

June 19, 2014

TO: Members of the MAG Air Quality Technical Advisory Committee

FROM: Philip McNeely, Phoenix, Chair

SUBJECT: MEETING NOTIFICATION AND TRANSMITTAL OF TENTATIVE AGENDA

Thursday, June 26, 2014 - 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 McNeely 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 May 22, 2014 Meeting Minutes

4. Draft MAG 2014 State Implementation Plan Revision for the Removal of Stage II Vapor Recovery Controls in the Maricopa Eight-Hour Ozone Nonattainment Area

The Maricopa Association of Governments has prepared the Draft MAG 2014 State Implementation Plan Revision for the Removal of Stage II Vapor Recovery Controls in the Maricopa Eight-Hour Ozone Nonattainment Area. In accordance with Clean Air Act Section 202(a)(6), the Environmental Protection Agency made a determination that onboard refueling vapor recovery systems are in widespread use throughout the motor vehicle fleet, effective May 16, 2012. Since Stage II is a duplicative system, this plan revision requests that EPA remove the requirement for Stage II vapor recovery in this area for new gasoline dispensing facilities

2. For information.

3. Review and approve the May 22, 2014 meeting minutes.

4. For information, discussion and recommendation to adopt the Draft MAG 2014 State Implementation Plan Revision for the Removal of Stage II Vapor Recovery Controls in the Maricopa Eight-Hour Ozone Nonattainment Area.

beginning in 2014 and for existing facilities beginning in October 2016, before a regional disbenefit begins to occur in 2018.

On June 3, 2014, a public hearing was conducted on the Draft MAG 2014 State Implementation Plan Revision for the Removal of Stage II Vapor Recovery Controls in the Maricopa Eight-Hour Ozone Nonattainment Area. No public comments were received. At this meeting, the MAG Air Quality Technical Advisory Committee may make a recommendation to the MAG Management Committee. The MAG Regional Council may take action on August 27, 2014. Please refer to the enclosed material.

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

On May 30, 2014, the Environmental Protection Agency (EPA) signed a notice approving the MAG 2012 Five Percent Plan for PM-10 and published it in the Federal Register on June 10, 2014. The plan demonstrated that the measures will reduce emissions by five percent per year and demonstrated attainment of the standard by December 31, 2012. EPA determined that the region has met the standard based upon three years of clean data for 2010-2012, as measured by the air quality monitors. In 2013, there were six exceptional event days due to regional dust storms, thunderstorms and high winds. Documentation for the exceptional event days has been prepared and submitted to EPA for concurrence. In 2014, there was one exceptional event day on May 11, 2014 due to a regional dust storm. MAG is preparing the documentation for the exceptional event. Please refer to the enclosed material.

6. Maricopa County PM-2.5 Speciation Study

The Maricopa County Air Quality Department has conducted a PM-2.5 Speciation Study to determine the source contributions during the Christmas/New Year's Eve holiday periods for sources such as combustion, wood smoke, industrial, and traffic (combustion and road

5. For information and discussion.

6. For information and discussion.

dust). In addition, the study was designed to determine the contribution of fireworks to the total PM-2.5. A presentation will be provided.

7. MAG Eight-Hour Ozone Modeling Study

The MAG Eight-Hour Ozone Modeling Study is designed to update the emissions inventory and meteorological data for the current and future MAG air quality modeling analyses; evaluate various emission reduction scenarios; evaluate the impact of transported emissions from Mexico, California, Colorado, Nevada, New Mexico, Utah, and Texas; evaluate the impact of 2009, 2011 and 2012 meteorological scenarios; develop the VOC-limited and NOx-limited areas in 2011 and 2015; and evaluate ozone concentrations in future years. A presentation will be provided.

8. Call for Future Agenda Items

The next meeting of the Committee has been tentatively scheduled for **Thursday, August 28, 2014 at 1:30 p.m.** The Chair will invite the Committee members to suggest future agenda items.

7. For information and discussion.

8. For information and discussion.

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

Thursday, May 22, 2014
MAG Office
Phoenix, Arizona

MEMBERS ATTENDING

Philip McNeely, Phoenix, Chairman	Jeannette Fish, Maricopa County Farm Bureau
William Mattingly, Peoria, Vice Chair	Steve Trussell, Arizona Rock Products Association
* Daniel Culotta, Avondale	Claudia Whitehead, Greater Phoenix Chamber of Commerce
John Minear, Buckeye	# Amanda McGennis, Associated General Contractors
# Jim Weiss, Chandler	* Spencer Kamps, Homebuilders Association of Central Arizona
# Jamie McCullough, El Mirage	# Mannie Carpenter, Valley Forward
Kristin Myers for Jessica Koberna, Gilbert	Kai Umeda, University of Arizona Cooperative Extension
Megan Sheldon, Glendale	Joonwon Joo for Beverly Chenausky, Arizona Department of Transportation
* Cato Esquivel, Goodyear	Diane Arnst, Arizona Department of Environmental Quality
# Rudolfo Lopez for Kazi Haque, Maricopa	* Environmental Protection Agency
# Greg Edwards for Scott Bouchie, Mesa	Beverly Chenausky for Thomas Ekren, Maricopa County Air Quality Department
Tim Conner, Scottsdale	# Scott DiBiase, Pinal County
# Antonio DeLaCruz, Surprise	Michelle Wilson, Arizona Department of Weights and Measures
Oddvar Tveit, Tempe	# Ed Stillings, Federal Highway Administration
* Youngtown	Jenny Moyers for Judi Nelson, Arizona State University
Ramona Simpson, Queen Creek	Stan Belone, Salt River Pima-Maricopa Indian Community
# Walter Bouchard, American Lung Association of Arizona	
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	

*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	Lee Jimenez, Maricopa County Department of Transportation
Matt Poppen, Maricopa Association of Governments	Sam Brown, City of Scottsdale
Julie Hoffman, Maricopa Association of Governments	Joe Gibbs, City of Phoenix
Kara Johnson, Maricopa Association of Governments	Susan Avans, City of Buckeye
Randy Sedlacek, Maricopa Association of Governments	Dawn Coomer, Valley Metro
Cathy Arthur, Maricopa Association of Governments	Laurie Kattreh, Maricopa County Department of Transportation
Taejoo Shin, Maricopa Association of Governments	
Patrick Shaw, Maricopa Association of Governments	

1. Call to Order

A meeting of the Maricopa Association of Governments (MAG) Air Quality Technical Advisory Committee (AQTAC) was conducted on May 22, 2014. Philip McNeely, City of Phoenix, Chair, called the meeting to order at approximately 1:30 p.m. Greg Edwards, City of Mesa; Jim Weiss, City of Chandler; Mannie Carpenter, Valley Forward; Amanda McGennis, Associated General Contractors; Jamie McCullough, City of El Mirage; Walter Bouchard, American Lung Association of Arizona; Antonio DeLaCruz, City of Surprise; Scott DiBiase, Pinal County; Ed Stillings, Federal Highway Administration; and Rodolfo Lopez, 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.

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 March 27, 2014 Meeting Minutes

The Committee reviewed the minutes from the March 27, 2014 meeting. Amanda McGennis, Associated General Contractors, moved and John Minear, City of Buckeye, seconded, and the motion to approve the March 27, 2014 meeting minutes, carried unanimously.

4. Draft MAG 2014 Eight-Hour Ozone Plan - Submittal of Marginal Area Requirements for the Maricopa Nonattainment Area

Matt Poppen, Maricopa Association of Governments, presented the Draft MAG 2014 Eight-Hour Ozone Plan - Submittal of Marginal Area Requirements for the Maricopa Nonattainment Area. He stated that on May 21, 2012, the Environmental Protection Agency (EPA) designated the Maricopa nonattainment area as a Marginal 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 Standards for Ozone which addresses the State Implementation Plan requirements for the standard. 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, reasonable further progress demonstration, and contingency measures.

Mr. Poppen discussed the Marginal Area requirements. He stated that many of the requirements have already been addressed in prior air quality plans. The Marginal Area requirements addressed in this

plan include: an emissions statement rule; a baseline emissions inventory - the 2011 Periodic Emissions Inventory for Ozone Precursors prepared by Maricopa County; a periodic emissions inventory, no later than every three years until attainment of the standard - the next inventory to be completed is for year 2014; a pre-1990 reasonably available control technology fix-up; a nonattainment area preconstruction permit program; and new source review rules. Additionally, pre-1990 corrections are required for previously required vehicle inspection and maintenance programs. Mr. Poppen noted that the Arizona Department of Environmental Quality (ADEQ) currently administers an enhanced vehicle inspection and maintenance program. He indicated that the draft plan also meets transportation conformity requirements, as well as, offset requirements for major sources of volatile organic compounds.

Mr. Poppen stated that if the region fails to attain the standard by December 31, 2015, the region may be bumped into the Moderate Area category with additional requirements to meet. Upon application by the State, EPA may extend the attainment date for one additional year if: the State has complied with all applicable requirements and commitments pertaining to the area in the applicable implementation plan, and no more than one exceedance of the ozone standard has occurred in the area preceding the extension year. Also, no more than two one-year extensions of the attainment date may be issued. Mr. Poppen indicated that EPA proposed a Marginal Area Plan due date of July 20, 2014.

Mr. Poppen presented the schedule for the Draft MAG 2014 Eight-Hour Ozone Plan. He noted that on April 14, 2014 the draft plan became available for public review. An air quality workshop was held on April 22, 2014. The Draft MAG 2014 Eight-Hour Ozone Plan - Submittal of Marginal Area Requirements for the Maricopa Nonattainment Area public hearing was held on May 15, 2014. Mr. Poppen indicated that the MAG Air Quality Technical Advisory Committee may make a recommendation to the MAG Management Committee on May 22, 2014. The MAG Management Committee may make a recommendation to the MAG Regional Council on June 11, 2014. On June 25, 2014 the MAG Regional Council may adopt the MAG 2014 Eight-Hour Ozone Plan - Submittal of Marginal Area Requirements for the Maricopa Nonattainment Area. MAG would then submit the Plan to ADEQ and EPA by June 27, 2014.

Mr. Poppen noted that the official transcript of the Draft MAG 2014 Eight-Hour Ozone Plan public hearing, held on May 15, 2014, has been provided to the Committee. He stated that no verbal comments were received at the public hearing. Mr. Poppen indicated that written comments were received by the Arizona Department of Environmental Quality during the public comment period. A copy of the response to comments was also provided to the Committee.

Mr. Poppen reviewed the response to comments. The first comment stated that ADEQ should comment that this attached Appendix that contains the actual legislative authorization of VEI through January 1, 2017 and the statute where it is codified should be included in MAG's Appendix A, Exhibit 4 along with ADEQ's 2009 submittal letter. All MAG has in its appendix right now is ADEQ's letter referencing these items. ADEQ needs to forward the attachment to MAG. Mr. Poppen stated that the response to this comment indicated that the additional documentation provided by ADEQ has been included in Appendix A, Exhibit 4. The second comment stated that MAG could add a sentence at the end of paragraph two on the first page: "On March 26, 2014 [sic], EPA published in the Federal Register the Notice of Proposed Rulemaking to...". The response stated that the following sentence has been added to the end of the paragraph referenced by ADEQ, "The notice was published in the Federal Register on March 26, 2014."

Chair McNeely called for a motion to recommend adoption of the Draft MAG 2014 Eight-Hour Ozone Plan - Submittal of Marginal Area Requirements for the Maricopa Nonattainment Area. William Mattingly, City of Peoria, moved and Oddvar Tveit, City of Tempe seconded, and the motion to recommend adoption the of Draft MAG 2014 Eight-Hour Ozone Plan carried unanimously.

5. 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 on February 6, 2014, EPA proposed approval of the MAG 2012 Five Percent Plan for PM-10. EPA indicated in the proposal that it intended to finalize approval and take action on the Plan by June 2, 2014. Ms. Bauer mentioned that an exceptional event day occurred on May 11, 2014 due to a regional dust storm. She stated that 12 monitors exceeded due to the regional dust storm. The monitor information was included in the Committee agenda packet. Ms. Bauer noted that exceptional event documentation has been submitted to EPA for concurrence on the six exceptional event days that occurred in 2013. EPA has not yet concurred with the submitted documentation. MAG staff is preparing the documentation for the regional dust storm exceptional event on May 11, 2014.

Ms. Bauer discussed the EPA Exceptional Events Rule (EER). EPA has indicated that the rule is flawed and has released guidance on the rule. EPA intended to release rule revisions in April 2014 and finalize the revisions in April 2015. Rule revisions have not been proposed. Ms. Bauer stated that EPA has indicated that the organization lacks the resources to propose rule revisions for the EER. She noted that a page from the Clean Air Report was included in the agenda materials that cites EPA resource issues. Ms. Bauer added that MAG special legal counsel has reported that EPA is approximately a year off schedule due to resource issues. EPA would release EER revisions in mid 2015 with final revisions taking place in mid 2016. Ms. Bauer discussed that in the interim, EPA may release EER guidance for ozone and wildfires.

6. Update on the Regional Rideshare and Telework Program

Dawn Coomer, Valley Metro, provided a presentation on the Regional Rideshare and Telework Program. She stated that she is the Transportation Demand Management Manager at Valley Metro. Ms. Coomer stated that the Valley Metro programs promote drive alone transportation alternatives. Rideshare includes carpooling, vanpooling, and public transit that includes bus and rail. Ms. Coomer noted that other alternatives are also promoted such as bicycling, walking, teleworking, and compressed work schedule options. The programs aim to reduce drive alone commute trips as a way to manage congestion, reduce pollutant emissions, conserve energy, and improve health and physical fitness.

Ms. Coomer discussed travel modes. She stated that every April, Valley Metro conducts an annual phone poll to determine commute behavior, awareness of Valley Metro programs, travel options, and to track effectiveness of the programs. Approximately 86 percent of employees and driving-aged students reported drive alone car and motorcycle trips. Ms. Coomer reported that 17 percent of people polled telework at least one or more days of the week. She indicated that carpool and vanpool also make up 17 percent of travel modes. Ms. Coomer noted that 11 percent of people polled report a compressed work schedule, that includes working longer hours over few days. The other travel modes reported include: five percent bus; four percent bike; four percent walk; and three percent light rail

usage. Ms. Coomer commented that the goal of the various programs is to encourage the 86 percent who report drive alone trips to try alternative travel modes listed in the other categories.

Ms. Coomer stated that Valley Metro programs fall into four main areas. The areas include: training and assistance to employers on Commute Solutions, including employers in the Maricopa County Trip Reduction Program; commuter outreach and services; education for bicyclists and pedestrians on safety; and alternative travel modes education and encouragement. Ms. Coomer stated that the programs are funded by the State of Arizona, Maricopa County, and MAG. She stated that all materials include a funding line that recognizes the financial contributions made by partners. Ms. Coomer stated that ShareTheRide.com and 602-262-RIDE is the call-to-action for the programs encouraging the use of alternative transportation modes and to also visit the webpage to learn more about travel options.

Ms. Coomer reviewed commuter outreach and services. She stated that Valley Metro provides assistance to employers to develop plans and programs free of charge, regardless if they participate in the Trip Reduction Program. Valley Metro also manages a free online trip matching tool called ShareTheRide.com, a retail partner program, as well as, a vanpool program. Ms. Coomer commented that the retail partner program allows transit users to purchase fares off-board and save money. She stated that there was approximately 50 off-board fare locations in 2009 with more than 800 current locations; 71 locations have been added this fiscal year alone. Ms. Coomer indicated that off-board fare outlets are a significant resource for transit customers; 89 percent of transit fare are sold at retail outlets. Valley Metro provides customer service and support for the program while the City of Phoenix manages the transit fare process for the region.

Ms. Coomer discussed the vanpool program. She stated that currently 385 vans make up the vanpool program. Approximately a quarter of the vanpool fleet have bike racks. Customers can now ride their bicycles to park-and-ride locations to meet the vanpool or bring their bicycles to work for recreation or exercise. Ms. Coomer indicated that the vanpool program has a 100 percent fare box recovery. She explained that public transit typically operates around 25 percent fare box recovery. Ms. Coomer stated that the vanpool program pays for itself, which is very unique for public programs. She reported that the vanpool program saves approximately 4.5 million single occupant vehicle miles of travel every month.

Ms. Coomer reported on the Valley Metro program, ShareTheRide. She noted that the program is an online ride matching and commute tracking program for residents and/or employees in Maricopa County. Commuters are provided matches for vanpooling, carpooling, transit, and bicycle options. Ms. Coomer added that bike buddy matching is a new feature that has been recently added to the site. ShareTheRide also allows employers who participate in the Trip Reduction Program to track the implementation of their Trip Reduction Plan online. Ms. Coomer commented that this adds members to the system, as well as, increases the ease of complying with the requirements of the Trip Reduction Program. She indicated that approximately 230 companies are utilizing ShareTheRide for their Trip Reduction Plan. Ms. Coomer presented the user interface for ShareTheRide commute calendar and the contest page. The commute calendar displays statistics about the commutes tracked in the system, such as the number of trips logged, points earned for contests, gasoline saved, calories burned, and the emissions that have been reduced. Ms. Coomer stated that this feature can be inspirational in that it readily displays the financial and environmental impact of commute mode choices. She added that contests are an important feature of the system and encourages the tracking of trips. Ms. Coomer indicated that companies donate prizes for the contests.

Ms. Coomer presented the growth of the ShareTheRide program. She displayed the increase in ShareTheRide active users by fiscal year, including fiscal year 2014 through the end of April. The number of active users generally increases approximately 50 percent per year; as of April 2014, the program reports over 28,000 active users. Ms. Coomer also presented ShareTheRide calendar entries from fiscal year 2010 to fiscal year 2013. She indicated that between fiscal year 2012 and fiscal year 2013, there was a 48 percent increase in total users; 113 percent increase in calendar entries; 600 percent increase in contest entries; and a 15 percent increase in companies using ShareTheRide to track Trip Reduction Program efforts.

Ms. Coomer stated that navigation enhancements have been made to ShareTheRide.com. She explained that ShareTheRide is a shared call-to-action, so navigation was added to the bottom of the website to link both employers and individuals to additional information. Ms. Coomer presented the new design for ShareTheRide.com that reflects icons and colors used in the Commute Solutions Program. She added that the new design enhances the visibility of all of the alternative modes of transportation being promoted. Ms. Coomer made available to the Committee instruction cards on how to use and access ShareTheRide.com.

Ms. Coomer discussed alternative modes education and encouragement. She stated that each quarter, materials are provided to employers to promote different alternative transportation modes. Ms. Coomer commented that the art used for the spring kit was designed by a local artist. She noted that this was a cost effective method for achieving a creative concept that also promoted visibility for the local artist. Additionally, a light rail train wrap was designed in a similar style for Valley Bike Month. Ms. Coomer added that special promotions are conducted throughout the year to promote alternative transportation modes, such as Valley Bike Month in April, Rideshare Month in October, and the Clean Air Campaign Awards and Luncheon. She stated that the Clean Air Campaign is a year-round, general public education effort that encourages transportation behavior aimed at reducing pollutants; examples include: driving less, refueling after dark, and reducing vehicle idling time. Ms. Coomer added that air quality information and high pollution advisories are distributed to approximately 1,600 people who are subscribed to an email notification list. She commented that the annual luncheon, held in the fall, is an opportunity to recognize employers and employees who are promoting and utilizing travel reduction options. Ms. Coomer announced that the save the dates have been mailed for the October 30, 2014 luncheon this year.

Ms. Coomer reported on direct mail and paid advertising. The effectiveness of direct mail and paid advertising is assessed during the annual market survey. Ms. Coomer indicated that: 11 percent of residents surveyed recalled receiving a mailer; 42 percent recalled seeing or hearing advertising; and 51 percent had heard traffic radio reads. Using the results of this information, this year, a majority of advertising focused on traffic radio reads. Ms. Coomer stated that traffic radio reads is an effective way to reach the commuting public. She noted that the data collection from this year's annual market survey has been completed; results will be available in July.

Oddvar Tveit, City of Tempe, inquired about transportation modes for those with compressed work weeks. Ms. Coomer responded that generally driving alone is the largest mode of transportation. She noted that approximately 11 percent of commuters indicated compressed work schedules. Ms. Coomer reported that a decrease in compressed work schedule in last year's report was likely attributed to changes in the economy.

7. Air Quality Status Report

Julie Hoffman, Maricopa Association of Governments, provided an Air Quality Status Report to the Committee. She indicated that the update will provide information on carbon monoxide, ozone, and PM-10 concentrations in the region.

Ms. Hoffman presented the number of eight-hour carbon monoxide exceedance days in the Maricopa County nonattainment area since 1983. She stated that the standard for carbon monoxide is 9 parts per million (ppm), not to be exceeded more than once per year at a monitor. Ms. Hoffman indicated that there have been no exceedances of the eight-hour carbon monoxide standard since 1999. The last violation of the eight-hour carbon monoxide standard occurred in 1996.

Ms. Hoffman presented the trend of the second highest eight-hour carbon monoxide concentrations in the region. She noted the significant downward trend in carbon monoxide concentrations. Ms. Hoffman indicated that in each of the last three years, the second highest eight-hour carbon monoxide concentration has been below 3 ppm, far below the standard of 9 ppm. The region has met the carbon monoxide standard.

Ms. Hoffman discussed ozone. She noted that the region has met two ozone standards: the one-hour ozone standard of 0.12 ppm and the eight-hour ozone standard of 0.08 ppm. No violations of the one hour ozone standard have occurred since 1996. Ms. Hoffman stated that the region has not violated the 0.08 ppm standard since 2004. For the 0.075 ppm eight-hour ozone standard, there were 10 violating monitors in 2013. Ms. Hoffman explained that the fourth high values from 2011, 2012, and 2013 are included since the standard is calculated by looking at the three-year average of the fourth high at the monitors. She commented that the ozone concentrations for 2013 decreased from previous years, however there are a number of violating monitors due to high ozone concentrations in 2011 and 2012.

Ms. Hoffman displayed the highest three-year average of the fourth highest eight-hour ozone concentration in the Maricopa nonattainment area. She reported that this was at the North Phoenix monitor with a value of 0.081 ppm in 2013 which remained the same from 2012. Ms. Hoffman commented that the table does not reflect the decrease in ozone concentrations in 2013.

Ms. Hoffman presented the fourth highest eight-hour ozone concentrations by monitor for 2011, 2012, and 2013. The eight-hour ozone concentrations in the Maricopa nonattainment area decreased in 2013 as compared to 2011 and 2012. There were six monitors in 2013 where the fourth highest eight-hour ozone concentration was greater than 0.075 ppm compared to 14 monitors in 2012 and 12 monitors in 2011.

Ms. Hoffman presented the number of 24-hour PM-10 exceedance days in Maricopa County and the PM-10 nonattainment area by year. She commented that six exceedance days occurred in 2013; all exceedance days in 2013 were flagged as exceptional events by ADEQ and submitted to EPA for concurrence. Ms. Hoffman added that, to date, one exceptional event has occurred in 2014.

Chair McNeely thanked Ms. Hoffman for the update. He commented that the air quality is getting better.

8. Update on the MAG 2014 State Implementation Plan Revision for the Removal of Stage II Vapor Recovery Controls in the Maricopa Eight-Hour Ozone Nonattainment Area

Mr. Poppen provided a status report on the MAG 2014 State Implementation Plan (SIP) Revision for Removal of Stage II Vapor Recovery Controls in the Maricopa Eight-Hour Ozone Nonattainment Area. He indicated that the SIP revision requests the removal of Stage II controls at new gasoline dispensing facilities beginning in 2014 and at existing gasoline dispensing facilities beginning in October 2016, after the 2016 ozone season and before a regional emissions disbenefit occurs in 2018. The Arizona State Legislature passed House Bill 2128 on April 16, 2014 which authorized the requested Stage II removal schedule. The Governor signed House Bill 2128 on April 22, 2014 and the Bill became effective immediately due to the inclusion of an emergency clause.

Mr. Poppen presented the schedule for the MAG 2014 SIP Revision for Removal of Stage II Vapor Recovery Controls in the Maricopa Eight-Hour Ozone Nonattainment Area. He noted that on May 2, 2014 the draft SIP revision became available for public review. The MAG 2014 SIP Revision for Removal of Stage II Vapor Recovery Controls public hearing will be held on June 3, 2014. Mr. Poppen indicated that the MAG Air Quality Technical Advisory Committee may make a recommendation to the MAG Management Committee on June 26, 2014. The MAG Management Committee may make a recommendation to the MAG Regional Council on August 6, 2014. On August 27, 2014 the MAG Regional Council may adopt the MAG 2014 State Implementation Plan Revision for Removal of Stage II Vapor Recovery Controls in the Maricopa Eight-Hour Ozone Nonattainment Area.

9. Call for Future Agenda Items

Chair McNeely requested suggestions for future agenda items. Steve Trussell, Arizona Rock Products Association, requested an update on proposed changes to Rule 316 being brought forward by Maricopa County. Beverly Chenausky, Maricopa County, responded that she will bring this suggested item back to Maricopa County.

Chair McNeely indicated that the next meeting of the Committee has been tentatively scheduled for Thursday, June 26, 2014 at 1:30 p.m. With no further comments, the meeting was adjourned at approximately 2:10 p.m.

DRAFT

**MAG 2014 STATE IMPLEMENTATION PLAN REVISION
FOR THE REMOVAL OF STAGE II VAPOR RECOVERY CONTROLS
IN THE MARICOPA EIGHT-HOUR OZONE NONATTAINMENT AREA**

MAY 2014



**MAG 2014 STATE IMPLEMENTATION PLAN REVISION
FOR THE REMOVAL OF STAGE II VAPOR RECOVERY CONTROLS
IN THE MARICOPA EIGHT-HOUR OZONE NONATTAINMENT AREA**

Prepared by:



May 2014

Technical Assistance Provided By:

**Arizona Department of Environmental Quality
Arizona Department of Transportation
Maricopa County Air Quality Department
U.S. Environmental Protection Agency**

**MAG 2014 STATE IMPLEMENTATION PLAN REVISION
FOR THE REMOVAL OF STAGE II VAPOR RECOVERY CONTROLS
IN THE MARICOPA EIGHT-HOUR OZONE NONATTAINMENT AREA**

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FOR THE REMOVAL OF STAGE II VAPOR RECOVERY CONTROLS
IN THE MARICOPA EIGHT-HOUR OZONE NONATTAINMENT AREA**

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IN THE MARICOPA EIGHT-HOUR OZONE NONATTAINMENT AREA**

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**MAG 2014 STATE IMPLEMENTATION PLAN REVISION
FOR THE REMOVAL OF STAGE II VAPOR RECOVERY CONTROLS
IN THE MARICOPA EIGHT-HOUR OZONE NONATTAINMENT AREA**

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**MAG 2014 STATE IMPLEMENTATION PLAN REVISION
FOR THE REMOVAL OF STAGE II VAPOR RECOVERY CONTROLS
IN THE MARICOPA EIGHT-HOUR OZONE NONATTAINMENT AREA**

EXECUTIVE SUMMARY



MAG 2014 STATE IMPLEMENTATION PLAN REVISION FOR THE REMOVAL OF STAGE II VAPOR RECOVERY CONTROLS

EXECUTIVE SUMMARY

The Maricopa Association of Governments has prepared the MAG 2014 State Implementation Plan Revision for the Removal of Stage II Vapor Recovery Controls in the Maricopa Eight-Hour Ozone Nonattainment Area through a coordinated effort among the Arizona Department of Weights and Measures, Arizona Department of Environmental Quality, and Maricopa County Air Quality Department. On May 16, 2012, the Environmental Protection Agency (EPA) made a determination that onboard refueling vapor recovery (ORVR) systems are in widespread use throughout the motor vehicle fleet. Since Stage II is a duplicative system, this plan revision requests that EPA remove the requirement to install and operate Stage II vapor recovery systems in the Maricopa eight-hour ozone nonattainment area for new gasoline dispensing facilities beginning in 2014 and for existing gasoline dispensing facilities beginning in October 2016, before a disbenefit begins to occur in 2018.

Since September 2012, the Arizona Department of Weights and Measures, Arizona Department of Environmental Quality, Maricopa County Air Quality Department, and MAG have been coordinating with the Environmental Protection Agency on various approaches to remove the Stage II vapor recovery systems based upon the EPA guidance. In a November 15, 2013, conference call with the Arizona agencies, EPA recommended following a Stage II removal schedule for new gasoline dispensing facilities beginning in 2014 and existing facilities beginning after the 2016 ozone season (October 2016-September 2018). A removal schedule that begins after the 2016 ozone season results in the smallest temporary emission increases of the options considered. EPA requested that the statutory authority for Stage II removal be included in the plan revision. In addition, EPA prefers one plan revision for both new and existing facilities.

Section 182(b)(3) of the Clean Air Act, as amended in 1990, requires gasoline dispensing facilities located in nonattainment areas classified as Serious and above for the ozone National Ambient Air Quality Standards to operate Stage II vapor recovery systems. Stage II vapor recovery systems are installed at gasoline dispensing facilities to control emissions of displaced volatile organic compound (VOC) vapors during the transfer of gasoline from storage tanks to motor vehicle fuel tanks. The displaced vapors from the vehicle fuel tank are captured by the Stage II controls and returned to the underground storage tanks at the gasoline dispensing facility.

Onboard refueling vapor recovery systems consist of an activated carbon canister installed on the motor vehicle into which displaced volatile organic compound vapors are routed from the vehicle fuel tank during refueling. When the engine of the motor vehicle is started, the vapors are purged from the activated carbon canister and into the engine

where they are burned as fuel. Onboard refueling vapor recovery and Stage II are redundant emission control systems.

In response to the requirements of section 182(b)(3) of the Clean Air Act, the State of Arizona passed legislation in 1992 (S.B. 1430) that mandated the implementation of Stage II vapor recovery controls in ozone nonattainment areas classified as Moderate or above. The legislation was incorporated into law as Arizona Revised Statute Title 41, Chapter 15, Article 7. Under this law, most gasoline dispensing facilities were required to implement Stage II vapor recovery by November 15, 1993, with all facilities required to implement Stage II by November 15, 1994.

The Arizona Department of Environmental Quality (ADEQ) originally submitted the statutory provisions and rules establishing Stage II controls in the Maricopa County one-hour ozone nonattainment area in February 1993. In May 1994, ADEQ submitted amended Stage II vapor recovery rules which EPA approved into the Arizona State Implementation Plan on November 1, 1994. The latest version of the statutory provisions and rules regarding Stage II controls in the Maricopa area were approved into the Arizona State Implementation Plan by EPA in a final rule published on June 13, 2012.

On April 16, 2014, the Arizona State Legislature passed House Bill 2128 which authorized the removal of Stage II controls in the Maricopa eight-hour ozone nonattainment area for new gasoline dispensing facilities beginning in 2014 and for existing gasoline dispensing facilities beginning in October 2016, but no later than September 30, 2018, upon approval of this revision by EPA. House Bill 2128 contains an emergency clause which allows the bill to become effective immediately when signed by the Governor. The Governor signed House Bill 2128 on April 22, 2014. House Bill 2128 also maintains the existing requirements associated with installing and operating Stage I vapor recovery systems and clarifies that annual tests are required for Stage I vapor recovery systems. The Arizona Revised Statutes that authorize the scheduled removal of Stage II controls and maintain and clarify existing Stage I vapor recovery systems requirements are listed in Table ES-1. The Arizona Revised Statutes listed in Table ES-1 are included in Appendix A, Exhibit 2.

On August 7, 2012, the EPA released *Guidance on Removing Stage II Gasoline Vapor Control Programs from State Implementation Plans and Assessing Comparable Measures*. The EPA guidance provides technical and policy recommendations on how to develop and submit approvable State Implementation Plan revisions that remove the requirement to implement Stage II controls. This guidance provides equations that are used to estimate the areawide impact of Stage II controls on vehicle refueling emissions.

When assessing the emission reduction benefits associated with Stage II controls on vehicle refueling emissions, the EPA guidance recommends the use of an equation that calculates the areawide incremental emission control gain from Stage II controls as onboard refueling vapor recovery systems are phased in over time. In addition to calculating the incremental benefits of Stage II controls over time, the guidance also provides an equation for calculating the areawide volatile organic compound emission

Table ES-1
Arizona Revised Statutes that Authorize the Scheduled Removal
of Stage II Controls and Maintain and Clarify Existing
Stage I Vapor Recovery System Requirements

Arizona Revised Statutes (A.R.S.)	Description	Effective Date
A.R.S. § 41-2131. Only 4. and 5.	Definitions	4/22/2014
A.R.S. § 41-2132. Only A. - F.	Stage I vapor recovery systems	4/22/2014
A.R.S. § 41-2133.	Compliance schedules	4/22/2014
A.R.S. § 41-2135.	Stage II vapor recovery systems	4/22/2014

Notes:

House Bill 2128 repeals A.R.S. § 41-2135 and amends A.R.S. § 41-2131 by striking subsection 5, effective September 30, 2018. Stage II controls are not required at new facilities effective April 22, 2014 and decommissioning of Stage II controls at existing facilities will be complete by September 30, 2018.

House Bill 2128 also strikes the definition of “Vapor control system” in A.R.S. § 41-2131 subsection 6, as this phrase is no longer used in statutes amended by House Bill 2128.

reductions associated with the use of Stage II controls as onboard refueling vapor recovery systems are phased in. The EPA equations indicate that Stage II controls no longer provide areawide volatile organic compound emission reductions in the Maricopa area beginning in 2018. A summary of the areawide emission reduction benefits and disbenefits of Stage II controls along with the percent distribution of onboard refueling vapor recovery in the gasoline-powered highway vehicle fleet is shown in Table ES-2.

The requested schedule for removal of Stage II controls in the Maricopa eight-hour ozone nonattainment area in this State Implementation Plan revision includes removing the requirement to install and operate Stage II controls at new gasoline dispensing facilities beginning in 2014 and a two-year phased removal of Stage II controls at existing gasoline dispensing facilities beginning in October 2016 and ending no later than September 30, 2018. Removal of Stage II controls under the schedule requested in this revision optimally minimizes the temporary areawide increase in volatile organic compound emissions in the Maricopa area. The temporary increases from new and existing gasoline dispensing facilities are summed in Table ES-3 to provide the total emission increases associated with the scheduled removal of Stage II controls in the Maricopa eight-hour ozone nonattainment area in calendar years 2014 through 2018.

Section 110(l) of the Clean Air Act precludes the EPA from approving a State Implementation Plan revision if it would interfere with attainment of the National Ambient Air Quality Standards, reasonable further progress towards attainment, or any other applicable requirement under the Clean Air Act. Two analyses are performed in this revision to demonstrate that the loss of temporary emission reduction benefits resulting from the scheduled removal of Stage II controls in the Maricopa eight-hour ozone nonattainment area will not interfere with attainment of the ozone National Ambient Air Quality Standards, or reasonable further progress toward attainment, as required by Clean Air Act Section 110(l).

The first analysis is consistent with EPA guidance by following a planned phase-out of Stage II controls in the Maricopa area that optimally minimizes both the temporary volatile organic compound emissions increase from the loss of Stage II emission reduction benefits in 2014 through 2017 and the Stage II emissions disbenefit that begins in 2018. EPA's guidance on removing Stage II control programs states the following,

“Under the circumstances created by the CAA’s widespread use waiver, a planned Stage II phase-out that is shown to result in an area-wide VOC emissions increase may also be consistent with the conditions of CAA section 110(l). A phase-out plan that would result in very small foregone emissions reductions in the near term that continue to diminish rapidly over time as ORVR phase-in continues, may result in temporary increases that are too small to interfere with attainment or progress towards attainment.” (p. 5)

The temporary emission increases associated with the scheduled removal of Stage II controls represent less than 0.05% of ozone season day mobile source (onroad and

Table ES-2
Summary of Areawide Emission Reduction Benefits and Disbenefits of Stage II
Controls and the Percent Distribution of Onboard Refueling Vapor Recovery
(ORVR) in the Gasoline-Powered Highway Vehicle Fleet

Year	Percent of Gasoline-Powered Vehicles With ORVR*	Percent of Gasoline-Powered Vehicle Miles Traveled by Vehicles With ORVR*	Percent of Gasoline Used by Vehicles With ORVR*	Compatibility Factor**	Increment (EPA Equation)	Emission Reduction Benefits from Stage II Controls (kg/day)
2006	42.6	51.2	49.2	0.0382	0.2936	4,549
2007	48.4	57.3	55.5	0.0431	0.2492	3,960
2008	53.3	62.3	60.5	0.0470	0.2140	3,286
2009	57.7	66.8	64.8	0.0503	0.1837	2,659
2010	62.4	71.6	69.5	0.0540	0.1506	2,168
2011	67.1	76.0	73.9	0.0574	0.1196	1,740
2012	71.4	80.0	77.7	0.0604	0.0928	1,379
2013	75.3	83.4	81.0	0.0629	0.0695	1,041
2014	78.7	86.3	84.0	0.0653	0.0484	725
2015	81.8	88.8	86.5	0.0672	0.0308	462
2016	84.5	90.9	88.6	0.0688	0.0160	238
2017	86.8	92.5	90.3	0.0702	0.0040	60
2018	88.8	93.9	91.9	0.0714	-0.0073	-108
2019	90.5	95.0	93.2	0.0724	-0.0164	-244
2020	92.0	95.9	94.3	0.0733	-0.0242	-359

*Due to the similarity between the average national and Maricopa County gasoline-powered highway vehicle fleet ages, the national data from Table A-1 of the EPA guidance document, *Guidance on Removing Stage II Gasoline Vapor Control Programs from State Implementation Plans and Assessing Comparable Measures*, were selected.

**Larger values of this factor denote increased incompatibility between onboard refueling vapor recovery systems and Vacuum Assist Stage II systems.

Table ES-3
Total Temporary Increase in Emissions Associated With the Removal of
Stage II Controls from New and Existing Gasoline Dispensing Facilities
in the Maricopa Area in 2014 through 2018

Calendar Year	Temporary Increase in VOC Emissions from New Gasoline Dispensing Facilities (kg/day)	Temporary Increase in VOC Emissions from Existing Gasoline Dispensing Facilities (kg/day)	Total Temporary Increase in VOC Emissions from New and Existing Gasoline Dispensing Facilities (kg/day)
2014	15	NA	15
2015	10	10	19
2016	5	10	15
2017	1	30	31
2018	0	23*	23*

*Temporary increases in emissions in 2018 are due to existing facilities that have not removed Stage II controls by the beginning of the 2018 ozone season.

Note: Totals shown in the table may not equal the sum of the individual values due to independent rounding.

nonroad) volatile organic compound emissions in years 2014 through 2018. Compared against the entire volatile organic compound emissions inventory, the temporary emission increases from removal of Stage II controls represent an even smaller percentage. As suggested by EPA guidance, temporary emission increases of this size are too small to interfere with attainment, or progress towards attainment, in the Maricopa eight-hour ozone nonattainment area.

The second analysis demonstrates that removal of Stage II controls in the Maricopa eight-hour ozone nonattainment area beginning in 2014 still produces a downward trend in future year mobile source volatile organic compound emissions. For this analysis, EPA's NONROAD2008a and MOVES2010b models are used to generate daily ozone season nonroad and onroad volatile organic compound emissions in the Maricopa area for the calendar years of 2013 through 2020. The model runs are structured to calculate emissions without the benefit of Stage II controls.

Table ES-4 includes the resulting emissions from the model runs and the emission reduction benefits of Stage II controls. Subtracting the emission reduction benefits of Stage II controls from the mobile source emissions modeled without Stage II controls results in total mobile source emissions with Stage II controls in the Maricopa area for calendar years 2013 through 2020.

Figure ES-1 displays the values in Table ES-4 through trend lines of total mobile source emissions with and without Stage II emissions in years 2013 through 2020 in the Maricopa area. Table ES-4 and Figure ES-1 demonstrate that even when the emission reduction benefits of Stage II controls are removed from total mobile source emissions beginning in 2014, total daily ozone season mobile source volatile organic compound emissions in the Maricopa area are reduced each year after 2013, continuing their downward trend.

The two analyses described above adequately demonstrate that the scheduled removal of Stage II controls in the Maricopa eight-hour ozone nonattainment area comply with the requirements of Section 110(l) of the Clean Air Act. The initial analysis demonstrates that the increased emissions from the removal of Stage II controls in years 2014 through 2018 are optimally minimized through decommissioning of existing facilities beginning in October 2016 and ending in September 2018. The resulting temporary emission increases are tiny and too small to interfere with attainment, or progress toward attainment, as suggested by EPA guidance.

The second analysis illustrates that the removal of Stage II controls in the Maricopa eight-hour ozone nonattainment area does not interfere with the downward trend in total mobile source emissions. Both analyses ensure that the scheduled removal of Stage II controls in the Maricopa eight-hour ozone nonattainment area will not interfere with attainment of the ozone National Ambient Air Quality Standard, or reasonable further progress towards attainment, as required by Section 110(l) of the Clean Air Act.

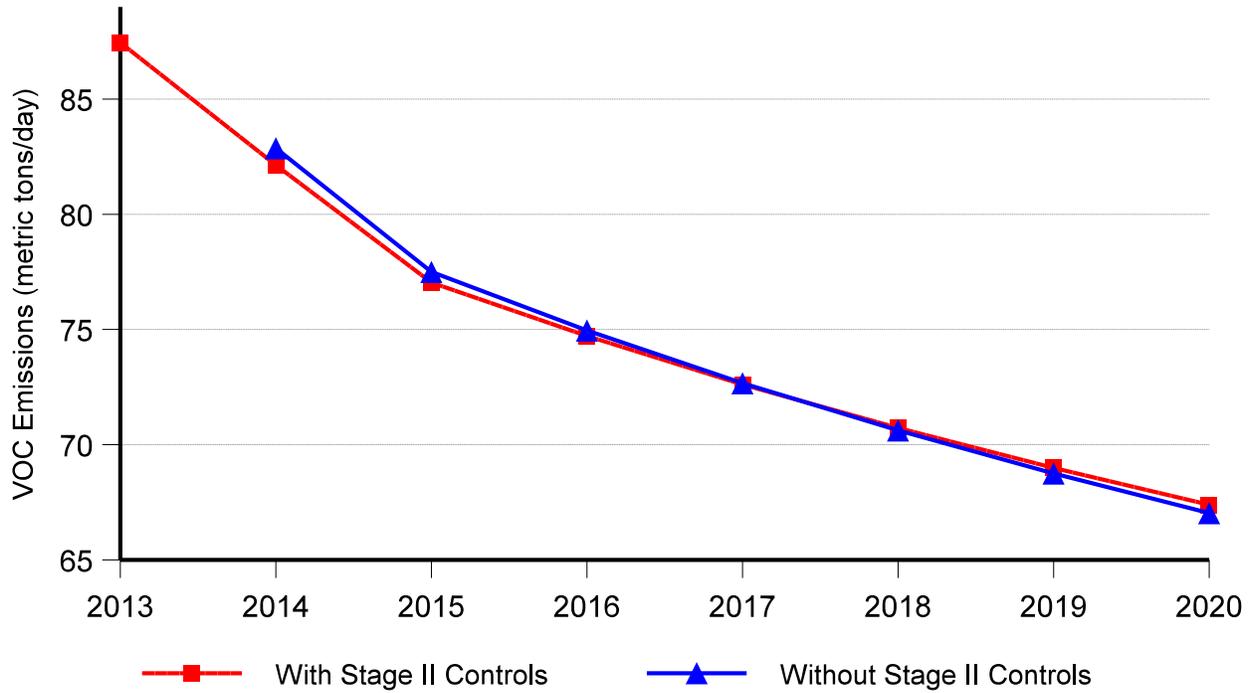
Table ES-4
Daily Ozone Season Mobile Source Volatile Organic Compound
Emissions With and Without Stage II Controls in the Maricopa Area
for Calendar Years 2013 through 2020

Year	Nonroad Without Stage II (metric tons/day)	Onroad Without Stage II (metric tons/day)	Emission Reduction Benefit from Stage II* (metric tons/day)	Onroad and Nonroad Total (metric tons/day)	
				Without Stage II	With Stage II
2013	26.29	62.20	1.04	NA**	87.45
2014	24.76	58.11	0.73	82.87	82.14
2015	23.49	54.01	0.46	77.50	77.04
2016	22.43	52.53	0.24	74.96	74.72
2017	21.63	51.04	0.06	72.67	72.61
2018	21.07	49.55	-0.11	70.62	70.73
2019	20.68	48.07	-0.24	68.75	68.99
2020	20.45	46.58	-0.36	67.03	67.39

*From Table 2-2

**Under the schedule requested in this State Implementation Plan revision, removal of Stage II controls would begin in 2014 for new gasoline dispensing facilities and in October 2016 for existing gasoline dispensing facilities.

Figure ES-1
Trend Lines of Daily Ozone Season Mobile Source Volatile Organic Compound Emissions With and Without Stage II Controls in the Maricopa Area for Calendar Years 2013 through 2020



CHAPTER ONE

INTRODUCTION

The Maricopa Association of Governments has prepared the MAG 2014 State Implementation Plan Revision for the Removal of Stage II Vapor Recovery Controls in the Maricopa Eight-Hour Ozone Nonattainment Area through a coordinated effort among the Arizona Department of Weights and Measures, Arizona Department of Environmental Quality, and Maricopa County Air Quality Department. On May 16, 2012, the Environmental Protection Agency (EPA) made a determination that onboard refueling vapor recovery (ORVR) systems are in widespread use throughout the motor vehicle fleet. Since Stage II is a duplicative system, this plan revision requests that EPA remove the requirement to install and operate Stage II vapor recovery systems in the Maricopa eight-hour ozone nonattainment area for new gasoline dispensing facilities beginning in 2014 and for existing gasoline dispensing facilities beginning in October 2016, before a disbenefit begins to occur in 2018.

Section 182(b)(3) of the Clean Air Act, as amended in 1990, requires gasoline dispensing facilities located in nonattainment areas classified as Serious and above for the ozone National Ambient Air Quality Standards to operate Stage II vapor recovery systems. Stage II vapor recovery systems are installed at gasoline dispensing facilities to control emissions of displaced volatile organic compound vapors during the transfer of gasoline from storage tanks to motor vehicle fuel tanks. The displaced vapors from the vehicle fuel tank are captured by the Stage II controls and returned to the underground storage tanks at the gasoline dispensing facility.

In addition to the Stage II controls required in Section 182(b)(3), Clean Air Act Section 202(a)(6) requires another method of controlling emissions from vehicle refueling referred to as onboard refueling vapor recovery systems. Onboard refueling vapor recovery systems consist of an activated carbon canister installed on the motor vehicle into which displaced volatile organic compound vapors are routed from the vehicle fuel tank during refueling. When the engine of the motor vehicle is started, the vapors are purged from the activated carbon canister and into the engine where they are burned as fuel.

Beginning with motor vehicles manufactured in 1998, onboard refueling vapor recovery systems have been phased in, and are a required control on nearly all new highway vehicles manufactured since 2006. Due to turnover in the motor vehicle fleet, older vehicles without onboard refueling vapor recovery systems will continue to be replaced by vehicles equipped with onboard refueling vapor recovery systems.

Onboard refueling vapor recovery and Stage II are redundant emission control systems. Section 202(a)(6) of the Clean Air Act provides authority for the EPA to waive the Stage II requirements of Section 182(b)(3) after the EPA Administrator determines onboard refueling vapor recovery systems are in widespread use.

On May 16, 2012, the EPA published a final rule determining that onboard refueling vapor recovery systems are in widespread use throughout the motor vehicle fleet. By this final rule, EPA exercised the authority provided in Section 202(a)(6) of the Clean Air Act to waive the requirement in Section 182(b)(3) for states to implement Stage II vapor recovery systems at gasoline dispensing facilities in nonattainment areas classified as Serious and above for the ozone National Ambient Air Quality Standards. This in turn allows states that were required to implement Stage II vapor recovery systems under Section 182(b)(3) of the Clean Air Act the option to submit to the EPA revised ozone State Implementation Plans that remove Stage II controls.

Since September 2012, the Arizona Department of Weights and Measures, Arizona Department of Environmental Quality, Maricopa County Air Quality Department, and MAG have been coordinating with the Environmental Protection Agency on various approaches to remove the Stage II vapor recovery systems based upon the EPA guidance. In a November 15, 2013, conference call with the Arizona agencies, EPA recommended following a Stage II removal schedule for new gasoline dispensing facilities beginning in 2014 and existing facilities beginning after the 2016 ozone season (October 2016-September 2018). A removal schedule that begins after the 2016 ozone season results in the smallest temporary emission increases of the options considered. EPA requested that the statutory authority for Stage II removal be included in the plan revision. In addition, EPA prefers one plan revision for both new and existing facilities.

BACKGROUND

As mentioned above, Section 182(b)(3) of the Clean Air Act, as amended in 1990, requires gasoline dispensing facilities located in nonattainment areas classified as Serious and above for the ozone National Ambient Air Quality Standards to operate Stage II vapor recovery systems. Originally, Section 182(b)(3) requirements for Stage II controls also applied to Moderate ozone nonattainment areas. However, Section 202(a)(6) of the Clean Air Act removed the requirement for Stage II controls in Moderate ozone nonattainment areas after EPA promulgated onboard refueling vapor recovery standards in April 1994.

In November 1991, the EPA classified a portion of Maricopa County as a Moderate nonattainment area for the one-hour ozone National Ambient Air Quality Standard. The nonattainment area was reclassified to Serious on November 6, 1997, due to failure to attain the one-hour ozone standard by November 15, 1996.

In response to the requirements of Section 182(b)(3) of the Clean Air Act, the State of Arizona passed legislation in 1992 (S.B. 1430) that mandated the implementation of Stage II vapor recovery controls in ozone nonattainment areas classified as Moderate or above. The legislation was incorporated into law as Arizona Revised Statute Title 41, Chapter 15, Article 7. Under this law, most gasoline dispensing facilities were required to implement Stage II vapor recovery by November 15, 1993, with all facilities required to implement Stage II by November 15, 1994.

The Arizona Department of Environmental Quality (ADEQ) originally submitted the statutory provisions and rules establishing Stage II controls in the Maricopa County one-hour ozone nonattainment area in February 1993. In May 1994, ADEQ submitted amended Stage II vapor recovery rules which EPA approved into the Arizona State Implementation Plan on November 1, 1994. The latest version of the statutory provisions and rules regarding Stage II controls in the Maricopa nonattainment area were approved into the Arizona State Implementation Plan by EPA in a final rule published on June 13, 2012.

In April 2004, the EPA classified the Maricopa area as a “Basic” nonattainment area for the 1997 eight-hour ozone standard under Part D, Subpart 1, of the Clean Air Act. The nonattainment area for the 1997 eight-hour ozone standard included a larger portion of Maricopa County than the prior one-hour ozone nonattainment area and also included a small portion of Pinal County located in Apache Junction. Under the anti-backsliding provision’s of EPA’s rules governing the transition from the one-hour ozone standard to the eight-hour ozone standard, the Maricopa area remains subject to the requirements of Section 182(b)(3) of the Clean Air Act due to its classification as Serious for the one-hour ozone standard on the effective date of the area’s designation as nonattainment for the 1997 eight-hour ozone standard (June 15, 2004).

On June 14, 2005, EPA approved the One-Hour Ozone Redesignation Request and Maintenance Plan for the Maricopa County nonattainment area. The EPA revoked the one-hour ozone standard on June 15, 2005, which was less stringent than the eight-hour ozone standard promulgated in 1997.

On May 14, 2012, EPA reclassified the Maricopa area as a Marginal nonattainment area under Part D, Subpart 2, of the Clean Air Act for the 1997 eight-hour ozone standard. The Eight-Hour Ozone Plan for the Maricopa Nonattainment Area was approved by EPA on June 13, 2012.

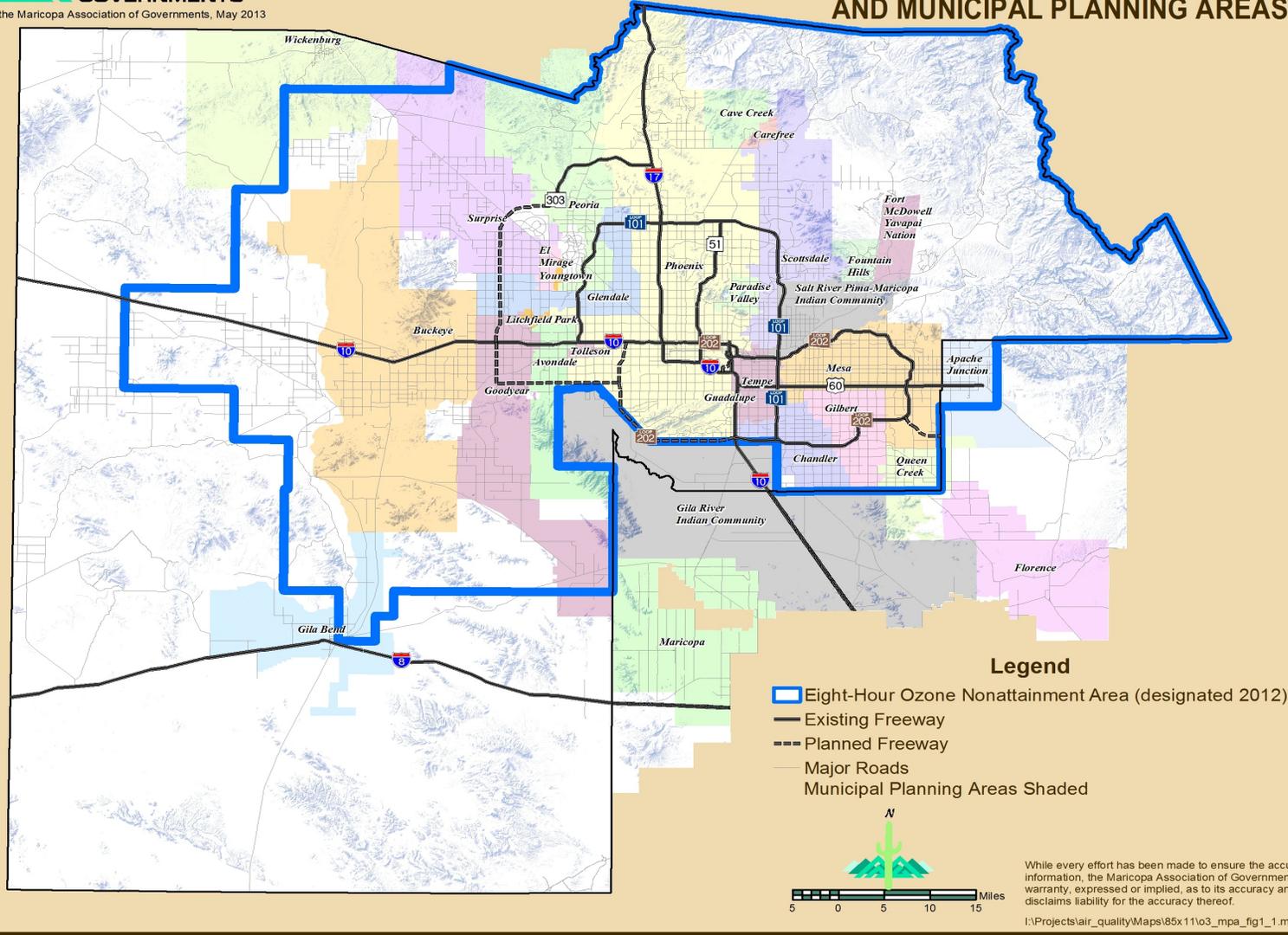
The EPA published a final rule on May 21, 2012, which classified the Maricopa area as a Marginal nonattainment area for the 2008 eight-hour ozone standard and established an attainment date of December 31, 2015. The nonattainment area for the 2008 eight-hour ozone standard was expanded slightly to the south and west in Maricopa County as compared to the boundary established for the 1997 eight-hour ozone standard. A map of the Maricopa nonattainment area for the 2008 eight-hour ozone standard is shown in Figure 1-1.

REMOVAL OF STAGE II VAPOR RECOVERY CONTROLS IN THE MARICOPA EIGHT-HOUR OZONE NONATTAINMENT AREA

In response to the determination issued by the EPA that onboard refueling vapor recovery systems are in widespread use throughout the motor vehicle fleet effective May 16, 2012, this revision to the Arizona State Implementation Plan is requesting removal of the requirement to install and operate Stage II controls in the Maricopa eight-hour ozone

Figure 1-1

EIGHT-HOUR OZONE NONATTAINMENT AREA AND MUNICIPAL PLANNING AREAS



nonattainment area for new gasoline dispensing facilities beginning in 2014 and for existing gasoline dispensing facilities beginning in October 2016, with all facilities having Stage II controls removed no later than September 30, 2018. This revision is effective upon approval by EPA.

On April 16, 2014, the Arizona State Legislature passed House Bill 2128 which authorized the removal of Stage II controls in the Maricopa eight-hour ozone nonattainment area for new gasoline dispensing facilities beginning in 2014 and for existing gasoline dispensing facilities beginning in October 2016, but no later than September 30, 2018, upon approval of this revision by EPA. House Bill 2128 contains an emergency clause which allows the bill to become effective immediately when signed by the Governor. The Governor signed House Bill 2128 on April 22, 2014. House Bill 2128 also maintains the existing requirements associated with installing and operating Stage I vapor recovery systems and clarifies that annual tests are required for Stage I vapor recovery systems. The Arizona Revised Statutes that authorize the scheduled removal of Stage II controls and maintain and clarify existing Stage I vapor recovery systems requirements are listed in Table 1-1. The Arizona Revised Statutes listed in Table 1-1 are included in Appendix A, Exhibit 2.

OUTLINE OF THE MAG 2014 REVISION FOR THE REMOVAL OF STAGE II VAPOR RECOVERY CONTROLS

The MAG 2014 State Implementation Plan Revision for the Removal of Stage II Vapor Recovery Controls is composed of the following major sections:

1. Introduction (This Chapter) - Includes a general discussion of Stage II controls and EPA's widespread use determination; historical background; request to remove Stage II controls in the Maricopa eight-hour ozone nonattainment area; and an outline of the MAG 2014 State Implementation Plan Revision.
2. Areawide Impacts of Stage II Vapor Recovery Controls on Vehicle Refueling Emissions - Includes a discussion of the impact of Stage II controls on volatile organic compound emissions in the Maricopa eight-hour ozone nonattainment area as calculated per equations specified by EPA guidance and the temporary increase in emissions associated with the phased removal of Stage II controls.
3. Demonstration of Compliance with Clean Air Act Section 110(l) Requirements - Includes two demonstrations that the removal of Stage II controls in the Maricopa eight-hour ozone nonattainment area satisfy the requirements of Section 110(l) of the Clean Air Act.

Table 1-1
Arizona Revised Statutes that Authorize the Scheduled Removal
of Stage II Controls and Maintain and Clarify Existing
Stage I Vapor Recovery System Requirements

Arizona Revised Statutes (A.R.S.)	Description	Effective Date
A.R.S. § 41-2131. Only 4. and 5.	Definitions	4/22/2014
A.R.S. § 41-2132. Only A. - F.	Stage I vapor recovery systems	4/22/2014
A.R.S. § 41-2133.	Compliance schedules	4/22/2014
A.R.S. § 41-2135.	Stage II vapor recovery systems	4/22/2014

Notes:

House Bill 2128 repeals A.R.S. § 41-2135 and amends A.R.S. § 41-2131 by striking subsection 5, effective September 30, 2018. Stage II controls are not required at new facilities effective April 22, 2014 and decommissioning of Stage II controls at existing facilities will be complete by September 30, 2018.

House Bill 2128 also strikes the definition of “Vapor control system” in A.R.S. § 41-2131 subsection 6, as this phrase is no longer used in statutes amended by House Bill 2128.

CHAPTER TWO

AREAWIDE IMPACTS OF STAGE II VAPOR RECOVERY CONTROLS ON VEHICLE REFUELING EMISSIONS

On August 7, 2012, the Environmental Protection Agency (EPA) released *Guidance on Removing Stage II Gasoline Vapor Control Programs from State Implementation Plans and Assessing Comparable Measures*. The EPA guidance provides technical and policy recommendations on how to develop and submit approvable State Implementation Plan revisions that remove the requirement to implement Stage II controls. This Chapter uses the equations recommended by EPA in the 2012 guidance to calculate the areawide emission reduction benefits associated with Stage II controls on vehicle refueling emissions in the Maricopa eight-hour ozone nonattainment area. The temporary areawide increase in emissions associated with the phased removal of Stage II controls in the Maricopa eight-hour ozone nonattainment area is also calculated in this Chapter.

EPA GUIDANCE EQUATIONS

When assessing the emission reduction benefits associated with Stage II controls on vehicle refueling emissions, the EPA guidance recommends the use of an equation that calculates the areawide incremental emission control gain from Stage II controls as onboard refueling vapor recovery (ORVR) systems are phased in over time. The EPA guidance equation calculating the incremental value of Stage II controls is represented by the following formula:

$$\text{Increment}_i = (Q_{\text{SII}})(1-Q_{\text{ORVR}_i})(\eta_{\text{iUSII}}) - (Q_{\text{SIIva}})(CF_i)$$

Where:

- Increment_i is the incremental areawide emission reduction benefit of Stage II controls in year i ;
- Q_{SII} is the fraction of gasoline throughput covered by Stage II controls;
- Q_{ORVR_i} is the fraction of annual gallons of gasoline dispensed to onboard refueling vapor recovery-equipped vehicles for year i ;
- η_{iUSII} is the Stage II controls in-use control efficiency;
- Q_{SIIva} is the fraction of gasoline dispensed through vacuum-assisted Stage II controls; and
- CF_i is the compatibility factor for the increase in underground storage tank vent emissions over the normal breathing/emptying loss emissions associated with vacuum-assisted Stage II controls for year i .

The incremental value calculated by the EPA guidance equation identifies the areawide emission reduction benefits of Stage II controls relative to the distribution of onboard refueling vapor recovery systems in a given year. If the incremental value is greater than

zero, then Stage II controls provide areawide emission reduction benefits. If the incremental value is negative, then Stage II controls no longer provide areawide emission reduction benefits and actually produce an areawide emission disbenefit due to incompatibility issues between vehicles equipped with onboard refueling vapor recovery systems and gasoline dispensing facilities equipped with vacuum-assisted Stage II controls.

Table 2-1 shows the calculated incremental value of Stage II controls for years 2013 through 2020 for the Maricopa area. The Table identifies that Stage II controls no longer provide areawide emission reduction benefits beginning in year 2018 for the Maricopa area. Additional details regarding the inputs and calculations associated with the EPA guidance equation used to produce Table 2-1 are provided in the Technical Support Document (Appendix A, Exhibit 1).

In addition to calculating the incremental benefits of Stage II controls over time, the EPA guidance also provides an equation for calculating the amount of areawide volatile organic compound (VOC) emission reductions associated with the use of Stage II controls as onboard refueling vapor recovery systems are phased in. The EPA guidance equation calculating the amount of volatile organic compound emission reductions associated with use of Stage II controls is represented by the following formula:

$$VOC_i = (\text{Increment}_i)(GC_i)(EF)$$

Where:

- VOC_i is the amount of areawide volatile organic compound emission reductions associated with use of Stage II controls during the ozone season in year i , in kilograms per day;
- Increment_i is the incremental areawide emission reduction benefit of Stage II controls in year i ;
- GC_i is the projected gasoline consumption during the ozone season in year i , in gallons per day; and
- EF is the uncontrolled displacement refueling emission factor during the ozone season in grams per gallon.

Table 2-2 shows the calculated areawide volatile organic compound emission reductions associated with the use of Stage II controls in the Maricopa area during the ozone season (May - September) for years 2013 through 2020. Table 2-2 displays negative emission reductions for Stage II controls beginning in year 2018, which is a direct reflection of the negative incremental value. As in Table 2-1, this indicates that Stage II controls no longer provide areawide emission reductions in the Maricopa area beginning in 2018. Additional details regarding the inputs and calculations associated with the EPA guidance equation used to produce Table 2-2 are provided in the Technical Support Document (Appendix A, Exhibit 1). A summary of the areawide emission reduction benefits and disbenefits of Stage II controls along with the percent distribution of onboard refueling vapor recovery in the gasoline-powered highway vehicle fleet is shown in Table 2-3.

Table 2-1
Incremental Value of Stage II Controls in the Maricopa Area

Year	Q_{SII}	Q_{ORVRi}	η_{iuSII}	Q_{Silva}	CF_i	Increment_i
2013	0.95	0.810	0.674	0.828	0.0629	0.0695
2014	0.95	0.840	0.674	0.828	0.0653	0.0484
2015	0.95	0.865	0.674	0.828	0.0672	0.0308
2016	0.95	0.886	0.674	0.828	0.0688	0.0160
2017	0.95	0.903	0.674	0.828	0.0702	0.0040
2018	0.95	0.919	0.674	0.828	0.0714	-0.0073
2019	0.95	0.932	0.674	0.828	0.0724	-0.0164
2020	0.95	0.943	0.674	0.828	0.0733	-0.0242

Table 2-2
Areawide Volatile Organic Compound Emission Reductions
Associated With the Use of Stage II Controls
in the Maricopa Area During the Ozone Season (May - September)

Year	Increment _i	GC _i (gals/day)	EF (grams/gal)	VOC _i (kg/day)
2013	0.0695	4,275,360	3.5	1,041
2014	0.0484	4,278,910	3.5	725
2015	0.0308	4,284,250	3.5	462
2016	0.0160	4,259,860	3.5	238
2017	0.0040	4,257,558	3.5	60
2018	-0.0073	4,249,383	3.5	-108
2019	-0.0164	4,247,144	3.5	-244
2020	-0.0242	4,240,841	3.5	-359

**Table 2-3
Summary of Areawide Emission Reduction Benefits and Disbenefits of Stage II
Controls and the Percent Distribution of Onboard Refueling Vapor Recovery
(ORVR) in the Gasoline-Powered Highway Vehicle Fleet**

Year	Percent of Gasoline-Powered Vehicles With ORVR*	Percent of Gasoline-Powered Vehicle Miles Traveled by Vehicles With ORVR*	Percent of Gasoline Used by Vehicles With ORVR*	Compatibility Factor**	Increment (EPA Equation)	Emission Reduction Benefits from Stage II Controls (kg/day)
2006	42.6	51.2	49.2	0.0382	0.2936	4,549
2007	48.4	57.3	55.5	0.0431	0.2492	3,960
2008	53.3	62.3	60.5	0.0470	0.2140	3,286
2009	57.7	66.8	64.8	0.0503	0.1837	2,659
2010	62.4	71.6	69.5	0.0540	0.1506	2,168
2011	67.1	76.0	73.9	0.0574	0.1196	1,740
2012	71.4	80.0	77.7	0.0604	0.0928	1,379
2013	75.3	83.4	81.0	0.0629	0.0695	1,041
2014	78.7	86.3	84.0	0.0653	0.0484	725
2015	81.8	88.8	86.5	0.0672	0.0308	462
2016	84.5	90.9	88.6	0.0688	0.0160	238
2017	86.8	92.5	90.3	0.0702	0.0040	60
2018	88.8	93.9	91.9	0.0714	-0.0073	-108
2019	90.5	95.0	93.2	0.0724	-0.0164	-244
2020	92.0	95.9	94.3	0.0733	-0.0242	-359

*Due to the similarity between the average national and Maricopa County gasoline-powered highway vehicle fleet ages, the national data from Table A-1 of the EPA guidance document, *Guidance on Removing Stage II Gasoline Vapor Control Programs from State Implementation Plans and Assessing Comparable Measures*, were selected.

**Larger values of this factor denote increased incompatibility between onboard refueling vapor recovery systems and Vacuum Assist Stage II systems.

TEMPORARY AREAWIDE INCREASE IN VOLATILE ORGANIC COMPOUND EMISSIONS UNDER A PHASED REMOVAL OF STAGE II CONTROLS IN THE MARICOPA EIGHT-HOUR OZONE NONATTAINMENT AREA

The requested schedule for removal of Stage II controls in the Maricopa eight-hour ozone nonattainment area in this State Implementation Plan revision includes removing the requirement to install and operate Stage II controls at new gasoline dispensing facilities beginning in 2014 and a two-year phased removal of Stage II controls at existing gasoline dispensing facilities beginning in October 2016 and ending no later than September 30, 2018. Removal of Stage II controls under the schedule requested in this revision optimally minimizes the temporary areawide increase in volatile organic compound emissions in the Maricopa area.

New Gasoline Dispensing Facilities

The temporary increase in emissions from the construction of new gasoline dispensing facilities without Stage II controls occurs in 2014 through 2017, since Stage II controls no longer provide areawide emission reduction benefits beginning in 2018. Increased emissions from new facilities are calculated by first quantifying the percent of the total emission reduction benefits from Stage II controls that new facilities account for in 2014 through 2017. Using data provided by the Arizona Department of Weights and Measures on the number of new and total gasoline dispensing facilities in the Maricopa area for calendar years 2008 through 2012, the percent of emission reduction benefits from Stage II controls that are attributable to new gasoline dispensing facilities for calendar years 2008 through 2012 in the Maricopa area is calculated by dividing the number of new gasoline dispensing facilities by the total number of gasoline dispensing facilities for each calendar year. Table 2-4 lists the percent of Stage II emission reduction benefits associated with new gasoline dispensing facilities in the Maricopa area for calendar years 2008 through 2012. The average percent of emission reduction benefits associated with new gasoline dispensing facilities in calendar years 2008 through 2012 is 2.06% as shown in Table 2-4.

The average percent of emissions reduction benefits associated with new facilities is next used to calculate the temporary increase in emissions for new facilities for calendar years 2014 through 2017 in the Maricopa area by multiplying the average percent shown in Table 2-4 (2.06%) by the total emission reduction benefits from Stage II controls in 2014 through 2017 as previously calculated and listed in Table 2-2. This calculation results in a temporary increase of 15 kilograms of volatile organic compound emissions per ozone season day in 2014 (e.g., 2.06% x 725 kg/day), ten kilograms per ozone season day in 2015, five kilograms per ozone season day in 2016, and one kilogram per ozone season day in 2017. Table 2-5 lists the temporary increase in emissions from new gasoline dispensing facilities constructed in 2014 through 2017 without Stage II controls in the Maricopa area.

Table 2-4
Percent of Emission Reduction Benefits from Stage II Controls
Associated With New Gasoline Dispensing Facilities in the Maricopa Area
for Calendar Years 2008 through 2012

Calendar Year	New Gasoline Dispensing Facilities	Total Gasoline Dispensing Facilities	Percent of Stage II Emission Reduction Benefits Associated With New Gasoline Dispensing Facilities
2008	14	1,120	1.25%
2009	36	1,135	3.17%
2010	32	1,048	3.05%
2011	13	1,079	1.20%
2012	17	1,056	1.61%
Average	22	1,088	2.06%

**Table 2-5
 Temporary Increase in Emissions from Construction of
 New Gasoline Dispensing Facilities Without Stage II Controls
 in the Maricopa Area in 2014 through 2017**

Calendar Year	Projected Percent of Stage II Emission Reduction Benefits Associated with New Gasoline Dispensing Facilities	Areawide VOC Emission Reduction Benefits of Stage II Controls* (kg/day)	Temporary Increase in VOC Emissions from New Gasoline Dispensing Facilities (kg/day)
2014	2.06%	725	15
2015	2.06%	462	10
2016	2.06%	238	5
2017	2.06%	60	1

*From Table 2-2

Existing Gasoline Dispensing Facilities

In order to optimally minimize the temporary increase in emissions from removal of Stage II controls at existing gasoline dispensing facilities and allow for adequate time to safely decommission equipment, the removal of Stage II controls at existing facilities in the Maricopa area are phased in over a two-year period beginning after the end of the 2016 ozone season (October 2016 through September 2018). The Arizona Department of Weights and Measures anticipates that the decommissioning of Stage II controls at existing facilities will be spread evenly over each of the 24 months in October 2016 through September 2018. Decommissioning is expected to occur for existing facilities during the month when the annually scheduled Stage II controls test would have occurred. Since it will take 24 months to decommission the over 1,000 existing gasoline dispensing facilities in the Maricopa area, the older half of existing facilities will decommission in the first 12 months of the decommissioning period (October 2016 through September 2017), while the newer half of existing facilities will decommission in the second 12 months of the decommissioning period (October 2017 through September 2018).

A small number of existing gasoline dispensing facilities without Stage II controls will exist in the 2015 and 2016 ozone seasons before the decommissioning period begins as a result of new facilities built in 2014 and 2015 without Stage II controls (e.g., in 2015, 2.06% of existing facilities will not have Stage II controls due to the new facilities built in 2014; in 2016, 4.12% of existing facilities will not have Stage II controls due to new facilities built in 2014 and 2015). Accordingly, the temporary increase in emissions from existing facilities in 2015 and 2016 is calculated by multiplying the percent of existing facilities without Stage II controls by the emission reduction benefits of Stage II in 2015 and 2016.

In order to calculate the temporary increase in emissions from existing facilities in 2017, the percent of existing gasoline dispensing facilities in 2017 that will have Stage II controls removed by the end of the ozone season (September 30, 2017) must be calculated. As explained above, half of the existing gasoline dispensing facilities with Stage II controls will be decommissioned between October 2016 through September 2017, with decommissioning scheduled to occur evenly over each month. Under this schedule, 50.0% of the existing gasoline dispensing facilities will have Stage II controls removed by the end of the ozone season. Thus, the temporary increase in emissions from existing facilities in 2017 is calculated by multiplying the percent of existing facilities without Stage II controls by the emission reduction benefits of Stage II in 2017.

In 2018, areawide emission reduction benefits from Stage II controls no longer occurs in the Maricopa area; rather, Stage II controls that remain in place during the 2018 ozone season produce emission increases due to the incompatibility between Stage II controls and onboard refueling vapor recovery systems. As such, the temporary increase in emissions during 2018 are from facilities that have yet to decommission Stage II controls by the beginning of the 2018 ozone season. The 2018 ozone season begins in May 2018. Under the phased-in decommissioning schedule requested in this revision, 79.17% of the existing gasoline dispensing facilities would have removed Stage II controls by May 2018

(i.e., through April 2018, 19 months of the 24 month decommissioning period has passed, $19 \div 24 = 79.17\%$), leaving 20.83% of existing facilities with Stage II controls still in place. The temporary increase in emissions from existing facilities in 2018 is therefore calculated by multiplying the percent of existing facilities with Stage II controls in place at the beginning of the 2018 ozone season by the areawide emission disbenefit of Stage II controls in 2018.

In summary, the temporary increase in emissions associated with the removal of Stage II controls at existing gasoline dispensing facilities in the Maricopa area in 2015 through 2018 is listed in Table 2-6. The temporary increases from new and existing gasoline dispensing facilities are summed in Table 2-7 to provide the total emission increases associated with the scheduled removal of Stage II controls in the Maricopa eight-hour ozone nonattainment area in calendar years 2014 through 2018.

**Table 2-6
 Temporary Increase in Emissions Associated With the Removal of
 Stage II Controls from Existing Gasoline Dispensing Facilities
 in the Maricopa Area in 2015 through 2018**

Calendar Year	Percent of Existing Gasoline Dispensing Facilities Without Stage II Controls by the End of the Ozone Season	Areawide VOC Emission Reduction Benefits of Stage II Controls* (kg/day)	Temporary Increase in VOC Emissions from Existing Gasoline Dispensing Facilities (kg/day)
2015	2.06%	462	10
2016	4.12%	238	10
2017	50.00%	60	30
Calendar Year	Percent of Existing Gasoline Dispensing Facilities With Stage II Controls at the Beginning of the Ozone Season	Areawide VOC Emission Increase from Stage II Controls* (kg/day)	Temporary Increase in VOC Emissions from Existing Gasoline Dispensing Facilities (kg/day)
2018	20.83%	108	23

*From Table 2-2

Table 2-7
Total Temporary Increase in Emissions Associated With the Removal of
Stage II Controls from New and Existing Gasoline Dispensing Facilities
in the Maricopa Area in 2014 through 2018

Calendar Year	Temporary Increase in VOC Emissions from New Gasoline Dispensing Facilities (kg/day)	Temporary Increase in VOC Emissions from Existing Gasoline Dispensing Facilities (kg/day)	Total Temporary Increase in VOC Emissions from New and Existing Gasoline Dispensing Facilities (kg/day)
2014	15	NA	15
2015	10	10	19
2016	5	10	15
2017	1	30	31
2018	0	23*	23*

*Temporary increases in emissions in 2018 are due to existing facilities that have not removed Stage II controls by the beginning of the 2018 ozone season.

Note: Totals shown in the table may not equal the sum of the individual values due to independent rounding.

CHAPTER THREE

DEMONSTRATION OF COMPLIANCE WITH CLEAN AIR ACT SECTION 110(I) REQUIREMENTS

Section 110(I) of the Clean Air Act precludes the EPA from approving a State Implementation Plan revision if it would interfere with attainment of the National Ambient Air Quality Standards, reasonable further progress towards attainment, or any other applicable requirement under the Clean Air Act. The analyses provided in this chapter demonstrate that the scheduled removal of Stage II controls in the Maricopa eight-hour ozone nonattainment area complies with the requirements of Section 110(I) of the Clean Air Act.

CLEAN AIR ACT SECTION 110(I) REQUIREMENTS

Clean Air Act Section 110(I) states the following,

“Each revision to an implementation plan submitted by a State under this chapter shall be adopted by such State after reasonable notice and public hearing. The Administrator shall not approve a revision of a plan if the revision would interfere with any applicable requirement concerning attainment and reasonable further progress (as defined in section 7501 of this title), or any other applicable requirement of this chapter.”

For this revision, complying with Section 110(I) of the Clean Air Act requires an explanation of how the removal of Stage II controls in the Maricopa eight-hour ozone nonattainment area does not interfere with attainment of the ozone National Ambient Air Quality Standard or reasonable further progress towards attainment. EPA’s August 7, 2012 guidance document, *Guidance on Removing Stage II Gasoline Vapor Control Programs from State Implementation Plans and Assessing Comparable Measures*, additionally states,

“In evaluating whether a given SIP revision would interfere with attainment or maintenance, as required by section 110(I), the EPA generally considers whether the SIP revision will allow for an increase in actual emissions into the air over what is allowed under the existing EPA-approved SIP.” (p. 4)

The loss of the temporary emission reduction benefits of Stage II controls under the scheduled removal requested in this revision represents a temporary increase in emissions over what is currently projected for gasoline refueling in the EPA-approved Arizona State Implementation Plan. The following analyses provide demonstrations that the loss of temporary emission reduction benefits resulting from the scheduled removal of Stage II controls in the Maricopa eight-hour ozone nonattainment area will not interfere with attainment of the ozone National Ambient Air Quality Standards, or reasonable further

progress toward attainment, as required by Clean Air Act Section 110(l).

PHASED STAGE II REMOVAL SCHEDULE THAT OPTIMALLY MINIMIZES TEMPORARY VOLATILE ORGANIC COMPOUND EMISSION INCREASES

EPA's guidance on removing Stage II control programs states the following,

“Under the circumstances created by the CAA’s widespread use waiver, a planned Stage II phase-out that is shown to result in an area-wide VOC emissions increase may also be consistent with the conditions of CAA section 110(l). A phase-out plan that would result in very small foregone emissions reductions in the near term that continue to diminish rapidly over time as ORVR phase-in continues, may result in temporary increases that are too small to interfere with attainment or progress towards attainment.” (p. 5)

In light of this guidance, the planned phase-out of Stage II controls in the Maricopa area optimally minimizes both the temporary volatile organic compound emissions increase from the loss of Stage II emission reduction benefits in 2014 through 2017 and the Stage II emissions disbenefit that begins in 2018. Since there are over 1,000 gasoline dispensing facilities in the Maricopa area, the Arizona Department of Weights and Measures estimates that it will take two years to remove Stage II controls at existing facilities in a manner that allows for proper decommissioning of Stage II controls. The schedule requested in this revision begins the removal of Stage II controls at existing facilities in October 2016, after the 2016 ozone season, and ends no later than September 30, 2018. Additionally, the schedule allows new facilities (approximately 22 facilities per year on average) to construct without Stage II controls beginning in 2014. Allowing new facilities to construct without Stage II controls avoids the additional economic burden of having to both install and remove Stage II controls in the period of a few years.

By waiting to start the removal of Stage II controls at existing facilities in October 2016, the emission reduction benefits of Stage II controls are only lost for a single ozone season (2017), since Stage II controls no longer provide areawide emission reduction benefits beginning in 2018. The emission reduction benefits of Stage II controls are also the smallest in 2017 as compared to earlier years, which limits the impacts of removing Stage II controls (see Table 2-2). Additionally, since the decommissioning process will take two years to complete, only fifty percent of existing facilities will have Stage II controls removed by the end of the 2017 ozone season, with the other fifty percent of existing facilities still receiving the emission reduction benefits of Stage II controls in the 2017 ozone season.

At the start of the 2018 ozone season, almost eighty percent of existing facilities will have had Stage II controls removed in the Maricopa area under the schedule requested in this revision (see Table 2-6). As such, only twenty percent of existing facilities (those with Stage II controls) will experience the emissions disbenefit of Stage II controls during the 2018 ozone season. By the end of the 2018 ozone season all gasoline dispensing facilities will be operating without Stage II controls in the Maricopa area, ensuring that the increased

emission disbenefit from Stage II controls in following ozone seasons will be avoided.

The temporary emission increases associated with the scheduled removal of Stage II controls (see Table 2-7) represent less than 0.05% of ozone season day mobile source (onroad and nonroad) volatile organic compound emissions in years 2014 through 2018. Compared against the entire volatile organic compound emissions inventory, the temporary emission increases from removal of Stage II controls represent an even smaller percentage. As suggested by EPA guidance, temporary emission increases of this size are too small to interfere with attainment, or progress towards attainment, in the Maricopa eight-hour ozone nonattainment area.

DECLINING TREND IN ONROAD AND NONROAD VOLATILE ORGANIC COMPOUND EMISSIONS AFTER REMOVAL OF STAGE II VAPOR RECOVERY CONTROLS

This analysis demonstrates that removal of Stage II controls in the Maricopa eight-hour ozone nonattainment area beginning in 2014 still produce a downward trend in future year mobile source volatile organic compound emissions. This provides additional evidence that the removal of Stage II controls will not interfere with attainment of the ozone National Ambient Air Quality Standard in the Maricopa area, or reasonable further progress towards attainment, as required by Section 110(l) of the Clean Air Act.

For this analysis, EPA's NONROAD2008a and MOVES2010b models are used to generate daily ozone season nonroad and onroad volatile organic compound emissions in the Maricopa area for the calendar years of 2013 through 2020. The model runs are structured to calculate emissions without the benefit of Stage II controls. Resulting emissions from the model runs are presented in Table 3-1. Additional details on the development of inputs and calculations associated with each of the model runs are available in the Technical Support Document (Appendix A, Exhibit 1).

Table 3-1 also includes the emission reduction benefits of Stage II controls in the Maricopa area as calculated per EPA guidance equations in Chapter 2 of this revision (see Table 2-2). Subtracting the emission reduction benefits of Stage II controls from the summed onroad and nonroad mobile source emissions modeled without Stage II controls results in total mobile source emissions with Stage II controls in the Maricopa area for calendar years 2013 through 2020. As can be seen in Table 3-1, even when the emission reduction benefits of Stage II controls are removed from total mobile source emissions beginning in 2014, total daily ozone season mobile source volatile organic compound emissions in the Maricopa area are reduced each year after 2013. Beginning in 2018, mobile source emissions without Stage II controls are less than mobile source emissions with Stage II controls, as Stage II controls no longer provide emission reduction benefits, but rather produce an emissions disbenefit.

It is important to note that the mobile source emissions presented in Table 3-1 either completely include or exclude Stage II controls at all gasoline dispensing facilities in the

Table 3-1
Daily Ozone Season Mobile Source Volatile Organic Compound
Emissions With and Without Stage II Controls in the Maricopa Area
for Calendar Years 2013 through 2020

Year	Nonroad Without Stage II (metric tons/day)	Onroad Without Stage II (metric tons/day)	Emission Reduction Benefit from Stage II* (metric tons/day)	Onroad and Nonroad Total (metric tons/day)	
				Without Stage II	With Stage II
2013	26.29	62.20	1.04	NA**	87.45
2014	24.76	58.11	0.73	82.87	82.14
2015	23.49	54.01	0.46	77.50	77.04
2016	22.43	52.53	0.24	74.96	74.72
2017	21.63	51.04	0.06	72.67	72.61
2018	21.07	49.55	-0.11	70.62	70.73
2019	20.68	48.07	-0.24	68.75	68.99
2020	20.45	46.58	-0.36	67.03	67.39

*From Table 2-2

**Under the schedule requested in this State Implementation Plan revision, removal of Stage II controls would begin in 2014 for new gasoline dispensing facilities and in October 2016 for existing gasoline dispensing facilities.

Maricopa area and do not represent the phased removal of Stage II controls in 2014 through 2018 as scheduled and requested in this revision. However, even conservatively assuming that all gasoline dispensing facilities do not have Stage II controls beginning in 2014, mobile source emissions without Stage II controls still decline rapidly in the following years.

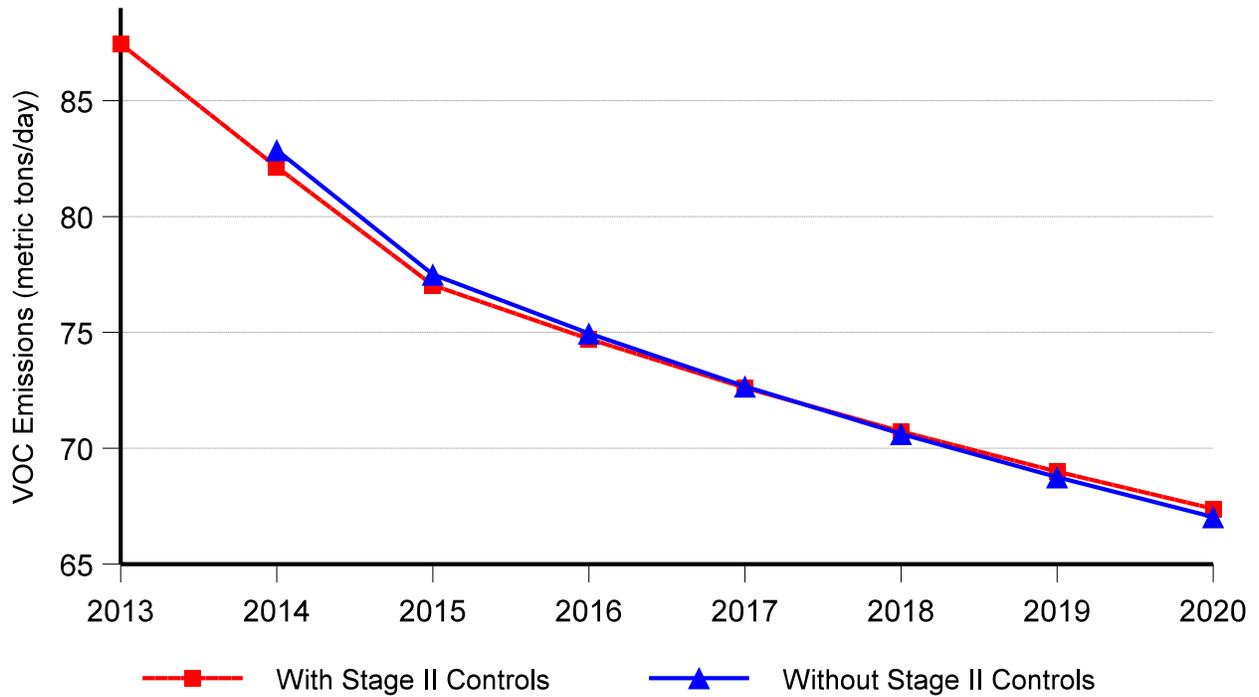
Figure 3-1 displays trend lines of the daily ozone season mobile source volatile organic compound emissions in the Maricopa area with and without Stage II controls. The trend line for mobile source emissions without Stage II controls continues to show a decline in emissions for each calendar year after 2013 in the Maricopa area. Both Figure 3-1 and Table 3-1 demonstrate that the removal of Stage II controls in the Maricopa eight-hour ozone nonattainment area will not interfere with attainment of the ozone National Ambient Air Quality Standard, or reasonable further progress towards attainment, as required by Section 110(l) of the Clean Air Act.

CONCLUSION

The two analyses described above adequately demonstrate that the scheduled removal of Stage II controls in the Maricopa eight-hour ozone nonattainment area comply with the requirements of Section 110(l) of the Clean Air Act. The initial analysis demonstrates that the increased emissions from the removal of Stage II controls in years 2014 through 2018 are optimally minimized through decommissioning of existing facilities beginning in October 2016 and ending in September 2018. The resulting temporary emission increases are tiny and too small to interfere with attainment, or progress toward attainment, as suggested by EPA guidance.

The second analysis illustrates that the removal of Stage II controls in the Maricopa eight-hour ozone nonattainment area does not interfere with the downward trend in total mobile source emissions. Both analyses ensure that the scheduled removal of Stage II controls in the Maricopa eight-hour ozone nonattainment area will not interfere with attainment of the ozone National Ambient Air Quality Standard, or reasonable further progress towards attainment, as required by Section 110(l) of the Clean Air Act.

Figure 3-1
Trend Lines of Daily Ozone Season Mobile Source Volatile Organic Compound Emissions With and Without Stage II Controls in the Maricopa Area for Calendar Years 2013 through 2020



PUBLIC HEARING
MAG 2014 STATE IMPLEMENTATION PLAN REVISION FOR THE
REMOVAL OF STAGE II VAPOR RECOVERY CONTROLS
IN THE MARICOPA EIGHT-HOUR OZONE NONATTAINMENT AREA

Phoenix, Arizona

June 3, 2014

5:32 p.m.

PREPARED FOR:

Maricopa Association of Governments
(ORIGINAL)

REPORTED BY:

Debora Mitchell

Arizona CCR No. 50768

MAG 2014 STATE IMPLEMENTATION PLAN

REVISION FOR THE REMOVAL OF STAGE II VAPOR RECOVERY CONTROLS IN THE MARICOPA EIGHT-HOUR OZONE NONATTAINMENT AREA, taken on June 3, 2014, commencing at 5:32 p.m. at Maricopa Association of Governments, 302 North 1st Avenue, Saguaro Room, Phoenix, Arizona, before Debora Mitchell, an Arizona Certified Reporter, in and for the County of Maricopa, State of Arizona.

APPEARANCES:

Ms. Lindy Bauer, Maricopa Association of Governments

Mr. Matt Poppen, Maricopa Association of Governments

Ms. Lisa Tomczak, Arizona Department of Environmental Quality

1 MS. BAUER: I would like to welcome everyone to
2 our public hearing on the MAG 2014 State Implementation
3 Plan Revision for the Removal of Stage II Vapor
4 Recovery Controls in the Maricopa Eight-Hour Ozone
5 Nonattainment Area.

6 This public hearing is being jointly conducted
7 by the Arizona Department of Environmental Quality and
8 the Maricopa Association of Governments to receive
9 public comments on the draft document.

10 Those driving to the meeting who parked in the
11 garage can have their parking tickets validated by the
12 MAG staff.

13 And now we'll talk about the public hearing
14 process. The public hearing will begin with some
15 introductory remarks by the Arizona Department of
16 Environmental Quality and then an overview presentation
17 by the MAG staff.

18 Following the presentation, hearing
19 participants are invited to make comments for the
20 public record. A court reporter is present to provide
21 an official record of the hearing, and written comments
22 are also welcomed this evening.

23 For those participants wishing to speak, please
24 fill out a form on the table and place it in the box.
25 If you need to speak early to meet a bus schedule,

1 please tell the MAG staff, and we will accommodate your
2 request. As you come up to the podium, please state
3 some information for the formal record, your name and
4 who you represent.

5 I would like to note that we do have a timer on
6 the podium to assist the public with their
7 presentations. We have a three-minute time limit.
8 When two minutes have elapsed, the yellow light will
9 come on notifying the speaker that they have one minute
10 to sum up. At the end of the three-minute period, the
11 red light will come on.

12 And now I'd like to introduce Lisa Tomczak with
13 the Arizona Department of Environmental Quality, Air
14 Quality Division.

15 MS. TOMCZAK: ADEQ just wants to say that we
16 really appreciated the opportunity to work with MAG,
17 the Department of Weights and Measures, and the other
18 agencies and individuals involved with this process.
19 We thank everyone for their work, and we also look
20 forward to working with all of them in the future
21 regarding fuels and any vapor recovery issues.

22 MS. BAUER: Thank you very much, Lisa. And
23 that echoes MAG's comments as well. We very much
24 appreciated the opportunity to work with the Arizona
25 Department of Weights and Measures, the Arizona

1 Department of Environmental Quality, and the Maricopa
2 County Air Quality Department.

3 Now we will moved to that item on the agenda,
4 No. 4, the presentation on this MAG 2014 State
5 Implementation Plan Revision for the Removal of Stage
6 II Vapor Recovery Controls in the Maricopa Eight-Hour
7 Ozone Nonattainment Area. And Matt Poppen of the MAG
8 staff will give the presentation.

9 MR. POPPEN: Thank you, Lindy.

10 On May 16, 2012, EPA made a determination that
11 onboard refueling vapor recovery is in widespread use
12 throughout the motor vehicle fleet. States may now
13 evaluate the removal of Stage II vapor recovery systems
14 at gasoline dispensing facilities since ORVR and Stage
15 II are duplicative control systems.

16 This plan revision requests that EPA remove the
17 requirement to install and operate Stage II vapor
18 recovery systems in the Maricopa eight-hour ozone
19 nonattainment area for new gasoline dispensing
20 facilities beginning in 2014, and for existing
21 facilities beginning in October 2016, before a regional
22 disbenefit begins to occur in 2018.

23 Stage II vapor recovery systems are designed to
24 capture gasoline vapors from motor vehicle gas tanks
25 and return them to an underground storage tank during

1 vehicle refueling. This prevents gasoline vapors from
2 entering the air during vehicle refueling.

3 Beginning in 1998, manufacturers began
4 installing onboard refueling vapor recovery, or ORVR,
5 in their vehicles. ORVR consists of an activated
6 carbon canister, which collects gasoline vapors during
7 vehicle refueling. Those vapors are then used as fuel
8 during engine start up.

9 Incompatibility issues exist between ORVR and
10 vacuum assisted Stage II controls. When both systems
11 are active during refueling, the Stage II controls can
12 pull air into the underground tank instead of gasoline
13 vapors. This increases the pressure in the underground
14 tank and can cause venting of excess emissions into the
15 air.

16 On August 7, 2012, EPA released guidance on
17 removing Stage II gasoline vapor control programs from
18 state implementation plans and assessing comparable
19 measures, which includes equations that are used to
20 estimate the area-wide impact of Stage II vapor
21 recovery systems on vehicle refueling volatile organic
22 compound, or VOC, emissions.

23 The results of the EPA equations are presented
24 in the following table. The table shows that as the
25 percentage of vehicles equipped with ORVR increases

1 each year, the benefits of Stage II controls lessen.
2 Beginning in 2018, Stage II controls no longer provide
3 area-wide VOC emission benefits, but rather produce a
4 VOC emissions disbenefit due to the incompatibility
5 issues between ORVR and Stage II systems.

6 Clean Air Act, Section 110(l), precludes the
7 EPA from approving a state implementation plan revision
8 if it would interfere with attainment of the National
9 Ambient Air Quality Standards, reasonable further
10 progress towards attainment, or any other applicable
11 requirement under the Clean Air Act.

12 As such, EPA recommended following a Stage II
13 removal schedule for new facilities beginning in 2014,
14 and for existing facilities beginning in October 2016
15 after the 2016 ozone season, as this schedule results
16 in the smallest temporary increase in VOC emissions of
17 the scheduling options considered. The temporary
18 increase in VOC emissions from the scheduled removal of
19 Stage II are too small to interfere with attainment, or
20 progress towards attainment.

21 The following table shows the temporary
22 increase in VOC emissions from new and existing
23 gasoline dispensing facilities that result from
24 following a scheduled removal of Stage II controls that
25 begins in 2014 for new facilities and in October 2016

1 for existing facilities. All facilities are scheduled
2 to have Stage II controls removed by September 30,
3 2018.

4 An additional analysis on mobile source VOC
5 emissions found that when Stage II controls are assumed
6 to be completely removed beginning in 2014, mobile
7 source VOC emissions still exhibit a downward trend in
8 future years. This conservative analysis provides a
9 second demonstration that removal of Stage II controls
10 in the Maricopa eight-hour ozone nonattainment area
11 will not interfere with attainment or progress towards
12 attainment as required by Section 110(1) of the Clean
13 Air Act.

14 The results of this analysis are shown in the
15 following table. The table shows that non-road and
16 on-road mobile source VOC emissions continue to decline
17 each year even after assuming Stage II controls are
18 completely removed beginning in 2014. The table also
19 shows that mobile source VOC emissions are less without
20 Stage II controls beginning in 2018 when the Stage II
21 emissions disbenefit begins.

22 This figure also shows the decline in mobile
23 source VOC emissions even when Stage II is removed in
24 2014 and shows that mobile source VOC emissions are
25 less without Stage II controls beginning in 2018.

1 So in summary, Stage II controls no longer
2 provide area-wide VOC emission reduction benefits in
3 the Maricopa eight-hour ozone nonattainment area
4 beginning in 2018. The scheduled removal of Stage II
5 controls beginning in 2014 for new gasoline dispensing
6 facilities and October 2016 for existing facilities
7 results in the smallest temporary increase in VOC
8 emissions of the scheduling options considered.

9 The temporary increase in emissions does not
10 alter the downward trend in mobile source VOC emissions
11 and is too small to interfere with attainment of the
12 ozone standard, or reasonable progress towards
13 attainment, as required by Section 110(l) of the Clean
14 Air Act.

15 The schedule for the revision is laid out as
16 follows:

17 On May 2, 2014, the draft revision was
18 available for public review.

19 On June 3, 2014, a public hearing was held.

20 On June 26, 2014, the MAG Air-Quality Technical
21 Advisory Committee may make a recommendation on the
22 revision.

23 On August 6, 2014, the MAG Management Committee
24 may make a recommendation on the revision.

25 And on August 27, 2014, the MAG Regional

1 Council may adopt the revision.

2 MAG would submit the revision to ADEQ and EPA
3 by August 29, 2014.

4 Thank you, and that concludes my presentation.

5 MS. BAUER: Thank you very much, Matt.

6 And now for public comments. At this time,
7 public comments are invited. Again, if you would like
8 to speak, please fill out a form and place it in the
9 box and then adhere to the three-minute time limit. Do
10 we have any?

11 It appears that we do not have any speaker
12 forms. I would like to ask if anyone in the audience
13 would like to present any comments? And we see that no
14 comments are forthcoming.

15 At this time, we would like to thank you very
16 much for attending our public hearing, and we thank you
17 for your interest in regional air quality issues. We
18 will report to the MAG Air Quality Technical Advisory
19 Committee at their June 26, 2014 meeting that we did
20 not receive any comments this evening.

21 Thank you very much. The hearing is now
22 closed.

23 (Conclusion of hearing at 5:44 p.m.)

24

25

STATE OF ARIZONA)
) SS.
COUNTY OF MARICOPA)

BE IT KNOWN that the foregoing transcript was taken before me, Debora Mitchell, a Certified Court Reporter, in and for the County of Maricopa, State of Arizona; that the foregoing proceedings were taken down by me using the Voice Writing method and translated into text via speech recognition under my direction; and that the foregoing typewritten pages are a full, true, and accurate transcript of all proceedings, all done to the best of my ability.

I FURTHER CERTIFY that I am in no way related to any of the parties hereto, nor am I in any way interested in the outcome hereof.

DATED at Phoenix, Arizona, this 4th day of June, 2014.



Debora Mitchell - Digital Signature

AZ Certified Reporter No. 50768

U.S. EPA FACT SHEET

EPA Approves the 2012 Five Percent Plan for PM-10 for the Maricopa County Nonattainment Area

May 30, 2014

Summary

- EPA is approving the 2012 Five Percent Plan for the Maricopa County Nonattainment Area because the plan shows annual reductions of PM-10 emissions of at least five percent between 2007 and 2012 and demonstrates attainment of the PM-10 National Ambient Air Quality Standard (PM-10 NAAQS) by December 31, 2012.
- Today's proposal recognizes continued air quality improvement in Arizona accomplished through the efforts of the Arizona Department of Environmental Quality (ADEQ), the Maricopa County Air Quality Department, the Maricopa Association of Governments, multiple industry, business and agricultural stakeholders, and EPA to protect public health.

Background

- The nonattainment area is located in the eastern portion of Maricopa County and encompasses the cities of Phoenix, Mesa, Scottsdale, Tempe, Chandler, Glendale, as well as the other jurisdictions that comprise the Phoenix metropolitan area. The nonattainment area also includes the town of Apache Junction in Pinal County.
- The State of Arizona was required to submit a 5% PM-10 Plan (also known as a 189(d) plan) after the Maricopa County nonattainment area failed to attain the PM-10 NAAQS by the required attainment date of December 31, 2006.
- The failure to attain triggered the requirements of section 189(d) of the Clean Air Act (CAA), which requires a PM-10 reduction of five percent per year until attainment.
- The State of Arizona originally submitted a 5% Plan to EPA on December 21, 2007, which EPA proposed to partially disapprove due to issues with the attainment demonstration and the emissions inventory.
- The State of Arizona subsequently withdrew the 2007 5% Plan and resubmitted a revised plan on May 25, 2012. This is the plan that EPA is finalizing action on today.
- EPA was required by the terms of a consent decree with the Arizona Center for Law in the Public Interest (ACLPI) to propose action on the plan by January 14, 2014, and finalize action by June 2, 2014.

Particulate Matter and Public Health

- Reducing PM-10 levels is essential because airborne particles are a serious threat to human health. Major concerns include effects on breathing and respiratory systems, damage to lung

tissue, cancer, and premature death. The elderly, children, and people with chronic lung disease and asthma are especially sensitive to the effects of particulate matter.

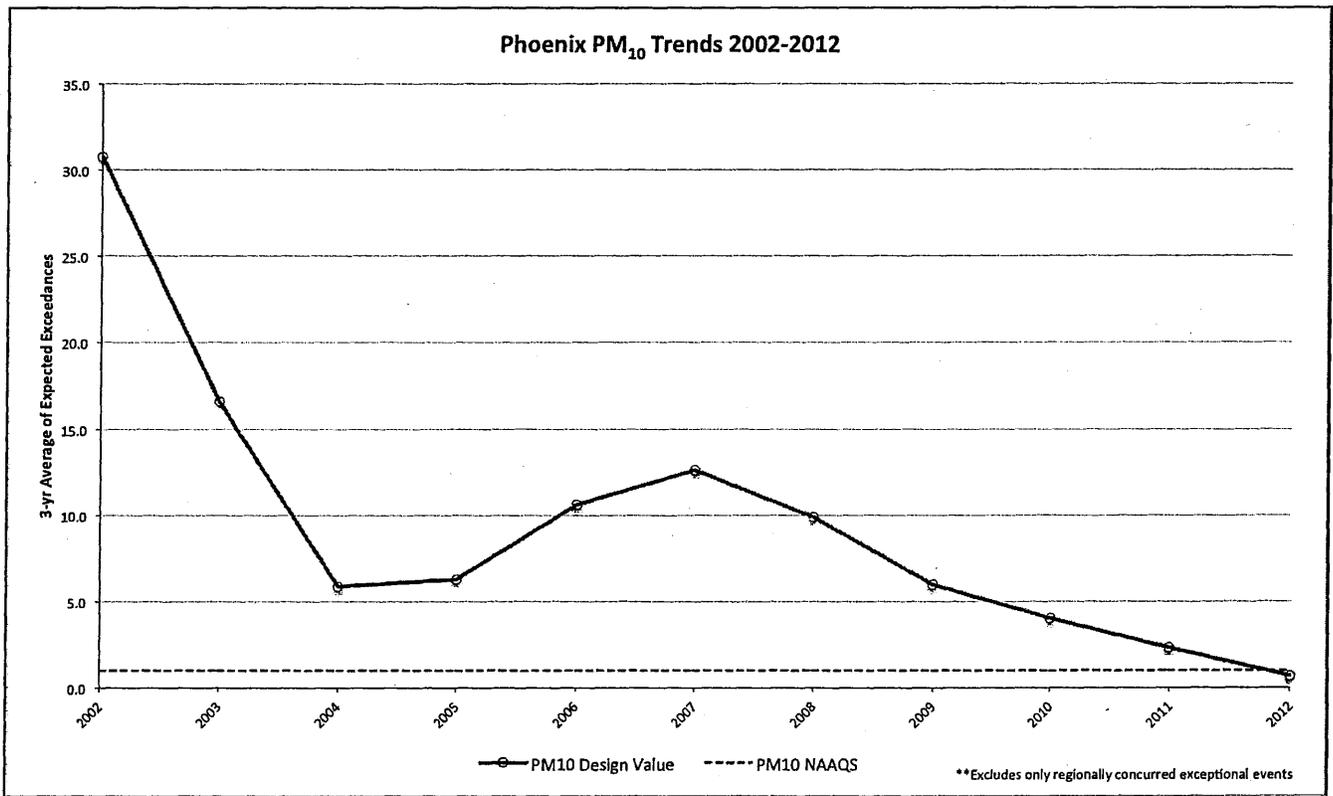
- A study released in 2009 by Arizona State University showed that when levels of PM-10 in central Phoenix were high, there was a significant increase in asthma incidents in children.

Next Steps

- EPA's final action will be effective 30 days from the date of publication in the Federal Register.

For More Information:

<http://www.epa.gov/region9/air/phoenixpm/index.html>





• does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the Commonwealth, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and

the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 11, 2014. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. *See* section 307(b)(2).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead,

Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

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

Dated: May 29, 2014.

Heather McTeer Toney,
Regional Administrator, Region 4.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

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

Subpart S—Kentucky

■ 2. Section 52.920(c) Table 2 is amended under “Reg 1—General Provisions” by revising the entry for “1.07” to read as follows:

§ 52.920—Identification of plan.

* * * * *
(c) * * *

TABLE 2—EPA-APPROVED JEFFERSON COUNTY REGULATIONS FOR KENTUCKY

Reg	Title/Subject	EPA Approval date	Federal Register notice	District effective date	Explanation
*	*	*	*	*	*
Reg 1—General Provisions					
1.07	Excess Emissions During Startups, Shutdowns, and Upset Conditions.	6/10/2014	[Insert citation of publication].	7/21/2005	
*	*	*	*	*	*

* * * * *
[FR Doc. 2014–13429 Filed 6–9–14; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2013–0762; FRL–9912–01–Region 9]

Approval and Promulgation of Implementation Plans—Maricopa County PM–10 Nonattainment Area; Five Percent Plan for Attainment of the 24-Hour PM–10 Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a State implementation plan (SIP) revision submitted by the State of Arizona to meet Clean Air Act (CAA) requirements applicable to the Maricopa County (Phoenix) PM–10 Nonattainment Area. The Maricopa County PM–10 Nonattainment Area is designated as a serious nonattainment area for the national ambient air quality standards (NAAQS) for particulate matter of ten microns or less (PM–10). The submitted SIP revision consists of the *Maricopa Association of Governments 2012 Five Percent Plan for PM–10 for the Maricopa County Nonattainment Area* and the *2012 Five Percent Plan for the Pinal County Township 1 North, Range 8 East Nonattainment Area*” (collectively, the 2012 Five Percent Plan). EPA is approving the 2012 Five Percent Plan as

meeting all relevant statutory and regulatory requirements.

DATES: This rule is effective on July 10, 2014.

ADDRESSES: You may inspect the supporting information for this action, identified by docket number EPA–R09–OAR–2013–0762, by one of the following methods:

1. Federal eRulemaking portal, <http://www.regulations.gov>, please follow the online instructions; or,
2. Visit our regional office at, U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Docket: The index to the docket for this action is available electronically at <http://www.regulations.gov> and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California. While documents in the docket are listed in

the index, some information may be publicly available only at the hard copy location (e.g., voluminous records, large maps, copyrighted material), and some may not be publicly available in either location (e.g., Confidential Business Information). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed directly below.

FOR FURTHER INFORMATION CONTACT:
Doris Lo, EPA Region IX, (415) 972-3959, lo.doris@epa.gov.

SUPPLEMENTARY INFORMATION:
Throughout this document, “we,” “us” and “our” refer to EPA.

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- I. Summary of Proposed Action
- II. Public Comments and EPA Responses
- III. EPA’s Final Action
- IV. Statutory and Executive Order Reviews

I. Summary of Proposed Action

On February 6, 2014 (79 FR 7118), EPA proposed to approve the 2012 Five Percent Plan,¹ which the State of Arizona submitted on May 25, 2012, as meeting all relevant statutory and regulatory requirements under the Clean Air Act (CAA). As discussed in our proposed rule, the Maricopa County (Phoenix) PM-10 nonattainment area is a serious PM-10 nonattainment area, and is located in the eastern portion of Maricopa County and encompasses the cities of Phoenix, Mesa, Scottsdale, Tempe, Chandler, Glendale, several other smaller jurisdictions, unincorporated County lands, as well as the town of Apache Junction in Pinal County. Arizona’s obligation to submit the 2012 Five Percent Plan was triggered by EPA’s June 6, 2007 finding that the Maricopa PM-10 Nonattainment Area had failed to meet its December 31, 2006 deadline to attain the PM-10 NAAQS. The CAA requires a serious PM-10 nonattainment area that fails to meet its attainment deadline to submit a plan providing for attainment of the PM-10 NAAQS and for an annual emission reduction in PM-10 or PM-10 precursors of not less than five percent

until attainment. Our February 6, 2014 proposed rule provides the background and rationale for this action.²

II. Public Comments and EPA Responses

EPA provided a 30-day public comment period on our proposed action. The comment period ended on March 10, 2014. We received 12 public comment letters from State and local agencies, industry, congressional representatives and environmental groups.³ All of the submitted comment letters are in our docket. We respond to all the comments below.

A. Update 2002 BACM and MSM Determinations

Comment: The Arizona Center for Law in the Public Interest (ACLPI) commented that EPA’s proposed action did not discuss or analyze requirements under CAA 189(b)(1)(B) for best available control measures (BACM) or requirements under CAA 188(e) for most stringent measures (MSM). ACLPI stated that these requirements apply to the Maricopa County PM-10 nonattainment area because it is a serious PM-10 nonattainment area that obtained a five-year extension of its attainment date pursuant to section 188(e) in 2001. ACLPI also asserts that EPA’s 2002 approval of BACM and MSM requirements must be updated in light of EPA’s statements in correspondence to ADEQ and in a proposed rulemaking in 2010 that new more stringent control measures have been adopted by air agencies in Nevada and California and that agricultural controls no longer represent BACM. ACLPI also states that addressing the question of whether existing control constitute BACM is necessary in order to evaluate ADEQ’s claims that 135 exceedances qualify as exceptional events.

Response: EPA disagrees with the commenter’s statement that EPA’s proposed action on the 2012 Five Percent Plan did not discuss or analyze section 189(b)(1)(B) and 188(e)

requirements for BACM and MSM. Our proposed action on the 2012 Five Percent Plan explained that the Maricopa County PM-10 nonattainment area was initially classified as moderate, and, when it failed to reach attainment by the attainment deadline for moderate areas, was reclassified, on May 10, 1996, as a serious PM-10 nonattainment area with a new attainment deadline of December 31, 2001. See 79 FR 7118–7119. Our proposed action on the 2012 Five Percent Plan also explained the criteria set forth in section 188(e) necessary to grant a five year extension of that deadline. In addition, our proposed action on the 2012 Five Percent Plan included the following statement: “On July 25, 2002, EPA approved the serious area PM-10 plan for the Maricopa PM-10 Nonattainment Area as meeting the requirements for such areas in CAA sections 189(b) and (c), including the requirements for implementation of best available control measures (BACM) in section 189(b)(1)(B) and MSM in section 188(e). In the same action EPA approved the submission with respect to the requirements of section 188(d) and granted Arizona’s request to extend the attainment date of the area to December 31, 2006.”⁴ 79 FR 7119.

We understand the comment to be more specifically directed at the issue of whether our action on the 2012 Five Percent Plan requires EPA to “update” or re-evaluate the BACM and MSM determinations we made when we acted on the State’s serious area plan and attainment deadline extension request in 2002. EPA does not agree that the CAA requires such a reevaluation in the context of acting on a state’s submission of a new plan to meet the requirements of section 189(d). We interpret CAA section 189(b)(1)(B) to provide that the requirement for BACM is triggered by a specific event: The reclassification of a moderate PM-10 nonattainment area to serious. Similarly, we interpret section CAA 188(e) to provide that the requirement for MSM is triggered by a particular event: EPA’s granting of a state’s request for an extension of the attainment deadline for a serious nonattainment area. If a serious nonattainment area fails to reach attainment by the applicable deadline, CAA section 189(d) requires the state to submit “plan revisions which provide for attainment of the PM-10 air quality standard” and “for annual reduction in PM-10 . . . of not less than

¹ The 2012 Five Percent Plan includes the “MAG 2012 Five Percent Plan for PM-10 for the Maricopa County Nonattainment Area” (dated May 2012) (MAG 2012 Five Percent Plan) and the “2012 Five Percent Plan for the Pinal County Township 1 North, Range 8 East Nonattainment Area” (dated May 25, 2012) (Pinal 2012 Five Percent Plan) (collectively, the 2012 Five Percent Plan). In our proposed rule we cited primarily to the MAG 2012 Five Percent Plan; however, both plans were submitted by ADEQ on May 25, 2012 and are included in the docket for this rulemaking. See May 25, 2012 letters from Henry R. Darwin, Director, Arizona Department of Environmental Quality, to Jared Blumenfeld, Regional Administrator, U.S. Environmental Protection Agency Region IX.

² We have also approved Arizona statutory provisions and the Dust Action General Permit, which were submitted with the 2012 Five Percent Plan. See our proposed rule at 79 FR 7118, p. 7123 (footnote 20) and recent EPA actions at 79 FR 17878 (March 31, 2014), 79 FR 17879 (March 31, 2014) and 79 FR 17881 (March 31, 2014).

³ Commenting organizations include: U.S. Senator Jeff Flake, Arizona Center for Law in the Public Interest (2 letters), Maricopa Association of Governments, City of Phoenix, Arizona Rock Products Association, Salt River Project, ADEQ, Arizona Association of General Contractors, Maricopa County Air Quality Department, the Arizona Chamber of Commerce, and Amanda Reeve, former Arizona State Representative and Chair of Arizona House Environment Committee.

⁴ EPA’s approval of BACM for this area and approval of the extension under section 188(e) were upheld in *Vigil v. Leavitt*, 366 F.3d 1025, amended at 381 F.3d 826 (9th Cir. 2004).

5 percent . . .” The Act, however, does not contain a specific requirement that the state update the previously approved requirements for BACM and MSM as a consequence of failing to reach attainment by the applicable deadline for serious PM-10 nonattainment areas as an element of the plan revision required by section 189(d).

Consistent with the Act’s structure of requiring increasingly stringent obligations as the severity of the air pollution problem increases, we interpret sections 189(b)(1)(B) and 188(e), as well as 189(d), as parts of a statutory scheme that imposes increasingly more stringent requirements when a PM-10 nonattainment area fails to reach attainment by applicable deadlines. See Addendum to the General Preamble, 59 FR 42010 (August 16, 1994). As stated previously, the Maricopa County PM-10 Nonattainment Area was initially classified as moderate. In 1996, when EPA determined that the Area failed to reach attainment by the moderate area attainment deadline, EPA reclassified the Area to serious. As a consequence of this reclassification, the Maricopa County PM-10 Nonattainment Area was subject to a new attainment deadline (December 31, 2001) as well as new requirements for a serious PM-10 attainment plan pursuant to CAA section 188(c) and for BACM pursuant to CAA section 189(b)(1)(B). Subsequently, the State’s request for an extension of the serious area attainment deadline (December 31, 2006), and EPA’s granting of that request in 2002, resulted in an obligation for the State to demonstrate that its SIP imposed MSM pursuant to section 188(e). In 2007, EPA’s determination that the Maricopa County PM-10 Nonattainment Area had failed to reach attainment by the extended serious area deadline resulted in section 189(d)’s requirements for plan revisions and annual reductions in PM-10 of five percent until attainment. Thus, the CAA’s requirements for BACM and MSM are tied to specific triggers in the Act: BACM by the reclassification to serious following the missed moderate area deadline, and MSM by the extension of the serious area deadline. For serious nonattainment areas that fail to reach attainment by an applicable deadline, the CAA specifies a particular consequence: A requirement for additional plan revisions that provide for attainment and annual five percent reductions. There is no explicit requirement in section 189(d) that a state with a serious nonattainment area

that misses its attainment deadline must also reevaluate BACM and MSM provisions in its SIP that EPA has already approved. Indeed, the requirements of section 189(d) do not specify the requisite level of control and merely speak in terms of expeditious attainment and a set percentage of annual reductions from the most recent inventory, without regard to the level of control on sources needed to achieve those objectives. We note further that the commenter did not provide a legal rationale to support an interpretation of the Act that would require the state to reevaluate the existing BACM and MSM in its SIP as part of the explicit requirements of section 189(d). A state may elect to do so, and may elect to do so as a means of achieving additional emissions reductions to meet the five percent requirement, but that is not a specific requirement of section 189(d).

EPA notes that it has other discretionary authority under the CAA to address deficiencies in existing state SIPs, if that were necessary to address substantive concerns like those raised by the commenter. If EPA were to find a state SIP to be “substantially inadequate” to attain or maintain a standard or to meet any other requirements of the CAA, section 110(k)(5) provides a remedy by which EPA may require a state to revise its SIP to correct the identified inadequacies. In such a situation, EPA notifies a state of the inadequacies and can allow the state up to 18 months to submit revisions to the SIP to address the problems. See 42 U.S.C. 7410(k)(5). EPA has not made such a determination with respect to BACM or MSM for the Maricopa County PM-10 Nonattainment Area.

Finally, we note that Arizona was able to demonstrate attainment of the PM-10 NAAQS and provide for annual reductions of five percent until attainment without requiring additional BACM and MSM measures in its SIP.⁵ Given that this area has demonstrated that it attained the PM-10 NAAQS by December 31, 2012 and has met the requirements of section 189(d), EPA does not see a need for the State to reevaluate its existing BACM and MSM as part of the action on the 2012 Five Percent Plan.

We address ACLPI’s comments with respect to BACM and MSM as they relate specifically to agricultural controls and exceptional events below.

B. BACM for Agricultural Sources

Comment: ACLPI commented that EPA should not approve the 2012 Five Percent Plan because it does not include adequate measures for agricultural emissions. ACLPI commented that EPA has stated that ACC R 18-2-611 [Ag BMP Rule] no longer qualifies as BACM because other nonattainment areas have stronger programs for controlling agricultural emissions and do not have an enforceability issue found in the rule. ACLPI also commented that the State’s 2011 revisions to the Ag BMP Rule to address concerns identified by EPA are still clearly insufficient to qualify as BACM.

Response: As explained above, CAA section 189(d) does not require the State to reevaluate the BACM and MSM determinations that were addressed in its serious area PM-10 plan for the Maricopa County PM-10 Nonattainment Area.

In addition, the 2012 Five Percent Plan satisfied all requirements for an approvable section 189(d) plan without relying on additional emissions reductions from agricultural sources. The 2012 Five Percent Plan is based on the “2008 PM-10 Periodic Emissions Inventory for Maricopa County, Revised 2011 (2008 Inventory),” which EPA found to be comprehensive, accurate and current. 79 FR 7120-7121. The 2008 Inventory shows that the most significant sources of emissions in the Maricopa County Nonattainment Area are unpaved roads and alleys (21 percent), construction-related fugitive dust (17 percent), paved road dust (17 percent) and windblown dust (9 percent). 79 FR 7120. Section 189(d) requires an approvable plan to show annual five percent reductions in PM-10 or PM-10 precursors until attainment. The 2012 Five Percent Plan was able to satisfy this criterion without assuming additional reductions in agricultural emissions.⁶ Similarly, the 2012 Five Percent Plan demonstrated that the area would attain the standard without additional reductions in agricultural emissions.⁷ Instead, the 2012 Five Percent Plan predicts that decreases in emissions from other categories, primarily construction and windblown dust from vacant and open lands, would achieve the requisite 5 percent reductions.⁸

Recent monitoring data support the attainment demonstration in the 2012

⁵ See MAG 2012 Five Percent Plan, at p. 5-7, Table 5-3. Note that the emissions from agricultural sources (“tilling, harvesting and cotton ginning” and “windblown agriculture”) are constant, reflecting no reductions in emissions from 2008 to 2012.

⁶ *Id.*

⁷ See MAG 2012 Five Percent Plan, App. B, “Technical Document in Support of the MAG 2012 Five Percent Plan for PM-10 for the Maricopa County Nonattainment Area,” p. V-65.

⁸ *Id.* at p. III-2, Table III-1.

Five Percent Plan. 79 FR 7122. Finally, the State used no reductions in agricultural emissions for contingency measures.⁹ Because the 2012 Five Percent Plan did not depend on additional emission reductions from agricultural sources and because EPA finds that the State is not required to reevaluate the BACM determinations we made in 2002 as part of meeting the requirements of section 189(d), the content of the Ag BMP rule does not determine the outcome of our action on the 2012 Five Percent Plan.

Nevertheless, EPA is continuing to work with ADEQ, Arizona stakeholders and the Governor's Agricultural BMP Committee to improve the Ag BMP rule. EPA anticipates that these improvements will be particularly important for addressing PM-10 emissions in Pinal County, a portion of which EPA re-designated as non-attainment in 2012. *See* 77 FR 32024 (May 31, 2012).

C. Dust Action General Permit

Comment: ACLPI commented that the 2012 Five Percent Plan relies on an estimate that the Dust Action General Permit (DAGP) will increase the rule effectiveness of Rule 310.01 by one percent, but argued that it is not clear that the DAGP achieves any measurable reduction in emissions. ACLPI stated that the structure of the DAGP means that its scope is unclear and that there is no way to gauge that issuance of the DAGP is actually impacting behavior in a way that reduces emissions. ACLPI stated that compliance is only measured by instances of lack of compliance discovered by inspectors who happen upon an owner or operator of a regulated activity who is not implementing a BMP. ACLPI stated that ADEQ has not yet issued a single Requirement to Operate ("RTO"), which means that it is possible that sources not already subject to permits have implemented BMPs as a result of the permit, but it is equally plausible that BMPs are not being implemented and that inspectors haven't discovered the violations, or that the universe of potential permittees under the DAGP was so small that the adoption of the permit had no practical effect whatsoever.

Response: The 2012 Five Percent Plan does not rely on assumptions regarding compliance with the DAGP *per se*; rather, the 2012 Five Percent Plan relies on an assumption that the DAGP will improve compliance with Rule 310.01. As the 2012 Five Percent Plan explains,

"[e]missions reduction credit was taken for one new measure, the Dust Action General Permit . . . *This new measure is expected to raise rule effectiveness for Rule 310.01 by one percent during high wind hours . . .*"¹⁰ This statement is consistent with Table 5-1 of the MAG 2012 Five Percent Plan, "Impact of Increased Rule Effectiveness on 2008-2012 PM-10 Emissions," which shows that ADEQ estimated that the rule effectiveness for the category "windblown vacant, open, test tracts," (the category of sources subject to Rule 310.01), would increase from 96% in 2010-2011 to 97% in 2012.¹¹ Table 5-1 associates this improved rate of compliance with an annual reduction in PM-10 emissions of 149 tons per year.¹²

The Maricopa County Air Quality Department's (MCAQD) compliance data for calendar year 2012 support the 2012 Five Percent Plan's assumptions that the DAGP will improve compliance with Rule 310.01. MCAQD reviewed its records of inspections during calendar year 2012, as documented in "Evaluation of Innovative Control Measures and Existing Maricopa County Control Measures Contained in the MAG 2012 Five Percent Plan for PM-10 for the Maricopa County Nonattainment Area, revised," Maricopa County Air Quality Department, June 6, 2013 (2013 Evaluation Report).¹³ It found that, out of a total of 5,431 sites inspected for compliance with Rule 310.01 in 2012, 149 citations were issued—amounting to a rule effectiveness rate of 97.62 percent. 2013 Evaluation Report at pages 3-4. This amount exceeds the compliance rate of 96% associated with previous years. MAG 2012 Five Percent Plan at p. 5-3, Table 5-1. EPA acknowledges that estimating rule compliance requires reliance on compliance information collected by reliable means. In this instance, EPA believes that the information gathered through the MCAQD's inspections program provides information to support the conclusion that most affected sources are complying with the requirements of Rule 310.01, and that

¹⁰ MAG 2012 Five Percent Plan, p. ES-10 (emphasis added). *See also*, MAG 2012 Five Percent Plan at p. 6-45; App. B, "Technical Document in Support of the MAG 2012 Five Percent Plan for PM-10 for the Maricopa County Nonattainment Area," ppg. III-1 to III-8.

¹¹ MAG 2012 Five Percent Plan at p. 5-3, Table 5-1.

¹² *Id.*

¹³ MCAQD has committed to conducting this evaluation on a triennial basis. MAG 2012 Five Percent Plan, App. C, Exhibit 2, "Maricopa County Resolution to Evaluate Measures in the MAG 2012 Five Percent Plan for the Maricopa County Nonattainment Area."

compliance improved in 2012 as a result of those inspections.

The 2012 Five Percent Plan further describes the connection between Rule 310.01 and the DAGP.¹⁴ The Plan explains that the DAGP is expected to increase compliance with Rule 310.01 because, whenever ADEQ issues a forecast of a high wind dust event, sources subject to Rule 310.01 (primarily open areas, vacant lots, and unpaved parking areas and roadways),¹⁵ will take additional measures to stabilize open areas and unpaved surfaces by implementing the best management practices (BMPs) specified in Rule 310.01 and the DAGP.¹⁶ Such measures might include restricting access to open areas and vacant lots, or by applying dust suppressants and/or maintaining surface gravel.¹⁷ As specified in the DAGP, sources that fail to choose or implement a BMP when ADEQ issues a forecast of a high wind dust event may trigger applicability of the DAGP and the additional requirements it imposes.¹⁸ Thus, the existence of the DAGP enhances compliance with Rule 310.01 because sources subject to Rule 310.01 associate noncompliance with Rule 310.01 with an adverse consequence—specifically, the obligation to apply for and comply with the DAGP. Again, MCAQD's study of the compliance rate of Rule 310.01 supports this assumption in the 2012 Five Percent Plan.

D. Exceptional Events—General

Comment: ACLPI stated that it was unable to reconcile some of the numbers of exceptional events cited by EPA. The commenter stated that the subtotals in EPA's concurrence letters add up to 131, but the subtotals in the tables in the supporting documentation add up to 135. The commenter added that if sites with double monitors are counted as only one exceedance, the total number of exceedances is 127.

Response: EPA acknowledges the discrepancy between the number of exceedances in concurrence letters and the tables in the TSDs. After closely re-

¹⁴ *See* MAG 2012 Five Percent Plan, p. ES-10; p. 5-3, Table 5-1; p. 6-45. *See also* MAG 2012 Five Percent Plan, App. B, "Technical Document in Support of the MAG 2012 Five Percent Plan for PM-10 for the Maricopa County Nonattainment Area," ppg. III-1 to III-8. The relationship between Rule 310.01 and the DAGP is also described in ADEQ's comments on our proposed action, Letter from Eric C. Massey, Director, Air Quality Division, ADEQ to Greg Nudd, US EPA, dated March 10, 2014.

¹⁵ *See* Rule 310.01, section 102; 2012 Five Percent Plan at ES-7 to ES-10.

¹⁶ MAG 2012 Five Percent Plan at ES-10.

¹⁷ *See* DAGP, Attachment C, "Best Management Practice Examples"; Rule 310.01, sections 301-307.

¹⁸ DAGP, section V.

⁹ *See* MAG 2012 Five Percent Plan, at p. 6-39, Table 6-22.

reviewing the data, EPA has determined that the total number of exceptional events addressed by our concurrence letters dated September 6, 2012, May 6, 2013, and July 1, 2013 should be 135 exceedances.¹⁹ These 135 exceptional event exceedances occurred on 25 days over the three year period, 2010–2012.

Comment: ACLPI commented that EPA's exclusion of such a large number of frequent and severe exceedances is unconscionable and misrepresents the extent of the particulate pollution in the Area. The commenter stated that the reported exceedances are "frequent" and "severe" within the meaning of EPA guidance, specifically, EPA's Interim Guidance on the Preparation of Demonstrations in Support of Requests to Exclude Ambient Air Quality Data Affected by High Winds Under the Exceptional Events Rule, May 2013 (Interim Guidance).

Response: We note that the 135 exceptional event exceedances occurred on 25 days over a three year period from 2010 to 2012. The determinations reflected in our concurrence letters and TSDs dated September 6, 2012, May 6, 2013 and July 1, 2013 are consistent with the EER and our Interim Guidance. We considered a range of relevant factors including whether anthropogenic sources had reasonable controls in place, meteorological data such as wind speed and direction, and the spatial extent of the events. The frequency and severity of the events were considered as part of this analysis, and although we agree that some of the excluded exceedances could meet the criteria for "frequent" and "severe" suggested in our Interim Guidance, that fact alone does not disqualify an exceedance from consideration as an exceptional event. See Interim Guidance at 12–13 (frequency and severity of past exceedances may be a factor considered in determining the reasonableness of controls). Also, the Interim Guidance acknowledges that events do not necessarily have to be rare to qualify as exceptional events. See Interim Guidance at 3 and 20.

Comment: ACLPI commented that EPA's analysis of whether the events are reasonably preventable or controllable should have been more probing and not a "cookie cutter" approach, given the frequency and severity of the exceedances, as well as the area's status as serious nonattainment and the State's previous withdrawal of its earlier Five Percent Plan.

Response: The State submitted documentation on March 14, 2012, January 28, 2013, and February 13, 2013 to demonstrate to EPA that exceedances of the PM–10 NAAQS on various dates in 2011 and 2012 meet the criteria for an exceptional event in the EER. The State's submittals comprise over 1750 pages of documentation of the facts supporting each of the identified exceptional events. Our TSDs accompanying our concurrence letters dated September 6, 2012, May 6, 2013, and July 1, 2013 reflect EPA's methodical and systematic review of the State's documentation of the events and EPA's technical expertise and judgment. EPA presented its conclusions in a standardized format that was appropriate, considering the volume of information presented and reviewed, as well as the purpose of informing the public. In addition, EPA notes that we also received several comments in this rulemaking regarding the process required to document exceedances as "exceptional events" contending that the level of resources required to prepare and submit such documentation to EPA was too onerous.

Comment: ACLPI commented that the events excluded by EPA were predictable and seasonal in nature and could be ameliorated if the State adopted appropriate control measures for windblown dust both in the attainment (*sic*) area and statewide.

Response: For each of the events that EPA concurred with, EPA found that the event was not reasonably controllable or preventable (nRCP). EPA's Interim Guidance states that, for anthropogenic sources of dust, "a high wind dust event may . . . be considered to be not reasonably controllable or preventable if: (1) The anthropogenic sources of dust have reasonable controls in place; (2) the reasonable controls have been effectively implemented and enforced; and (3) the wind speed was high enough to overwhelm the reasonable controls." See Interim Guidance at 10.

EPA's determinations of nRCP were primarily based on consideration of the control requirements based on the Area's serious nonattainment classification for the PM–10 NAAQS. See Interim Guidance at 13. ADEQ provided detailed information of required controls (including BACM-level controls for significant sources previously approved by EPA for this area), as well as information on rule implementation, rule effectiveness, compliance and enforcement, alert systems and public notification activities. A typical example is the documentation ADEQ submitted in connection with the event that occurred

on August 11, 2012. *State of Arizona, Exceptional Event Documentation for the Event of August 11, 2012 for the Phoenix PM–10 Nonattainment Area*, February 2013 (AZ EE Documentation for August 11, 2012). This submittal included a list of control measures regulating sources of dust in Maricopa and Pinal counties, information about rule effectiveness, and data regarding compliance and enforcement. See AZ EE Documentation for August 11, 2012, Section 5.

In addition, EPA's determinations of nRCP were based on ADEQ's documentation of wind speeds. For example, the exceedances that occurred on September 11 and 12, 2011 involved wind speeds of 20 miles per hour (mph) and 25 mph, respectively. See e.g., EPA Letter dated July 1, 2013, and accompanying TSD at p. 4. See also, e.g., TSD discussion of June 16, 2012 event at p. 10 (sustained wind speeds of 29 mph–32 mph); TSD discussion of June 27, 2012 event at p. 15 (sustained wind speeds of 31 mph–38 mph); TSD discussion of July 11, 2012 event at p. 20 (sustained wind speeds of 20 mph–25 mph).²⁰ Given the wind speeds associated with each of the events that EPA concurred upon, EPA believes ADEQ's controls assessment was appropriate and that the pre-existing and previously approved BACM level controls are adequate for meeting the requirement of "reasonable controls" for a PM–10 serious nonattainment area.

Additional information regarding EPA's consideration of reasonable controls can be found in EPA's TSDs for each event.

E. Exceptional Events and Reasonable Controls

Comment: ACLPI commented that BACM level controls were not in place in the nonattainment area. ACLPI commented that EPA's Interim Guidance says that BACM measures may be insufficient if the SIP has not been recently reviewed and that EPA has indicated that it will consider windblown dust BACM to be reasonable controls for purposes of exceptional events claims if the measures have been reviewed and approved in the context of a SIP revision within the past three years and if the measures are specific to

¹⁹ See spreadsheet entitled "EPA Exceptional Event Concurrence Sheet," included in the docket for this rule.

²⁰ The commenter did not specify particular dates or exceedances for which she found EPA's analysis deficient; therefore, EPA's response provides just a few examples from our TSDs in which we refer to the documentation of wind speeds included in the State's submittals. We reiterate, however, that our review of the State's submittals involved a methodical, case-by-case approach as documented by each of the TSDs accompanying our concurrence letters dated September 6, 2012, May 6, 2013 and July 1, 2013.

windblown dust. ACLPI commented that EPA's proposed action departs from this guidance because EPA last approved BACM for the area in 2002, with a supplemental analysis in 2006.

Response: EPA's Interim Guidance states: "Generally, the EPA will consider windblown dust BACM to constitute reasonable controls if these measures have been reviewed and approved in the context of a SIP revision for the emission source area within the past three years." Interim Guidance at 15. Although our BACM determinations were made outside this recommended time frame, we believe that our determinations regarding nRCP were correct. First, the 2012 Five Percent Plan shows that the significant stationary source categories for PM-10 are: construction; unpaved roads and alleys; paved road dust; windblown dust (non-agriculture); unpaved parking lots; and off-road recreational vehicles.²¹ Each of these source categories was included in our earlier BACM determinations. See 67 FR 48718 (July 25, 2002); see also, 67 FR 48733-34. Because the significant sources within the Phoenix PM-10 nonattainment area have not significantly changed since 2002, and the range of potential measures for controlling emissions from these source categories (e.g., stabilization of disturbed surface areas; spray bars to apply water or dust suppressants; track out, rumble grate and wheel washer requirements) have not significantly changed since 2002, we believe that our previous BACM determinations remain appropriate for the purposes of making exceptional event determinations, including determinations regarding nRCP.

Second, although the State has not prepared a new BACM analysis and EPA has not made new BACM determinations in the past three years, Arizona has adopted revisions to rules regulating sources of windblown dust that EPA has approved into the SIP because they are more stringent. Specifically, EPA has approved updated revisions of: Rule 310, which regulates sources of fugitive dust from dust generating operations such as construction; Rule 310.01, which regulates sources of windblown dust from open areas, vacant lots, unpaved parking lots, and unpaved roadways; and Rule 316, which regulates sources of dust from nonmetallic mineral processing.²²

²¹ MAG 2012 Five Percent Plan, at -. 5-7, Table 5-3.

²² See 74 FR 58554 (November 13, 2009) (EPA approval of Maricopa County's revisions to Rule

Third, to the extent the commenter interprets the Interim Guidance as stating that a BACM determination that is older than three years cannot be relied upon in a demonstration of reasonable controls, the commenter is incorrect. The Interim Guidance provides a guideline to states preparing documentation to submit to EPA that more recent BACM determinations will generally satisfy EPA's consideration of reasonable controls. It does not disqualify measures that EPA determined to be BACM more than three years previously from consideration as reasonable controls, nor does it impose an obligation on the part of the state or EPA to re-evaluate BACM.

Comment: ACLPI commented that EPA found that the 2007 Maricopa BMP Rule no longer represents BACM for agricultural emissions (referencing statements in a 2010 proposed rulemaking and in a 2010 letter to the Arizona Agricultural Best Management Practices (BMP) Committee) and that although the 2007 Maricopa BMP Rule was revised in 2011, the revisions were not implemented until March 2012. The commenter states that 98 of the 217 exceedances at issue occurred in 2011 (i.e., prior to the implementation of the 2011 Maricopa BMP Rule revisions). The commenter argued that even into 2012, the "revised Maricopa BMP Rule" (which EPA understands to be a reference to the 2011 Maricopa BMP Rule) is not clearly BACM because it did not include EPA's recommendations for improvement. The commenter concludes that EPA's concurrence on exceptional events was erroneous because EPA relied on its prior approval of the State's previous BACM demonstration and did not attempt to determine whether the controls in place during the event were BACM.

Response: Our response above explains why the CAA does not require EPA to reevaluate its earlier BACM determination in connection with our action on the 2012 Five Percent Plan. We understand the commenter to be asserting another basis for EPA to reevaluate BACM, in particular, that EPA's concurrence on exceptional events may be a basis to require EPA to make a determination regarding BACM. EPA's Interim Guidance, however, states that BACM for windblown dust is a measure that EPA has identified as being "reasonable" for the purposes of exceptional events determinations. Interim Guidance at 15. The Interim

316, adopted on March 12, 2008); 75 FR 78167 (December 15, 2010) (EPA approval of Maricopa County's revisions to Rule 310 and 310.01, adopted on January 27, 2010).

Guidance acknowledges that "[h]aving BACM/RACM in place during the time of the event is an important consideration" for an exceptional event determination, but more justification may be necessary if, for example, the measures are not related to windblown dust, or if the SIP has not been recently reviewed. *Id.* For the reasons set forth below, EPA's reliance on the BACM determinations it made in 2002 was a reasonable basis to concur on the State's exceptional event claims.²³

First, the 2008 Inventory shows that agricultural sources are a very small contributor to windblown dust in Maricopa County. According to the 2008 Inventory, agricultural windblown dust comprises approximately 0.9% of the total annual windblown dust emissions in the nonattainment area (448 tons out of a total of 49,673.01 tons in 2012).²⁴ Other agricultural sources, such as tilling, harvesting, and cotton ginning, comprise approximately 1.8% of the total annual PM-10 emissions inventory (893 tons out of a total of 49,673.01 tons in 2012).²⁵ Thus, agricultural sources contribute only a relatively small percentage of the total emissions in the 2008 Inventory.

Second, in determining that the exceedances that occurred in 2011 and 2012 were nRCP, it was appropriate for EPA to find that the existing controls were "reasonable" because, as we explained above, the State met the requirements of section 189(d) in the 2012 Five Percent Plan without relying on additional reductions from agricultural sources. Significantly, no additional reductions from the Maricopa BMP Rule were needed to demonstrate that the area would attain the standard.²⁶ Therefore, our determination that existing BACM requirements were sufficient to find that emissions sources were reasonably controlled at the time the exceedances occurred was appropriate.

Third, we acknowledge that EPA has previously indicated to the State that

²³ EPA notes that it applies a weight-of-the-evidence standard in evaluating exceptional events claims. See e.g., Interim Guidance at 8: "The EPA uses a weight-of-the-evidence approach in reviewing air agency requests for data exclusion under the EER [Exceptional Events Rule]. Evidence and narrative that constitute a strong demonstration for one element can also be part of the demonstration for another element, but cannot make up for the absence of or insufficient explanation supporting another element. A strong demonstration for one requirement could, however, influence the persuasiveness of the demonstration for another."

²⁴ *Id.* at p. II-3, Table II-2; see also, MAG 2012 Five Percent Plan at p. 5-5, Table 5-2.

²⁵ *Id.*

²⁶ See MAG 2012 Five Percent Plan, at p. 5-7, Table 5-3.

improvements to controls on agricultural sources should be considered. It is important to note, however, that EPA's proposed 2010 rulemaking was a proposed action to disapprove a different section 189(d) plan, the State's 2007 Five Percent Plan, in part because of EPA's concerns regarding the accuracy of the State's 2005 Periodic Emission Inventory. (We also note that the proposed rulemaking was never finalized.) It is also important to note that EPA's comments to the Ag BMP Committee predate the finalization of the 2008 Emission Inventory (May 2012) in which emissions from agricultural sources are a small part of the PM-10 emissions inventory.

Further, although the 2008 Inventory indicates that agricultural sources are relatively small contributors to PM-10 emissions in the Maricopa County PM-10 Nonattainment Area, EPA believes that agriculture is a significant source in certain portions of Pinal County, which EPA recently redesignated as a PM-10 nonattainment area. *See* 77 FR 32024 (May 31, 2012). Therefore, EPA believes that it is important to continue to improve the controls on agricultural sources, and EPA is working with ADEQ, stakeholders, and the Governor's Agricultural BMP Committee to improve these controls.

Comment: ACLPI commented that ADEQ and EPA did not adequately address the issue of whether the events were reasonably controllable or preventable with respect to sources outside the Maricopa County PM-10 Nonattainment Area. ACLPI stated that EPA's Interim Guidance says that a basic controls analysis should consider all upwind areas of disturbed soil to be potential contributing sources, and that the basic controls analysis should identify all contributing sources in upwind areas and provide evidence that such sources were reasonably controlled, whether anthropogenic or natural, and include inspection reports and/or notices of violation, if available. The commenter stated that ADEQ and EPA did not indicate that control measures outside of Maricopa County were evaluated for their "reasonableness." ACLPI commented that Pinal County's controls are "minimalist rules" that do not require controls to address emissions caused solely by high wind events and that although Pinal County was only recently designated nonattainment, Pinal County should not be excused from the requirement to show that sources in the county were subject to reasonable controls.

Response: The comment concerns the level of controls imposed on sources

outside the Maricopa County PM-10 Nonattainment Area, in particular, sources located in Pinal County. As noted in our proposed action, the Maricopa County PM-10 Nonattainment Area encompasses several cities within Maricopa County (including the cities of Phoenix, Mesa, Scottsdale, Tempe, Chandler, and Glendale), and several other smaller jurisdictions and unincorporated county lands. The Maricopa County PM-10 Nonattainment Area also includes the town of Apache Junction in Pinal County. Recently, EPA designated a portion of Pinal County ("West Pinal") as a moderate PM-10 nonattainment area, which triggered nonattainment planning obligations that the State must fulfill. *See* 77 FR 32024 (May 31, 2012).²⁷

EPA's Interim Guidance contemplates that a basic controls analysis should include "a brief description" of upwind sources. The level of detail provided in describing the Pinal County sources was adequate given relevant factors such as wind speed. Moreover, ADEQ and EPA both indicated that they evaluated control measures outside of Maricopa County. For example, ADEQ's exceptional event documentation included an analysis of reasonable controls that identified measures that apply to sources located within the Maricopa County PM-10 Nonattainment Area, and measures applicable to sources in Pinal County, outside the Maricopa County PM-10 Nonattainment Area.²⁸ ADEQ specifically identified two Pinal County rules, Article 2, Fugitive Dust, and Article 3, Construction Sites—Fugitive Dust, as regulatory control measures.²⁹ EPA's TSDs also referenced this section of ADEQ's documentation, including the discussion of rules applicable to sources in Pinal County.³⁰

In addition, the level of detail describing Pinal County sources and controls was also adequate for an area such as Pinal County for which a portion was recently redesignated as a

PM-10 nonattainment area and is currently undergoing the nonattainment planning process. As EPA's Interim Guidance states, an area's attainment status is an appropriate guideline for assessing the reasonableness of controls: "Generally, the EPA does not expect areas classified as attainment, unclassifiable, or maintenance for a NAAQS to have the same level of controls as areas that are nonattainment for the same NAAQS. Also, if an area has been recently designated to nonattainment but has not yet been required to implement controls, the EPA will expect the level of controls that is appropriate for the planning stage." Interim Guidance at 15. EPA's recent redesignation of a portion of Pinal County as a moderate PM-10 nonattainment area triggered CAA planning obligations for the State to develop regulations to implement controls such as Reasonably Available Control Measures (RACM) for existing sources of PM-10 and a section 173 preconstruction permitting program for new and modified sources of PM-10. EPA concurred with exceedances that occurred in 2011 and 2012; the latest exceedance occurred on September 6, 2012, well before the CAA's deadline for Arizona to submit an implementation plan to EPA for approval into the Arizona SIP. *See* 77 FR 32030.

Comment: ACLPI commented that claims that events were caused by "winds transporting dust from desert areas of Pima and Pinal Counties" are not substantiated and that the State's demonstrations do not determine source locations, as required by EPA's 2013 Interim Guidance (referencing 3.1.5.1). ACLPI conducted its own analysis of the event that occurred on July 18, 2011. ACLPI commented that its analysis indicates that dust sources included agricultural sources in Pinal and Maricopa Counties, and that four downdrafts and four outflows impacted the monitors from multiple locations, in contrast to the State's assertion that one thunderstorm outflow transported dust from desert portions of Pinal and Pima counties into the Phoenix PM-10 nonattainment area. ACLPI stated that although the State claims that specific source areas are difficult to determine because of the less dense monitoring network in the general source area, ACLPI's analysis shows that likely source locations can be determined using meteorological modeling and observational data. Therefore, EPA should require the state to make a more concerted effort to identify the actual sources and adopt controls to avoid or ameliorate future events.

²⁷ We note that our action on the 2012 Five Percent Plan relates to our concurrences with the State's exceptional event claims for exceedances at monitors for the Maricopa County PM-10 Nonattainment Area dated September 6, 2012, May 6, 2013, and July 1, 2013. Our action on the 2012 Five Percent Plan does not depend on data from monitors located within the newly redesignated West Pinal PM-10 Nonattainment Area or on any exceptional events claims regarding data from such monitors.

²⁸ *See e.g., ADEQ EE Documentation for July 3-8, 2011* at 39-45; in particular, pgs. 40-41, Tables 4-1 and 4-3 (sources within the Maricopa PM-10 Nonattainment Area) and Table 4-2 (sources outside the Maricopa PM-10 Nonattainment Area).

²⁹ *Id.* at 41, Table 4-2.

³⁰ *See e.g., EPA Letter dated Sept. 9, 2012 and accompanying TSD* at 3.

Response: Although a more refined analysis of the location of thunderstorm downdrafts and source areas is potentially helpful for certain high wind dust events, this additional analysis is not necessary to analyze the specific events that EPA concurred on. EPA reviewed the commenter's analysis and concluded that it does not contradict ADEQ's documentation, but rather corroborates the evidence presented in ADEQ's demonstration. ADEQ's documentation states that the contributing source regions were somewhat widespread, but that the "majority" of the PM that was transported into Maricopa County likely originated from areas within Pinal County to the south and southeast of Maricopa County.³¹ ADEQ also explained that it is likely that some dust was generated within the Maricopa County PM-10 Nonattainment Area as gusts from the thunderstorm outflows passed through the area.³² Thus, ADEQ did not claim that all the emissions were specifically caused by a single thunderstorm outflow. ADEQ's statement that the "majority" of the emissions were transported from areas of Pinal County and southeast Maricopa County is supported by the visualization of images from the Phoenix visibility camera included in the July 18, 2011 demonstration, which shows a large dust storm approaching from the south of the Maricopa County PM-10 Nonattainment Area.³³

Comment: ACLPI commented that the fact that some of the sources are located outside of the Maricopa County PM-10 Nonattainment Area does not absolve the State of its responsibility to ensure that they are reasonably controlled. The commenter stated that ADEQ is the single responsible actor for air quality control in Arizona and had the responsibility to address the public health risk presented by sources in Pinal County, particularly given high wind events experienced in 2008 and 2009.

Response: EPA agrees that the State has a responsibility to ensure that sources outside the Maricopa County PM-10 Nonattainment Area are reasonably controlled. Our action with respect to exceedances at Maricopa County PM-10 Nonattainment Area monitors does not absolve in any way the State's responsibility to address PM-10 emissions in the West Pinal PM-10 Nonattainment Area. Our July 2012 redesignation of West Pinal to

nonattainment triggers Clean Air Act nonattainment planning obligations that Arizona must fulfill. See 77 FR 32030. We note that our action on the 2012 Five Percent Plan relates to our concurrences with the State's exceptional event claims for exceedances at monitors for the Maricopa County PM-10 Nonattainment Area dated September 6, 2012, May 6, 2013, and July 1, 2013, and does not depend on the treatment of data for monitors located within the newly redesignated West Pinal PM-10 Nonattainment Area.

F. Exceedances in 2013

Comment: ACLPI commented that the Maricopa County PM-10 Nonattainment Area experienced 30 exceedances over six days in 2013, which ADEQ has flagged and for which ADEQ is preparing EE documentation, and that EPA is simply assuming that it will concur with these EE demonstrations. The commenter stated that this is unsupported, particularly in light of EPA's failure to require mitigation measures and that there are frequent and severe violations of the standard at multiple monitors, many of which are located in low income neighborhoods.

Response: The 2012 Five Percent Plan was based on a projection that that the Area would attain the NAAQS in 2012. If, upon review of the available evidence, EPA finds that the exceedances of the standard in 2013 constitute a new violation of the PM-10 NAAQS, we have the authority to require the state to submit a SIP revision with additional controls and a demonstration that the new controls will bring the area back into attainment with the standard.³⁴

G. Contingency Measures

Comment: ACLPI stated that EPA's proposal acknowledges that the contingency measures in the 2012 Five Percent Plan are already being implemented. The commenter stated that CAA (175(d)) envisions additional measures that are automatically and immediately implemented if a milestone for reasonable further progress or attainment is not met. The commenter stated that if contingency measures are already being implemented when a milestone is missed, continued implementation will not ensure that the situation will be corrected. The

commenter argues that *LEAN v. EPA* is not binding on the 9th Cir. and is contrary to the plain language of the CAA. The commenter stated that approval of the 2012 Five Percent Plan without meaningful and appropriate contingency measures is contrary to law.

Response: EPA disagrees with the comment. Contingency measures must provide for additional emission reductions that are not relied on for RFP or attainment and that are not included in the attainment demonstration. Nothing in the statute precludes a state from implementing such measures before they are triggered. See, e.g., *LEAN v. EPA*, 382 F.3d 575 (5th Cir. 2004) (upholding contingency measures that were previously required and implemented where they were in excess of the attainment demonstration and RFP SIP).

EPA has approved numerous SIPs under this interpretation—i.e., SIPs that use as contingency measures one or more Federal or local measures that are in place and provide reductions that are in excess of the reductions required by the attainment demonstration or RFP plan. See, e.g., 62 FR 15844 (April 3, 1997) (direct final rule approving an Indiana ozone SIP revision); 62 FR 66279 (December 18, 1997) (final rule approving an Illinois ozone SIP revision); 66 FR 30811 (June 8, 2001) (direct final rule approving a Rhode Island ozone SIP revision); 66 FR 586 (January 3, 2001) (final rule approving District of Columbia, Maryland, and Virginia ozone SIP revisions); and 66 FR 634 (January 3, 2001) (final rule approving a Connecticut ozone SIP revision).

The scenario described by the commenter that already-implemented contingency measures will be a problem if the Maricopa County PM-10 Nonattainment Area misses a deadline for RFP or attainment is mitigated by the fact that monitoring data for 2010-2012 show that the Area already attained the 24-hour PM-10 NAAQS as of December 12, 2012. See 79 FR 7122. Our approval of the contingency measures is also consistent with EPA guidance that "the potential nature and extent of any attainment shortfall for the area" is relevant to the determining the level of required emission reductions and that contingency measures "should represent a portion of the actual emission reductions necessary to bring about attainment in area." 72 FR 20586, 20643; see also PM-10 Addendum at 42015 (the emission reductions anticipated by the contingency measures should be equal to approximately one-year's worth of

³¹ State of Arizona Exceptional Event Documentation for the Event of July 18, 2011, for the Phoenix PM-10 Nonattainment Area, Jan. 23, 2013 at p. 9.

³² *Id.* at 18.

³³ *Id.* at 27.

³⁴ E.g., under CAA section 110(k)(5) EPA may require a state to revise its SIP if we find it to be substantially inadequate to maintain the relevant air quality standard. In such a situation, EPA notifies a state of the inadequacies and can allow the state up to 18 months to submit revisions to the SIP to address the problems. See 42 U.S.C. 7410(k)(5).

emission reductions needed to achieve RFP for the area.) EPA's approval of contingency measures that are already being implemented is particularly appropriate where, as is the case for the Maricopa County PM-10 Nonattainment Area, there are no future RFP or attainment deadlines.

H. Other Comments

Comment: ADEQ asked that EPA clarify that this action applies to the entire nonattainment area, including the portion in Pinal County, and not just to the Maricopa County portion.

Response: EPA has made this clarification.

Comment: Several commenters noted that the plan was developed through a cooperative discussion among the many stakeholders in the plan. According to the commenters, this process led to innovative strategies that are appropriate to the local conditions and consistent with EPA requirements.

Response: EPA acknowledges these comments.

Comment: Several commenters expressed concerns about the resources required to demonstrate that measured exceedances of the standard are due to exceptional events. These commenters recommended changing the Exceptional Events Rule to address this issue.

Response: EPA will consider these comments in future rulemakings on the Exceptional Events Rule.

III. EPA's Final Action

As a result of our proposed rule and our response to comments above, we are finalizing our proposal to approve the 2012 Five Percent Plan as meeting the requirements of the CAA for the Maricopa County PM-10 nonattainment area. Specifically, we are approving:

(A) The 2008 baseline emissions inventory and the 2007, 2009, 2010, 2011 and 2012 projected emission inventories as meeting the requirements of CAA section 172(c)(3);

(B) the attainment demonstration as meeting the requirements of CAA sections 189(d) and 179(d)(3);

(C) the five percent demonstration as meeting the requirements of CAA section 189(d);

(D) the reasonable further progress and quantitative milestone demonstrations as meeting the requirements of CAA sections 172(c)(2) and 189(d);

(E) the contingency measures as meeting the requirements of CAA section 172(c)(9); and

(F) the motor vehicle emissions budget as compliant with the budget adequacy requirements of 40 CFR 93.118(e).

IV. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve State choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this action merely approves State law as meeting Federal requirements and does not impose additional requirements beyond those imposed by State law. For that reason, this action:

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);

- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);

- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4);

- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and

- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because it does not apply in Indian country located in the State, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 11, 2014. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (*see* section 307(b)(2)).

List of Subjects in 40 CFR Part 52

40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Incorporation by reference, Particulate matter, Reporting and recordkeeping requirements.

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

Dated: May 30, 2014.

Jared Blumenfeld,
Regional Administrator, Region IX.

Part 52, Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

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

Subpart D—Arizona

■ 2. Section 52.120 is amended by adding paragraphs (c)(157)(ii)(A)(1) and (2) to read as follows:

§ 52.120 Identification of plan.

* * * * *

(c) * * *
 (157) * * *
 (i) * * *

(ii) *Additional materials.*

(A) Arizona Department of Environmental Quality.

(1) *2012 Five Percent Plan for PM-10 for the Maricopa County Nonattainment Area*, and Appendices Volume One and Volume Two, adopted May 23, 2012.

(2) *2012 Five Percent Plan for PM-10 for the Pinal County Township 1 North, Range 8 East Nonattainment Area*, adopted May 25, 2012.

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[FR Doc. 2014-13495 Filed 6-9-14; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R04-OAR-2014-0311; FRL-9911-90-Region-4]

Approval and Promulgation of Implementation Plans Alabama: Volatile Organic Compounds

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking direct final action to approve a revision to the Alabama State Implementation Plan (SIP) submitted by the Alabama Department of Environmental Management (ADEM) on September 3, 2013. The revision modifies the definition of “volatile organic compounds” (VOCs). Specifically, the revision adds four hydrofluoropolyethers (HFPEs) compounds, to the list of those excluded from the VOC definition on the basis that these compounds make a negligible contribution to tropospheric ozone formation. ADEM is updating its SIP to be consistent with EPA rule finalized on February 12, 2013, which excludes these compounds from the regulatory VOC definition.

DATES: This rule is effective on August 11, 2014 without further notice, unless EPA receives relevant adverse comment by July 10, 2014. If EPA receives such comment, EPA will publish a timely withdrawal in the *Federal Register* informing the public that this rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-R04-OAR-2014-0311, by one of the following methods:

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

2. *Email*: R4-RDS@epa.gov.

3. *Fax*: (404) 562-9019.

4. *Mail*: “EPA-R04-OAR-2014-0311,” Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303-8960.

5. *Hand Delivery or Courier*: Lynorae Benjamin, Chief, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303-8960. Such deliveries are only accepted during the Regional Office’s normal hours of operation. The Regional Office’s official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

Instructions: Direct your comments to Docket ID No. “EPA-R04-OAR-2014-0311.” EPA’s policy is that all comments received will be included in the public docket without change and may be made available online 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 through *www.regulations.gov* or email, information that you consider to be CBI or otherwise protected. The *www.regulations.gov* Web site is an “anonymous access” system, which means 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 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, 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, 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 EPA’s public docket visit the EPA

Docket Center homepage at <http://www.epa.gov/epahome/dockets.htm>.

Docket: All documents in the electronic docket are listed in the *www.regulations.gov* index. 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 Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303-8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office’s official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Richard Wong, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303-8960. Mr. Richard Wong may be reached by phone at (404) 562-8726 or by electronic mail address wong.richard@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Tropospheric ozone, commonly known as smog, occurs when VOCs and nitrogen oxides (NO_x) react in the atmosphere. Because of the harmful health effects of ozone, EPA limits the amount of VOCs and NO_x that can be released into the atmosphere. VOCs are those compounds of carbon (excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate) that form ozone through atmospheric photochemical reactions. Compounds of carbon (or organic compounds) have different levels of reactivity; they do not react at the same speed, or do not form ozone to the same extent.

It has been EPA’s policy that compounds of carbon with negligible reactivity need not be regulated to reduce ozone. See 42 FR 35314, July 8, 1977. EPA determines whether a given carbon compound has “negligible” reactivity by comparing the compound’s reactivity to the reactivity of ethane. EPA lists these compounds in its