MARICOPA ASSOCIATION of GOVERNMENTS

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March 22, 2007

TO: Members of the MAG Air Quality Technical Advisory Committee

FROM: Stephen S. Cleveland, Goodyear City Manager, Chairman

SUBJECT: MEETING NOTIFICATION AND TRANSMITTAL OF TENTATIVE AGENDA

Thursday, March 29, 2007 - 1:30 p.m.
MAG Office, Suite 200 - Saguaro Room
302 North 1st Avenue, Phoenix

Please park in the garage underneath the building. Bring your ticket to the meeting; parking will be validated. For those using transit, the 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.

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Members of the MAG Air Quality Technical Advisory Committee may attend in person, via video conference or by telephone conference call. Those attending by video conference must notify the MAG site three business days prior to the meeting. Those attending by telephone conference call are requested to call (602) 261-7510 between 1:25 p.m. and 1:30 p.m. on the date of the meeting. After the prompt, please enter the meeting ID number 27822 (on your telephone key pad) followed by the pound key. If you have a problem or require assistance, dial 0 after calling the number above.

Please be advised that under procedures approved by the MAG Regional Council, all MAG committees need to have a quorum to conduct the meeting. A quorum is a simple majority of the membership. If you are unable to attend the meeting, please make arrangements for a proxy from your entity to represent you.

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.	2. For information.
3. Approval of the March 1, 2007 Meeting Minutes	3. Review and approve the March 1, 2007 meeting minutes.
4. Approval of the March 6, 2007 Meeting Minutes	4. Review and approve the March 6, 2007 meeting minutes.
5. Approval of the March 9, 2007 Meeting Minutes	5. Review and approve the March 9, 2007 meeting minutes.
6. Status Report on Agricultural Measures The Governor's Agricultural Best Management Practices Committee has been evaluating possible measures to reduce PM-10 emissions from agriculture. A status report will be given by a representative from the agricultural community.	6. For information and discussion.
7. Update on the Five Percent Plan for PM-10 On March 14, 2007, the MAG Management Committee unanimously recommended the Suggested List of Measures to Reduce PM-10	7. For information and discussion.

Particulate Matter. At the Management Committee meeting, it was suggested that the MAG member agencies prepare a list of county unpaved roads that are within the jurisdictions (county island unpaved roads) to assist the Maricopa County Department of Transportation.

It is anticipated that the MAG Regional Council may take action on the Suggested List of Measures on March 28, 2007. An update will be provided. Please refer to the enclosed material.

8. MAG Silt Loading Study

The purpose of the MAG Silt Loading Study is to improve estimates of particulate emissions from paved roads in the Maricopa County PM-10 nonattainment area. The College of Engineering, Center for Environmental Research and Technology, University of California, Riverside (CE-CERT) will give a presentation on the study.

8. For information and discussion.

9. Ozone Control Measures

The Arizona Department of Environmental Quality will give a presentation on additional potential ozone control measures. The measures include Expand Area A, Liquid Leaker Test, and Ban on Open Burning During the Ozone Season. Please refer to the enclosed material.

9. For information, discussion and possible action.

10. Call for Future Agenda Items

The next meeting of the Committee has been tentatively scheduled for **Thursday April 26, 2007 at 1:30 p.m.** The Chairman will invite the Committee members to suggest future agenda items.

10, For information and discussion.

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

Thursday, March 1, 2007
MAG Office
Phoenix, Arizona

MEMBERS PRESENT
Stephen Cleveland, City of Goodyear, Chairman
Jess Segovia, Avondale
#Michael Salisbury for Lucky Roberts, Buckeye
Jim Weiss, Chandler
#Jamie McCullough, El Mirage
Lisa Taraborelli for Tami Ryall, Gilbert
Doug Kukino, Glendale
Scott Bouchie, Mesa
Gaye Knight, Phoenix
Larry Person, Scottsdale
Antonio DeLaCruz, Surprise
Oddvar Tveit, Tempe
Larry Crisafulli for Walter Bouchard, Citizen Representative
#Corey Woods, American Lung Association of Arizona
Barbara Sprungl, Salt River Project
Brian O'Donnell, Southwest Gas Corporation
Mark Hajduk, Arizona Public Service Company
#Gina Grey, Western States Petroleum Association
*Randi Alcott, Valley Metro
Dave Berry, Arizona Motor Transport Association
Jeannette Fish, Maricopa County Farm Bureau
Russell Bowers, Arizona Rock Products Association
*Michelle Rill, Greater Phoenix Chamber of Commerce
Amanda McGennis, Associated General Contractors
Spencer Kamps for Connie Wilhelm-Garcia, Homebuilders Association of Central Arizona
*Stephen J. Andros, American Institute of Architects - Central Arizona
Mannie Carpenter, Valley Forward
Kai Umeda for Patrick Clay, University of Arizona Cooperative Extension
Beverly Chenausky, Arizona Department of Transportation
Peter Hyde, Arizona Department of Environmental Quality
#Wienke Tax, Environmental Protection Agency
Jo Crumbaker, Maricopa County Air Quality Department
Duane Yantorno, Arizona Department of Weights and Measures
Ed Stillings, Federal Highway Administration
*Judi Nelson, Arizona State University
#Angela Cruz for B. Bobby Ramirez, Salt River Pima-Maricopa Indian Community
*David Rueckert, Citizen Representative

*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
Cathy Arthur, Maricopa Association of Governments
Taejoo Shin, Maricopa Association of Governments
Dean Giles, Maricopa Association of Governments
Julie Hoffman, Maricopa Association of Governments
Patrisia Navarro, Maricopa Association of Governments
Kelly Taft, Maricopa Association of Governments
Matt Clark, Maricopa Association of Governments
Diane Arnst, Arizona Department of Environmental Quality
David Lillie, Arizona Department of Environmental Quality
Ira Domsky, Arizona Department of Environmental Quality
Don Gabrielson, Pinal County Air Quality
Scott Di Biase, Pinal County Air Quality
Robert St. John, City of Glendale
Michelle Lehman, City of Surprise
Shane Kiesow, City of Apache Junction
Bob Downing, Maricopa County Air Quality Department
Dena Konopka, Maricopa County Air Quality Department
Johanna Kuspert, Maricopa County Air Quality Department
Corinne Purtill, Arizona Republic
Steve Egge, J&D Excavators
Merry Ellen Boom, Converse Consultants
Cameron Flower, Kitchell Contractors of Arizona
Greg Shively, Kitchell Contractors of Arizona
Mike Hudson, Eagle Distributing, Inc.
Kristine Stoddard, Arizona House of Representative
Tami Stowe, Arizona House of Representatives
Brent Stoddard, City of Glendale
Brad Lundahl, City of Scottsdale
James Wilson, E.H. Pechan & Associates, Inc.
Ben Dowler, Engle Homes
Alisa Schroder, Meritage Homes
Jane McVay, Arizona Department of Transportation
Andrea Martin, Arizona Department of Agriculture
Bert Acken, Lewis and Roca
#Bob Dulla, Sierra Research
#Colleen McKaughan, Environmental Protection Agency
#Joy Herr-Cardillo, Arizona Center for Law in the Public Interest

1. Call to Order

A meeting of the MAG Air Quality Technical Advisory Committee was conducted on March 1, 2007. Stephen Cleveland, City of Goodyear, Chair, called the meeting to order at approximately 1:40 p.m. Michael Salisbury, Town of Buckeye; Jamie McCullough, City of El Mirage; Corey Woods, American Lung Association of Arizona; Angela Cruz, Salt River Pima-Maricopa Indian Community; Gina Grey, Western States Petroleum Association; Wienke Tax, Environmental Protection Agency; Colleen McKaughan, Environmental Protection Agency; Bob Dulla, Sierra Research; and Joy Herr-Cardillo, Arizona Center for Law in the Public Interest, attended the meeting via telephone conference call.

2. Call to the Audience

Mr. Cleveland 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 table adjacent to the doorway 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 and nonaction agenda items. Mr. Cleveland noted that no public comment cards had been received.

3. Approval of the February 15, 2007 Meeting Minutes

The Committee reviewed the minutes from the February 15, 2007 meeting. Scott Bouchie, City of Mesa, moved and Antonio DeLaCruz, City of Surprise, seconded and the motion to approve the February 15, 2007 meeting minutes carried unanimously.

4. Update on the Maricopa County 2005 PM-10 Emissions Inventory

Jo Crumbaker, Maricopa County Air Quality Department, provided an update on the Maricopa County 2005 PM-10 Emissions Inventory. She indicated that comments have been received in approximately 40 areas and the Maricopa County Air Quality Department is in the process of evaluating the comments. Ms. Crumbaker stated that there are no new revisions at this time and the Committee will be notified when the process is complete.

James Wilson, E.H. Pechan & Associates, discussed comments submitted on the draft 2005 inventory by the Home Builders and Associated General Contractors. He discussed the experience of E.H. Pechan & Associates and indicated that the comments focused on construction activity, windblown dust, paved road dust, and unpaved road dust.

Mr. Wilson stated that concerns about construction activity in the draft 2005 inventory were in the areas of site preparation/land development, the road construction emission factor, and the rule effectiveness study. He provided a picture of an active construction site and discussed site preparation/land development in the draft 2005 inventory. Mr. Wilson mentioned a mathematical issue and stated that the computation information was provided to Maricopa County which would lower construction activity PM-10 estimates by 2,100 tons per year. He discussed road construction in the draft 2005 inventory and indicated that a key issue is the PM-10 emission factor selection. The inventory applies a worst case emission factor to all road construction. Mr. Wilson mentioned how the South Coast Air Quality Management District reviewed road construction projects and recommended using their methods, which would reduce PM-10 to 5,281 tons from 11,831 tons.

Mr. Wilson discussed the rule effectiveness study and mentioned changes in EPA guidance. He stated that there are now rule effectiveness ranges and associated importance factors. Mr. Wilson discussed the Maricopa County rule effectiveness study. He stated that when there was an emissions related Notice of Violation (NOV) or Notice to Correct (NTC), it was assumed the entire site was uncontrolled. Those results were used to compute a rule effectiveness value of 49 percent. Mr. Wilson mentioned the history of the rule effectiveness concept. He stated that it does not make sense to apply 49 percent rule effectiveness to the entire construction site.

Mr. Wilson discussed two alternate methods for rule effectiveness study data analysis: tie NOVs and NTCs to activity types in the emission estimation methods and evaluate the occurrence of rule-specific NOVs/NTCs. He mentioned that when looking at nine project types for the first method, the controlled PM-10 estimates went from 35,181 tons to 10,059 tons. When applying the second method, the overall compliance rate was 87 percent versus the Maricopa County compliance rate of 49 percent. He stated that it is best to match the compliance rate of rule effectiveness with emission generating activity.

Mr. Wilson mentioned concerns with the windblown dust PM-10 emissions in the draft 2005 inventory. He discussed the need for average or typical year emissions, the suitability of the ENVIRON Model, issues with 2005 emission estimates, and reasonable checks. Mr. Wilson stated that the ENVIRON Model does not estimate emissions for any wind speeds below 20 miles per hour. He stated that 83 percent of the wind events were used to calculate emissions in Yuma County. Mr. Wilson noted that measures where activity would occur at 15 miles per hour wind speeds would not be able to be tied back to the draft 2005 inventory. He discussed PM-10 emissions from agriculture, grassland, shrubland, and barren lands in the PM-10 nonattainment area.

Mr. Wilson discussed the paved road emissions in the draft 2005 inventory. He mentioned the importance of including new silt loading measurements. Mr. Wilson expressed concern with the emission factor application for PM-2.5. He stated that the use of 0.15 multiplier is incorrect and that it should be recalculated using AP-42 equation with PM-2.5-specific particle size multiplier and correction factor. He discussed the unpaved road emissions in the draft 2005 inventory. He mentioned key variables and focused on verifying the estimates of average daily traffic by category and unpaved road mileages. Mr. Wilson stated that research has been conducted in Clark County (Las Vegas, Nevada) with aerial photos. He indicated that these changes would provide for a more accurate inventory and good foundation for evaluating measures.

Gaye Knight, City of Phoenix, asked if the recommendations would change the total estimated emissions in the draft 2005 inventory. Mr. Wilson responded that the total emissions could increase or decrease. He stated that it is important to get the right balance among the contributing source categories.

Doug Kukino, City of Glendale, asked if the analysis looked at the entire draft 2005 inventory. Mr. Wilson replied that he selected the source categories that had the highest emission estimates or had significant changes since the 2002 emissions inventory. He indicated that the source categories he analyzed had 10,000 tons per year of actual or potential emissions in 2002 or 2005.

Dave Berry, Arizona Motor Transport Association, inquired about the total emissions in the draft 2005 inventory. Ms. Crumbaker replied approximately 91,000 tons. Mr. Berry commented on potential emission reductions mentioned in the presentation based on different methodologies. He

inquired about the importance of making these changes and have a peer review of the draft inventories. Mr. Wilson responded that it is important for the inventory to have a firm foundation.

Peter Hyde, Arizona Department of Environmental Quality, commented that windblown dust emissions in the 2002 inventory were 5,000 tons per year and are 1,000 tons per year in the draft 2005 inventory. He stated that a number of the measures being considered would have substantial reductions in the windblown dust source category. Mr. Hyde indicated that he is also concerned about the 20 mile per hour wind speed threshold and using meteorological data from three heights. He stated that ten heights should be used. Mr. Hyde commented on looking at more than one year of emissions. He expressed the importance of windblown emissions in the inventory. Mr. Hyde indicated that even if the windblown dust portion of the draft 2005 inventory increases there would still be a lot of room to make the reductions necessary.

Mr. Berry inquired about the next steps for the draft 2005 inventory. Ms. Crumbaker responded that Maricopa County is currently evaluating the comments and revising the draft 2005 inventory. She stated that a summary of the comments received and responses will be included in the final inventory. Ms. Crumbaker added that Maricopa County will also provide a list of the changes made between the draft and final document. Mr. Berry inquired about when the final 2005 inventory would be available. Ms. Crumbaker replied that a series of work still needs to be completed and the hope is to have it available by the end of March.

Mr. Berry stated that the Committee has to assume that information on the control measures is a work-in-progress and may change based on changes to the draft 2005 inventory. Lindy Bauer, Maricopa Association of Governments, indicated that the percentages of the total emissions for the source categories may change; however, the contributing sources themselves are not likely to change. She added that there are preliminary draft measures for all the sources in the draft 2005 inventory.

Cathy Arthur, Maricopa Association of Governments, addressed the concerns raised in the presentation about the paved road and unpaved road source categories in the draft 2005 inventory. She indicated that MAG contributed to these sections of the inventory. Ms. Arthur indicated that the PM-2.5 multiplier of 0.15 was for fugitive dust, which is the recommended WRAP value to apply to the PM-10 emissions for fugitive dust. Ms. Arthur stated that AP-42 was used to calculate PM-2.5 exhaust emissions and a table indicating that is included in the draft 2005 inventory. Ms. Arthur referred to comments about no precipitation being used in the formula. She stated that 36 days of precipitation was assumed in the formula.

Ms. Arthur referred to comments on the unpaved roads category. She stated that it is true that the unpaved roads category of the draft 2005 inventory is based on the Serious Area Plan for PM-10 and that MAG is looking into updating that data. Ms. Arthur mentioned using GIS and aerial photos to determine mileage. She indicated that MAG may do additional traffic counts on unpaved roads. Ms. Arthur stated that in Clark County, the unpaved roads inventory is one-sixth the size of that in Maricopa County. In addition, the Clark County area is only one-sixth the size of the Maricopa County PM-10 nonattainment area. Ms. Arthur noted that emissions from unpaved roads in Clark County are approximately 10 percent of their total inventory and are about nine percent in the Maricopa County draft 2005 inventory.

Spencer Kamps, Homebuilders Association of Central Arizona, inquired about Maricopa County having six times the amount of unpaved roads than Clark County. Ms. Arthur replied that the unpaved road emissions in Clark County are 10 percent of their overall emissions. Unpaved roads

are nine percent of the overall emissions in the Maricopa County draft 2005 inventory. Mr. Kamps asked about the comparable tonnage. Ms. Arthur responded that she did not know what Clark County's tonnage was. Mr. Kamps commented that it stands to reason that the emissions from unpaved roads would be six times greater than those in Clark County.

Mr. Kamps stated that he is extremely cautious of recommending measures using an inventory that is not complete. Mr. Kamps commented on not meeting the PM-10 standard and indicated that there is one chance to get this right, otherwise the Committee will be back next year to do it again. He stated that it is unknown if the region will meet the five percent requirement with the measures being discussed based on the draft 2005 inventory. Ms. Arthur stated that the draft 2005 inventory may change, but the benefits of increasing compliance by one percent have been provided. This will minimize the impact of changes in the inventory on control measure benefits.

Mr. Kamps expressed concern with being asked to recommend measures when it is unknown if they are valid, cost effective, or result in five percent reductions, since the inventory is not complete. Ms. Arthur replied that the PM-10 standard has not been attained because there are no silver bullets, which is why every source category needs to be addressed. She indicated that Sierra Research has calculated the cost effectiveness for 46 measures and the marginal benefit for each measure has been provided. Ms. Arthur commented on bundling some of the measures for synergism to allow for meeting the five percent reductions and showing attainment through the modeling and at the monitors.

Mr. Kamps commented on having control measures for each source category and working with the information available. He indicated that the PM-10 standard has not been met with this strategy in the past. Mr. Kamps suggested using a comprehensive approach to reach attainment versus a shotgun approach. He indicated that nobody can leave the meeting without being confident in the Five Percent Plan for PM-10. Mr. Kamps stated that he is not confident in looking at the measures since he is not confident with the draft 2005 inventory.

Ms. Knight stated that she shared concern with Mr. Kamps that the inventory should be correct. She indicated that the Committee needs to move forward and recognize that the draft 2005 inventory may change. Ms. Knight mentioned that if the inventory changes the implementing agency can justify why they are not planning to adopt a particular measure. Mr. Cleveland stated that by the time the measures are given to the implementing agencies for consideration, the 2005 inventory should be finalized. He indicated that the Committee needs to determine which measures should be recommended.

5. Suggested List of Measures to Reduce PM-10 Particulate Matter

Ms. Bauer stated that the Committee has been reviewing a Preliminary Draft Comprehensive List of Measures to reduce PM-10 Particulate Matter. The Committee has also reviewed the preliminary draft 2005 emissions inventory prepared by Maricopa County, preliminary draft projected emissions for 2007, 2008, and 2009 prepared by MAG, air quality monitoring data, the modeling approach for the Five Percent Plan for PM-10, preliminary results from the PM-10 Source Attribution and Deposition Study, and descriptive information generated for the measures, including cost effectiveness. In addition, MAG conducted a workshop on February 16, 2007 on the preliminary draft measures and PM-10 Source Attribution and Deposition Study.

Ms. Bauer indicated that the Committee is requested to recommend a Suggested List of Measures to Reduce PM-10 Particulate Matter to the MAG Management Committee. On March 14, 2007, the MAG Management Committee may make a recommendation to the MAG Regional Council. On March 28, 2007, the MAG Regional Council may take action to approve the Suggested List of Measures for consideration by the State and local governments for implementation. Ms. Bauer stated that the Five Percent Plan for PM-10 will be composed of the measures where firm commitments to implement have been received.

Ms. Bauer mentioned the key guiding principles for the Five Percent Plan for PM-10. She indicated that there is no one silver bullet to solve the PM-10 particulate pollution problem. Ms. Bauer stated that a large number of measures will be needed to meet the federal requirements for this plan. She mentioned that five percent reduction in PM-10 emissions per year will be needed until the standard is met, which is estimated to be 4,600 tons per year. This figure is a 2007 projection, based upon the Draft Maricopa County 2005 Periodic Emissions Inventory for PM-10, dated January 23, 2007 and is subject to change. This reduction will be needed in 2008 and another reduction of 4,600 tons will be needed in 2009. If violations at the monitors occur in 2007, another reduction of 4,600 tons will be needed in 2010. Ms. Bauer mentioned modeling attainment at the West 43rd Avenue, Durango, and Higley monitors during both stagnant and high wind conditions. Actual attainment will be needed at all of the monitors, three years of clean data as measured by the monitors throughout the nonattainment area - 2007, 2008, and 2009. She mentioned Contingency Measures beyond the above. The Contingency Measures will need to be sufficient to reduce emissions equivalent to one year of Reasonable Further Progress toward attaining the standard. Ms. Bauer stated that plan measures are required to be applied to all similar sources throughout the nonattainment area.

Ms. Arthur stated that revised tables 1-3 have been provided at each place. She referred to Table 1 and indicated that the cost effectiveness for measure 14 has changed to $320,444 per ton. In addition, the cost effectiveness for measure 29 has changed to $4 per ton. As a result the rankings have changed slightly. Table 2 shows that measure 29 is now ranked number one. Ms. Arthur stated that Table 3 has changed to define the unit that was used to develop the ton reduction. She indicated that in many cases the computation of ton reduction is based on a one percent increase in compliance. Mr. Hyde asked if the estimated impact on five percent emissions reductions in Table 3 total the 4,594 target. Ms. Arthur replied that the estimates are not additive because more than one percent increase in compliance could be achieved with some measures.

Colleen McKaughan, Environmental Protection Agency, inquired about how the additional compliance was calculated. Ms. Arthur responded that she used the compliance rate in the draft 2005 inventory, assuming that 80 percent would be the maximum, and assuming the impact based on the tons that are associated with that source category, the tons reduced for every one percent increase between the current rule compliance and 80 percent compliance can be calculated. Ms. McKaughan expressed some concern with the calculation.

Mr. Berry asked if someone will be tabulating as the measures are selected to make sure the approximately 4,500 tons of PM-10 needed for the five percent reductions are achieved. Ms. Arthur commented on the challenge of determining the increase in compliance. She indicated that may need to be completed offline and brought back to the Committee. Mr. Cleveland stated that not everyone will adopt the same measures. Mr. Berry commented on multiplying the increase in compliance by the number of tons in Table 3. He mentioned that having those issued an NOV or NTC sign a pledge

may result in a high level of compliance. Ms. Arthur responded that EPA specifies an 80 percent maximum compliance rate. Mr. Berry mentioned that the big lever may be increasing compliance with the existing rules and not changing the rules. Ms. Arthur replied that there are other source categories where new measures would be helpful. Mr. Berry stated that if everyone would follow the existing rules, many of the measures might not be needed. Ms. Arthur indicated that a package of measures for Rule 310 could result in as much as a 31 percent increase in compliance, assuming the base compliance rate of 49 percent from the 2005 inventory remains the same.

Brian O'Donnell, Southwest Gas Corporation, suggested just looking at the measures the Committee is not comfortable with and recommending the measures that have no issues. Mr. Cleveland suggested looking at each category and identify those the Committee wishes to discuss. Mr. Kamps asked if the Committee would be voting on the measures at the meeting. Mr. Cleveland replied that is correct. Mr. Kamps mentioned the discussion on rule effectiveness. He stated that increasing rule effectiveness decreases the tons that can be reduced. Mr. Kamps indicated that when taking the NOVs and NTCs against every inspection in 2005 their compliance rate is 74 percent. He stated that if we are wrong and try to increase rule effectiveness, no benefit will be achieved. Mr. Cleveland commented on the Committee recommending a Suggested List of Measures and by the end of March, the 2005 emissions inventory will be finalized.

Mr. Kamps commented on the Committee making decisions without good information. Ms. Arthur stated that if the compliance rate is changed to 74 percent, a six percent increase in compliance can still be achieved. Mr. Kamps asked if the tonnage would change. Ms. Arthur responded yes; however, there are many measures affecting areas other than construction. Mr. Kamps stated that all the information needs to be accurate to make sure the five percent reductions are achieved. Mr. Cleveland indicated that the commitments will be modeled to determine if five percent reductions would be achieved. He mentioned that each implementing agency may have different reasons as to why they will or will not implement certain measures.

Mr. Hyde asked if the Committee can stipulate that any results of the voting on the measures are preliminary and are likely to be revised with the advent of the 2005 PM-10 emissions inventory. Ms. Bauer replied that the voting can be qualified to say that based upon the data available at this time, this is the preliminary recommendation of the Committee and is subject to change. She added that the commitments are what count toward the adopted Five Percent Plan for PM-10. She stated the assumptions for the commitments are developed and then the final modeling is conducted. Ms. Bauer indicated that if there had been a higher compliance rate with the existing rules, a five percent plan may not have been necessary. Mr. Cleveland indicated that voting at this meeting are preliminary actions and the Committee can further refine them in the future.

Russell Bowers, Arizona Rock Products Association, asked if the additional measures being evaluated will be included in the future. Mr. Cleveland replied that the hope is to also vote on the additional measures in Table 4 at this meeting.

Corey Woods, American Lung Association of Arizona, inquired about voting for those on telephone conference call. Mr. Cleveland replied that he will request their votes. Gina Grey, Western States Petroleum Association, asked if there is a vote on the entire package of measures. Mr. Cleveland responded that the Committee will go through by category. Lisa Taraborelli, Town of Gilbert, stated that if the Committee is recording their votes then those on the phone should do the same. Ms. McKaughan inquired about the voting status of EPA on the Committee. Ms. Bauer responded that EPA is a voting member of the Committee. Ms. McKaughan stated that EPA has veto power on the

Five Percent Plan for PM-10 and stated that EPA will abstain from voting on the measures due to a conflict of interest.

Mr. Cleveland mentioned the preliminary draft measures for the Fugitive Dust Control Rules. Jeannette Fish, Maricopa County Farm Bureau, suggested removing preliminary draft measure seven. She stated that increasing fines for dust control violations and continuing to publish the list of violators show negligible benefits. Mr. Cleveland suggested identifying the measures the Committee wants to discuss.

Amanda McGennis, Associated General Contractors, asked for clarification on preliminary draft measure six, strengthen the stringency and enforcement of the trackout provisions. She asked if it addresses permitted or nonpermitted sources. Ms. Arthur responded that Table 1 provides descriptions of the measures. Mr. Cleveland stated that Table 4 lists the additional measures. Ms. Arthur indicated that measure six would be implemented on those who are currently covered by trackout provisions in Rule 310. Ms. Fish asked if Rule 310 applies to anyone who pulls onto the highway. Ms. Crumbaker responded permitted sources. Ms. Bauer mentioned that it is important to enforce trackout on nonpermitted and permitted sources. She mentioned regulated sources that do not have permits. Ms. Bauer indicated that she thought the intent of the measure was to enforce trackout provisions on all sources. Ms. Arthur asked if there are any trackout provisions other than in Rule 310. Ms. Crumbaker replied that there is a trackout provision in Rule 316.

Mr. O'Donnell asked why the Committee is considering the preliminary draft measures that have negligible impacts. Mr. Bowers indicated that measures that appear negligible today, may not be, once the information is finalized. Mr. Cleveland stated that the Committee has requested discussion on measures six and seven. He asked if there are any other measures the Committee wishes to discuss in the Fugitive Dust Control Rules category. Mr. Kamps indicated that in addition to those mentioned, he has issues with measures four and 10-17. Barbara Sprungl, Salt River Project, indicated that she has a comment on measure three.

Mr. Hyde suggested removing all measures in Table 2 that have a cost effectiveness of more than $120,000 per ton and also remove all the measures on page 2 of Table 2 except for just-in-time grading and shifting hours of operation. He commented on the cost effectiveness being $2.5 million per ton for measure six. Ms. Arthur responded that the cost effectiveness for measure six is high because it assumes more frequent sweeping of access points based on the trackout observed. She stated that there are other alternatives to sweeping which would change the cost effectiveness. Ms. Arthur indicated that the measure does have benefits and that cost effectiveness should not be the only factor considered.

Mr. Cleveland asked if there are any comments on measures 1, 2, 5, 8, 9, and 18. No comments were noted. Mr. Cleveland asked for comments on measure three, core dust control training program with video provided to local governments and private sector. Ms. Sprungl indicated that Maricopa County already has a video about effective dust control and overview of Rule 310 dated November 2001. She inquired about the additional control from updating the video. Ms. Sprungl stated that she did not think the measure would achieve a cost effectiveness greater than that for measure two. She suggested merging measures two and three and specify that the video would be updated since one already exists. Ms. Crumbaker stated that there is an updated video. She indicated that the video is one of the supplemental environmental penalty projects.

Mr. Cleveland asked if the intent is to have the video be part of an effective training program. Ms. Arthur replied that the intent was also to provide a package that local governments could use to train their staff. Ms. Crumbaker stated that it is her understanding that the intent is to combine and package the materials that have been prepared. Mr. Cleveland indicated that measures two and three are being merged.

Mr. Cleveland asked for comments on measure four, dust managers required at construction sites of 50 acres and greater (e.g., Clark County). Mr. Kamps commented that they looked at over 44,000 inspections in 2005. He stated that comparing the NOVs and NTCs to the inspections results in a compliance rate of 74 percent. Mr. Kamps commented on the compliance rate in the draft 2005 inventory and the measures being considered for construction. He indicated that construction as it relates to residential development is approximately 4,000 tons, slightly more than agriculture. However, construction is bearing the cost of the measures. Mr. Kamps stated that he feels construction is doing more than their fair share and the benefits are negligible.

Mr. Cleveland asked if the analysis looked at the acreage on the sites with NOVs. Mr. Kamps replied that according to Rule 310, 1,000 acres could be stabilized and if an all-terrain vehicle drives over 10 square feet of the site, the entire site is not in compliance. He indicated that they have been accused by Maricopa County of taking their inspectors. Mr. Kamps stated that there are officers that have been hired, but they do not sit on each site because it is cost prohibitive.

Mr. O'Donnell asked if measure four would require one dust manager per site or multiple. Mr. Cleveland responded that the measure is to require one dust manager on a construction sites 50 acres and greater. Ms. Arthur mentioned measure 59, dust control manager required at construction and soil and rock excavation sites of five or more acres in Area A (current threshold for earthmoving permits), A.R.S. 49-459 (ADEQ). She stated that measures four and 59 are similar.

Mr. Hyde stated that measure 59 would require two days of training per year for certification of a dust manager. He indicated that the dust manager could do other jobs on the site. Mr. Hyde discussed the potential of PM-10 reductions from measure 59. Beverly Chenausky, Arizona Department of Transportation, asked if the measures are identical except for the acreage. Ms. Arthur responded that measure 59 also applies to soil and rock excavation sites so it applies to Rules 310 and 316. Ms. Crumbaker indicated that Rule 316 already requires a dust manager on-site. Mr. Kamps asked if the measure would require a person in a supervisory capacity on-site actively controlling dust and trained in dust control. Mr. Hyde replied that is correct.

Ms. McGennis expressed concern about the two day training requirement. She indicated that some training programs have already been developed that are not two days in length, but are very extensive. Mr. Bowers asked if the measure could be modified to require an intense training that may not be two days in length. Mr. Hyde replied that the two day requirement is from Clark County and that the nature of the training program and dust certification program can be decided later. Mr. Bowers mentioned integrating measures four and 59 to consist of an intense training program and a dust manager that can hold other jobs on-site that are not necessarily supervisory. Mr. Kamps stated that sources regulated under Rule 310 would like the dust managers to receive a 30-minute notification before inspections as is adopted in Rule 316.

Mr. Bowers made a motion to integrate measures four and 59 requiring sites 50 acres or more to have an intense training program and a dust manager that can hold other jobs on-site that are not necessarily supervisory with notice given of inspections. The motion was seconded by Ms. Knight.

Mr. Kamps stated that the measure indicates that larger sites are out of compliance. He mentioned that he believes smaller sites are more out of compliance with Rule 310. Mr. Cleveland asked if Mr. Kamps would like the measure to address all sites regardless of acreage. Mr. Kamps responded that there is already a measure to educate. He inquired about the different between education on dust control and measures four and 59. Mr. Cleveland responded that measures four and 59 assign the dust control issues of a site to a particular person.

Ms. McGennis referred to measure two that references the Clark County Program, which requires a project manager be certified from a three to four hour program. She suggested seeing if that program works before requiring dust managers.

Mr. Bowers commented on changing the measures to have no acreage limit. Mr. Hyde stated that there is a one-tenth acre limit, anything above requires an earthmoving permit. Mr. Bowers asked that if this measure and nighttime inspections were approved, would the dust manager be required to work at night. Ms. Crumbaker replied that the dust manager would need to be on-site when there is nighttime activity on-site. Mr. Bowers stated that they have been pushing for a trade certification program to place the responsibility on the one making the dust. If that person takes part in the program, they can then be held responsible.

Ms. Chenausky asked how combining measures would impact the five percent reductions. Ms. Arthur replied that the exact percent compliance increase for each measure has not been defined. Ms. Chenausky commented on packaging the measures. Ms. Arthur replied that there does not appear to be any issue with packaging the measures. Mr. DeLaCruz commented that he came prepared to vote on the measures and now some of the measures are being redefined.

Ms. Knight stated that the difference between measures four and 59 is that 59 has a acreage requirement of five acres or more and does not require a dedicated dust manager. Mr. Bowers indicated that the motion makes this a residential measure instead of a commercial measure. Mr. Bowers withdrew his motion. Ms. Knight made a motion to approve measure four as written.

Mr. Cleveland indicated that measure 59 would address the commercial sites mentioned by Mr. Bowers. He indicated that Maricopa County is the implementing entity for measure four. Ms. McGennis stated that Maricopa County would be responsible for two training programs. Mr. Cleveland commented on the implementing entities determining if it makes sense to merge the programs. Ms. McGennis stated that Clark County has two separate programs: one for those operating the machinery and one for someone to be on-site overseeing the site. Jim Weiss, City of Chandler, seconded the motion to approve measure four as written. Mr. Kamps commented that the tonnage for this measure should be calculated so that it only applies to large residential projects. He stated that residential projects are only 4,000 tons and there will be negligible benefits. Mr. Cleveland discussed the process for recommending measures. Mr. Berry commented that the recommendations are preliminary at this time and there remains opportunity to make adjustments based on the final 2005 inventory. The motion passed with Ms. McGennis, Mr. Kamps, Mr. Bowers, Ms. Fish, and Mr. Berry voting no and Mr. O'Donnell, Mark Hajduk, Arizona Public Service Company, and Wienke Tax, Environmental Protection Agency, abstaining.

Mr. Person made a motion to recommend measures 1, 2, 5, 8, 9, and 18 with measure 3 being merged with measure 2. Ms. Knight seconded the motion. The motion passed with Ms. Fish voting no on measure nine and Ms. Tax abstaining.

Mr. Cleveland asked for a motion to indicate that the recommendations are preliminary and the measures may be amended based upon the impacts of the final 2005 inventory. Mr. Bowers moved and Mr. Berry seconded the motion. Ms. Knight commented on having to go through the process again if the measures are listed as preliminary. The motion passed with Ms. Tax abstaining.

Ms. Arthur asked that the Committee revisit measure 59. Mr. Person suggested that the Committee not consider any of the additional measures in Table 4 until the March 6, 2007 meeting. He stated that this is the first time he has seen the measures. Ms. Arthur stated that most of the measures in Table 4 are related to measures in Table 1. The Committee may need to revisit many measures in Table 1 once the measures in Table 4 are considered. Mr. Person indicated that many of the measures in Table 4 are redundant, but need to be studied further. Mr. Person moved that the Committee examine and vote on the additional measures in Table 4 at the March 6, 2007 meeting. Mr. O'Donnell seconded the motion. Mr. Cleveland asked if the Committee should wait to act on the measures in Table 1 that are related to additional measures in Table 4. Ms. Arthur suggested that the Committee proceed with Table 1. The motion passed with Ms. Tax abstaining.

Mr. Cleveland asked for comments on measure six, strengthen the stringency and enforcement of the trackout provisions. Mr. Kamps commented that he believes the intent of the measure right now is to have a 25 feet cumulative trackout provision. He questioned the benefit of the measure for permitted sources. Mr. Kamps stated another issue is whether nonpermitted sources should have a trackout requirement and should it be enforced against them. He indicated that 25 cumulative feet is an unattainable standard and the cost of it would be out of sight. Mr. Kamps added that Clark County has not focused on trackout.

Mr. Cleveland inquired about the benefits. Ms. Arthur replied that measure six has a large impact at the monitors and on the modeling demonstration. She added that the impact is due to the increase in enforcement for sources of trackout and dragout. Ms. Arthur stated that stringency could be removed from the measure title.

Ms. Person commented that measure six should apply to permitted and nonpermitted sources which is addressed in measure 56. He moved to approve measure six as written. Mr. Cleveland inquired about the points made by Mr. Kamps. Mr. Person stated that he agrees with Mr. Kamps in that all trackout should be addressed. He stated that this measure addressed trackout from permitted sources and measure 56 will address nonpermitted sources.

Ms. McGennis asked if the motion would decrease the trackout length. Ms. Arthur responded that reducing trackout length is listed as an example. Mr. Kamps asked if the benefit is for permitted or nonpermitted sources. He indicated that there is already a trackout requirement of 50 cumulative feet. Mr. Kamps stated that it is a violation without emissions. He mentioned interpretation issues. Ms. Arthur indicated that the benefit is based on the total trackout in the draft 2005 inventory and is not specific to source. Mr. Kamps stated that the measure presumes something is wrong with the standard on permitted sources. He indicated that the goal is to reduce emissions and he questioned if the measure gets us there.

Mr. Hyde indicated that he cannot see how the Committee could support a measure that costs $2.5 million per ton. Bob Dulla, Sierra Research, stated that the cost is from sweeping multiple times per day. The approach was to increase the amount of sweeping and the benefit of going from 50 to 25 cumulative feet in terms of absolute amount is not that large, relative to the cost of sweeping more frequently.

Mr. O'Donnell commented that regardless of the size of the site, the trackout requirement is constant. He indicated that the measure may not be written correctly. Ms. Knight indicated that there is an existing requirement of 50 cumulative feet that cannot be weakened. She stated that measure 56 addresses nonpermitted sources. Ms. Arthur replied that the effectiveness is for sources of trackout and dragout. She mentioned that the measure would be helpful in attaining the standard. Ms. Knight commented on merging measures and suggested changing measure six to reflect nonpermitted sources and remove measure 56.

Ms. Sprungl commented on the high cost effectiveness. She asked how nonpermitted sources would be monitored other then to place the responsibility on the local governments. Ms. Sprungl mentioned the difficulty of tying trackout to a specific owner. Mr. Berry moved to vote on measure six as written. Mr. Kamps seconded the motion. The measure failed with Ms. Crumbaker and Ms. Tax abstaining.

Ms. McGennis commented that the measure descriptions are vague. Ms. Knight suggested that the Committee limit the discussion to clarifying questions. Ms. Sprungl stated that she would like to provide comments from SRP on the measures. Mr. Kamps indicated that issues are raised as the measures are being discussed.

Mr. Cleveland asked for comments on measure seven, increase fines for dust control violations and continue to publish the list of violators. Ms. Fish moved to vote on measure seven. She suggested the Committee vote no. Ms. McGennis seconded the motion. The measure failed with Mannie Carpenter, Valley Forward; Ed Stillings, Federal Highway Administration; Duane Yantorno, Arizona Department of Weights and Measures; Ms. Tax; and Ms. Crumbaker abstaining.

Mr. Cleveland asked for comments on measure ten, conduct just-in-time grading (i.e., once a parcel of land is cleared, stabilization or work on the parcel would be required within a certain number of days). Mr. Kamps expressed concern that the cost effectiveness is unknown and the real cost to homebuilders is significant. He added that stabilization is required when grading. Mr. Cleveland asked if there is a current acreage limit in Rule 310. Mr. Kamps replied that the limit is one-tenth acre. Mr. Cleveland inquired about 10 acres or more being required to comply with the measure. Mr. Kamps indicated that the measure provides no benefit since they are already required to stabilize.

Mr. Person commented that stabilizing is already required and he is not in favor of the measure. He moved to vote on measure ten. Ms. Fish seconded the motion. Mr. Hyde indicated that this kind of measure can really reduce windblown emissions. The measure failed with Mr. Hyde voting yes and Ms. Tax and Ms. Crumbaker abstaining.

Mr. Cleveland asked for comments on measure eleven, establish self-monitoring requirements for permitted sources larger than 50 acres. Ms. McGennis asked if the measure would require a monitor on-site and inquired about the cost. Ms. Arthur responded that is correct and the purchase price of a monitor is approximately $3,500. Mr. Dulla indicated that a lease cost would be less. He stated that typically, sites would install more than one monitor to compare the difference between upwind and downwind emissions.

Ms. Sprungl inquired about the additional benefit of self-monitoring versus having dust managers on-site. Mr. Dulla replied that there would be real, verifiable information. Mr. Bouchie commented that Table 1 indicates this measure would have a large impact on the Salt River Area and inquired about the permitted sources that would be affected. Mr. Cleveland stated that the measure would

impact permitted sources greater than 50 acres. Ms. Knight stated that the MAG consultant did not indicate construction as a problem in the Salt River Area. She mentioned the Higley monitor. Mr. Dulla mentioned that within the Salt River Area, the impact of the measure would be on existing rock and aggregate facilities. At the Higley monitor, it would be a construction site. Mr. Kamps stated that the measure would only impact residential construction because of the 50 acre requirement. Mr. Dulla stated that the measure could be generalized to impact any type of construction, such as highway construction. Mr. Kamps stated that the measure would place a significant cost to a narrow sector of the industry just to gather data. It would not reduce emissions. Mr. Bouchie indicated that at the time the Higley monitor was violating, there was a highway construction project nearby.

Mr. Bowers commented that the data collected at the on-site monitors would be available pursuant to a lawsuit. Mr. Dulla indicated that self-monitoring is done in California on a power plant site that has a dust control plan in place. He stated that the number of days where controls were implemented due to this measure was relatively small. Ms. Crumbaker asked if the measure was modeled after the provision in South Coast Rule 403. Mr. Dulla replied that is correct. Ms. Crumbaker indicated that in South Coast 403, self-monitoring is an option to replace some of the other requirements for construction sites. Mr. Dulla stated that the goal of the measure is instrumentation.

Mr. Kamps asked how many companies provide the monitors in the Maricopa County area. Mr. Dulla replied that DustTrack monitors are generally available and can be leased, but he would assume there are few companies selling them in Maricopa County.

Mr. Berry commented that the monitor data could be used as evidence the site is not violating. He stated that if the monitors were recording no violations then some of the other requirements may not be necessary. He mentioned giving the sources options. Mr. Carpenter commented that monitor data is one point and that visible emissions are more flexible and indicate a problem readily. Ms. Knight moved to vote on measure eleven. Ms. Fish seconded the motion. The measure failed with Mr. Cleveland voting yes and Ms. Tax and Ms. Crumbaker abstaining.

Mr. Cleveland asked for comments on measure twelve, conduct mobile monitoring to measure PM-10 and issue NOVs. Ms. Knight moved to vote on the motion with recognition that Maricopa County is already pursuing mobile monitoring. Mr. Person seconded the motion. Ms. McGennis asked if the measure would impact permitted or nonpermitted sources. She indicated that the benefits are from nonpermitted sources. Ms. Crumbaker replied that the mobile monitoring vehicle would likely address more permitted that nonpermitted sources. She added that the vehicle would not be designed for PM-10 only. Ms. Arthur stated that the measure would result in PM-10 reductions of 94 tons per one percent increase in compliance with dust control rules by nonpermitted sources. She indicated that there is a lot of room for improvement in compliance with nonpermitted sources. Ms. Knight asked if the benefits from permitted sources could be added. Mr. Cleveland replied that is correct. Ms. McGennis suggested that the measure indicate both permitted and nonpermitted sources would be impacted. Ms. Knight and Mr. Person agreed to amend the motion. The measure passed with Ms. Fish voting no and Ms. Tax abstaining.

Mr. Cleveland asked for comments on measure 13, cease dust generation activities during stagnant conditions. Mr. Kamps indicated that due to the measure being only for permitted sources and cost effectiveness, he recommends voting no on the measure. He moved to vote on the measure. The motion was seconded by Ms. Knight. Mr. Cleveland asked if Mr. Kamps would like to expand the measure to all sources. Mr. Kamps replied that the measure is unattainable.

Mr. Hyde indicated that measure 13 is one of a few measures that could really make a difference in improving air quality. He mentioned the potential of the measure. Mr. Carpenter commented that rather than ceasing operations, there could possibly be a list of supplemental actions developed that could be implemented on high PM days. Mr. Bowers commented that he is unable to discuss the measure due to antitrust reasons.

Ms. Knight inquired about how the message would reach those in the field. She mentioned the High Pollution Advisory Program. Ms. Knight asked about enforcement. Diane Arnst, Arizona Department of Environmental Quality, commented that there is a three day advance dust advisory in Yuma, Arizona. Ms. Crumbaker indicated that there are also three day advance dust notices in Maricopa County; however, some of the High Pollution Advisory days are called in a shorter period of time. Ms. McGennis commented that they are already regulated under Rule 310.

Merry Ellen Boom, Converse Consultants, indicated that a more efficient way to issue a cease work order would be to have an inspector go to the site when the emissions are occurring. She stated that the cease work order would be lifted once the site is in compliance. Ms. Boom stated that those working in the field will not get the message regardless of the lead time. She indicated that there are entities that are not part of an association that would not get the message about High Pollution Advisory days or other issues.

Mr. Cleveland indicated that some of the strategies could be combined to enhance the self-policing efforts. Mr. Person asked if the measure would apply to all construction sites. Mr. Kamps replied that the measure addresses permitted sources (Rules 310 and 316), construction and sand and gravel predominately. Mr. Cleveland called for the vote on measure 13. The measure failed with Mr. Woods, Mr. Hyde, Mr. Yantorno, and Larry Crisafulli, Citizen Representative, voting yes and Ms. Tax and Ms. Crumbaker abstaining.

Mr. Cleveland asked for comments on measure 14, establish maintenance requirements for paved roads and parking lots. Ms. Knight expressed concern with the assumption of sweeping every parking lot every two weeks. Ms. Arthur stated that assumption was used only to calculate cost effectiveness. Mr. Dulla indicated that many parking lots are being swept every night to collect garbage and are not focused on reducing silt loadings. He stated that the target is facilities that are adjacent to unpaved facilities that have a lot of trackout. Ms. Knight inquired about implementation. She mentioned measure 56.

Mr. Cleveland asked if the equipment being used is better than leaf blowers. Mr. Dulla stated that the equipment is just picking up garbage. Mr. Cleveland commented on upgrading equipment. Mr. Dulla discussed the considerable cost of upgrading equipment. He stated that the measure was based on the field study where he observed vehicles coming from paved lots that were not maintained. Mr. Kukino made a motion to vote on measure 14. Mr. Weiss seconded the motion. The measure failed with Ms. Tax and Ms. Crumbaker abstaining.

Mr. Cleveland asked for comments on measure 15, conduct nighttime inspections. Ms. McGennis made a motion to vote on measure 15. The measure was seconded by Mr. DeLaCruz. The measure passed with Mr. Kamps, Ms. McGennis, Mr. Berry, Mr. Bowers, and Mr. Yantorno voting no and Ms. Tax abstaining. Mr. Kamps asked if the inspections would be just on active sites. Ms. Arthur replied that the measure is the result of early morning activity observed in the Salt River Area starting around 4:00 a.m. and the accumulation of PM-10 through 9:00 a.m. The measure gets

inspectors out during that time to make sure sites are in compliance. She stated that the inspections would occur only during activity.

Mr. Cleveland asked for comments on measure 16, increase inspection frequency for permitted facilities. Mr. Hajduk moved to vote on the measure. Mr. Bouchie seconded the motion. Mr. Kamps commented that specific inspections are already required on permitted facilities. He inquired about why the measure is on the list. Ms. Arthur replied that the objective of the measure is to increase compliance.

Ms. Boom indicated that five inspections per year are required on sites greater than ten acres. She suggested proactive inspections of construction sites to make sure they are in compliance from the beginning and at that point issue the permit. Ms. Boom stated that sites less than ten acres required one inspection per year.

Mr. Kamps commented on Maricopa County providing education inspections instead of enforcement inspections early in the earthmoving permit approval process. Mr. Cleveland indicated that measure 17 addresses proactive inspections. Measure 16 passed with Mr. Kamps, Ms. Fish, Mr. Bowers, and Ms. McGennis voting no and Ms. Tax abstaining.

Mr. Cleveland asked for comments on measure 17, increase number of proactive inspections in areas of highest PM-10 emissions densities. Mr. Kamps made a motion to vote on measure 17. The motion was seconded by Mr. Bowers. The measure passed with Ms. Tax abstaining.

Mr. Cleveland indicated that measures 19 through 74 will be discussed at the March 6, 2007 meeting. Ms. Knight referred to the additional measures in Table 4. She stated that many of the measures are related to measures in Table 1. Ms. Knight recommended amending the measures in Table 1 instead of adding 28 more measures.

Mr. Person commented that vagueness in the measure descriptions provide municipalities with latitude to make commitments. He mentioned the status report on agricultural measures.

6. Status Report on Agricultural Measures

This agenda item was postponed until a future meeting.

7. Call for Future Agenda Items

Mr. Cleveland announced that the next meeting of the Committee is tentatively scheduled for March 6, 2007 to complete the recommendation of a Suggested List of Measures to Reduce PM-10 Particulate Matter. With no further comments, the meeting was adjourned.

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

Tuesday, March 6, 2007
MAG Office
Phoenix, Arizona

MEMBERS PRESENT

Stephen Cleveland, City of Goodyear, Chairman
Jess Segovia, Avondale
#Michael Salisbury for Lucky Roberts, Buckeye
#Jim Weiss, Chandler
*Jamie McCullough, El Mirage
Lisa Taraborelli for Tami Ryall, Gilbert
Doug Kukino, Glendale
Scott Bouchie, Mesa
Gaye Knight, Phoenix
Larry Person, Scottsdale
#Antonio DeLaCruz, Surprise
*Oddvar Tveit, Tempe
Larry Crisafulli for Walter Bouchard, Citizen Representative
Corey Woods, American Lung Association of Arizona
Barbara Sprungl, Salt River Project
Brian O'Donnell, Southwest Gas Corporation
Mark Hajduk, Arizona Public Service Company
#Gina Grey, Western States Petroleum Association
Randi Alcott, Valley Metro
Dave Berry, Arizona Motor Transport Association
Jeannette Fish, Maricopa County Farm Bureau
Russell Bowers, Arizona Rock Products Association
*Michelle Rill, Greater Phoenix Chamber of Commerce
Amanda McGennis, Associated General Contractors
Spencer Kamps for Connie Wilhelm-Garcia, Homebuilders Association of Central Arizona
*Stephen J. Andros, American Institute of Architects - Central Arizona
Mannie Carpenter, Valley Forward
Kai Umeda for Patrick Clay, University of Arizona Cooperative Extension
Beverly Chenausky, Arizona Department of Transportation
Peter Hyde, Arizona Department of Environmental Quality
*Wienke Tax, Environmental Protection Agency
Jo Crumbaker, Maricopa County Air Quality Department
#Duane Yantorno, Arizona Department of Weights and Measures
*Ed Stillings, Federal Highway Administration
*Judi Nelson, Arizona State University
*B. Bobby Ramirez, Salt River Pima-Maricopa Indian Community
*David Rueckert, Citizen Representative

*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
Cathy Arthur, Maricopa Association of Governments
Taejoo Shin, Maricopa Association of Governments
Dean Giles, Maricopa Association of Governments
Julie Hoffman, Maricopa Association of Governments
Patrisia Navarro, Maricopa Association of Governments
Diane Arnst, Arizona Department of Environmental Quality
Don Gabrielson, Pinal County Air Quality
Scott Di Biase, Pinal County Air Quality
Robert St. John, City of Glendale
Johanna Kuspert, Maricopa County Air Quality Department
Merry Ellen Boom, Converse Consultants
Mike Hudson, Eagle Distributing, Inc.
Jane McVay, Arizona Department of Transportation
Nick Simonetta, Jennings, Strouss & Salmon, PLC
Tyler Steimel, RideNow & Arizona Powersport Industry Association
Mēgan Jefferies, Moto-Trax
Lea Benson, Arizona Powersport Industry Association
Linda Remick, A to Z Equipment
#Bob Dulla, Sierra Research

1. Call to Order

A meeting of the MAG Air Quality Technical Advisory Committee was conducted on March 6, 2007. Stephen Cleveland, City of Goodyear, Chair, called the meeting to order at approximately 1:40 p.m. Michael Salisbury, Town of Buckeye; Jim Weiss, City of Chandler; Gina Grey, Western States Petroleum Association; Duane Yantorno, Arizona Department of Weights and Measures; Antonio DeLaCruz, City of Surprise; and Bob Dulla, Sierra Research, attended the meeting via telephone conference call.

2. Call to the Audience

Mr. Cleveland 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 table adjacent to the doorway 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 and nonaction agenda items.

Mr. Cleveland recognized public comment from Don Gabrielson, Pinal County Air Quality, who indicated that Pinal County is not a member of MAG. He mentioned that Area A extends into Pinal County and objected to measures being discussed by the Committee that may be included in legislation. He stated that it is procedurally inappropriate for the Committee to be discussing control measures for Pinal County. Mr. Gabrielson mentioned the stakeholders in Pinal County that are not part of this process. He asked that the Committee keep his comments in mind particularly with regard to the expansion of Area A which may be a topic of legislative discussion.

3. Suggested List of Measures to Reduce PM-10 Particulate Matter

Mr. Cleveland indicated that a Committee meeting has been tentatively scheduled for March 9, 2007 at 2:00 p.m., if necessary, to complete the recommendation of a Suggested List of Measures to Reduce PM-10 Particulate Matter. He indicated that in order to move the process along, there will be informal voting, a show of hands, for each measure. Those attending by telephone conference call will be asked to informally vote verbally on each measure and their votes will be included with the show of hands. Mr. Cleveland stated that once the informal voting process is completed for measures 19 through 74, the Committee can revisit measures 1 through 18 reviewed at the March 1, 2007 for further clarification/modification. Mr. Cleveland indicated that the Committee voting sheets are for the personal use of Committee members to assist in tracking the measures. He stated that once all of the measures have been discussed, the Committee will be requested to take a formal vote to recommend a Suggested List of Measures to Reduce PM-10 Particulate Matter.

Lindy Bauer, Maricopa Association of Governments, indicated that Table 5 has been provided at each place which summarizes the recommendations made at the March 1, 2007 meeting on measures 1 through 18. She added that the rationale for not recommending certain measures has also been indicated on Table 5.

Mr. Cleveland asked if there are any questions or comments on measure 19, fully implement Rule 316. Barbara Sprungl, Salt River Project, inquired about the meaning of the measure. Cathy Arthur, Maricopa Association of Governments, replied that the Sierra Research Draft Analysis of Particulate Control Measure Cost Effectiveness lists approximately eight items added to Rule 316 in June 2005, which have only recently begun to be implemented. The measure is to fully implement and enforce Rule 316. Ms. Sprungl commented on the eight items already being included in the Rule and asked

how the measure would impact PM-10. Jo Crumbaker, Maricopa County Air Quality Department, responded that there are provisions of Rule 316 that are currently stayed as a result of litigation. Ms. Arthur stated that Rule 316 is therefore not being fully implemented. Ms. Sprungl commented that a vote by the Committee would likely not change a court action.

Larry Person, City of Scottsdale, asked about the basis for the cost effectiveness of the measure. Ms. Arthur responded that the cost effectiveness represents data from the Maricopa County evaluation when Rule 316 was passed, which means it reflects cost effectiveness of Rule 316 with the amendments. She stated that it is the cost effectiveness of the additional provisions in Rule 316. Mr. Person referred to comments made at prior meetings about the existing strategies not working. He discussed giving the existing strategies and approach an opportunity to succeed.

Gaye Knight, City of Phoenix, inquired if the measure will count toward attainment of the PM-10 standard. Ms. Crumbaker replied that Rule 316 was part of an earlier document submitted to the Environmental Protection Agency (EPA). Bob Dulla, Sierra Research, stated that if credit has been taken in a prior state implementation plan, then he does not believe credit could be taken again. Ms. Arthur mentioned that Rule 316 was included in the Salt River PM-10 State Implementation Plan. She added that the control measures in this plan will be approved by EPA; however, the plan itself will not. Mr. Dulla asked if the credit taken has been included in the draft 2005 inventory. Ms. Crumbaker responded it would not have been effective in 2005.

Ms. Bauer stated that potentially, credit could be taken for measure 19. She indicated that the measure has a moderate impact on attaining the PM-10 standard at the monitors. Ms. Bauer mentioned the revisions added to Rule 316 to control emissions from fugitive dust. Ms. Crumbaker stated that Rule 316 has been submitted to EPA and that the Committee does not need to vote on the measure in order to see the benefit of the rule.

Dave Berry, Arizona Motor Transport Association, suggested that the Committee move forward with the measure. Russell Bowers, Arizona Rock Products Association, commented that they are the litigants and he hopes it will be resolved soon. Mr. Bowers discussed the issues and mentioned the actual benefits of Rule 316. Mr. Cleveland requested an informal vote on measure 19. By a show of hands, the measure passed unanimously.

Mr. Cleveland asked if there are any questions or comments on measure 20, require private companies to use PM-10 certified street sweepers on paved areas including parking lots (e.g., Clark County). Brian O'Donnell, Southwest Gas Corporation, commented on smaller users paying a surcharge to someone with a PM-10 certified sweeper. He inquired about the possibility of sources that are within a certain percentage of a monitored violation be required to sweep more frequently as the measure suggests. Ms. Arthur replied that the measures cannot be controlled to the monitor. Mr. O'Donnell commented on having street sweeping conditions based on the levels contributing to the monitor violations. Ms. Knight inquired about the levels. Mr. O'Donnell provided an example and indicated that the measure is expensive for small users. Ms. Knight indicated that the concept being proposed is not practical.

Mr. Berry commented on all street sweepers meeting certain standards. He added that for Congestion Mitigation and Air Quality (CMAQ) Improvement funds, the purchase of PM-10 certified street sweepers is very effective.

Merry Ellen Boom, Converse Consultants, discussed the cost of hiring someone to sweep. She mentioned that sweepers do not do a good job in small parking lots because they cannot turn around. Ms. Boom stated that the sweepers have a difficult time if there is no water source and if they cannot dump the load. She commented on the challenges of enforcement. Mr. Cleveland asked Ms. Boom for her recommendation. Ms. Boom discussed implementing a schedule for smaller sources. She also mentioned incentives.

Mr. Bowers referred to measure eleven, establish self-monitoring requirements for permitted sources larger than 50 acres. He stated that perhaps the solution would be some accommodation of the purchase and record-keeping from a self-monitoring system tied with a schedule to prove certain compliance rates relative to sweeping. Mr. Bowers commented on tightening ordinances relative to proximity to high emission areas. Ms. Arthur indicated that measure 17 dealt with increasing the number of proactive inspections in areas of highest PM-10 emissions densities.

Mr. Berry commented that there are two tracks being discussed: schedules and type of equipment. He mentioned having every street sweeper in Maricopa County be PM-10 certified by a specific year and every new sweeper purchased by a certain date be PM-10 certified. Mr. Berry stated that common sense needs to be used for scheduling. Peter Hyde, Arizona Department of Environmental Quality, requested that the Committee not get stuck in the details of exactly how an ordinance or legislation may be drafted and instead try to examine the concept behind each measure.

Jeannette Fish, Maricopa County Farm Bureau, expressed concern about the cost of the measure. Mr. Cleveland noted that once a standard is set, people develop creative ways to make it work. Ms. Fish stated that time would be needed to make that happen.

Beverly Chenausky, Arizona Department of Transportation, commented on precluding any kind of maintenance activity based on the fact that people do not have PM-10 efficient street sweepers. She mentioned measure 14, establish maintenance requirements for paved roads and parking lots, and indicated an emphasis on using the PM-10 efficient street sweeper to clean lots. Ms. Chenausky stated that private entities are eligible for CMAQ funds for street sweepers. She indicated that she is strongly against the required portion of the measure. Ms. Chenausky suggested adding measure 20 to measure 14 to include having preferential treatment or encourage the use of PM-10 efficient street sweepers, if applicable.

Mr. Person stated that measure 14 failed. He indicated that the cost effectiveness is based on assumptions which are not required for the measure. Mr. Person mentioned that measure 20 is to use technology, PM-10 certified street sweepers, whenever and wherever with no reference to schedules.

Ms. Sprungl commented that the Sierra Research Draft Analysis of Particulate Control Measure Cost Effectiveness specifies sweeping once every two weeks for measure 20. Mr. Dulla responded that is correct. He added that it was assumed the sweeper would be leased at $65 per mile. Ms. Knight asked if the assumptions were adopted in Clark County. Mr. Dulla replied that the sweeping frequency was assumed for Maricopa County and is not part of the rule in Clark County. Mr. Cleveland requested an informal vote on measure 20. By a show of hands, the measure passed with four members voting no.

Mr. Cleveland asked if there are any questions or comments on measure 21, shift hours of operation during stagnant conditions in November through February. Mr. Hyde stated that he recognizes the

measure would be difficult to implement; however, it effectively reduces the morning peak PM peak across the Valley. Mr. O'Donnell commented on the challenges of implementing the measure.

Mr. Person commented on the approach of the measure. He indicated that it would have a large economic impact on the City of Scottsdale construction activity; however, it is crucial to attaining the standard for three consecutive years.

Spencer Kamps, Homebuilders Association of Central Arizona, asked if measure 21 would apply to all types of business activity. Mark Hajduk, Arizona Public Service Company, commented that the measure applies to dust generating activities. Mr. Kamps commented on limiting the hours of operation on permitted sources to reach attainment at the monitors. He indicated that construction and road building activities are not a problem at the monitors so the measure would basically apply to the rock products industry. Mr. O'Donnell commented on the measure applying to all industry.

Mr. Cleveland commented on the measure being applied universally from November through February instead of just on High Pollution Advisory (HPA) days. Mr. Bowers mentioned the State passing legislation. Mr. Cleveland discussed developing contracts where the work schedule from November through February is recognized. Mr. Kamps commented that they do not include work schedules in their contracts.

Ms. Sprungl indicated that the Sierra Research Draft Analysis of Particulate Control Measure Cost Effectiveness specifies dust generating operations so the measure would only impact other industries if dust generating operations are occurring.

Ms. Knight indicated that measures 13, cease dust generation activities during stagnant conditions, and 21 are similar and measure 13 failed. She suggested incorporating measure 21 with measure one, public education and outreach with assistance from local governments.

Mr. Berry discussed the costs associated with the measures and mentioned choosing the measures that are the most effective at the lowest possible cost. He commented on reducing activity when the inversion is the worst to get a large benefit. Mr. Berry suggested making the measure voluntary. He referred to his company and stated that the measure is worth exploring further.

Mr. Dulla commented that the measure provides an opportunity to reach attainment at the monitors. Mr. Cleveland inquired about expanding the measure to a universal application throughout the Valley since everyone contributes to the problem. Mr. Dulla responded that it would be hard to get universal agreement when many will perceive that the reduction is needed in isolated areas. He mentioned defining the conditions and for a collective group to seek incentives to make it worthwhile for people to adopt a behavior change. Ms. Arthur suggested adding the word encourage to the measure. Ms. Knight mentioned a voluntary program. Ms. Sprungl stated that some industries cannot shift hours of operation and expressed support for a voluntary measure.

Ms. Chenausky inquired about the difference between encouraging shifted work hours during stagnant conditions in November through February and the staggered work hours suggested in the Maricopa County Trip Reduction Program. She stated that the only message people are getting on HPA days now is to not drive and work from home. Ms. Chenausky mentioned expanding the Trip Reduction Program for particulate purposes. She asked about the additional benefit.

Corey Woods, American Lung Association of Arizona, stated that the Committee is moving away from the requirements of measure 21 and suggesting that the measure encourage shifting hours. Mr.

Cleveland requested an informal vote on measure 21. Lisa Taraborelli, Town of Gilbert, asked if the vote is to include all industry. Mr. Cleveland replied that the informal vote is on measure 21 as written. By a show of hands, the measure failed with two members voting yes and one member abstaining.

Mr. Berry requested that measure 21 be revised to encourage shifting hours of operation during stagnant conditions in November through February. Mr. Bowers mentioned providing incentives. Mr. Kamps asked if the substitute measure would include industry or just dust generating activities. Mr. Berry responded dust generating operations. Mr. Kamps requested that the substitute measure apply to everyone. He indicated that construction has minimal opportunity to shift hours of operations. Mr. Kamps stated that he interprets dust generating activity as those who are regulated by Rule 310. Ms. Arthur replied that the measure would apply to all dust generating activity and not strictly Rule 310. Ms. Knight suggested moving the substitute measure to the fugitive dust category.

Mr. Berry stated that language for substitute measure 21 would be to provide incentives to shift hours of operation during stagnant conditions in November through February. The measure would provide incentives to postpone activities that generate dust until after 9:00 a.m. on days between November 1 and February 15 when the Arizona Department of Environmental Quality (ADEQ) issues a HPA day under stagnant conditions.

Ms. Boom inquired about why the substitute measure addresses dust when PM-10 is the problem. Mr. Hajduk commented that PM-10 emissions from stacks are rigorously controlled and are a small percentage of the Maricopa County Draft 2005 PM-10 Emissions Inventory. He discussed the issues with shifting hours of operations at power plants.

Nick Simonetta, Jennings, Strouss & Salmon, PLC, commented on making the substitute measure broad to address any dust generating activity. He mentioned that there will be confusion when applying incentives and how and to whom the measure would be applied.

Mr. Kamps suggested that substitute measure 21 be tabled due to uncertainty. Ms. Sprungl stated that it is up to the legislators to determine how the measure would be implemented. Mr. Cleveland requested an informal vote on substitute measure 21, provide incentives to shift hours of operation during stagnant conditions in November through February. By a show of hands, the measure passed with three members voting no and one member abstaining.

Mr. Cleveland asked if there are any questions or comments on measure 22, model cumulative impacts for new or modified existing sources. Ms. Sprungl stated that the Committee should vote no on the measure. She indicated that the current offset rules only apply to major sources. The measure would address all sources. Ms. Sprungl mentioned that cumulative modeling currently is not required for minor sources and would greatly impact smaller sources and would also impact all general permits issued. She stated that sources would be liable for sources outside their control. Ms. Sprungl indicated that emission offsets must be permanent. She mentioned that she believes the cost effectiveness estimates are grossly underestimated. Ms. Sprungl stated that most sources would be required to hire a consultant to perform the modeling. She mentioned the cost of paving one mile of road.

Mr. Dulla stated that the measure was only aimed at facilities that are currently conducting modeling. He indicated that the marginal cost to add modeling to address other sources in the area would not be that great. Mr. Hyde stated that the intent of measure 22 is to avoid the accumulation of high

emitting sources in a small area such as the Salt River Area. It is also intended to avoid similar accumulations in Pinal County. He indicated that a new facility is currently required to conduct air quality modeling and this measure does not incorporate smaller sources. If the source is big enough and close enough to other sources, then the emissions need to be considered in its modeling. Mr. Hyde stated that a source may need to change the facility location. He indicated that this is a preventative measure and suggested the Committee vote yes. Ms. Sprungl stated that in the Sierra Research Draft Analysis of Particulate Control Measure Cost Effectiveness, measure 22 is worded to address all new or modified source applications.

Mr. Hajduk inquired about the authority of ADEQ and Maricopa County to implement measure 22. He stated that a facility should only be responsible for the emissions it emits. Mr. Hajduk indicated that he does not agree with the cost effectiveness generated. He mentioned that the Arizona Public Service Company paved roads to offset emissions in 2000 at approximately $20,000 per ton. Mr. Hajduk indicated that the numbers provided by Maricopa County in Rule 242 are also higher. He mentioned the purchasing of emission reduction credits and the impacts of this measure need to be identified.

Ms. Crumbaker stated that measure 22 is intended to look at mitigation instead of offsets. The measure is to get at preventing high emission densities from occurring. A facility may be constrained from locating in certain areas if those densities are already present.

Mr. O'Donnell asked if measure 22 addresses Title V sources only. Mr. Hyde responded that it would be broader. He inquired about the tonnage necessary to no longer be a minor source. Ms. Arthur replied 70 tons. Ms. Crumbaker stated that the accumulation of sources are not 70 ton sources, rather smaller sources in an area high enough to cause exceedances of the PM-10 standard. She stated that the measure is to give some authority to avoid the accumulation of sources. Mr. O'Donnell stated that Title V permits only include permits from that facility.

Mr. Kamps stated that measure 22 lets regulated sources bear the burden of unregulated sources. Mr. Kamps encouraged the Committee to vote no. Mr. Bowers asked if the measure was approved would it be a Best Available Control Measure(BACM)/Most Stringent Measure (MSM). Ms. Crumbaker replied that there are states that do cumulative analysis. She added that it was not considered a BACM/MSM and included under the extension request. Mr. Cleveland requested an informal vote on measure 22. By a show of hands, the measure failed with two members voting yes and four members abstaining.

Mr. Cleveland asked if there are any questions or comments on measure 23, conduct nighttime and weekend inspections. Ms. Arthur indicated that measure 23 is related to measure 15 which was recommended. Ms. Fish stated that measure 15 was for nighttime inspections and measure 23 would include weekends. Mr. Kamps commented that construction is already subject to weekend inspections.

Ms. Boom commented that right now Maricopa County inspectors for certain violations are to contact industries in a timely manner. She mentioned the challenges of this for nighttime inspections. Ms. Boom discussed visual capacity certifications which are different for nighttime versus daytime inspections. Mr. Cleveland indicated that measure 23 is to determine if weekend inspections should be added to the nighttime inspections which were passed under measure 15.

Mr. Bowers commented that nighttime inspections can only occur when there is activity on the site. Mr. Cleveland replied that is correct. Ms. Knight requested that measure 15 be revised to include weekend inspections. Ms. Arthur indicated that the reason for the focus on nighttime inspections was because of observations during the PM-10 Source Attribution and Deposition Study of activity occurring as early as 4:00 a.m. that were contributing to the violations at the monitors. She noted that the violations are not occurring during stagnant conditions on the weekends.

Ms. Knight commented that dust can be generated on the weekends. Ms. Arthur mentioned that larger facilities are inspected on the weekends. Ms. Knight mentioned inspecting vacant lots on the weekends. She recommended amending measure 15 to include weekend inspections. Mr. Kamps commented that the measure would need to be broadened to address other sources since construction is already inspected on the weekends. He discussed the resource issues at Maricopa County. Mr. Cleveland stated that if Maricopa County chooses to adopt the measure, they are obligated to find the resources.

Ms. Knight requested that measure 15 be revised to conduct nighttime and weekend inspections. The measure would involve proactive inspections of nonpermitted and permitted PM-10 sources during nondaylight hours and on weekends. By a show of hands, the measure passed with one member voting no and one member abstaining.

Mr. Cleveland mentioned measure 24, ban or discourage use of leaf blowers on High Pollution Advisory days. He recognized public comment from Mike Hudson, Eagle Distributing, Inc., who discussed the improvements in leaf blower exhaust emissions and noise and sound quality. He mentioned that leaf blowers are only one percent of the draft 2005 emissions inventory and no improvements toward five percent reductions will be made by adopting measures 24 and 25, encourage use of leaf vacuums to replace blowers. He stated that the industry is a stakeholder in S.B. 1552.

Mr. Cleveland mentioned the visual nature of the dust from leaf blowers. Ms. McGennis stated that it is not the emissions from the leaf vacuum bag, but the dust blown up in the air and onto the street. She encouraged the industry to consider discouraging leaf blowers on HPA days and blowing into the streets. Mr. Hudson stated that using leaf blowers to blow debris into the street is improper use. He added that large companies have trained for proper use and mentioned S.B. 1552. Ms. McGennis commented on changing measure 24 to remove the word ban, retaining measure 25, and incorporating measure 61, require cities, towns, and the counties in Area A to ban leaf blowers from blowing debris into the streets as appropriate.

Ms. Chenausky concurred with combining measures 24 and 61. She commented on measure 25 and mentioned earlier discussion about leaf vacuum and the creation of PM. Ms. Chenausky suggested not including leaf vacuums.

Ms. Fish commented that measures 24 and 25 having negligible impacts. Ms. McGennis stated that everyone needs to help attain the PM-10 standard. Ms. Fish commented that if any benefit would be seen it would be from addressing the blowing of debris into the streets.

Mr. Hyde requested that the Committee consider keeping the word ban in measure 24. He indicated that the industry would only be impacted on the approximately ten HPA days per winter. Mr. Bowers concurred with Mr. Hyde. Mr. Cleveland requested an informal vote on measure 24 as written. By a show of hands, the measure passed with three members voting no.

Mr. Cleveland asked if there are any questions or comments on measure 25, encourage use of leaf vacuums to replace blowers. Hearing no comments, he requested an informal vote on measure 25. By a show of hands, the measure failed with three members voting yes.

Mr. Cleveland asked if there are any questions or comments on measure 61, require cities, towns, and the counties in Area A to ban leaf blowers from blowing debris into the streets. Ms. Sprungl referred to earlier comments from Mr. Gabrielson requesting that the Committee not include Pinal County in the measures. Mr. Cleveland asked if the measure would then only refer to Maricopa County. Ms. Arthur indicated that all of the measures are supposed to apply to the PM-10 nonattainment area that includes the Apache Junction portion of Pinal County.

Mr. Gabrielson stated that he understands the Five Percent Plan for PM-10 needs to be submitted with respect to the entire PM-10 nonattainment area; however, the MAG planning domain exists within Maricopa County. He indicated that the Pinal County Board of Supervisors, which regulate a portion of the PM-10 nonattainment area, should have an opportunity to weigh in on the measures that may need to be adopted in Pinal County. Ms. Knight commented that the next step is for the implementing entities for the measures to go to their regulatory bodies for commitments. Mr. Gabrielson stated that Pinal County is not a member of the Committee. Mr. Cleveland indicated that Apache Junction is a member of MAG. Mr. Gabrielson mentioned that a number of the measures apply to Pinal County as the implementing entity.

Mr. Kamps recommended that measure 61 be revised to not include Pinal County. Mr. Cleveland requested an informal vote on measure 61 revised to exclude Pinal County. By a show of hands, the measure passed with eight members voting no. Ms. Fish indicated that she would have voted yes if the measure applied to the PM-10 nonattainment area.

Mr. Cleveland mentioned measure 26, reduce off-road vehicle use in areas with high off-road activity (e.g., Goodyear Ordinance) - impoundment or confiscation of vehicles for repeat violations. He recognized public comment from Lea Benson, Arizona Powersport Industry Association (APIA). She indicated that APIA supports measure one, public education and outreach with assistance from local governments, and does not support measure 60, expand Area A, and measure 63, require cities, towns, and the counties in Area A to ban all-terrain (ATV) and off-highway vehicles (OHV) by the public on State lands located withing the jurisdiction of the city, town, or county. Ms. Benson added that APIA does not support measure 26 as written. She requested that the Committee consider H.B. 2443 as an alternative measure. Ms. Benson indicated that the industry is willing to promote a no ride day for ATVs and OHVs on HPA days. She requested that measure 26 be reworded to prevent or discourage off-road vehicle use in areas where riding is not permitted.

Mr. Person asked if H.B. 2443 addresses dust generating activities. Ms. Benson replied yes. She added that the bill also addresses stewardship of land, education, vehicle registration, and Arizona Game and Fish regulation on OHV use. Mr. Person asked if APIA would support adding the voluntary promotion of a no ride day for ATVs and OHVs on HPA days to H.B. 2443. Mr. Simonetta stated that he represents the Off-Highway Vehicle Users Coalition. He commented on adding additional measures to the bill and stated that he would support adding the promotion of a no ride day for ATVs and OHVs on HPA days to S.B. 1552. He discussed H.B. 2443 as it relates to mitigation of pollution issues and indicated that it states that the creation of excess pollution is a class 3 misdemeanor. The bill clearly indicates where and when ATVs and OHVs can ride. Mr. Simonetta discussed H.B.2443 as it relates to riding on public and private lands. He stated that the

OHV community is policing themselves and making efforts to create situations where OHV use is responsible for aspects such as the creation of additional dust and emissions. Mr. Simonetta stated that the Coalition would be in support of additional measures such as a no ride day on HPA days. He mentioned tax revenues and gas sales connected to OHVs. Mr. Simonetta indicated that measure 63 bans a substantial industry in Maricopa County that is seeking to be part of the solution.

Mr. Bowers mentioned that construction is highly regulated and expressed concern about ATVs generating a lot of dust, particularly on State land. He asked if the problem is addressed in H.B. 2443. Mr. Simonetta replied that the bill indicates it is a violation and class 3 misdemeanor to create excess pollution. Mr. Bowers commented on the marketing videos and posters for ATVs and OHVs. Mr. Simonetta stated that money is being put in through H.B. 2443 for an additional fee to create further education on responsible use.

Ms. Benson expressed concern with measure 63 and indicated that riders need alternatives. She mentioned that the industry is working to develop solutions. Mr. Kamps inquired about the tonnage reduction for banning off-road vehicles on HPA days. Ms. Benson replied that there is not an accurate measurement tool for the industry. Mr. Kamps asked about the penalty for violating the no ride day. Mr. Simonetta responded that the no ride day on HPA days is not included in H.B. 2443. He stated that it is a class 2 misdemeanor if someone is reckless on an off-road vehicle. Mr. Simonetta commented on the penalties in other areas. Mr. Dulla mentioned the penalties in the Goodyear Ordinance. Ms. Benson suggested having violators pay a fine and take a class.

Mr. Cleveland encouraged the industry to include no ride day on HPA days and the penalties for violators in H.B. 2443. Mr. Person recommended voting on the measure and stated that it needs to be included in the list of suggested measures. Ms. Knight commented on H.B. 2443 and expressed concern about ATV usage. Mr. Cleveland requested an informal vote on measure 26 as written. By a show of hands, the measure passed unanimously.

Mr. Cleveland mentioned measure 63, require cities, towns, and the counties in Area A to ban all-terrain and off-highway vehicles by the public on State lands located within the jurisdiction of the city, town or county. Ms. Knight stated that it is not feasible for cities, towns, and counties to be banning activity on State land. Ms. McGennis referred to earlier discussion about Area A. Mr. Cleveland stated that the Committee recognizes that Pinal County will look at the measures independently and hopefully see value in the recommendations.

Mr. Hyde inquired about why the measure only refers to State lands. Mr. Cleveland asked if the suggestion is to have cities, towns, County, and State ban ATVs and OHVs within their respective jurisdictions without regard to State lands. Mr. Hyde replied that is correct. Ms. Knight suggested changing the language to require State and federal agencies to ban ATVs and OHVs by the public on State and federal lands. She stated that cities and towns were addressed in measure 26. Ms. Chenausky commented that measure 26 was an ordinance not a ban. Scott Bouchie, City of Mesa, asked if the Goodyear Ordinance allows ATVs and OHVs with written permission. Mr. Cleveland responded that is correct. Ms. Knight mentioned how the City of Phoenix addresses ATV and OHV usage. She mentioned changing the language of the measure.

Mr. Kamps discussed authority issues with federal lands. He mentioned H.B. 2443 and the proposals by the off-road vehicle industry. Mr. Kamps recommended voting down measure 63. Mr. Cleveland requested an informal vote on measure 63 as written. By a show of hands, the measure failed with six members voting yes and one member abstaining.

Mr. Cleveland asked if the Committee would like to revise the language in measure 63 to create a substitute measure. Ms. Fish suggested that the substitute measure apply to the PM-10 nonattainment area. Ms. Sprungl commented on having a measure to ban ATV use on HPA days. Ms. Knight stated that ATV use should be regulated on State land. She suggested a substitute measure 63 that would require the State to regulate ATVs on State land in the PM-10 nonattainment area. Mr. Kamps commented that anyone using State land needs to be permitted. Mr. Cleveland mentioned increased enforcement/regulation of ATV use on State land.

Mannie Carpenter, Valley Forward, commented that a properly constructed facility for off-road vehicles that has the provisions to reduce emissions should not be prohibited. Ms. Crumbaker commented on significant issues that are occurring outside the PM-10 nonattainment area. She suggested that the measure apply to at least Area A. Mr. Cleveland requested an informal vote on the substitute measure 63 which would have the State regulate and increase enforcement of ATV use on State lands within Area A. By a show of hands, the measure passed unanimously.

Ms. Sprungl requested that the Committee add a measure to ban ATV use on HPA days in Area A. Mr. Cleveland mentioned that the measure be included in H.B. 2443 as well. Ms. Benson stated that a representative from Moto-Trax, which is building a facility for OHV use, is in attendance and is available to provide a presentation. Mr. Person inquired about the implementing agency. Ms. Crumbaker replied that it would be public safety since ATVs are vehicular. Mr. Cleveland requested an informal vote on the measure to ban ATV use on HPA days in Area A. The measure passed with three members voting no. Mr. Cleveland suggested that the presentation on Moto-Trax be postponed until a future meeting.

Mr. Cleveland asked if there are any questions or comments on measure 27, create a fund to provide incentives to retrofit nonroad diesel engines and encourage early replacements with advanced technologies. Mr. Berry commented on measures 27 and 30, retrofit onroad diesel engines with particulate filters, and discussed the issues with installing aftermarket devices on engines. He suggested that the Committee approve measures 27 and 30. Mr. Cleveland requested an informal vote on measures 27 and 30. By a show of hands, the measures passed with two members voting no.

Mr. Cleveland asked if there are any questions or comments on measure 28, update the statutes to require ultra-low sulfur diesel fuels for nonroad equipment. Gina Grey, Western States Petroleum Association, expressed opposition of the measure. She indicated that the federal government has set a date of 2010. Ms. Grey commented that the emissions are sulfates, not PM-10, and the measure has negligible impacts on modeling attainment and attainment at the monitors.

Mr. Berry referred to a past measure where the off-road users went with onroad fuel that had a lower sulfur content. He mentioned that the measure had a large impact after long negotiations. He stated that this time the ultra-low sulfur diesel is being phased-in. Mr. Berry mentioned supply issues. He discussed the lack of agreement from off-road users and the negligible impacts. Mr. Berry commented on the need to take off-grade ultra-low sulfur diesel into the off-road market. He indicated that he does not support the measure. Mr. Cleveland requested an informal vote on measure 28. By a show of hands, the measure failed with two members voting yes and one member abstaining.

Mr. Bowers commented on introducing a new measure recommending the adoption of the phase-in of ultra-low sulfur fuel vehicles or by a certain date all new vehicles would need to be of ultra-low

sulfur fuel capacity. Ms. Chenausky mentioned the 2010 requirement. Mr. Bowers inquired if credit has been taken. Ms. Arthur replied that it is built into the models used to estimate the emissions for the inventory; therefore, the reductions are already included in the base.

Ms. Chenausky mentioned biodiesel or other types of clean fuel that is not low sulfur. She commented on the Climate Change Executive Order and indicated that clean fuel is required for onroad equipment. She suggested encouraging the early implementation of clean fuels for nonroad equipment. Mr. Person mentioned those who have a mixed fleet of onroad and off-road vehicles use ultra-low sulfur and biodiesel in nonroad because it is the only fuel available for diesel engines.

Mr. Berry commented on making sure the fuel is cleaner. He mentioned that biodiesel may increase nitrogen oxide emissions, more fuel would be burned, and there may be issues with engine warranties. Ms. Chenausky discussed other states that have clean nonroad construction equipment programs with a menu of options. Mr. Berry commented on an appropriate menu of options. Mr. Cleveland requested an informal vote on a substitute measures 28 that would encourage early implementation of clean fuels for nonroad equipment. By a show of hands, the measure passed with two members abstaining.

Mr. Cleveland asked if there are any questions or comments on measure 29, sweep streets with PM-10 certified street sweepers. Hearing no comments, he requested an informal vote on measure 29. By a show of hands, the measure passed with one member abstaining.

Mr. Cleveland asked if there are any questions or comments on measure 31, repave or overlay paved roads with rubberized asphalt. Ms. McGennis requested that the measure include more than just rubberized asphalt. She discussed other types of surfaces that can be used for paving. Ms. Chenausky mentioned that the measure relates to repaving existing cement facilities. Ms. McGennis stated that the measure should then be reworded to say repave or overlay portland cement concrete. Mr. Kukino commented on the negligible impacts of measure 31. Mr. Cleveland requested an informal vote on measure 31 as written. He indicated that an alternative measure could be recommended after the vote. By a show of hands, the measure failed with three members abstaining. No alternative measure was recommended by the Committee.

Mr. Cleveland asked if there are any questions or comments on measure 32, pave or stabilize existing unpaved parking lots (e.g., upgrade to Phoenix Parking Code) - strengthen enforcement. Ms. Chenausky commented that measure 14, establish maintenance requirements for paved roads and parking lots, failed. Mr. Cleveland responded that measure 32 removes the maintenance. He requested an informal vote on measure 32. By a show of hands, the measure passed with two members abstaining.

Mr. Cleveland asked if there are any questions or comments on measure 33, pave or stabilize existing dirt roads and alleys. Ms. Sprungl expressed concern with the measure covering any roads that carry less than 150 vehicles per day. She mentioned the Salt River Project canal roads and suggested the measure include a minimum number of vehicles such as greater than 50 vehicles per day. Ms. Arthur commented that the measure has to address less than 150 vehicles per day because 150 or greater is already covered in Rule 310.01. Ms. Crumbaker requested that a bottom threshold not be set until the data is analyzed. She mentioned the issue of public versus private roads.

Ms. Fish asked if the measure addresses public roads or private roads. Ms. Crumbaker replied that Rule 310.01 only applies to public network roads. She mentioned cost issues. Mr. Cleveland

commented on the dust generation of private roads. Ms. Sprungl mentioned the air quality benefit of moving the threshold from 150 to 50 and stated that small dirt roads should not be penalized. Ms. Crumbaker mentioned the timing issue. Mr. Cleveland commented on the jurisdiction adjusting the threshold accordingly.

Mr. Berry stated another option to paving would be to restrict access to the public on roads such as farm roads. Mr. Cleveland indicated that the measure also allows for stabilization. Mr. Berry commented on trespassing. Ms. Sprungl stated that it is cost prohibitive to install barriers on 1,000 miles of canal roads. Mr. Kukino inquired about which roads the measure would address. Ms. Crumbaker responded that Rule 310.01 addresses public network roads. Mr. Person asked if Rule 310.01 includes alleys. Ms. Knight replied that Rule 310.01 also includes alleys; however, they do not carry 150 vehicles per day. Ms. Arthur stated that Clark County assumes 50 vehicles per day on alleys. Ms. Knight commented on alleys that are paved or have aggregate base course and whether alleys should be included in the measure.

Mr. Person commented on needing counters on alleys to determine if they are above the 50 vehicles per day threshold. Ms. Arthur stated that dwelling units average 9-10 trips per day; therefore the density of housing could be used as a substitute for traffic counts. Ms. Knight commented that trips per day in the alley would be less. Ms. Sprungl requested that measure 33 only apply to public roads. Mr. Cleveland requested an informal vote on measure 33 revised to say pave or stabilize existing public roads and alleys carrying more than 50 vehicles per day. By a show of hands, the measure passed with one member voting no.

Mr. Cleveland asked if there are any questions or comments on measure 34, limit speeds to 15 miles per hour on high traffic dirt roads. Mr. Kamps requested the measure apply to private and public roads. Mr. Cleveland commented on including private roads to address lot splits. Mr. Berry suggested passing measures 34 through 46. Committee members indicated that they had comments and/or questions on measure 37 and 41-44. Mr. Cleveland requested an informal vote on measure 34. By a show of hands, the measure passed with two members voting no. Mr. Cleveland requested an informal vote on measure 35, prohibit new dirt roads including those associated with lot splits. By a show of hands, the measure passed with two members voting no. Mr. Cleveland requested an informal vote on measure 36, pave or stabilize unpaved shoulders. By a show of hands, the measure passed unanimously.

Mr. Cleveland mentioned measure 37, pave or stabilize unpaved access to paved roads. Ms. Sprungl referred to canal roads and stated that it is not feasible to control every access to a paved road. Mr. Cleveland commented on revising the measure to pave or stabilize unpaved access from public roads to public paved roads. Ms. Sprungl mentioned tying measure 37 to measure 33 where there is a threshold of 50 vehicles per day, anything above would need to be controlled. Mr. Kamps stated that this is a fundamental measure and discussed the impacts in the Salt River Area.

Mr. Kukino commented on targeting measure 37. Ms. Knight stated that the measure does not talk about roads, rather construction and industry. Mr. Kamps commented that construction already has to have trackout controls. Ms. Fish referred to the Sierra Research Draft Analysis of Particulate Control Measure Cost Effectiveness and mentioned the requirements for trackout and gravel pads. Mr. Dulla stated that the analysis tried to estimate the impact on paved roads which is not included in the construction emission inventory or other categories because it is silt on the paved roads. The impact for each alternative was calculated.

Mr. Cleveland asked if the measure would be for all streets. Mr. Dulla responded that the scenario was an existing unpaved road and the impact of adding a grizzly, wheel washing system, gravel pad, or paving at the access point. It was not intended to look at a construction site. Mr. Cleveland asked if canals are included. Mr. Dulla replied no. He stated that the analysis had to assume a level of traffic, which was 40 heavy trucks per day that traveled across the access point. Mr. Dulla mentioned placing a minimum level of activity in the measure. Mr. Kamps inquired about nonpermitted sources and asked if the measure addresses permitted sources, what change would be made. Mr. Dulla stated that he looked at the requirements of Rule 310 and the changes would be making the requirements tighter. Mr. Kamps mentioned measure six, which failed. Mr. Cleveland suggested that measure 37 be tabled and MAG staff and the MAG consultant provide a clarification on how it relates to measure six.

Mr. Cleveland mentioned measure 38, strengthen and increase enforcement of Rule 310.01 for vacant lots. Ms. Crumbaker requested that the implementing agency include local governments. Mr. Kukino stated that the cities and towns have some authority for paving and sweeping; however, it is done for reasons other than dust. He indicated that if this is driven by dust, health, and environmental problems, then Maricopa County as the authority should be developing rules and collecting fees to implement such a measure. Mr. Cleveland mentioned that most vacant lots are the result of development activities that are decided by local governments. He stated that the manner in which they are maintained should be described in the action of zoning and site development. Mr. Cleveland commented on cities and towns requiring fencing and berming. He suggested cities and towns partner with Maricopa County. Mr. Kukino stated that Rule 310.01 is a County rule. He expressed concern about preempting Maricopa County authority.

Ms. McGennis suggested voting on the measure as written and determine a way for cities and towns to help Maricopa County; however, it is ultimately the responsibility of the County. Mr. Kamps discussed the seriousness of vacant lots and the need for an effective program. Mr. Hyde stated that measure 38 is the fifth most expensive measure in terms of dollars per ton of PM-10 reduced. He indicated that the evaluation of the measure does not address windblown dust and encouraged the Committee to vote no on the measure on fiscal grounds. Ms. McGennis stated that this has been one of the most effective measures in reaching attainment in Clark County. Mr. Cleveland requested an informal vote on measure 38 as written. By a show of hands, the measure passed with five members voting no and four members abstaining.

Ms. Knight stated that there is a distinction between what should be done by the County versus the cities and towns. She mentioned neighborhood preservation codes and stated that it has already been covered in a previous measure.

Mr. Cleveland asked if there are any questions or comments on measure 39, restrict vehicular use and parking on vacant lots (e.g., Phoenix). Hearing no comments, he requested an informal vote on measure 39. By a show of hands, the measure passed with two members voting no and one member abstaining. Mr. Cleveland asked if there are any questions or comments on measure 40, enhanced enforcement of trespass ordinances and codes. Hearing no comments, he requested an informal vote on measure 40. By a show of hands, the measure passed unanimously.

Mr. Cleveland mentioned measure 41, vacant lots stabilized by County if owners do not respond, liens put on property if necessary (e.g., Clark County). Mr. Kukino stated that the cost estimate may be underestimated. He commented on the ability of the County to recover the costs. Ms. Crumbaker

indicated that Maricopa County has limited funds and there would have to be a budget for this measure. Ms. Knight commented on the cost effectiveness. Ms. McGennis stated that the measure is very effective in Clark County. Mr. Cleveland requested an informal vote on measure 41 as written. By a show of hands, the measure failed with four members voting yes and one member abstaining.

Mr. Cleveland mentioned measure 42, schedule improvements on parallel streets to retain alternate route options along major north/south and east/west corridors. Mr. Kukino commented on the negligible impacts. Mr. Cleveland requested an informal vote on measure 42. By a show of hands, the measure failed with three members voting yes.

Mr. Cleveland mentioned measure 43, build park and ride lots earlier. Mr. Kukino commented on the negligible impacts of measures 43 and 44, coordinate public transit services with Pinal County. He indicated that time and resources should be spent on more effective measures. Mr. Cleveland requested an informal vote on measure 43. By a show of hands, the measure failed with three members voting yes and three members abstaining. Mr. Cleveland requested an informal vote on measure 44. By a show of hands, the measure failed unanimously.

Mr. Cleveland requested an informal vote on measure 45, increase fines for open burning (currently $25). By a show of hands, the measure passed unanimously. Mr. Cleveland requested an informal vote on measure 46, restrict use of outdoor fireplaces and pits and ambience fireplaces in the hospitality industry. By a show of hands, the measure passed with two members voting no and two members abstaining.

Mr. Person recommended voting on all of the additional measures in Table 4 as a block with the exception of measure 61 and 63, on which the Committee has taken action. He recommended voting no on the additional measures. Ms. Knight stated that most of the additional measures in Table 4 provide no air quality benefit and have policy issues. She mentioned that many of the measures are duplicates. Ms. McGennis stated that the additional measures need to be merged.

Ms. Crumbaker inquired about the duplicate for measure 69, direct fine monies from Maricopa County for stabilization. Ms. Knight referred to measure 67, create particulate mitigation fund with air quality fines used to pave and stabilize land surfaces in and around high pollution areas in Area A, and measure 68, establish a grant program for private businesses to stabilize and pave around monitors. She commented on using fines for stabilization. Ms. Crumbaker replied that the issue is that the person being penalized could direct the monies through a supplemental environmental penalty. She stated that there are other issues with the ability of the County and only 55 percent of fines are from the construction industry. Ms. Crumbaker stated that Maricopa County would not agree with specific direction of fines. She mentioned developing a list of appropriate projects that are eligible during discussions with those who express interest. Mr. Cleveland indicated that the additional measures in Table 4 will be discussed at the next meeting.

4. Call for Future Agenda Items

Mr. Cleveland announced that the next meeting of the Committee is tentatively scheduled for March 9, 2007 at 2:00 p.m. to complete the recommendation of a Suggested List of Measures to Reduce PM-10 Particulate Matter. With no further comments, the meeting was adjourned.

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

Friday, March 9, 2007
MAG Office
Phoenix, Arizona

MEMBERS PRESENT

Stephen Cleveland, City of Goodyear, Chairman
#Jess Segovia, Avondale
*Lucky Roberts, Buckeye
#Jim Weiss, Chandler
#Jamie McCullough, El Mirage
Lisa Taraborelli for Tami Ryall, Gilbert
Doug Kukino, Glendale
Scott Bouchie, Mesa
Gaye Knight, Phoenix
Larry Person, Scottsdale
#Antonio DeLaCruz, Surprise
Oddvar Tveit, Tempe
*Walter Bouchard, Citizen Representative
Corey Woods, American Lung Association of Arizona
Barbara Sprungl, Salt River Project
*Brian O'Donnell, Southwest Gas Corporation
Mark Hajduk, Arizona Public Service Company
*Gina Grey, Western States Petroleum Association
*Randi Alcott, Valley Metro
*Dave Berry, Arizona Motor Transport Association
Rick Lavis for Jeannette Fish, Maricopa County Farm Bureau
Russell Bowers, Arizona Rock Products Association
*Michelle Rill, Greater Phoenix Chamber of Commerce
Amanda McGennis, Associated General Contractors
Spencer Kamps for Connie Wilhelm-Garcia, Homebuilders Association of Central Arizona
*Stephen J. Andros, American Institute of Architects - Central Arizona
*Mannie Carpenter, Valley Forward
Kai Umeda for Patrick Clay, University of Arizona Cooperative Extension
#Beverly Chenausky, Arizona Department of Transportation
Peter Hyde, Arizona Department of Environmental Quality
*Wienke Tax, Environmental Protection Agency
Jo Crumbaker, Maricopa County Air Quality Department
#Duane Yantorno, Arizona Department of Weights and Measures
*Ed Stillings, Federal Highway Administration
*Judi Nelson, Arizona State University
#Christella Armijo for B. Bobby Ramirez, Salt River Pima-Maricopa Indian Community
David Rueckert, Citizen Representative

*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
Cathy Arthur, Maricopa Association of Governments
Taejoo Shin, Maricopa Association of Governments
Dean Giles, Maricopa Association of Governments
Julie Hoffman, Maricopa Association of Governments
Patrisia Navarro, Maricopa Association of Governments
Diane Arnst, Arizona Department of Environmental Quality
David Lillie, Arizona Department of Environmental Quality
Scott DiBiase, Pinal County Air Quality
Robert St. John, City of Glendale
Johanna Kuspert, Maricopa County Air Quality Department
Bob Kard, Maricopa County Air Quality Department
Mēgan Jefferies, Moto-Trax
Logan Fanjoy, Stable Soil
Brandon Shumway, Citizen
Spencer Shumway, Citizen
#Bob Dulla, Sierra Research

1. Call to Order

A meeting of the MAG Air Quality Technical Advisory Committee was conducted on March 9, 2007. Doug Kukino, City of Glendale, Acting Chair, called the meeting to order at approximately 2:10 p.m. Jamie McCullough, City of El Mirage; Jim Weiss, City of Chandler; Christella Armijo, Salt River Pima-Maricopa Indian Community; Duane Yantorno, Arizona Department of Weights and Measures; Antonio DeLaCruz, City of Surprise; Beverly Chenausky, Arizona Department of Transportation; Jess Segovia, City of Avondale; and Bob Dulla, Sierra Research, attended the meeting via telephone conference call.

2. Call to the Audience

Mr. Kukino 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 table adjacent to the doorway 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 and nonaction agenda items. Mr. Kukino noted that no public comment cards had been received.

3. Suggested List of Measures to Reduce PM-10 Particulate Matter

Lindy Bauer, Maricopa Association of Governments, indicated that Table 5, Air Quality Technical Advisory Committee Initial Recommendations on Preliminary Draft Comprehensive List of Measures to Reduce PM-10 Particulate Matter, has been updated to include the Committee recommendations from the March 6, 2007 meeting, based upon the show of hands for each measure. Table 5 was provided at each place. Gaye Knight, City of Phoenix, stated that she also provided a table at each place that was created by the City of Phoenix based on review with the Arizona General Contractors (AGC). She mentioned that many of the measures are duplicates and are highlighted. Ms. Knight described the suggestions in the table and stated that the revisions are shown in bold. She indicated that the table does not represent an official City of Phoenix position and was just an effort to clarify the measures and provide a starting point for discussion. Ms. Knight suggested that the Committee begin with the measures that are duplicates.

Amanda McGennis, Associated General Contractors, commented that the AGC did not look for duplication when providing the additional measures. She expressed appreciation for all of the suggested measures being listed. Ms. McGennis stated that there are duplicates; however, some still need to be considered. She mentioned that measure 37, pave or stabilize unpaved access points, was tabled from the March 6, 2007 meeting. Cathy Arthur, Maricopa Association of Governments, suggested waiting to discuss measure 37 until measure 55, replace 20 percent opacity limit in Rule 310.01 with "no visible dust across the property line" and proactively enforce for nonpermitted sources, is reviewed.

Larry Person, City of Scottsdale, indicated that he completed an exercise similar to the City of Phoenix and AGC and arrived at similar results. He suggested that the Committee eliminate the duplicate measures which are 48, 53-54, 64-66, and 74. Ms. McGennis asked that time be provided for the Committee to review the duplicates. Mr. Kukino requested that the measures identified as duplicate be read for those participating by telephone.

Ms. McGennis stated that duplication does not mean the measures are exactly the same. She indicated that some of the language will be melded into the measure that is a duplicate. Ms. Knight

stated that it was her understanding that the intent is the same for the measures identified as duplicates and that the addition is not necessary. She indicated that measures with suggestions to move or amend is where language would be melded.

Ms. Knight discussed measure 48, target intensive community outreach and education campaigns on measures to reduce fugitive dust in the areas of highest PM-10 emissions density. She indicated that measure 48 is a duplicate of measure 17, increase number of proactive inspections in areas of highest PM-10 emissions densities, intensify training and education, incentive program for compliance.

Ms. Knight discussed measure 53, require property owners within cities, towns, and counties in Area A to stabilize vacant lots - tighten up the language in Rule 310.01. She stated that measure 53 is a duplicate of measure 38, strengthen and increase enforcement of Rule 310.01 for vacant lots. Spencer Kamps, Homebuilders Association of Central Arizona, commented that measure 38 only addresses Maricopa County whereas measure 53 also addresses cities and towns. Scott Bouchie, City of Mesa, commented that measure 53 requires property owners to stabilize vacant lots. Ms. Knight stated measure 53 is for Area A.

Jo Crumbaker, Maricopa County Air Quality Department, commented that the current rule does not include Area A for vacant lots. Ms. Knight asked if the requirement is for all of Maricopa County. Ms. Crumbaker replied that is correct. She mentioned that help is needed from everyone on this measure. Mr. Kukino commented that measure 38 would apply to all of Maricopa County and measure 53 would apply to Area A. Ms. Knight mentioned the measures for Area A, concerns raised by Pinal County, and the possible expansion of Area A.

Beverly Chenausky, Arizona Department of Transportation, commented that measure 38 does not mention stabilization of vacant lots. Ms. Knight stated that Rule 310.01 requires stabilization. Ms. Chenausky indicated that measure 38 relates to enforcement and mentioned measure 41, vacant lots stabilized by County if owners do not respond, liens put on property if necessary (e.g., Clark County). Mr. Bouchie stated that measure 41 requires stabilization by the County and measure 53 requires it by property owners, which would be the same as enforcing Rule 310.01.

Mr. Person suggested discussing measure 60, expand Area A (ARS 49-541(A)), since it may impact several other measures. Mr. Kukino commented on measures limited to Area A as being more constraining. Ms. Knight mentioned the expanded Area A proposed by the Arizona Department of Environmental Quality (ADEQ).

Peter Hyde, Arizona Department of Environmental Quality, commented on the land masses of Area A and Maricopa County. He indicated that the area west of Wickenburg is not as critical for air quality improvement in metropolitan Phoenix. Mr. Hyde discussed the importance of the portion of Area A that is in Pinal County, which is close to the East Valley of metropolitan Phoenix.

Mr. Kukino recognized public comment from Mēgan Jefferies, Moto-Trax, who mentioned an alternate space of all-terrain vehicles (ATVs). She discussed Moto-Trax and indicated that they are building an off-highway vehicle park in Gila Bend. Ms. Jefferies mentioned the agencies involved and requested that the Committee consider the ramifications related to the expansion of Area A and rules therein that may prohibit ATV use.

David Rueckert, Citizen Representative, commented on taking care of the air quality problem now through proper rules and regulations versus dealing with it later. He mentioned the growth in the

region and discussed including the areas now that are or will contribute to the air quality problems. Mr. Rueckert mentioned ATV use outside the Valley.

Ms. McGennis inquired if ATVs are regulated under Rule 310. Ms. Crumbaker responded that Rule 310 regulates facilities. Ms. McGennis stated that Rule 310 would extend into areas where it has not been used. She discussed the rules in Pima County and advocated a vote of no on expanding Area A. Ms. Crumbaker stated that most of the fugitive dust rules extend throughout Maricopa County.

Rick Lavis, Maricopa County Farm Bureau, inquired about the process of reviewing the additional measures. Stephen Cleveland, City of Goodyear, Chair, commented on addressing the duplications and measure 60. Ms. Jefferies stated that she is against measure 60 and that facilities such as Moto-Trax provide an opportunity for an alternative when riders are restricted. She mentioned that there are ways to mitigate air quality issues at the facility.

Ms. Knight commented on measure 60 and making sure the Committee knows the details of the expansion. She stated that Area A may be a key issue in measure 53. Ms. Knight indicated that adding Area A to measure 38 would result in Rule 310.01 being enforced in part of Pinal County and Maricopa County does not have that authority. Mr. Person stated that measures 64-66 also reference Area A. He suggested resolving the Area A issue before discussing the other measures.

Russell Bowers, Arizona Rock Products Association, commented that all of the measures that affect Area A would be extended to the boundary shown in the ADEQ Area A expansion map if measure 60 is recommended. He discussed the boundary and stated that Area A would join with the expanded boundary of Area B. Mr. Bowers indicated this would put regulation on most of the measures being described, and that are duplicated in legislation or ordinances, to the Pima County line.

Mr. Hyde indicated that the map provided illustrates the present Area A. Mr. Cleveland commented on the measures that address Area A and how they would be impacted if Area A is expanded. He asked if the measures are relevant to the existing Area A boundary. Mr. Hyde responded that is correct; however, measures designated as Area A would cover the expanded area if the legislature chooses to redefine the boundary.

Ms. Knight mentioned the size of the Area A expansion included in measure 60. She inquired about the benefit. Mr. Hyde stated that the legislature may change the Area A boundary proposed by ADEQ. He indicated that the Area A expansion is being looked at as an ozone control measure. Mr. Hyde stated that the Valley has barely attained the eight-hour ozone standard for the past two years. He mentioned that the Environmental Protection Agency (EPA) will be promulgating a more stringent ozone standard this summer. Mr. Hyde commented on the ozone beneficial measures that would expand with a new Area A boundary. He discussed the measures and indicated that the expansion of Area A was not viewed as a PM-10 measure. Mr. Hyde indicated that ADEQ intended to use the forum to incorporate necessary ozone control measures.

Mr. Person asked if Rules 310 and 310.01 apply to the PM-10 nonattainment area with the exception of the portion that is outside Maricopa County. Ms. Crumbaker replied that Rule 310 applies to all of Maricopa County. She stated that Rule 310.01 also applies to all of the County except for public unpaved roads which are controlled in the PM-10 nonattainment area. Mr. Cleveland discussed the expansion of Area A.

Mr. Hyde discussed the growth in Pinal County and its eventual merger with metropolitan Phoenix. He stated that expanding Area A would result in increasing the vehicle emissions testing into those areas as well as the fuel measures. Mr. Hyde mentioned that the vehicle fleet would be cleaner and this will be necessary to continue to meet the ozone standard.

Scott DiBiase, Pinal County Air Quality, clarified that EPA will propose a new ozone standard in June with promulgation in 2008. He indicated that Pinal County does not agree with any discussion as it relates to Area A since they have no representation that can vote on the measures.

Mr. Kamps inquired about how expanding Area A would impact the Five Percent Plan for PM-10. Ms. Bauer commented that the expansion of Area A is being proposed by ADEQ for ozone purposes. Mr. Hyde stated that there would be PM-10 benefits and mentioned measure 53. He stated that the measures and evaluations have not included the emissions benefit for the expanded area. Mr. Hyde commented on the emissions inventory. Ms. Bauer stated that the emissions inventory is for the PM-10 nonattainment area.

Mr. Rueckert mentioned having experience with PM-10 modeling. He discussed growth and the weather patterns. Mr. Rueckert indicated that we affect each other. He stated that expanding Area A is reasonable based upon how pollutants disperse throughout the area.

Mr. Cleveland suggested an informal vote on measure 60. Mr. Bowers commented that the measure will result in an increase in VEI testing. He indicated that the failure rates in VEI testing are minuscule. Mr. Bowers stated that there are other ways to get at those who are not subject to VEI testing that are traveling in the PM-10 nonattainment area. He asked if the expanded Area A boundary described in measure 60 is consistent with S.B. 1552. Mr. Cleveland stated that S.B. 1552 should be adjusted to the boundary identified in measure 60, if recommended. Mr. Bowers inquired about what is trying to be accomplished with measure 60. He questioned the volume of ozone benefits and indicated that those affected by the measure are not represented.

Mr. Hyde discussed evaluations that demonstrated that the inspection and maintenance program has reduced carbon monoxide and hydrocarbons by 25 percent and nitrogen oxides by 10 percent. He mentioned maintaining compliance with the ozone standard. Mr. Hyde noted that it is not a PM-10 measure. He mentioned reducing hydrocarbons and nitrogen oxides from the vehicle fleet that moves between Maricopa and Pinal Counties. Mr. Hyde discussed past expansions of Area A. Mr. Cleveland stated that ozone is not on the agenda and that ozone measures should not be voted on at this time.

Ms. Knight stated that she is uncomfortable voting on an ozone measure when ozone is not on the agenda. Mr. Kamps stated that this is an ozone issue. Mark Hajduk, Arizona Public Service Company, asked if the issue will be discussed at a future meeting where ozone is on the agenda. Ms. Bauer responded that it can be put on a future agenda and discussed as an ozone measure.

Ms. McGennis stated that the additional measures suggested by the AGC inadvertently refer to Area A. She indicted that the measures should relate to the PM-10 nonattainment area and not Area A.

Mr. Bouchie commented that the previous measures recommended have not specified an area and are assumed to apply to Maricopa County. He suggested continuing to do the same. Ms. Knight referred to measure 53 and commented on it applying only to the PM-10 nonattainment area. She stated that would weaken Rule 310 which applies to Maricopa County. Mr. Kamps commented on

Rule 310 applying to the entire County. Ms. Crumbaker replied that is correct. Ms. McGennis suggested removing reference to a specified area in the measures.

Barbara Sprungl, Salt River Project, suggested addressing measure 60 and returning to the duplicate measures noting the comments from Ms. McGennis about removing the specified areas. Mr. Bowers commented on the existing rules applying to all of Maricopa County. Ms. Knight suggested no informal vote on measure 60.

Ms. Knight stated that measure 48 is a duplicate of measure 17 and should be removed from the list. Mr. Cleveland requested an informal vote to remove measure 48. By a show of hands, the measure was removed by a unanimous vote.

Mr. Person indicated that measure 53 is a duplicate of measure 38 and should be removed from the list. Mr. Cleveland requested an informal vote to remove measure 53. By a show of hands, the measure was removed with one member voting no.

Mr. Person indicated that measure 54, opportunities for notification and rapid compliance for violations of Rule 310, is a duplicate of measure 18, notify violators more rapidly to promote immediate compliance, and should be removed from the list. Mr. Cleveland requested an informal vote to remove measure 54. By a show of hands, the measure was removed by a unanimous vote.

Mr. Person indicated that measure 64, require cities, towns, and the counties in Area A to sweep paved roads, is a duplicate of measure 29, sweep streets with PM-10 certified street sweepers, and should be removed from the list. Mr. Cleveland requested an informal vote to remove measure 64. By a show of hands, the measure was removed by a unanimous vote.

Mr. Person indicated that measure 65, require cities, towns, and the counties in Area A to stabilize unpaved roads and shoulders, is a duplicate of measures 33, pave or stabilize existing public dirt roads and alleys, and 36, pave or stabilize unpaved shoulders, and should be removed from the list. Mr. Cleveland requested an informal vote to remove measure 65. By a show of hands, the measure was removed by a unanimous vote.

Mr. Person indicated that measure 66, require cities, towns, and the counties in Area A to adopt an ordinance that requires property owners to stabilize unpaved parking lots, is a duplicate of measure 32, pave or stabilize existing unpaved parking lots (e.g., upgrade to Phoenix Parking Code) - strengthen enforcement, and should be removed from the list. Mr. Cleveland requested an informal vote to remove measure 66. By a show of hands, the measure was removed by a unanimous vote.

Mr. Person indicated that measure 74, no burn restriction applied to outdoor hospitality fires and chimineas on PM-10 High Pollution Advisory days, ARS 49-501 (F), is a duplicate of measure 46, restrict use of outdoor fireplaces and pits and ambience fireplaces in the hospitality industry, and should be removed from the list. Mr. Cleveland requested an informal vote to remove measure 74. By a show of hands, the measure was removed by a unanimous vote.

Ms. Knight suggested revising measure 47 and take the concept and amend measure 17. The measure would be to provide timely notification to permitted and nonpermitted sources to sources in the high emission areas when a High Pollution Advisory or High Pollution Watch is issued by ADEQ. Mr. Kamps asked if the measure would apply to the County. Ms. Knight stated that she added sources in the high emission areas since ADEQ already has a program to provided notification to permitted and nonpermitted sources. The focus is on the high emission areas. Mr. Kamps

requested that the measure apply throughout Maricopa County. Ms. Knight commented that the Committee has already informally voted on measure 17. She suggested that the Committee vote on measure 47 as it was originally proposed. Mr. Cleveland requested an informal vote on measure 47, provide timely notification to permitted and nonpermitted sources when a High Pollution Advisory or High Pollution Watch is issued by ADEQ. He indicated that no changes are being made to measure 17. By a show of hands, the measure passed with one member voting no.

Mr. Cleveland asked if there are any questions or comments on measure 49, develop a PM-10 program for subcontractors (requested by the Maricopa County Board of Supervisors on April 7, 2004), have subcontractors acquire a dust control permit, give notice of violation (NOVs) to subcontractors. Ms. McGennis suggested adding language from measure 52 to measure 49 indicating no duplicate notices of violation at the permitted site be incorporated with the PM-10 program for subcontractors.

Ms. Crumbaker commented that the Maricopa County Board of Supervisors directed the County Air Quality Department to work with stakeholders to develop a program for subcontractors. She discussed the process that concluded an enhancement in education and outreach is necessary. Ms. Crumbaker stated that the extent of the contractor education and on-site monitoring are the significant differences between the Maricopa County and Clark County programs. She mentioned that they looked at what would happen if only subcontractors were cited. Ms. Crumbaker indicated that in the three month period for 2,800 - 3,100 inspections, only 12 instances occurred where the only violation on the site was caused by a subcontractor. She stated that the recommendation to the Board at that time was that a permit program was not appropriate for subcontractors. Ms. Crumbaker indicated that on-site monitoring is necessary. She mentioned that when both parties are cited, the fine does not change. The parties need to determine how the fine would be split. Ms. Crumbaker stated that the current policy is to fine the subcontractor when the circumstances are appropriate. She urged the Committee to vote no on measure 52.

Mr. Kamps commented on enforcement being a key component of compliance. He indicated that the current approach is to enforce against the permit holder. Mr. Kamps discussed the number of subcontractors that are unaware of Rule 310. He stated that the only repercussion they have against subcontractors that violate Rule 310 is to fire them. Mr. Kamps indicated that the measure is important to educate those who are unaware of the rules with which they need to comply.

Mr. Bouchie asked if the subcontractor would have to obtain a permit for each site. Mr. Kamps replied that the intent is to be able to cite subcontractors. He indicated that the permit holder would still be responsible for management of the site such as trackout devices and water. Mr. Bouchie commented on the description of measure 49 referring to subcontractors acquiring a dust control permit. Ms. McGennis stated that would be similar to a registration number. Mr. Bouchie asked if it would be handled similar to a block permit. Mr. Kamps replied that would be the goal.

Ms. Crumbaker stated that having subcontractors complete dust control training was included in a previous measure. Mr. Cleveland commented on changing the language of the measure to indicate having subcontractors acquire a dust control number as oppose to a permit to eliminate confusion. Ms. McGennis mentioned changing the language in the measure to indicate that subcontractors acquire a registration number to coincide with the training recommended in measure two, extensive dust control training program (e.g., Clark County).

Mr. Person stated that he opposes the idea of shifting management responsibility to subcontractors in this area and retaining it in other areas. He discussed requiring Maricopa County to enforce against subcontractors when there are already resource issues. Mr. Person also mentioned current litigation. He indicated that measure 49 is a duplication of measure two.

Mr. Kamps stated that in relation to the resource issues, the inspectors are already on-site and someone will get the NOV if there is a violation. He mentioned that there are thousands of subcontractors that currently do not receive any enforcement. Mr. Kamps indicated that it makes no sense not to have the enforcement process include subcontractors.

Ms. Knight asked if Maricopa County currently issues NOVs to subcontractors. Ms. Crumbaker replied that it is allowed under Rule 310 and subcontractors are issued an NOV at the time they are clearly at fault and sufficient information is available for identification.

Mr. Bowers commented that the point is education and not enforcement. Mr. Bouchie stated that education is covered in measure two. He indicated that someone who has completed those classes could then be hired by the homebuilders. Mr. Cleveland asked if measure two is expansive enough to recognize that subcontractors are required to go through a dust control training program. Mr. Hyde replied no. Mr. Bowers commented on language to issue certification to subcontractors.

Ms. Knight stated that measure 49 refers to a permit and the discussion is about a certification number. She suggested not merging measures 49 and 52. Ms. Sprungl mentioned previous discussion about changing the language of measure 49 from having subcontractors acquire a dust control permit to having subcontractors acquire a registration number. Ms. McGennis suggested amending measure 49 to develop a program to register, educate, and the opportunity to give NOVs to subcontractors through Rule 310. Ms. Knight inquired about the difference between measures two and 49.

Mr. Cleveland asked if the subcontractors will be required to go through the training. Mr. Kamps responded yes. Ms. McGennis stated that the amended measure would be to develop a program to register, educate, and give NOVs to subcontractors through Rule 310. Ms. Knight asked if the measure would require NOVs be given to subcontractors. Ms. McGennis replied that is correct. Mr. Hyde inquired about having subcontractors acquire a dust control permit, which was included in the original measure. Mr. Cleveland stated that the dust control permit has been changed to be a registration to demonstrate completion of the program. Mr. Cleveland requested an informal vote on substitute measure 49, develop a program to register, educate, and give NOVs to subcontractors through Rule 310. By a show of hands, the measure passed with seven members voting no.

Ms. Crumbaker commented that the substitute measure 49 will relax the program from EPA's perspective. Ms. McGennis stated that it is strengthening the program since there is a new group of people to cite. Ms. Crumbaker indicated that the program is based on prevention which is not part of the measure. Mr. Bowers commented that the measure does not preclude the issuance of NOVs to the permit holder. Mr. Cleveland requested that language be included in the description of the measure.

Mr. Cleveland asked if there are any comments or questions on measure 50, allow the permit holder to accompany the control officer during an inspection and allow the permit holder 30 minutes to arrive on-site. Ms. Knight suggested the Committee vote no on the measure. She indicated that the measure micromanages the Maricopa County Program and does not provide an air quality benefit.

Ms. Sprungl stated that corrective action could occur sooner and additional education can take place. Ms. Crumbaker commented that there should be an on-site representative at all times when work is taking place so a delay is not necessary. Mr. Cleveland commented on measure four, dust managers required at construction sites of 50 acres and greater (e.g., Clark County). He asked if the 30 minutes would be relevant. Mr. Kamps replied that it would not be relevant on sites 50 acres and greater.

Ms. Knight commented on little air quality benefit for measure 50. She mentioned the resource issues with Maricopa County and the time necessary to implement the measure. Mr. Kamps stated that subcontractors need to be trained. He indicated that Maricopa County sets the schedule. Mr. Kamps stated this is a requirement in Rule 316. Ms. Crumbaker indicated that the party needs to be present within 30 minutes, but the inspection of the facility does not wait 30 minutes to commence. Mr. Kamps mentioned that the County is not required to come on-site to inspect. He stated that it is more effective to have the inspectors on-site to say what is being done right or wrong so corrective action can occur immediately. Mr. Kamps indicated that the measure is an attempt to get the conversation to happen. He discussed the time it currently takes to receive an NOV.

Bob Kard, Maricopa County Air Quality Department, commented that there are over 5,000 earthmoving permits. He stated that the County does its best to make contact with those listed in the dust control plan and are being asked to wait too long. Mr. Kard mentioned the time issue with waiting 30 minutes for each permit. He stated that the County does its best to get NOVs out right away. Mr. Kard commented on industry trying to micromanage the Maricopa County Program. He indicated that this is a deviation from the process of developing the Five Percent Plan for PM-10. Mr. Kard suggested the Committee get back to quantifiable dust control measures. He commented on not implementing measures that are recommended. Mr. Kard mentioned measures mandated by legislation. He discussed the current training program and stated that more is needed. Mr. Kard indicated that he does not want the program micromanaged.

Mr. Cleveland asked if permit holders are allowed to accompany the control officer during an inspection. Mr. Kard replied that according to Statute, the permit holder is given the opportunity to accompany the officer. He stated that a dust manager on site is a good idea and 50 acres or greater may be too large. Mr. Kard indicated that the information is not getting to those on-site from top level management. Mr. Cleveland mentioned training subcontractors. Mr. Kard responded that the County already has the ability to cite subcontractors. He stated that education is provided to everyone and the hope is to start more classes.

Mr. Cleveland mentioned measure 51, allow the permit holder an opportunity to correct within 24 hours, and asked about the current standard. Mr. Kard replied that there is an opportunity to correct immediately. He indicated that he is against giving sites 24 hours of "free time" and stated that EPA may consider it as being in nonenforcement mode.

Ms. McGennis stated that Clark County allows 24 hour notice of opportunity to correct. She indicated that the measure was suggested because the County is citing off-site and not giving the opportunity to correct. Ms. McGennis mentioned that a site could be emitting for days before the NOV is received through the mail. Mr. Kard stated that NOVs are mailed when there is nobody on-site. He indicated that phone calls are also made. Mr. Kard mentioned that this is a County management issue and the conversation should be about what can be done to reduce dust emissions.

Mr. Cleveland suggested voting on measure 50 and allow the implementing agencies to determine whether the measure could indeed be implemented. Mr. Kamps asked that the measure include the

provision that there is a 30 minute notification, but it does not prohibit Maricopa County from entering the site, as stated in Rule 316. Mr. Bowers commented on Mr. Kard not implementing measures that may be recommended. Mr. Cleveland indicated that the statement was intended in the form of disagreement and not the action of the County. Mr. Kard stated that is correct. Mr. Cleveland requested an informal vote on measure 50 with the provision that the inspection can commence without waiting for the permit holder to arrive. By a show of hands, the measure failed with five members voting yes and two members abstaining.

Mr. Cleveland asked if there are any questions or comments on measure 51, allow the permit holder an opportunity to correct within 24 hours. Ms. McGennis commented that the measure does not preclude the County from issuing NOVs. Mr. Cleveland requested an informal vote on measure 51. By a show of hands, the measure failed with six members voting yes and one member abstaining.

Mr. Cleveland asked if there are any questions or comments on measure 52, no duplicate fines by the Maricopa County Air Quality Department at the permitted site - measures 49-51 above are contingent upon this measure. Mr. Cleveland requested an informal vote on measure 52. By a show of hands, the measure failed with six members voting yes.

Mr. Cleveland asked if there are any questions or comments on measure 55, replace 20 percent opacity limit in Rule 310.01 with "no visible dust across the property line" and proactively enforce for nonpermitted sources - reduces PM-10 emissions from dragout, unpaved roads, unpaved access points, unpaved parking areas and poorly maintained paved roads. Ms. Knight proposed a substitute measure 55. She mentioned enforcing dragout. Ms. Knight stated that for nonpermitted sources to address dragout, replace the 20 percent opacity limit in Rule 310.01 with "no visible dust across the property line". She indicated that measure 56, add dragout provisions to Rule 310 and 310.01 and enforce dragout and trackout provisions for nonpermitted sources, would address permitted sources and adds "no visible dust across the property line" to Rule 310.

Ms. Crumbaker stated that she would add "no visible dust across the property line" to measure 55 without replacing the 20 percent opacity limit. She indicated that the measure would require help from everyone. Mr. Kamps inquired about the test. Ms. Crumbaker replied that there can be two standards and referred to Rule 316 and California. She stated that one standard would be applied at the property line and the other at the point of activity.

Ms. Sprungl stated that enforcing no visible dust across the property line may be infeasible. Mr. Hyde stated that measures 55 and 56 are good provisions. He indicated that this measure would give the inspectors a tool where the 20 percent opacity limit is too difficult to apply. Ms. Crumbaker stated that it is already in Rule 316, Pima County, and California. She indicated that it is not a new concept. Mr. Cleveland asked that since it is in Rule 316, it should be added to Rules 310 and 310.01. Ms. Crumbaker replied that is correct.

Ms. Knight stated that she is in favor of actively enforcing Rule 310.01. She commented on Maricopa County not having the resources and requesting help from the cities and towns and yet the suggestion would make it more stringent. Mr. Knight stated that it is a duplicate of measure 38, strengthen and increase enforcement of Rule 310.01 for vacant lots. Bob Dulla, Sierra Research, stated that the measure is the result of the dragout activity observed in the Salt River Area during the MAG PM-10 Source Attribution and Deposition Study. He stated that the draft 2005 inventory does not capture the behavior. Mr. Dulla stated that the intent is to identify a control measure to minimize the activity which appears to be frequent and has a large impact during inversions.

Mr. Kamps commented on the measure focusing on dragout and unpaved access points. He mentioned the resource issues at the County. Ms. Sprungl indicated that she agrees with controlling dragout, but has an issue with no visible dust across the property line. Mr. Person commented that dragout is not included in Rules 310 and 310.01. He indicated that he agrees with concerns about dragout, but the measure overextends what is necessary.

Ms. Knight mentioned dragout from unpaved parking lots. She indicated that unpaved parking lots are regulated under Rule 310.01. She mentioned adding no visible dust to measure 38. Corey Woods, American Lung Association of Arizona, commented on the intent being to cite in obvious situations when addressing the "no visible dust across the property line" part of the measure. Mr. Cleveland requested an informal vote on the substitute measure 55, add "no visible dust across the property line" to Rule 310.01 and proactively enforce for nonpermitted sources - reduces PM-10 emissions from dragout, unpaved roads, unpaved access points, unpaved parking areas and poorly maintained paved roads. By a show of hands, the measure failed with three members voting yes and seven members abstaining.

Mr. Cleveland asked if there are any comments or questions on measure 56, add dragout provisions to Rule 310 and Rule 310.01 and enforce dragout and trackout provisions for nonpermitted sources. He stated that the City of Phoenix, based on review with AGC, suggested a substitute measure to add "no visible dust across the property line" to Rule 310. The revised measure would address permitted sources only. Ms. Arthur suggested the Committee vote on measure 56 as originally written since measure 55 failed. Mr. Kamps inquired about nonpermitted sources and Rule 310 in the measure. Ms. Arthur replied that there are nonpermitted sources that are governed by the trackout provisions of Rule 310. Mr. Kamps commented that dragout is an issue in the Salt River Area, but not on construction sites. Ms. Knight mentioned dragout from construction sites. Mr. Cleveland requested an informal vote on measure 56 as originally worded, add dragout provisions to Rule 310 and Rule 310.01 and enforce dragout and trackout provisions for nonpermitted sources. By a show of hands, the measure passed with two members voting no and two members abstaining.

Mr. Cleveland asked if there are any comments or questions on measure 57, provide law enforcement certification for inspectors assigned to enforce fugitive dust controls for nonpermitted sources. The City of Phoenix, based on review with AGC, suggested a revision to the measure to provide law enforcement certification for County inspectors assigned to enforce fugitive dust controls for nonpermitted sources. Mr. Kamps stated that inspectors should be trained on Rule 310 and other issues, not how to be a law enforcement officer. Ms. Knight asked if the measure is needed. Mr. Kard replied no. Mr. Cleveland requested an informal vote on measure 57. By a show of hands, the measure failed unanimously.

Mr. Cleveland asked if there are any comments or questions on measure 58, covered loads/haul trucks to authorize in Apache Junction portion of Area A (ARS 9-500.27). He mentioned previous discussions about Area A. Diane Arnst, Arizona Department of Environmental Quality, commented that Apache Junction is in the PM-10 nonattainment area. Mr. Cleveland commented about changing the language of the measure. Mr. Bouchie indicated that his earlier comment was to remove Area A from all of the additional measures. Mr. Cleveland commented that the City of Apache Junction is a member of MAG. Mr. DiBiase mentioned not voting on measures related to Area A. He discussed the City of Apache Junction and stated that part of it is in the PM-10 nonattainment area. Mr. Cleveland commented on the Committee voting on the measure and providing it to the City to determine if they will implement it. Mr. Cleveland requested an informal

vote on substitute measure 58, cover loads/haul trucks in Apache Junction. By a show of hands, the measure passed with one member voting no and three members abstaining.

Mr. Cleveland asked if there are any questions or comments on measure 59, dust control manager required at construction and soil and rock excavation sites of five or more acres in Area A (current threshold for earthmoving permits), ARS 49-459. The City of Phoenix, based on review with AGC, suggested a revision to the measure to require an on-site dust control manager to be present on sites 5 to 50 acres in Area A during active soil and rock excavation, soil and rock removal, and construction operations, including road construction operations, and related transport activities at access points to paved or unpaved roads. This person could also perform other tasks, but this person would be responsible for managing dust prevention and control on the site. Ms. Knight stated that this measure would address dust at smaller sites. She mentioned that measure four, dust managers required at construction sites of 50 acres and greater (e.g., Clark County) already passed.

Mr. Hyde discussed the tonnage reduction from measures four and 59. Mr. Lavis commented on Area A. Mr. Cleveland stated that the measure would not reference Area A. Mr. Person stated that in previous discussion, calling the person a dust control manager implied that there needed to be a separate, full-time individual on-site. He commented on someone on-site being required to complete the dust control training, but not be called a manager. Mr. Cleveland indicated that the measure states that the person can perform other tasks. Ms. Knight stated that the City of Phoenix has amended the boilerplate for contracts to indicate that someone needs to be designated as the dust control person. The person has to have at least one hour of dust control training on construction sites larger than five acres.

Mr. Person commented on changing the language from dust control manager. Ms. Knight stated that she is comfortable revising the language. Mr. Person discussed the activities specified in the substitute measures. Mr. Dulla commented that it is important to make someone on-site responsible for controlling the dust. Ms. Crumbaker mentioned the various names used for such an individual. Ms. Arthur suggested a dust control coordinator.

Mr. Kamps asked if the requirements would be the same for sites 50 acres and greater and 5 to 50 acres. Ms. Knight stated that the intent is to address the times when earthmoving activities are occurring. Mr. Cleveland indicated that the difference is that sites 50 acres and greater would have a specified individual, whereas sites 5 to 50 acres would have a dust control coordinator.

Ms. McGennis commented on revising Rule 310 and stated that the measure should say permitted and nonpermitted sources. Ms. Knight indicated that the activities listed in the measure are permitted. Mr. Cleveland requested an informal vote on a substitute measure 59, require dust coordinators at earthmoving sites of 5 to 50 acres during active soil and rock excavation, soil and rock removal, and construction operations, including road construction operations, and related transport activities at access points to paved or unpaved roads. This person could also perform other tasks, but this person would be responsible for managing dust prevention and control on the site. By a show of hands, the measure passed with five members voting no and one member abstaining.

Mr. Cleveland asked if there are any questions or comments on measure 62, require cities, towns, and the counties in Area A to require leaf blowers rented from facilities to provide an educational piece on reducing particulate matter. The AGC suggested a revision to the outreach program could include printed educational materials on reducing dust from leaf blowers. The materials would be distributed to rental facilities and must be provided with leaf blower rentals. Ms. Arthur stated that

the City of Phoenix is suggesting the measure be merged with measure one, public education and outreach. Ms. McGennis commented on there being an individual flier. Mr. Cleveland mentioned providing the materials with leaf blower purchases. Ms. McGennis agreed to add leaf blower purchases to the measure. Mr. Cleveland requested an informal vote on substitute measure 62, implement a leaf blower outreach program. This measure would involve the development and distribution of educational materials on reducing leaf blower dust and would require that the private sector provide the printed materials to customers who purchase or rent leaf blowers. By a show of hands, the measure passed with four members voting no.

Mr. Cleveland asked if there are any questions or comments on measure 67, create particulate mitigation fund with air quality fines used to pave and stabilize land surfaces in and around high pollution areas in Area A. Mr. Bowers stated that he would like to see a fund created that would not impact necessary functions of the County. Ms. Arthur mentioned measure 75, create a dedicated funding source for County Air Program to support increased enforcement of Rule 310.01, and other air programs as necessary. Ms. Knight discussed measures 67 through 69. Mr. Cleveland suggested voting on measure 67 as written with the exception of the Area A language. Mr. Kamps stated that the goal is to send a message to get State funding. Ms. Knight mentioned the resource issues of the County. Mr. Cleveland suggested voting on the measures separately.

Mr. Crumbaker stated that there is an issue with the wording related to the use of fines. She indicated that a portion of fines would not be available for use. Ms. Crumbaker stated that the County does have the ability to process supplemental environmental penalties which can be done with a list of projects that can be provided at the time of negotiations and settlement. She mentioned that it would go directly to that purpose. Ms. Crumbaker stated that out of the fines collected last year, approximately 55 percent were from construction. She indicated that the Maricopa County Board of Supervisors have also dedicated some of the fine monies to projects such as the mobile monitoring van and Bring Back Blue Program.

Mr. Cleveland stated that how the measure is done becomes an issue in the implementation process. He indicated that the measure would be revised to strike air quality fines. Mr. Cleveland requested an informal vote on substitute measure 67, create a particulate mitigation fund to pave and stabilize land surfaces in and around high pollution areas. By a show of hands, the measure passed with two members abstaining.

Mr. Cleveland asked if there are any questions or comments on measure 68, establish a grant program for private businesses to stabilize and pave around monitors. Mr. Bouchie commented on controlling at the monitors. Mr. Kamps expressed the importance of including the private sector. Mr. Cleveland commented on the different approaches between measures 67 and 68. Mr. Hyde expressed concern with the measure addressing the area around the monitors. Mr. Cleveland stated that the language would be changed to high pollution areas.

Ms. Crumbaker stated that there are opportunities in the SEP Process if the party is amenable to doing projects that are on private property. Ms. Knight commented on merging measures 67 and 68. Mr. Cleveland stated that measure 68, establish a grant program for private businesses to stabilize and pave, would be included in measure 67. Mr. Lavis mentioned the tax code. Mr. Kamps discussed a bill at the legislature. Mr. Cleveland stated that measure 69, direct fine monies from Maricopa County for stabilization efforts, would also be included in measure 67.

Mr. Cleveland asked if there are any questions or comments on measure 71, give cities, towns, and counties in Area A the authority to stabilize vacant lots when an owner fails to do so. Ms. Knight stated that measure 71 appears to be a duplicate of measure 41, vacant lots stabilized by County if owners do not respond, liens put on property if necessary (e.g., Clark County), and suggested rejecting the measure. Mr. Cleveland requested an informal vote on measure 71. By a show of hands, the measure failed with one member abstaining.

Mr. Cleveland asked if there are any questions or comments on measure 72, give cities, towns and the counties in Area A the authority to recoup expenses from a property owner and allow cities, towns and counties in Area A lien authority on property where the city, town or county has stabilized. Hearing no comments, he requested an informal vote on measure 72. By a show of hands, the measure failed with three members voting yes and one member abstaining.

Mr. Cleveland asked if there are any questions or comments on measure 73, no burn restriction on PM-10 High Pollution Advisory days (right now, it's CO only), ARS 11-871. Ms. Crumbaker commented that there are other authorities in Title 11 for CO and PM-10; therefore, the ban applies to both. She indicated that the authority was not used for that ordinance. Ms. Crumbaker stated that this measure is already covered. Mr. Hyde withdrew measure 73, suggested by ADEQ, since it is already covered.

Mr. Cleveland asked if there are any questions or comments on measure 75, create a dedicated funding source for County Air Program to support increased enforcement of Rule 310.01, and other air programs as necessary. An example would be restore In-Lieu funding or some other fee to emissions testings, or other approach. Ms. Knight suggested asking the legislature to consider giving the County more money to support the current programs. Mr. Cleveland requested an informal vote on measure 75. By a show of hands, the measure passed with one member voting no.

Mr. Cleveland indicated that ADEQ is recommending a revision to measure 10, conduct just-in-time grading (i.e., once a parcel of land is cleared, stabilization or work on the parcel would be required within a certain number of days. The revised measure would include: (1) require persons engaged in construction activities to use short-term measures to control dust on disturbed areas 24 hours a day, 7 days a week, until the construction site becomes inactive for 30 days or longer, with exceptions for emergency utility and governmental maintenance activities; (2) require "just-in-time" grading so that one phase is graded and stabilized before the next grading section is disturbed; and (3) require long-term stabilization to be implemented within 10 days after cessation of active operation for 30 days or longer. A list of short-term and long-term control measures from Clark County Nevada Section 94 would be provided. He stated that the Committee did not recommend measure 10, based on an informal vote. Ms. Arthur indicated that Ms. Chenausky has also requested that the Committee revisit measure 28. Mr. Person stated that he is opposed to revisiting measures that were voted down in previous meetings.

Ms. Knight discussed the important points raised by ADEQ in the revision to measure 10. Mr. Hyde stated that the just-in-time grading has long-term benefits, especially with regard to windblown dust. He requested that the Committee vote on revised measure 10. Mr. Person stated that he would prefer that there be no informal vote on revised measure 10 since measure 10 has already failed. Mr. Cleveland asked for an informal vote to not reopen or revise any measures if they have been voted down previously, which passed with one member voting no, based on a show of hands.

Mr. Cleveland asked if there are any questions or comments on measure 70, in areas of high PM-10 emissions density, require paving of unpaved roads (including haul roads), unpaved access points, and unpaved parking and vehicle maneuvering areas. Ms. Knight stated that the measure does not provide any air quality benefit beyond what is already on the table. Mr. Dulla indicated that the measure was suggested before informal voting occurred on the other measures. He mentioned the recommended measures that cover the different areas identified in measure 70. Mr. Dulla stated that the intent of measure 70 would be covered if the recommended measures are implemented.

Mr. Kamps inquired about unpaved access points. Mr. Dulla mentioned measure 36 pave or stabilize unpaved shoulders. He stated that the Committee still needs to vote on measure 37, pave or stabilize unpaved access points. Mr. Hyde indicated that measure 70 includes haul roads and Maricopa County does not require paving on haul roads. He discussed emissions from unpaved haul roads. Mr. Cleveland asked if unpaved haul roads are included. Mr. Dulla responded that the controls selected do not focus on haul roads. Ms. Crumbaker stated that the revisions to Rule 316 include requirements for paving and a cohesive hard surface. She stated that the roads that remain do have stabilization requirements. Mr. Bowers stated that some haul roads are relatively permanent and have to be stabilized or paved. Ms. Crumbaker stated that the elements of measure 70 are covered in other measures. Mr. Cleveland requested an informal vote to remove measure 70. By a show of hands, the measure was removed by a unanimous vote.

Mr. Cleveland asked if there are any comments or questions on measure 37, pave or stabilize unpaved access points. He indicated that the measure was tabled at the March 6, 2007 meeting to have the MAG consultant review the measure description. Mr. Dulla indicated that the analysis looked at paving and stabilizing access points from an industrial permitted facility. He stated that the measure was not looked at from the perspective of vacant lots. Mr. Dulla mentioned that measure 19, fully implement Rule 316, and stated that any of the controls for this measure that address industrial sources have already been included in previous recommendations. He indicated that measures 38-40 address vacant lots. Mr. Dulla added that there have been a number of measures to strengthen Rule 310. He stated that the category of dragout was left, and voted on in measure 56. Mr. Dulla indicated that access points are covered by the previous measures.

Ms. Knight suggested removing measure 37. Ms. McGennis mentioned nonpermitted sources. Mr. Dulla stated that nonpermitted sources are included in Rule 310.01. Ms. Knight indicated that there was previous discussion on the measure about not addressing nonpermitted sources. Mr. Dulla mentioned the disconnect of some thinking the measure focused on vacant lots. The analysis was on a permitted facility, which has already been addressed.

Mr. Kamps referred to measure 56. He mentioned businesses with unpaved parking lots, dragout, and visible emissions. Mr. Kamps stated that there are no measures that address these issues. Ms. Crumbaker mentioned measures 56 and 58 which include Rule 310.01 and those source categories. She stated that cities are also proceeding on these sources under their authorities. Mr. Kamps asked if Rule 310.01 is just vacant lots. Ms. Crumbaker discussed the other source categories covered by Rule 310.01, including unpaved roads and unpaved parking lots.

Ms. McGennis asked if a salvage yard that does not have a paved surface to the road is covered under Rule 310.01. Ms. Arthur stated that measure 37 is covered by measure 56. Mr. Bouchie commented on making sure a nonpermitted source is covered that has silt on the road and is creating a lot of

dragout. Ms. Crumbaker stated that the plan is to add trackout provisions to Rule 310.01. She added that it is an area the County is requesting cities and towns to assist with due to the volume.

Mr. Cleveland asked if measure 56 covers the questions on measure 37. Ms. McGennis stated that measure 56 refers to Rule 310. Ms. Crumbaker indicated that measure 56 mentions Rules 310 and 310.01. Ms. McGennis commented on the sources in Rule 310.01. Ms. Knight mentioned the sources covered in Rule 310.01. Ms. Crumbaker stated that Rule 310.01 would apply to a salvage yard when the trackout provisions are added to the rule, which is measure 56. Mr. Bouchie commented that with measure 56, when there is a trackout and dragout provision in Rule 310.01 it would allow the County to enforce if an auto salvage yard or any other type of business had trackout or dragout violations. Ms. Crumbaker replied that is correct. Mr. Cleveland asked that this be noted in measure 56. He requested an informal vote to remove measure 37. By a show of hands, the measure was removed by a unanimous vote.

Mr. Cleveland requested a motion to recommend a Suggested List of Measures to Reduce PM-10 Particulate Matter. Mr. Bowers moved and Ms. Knight seconded the motion. Mr. Person asked if the recommended measures would result in five percent reduction in emissions, modeling attainment demonstration, and attainment at the monitors. Mr. Cleveland stated that once the measure have been approved by the MAG Regional Council, each agency with authority to implement the measures would be requested to make commitments for implementation. Ms. Bauer stated that there would be a caveat to say the measures may be refined when additional information becomes available through the planning process. The motion passed unanimously. Mr. Cleveland thanked the Committee for their hard work.

4. Call for Future Agenda Items

Mr. Cleveland announced that the next meeting of the Committee is tentatively scheduled for March 29, 2007 at 1:30 p.m. With no further comments, the meeting was adjourned.

Agenda Item #7

March 13, 2007

PRELIMINARY ESTIMATES OF PM-10 EMISSION REDUCTIONS FOR THE SUGGESTED LIST OF MEASURES TO REDUCE PM-10 PARTICULATE MATTER

(These preliminary estimates are based on the Draft Maricopa County 2005 Periodic Emissions Inventory for PM-10, January 23, 2007. The emission reductions in the Five Percent Plan for PM-10 will reflect revisions to the 2005 Inventory, updated projections for 2007, and commitments to implement the measures.)

	MEASURE	POTENTIAL IMPLEMENTING ENTITY	ESTIMATED PM-10 EMISSIONS REDUCTION IN TONS PER YEAR
Fugitive Dust Control Rules			
1.	**Public education and outreach (e.g., Clark County) with assistance from local governments** - This measure would involve publicity campaigns (e.g., Bring Back Blue) that increase public awareness of the PM-10 problem and discourage citizens from participating in activities that generate airborne dust.	County, local governments	91 (0.1% decrease in total PM-10 emissions)
2.	**Extensive Dust Control Training Program (e.g., Clark County)** - This measure would involve conducting more frequent dust control training classes and implementing a formal certification program. The County would provide advanced training to representatives of trade associations to qualify them to conduct classes and issue certifications. The County video on dust control rules and practices will be updated and distributed to public agencies and private companies for use in training their employees.	County, private sector	1,128 (3% increase in compliance with Rule 310)
3.	**Dust Managers required at construction sites of 50 acres and greater (e.g., Clark County)** - This measure would require a dust manager to be present on construction sites where 50 or more acres of soil are disturbed.	County	376 (1% increase in compliance with Rule 310)
4.	**Dedicated enforcement coordinator for unpaved roads, unpaved parking, and vacant lots (e.g., Clark County)** - This measure would require that additional resources be dedicated to strengthen enforcement of Rule 310.01 for unpaved roads, unpaved parking lots, and vacant disturbed lots.	County	94 (1% increase in compliance with Rule 310.01)
5.	**Establish a certification program for Dust Free Developments to serve as an industry standard** - This measure would create a program to certify and publicize companies that routinely demonstrate exceptional efforts to reduce airborne dust.	State, County	38 (0.1% increase in compliance with Rule 310)

	MEASURE	POTENTIAL IMPLEMENTING ENTITY	ESTIMATED PM-10 EMISSIONS REDUCTION IN TONS PER YEAR
6.	**Better defined tarping requirements in Rule 310 to include enclosure of the bed** - This measure would modify Rule 310 to require that the cargo compartments of trucks whether loaded or empty be fully enclosed prior to traveling on paved public roads.	County	38 (0.1% increase in compliance with Rule 310)
7.	**Conduct mobile monitoring to measure PM-10 and issue NOVs** - This measure involves deployment of a vehicle that has been instrumented to monitor PM-10 and meteorological conditions, so that sources can be identified, and immediate remediation and/or enforcement actions taken.	County	9 (0.1% increase in compliance with Rule 310.01)
8.	**Conduct nighttime and weekend inspections** - This measure would involve proactive inspections of nonpermitted and permitted PM-10 sources during non-daylight hours and on weekends.	County	1,503 (3% increase in compliance with Rules 310, 310.01 and 316)
9.	**Increase inspection frequency for permitted facilities** - This measure would increase the number of proactive inspections conducted at permitted facilities.	County	31 (1% increase in compliance with Rule 316)
10.	**Increase number of proactive inspections in areas of highest PM-10 emissions densities** **- intensify training and education** **- incentive program for compliance** - This measure would focus on the areas of highest PM-10 emissions density by increasing the number of inspectors and proactive inspections, conducting on-site training, offering incentives to reduce PM-10, and performing community outreach.	County	51 (5% increase in compliance with Rules 310 and 316 applied to 2.5% of the PM-10 emissions)
11.	**Notify violators more rapidly to promote immediate compliance** - This measure would require inspectors that observe visible dust (e.g., opacity or trackout levels that are approaching rule limits) to call the permit holder and make reasonable efforts to inform a person on-site, so that measures can be taken to prevent, reduce, or mitigate dust generation before a violation occurs.	County	376 (1% decrease in construction emissions)

MEASURE	POTENTIAL IMPLEMENTING ENTITY	ESTIMATED PM-10 EMISSIONS REDUCTION IN TONS PER YEAR
12. **Provide timely notification regarding high pollution days** - This measure would provide timely notification to permitted and nonpermitted sources when a High Pollution Advisory or High Pollution Watch is issued by ADEQ.	County	69 (1% increase in compliance with Rules 310, 310.01, and 316 adjusted by the % of high pollution days (50)per yr)
13. **Develop a program for subcontractors** - This measure would develop a program to register, educate, and give notices of violation (NOVs) to subcontractors through Rule 310. This program would not preclude the issuance of NOVs to the permit holder.	County	376 (1% increase in compliance with Rule 310)
14. **Reduce dragout and trackout emissions from nonpermitted sources** - This measure would add dragout provisions to Rules 310 and 310.01 and enforce dragout and trackout provisions for nonpermitted sources. For example, trackout from salvage yards would be enforced by the County.	County	200 (5% decrease in trackout)
15. **Cover loads/haul trucks in Apache Junction** - This measure would require loaded and empty haul trucks to be covered in the City of Apache Junction.	City of Apache Junction	---[1]
16. **Require dust coordinators at earthmoving sites of 5-50 acres** - This measure would require an onsite dust control coordinator to be present on sites of 5 to 50 acres during active soil and rock excavation, soil and rock removal, and construction operations, including road construction operations, and related transport activities at access points to paved or unpaved roads. This person could also perform other tasks, but would be responsible for managing dust prevention and control on the site.	County	2,035 (5% increase in compliance with Rules 310 and 316)
General		
17. **Create a dedicated funding source for the Maricopa County Air Program** - This measure would create a dedicated funding source for the County Air Program to support increased enforcement of Rule 310.01, and other air programs, as necessary. Example: Restore In-Lieu funding or some other fee to emissions testing, or other approach.	State, County	94 (1% increase in compliance with Rule 310.01)

[1]The emission reduction benefit of this measure in the PM-10 nonattainment area is less than 1 ton per year.

	MEASURE	POTENTIAL IMPLEMENTING ENTITY	ESTIMATED PM-10 EMISSIONS REDUCTION IN TONS PER YEAR
Industry			
18	**Fully implement Rule 316** - This measure would enforce the provisions of Rule 316, adopted by Maricopa County in June 2005, for nonmetallic mineral processing sources of PM-10.	County, private sector	---[2]
19.	**Require private companies to use PM-10 certified street sweepers on paved areas including parking lots (e.g., Clark County)** - This measure would require paved surfaces (e.g., parking lots) owned by private companies to be swept using PM-10 certified street sweepers.	State, private sector	200 (5% reduction in trackout emissions)
20.	**Provide incentives to shift hours of operation during stagnant conditions in November through February** - This measure would provide incentives to postpone activities that generate dust until after 9 a.m. on days between November 1 and February 15 when ADEQ issues a High Pollution Advisory (HPA) under stagnant conditions.	State	---[3]
Nonroad Activities			
21.	**Ban or discourage use of leaf blowers on high pollution advisory days** - This measure would restrict or prohibit the use of leaf blowers on days when ADEQ issues a High Pollution Advisory (HPA).	State, County	---[4]
22.	**Reduce off-road vehicle use in areas with high off-road vehicle activity (e.g., Goodyear Ordinance) - impoundment or confiscation of vehicles for repeat violations** - This measure would involve development and enforcement of ordinances or implementation of other actions to prevent or discourage off-road vehicle use in the PM-10 nonattainment area.	State, County, local governments	456 (20% reduction in offroad vehicle emissions)
23.	**Create a fund to provide incentives to retrofit nonroad diesel engines and encourage early replacements with advanced technologies** - This measure would establish funding to offer incentives for owners of older nonroad diesel equipment to retrofit or repower existing engines or replace with newer, less-polluting technology.	State	18 (500 nonroad engines are retrofitted)

[2]Reductions for this measure will be taken in the 2007 base inventory, unless the full implementation and enforcement of the new Rule 316 provisions occur after 2007.

[3]This measure does not reduce PM-10 emissions; it shifts the emissions later in the day when there is more vertical mixing in the atmosphere, resulting in lower PM-10 concentrations.

[4]The emission reduction benefit of this measure in the PM-10 nonattainment area is estimated to be less than 1 ton per year.

	MEASURE	POTENTIAL IMPLEMENTING ENTITY	ESTIMATED PM-10 EMISSIONS REDUCTION IN TONS PER YEAR
24.	**Encourage early implementation of clean fuels for nonroad equipment.** - This measure would provide incentives for nonroad equipment to be retrofitted with diesel retrofit kits, newer clean diesel technologies and fuels; or "green diesel" biodiesel fuel, or other fuels that are cleaner than petroleum diesel.	State	2 (5% of nonroad engines use ultra-low sulfur fuel)
25.	**Ban leaf blowers from blowing debris into streets** - This measure would ban leaf blowers from blowing debris into the streets in Maricopa County.	State, County	---[5]
26.	**Implement a leaf blower outreach program** - This measure would involve the development and distribution of educational materials on reducing leaf blower dust and would require the private sector to provide the printed materials to customers who purchase or rent leaf blowers.	County, private sector	—[6]
27.	**Regulate and increase enforcement of ATV use on State land** - This measure would require the State to regulate and increase enforcement of all-terrain and off-highway vehicle use on State lands located in Area A.	State	228 (10% reduction in offroad vehicle emissions)
28.	**Ban ATV use on high pollution days** - This measure would ban ATV use on High Pollution Advisory days in Area A.	State	63 (50% compliance on 20 HPA days per year)
Paved Roads			
29.	**Sweep streets with PM-10 certified street sweepers** - This measure would require all public paved roads in the PM-10 nonattainment area to be swept with purchased or contracted PM-10 certified sweepers.	County, local govts	855 (19 PM-10 certified sweepers purchased in 2008 - 2009)
30.	**Retrofit onroad diesel engines with particulate filters** - This measure would establish a program with financial incentives to encourage the voluntary retrofit of pre-2007onroad diesel vehicles with particulate filters and oxidation catalysts.	State, County	39 (500 vehicles are retrofitted)

[5]The emission reduction benefit of this measure in the PM-10 nonattainment area is estimated to be less than 1 ton per year.

MEASURE	POTENTIAL IMPLEMENTING ENTITY	ESTIMATED PM-10 EMISSIONS REDUCTION IN TONS PER YEAR
Unpaved Parking Lots		
31. **Pave or stabilize existing unpaved parking lots (e.g., upgrade to Phoenix Parking Code) - strengthen enforcement** - This measure would involve strengthening and proactively enforcing dust control rules or ordinances that reduce fugitive dust and PM-10 emissions from existing unpaved parking and vehicle manuevering areas.	County, local governments	600 (20% decrease in emissions from unpaved parking lots)
Unpaved Roads		
32. **Pave or stabilize existing public dirt roads and alleys** - This measure would revise Rule 310.01 to require paving or stabilizing of public dirt roads that carry less than 150 vehicles per day (e.g., more than 50 vehicles per day).	County, local governments	4,750 (100 miles of public dirt roads carrying 50-150 ADT are paved, and 100 miles, are stabilized)
33. **Limit speeds to 15 miles per hour on high traffic dirt roads** - This measure would require 15 mph speed limit signs to be posted on dirt roads in the PM-10 nonattainment area that carry high traffic (e.g., 50-150 vehicles per day).	County, local governments	1,200 (15 mph speed limits are posted on 100 miles of stabilized dirt roads carrying 50-150 ADT)
34. **Prohibit new dirt roads including those associated with lot splits** - This measure would prevent the construction of new dirt roads (e.g., prohibit wildcat subdivisions; require paving of roads before issuing a building permit) in the PM-10 nonattainment area.	State, County	---[6]
Unpaved Shoulders		
35. **Pave or stabilize unpaved shoulders** - This measure would require paving or stabilizing dirt shoulders on paved public roads that carry a high level of traffic (e.g., more than 2,000 vehicles or 50 heavy duty trucks per average weekday).	County, local governments	43 (25 miles of dirt shoulders are paved; and 25 miles are stabilized)

[6]This measure offsets the annual growth in emissions associated with creation of new dirt roads in the PM-10 nonattainment area.

MEASURE	POTENTIAL IMPLEMENTING ENTITY	ESTIMATED PM-10 EMISSIONS REDUCTION IN TONS PER YEAR
Unpaved Surfaces		
36. **Create a fund for paving and stabilizing in high pollution areas** - This measure would create a particulate mitigation fund to pave and stabilize land surfaces in and around high pollution areas - Establish a grant program for private businesses to stabilize and pave - Direct fine monies from Maricopa County for stabilization efforts.	State, County, private sector	13 (10% reduction in unpaved road and parking lot emissions applied to 2.5% of the inventory)
Vacant Lots		
37. **Strengthen and increase enforcement of Rule 310.01 for vacant lots** - This measure would increase the frequency of inspections and enforcement actions to reduce dust emitted by vacant lots.	County	3[7] (1% increase in compliance with Rule 310.01 for vacant lots)
38. **Restrict vehicular use and parking on vacant lots (e.g., Phoenix)** - This measure would strengthen existing rules and ordinances that prohibit vehicle trespass on vacant land.	County, local governments	3[7] (1% increase in compliance with Rule 310.01 for vacant lots)
39. **Enhanced enforcement of trespass ordinances and codes** - This measure would increase the enforcement of vehicle trespass ordinances and codes for vacant lots.	County, local governments	3[7] (1% increase in compliance with Rule 310.01 for vacant lots)
Woodburning		
40. **Increase fines for open burning (currently $25)** - This measure would increase the maximum fine for open burning in ARS Title 49-501 from $25 per occurrence to a level that would serve as a deterrent (e.g., $500 per occurrence).	State, County	---[8]

[7]This reduction is based on the windblown dust emissions estimates in the Draft 2005 Periodic Emission Inventory for PM-10 (PEI). Work is underway to improve these estimates and it is anticipated that the credit for this measure will increase, based on the revised emissions for vacant lots in the final PEI.

[8]The emission reduction benefit of this measure in the PM-10 nonattainment area is estimated to be less than 1 ton per year.

MEASURE	POTENTIAL IMPLEMENTING ENTITY	ESTIMATED PM-10 EMISSIONS REDUCTION IN TONS PER YEAR
41. **Restrict use of outdoor fireplaces and pits and ambience fireplaces in the hospitality industry** - This measure would prohibit burning in outdoor fireplaces, outdoor pits, and ambience fireplaces in the hospitality industry, and ban other nonessential wood fires on days during the period November 1 - February 15 when ADEQ issues a High Pollution Advisory (HPA).	State, County	---[9]

Preliminary Total Emission Reductions for the Five Percent Plan for PM-10 **14,985 tons**

- Five Percent Plan for PM-10 Preliminary Emission Reduction Target = 4,594 tons/year
  - PM-10 emission reductions needed in 2008 = 4,594 tons
  - Additional PM-10 emission reductions needed in 2009 = 4,594 tons
  - Contingency measures needed = one year of reasonable further progress = 4,594 tons
  - Total reduction needed if attainment is achieved at all monitors in 2007-2009 = 13,782 tons
  - Residual = 1,203 tons
- If violations occur in 2007, another 4,594 ton reduction will be needed in 2010
  - The 4,594 tons needed in 2010 will be covered by the contingency measures, which will be fully implemented with the Plan measures, as a safeguard
    - EPA encourages early implementation of contingency measures
  - Additional contingency measures would then be needed. For example, the suggested list of measures may need to be strengthened and new measures considered.

Special Notes:

1. Further refinement of these measures will be made as additional information becomes available through the planning process. Maricopa County is in the process of refining the Draft 2005 Periodic Emissions Inventory for PM-10. The Maricopa Association of Governments will be conducting air quality modeling in the summer of 2007.
2. The Governor's Agricultural Best Management Practices Committee is in the process of evaluating potential measures to further reduce PM-10 emissions from agriculture for consideration for the Five Percent Plan for PM-10. This Committee was established by law in 1998 (Arizona Revised Statutes, Title 49-457) to develop an agricultural PM-10 general permit that would address the need for controls on agricultural operations. The potential agricultural measures will be presented to the MAG Air Quality Technical Advisory Committee for consideration.

[9]The emission reduction benefit of this measure in the PM-10 nonattainment area is estimated to be less than 1 ton per year.

Agenda Item #9

March 7, 2007

Prospective ozone precursor control measures by ADEQ

1. Ban on Open Burning during Ozone Season
2. Expand Area A
3. Liquid Leaker Test

1. Control Measure: Ban on Open Burning during Ozone Season

Target pollutants: PM_{10}, $PM_{2.5}$, NO_x, VOC

Description:
This control measure prohibits open burning – all outdoor fires --from May 1 through September 30 each year in Area A.

Emissions Benefits:

Potential Emission Reductions from Ban on Open Burning (tons/year)					
Region	PM_{10}	$PM_{2.5}$	NO_x	VOC	CO
Area A	13	13	4	8	--

Emissions Benefit Calculation Method:
This type of burning tends to conducted by farmers and land clearers and occurs most in a summer and winter season. The annual emissions from the Maricopa County Emissions Inventory were divided in two and the summer emissions were zeroed out, reducing the emissions in this category by one half.

Control Measure: Expand Area A and Area B

Target pollutants: NO_x, VOC, CO

Description:
This measure expands the vehicle emissions inspections areas in greater Phoenix (Area A) and Tucson (Area B), to address air pollution impacts from unprecedented growth that has already occurred, and from platted and expected growth, in a timely manner. Compliance is low with the existing requirement in A.R.S. §49-542.A. that vehicles registered outside of Area A or B used to commute to the driver's principal place of employment located within Area A or B must be inspected. Expansion of Area A and B would achieve real emission reductions that could also be easily tracked for credit in plans submitted to EPA. Expansion would cover the Wickenburg area, most of the developable area in northern Pinal County and the I-10 corridor from Casa Grande to Marana, and the I-19 corridor to just south of the community of Continental. Expansion of these areas affects other pollution control programs, including

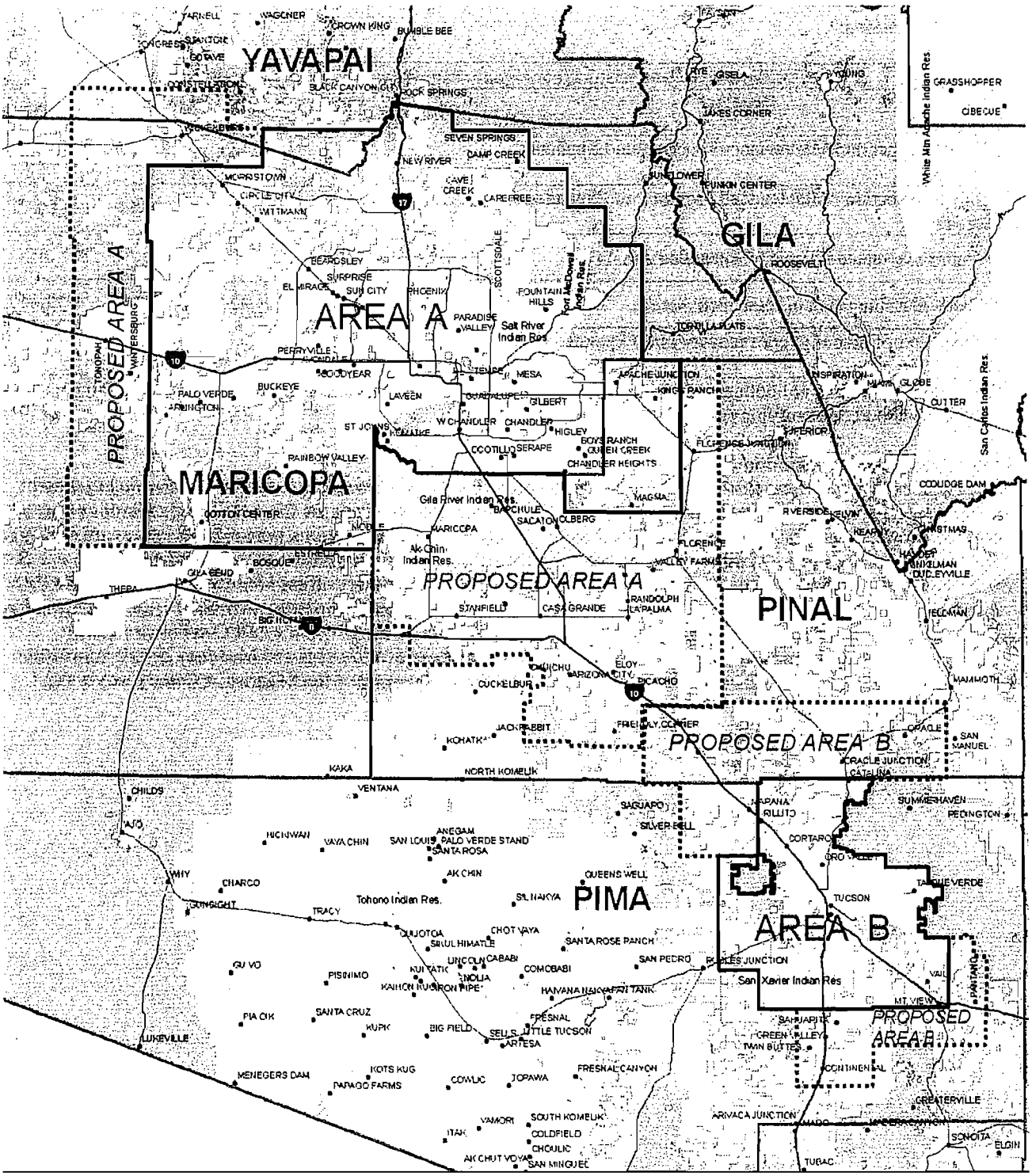
- Cleaner Burning Gasoline (Area A)
- Oxygenated fuels (Area B)
- Stage II Vapor Recovery (Area A)
- Alternative fuels for government fleets (Area A)
- Major employer Travel Reduction Program (Area A)
- Residential fireplace no-burn days (Area A)

Legislative Language:
ARS §49-541. Definitions
In this article, unless the context otherwise requires:
1. "Area A" means the area delineated as follows:
(a) In Maricopa county:
Township 8 north, range 2 east and range 3 east
Township 7 north, range 2 west through range 5 east
Township 6 north, range 5 west through range 6 east
Township 5 north, range 5 west through range 7 east
Township 4 north, range 5 west through range 8 east
Township 3 north, range 5 west through range 8 east
Township 2 north, range 5 west through range 8 east
Township 1 north, range 5 west through range 7 east
Township 1 south, range 5 west through range 7 east
Township 2 south, range 5 west through range 7 east
Township 3 south, range 5 west through range 1 east
Township 4 south, range 5 west through range 1 east
TOWNSHIP 8 NORTH, RANGE 4 WEST THROUGH 7 WEST, THAT PORTION WITHIN MARICOPA COUNTY
TOWNSHIP 7 NORTH, RANGE 3 WEST AND 4 WEST, THAT PORTION WITHIN MARICOPA COUNTY
TOWNSHIP 7 NORTH, RANGE 5 WEST THROUGH 7 WEST
TOWNSHIP 6 NORTH, RANGE 6 WEST AND RANGE 7 WEST
TOWNSHIP 5 NORTH, RANGE 6 WEST AND RANGE 7 WEST
TOWNSHIP 4 NORTH, RANGE 6 WEST AND RANGE 7 WEST
TOWNSHIP 3 NORTH, RANGE 6 WEST AND RANGE 7 WEST
TOWNSHIP 2 NORTH, RANGE 6 WEST AND RANGE 7 WEST
TOWNSHIP 1 NORTH, RANGE 6 WEST AND RANGE 7 WEST
TOWNSHIP 1 SOUTH, RANGE 6 WEST AND RANGE 7 WEST
TOWNSHIP 2 SOUTH, RANGE 6 WEST AND RANGE 7 WEST
TOWNSHIP 3 SOUTH, RANGE 6 WEST AND RANGE 7 WEST
TOWNSHIP 4 SOUTH, RANGE 6 WEST AND RANGE 7 WEST
(b) In Pinal county:
Township 1 north, range 8 east and range 9 east
Township 1 south, range 8 east and range 9 east
Township 2 south, range 8 east and range 9 east
Township 3 south, range 7 east through range 9 east
TOWNSHIP 1 NORTH, RANGE 10 EAST

TOWNSHIP 1 SOUTH, RANGE 10 EAST
TOWNSHIP 2 SOUTH, RANGE 10 EAST
TOWNSHIP 3 SOUTH, RANGE 10 EAST
TOWNSHIP 4 SOUTH, RANGE 2 EAST THROUGH RANGE 4 EAST
TOWNSHIP 4 SOUTH, RANGE 8 EAST THROUGH RANGE 10 EAST
TOWNSHIP 5 SOUTH, RANGE 2 EAST THROUGH RANGE 10 EAST
TOWNSHIP 6 SOUTH, RANGE 2 EAST THROUGH RANGE 10 EAST
TOWNSHIP 7 SOUTH, RANGE 3 EAST THROUGH RANGE 10 EAST
TOWNSHIP 8 SOUTH, RANGE 6 EAST THROUGH RANGE 10 EAST
TOWNSHIP 9 SOUTH, RANGE 6 EAST THROUGH RANGE 8 EAST
(c) In Yavapai county:
Township 7 north, range 1 east and range 1 west through range 2 west
Township 6 north, range 1 east and range 1 west
TOWNSHIP 8 NORTH, RANGE 4 WEST THROUGH RANGE 7 WEST, THAT PORTION WITHIN YAVAPAI COUNTY
TOWNSHIP 7 NORTH, RANGE 3 WEST AND RANGE 4 WEST, THAT PORTION WITHIN YAVAPAI COUNTY
2. "Area B" means the area delineated as follows:
(a) In Pima county: ~~as township~~
TOWNSHIPS 11 and 12 south, range 12 through RANGE 14 east; ~~township~~
Townships 13 through 15 south, range 11 through RANGE 16 east;
Township 16 south, range 12 through RANGE 16 east, excluding any portion of the Coronado national forest and the Saguaro national park.
TOWNSHIP 11 SOUTH, RANGE 10 EAST AND 11 EAST
TOWNSHIP 12 SOUTH, RANGE 10 EAST AND 11 EAST
TOWNSHIP 15 SOUTH, RANGE 17 EAST, EXCLUDING THAT PORTION WITHIN THE SAGUARO NATIONAL PARK (EAST)
TOWNSHIP 16 SOUTH, RANGE 17 EAST
TOWNSHIP 17 SOUTH, RANGE 13 EAST THROUGH RANGE 17 EAST
TOWNSHIP 18 SOUTH, RANGE 13 EAST AND RANGE 14 EAST
(B) IN PINAL COUNTY:
TOWNSHIP 9 SOUTH, RANGE 9 EAST THROUGH RANGE 16 EAST
TOWNSHIP 10 SOUTH, RANGE 9 EAST THROUGH RANGE 16 EAST

The map on the following page shows the boundaries of Expanded Area A and Area B

Expand Area and Area B



Legend

- Area A and B-2001 to Present
- Proposed Area A & B Expansion

Land Ownership

- Government
- Indian Res.
- Other
- Private
- State Trust

Strawman Areas A and B Expansion And Arizona Land Ownership

0 5 10 20 30 40 50 Miles

Emissions Benefits:

Potential Emission Reductions from Expanding Area A and Area B (tons/year)					
Region	PM_{10}	$PM_{2.5}$	NO_x	VOC	CO
Extend Inspection Maintenance Program into Expanded Area A*	>0	>0	329	2,090	24,147
Extend Inspection Maintenance Program into Expanded Area B*	>0	>0	115	494	4,270
Winter oxygenated Fuels in Expanded Area B	--	--		2	34
Cleaner Burning Gas in Expanded Area A	4	4	5,525	8,640	72,007
Expansion of Stage II vapor recovery into Expanded Area A	--	--	--	259	--

*Emissions inspections of both gasoline and diesel vehicles have particulate matter emissions benefits, but there is not a reliable method of quantifying those benefits.

Emissions Benefit Calculation Method:
The general method for these five different measures was to first calculate what emissions were occurring in present areas A and B from the inspected vehicle fleet, from the winter oxy fuels, from the Cleaner Burning Gasoline (Area A only), and from Stage II vapor recovery (Area A only). Then, the same calculations were applied to the expanded areas with no additional controls. Third, the percentage reductions from the various measures were applied to the "base case" emissions in the expanded areas to obtain the tonnage reductions. Information utilized in this work included the EPA's vehicular emission model called "MOBILE6.2", county vehicle registration distributions by model year, population data for towns in the expanded areas, estimates of Cleaner Burning Gasoline benefits from ADEQ contractor reports, gasoline station location and throughput data from Arizona Department of Weights and Measures permit information and ADOT fuels sales data, and control effectiveness of the State II equipment from Maricopa County surveys and engineering estimates.

EXISTING AREA A MEASURES

- Emissions Inspection Program - A.R.S. 49-542
- Traffic Synchronization - A.R.S. 49-474.01, 9-500.04
- Plans to Stabilize Targeted Unpaved Roads, Alleys, and Stabilize Unpaved Shoulders on Targeted Arterials - A.R.S. 49-474.01, 9-500.04
- Crack Seal Equipment - A.R.S. 49-474.01, 9-500.04
- Adjusted Work Hours for at Least Eighty-Five Percent of County Employees Beginning October 1 and Ending April 1 - A.R.S. 49-474.01, 9-500.04
- Travel Reduction Program - A.R.S 49-474.01, 49-581 et. seq.
- Alternative Fuel Public Vehicle Fleet Plans - A.R.S. 49-474.01, 9-500.04, 15-349
- Alternative Fuel Vehicle Requirements for Local Governments and School Districts - A.R.S. 49-474.01, 9-500.04, 15-349
- Voluntary Compliance with Tier 2 or Tier 3 for Nonroad Equipment - A.R.S. 49-558
- Voluntary Implementation of Ultra Low Sulfur Diesel Fuel - A.R.S. 49-558.01
- Adjusted Work Hours - A.R.S. 49-454
- Parking Prohibitions for Municipal Employees not Participating in the VEI Program - A.R.S. 49-552
- Voluntary Vehicle Repair and Retrofit Program - A.R.S. 49-474.03
- Clean Burning Fireplace Ordinance - A.R.S. 11-875, 9-500.16
- Residential Wood Burning Restrictions - A.R.S. 11-871
- Engine Idling Restrictions - A.R.S. 11-876
- Use of Petroleum Products for Road Maintenance - A.R.S. 28-6705
- Catalytic Converter Replacement Program - A.R.S. 49-474.03
- Tougher Enforcement of Vehicle Registration and Emissions Test Compliance - A.R.S. 49-552, 49-557, 49-550
- Retirement of Pre-1988 Heavy Duty Diesel Engines Before 2004 - A.R.S. 49-542
- Winter Fuel Reformulation: California Phase 2 Reformulated Gasoline with 3.5 Percent Oxygen Content by Weight - A.R.S. 41-2083, 41-2123, 41-2124
- Remote Sensing - A.R.S. 49-542.07
- Stage I and II Vapor Recovery - A.R.S. 41-2132
- Use of On-Road Diesel Fuel for Off-Road Engines - A.R.S. 49-542.04
- Roadside Testing for Diesel Vehicles - A.R.S. 49-542.06
- Diesel Vehicle Low Emissions Incentive Grants - A.R.S. 49-551.01

Expand Area and Area B

Control Measure: Liquid Leaker Test

Target pollutants: VOCs

Description:
Vehicles leaking gasoline are gross emitters of volatile organic compounds. Fuel leaks are relatively easy to identify. This measure would add an under-hood check for gasoline leaks to vehicle emissions inspections in Areas A and B.

Legislative Language:
ARS §49-542. Emissions inspection program; powers and duties of director; administration; periodic inspection; minimum standards and rules; exceptions

...

D. A vehicle shall not be registered or reregistered until such vehicle has passed the emissions inspection and the tampering AND LIQUID FUEL LEAK INSPECTIONS PRESCRIBED IN SUBSECTIONS G AND Y of this section or has been issued a certificate of waiver. A certificate of waiver shall only be issued one time to a vehicle after January 1, 1997. If any vehicle to be registered or reregistered is being sold by a dealer licensed to sell motor vehicles pursuant to title 28, the cost of any inspection and any repairs necessary to pass the inspection shall be borne by the dealer. A dealer who is licensed to sell motor vehicles pursuant to title 28 and whose place of business is located in area A or area B shall not deliver any vehicle to the retail purchaser until the vehicle passes any inspection required by this article or the vehicle is exempt under subsection J of this section.

...

F. The director shall adopt minimum emissions standards pursuant to section 49-447 with which the various classes of vehicles shall be required to comply as follows:

1. For the purpose of determining compliance with minimum emissions standards in area B:

(a) A motor vehicle manufactured in or before the 1980 model year, other than a diesel powered vehicle, shall be required to take and pass the curb idle test condition. A diesel powered vehicle is subject to only a loaded test condition. The conditioning mode shall, at the option of the vehicle owner or owner's agent, be administered only after the vehicle has failed the curb idle test condition. Upon completion of such conditioning mode, a vehicle that has failed the curb idle test condition may be retested in the curb idle test condition. If the vehicle passes such retest, it shall be deemed in compliance with minimum emissions standards unless the vehicle fails the tampering AND LIQUID FUEL LEAK INSPECTIONS PURSUANT TO SUBSECTIONS G AND Y of this section.

...

AA. IN ADDITION TO AN EMISSIONS INSPECTION, A VEHICLE IS SUBJECT TO A LIQUID FUEL LEAK INSPECTION ON AT LEAST A BIENNIAL BASIS IF THE VEHICLE WAS MANUFACTURED AFTER THE 1974 MODEL YEAR AND IS NOT A DIESEL VEHICLE. THE DIRECTOR SHALL ADOPT RULES PRESCRIBING PROCEDURES AND STANDARDS FOR THE LIQUID FUEL LEAK INSPECTION.

...

Emissions Benefits:

Potential Emission Reductions From Liquid Leaker Test (tons/year)					
Region	**PM_{10}**	**$PM_{2.5}$**	**NO_x**	**VOC**	**CO**
Area A				3,595	
Area B				1,463	

Emissions Benefit Calculation Method:
Through several vehicle testing programs in the late 1990s and early 2000s, EPA gathered enough information to characterize the excess volatile organic compound (VOC) emissions from vehicles with liquid leaks and to determine the frequency of these vehicles in the overall metropolitan fleets. These statistics were assembled for liquid leaking vehicles whose emissions would be found in the diurnal cycle, in the resting loss mode, in the hot soak mode, and in the running loss mode. This information was applied to the emission characteristics and vehicle fleet and vehicle miles traveled (VMT) of Areas A and B. The primary assumption, for which there were no performance statistics from EPA, is that conducting an inspection for liquid leaks would be 80% effective.