

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

Thursday, March 26, 2015  
MAG Office  
Phoenix, Arizona

MEMBERS ATTENDING

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|---|---|
| William Mattingly, Peoria, Chairman                     | Jeanette Fish, Maricopa County Farm Bureau                    |
| Tim Conner, Scottsdale, Vice Chair                      | Steve Trussell, Arizona Rock Products Association             |
| Drew Bryck, 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                            |
| Jessica Koberna, Gilbert                                | * Kai Umeda, University of Arizona Cooperative Extension      |
| # Megan Sheldon, Glendale                               | # Beverly Chenausky, Arizona Department of Transportation     |
| * Cato Esquivel, Goodyear                               | * Arizona Department of Environmental Quality                 |
| # Ryan Wozniak for Kazi Haque, Maricopa                 | * Environmental Protection Agency                             |
| # Greg Edwards for Scott Bouchie, Mesa                  | Corky Martinkovic, Maricopa County Air Quality Department     |
| Joe Giudice, Phoenix                                    | Scott DiBiase, Pinal County                                   |
| # Antonio DeLaCruz, Surprise                            | * Michelle Wilson, Arizona Department of Weights and Measures |
| Oddvar Tveit, Tempe                                     | Ed Stillings, Federal Highway Administration                  |
| * Youngtown   | * 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             |   |
| Nancy Nesky, 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

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| Lindy Bauer, Maricopa Association of Governments   | Randy Sedlacek, Maricopa Association of Governments         |
| Julie Hoffman, Maricopa Association of Governments | Cathy Arthur, Maricopa Association of Governments           |
| Matt Poppen, Maricopa Association of Governments   | Adam Xia, Maricopa Association of Governments               |
| Kara Johnson, Maricopa Association of Governments  | Douglas Brodman, Express Parcel Service                     |
| Dean Giles, Maricopa Association of Governments    | Philip Loftis, 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 March 26, 2015. William Mattingly, City of Peoria, Chair, called the meeting to order at approximately 1:40 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; Ryan Wozniak, City of Maricopa; Walter Bouchard, American Lung Association of Arizona; Megan Sheldon, City of Glendale; Beverly Chenausky, Arizona Department of Transportation; and Mannie Carpenter, Valley Forward attended the meeting via telephone conference call.

Chair Mattingly 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 Mattingly stated that the Call to the Audience provides an opportunity for members of the public to address the 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. Comment cards for those wishing to speak are available on the tables adjacent to the doorways inside the meeting room. 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 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. Chair Mattingly noted that no public comment cards had been received.

3. Approval of the January 22, 2015 Meeting Minutes

The Committee reviewed the minutes from the January 22, 2015 meeting. Tim Connor, City of Scottsdale, moved and Nancy Nesky, Arizona Public Service, seconded and the motion to approve the January 22, 2015 meeting minutes 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 indicated that on February 13, 2015, the Arizona Center for Law in the Public Interest (ACLPI) submitted a reply brief in the lawsuit filed by the Center to challenge the Environmental Protection Agency (EPA) approval of the MAG 2012 Five Percent Plan for PM-10. She stated that the reply brief is in response to the EPA brief submitted on December 17, 2014 and the Arizona Department of Environmental Quality (ADEQ) and MAG briefs submitted on December 31, 2014. EPA has indicated that according to the Department of Justice, they expect this case to be heard in early 2016. Ms. Bauer noted that early 2016 is a best guess at this point in time. She mentioned that the ACLPI issues have remained the same; this brief was in response to the comments in the other briefs submitted. Ms. Bauer stated that MAG has not heard from the U.S. Ninth Circuit Court of Appeals on the MAG intervenor brief. She indicated that MAG submitted an intervenor brief; however, the Court will be determining whether to let

it stand as an intervenor brief or become an amicus brief. The MAG Washington, D. C. legal counsel has not yet heard back from the Court.

5. CMAQ Annual Report

Dean Giles, Maricopa Association of Governments, provided the Congestion Mitigation and Air Quality Improvement (CMAQ) Program Annual Report for fiscal year 2014 ending September 30, 2014. The Federal Highway Administration guidance requires an annual report be prepared that specifies how CMAQ funds have been spent with the expected air quality benefits. The annual report was submitted to the Federal Highway Administration Arizona Division in February 2015.

Mr. Giles reviewed the CMAQ projects included in the report. He indicated that the 2014 annual report contains 26 projects that include information on the CMAQ cost and estimated air quality benefits for carbon monoxide, nitrogen oxides (NO<sub>x</sub>), volatile organic compounds (VOC), PM-10, and PM-2.5 as appropriate, in kilograms per day. The projects have previously been reviewed by the Committee for their estimated emission reduction benefits prior to the project being selected for funding in the Transportation Improvement Program. The data for calculating the estimated emission reduction benefit was provided by the MAG member agencies in the project applications. Arizona Department of Transportation and MAG staff prepared the report in the electronic format produced by the Federal Highway Administration's CMAQ tracking system. Mr. Giles highlighted the first page of the report that addresses several projects that reduce PM-10 including paving unpaved road projects and certified street sweeper projects. Also, there are two projects, one in Pinal County and the other in Santa Cruz County, that address PM-2.5 in PM-2.5 nonattainment areas.

6. EPA Final State Implementation Plan Requirements Rule for the 2008 Ozone Standard (0.075 parts per million)

Matt Poppen, Maricopa Association of Governments, presented the EPA final state implementation plan (SIP) requirements rule for the 2008 ozone standard. On March 6, 2015, EPA published a notice of final rulemaking, Implementation of the 2008 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements, which addresses a range of nonattainment area SIP requirements for the 2008 ozone standard of 0.075 parts per million. The final rule is effective April 6, 2015. Mr. Poppen noted that the final rule, an EPA webinar, and fact sheet are included in the agenda materials.

Mr. Poppen provided an overview. The final rule establishes due dates and provides guidance for nonattainment area planning requirements including: attainment demonstrations; reasonable further progress demonstrations; reasonable available control technology; reasonable available control measures; new source review; emissions inventories; contingency measures; motor vehicle emissions budgets; and conformity requirements. The final rule revokes the 1997 eight-hour ozone standard of 0.08 parts per million for all purposes, including transportation conformity, effective April 6, 2015. In addition, the final rule establishes anti-backsliding measures for areas that remain in nonattainment for the 1997 eight-hour ozone standard after the 1997 standard is revoked, ensuring that emission controls remain in place and air quality in the nonattainment areas does not get worse after the standard is revoked.

Mr. Poppen discussed revised attainment dates. He stated that in response to the December 23, 2014 U.S. Court of Appeals for the D.C. Circuit decision to vacate the attainment dates previously established in the EPA 2012 Classifications Rule, the final rule revised the attainment dates for nonattainment areas based upon the effective date of their classification, as opposed to the end of the year. The maximum attainment date for Marginal Areas is revised to July 20, 2015 from December 31, 2015. Similarly, the maximum attainment date for Moderate Areas is revised to July 20, 2018 from December 31, 2018.

Mr. Poppen indicated that the revised attainment dates impact the Maricopa County nonattainment area. The Maricopa nonattainment area is classified as a Marginal Area for the 2008 ozone standard. Attainment of the ozone standard for Marginal Areas is now based on 2012-2014 air quality data, rather than 2013-2015 data. Based upon 2012-2014 data, the Maricopa area does not attain the 2008 ozone standard of 0.075 ppm and does not qualify for an extension of the attainment date based upon 2014 data. Per the Clean Air Act, within six months following July 20, 2015, EPA will reclassify the Maricopa nonattainment area to a Moderate Area with a new attainment date of July 20, 2018 in which attainment will be based on 2015-2017 data.

Ms. Bauer added that when the attainment date is the middle of the ozone season, the area needs to be in attainment in the ozone season prior to that year.

Mr. Poppen discussed that when EPA publishes the reclassification of the Maricopa nonattainment area to a Moderate Area, EPA will include a due date for a Moderate Area plan. Moderate Areas must meet specific nonattainment area planning requirements in addition to meeting the requirements of Marginal Areas. The MAG 2014 Eight-Hour Ozone Plan - Submittal of Marginal Area Requirements for the Maricopa Nonattainment Area addressed the Clean Air Act Marginal Area requirements and was submitted to EPA for approval by ADEQ on July 2, 2014. The MAG 2014 Eight-Hour Ozone Plan addressed the following Marginal Area requirements: baseline emissions inventory for year 2011 and a commitment for periodic inventory updates; corrections to pre-1990 reasonably available control technologies and pre-1990 vehicle inspection and maintenance programs; nonattainment area preconstruction permit programs and new source review; emissions statement; VOC offset requirement; and conformity requirements. With regard to new source review, both Maricopa and Pinal County are in the process of updating their new source review rules. In addition, ADEQ is responding to a proposed limited approval/disapproval of the new source review rules recently issued by EPA.

Mr. Poppen provided the specific nonattainment area planning requirements for Moderate Areas. The first requirement is a plan provision for reasonable further progress, including a rate of progress plan to provide for a 15 percent reduction in VOC emissions over a six year period from baseline anthropogenic emissions. Mr. Poppen noted that the baseline year would likely be 2011 in which a 15 percent reduction over the 2012-2017 six year period is required. An additional requirement is for a photochemical modeling attainment demonstration. Mr. Poppen added that the next requirement is reasonably available control technology (RACT) for VOC and NOx sources in the nonattainment area. Maricopa County, Pinal County, and ADEQ are in the process of evaluating if RACT needs to be updated for these sources. The prior NOx waiver granted under the one-hour ozone standard to exempt NOx sources from RACT does not apply to the 2008 eight-hour ozone standard.

Mr. Poppen continued with the specific nonattainment area planning requirements for Moderate Areas. In regards to the requirement for a vehicle inspection and maintenance program, ADEQ currently operates a program that meets Moderate Area requirements. For VOC offsets from permitted major sources, a higher VOC offset ratio than the Marginal Area is required. Mr. Poppen stated that a reasonably available control measures (RACM) analysis is required to determine if the attainment date can be advanced by at least one year. He noted that EPA provides guidelines on a RACM analysis, which requires the analysis of wider net of controls than RACT, and must demonstrate that the available RACM measures are technologically and economically feasible and will advance the attainment date by at least one year. Contingency measures are required to demonstrate one year's rate of progress - a three percent emission reductions of VOC or NO<sub>x</sub>, if the area fails to attain by the attainment deadline. Lastly, Motor Vehicle Emissions Budgets are required for transportation conformity purposes which are developed from the attainment demonstration.

Jeanette Fish, Maricopa County Farm Bureau, asked about the background contributors to the baseline emissions. Mr. Poppen replied that biogenic emissions would not be included in the reasonable further progress demonstration and that only reductions of anthropogenic emissions are required. He indicated that the 15 percent reduction in VOC emissions is totaled from mobile, point, and area sources. Mr. Poppen reported that once a rate of progress plan has been completed, even for a prior standard, an area is not required to complete it again. He indicated that a rate of progress plan was completed for the one-hour ozone standard, however this was for an area smaller than the eight-hour area. Mr. Poppen explained that there are two choices on the 15 percent reduction: reduce 15 percent across the whole nonattainment area or reduce 15 percent of emissions from within the isolated areas not included in the one-hour ozone boundary. He added that the isolated areas not included in the one-hour ozone boundaries are largely rural areas while the area within the one-hour ozone boundary is the urban core.

Kristin Watt, inquired about the Moderate Area plan submittal date. Mr. Poppen responded that the EPA Administrator will establish the date when the reclassification is published which may be in early 2016. He mentioned that the thinking is that areas will be given one year to submit plans. Ms. Bauer added that MAG has started with preparations early.

Ms. Bauer stated that MAG has started work on updating the ozone models. Ms. Bauer noted that MAG models the United States in order to establish transport and background conditions. Additionally, emissions inventory information from Mexico and Canada have been gathered. Ms. Bauer discussed that transport plays a large role. She indicated that EPA has also made changes to the ozone modeling approach. After a brief look at the new EPA approach, the region may be able to model attainment in 2017 with the federal control measures and the current state and local control measures. No additional state and local measures would be needed. Ms. Bauer commented that this is preliminary, however it is important to look ahead in order to not impose new requirements within the region if these controls are sufficient. She commented that the region needs to stay clean as measured by the monitors. Ms. Bauer indicated that MAG will give a presentation on the ozone modeling to the Committee in the future. Mr. Poppen added that if the ozone standard is attained in 2015 or 2016 a clean data finding can be issued from EPA which would alleviate the need to address the Moderate Area planning requirements. Ms. Bauer added that a clean data finding would be the best case scenario because it relieves the area of the requirements if the area can be in attainment.

Chair Mattingly asked about the ozone area classifications. Mr. Poppen indicated that ozone concentrations as high as 0.086 ppm were initially classified as Marginal Areas. However, the Maricopa region will be reclassified to a Moderate Area for failing to attain by the Marginal area deadline. Chair Mattingly inquired about the names for the other classifications. Mr. Poppen replied there are Marginal, Moderate, Serious, Severe, and Extreme Areas.

Steve Trussell, Arizona Rock Products Association, inquired about the Marginal Area deadline. Mr. Poppen responded that the region will not be able to attain the standard by July 20, 2015 due to the attainment date being mid-ozone season; no values from the 2015 ozone season can be used toward meeting the July 20, 2015 attainment date. He indicated 2012-2014 data would be used to evaluate attainment and the standard was not attained based on those years.

Joe Giudice, City of Phoenix, asked how the new EPA proposed standard would affect this plan. Mr. Poppen responded that MAG will have to wait and see if EPA sets a new standard. He added that EPA indicated that implementation requirements for the new standard should be available within a year after the standard is finalized. Ms. Bauer commented on the anti-backsliding provisions in the Clean Air Act in which areas must meet each standard.

#### 7. Comments on the EPA Proposed Ozone Standards

Ms. Bauer discussed comments provided on the EPA proposed ozone standards. On December 17, 2014, EPA published a proposed rule to strengthen the National Ambient Air Quality Standards for ozone. For the primary standard, EPA proposed a range of 0.065 to 0.070 parts per million (65-70 parts per billion). The current ozone standard established by EPA is 0.075 parts per million. The region does not currently meet the 0.075 parts per million ozone standard.

Ms. Bauer stated that MAG has been tracking in the Arizona Legislature the Senate Concurrent Memorial (SCM) 1014 that urges EPA to refrain from reducing the ozone standard. She noted that SCM 1014 has made progress in that it is out of the Senate and House of Representatives and back to the Senate for concurrence. The SCM 1014 expresses concern that nine counties in Arizona would be out of compliance if EPA reduced the ozone standard to 70 parts per billion. At the national level, legislation has been introduced, House of Representatives (H.R.) 1388, that would prohibit EPA from setting a more stringent ozone standard until approximately 85 percent of counties are in attainment of the 2008 standard. Ms. Bauer mentioned that H.R. 1388 is known as the Clean Air Strong Economies Act. She discussed that this legislation addresses EPA proposing new standards when areas have not met the current standard, which creates considerable economic concerns throughout the country.

Ms. Bauer discussed Senate Bill (S.) 640 at the national level. She indicated that S. 640 is an updated version from Senator Jeff Flake of the Ozone Regulatory Delay and Extension of Assessment Length (ORDEAL) Act. In S. 640, EPA would not be allowed to review the standards before the period of February 1, 2018 through December 31, 2018 and instead of reviewing standards every five years, EPA could only review and change standards every 10 years. Ms. Bauer indicated that SCM 1014, H.R. 1388, and S. 640 are included in the agenda materials.

Ms. Bauer thanked everyone who shared with MAG the comments they provided to EPA regarding the proposed ozone standards. The comments are included in the agenda materials.

She noted that the comments provided by the Arizona Chapter Associated General Contractors, the Associated General Contractors of America, and Arizona Rock Products Association were consistent with the SCM 1014 going through the State Legislature. Ms. Bauer mentioned that Maricopa County provided more technical comments. She noted that the comments provided by ADEQ stated that EPA should chose a defensible level at or near 72 parts per billion that encompasses no more than an adequate margin of safety. Ms. Bauer commented that this comment concerned MAG since 72 parts per billion is more stringent than the 75 parts per billion standard, which the region does not currently meet. In addition, it is not in line with SCM 1014. She stated that MAG staff spoke with the ADEQ Air Quality Director who indicated that ADEQ wanted to subtly suggest a 72 parts per billion ozone standard if the standard must be lowered. Ms. Bauer indicated that this concerned MAG and noted that the region is the only ozone nonattainment area in Arizona and tightening the standard could impact the region. She thanked those who provided their comments to MAG so that they may be shared with the Committee.

Ms. Fish commented that there is frustration with the air quality standards being a constantly moving target. She stated that it seems that EPA is setting standards to make sure attainment is never reached permanently. Ms. Fish mentioned that the efforts of the region never seem good enough and that the goal is always changing.

8. Proposed New Air Quality Project for the MAG FY 2016 Work Program

Ms. Bauer stated that a new project for Air Quality Technical Assistance On-Call for \$100,000 has been proposed in the Draft MAG Fiscal Year 2016 Unified Planning Work Program. She indicated that this type of project is important to MAG so that MAG may utilize consultant expertise. Ms. Bauer noted that the Draft MAG Fiscal Year 2016 Unified Planning Work Program is currently going through the MAG process for review.

Chair Mattingly inquired if MAG has a consultant or if the process would include a Request for Proposals. Ms. Bauer replied that MAG will go through a Request for Qualifications process for the On-Call Assistance. She indicated that if the project is approved as part of the FY 2016 Work Program, MAG will be going through a fair, open, and competitive Request for Qualifications process. Generally, the proposals are reviewed and recommendations on the proposals are taken through to MAG Regional Council for approval. Once the on-call consultants are approved, they would be available for use if necessary.

9. Call for Future Agenda Items

Chair Mattingly requested suggestions for future agenda items. Ms. Sheldon inquired if MAG could provide a presentation on the Air Quality Airport Survey data that was recently requested from the MAG member agencies and what the results are used for. Ms. Bauer replied that MAG can provide a presentation on this at a future meeting. She stated that the data was requested since MAG prepares part of the Maricopa County Emissions Inventory.

Mr. Trussell added that he would like to hear from ADEQ on their comments to EPA regarding the proposed ozone standards. He expressed concern with the comments.

Chair Mattingly indicated that the next meeting of the Committee has been scheduled for Thursday, April 23, 2015 at 1:30 p.m. With no further comments, the meeting was adjourned at approximately 2:20 p.m.