

2011 Exceedances of the 24-Hour PM-10 Standard by Date
(Preliminary Data Through October 4, 2011)

Date	Monitor	24-Hour Avg. PM-10 Concentration in ug/m ³	Additional Information
February 19, 2011	West Chandler	167.9	Frontal system winds from the south. Five continuous Pinal County PM-10 monitors recorded exceedances on February 19, 2011.
March 12, 2011	South Phoenix	168.5	
July 3, 2011	Buckeye	385.6	Regional dust storm
	Central Phoenix	279.8	
	Durango	278.1	
	Dysart	240.0	
	Glendale	242.8	
	Greenwood	254.6	
	Higley	196.8	
	South Phoenix	280.7	
	Supersite	229.0	
	West Chandler	199.2	
	West 43rd Ave.	250.7	
	West Phoenix	244.2	
Zuni Hills	260.8		
July 4, 2011	Higley	198.5	Localized thunderstorm outflow winds from the south. Five continuous Pinal County PM-10 monitors recorded exceedances on July 4, 2011.
July 5, 2011	Buckeye	164.2	Regional dust storm
	Central Phoenix	277.5	
	Durango	156.9	
	Dysart	220.0	
	Glendale	168.3	
	Greenwood	156.0	
	Higley	375.7	
	South Phoenix	207.4	
	Supersite	331.8	
	West Chandler	360.6	
West Phoenix	267.0		
July 7, 2011	Higley	266.9	Localized thunderstorm outflow winds late in the evening along with residual dust from the July 5, 2011 regional dust storm. Five continuous Pinal County PM-10 monitors recorded exceedances on July 7, 2011.
	West Chandler	205.8	
July 8, 2011	Apache Junction	194.2	Localized thunderstorm outflow winds
July 18, 2011	Buckeye	196.7	Regional dust storm
	Central Phoenix	211.2	
	Durango	268.2	
	Dysart	163.9	
	Greenwood	209.3	
	South Phoenix	303.7	
	West 43rd Ave.	245.3	
West Phoenix	159.7		
August 3, 2011	West Chandler	249.3	Localized thunderstorm outflow winds early in the morning. Four continuous Pinal County PM-10 monitors recorded exceedances on August 3, 2011.

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August 5, 2011	Buckeye	158.7	Residual dust from August 4 evening thunderstorms-under investigation
August 18, 2011	Buckeye	296.8	Regional dust storm
	Central Phoenix	232.2	
	South Phoenix	179.0	
	West Chandler	186.1	
August 25, 2011	Buckeye	235.9	Regional dust storm
	Central Phoenix	308.7	
	Durango	437.5	
	Dysart	273.7	
	Glendale	241.2	
	Greenwood	388.6	
	South Phoenix	421.5	
	Supersite	242.2	
	West Chandler	278.6	
	West 43rd Ave.	370.3	
	West Phoenix	212.6	
Zuni Hills	212.8		
August 26, 2011	Apache Junction	169.0	Localized thunderstorm outflow winds. Four other continuous Pinal County PM-10 monitors recorded exceedances on August 26, 2011.
August 27, 2011	Buckeye	226.3	Regional dust storm
	Central Phoenix	234.0	
	Durango	261.4	
	Glendale	220.4	
	Greenwood	208.2	
	South Phoenix	301.5	
	West Chandler	229.3	
	West 43rd Ave.	292.6	
West Phoenix	164.6		
August 28, 2011	Apache Junction	282.7	Carryover from August 27, 2011 regional dust storm. Four other continuous Pinal County PM-10 monitors recorded exceedances on August 28, 2011.
	Higley	175.8	
September 2, 2011	Apache Junction	217.4	Regional dust storm
	Buckeye	169.8	
	Central Phoenix	308.0	
	Durango	255.4	
	Greenwood	198.1	
	Higley	213.5	
	South Phoenix	339.3	
	Supersite	208.9	
	West Chandler	387.5	
	West 43rd Ave.	219.7	
September 6, 2011	Apache Junction	172.6	Localized thunderstorm outflow
September 11, 2011	North Phoenix	184.1	Regional dust storm
	Supersite	178.7	
	West Phoenix	168.8	
September 12, 2011	Durango	229.8	Regional dust storm
	West 43rd Ave.	162.2	
	West Phoenix	200.6	
October 4, 2011	Higley	157.8	Regional dust storm. Six continuous Pinal County PM-10 monitors recorded exceedances on October 4, 2011.
	West Chandler	251.5	

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	July 5, 2011	156.9	Regional dust storm
	July 18, 2011	268.2	Regional dust storm
	August 25, 2011	437.5	Regional dust storm
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	September 2, 2011	387.5	Regional dust storm
	October 4, 2011	251.5	Regional dust storm. Six continuous Pinal County PM-10 monitors recorded exceedances on October 4, 2011.
West 43rd Avenue	July 3, 2011	250.7	Regional dust storm
	July 18, 2011	245.3	Regional dust storm
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	August 27, 2011	164.6	Regional dust storm
	September 11, 2011	168.8	Regional dust storm
	September 12, 2011	200.6	Regional dust storm
Zuni Hills	July 3, 2011	260.8	Regional dust storm
	August 25, 2011	212.8	Regional dust storm

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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Kelly Paisley and Sandra Bahr,

Plaintiffs,

vs.

**Henry R. Darwin, in his capacity as
Director of the Arizona Department of
Environmental Quality; and Doug Ducey,
in his capacity as Treasurer of the State of
Arizona,**

Defendants.

Case No: CV10-1253-PHX DGC

ORDER

Pursuant to and for the reasons stated in this Court's Order in this case dated September 2, 2011, Defendant Doug Ducey, in his capacity as Treasurer of the State of Arizona, is hereby ordered to reinstate funding for public transportation in Maricopa County from the proceeds of the Powerball lottery game, as set forth in the March 1994 Addendum to the Maricopa Association of Governments 1993 Carbon Monoxide Plan for the Maricopa County Area, and as set forth in Sections

1 2, 9 and 10 of House Bill 2001, 41st Leg., 6th Sp. Sess. (Ariz. 1993).

2 To reinstate this funding, from and after the date of this Order, Defendant
3 Ducey (“Treasurer”), in his capacity as Treasurer, shall, each calendar month, take
4 the following actions:
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6 1. Obtain from the Arizona State Lottery information, for the preceding
7 calendar month, as to the percentage of Arizona State Lottery ticket sales in the
8 State of Arizona which result from ticket sales in Maricopa County;
9

10 2. Obtain information from the Arizona State Lottery determining the
11 dollar amount of Powerball proceeds, calculated by multiplying the percentage
12 described in Paragraph 1 above by 31.5 percent of the State-wide proceeds of the
13 Powerball game for the preceding calendar month;
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15 3. Take the amount of Powerball proceeds calculated pursuant to
16 Paragraph 2, to the extent such proceeds are deposited with the Treasurer by the
17 Arizona State Lottery, and transmit those funds to the public transportation fund
18 for Maricopa County established pursuant to A.R.S. Section 48-5103, for
19 expenditure for public transportation operating and related capital purposes.
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22 Before transmitting any funds pursuant to Paragraph 3, the Treasurer shall
23 first determine, by information obtained from the Arizona State Lottery, whether
24 45 million dollars in proceeds from State Lottery games will be available for
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1 deposit to the State General Fund within the fiscal year. If the Treasurer receives
2 information that such proceeds may not equal 45 million dollars, the Treasurer
3 shall not transmit any funds as set forth in Paragraph 3 until deposits to the Arizona
4 State General Fund from Lottery revenues that fiscal year equal 45 million dollars.
5

6 The Treasurer is ordered to establish such fund accounts as necessary to
7 perform the foregoing actions.
8

9 The amount of funds transmitted each fiscal year under this Order shall not
10 exceed the total resulting from the following calculation: 18 million dollars
11 multiplied by the percentage of Arizona State Lottery ticket sales State-wide that
12 year resulting from ticket sales in Maricopa County.
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15 If during the pendency of this Order the Powerball game is eliminated in
16 Arizona, or revenues from the Powerball to the Treasurer are reduced by State
17 legislative or administrative action, the provisions of this Order shall apply to any
18 remaining Arizona State Lottery multistate games, and the Treasurer shall take the
19 above actions accordingly.
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22 This injunction shall terminate upon the effective date of any State
23 legislation restoring the above funding, or upon publication in the Federal Register
24 of a decision by the U.S. Environmental Protection Agency that the funding
25 commitment described above has been approved for removal from the State of
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Arizona State Implementation Plan promulgated under the Clean Air Act, pursuant to the provisions of that Act. Upon the occurrence of either of the above events, any party may make an application to this Court for an order memorializing the termination of this injunction.

The Court retains jurisdiction to enforce this Order.

Dated this 30th day of September, 2011.



David G. Campbell
United States District Judge

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