next, on-site meetings occurred to discuss: dust issues; responsibilities; control options; city authorization options; and solicit landowner's cooperation. Mr. Anderson indicated that the current controls consisted of using a water truck which needed to be used constantly and created mud that would then track out on to 51st Avenue. He noted that repeated follow-up was conducted to ensure a joint venture project that would benefit all parties.

Mr. Anderson stated that the agreed-upon option was to obtain rights-of-entry with possible follow-up dedications to the City of Phoenix. The City and landowners agreed to treat 50 feet of the width that left 10 feet on either side to remain untreated and privately maintained for parking.

Mr. Anderson presented before and after pictures of both Miami Street and Superior Avenue. He noted that the before pictures display many ruts and air quality issues. Mr. Anderson explained that the dirt road originally had an aggregate base, however over time it had been turned up which created dust issues. The after pictures show the improvements made.

Mr. Anderson provided an overview of the project challenges. Limited funding available to purchase ROW or complete work needed to secure property rights was one challenge. Mr. Anderson added that another challenge of the project was timing. He indicated that working with six property owners takes time and results were not immediate. He commented that it takes time to acquire rights and complete dust-proofing. The third challenge was property owner cooperation; most property owners do not want to give up any property rights without compensation or agreement. Each owner had issues that needed to be addressed.

Mr. Anderson reviewed options for paving dirt roads discussed at a previous Committee meeting. He indicated that there are a variety of ways to manage a dirt road: paving; chip seal, commonly referred to as a fast program; and a light fog seal. However, fog seals require frequent re-application. Paving the roads impacts drainage and the City did not want to make those adjustments. Mr. Anderson explained that the fast program road application was chosen for this project. Mr. Anderson stated that the contractor was provided 15 calendar days for the project, however it only took three and a half days. He commented that no issues arose and the property owners are pleased with the final result. The final cost for construction was \$180,000 and the right-of-entry process cost was approximately \$10,000.

Mr. Anderson asked if there were any questions. Diane Arnst, Arizona Department of Environmental Quality, asked if the City paid the construction costs. Mr. Anderson responded yes. Mr. McNeely commented that the entire process took about nine months with three days of field work.

Doug Kukino, City of Glendale, inquired how long the road treatment is expected to last. Mr. Anderson replied that this is being monitored. He stated that the project was completed at the end of last year and the road is still performing well. Mr. Anderson commented that at least five to eight years of life is expected out of the roads.

Ms. Bauer thanked the City of Phoenix for seeing this project through. She indicated that MAG Consultant, T&B Systems was asked to report on dirt roads that posed the most air quality issues. The Miami Street and Superior Avenue were problem dirt roads. The public/private ownership of these roads made it a challenging project. Ms. Bauer thanked the City of Phoenix for coming up with creative solutions on how to address this issue and seeing the project through.

7. EPA Interim Exceptional Events Implementation Guidance

Matt Poppen, Maricopa Association of Governments, provided a review of the EPA Interim Guidance to Implement Requirements for the Treatment of Air Quality Monitoring Data Influenced by Exceptional Events. On May 10, 2013, EPA released interim guidance related to the implementation of the Exceptional Events Rule (EER). Mr. Poppen indicated that the guidance documents include a fact sheet, memorandum, a frequently asked questions document, and guidance on preparing high wind exceptional event documentation. He noted that these materials were provided in the agenda packet.

Mr. Poppen discussed the interim exceptional events guidance. He stated that with the release of the interim guidance, EPA states that “our intent is to streamline processes and reduce costs for air agencies

preparing requests.” EPA also states that “this interim guidance is intended to provide recommendations and to indicate EPA’s current thinking on exceptional events issues, rather than conveying requirements not already stated in the Clean Air Act and the Exceptional Events Rule.” Mr. Poppen mentioned that EPA announced in the interim guidance memorandum its intent to pursue rulemaking revisions to the EER. He added that EPA anticipates proposing rule revisions in late 2013 or early 2014, and finalizing the revisions in late 2014 or early 2015. Mr. Poppen explained that there will be an opportunity to comment on the revisions during the notice and comment period of the rulemaking process. Until EPA finalizes the rule revisions, EPA indicates that the regional offices should use the interim guidance issued May 10, 2013, when reviewing exceptional event documentation.

Mr. Poppen reviewed the changes between the draft guidance issued in 2012 and the 2013 interim guidance. He mentioned the new disclaimer that explains the role of the interim guidance documents. EPA states that “this interim document provides guidance and interpretation of the EER rather than imposing any new requirements and shall not be considered binding on any party. If and when the EPA takes a regulatory action that relies on a decision to exclude data under the EER, the EPA will consider and appropriately respond to public comments received on any aspect of a supporting exceptional events demonstration submittal.” Mr. Poppen noted that the interim guidance includes language to provide some flexibility for the submission and evaluation of the exceptional event documentation. For example, where EPA had previously stated “EPA expects”, EPA now states “EPA suggests” or “EPA anticipates.”

Mr. Poppen noted changes that were not made in the recently released interim guidance related to the implementation of the EER. He stated that overall, the types and levels of information requested in the interim guidance has not been substantially modified from the 2012 draft guidance: consideration of Reasonable Available Control Measures/Best Available Control Measures as a starting point remains; EPA may still require additional controls if they are deemed reasonable; default 25 mile per hour wind speed threshold or EPA approved local threshold remains; the requirements for and components of a Basic or Comprehensive Controls Analysis, Prospective Controls Analysis, or High Wind Action Plan are essentially similar (except for the flexible language previously discussed); and the timeframe for EPA action can still take up to 18 months.

Mr. Poppen summarized that the type and level of documentation submitted under the interim guidance for future high wind exceptional events is likely to be similar to the most recent ADEQ demonstrations submitted to EPA in 2013.

Mr. Connor asked if there are other counties experiencing the same issue with the exceptional event documentation. Mr. Poppen replied that there are other counties experiencing high wind exceptional events. He mentioned that EPA is looking to address larger issues in the rule revisions. Associations like the Western States Air Resources Council will be submitting comments with the hopes of making larger modifications during the rule revision process.

Chair Tveit thanked Mr. Poppen for the presentation. He commented on the extensive nature of the material provided and the impressive amount of work for exceptional events documentation.

8. CMAQ Annual Report

Dean Giles, Maricopa Association of Governments, provided an overview of the Congestion Mitigation and Air Quality Improvement (CMAQ) Annual Report. He indicated that federal guidance requires that a CMAQ Annual Report be prepared every year that specifies how CMAQ funds have been spent and

the anticipated air quality benefits. The annual report submitted for fiscal year ending September 30, 2012 was submitted to the Federal Highway Administration in February 2013. Mr. Giles noted that the report, provided in the agenda packet, is in the electronic format produced by the Federal Highway Administration's CMAQ tracking system. The report was prepared by MAG staff in cooperation with the Arizona Department of Transportation.

Mr. Giles reviewed the CMAQ projects included in the report. He stated that the Committee has seen these projects before when they were submitted for possible CMAQ funding and inclusion in the Transportation Improvement Program. The data used in calculating the estimated air quality benefit was provided by the MAG member agencies. Mr. Giles explained that MAG staff applied the CMAQ methodologies from September 2011 in calculating the estimated air quality benefits. He indicated that the 2012 annual report contains 38 projects that include information on the federal cost and also the estimated air quality benefits for volatile organic compounds, carbon monoxide, nitrogen oxide, and PM-10 in kilograms per day.

Mr. Giles highlighted the fiscal year 2012 PM-10 certified street sweeper project on page one of the report. He discussed that nine street sweepers were funded in 2012, as well as multiple PM-10 paving projects.

9. EPA Proposes Tier 3 Motor Vehicle Emission and Fuel Standards

Ms. Bauer reviewed the EPA proposed Tier 3 motor vehicle emission and fuel standards. On March 29, 2013, EPA issued a proposed rule designed to reduce air pollution from passenger cars and trucks. Tier 3 would set new tailpipe standards and lower the sulfur content of gasoline. Ms. Bauer indicated that this is good news for the region. She commented that the Tier 2 standards in effect now have had a tremendous impact on air quality, in particular carbon monoxide and ozone. Ms. Bauer noted that the proposed rule was published on the May 21, 2013 in the Federal Register. She stated that Tier 3 would reduce both tailpipe and evaporative emissions from passenger cars, medium-duty passenger vehicles, light-duty trucks, and some heavy-duty vehicles. Ms. Bauer explained that the proposed rule would be phased in between model years 2017 and 2025. Additionally, Tier 3 would reduce nitrogen oxide, volatile organic compounds, carbon monoxide, PM-2.5, and air toxics. Ms. Bauer indicated that should this rule be finalized a presentation would be provided to the Committee on its impact to the tailpipe emissions in the region.

Ms. Bauer discussed that EPA has tightened the ozone standard. She noted that the region is currently not meeting the 0.075 parts per million ozone standard and Tier 3 would be helpful in attaining this standard. She reported that the region has one of the oldest vehicle fleets due to the good weather. Ms. Bauer commented that the proposed rule is promising news.

10. Call for Future Agenda Items

Chair Tveit requested suggestions for future agenda items. He indicated that the next meeting of the Committee has been tentatively scheduled for Thursday, June 27, 2013. With no further comments, the meeting was adjourned at approximately 2:17 p.m.