

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

Thursday, January 22, 2015  
MAG Office  
Phoenix, Arizona

MEMBERS ATTENDING

- \* William Mattingly, Peoria, Chairman
- Tim Conner, Scottsdale, Vice Chair
- Paul Lopez for Drew Bryck, Avondale
- John Minear, Buckeye
- # Jim Weiss, Chandler
- # Jamie McCullough, El Mirage
- Jessica Koberna, Gilbert
- # Sally Melling for Megan Sheldon, Glendale
- \* Cato Esquivel, Goodyear
- # Kazi Haque, Maricopa
- # Greg Edwards for Scott Bouchie, Mesa
- Joe Giudice, Phoenix
- # Antonio DeLaCruz, Surprise
- Oddvar Tveit, Tempe
- \* Youngtown
- Ramona Simpson, Queen Creek
- \* Walter Bouchard, American Lung Association of Arizona
- Kristin Watt, Salt River Project
- # Rebecca Hudson, Southwest Gas Corporation
- Nancy Nesky for Ann Carlton, Arizona Public Service Company
- # Gina Grey, Western States Petroleum Association
- Amanda Luecker for Robert Forrest, Valley Metro/RPTA
- \* Dave Berry, Arizona Motor Transport Association
- \* Jeanette Fish, Maricopa County Farm Bureau
- \* Steve Trussell, Arizona Rock Products Association
- \* Claudia Whitehead, Greater Phoenix Chamber of Commerce
- # Amanda McGennis, Associated General Contractors
- \* Spencer Kamps, Homebuilders Association of Central Arizona
- # Mannie Carpenter, Valley Forward
- \* Kai Umeda, University of Arizona Cooperative Extension
- Beverly Chenausky, Arizona Department of Transportation
- \* Arizona Department of Environmental Quality
- \* Environmental Protection Agency
- Corky Martinkovic, Maricopa County Air Quality Department
- Scott DiBiase, Pinal County
- # Michelle Wilson, Arizona Department of Weights and Measures
- # Ed Stillings, Federal Highway Administration
- Judi Nelson, Arizona State University
- Mangus Slinkey for Stan Belone, Salt River Pima-Maricopa Indian Community

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

OTHERS PRESENT

- Lindy Bauer, Maricopa Association of Governments
- Julie Hoffman, Maricopa Association of Governments
- Matt Poppen, Maricopa Association of Governments
- Kara Johnson, Maricopa Association of Governments
- Dean Giles, Maricopa Association of Governments
- Taejoo Shin, Maricopa Association of Governments
- Adam Xia, Maricopa Association of Governments
- Randy Sedlacek, Maricopa Association of Governments
- Joe Gibbs, City of Phoenix
- Sam Brown, City of Scottsdale
- Timothy Franquist, Arizona Department of Environmental Quality
- Bob Huhn, Maricopa County
- Philip Loftis, Maricopa County Department of Transportation
- Joonwon Joo, Arizona Department of Transportation

1. Call to Order

A meeting of the Maricopa Association of Governments (MAG) Air Quality Technical Advisory Committee (AQTAC) was conducted on January 22, 2015. Tim Conner, City of Scottsdale, Vice Chair, called the meeting to order at approximately 1:35 p.m. Greg Edwards, City of Mesa; Antonio DeLaCruz, City of Surprise; Jamie McCullough, City of El Mirage; Jim Weiss, City of Chandler; Gina Grey, Western States Petroleum Association; Rebecca Hudson, Southwest Gas; Kazi Haque, City of Maricopa; Amanda McGennis, Associated General Contractors; Sally Melling, City of Glendale; Michelle Wilson, Arizona Department of Weights and Measures; Ed Stillings, Federal Highway Administration; and Mannie Carpenter, Valley Forward attended the meeting via telephone conference call.

Lindy Bauer, Maricopa Association of Governments, stated that on January 12, 2015, the MAG Regional Council Executive Committee appointed Mr. Conner as the Vice Chair of the MAG Air Quality Technical Advisory Committee.

Acting Chair Conner 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

Acting Chair Conner 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. Acting Chair Conner noted that no public comment cards had been received.

3. Approval of the December 4, 2014 Meeting Minutes

The Committee reviewed the minutes from the December 4, 2014 meeting. Ms. McGennis requested that the minutes be changed to show her attendance at the meeting through telephone conference call. Ms. McGennis, moved and Joe Giudice, City of Phoenix, seconded and the motion to approve the December 4, 2014 meeting minutes, with the correction, carried unanimously.

4. Update on the Arizona Center for Law in the Public Interest Lawsuit on the MAG 2012 Five Percent Plan for PM-10

Ms. Bauer provided an update on the Arizona Center for Law in the Public Interest (ACLPI) lawsuit on the MAG 2012 Five Percent Plan for PM-10. She stated that MAG had filed a late motion to intervene on October 23, 2014. On October 29, 2014, ACLPI filed an opposition to the MAG motion to intervene. The MAG Washington, D. C. legal counsel noted that the State was in support of the MAG motion to intervene while the Environmental Protection Agency (EPA) was neutral. The MAG Washington, D.C. legal counsel filed a reply brief to the ACLPI opposition on November 7, 2014. On December 9, 2014, the MAG Washington, D. C. legal

counsel informed MAG that the U.S. Ninth Circuit Court of Appeals would allow MAG to submit an intervenor brief for consideration by December 31, 2014. Ms. Bauer stated that the intervenor brief was submitted. The court will review the MAG intervenor brief and decide whether to let it stand as an intervenor brief or if it will become an amicus brief.

Ms. Bauer indicated that the Arizona Center for Law in the Public Interest challenged the EPA approval of the MAG 2012 Five Percent Plan for PM-10. She noted that the briefs may be accessed through links in the agenda. Ms. Bauer summarized the briefs. She stated that the EPA brief, that was submitted December 17, 2014, was thorough in addressing the following points: that EPA had acted reasonably in approving the MAG 2012 Five Percent Plan for PM-10 and the Exceptional Events; the plan met all of the requirements; the contingency measures were appropriate; while the contingency measures were implemented early, this has occurred in the past; and that EPA has expertise in Exceptional Events and the documentation and data were thorough. In addition, the brief included that EPA should have deference since EPA has experts on these issues.

Ms. Bauer discussed the State brief that was also due December 31, 2014. She indicated that the Arizona Department of Environmental Quality (ADEQ) provided history and pointed out that this is the sixth petition filed on PM-10 and that a sue and settle approach is not appropriate and does not reflect the contents of the air quality plans. The brief also mentioned that the EPA Exceptional Events Rule is time barred for a legal challenge. ADEQ also stated within the brief that agriculture is a small portion of the emission inventory and that best available control measures and most stringent control measures do not need to be updated. The brief also included support for the early implementation of contingency measures.

Ms. Bauer stated that in the MAG brief, the MAG Washington, D. C. legal counsel emphasized the development of the plan by the MAG member agencies and the State. The brief also included: the thoroughness of the Exceptional Events data; the Clean Air Act does not specify or limit the number of Exceptional Events that EPA is allowed to approve; there is no need to update the best available control measures and most stringent control measures; and that the contingency measures were appropriate and had continuous benefits. The Washington, D. C. legal counsel noted in the brief that the ACLPI brief asks the court to find that the EPA approval was an abuse of discretion and contrary to law, however they do not identify a remedy. The MAG brief requests that the court uphold the EPA approval of the successful plan and deny the petition for review.

Ms. Bauer stated that the MAG Washington, D. C. legal counsel has indicated that they could not provide a timeframe on when the court will decide if the MAG brief is an intervenor brief or an amicus brief. The MAG Washington, D. C. legal counsel could also not provide a specific timeframe on when the lawsuit would come before the court for review or be resolved, but indicated perhaps in the Fall or in a year. Ms. Bauer stated that MAG will keep the Committee updated.

John Minear, City of Buckeye, inquired about the benefit of an intervenor brief compared to an amicus brief. Ms. Bauer replied that the MAG Washington, D. C. legal counsel has indicated that an intervenor becomes a party to the lawsuit and has a seat at the table. She stated that with an amicus brief, one is a friend of the court and does not become a party to the lawsuit.

5. Final Designations for the 2012 PM-2.5 Standard

Ms. Bauer presented the final designations for the 2012 PM-2.5 standard. On December 18, 2014, EPA signed a notice for the final designations for the 2012 PM-2.5 standard for fine particle pollution. The letter from EPA indicated that no area within the State of Arizona violates the 2012 standard or contributes to a nearby violation of the standard. Ms. Bauer stated that EPA designated all of Arizona as unclassifiable/attainment for PM-2.5.

Nancy Nesky, Arizona Public Service, asked if MAG would be submitting a request to EPA for review of the 2012-2014 data. Ms. Bauer responded that MAG will not be submitting a request.

6. Update on the Winter Holiday No Burn Campaign

Bob Huhn, Maricopa County, provided an update on the Winter Holiday No Burn Campaign. He stated that the Committee and each of the agencies represented on the Committee had a part in the success of the No Burn Campaign. Mr. Huhn indicated that there were no exceedances on Christmas Eve, Christmas Day, New Years Eve, and New Years Day. It has been more than a decade since the region has not exceeded the PM-2.5 federal health standard on those four days. He attributed the success of this accomplishment to regional collaboration between MAG member agencies, organizations, and partners of the No Burn Campaign.

Mr. Huhn displayed the PM-2.5 concentration levels for Christmas Eve, Christmas Day, New Years Eve, and New Years Day. He noted that the concentrations are down from previous years, especially last holiday season. Last year, one monitor recorded the highest PM-2.5 concentration level in regional history, however that monitor did not exceed the standard this past holiday season.

Mr. Huhn discussed the Campaign outreach. The goal for Campaign outreach was to: reach more people; gain more partners; and educate more people. Mr. Huhn stated that these goals were reached this year, the Campaign had approximately 93 partners.

Mr. Huhn reported on the success of the website. He mentioned that member agencies and different organizations used their own websites too, however the Maricopa County website had approximately 128,000 page views from December 1<sup>st</sup> to January 1<sup>st</sup> which is a 26 percent increase from last year. From December 21<sup>st</sup> to January 1<sup>st</sup>, there were over 77,000 views which means that approximately 60 percent of the views were during the peak Campaign time. Mr. Huhn noted that 43 percent of the website visitors were new viewers which is a great success for the Campaign. Approximately 61 percent of viewers were between the ages of 18 to 34; approximately 76 percent for users between the ages of 18 to 44.

Mr. Huhn stated that the mobile application had over 2,300 downloads. He indicated that this number is up from last year. The days that had the largest number of downloads were December 23, 2014 and December 24, 2014.

Mr. Huhn discussed social media use in the Campaign. He indicated that a Channel 3 Facebook re-post of the coughing camel public safety announcement (PSA) had over 20,000 views. Mr. Huhn stated that the Campaign reached more people thanks to the Channel 3 post and everyone who posted about the Campaign on social media. He reported that the Campaign reached

10,768 people on Facebook between December 1<sup>st</sup> and January 1<sup>st</sup> in which the post with the highest reach was 1,540 people and 21 shares. There was also a 46 percent increase in Facebook likes during this time. In addition to Facebook, the Campaign Twitter page had a 37 percent increase in followers and 67 re-tweets. Mr. Huhn noted that these are very successful numbers for social media.

Mr. Huhn reported on the Campaign radio spots. He noted that spots were played on 99.9 KEZ, which is the highest rated station during the holiday season. The Campaign spots were also played on many other stations that range in demographics: KTAR News 92.3; The Peak 98.7; KMLE Country 107.9; 101.5 Jamz; 550 KFYI; 94.5 Kool FM; 95.5 KYOT; KZZP 104.7; Mix 96.9; KNIX 102.5; Arizona Sports 620; and KOY AM1230. When surveyed, the most reported spots were heard on KTAR News. The spots on KTAR News were obtained for the Campaign from an anonymous donor. KTAR ran a total of 105 spots during prime time between Christmas Eve and New Years Day. In addition, more than 80 PSAs were run on KTAR Sports and The Peak.

Mr. Huhn stated that billboards are also part of the Campaign outreach. He stated that billboards purchased by ADEQ, the Clean Air Council, or other organizations were matched with another billboard by CBS TV Network who also donated extra billboards to the Campaign. The billboards purchased by ADEQ were spread across the region and billboards purchased by the Clean Air Council and other entities were focused in areas that generally have the highest PM-2.5 concentrations - west and south Phoenix. Mr. Huhn noted that one sign on 7<sup>th</sup> Street provided a lot of exposure for the Campaign due to visibility on parade routes during the holiday season. Additionally, the Arizona Department of Transportation posted High Pollution Advisories and No Burn Day messages on freeway traffic signs.

Mr. Huhn noted that No Burn Day magnets were also placed on Maricopa County Air Quality vehicles. He added that television stations liked to record the images of the magnets on the vehicles during interviews.

Mr. Huhn discussed new partners of the Campaign. The Bureau of Land Management displayed Campaign information in parks and their offices. Ride Now also placed Campaign information on their website and in offices and dealerships. Additionally, the Phoenix Suns provided space on their game billboard and ran spots before and during the games in the month of December. Mr. Huhn thanked the Grocers Association, as well as, Bashas'. Bashas' published Campaign messaging in their weekly mailing and also had signage by the cash registers and wood. Additionally, he thanked Fry's, Albertsons, AJ's Fine Foods, and Food City. In addition, Walmart placed Campaign signs at their customer service desk in all of their stores valley-wide.

Mr. Huhn reported on the Spanish outreach which was vital. He explained that 196 spots were purchased on Univision Radio using a settlement. In addition, a 30 minute community affairs show was recorded that played 1-2 times a day on weekdays and 2-3 times on the weekend on the stations.

Mr. Huhn stated that La Voz was a big partner of the Campaign. La Voz published quarter page Campaign advertisements in their newspaper for a week during the holiday season. La Voz also published one opinion editorial per week in the month of December. The editorials featured the

following topics: No Burn Campaign; health effects of PM-2.5; No Burn Day tips and information; and Campaign tools such as the website and mobile application. La Voz also provided two full size advertisements in the television portion of La Voz Magazine. Mr. Huhn added that La Voz distributed door hangers, both in English and Spanish, within a mile radius of air quality monitors in west and south Phoenix. He noted that there was a lot of response and it was a great benefit.

Mr. Huhn reported the post-Campaign survey results. He stated that 92 percent of the people surveyed indicated that they were aware of the No Burn Day Campaign which is up from 82 percent last year. Mr. Huhn added that 62 percent of wood-burning households familiar with the Campaign were aware that Christmas Eve was designated as a No Burn Day, while slightly lower percentages were aware that Christmas Day (53 percent), New Years Eve (59 percent), and New Years Day (50 percent) was similarly designated. Each of these results is up from last year. In addition, eight percent or less of wood-burning households familiar with the Campaign used their wood-burning fireplace or outdoor wood-burning appliance on each of the four No Burn Days tested, thus approximately 92 percent of the individuals surveyed did not burn wood.

Mr. Huhn presented the No Burn Day Campaign partners. He thanked the partners for helping to make this year's Campaign successful. Mr. Huhn mentioned that the rainy weather on New Years Eve also aided in the success. Despite the weather, the decrease in wood burning during the holiday season aided to the success as well. It was also reported that there was great success in reaching the audience through weather forecasts on news stations. Many news stations mentioned the No Burn Days or provided information on the subject during weather forecasts. He discussed the outreach to the meteorologists, which contributed to this aspect of the Campaign.

Mr. Huhn stated that an exceedance of the PM-2.5 standard did occur on January 4, 2015. He emphasized the importance of keeping air quality in mind all year long.

Ms. Bauer thanked Maricopa County, Arizona Department of Environmental Quality, and everyone who partnered with the Campaign to make it successful. Mr. Huhn commented that this was a regional cooperation.

Ms. McGennis commented on how far the region has come together with regard to improving air quality. She added that it should send a message to EPA on how the region is committed to working together to improve air quality. Ms. McGennis noted that it says a lot for our region. Mr. Huhn added that EPA has commented on the level of regional collaboration with regard to the Campaign.

#### 7. Court Ruling on Ozone Attainment Dates and Transportation Conformity

Ms. Bauer presented the court ruling on ozone attainment dates and transportation conformity. On December 23, 2014, the U.S. Court of Appeals for the District of Columbia issued a ruling that vacated EPA's extension of the attainment dates for the 2008 ozone standard of 0.075 parts per million. The MAG region, classified as a Marginal Nonattainment Area, has had three years from the effective date of designation to reach attainment. EPA designated the MAG region Marginal on May 21, 2012 which became effective June 20, 2012. The region would have an attainment date of July 20, 2015, however EPA extended the attainment date through December

31, 2015. The court has now vacated the extended attainment dates. Ms. Bauer noted that a July 20, 2015 attainment date would be in the middle of an ozone season.

Ms. Bauer stated that the court also ruled that EPA should not have revoked the 1997 ozone standard with respect to the transportation conformity requirements. She explained that transportation conformity requirements apply to nonattainment and maintenance areas. EPA revoked the 1997 ozone standard transportation conformity requirements for the 1997 ozone standard nonattainment and maintenance areas that were initially designated as being in attainment of the 2008 ozone standard. Ms. Bauer indicated that the Court disagreed, which impacts approximately 70 areas around the United States. She stated that MAG is not in this category. The region was designated nonattainment for the 2008 ozone standard. Additionally, Ms. Bauer noted that MAG has approved motor vehicle emission budgets in the MAG 2007 Eight-Hour Ozone Plan and the MAG 2009 Eight-Hour Ozone Redesignation Request and Maintenance Plan that are for the 1997 ozone standard. Both plans have been approved by EPA. She indicated that MAG currently demonstrates conformity against both of the 1997 ozone standard budgets. Ms. Bauer noted that this should not impact the MAG region, however EPA is evaluating the implications of the court ruling. She stated that updates will be provided to the Committee.

8. Call for Future Agenda Items

Acting Chair Conner requested suggestions for future agenda items. He indicated that the next meeting of the Committee has been scheduled for Thursday, February 26, 2015 at 1:30 p.m. With no further comments, the meeting was adjourned at approximately 2:15 p.m.