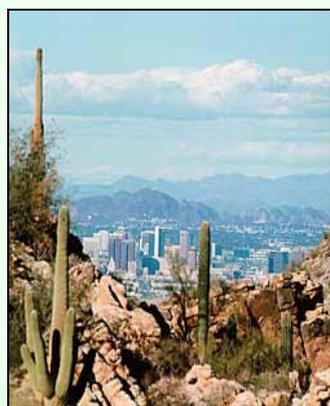




# **Update on Exceptional Events and MAG Five Percent Plan for PM-10**

**MAG Management Committee**

**July 14, 2010**



## **EPA Notice of Lodging of Proposed Consent Decree in U.S. District Court for Arizona-June 23, 2010**

- n **EPA and the Arizona Center for Law in the Public Interest have agreed to a settlement on the timetable for EPA to take action on the Five Percent Plan for PM-10**
  - | By Sept. 3, 2010-EPA will sign a notice of proposed action
  - | By Jan. 28, 2011-EPA will sign a notice of final action
- n **EPA will publish a notice in the Federal Register of the proposed consent decree and request public comments**
  - | A reasonable opportunity for public comments will be provided
  - | EPA will respond to comments
  - | If comments do not disclose facts or other considerations which indicate that the consent decree is inappropriate, improper, inadequate, or inconsistent with the Clean Air Act, EPA will move for entry of the consent decree

## Comments on the EPA Review of Exceptional Events

### n **ADEQ comments submitted to EPA-June 30, 2010**

#### l **3 principal concerns with EPA's review:**

- n Is not always consistent with the Exceptional Events Rule.
- n Failed to take into account some of the ADEQ supporting data and analysis.
- n Is not always consistent with EPA's August 27, 2007 concurrence with California's request to exclude data from the determination of attainment status for the San Joaquin Valley.
  - l EPA rejected ADEQ's substantially identical demonstration.

#### l **Process was unfair.**

#### l **Supplemental information for the 4 high wind exceptional events will be submitted by August 2010.**

### n **ADEQ submitted MAG's comments to EPA-July 2, 2010**

- l **MAG comments raise additional concerns and support ADEQ comments.**





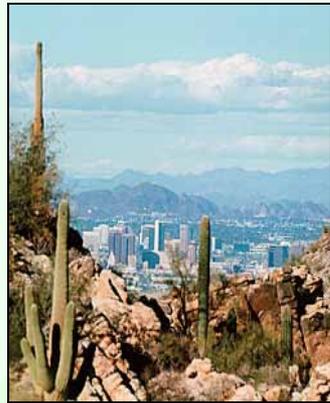
# For More Information

Contact:

Lindy Bauer, MAG  
(602) 254-6300

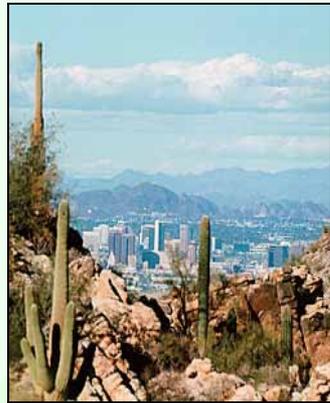
[www.mag.maricopa.gov](http://www.mag.maricopa.gov)





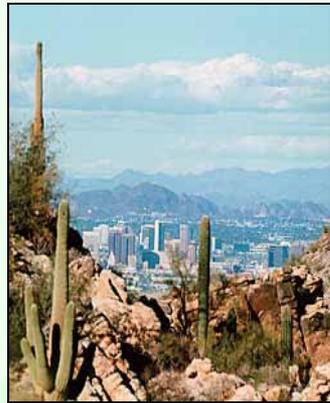
# Consequences of Plan Disapproval Action

- n **Conformity Freeze – 30 to 90 days after final disapproval in Federal Register**
  - | Only projects in 1<sup>st</sup> four years of the conforming TIP and Regional Transportation Plan (RTP) can proceed.
  - | No new TIPs, RTPs or projects until a Five Percent Plan revision is submitted that fulfills the Clean Air Act requirements, EPA finds the conformity budget adequate or EPA approves the submission, and conformity to the plan revision is determined.



# Consequences of Plan Disapproval Action

- n **Clean Air Act sanctions would be imposed if the problem is not corrected within**
  - l 18 months from disapproval action
    - n Tighter controls on major industries (2:1 offsets in emissions)
  - l 24 months from disapproval action
    - n Loss of federal highway funds - \$1.7B at risk in Draft FY 2011-2015 MAG Transportation Improvement Program (TIP)
    - n Federal implementation plan imposed
- n **Imposition of highway sanctions may trigger a conformity lapse**
  - l Major projects in \$7.3B Draft TIP could not proceed



## Consequences for the Five Percent Plan for PM-10

- n **New emissions inventory needed**
  - | Major downturn in economy since 2005 has changed mix of sources
  - | New 2008 inventory will be completed June 30, 2010
- n **May need to add more measures to reduce emissions by 5 percent per year until attainment, as measured at the monitors**
- n **Will need to revise modeling in the Plan**
- n **Will need 3 years of clean data at all PM-10 monitors for attainment**