

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

Thursday, March 27, 2014
MAG Office
Phoenix, Arizona

MEMBERS ATTENDING

- Philip McNeely, Phoenix, Chairman
- William Mattingly, Peoria, Vice Chair
- Paul Lopez for Daniel Culotta, Avondale
- Susan Avans for John Minear, Buckeye
- * Jim Weiss, Chandler
- * Jamie McCullough, El Mirage
- * Jessica Koberna, Gilbert
- Megan Sheldon, Glendale
- * Cato Esquivel, Goodyear
- # Kazi Haque, Maricopa
- # Greg Edwards for Scott Bouchie, Mesa
- Tim Conner, Scottsdale
- # Antonio DeLaCruz, Surprise
- Oddvar Tveit, Tempe
- * Youngtown
- Ramona Simpson, Queen Creek
- # Walter Bouchard, American Lung Association of Arizona
- Kristin Watt, Salt River Project
- * Rebecca Hudson, Southwest Gas Corporation
- Mark Hajduk for Ann Carlton, Arizona Public Service Company
- # Susie Stevens for 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
- Claudia Whitehead, 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
- Joonwon Joo for Beverly Chenausky, Arizona Department of Transportation
- Diane Arnst, Arizona Department of Environmental Quality
- * Environmental Protection Agency
- Thomas Ekren, Maricopa County Air Quality Department
- Scott DiBiase, Pinal County
- Michelle Wilson, Arizona Department of Weights and Measures
- Ed Stillings, Federal Highway Administration
- * Judi Nelson, Arizona State University
- Mangas Slinkey for Stan Belone, 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
- Matt Poppen, Maricopa Association of Governments
- Julie Hoffman, Maricopa Association of Governments
- Kara Johnson, Maricopa Association of Governments
- Dean Giles, Maricopa Association of Governments
- Cathy Arthur, Maricopa Association of Governments
- Taejoo Shin, Maricopa Association of Governments
- Lee Jimenez, Maricopa County Department of Transportation
- Sam Brown, City of Scottsdale
- Corky Martinkovic, Maricopa County Air Quality Department
- Rusty Van Leuven, Arizona Department of Agriculture
- Frank Schinzel, 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 March 27, 2014. Philip McNeely, City of Phoenix, Chair, called the meeting to order at approximately 1:30 p.m. Greg Edwards, City of Mesa; Susie Stevens, Western States Petroleum Association; Walter Bouchard, American Lung Association of Arizona; Antonio DeLaCruz, City of Surprise; Kai Umeda, University of Arizona Cooperative Extension; and Kazi Haque, City of Maricopa, attended the meeting via telephone conference call.

Chair McNeely 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.

Lindy Bauer, Maricopa Association of Governments, indicated that the MAG Regional Council has approved revisions to the MAG Committee Operating Policies and Procedures that include a change to quorum requirements. The language was provided at Committee member places. She stated that if a member agency is absent for three consecutive meetings, that member shall no longer be considered a member for purposes of calculating the number constituting a quorum. Ms. Bauer noted that at such a time as the member does attend a meeting, that person will immediately again be considered a member for purposes of calculating the quorum. She added that in no event may the quorum consist of less than one-third of the voting members of the Committee. Ms. Bauer commented that the Committee generally does not struggle with quorum issues.

2. Call to the Audience

Chair McNeely 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 that fall under the jurisdiction of MAG and nonaction agenda items. Chair McNeely noted that no public comment cards had been received.

3. Approval of the January 23, 2014 Meeting Minutes

The Committee reviewed the minutes from the January 23, 2014 meeting. Amanda McGennis, Associated General Contractors, requested that the minutes be revised to reflect that she participated in the January 23, 2014 meeting by teleconference. Oddvar Tveit, City of Tempe, moved and William Mattingly, City of Peoria, seconded, and the motion to approve the January 23, 2014 meeting minutes, with the correction, carried unanimously.

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

Lindy Bauer, Maricopa Association of Governments, provided an update on the MAG 2012 Five Percent Plan for PM-10 and exceptional events. She stated that the Environmental Protection Agency (EPA) has proposed full approval of the MAG 2012 Five Percent Plan for PM-10. Comments on the EPA proposed approval of the Plan were due by March 10, 2014. Ms. Bauer noted that comments received were included in the agenda packet. She stated that the Arizona Center for Law in the Public

Interest (ACLPI) has submitted comments urging EPA to reconsider their proposed approval of the Plan as submitted. Ms. Bauer indicated that ACLPI also submitted an independent analysis of the July 18, 2011 exceptional event.

Ms. Bauer reported some of the concerns that were included in the Arizona Center for Law in the Public Interest comments. She stated that ACLPI contends that EPA failed to require a demonstration of compliance with all the Clean Air Act requirements. Ms. Bauer noted that the focus was on best available control measures and most stringent measures. She indicated that ACLPI cited EPA's prior proposed partial approval and partial disapproval that occurred in 2010. She commented that after EPA published the proposed partial approval and partial disapproval, the MAG Five Percent Plan for PM-10 was withdrawn and resubmitted. Ms. Bauer indicated that another concern raised by ACLPI was that the Plan lacked adequate control measures for agricultural emissions. The Arizona Center for Law in the Public Interest also questioned the effectiveness of the Dust Action General Permit and the fact that credit was taken for it in the Plan. Ms. Bauer added that the ACLPI comments noted the EPA exclusion of 131 exceptional events over 25 days and expressed concern. ACLPI commented that best available control measures were not in place when the exceptional events occurred. Ms. Bauer stated that the ACLPI comments questioned EPA's finding of attainment by December 31, 2012 since EPA has not resolved the status of the 2013 exceptional event documentation that has been submitted. Lastly, ACLPI questioned if the contingency measures can fulfill the contingency measures requirement since the measures were implemented early.

Ms. Bauer indicated that the Arizona Center for Law in the Public Interest letter and independent analysis of the exceptional event for July 18, 2011 were included in the agenda packet. She added that a number of letters were submitted in support of the EPA proposed approval. Letters in support were included from Senator Jeff Flake, City of Phoenix, Maricopa County Air Quality Department, Arizona Department of Environmental Quality (ADEQ), Arizona Chapter Associated General Contractors, Arizona Rock Products Association, Arizona Chamber of Commerce and Industry, Salt River Project, Representative Amanda Reeve, and MAG.

Ms. Bauer reported that the next step by EPA would be final approval action on the MAG 2012 Five Percent Plan for PM-10 by June 2, 2014. EPA will also be responding to the comments received. Ms. Bauer noted that all of the documentation on the six exceptional events in 2013, which were due to dust storms, thunderstorms, and high winds, have been submitted to EPA for concurrence.

Chair McNeely thanked everyone who submitted comments to EPA in support of the MAG 2012 Five Percent Plan for PM-10. He stated that the approval of the Plan is a milestone.

5. EPA Proposed Approval of the MAG 2009 Eight-Hour Ozone Redesignation Request and Maintenance Plan

Ms. Bauer reported that on March 14, 2014, EPA proposed approval of the MAG 2009 Eight-Hour Ozone Redesignation Request and Maintenance Plan for the 0.08 parts per million (ppm) ozone standard set by EPA in 1997. She indicated that the Plan demonstrates maintenance of the standard through 2025. Ms. Bauer stated that if EPA finalizes approval action, the region would be designated to attainment status for the 0.08 ppm standard. She commented that EPA typically reviews and sets new air quality standards, however they do not negate previous standards. The previous air quality

standards have to be met. Ms. Bauer added that the region has met the 0.08 ppm eight-hour ozone standard. The EPA proposed approval was published in the Federal Register on March 26, 2014.

Mark Hajduk, Arizona Public Service Company, inquired when the final determination for the designation to attainment status is expected. Ms. Bauer responded that EPA will first respond to comments, which are due April 25, 2014, and may make a final determination fairly quickly. She added that MAG is careful to ensure the Conformity Analysis is consistent with plans approved by EPA, but also plans submitted to EPA. The Conformity Analysis was conducted against the MAG 2009 Eight-Hour Ozone Redesignation Request and Maintenance Plan.

6. Update on the MAG 2014 Eight-Hour Ozone Plan - Submittal of Marginal Area Requirements

Matt Poppen, Maricopa Association of Governments, provided an update on the MAG 2014 Eight-Hour Ozone Plan. He stated that on May 21, 2012, EPA designated the Maricopa area as a marginal nonattainment area for the 2008 eight-hour ozone standard of 0.075 ppm. On June 6, 2013, EPA published a proposed rule on the implementation of the 2008 National Ambient Air Quality Standard for ozone. Mr. Poppen noted that as a Marginal Area, the Maricopa nonattainment area will have a December 31, 2015 attainment date. He indicated that EPA assumes that Marginal Areas will be in attainment of the standard within three years of designation without any additional control measures. Marginal Areas are not required to submit an attainment demonstration, reasonably available control technologies and measures, and reasonable further progress demonstration and contingency measures.

Mr. Poppen reviewed the Clean Air Act requirements for Marginal Areas. The first requirement is an emissions statement, which are annual emissions surveys that are submitted by stationary sources of nitrogen oxides (NO_x) and volatile organic compounds (VOC). The second requirement is a baseline emissions inventory which, for this Plan, will be the 2011 Periodic Emissions Inventory completed and finalized by the Maricopa County Air Quality Department in February 2014. The next requirement is a periodic emissions inventory, no later than every three years until attainment of the standard; this will be satisfied when the Maricopa County Air Quality Department produces the 2014 Periodic Emissions Inventory. Corrections to reasonably available control technology that were in place prior to the 1990 Clean Air Act amendments are another requirement. Additionally, a nonattainment area preconstruction program and new source review are requirements. Pre-1990 corrections to previously required vehicle inspection and maintenance programs are also required. Mr. Poppen added that the nonattainment area has an enhanced vehicle inspection maintenance program that has been extended through 2016. The Plan is required to meet transportation conformity requirements, as well as offset requirements for new and major stationary sources, including NO_x and VOC. Mr. Poppen stated that if the region fails to attain the standard by December 31, 2015, the region may be bumped up to the Moderate Area category with additional requirements to be met.

Mr. Poppen discussed Marginal Area requirements. He indicated that upon application by the State, EPA may extend the attainment date for one additional year if the following are met: the State has complied with all applicable requirements and commitments pertaining to the area in the applicable implementation plan; no more than one exceedance of the ozone standard has occurred in the area preceding the extension year; and no more than two one-year extensions of the attainment date may be issued. EPA proposed that the due date for the Marginal Area MAG 2014 Eight-Hour Ozone Plan is July 20, 2014.

Mr. Poppen presented the tentative schedule for the MAG 2014 Eight-Hour Ozone Plan. A draft Plan will be available for public review April 14, 2014. The public hearing is scheduled for May 15, 2014. Mr. Poppen indicated that the MAG Air Quality Technical Advisory Committee may make a recommendation on May 22, 2014. The MAG Management Committee may make a recommendation on June 11, 2014. The MAG Regional Council adoption of the MAG 2014 Eight-Hour Ozone Plan would occur June 25, 2014. MAG would then submit the Plan to ADEQ and EPA by June 27, 2014.

Ms. Bauer added that many of the MAG 2014 Eight-Hour Ozone Plan requirements are already completed. She commented that MAG has been working in cooperation with the Maricopa County Air Quality Department, Arizona Department of Environmental Quality, and Arizona Department of Transportation, to use language from other Air Quality Plans that demonstrates the requirements have been completed while citing the Federal Register notices that published their completion. Ms. Bauer noted that the MAG 2014 Eight-Hour Ozone Plan is a different kind of plan as a majority of the components are already completed.

7. EPA Review of the Federal Ozone Standards

Mr. Poppen presented the EPA review of the National Ambient Air Quality Standards for ozone. Mr. Poppen indicated that in January 2014, EPA made available for public review the Policy Assessment for the Review of the Ozone National Ambient Air Quality Standards (NAAQS) which is the Second External Review Draft. He stated that the Second Draft Policy Assessment is prepared by EPA staff and presents preliminary staff conclusions on the adequacy of the current standards and potential alternative standards appropriate for consideration.

Mr. Poppen presented the EPA flowchart for the new NAAQS review process. EPA is currently in the Policy Assessment stage. Mr. Poppen reported that the next step, following interagency review, is the EPA proposed decision on the standard. The current deadline for a proposed standard is January 15, 2015. Mr. Poppen noted that this deadline is subject to change.

Mr. Poppen discussed preliminary EPA staff conclusions. He commented that with regard to the primary ozone standard, the adequacy of the current 0.075 ppm standard is questioned on its ability to protect public health. EPA concluded that it is appropriate to consider an alternative standard within the range of 0.060 and 0.070 ppm. With regard to the secondary ozone standard, EPA staff questioned the adequacy of the current standard to protect public welfare, such as plant life. Mr. Poppen reported that EPA is considering a new seasonal form for the standard. According to EPA staff, it is appropriate to consider an alternative standard using the W126-based cumulative seasonal metric with a form averaged across three consecutive years and levels extending above 15 ppm-hours down to 7 ppm-hours. Mr. Poppen stated the North Phoenix monitor (which tends to have the highest ozone concentrations in the region) was evaluated against the alternative secondary ozone standard in 2011-2013 and the result was a seasonal concentration of 23 ppm-hours.

Mr. Poppen presented a map of the 2011-2013 three year average of the annual fourth high eight-hour ozone concentrations by monitoring site for the State of Arizona. Mr. Poppen noted that the most recent ozone data available was used to compare against the primary ozone standard. Monitors in green have a three year average of the annual fourth high of 0.065 ppm. Yellow monitors fall in the 0.066-0.070 ppm ozone range. Orange monitors have values between 0.071-0.075 ppm. Monitors in

red have a three year average between 0.076-0.081 ppm. Mr. Poppen added that monitors in red and orange would exceed a primary ozone standard set at 0.070 ppm. Mr. Poppen mentioned that if a primary ozone standard of 0.060 ppm was set, no monitors in the state would meet the standard based on 2011-2013 data. He added that a designation based on a new ozone standard would not be made for quite some time. Mr. Poppen mentioned that EPA finalized the PM-2.5 standard in December 2012, and final designations for that standard are scheduled for December 2014. He commented that if a new standard were to be proposed and finalized, additional years of ozone data would be available before final ozone designations are made.

Diane Arnst, Arizona Department of Environmental Quality, inquired if EPA recommended rounding with regard to the standard. Mr. Poppen replied that the form of the proposed standard has not changed and that values would likely be truncated under the proposed standard. Chair McNeely asked how ppm-hours are calculated. Mr. Poppen responded that it is a complex process in which values from 8 a.m. to 8 p.m. in the ozone season are weighted to find a daily index value. The daily index value is then used to attain the monthly index value. The three highest monthly index values are then averaged over three years to get the ppm-hours value. Mr. Poppen stated that the value represents the seasonal exposure that plant life has to ozone during the ozone season.

Ms. McGennis inquired about the proposed alternative secondary ozone standard. Mr. Poppen replied that the primary and secondary ozone standards are closely correlated, thus when reductions in ozone are seen in relation to the primary standard, reductions in ozone would also be seen in relation to the secondary standard. He noted that our current ozone values are above the standards being considered. Ms. McGennis asked what this means for the region. Ms. Bauer responded that the Mayor of Phoenix hosted a meeting January 8, 2014 with Gina McCarthy, Environmental Protection Agency, and elected officials from the region. She stated that a question on tightening the ozone standard was raised. Ms. Bauer indicated that Ms. McCarthy reported that EPA is waiting for the scientific data to determine the ozone standard. Ms. McCarthy also indicated that areas should not waste time and resources on state and local control measures National/federal controls will be needed with regard to ozone. Ms. Bauer added that Ms. McCarthy mentioned the finalized Tier 3 Tailpipe Standards as an example. She commented that the region will need to wait for the potential new standard, the timeframe the region would have to attain the new standard, and see what federal controls will be put in place.

Steve Trussell, Arizona Rock Products Association, inquired if the region has contact with the representatives of the Clean Air Scientific Advisory Committee. Ms. Bauer replied that the Clean Air Scientific Advisory Committee includes medical doctors and scientists. She indicated that entities may comment on EPA proposed standards. Ms. Bauer stated that generally MAG does not comment on the standard itself. She noted that MAG does not have medical expertise on staff.

8. Update on the MAG 2014 State Implementation Plan Revision for the Removal of Stage II Vapor Recovery Controls

Mr. Poppen provided an update on the MAG 2014 State Implementation Plan Revision for Removal of Stage II Vapor Recovery Controls. He stated that House Bill (H.B.) 2128 is still moving through the Arizona State Legislature. Once H.B. 2128 is passed, a draft SIP Revision will be released for public review. Chair McNeely asked about H.B. 2128. Michelle Wilson, Arizona Department of Weights and Measures, discussed that the bill moved through the House unanimously and it is now in

the Senate. She added that H.B. 2128 has been passed by both the Environment Committee and Rules Committee. Ms. Wilson noted that there has been no opposition to the bill.

Mr. Mattingly asked what qualifies as a new dispensing facility. Ms. Wilson replied that major modifications would not qualify for an exemption from Stage II requirements. She indicated that a facility built up from the ground that has never been permitted under Stage II constitutes a new dispensing facility.

9. CMAQ Annual Report

Dean Giles, Maricopa Association of Governments, provided the Congestion Mitigation and Air Quality Improvement (CMAQ) Annual Report for 2013. The Federal Congestion Mitigation and Air Quality Improvement Program requires that a CMAQ Annual Report be prepared that specifies how CMAQ funds have been spent during the prior fiscal year and the anticipated air quality benefits. The annual report for fiscal year ending September 30, 2013 was submitted to the Federal Highway Administration in February 2014. Mr. Giles noted that the report is in the electronic format produced by the Federal Highway Administration's CMAQ tracking system. He thanked the Arizona Department of Transportation for their assistance and review of the Annual Report.

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. He indicated that the 2013 annual report contains 58 projects that include information on the CMAQ cost and also the estimated air quality benefits for carbon monoxide, NOx, VOCs, and PM-10 in kilograms per day. He highlighted the first two pages of the report which include projects that reduce PM-10.

10. Call for Future Agenda Items

Chair McNeely requested suggestions for future agenda items. He indicated that the next meeting of the Committee has been tentatively scheduled for Thursday, April 24, 2014 at 1:30 p.m. With no further comments, the meeting was adjourned at approximately 2:05 p.m.