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May 15, 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

Tuesday, May 22, 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.

Pursuant to Title II of the Americans with Disabilities Act (ADA), MAG does not discriminate on the basis of disability in admissions to or participation in its public meetings. Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting Jason Stephens at the MAG office. Requests should be made as early as possible to allow time to arrange the accommodation.

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.

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.

A Voluntary Association of Local Governments in Maricopa County

City of Apache Junction ▲ City of Avondale ▲ Town of Buckeye ▲ Town of Carefree ▲ Town of Cave Creek ▲ City of Chandler ▲ City of El Mirage ▲ Fort McDowell Yavapai Nation ▲ Town of Fountain Hills ▲ Town of Gila Bend
Gila River Indian Community ▲ Town of Gilbert ▲ City of Glendale ▲ City of Goodyear ▲ Town of Guadalupe ▲ City of Litchfield Park ▲ Maricopa County ▲ City of Mesa ▲ Town of Paradise Valley ▲ City of Peoria ▲ City of Phoenix
Town of Queen Creek ▲ Salt River Pima-Maricopa Indian Community ▲ City of Scottsdale ▲ City of Surprise ▲ City of Tempe ▲ City of Tolleson ▲ Town of Wickenburg ▲ Town of Youngtown ▲ Arizona Department of Transportation

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.

3. Approval of the April 26, 2007 Meeting Minutes

4. Evaluation of Proposed CMAQ Projects for the Federal FY 2007 Interim Year End Closeout

An evaluation of proposed Congestion Mitigation and Air Quality Improvement Projects submitted for Federal FY 2007 Interim Year End Closeout has been conducted. By the April 26, 2007 deadline, ten projects were submitted. The proposed projects are listed in order of cost effectiveness based on the total CMAQ funds for the project. The results will be presented for a possible recommendation to forward the evaluation to the MAG Transportation Review Committee for use in prioritizing projects.

In addition, an Air Quality Project is also provided. It is requested that the Air Quality Project be forwarded to the Transportation

2. For information.

3. Review and approve the April 26, 2007 meeting minutes.

4. For information, discussion and possible recommendation to forward the CMAQ evaluation to the MAG Transportation Review Committee for use in prioritizing projects. In addition, forward the Air Quality Project to the MAG Transportation Review Committee for the May 24, 2007 meeting.

Review Committee for the May 24, 2007 meeting. Please refer to the enclosed material.

5. Eight-Hour Ozone Plan

The Eight-Hour Ozone Plan is due to the Environmental Protection Agency by June 15, 2007. The region has an attainment date of June 15, 2009. Based upon air quality modeling, the plan demonstrates attainment by the ozone season of 2008, with the existing measures in place. To date, the region has two years of data with no violating monitors. In order to be in attainment, the region will need clean data at the monitors in 2006, 2007, and 2008. Public hearings on the Draft Eight-Hour Ozone Plan will be conducted on June 1 and June 4, 2007.

It is anticipated that the MAG Air Quality Technical Advisory Committee may make a recommendation on the plan on June 7 and the Regional Council Executive Committee may take action to adopt the plan on June 11, 2007. Please refer to the enclosed material.

6. 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.

7. Status Report on the Maricopa County 2005 Periodic Emissions Inventory for PM-10

The Maricopa County Air Quality Department has been in the process of refining the Maricopa County 2005 Periodic Emissions Inventory for PM-10. A status report will be provided. Please refer to the enclosed material.

5. For information and discussion.

6. For information, discussion and possible action.

7. For information and discussion.

8. Update on Additional PM-10 Measures

On May 9, 2007, the MAG Management Committee reviewed the recommendations from the Air Quality Technical Advisory Committee on the remainder of the County memorandum, EPA letter, sanctions which could be imposed if the Five Percent Plan for PM-10 is not approvable by EPA, and the need for aggressive steps to deal with PM-10 pollution to protect public health. The Management Committee then recommended the four remaining measures from the County memorandum along with nine additional MAG measures and recommendations.

On May 14, 2007, the MAG Regional Council Executive Committee recommended the Management Committee recommendation to the Regional Council. Please refer to the enclosed material.

9. Arizona Center for Law in the Public Interest Letter of Intent to File a Lawsuit

In a May 2, 2007 letter, the Arizona Center for Law in the Public Interest notified EPA of their intent to file a lawsuit against EPA for failure to take action on the Revised PM-10 State Implementation Plan for the Salt River Area. If action is not taken in sixty days, the Center will initiate legal action. Please refer to the enclosed material.

10. Call for Future Agenda Items

The next meeting of the Committee has been tentatively scheduled for **Thursday, June 7, 2007 at 1:30 p.m.** The Chairman will invite the Committee members to suggest future agenda items.

8. For information and discussion.

9. For information and discussion.

10. For information and discussion.

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

Thursday, April 26, 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
*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, 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
Matt Clark, Maricopa Association of Governments
Steven Peplau, Arizona Department of Environmental
Quality
Diane Arnst, Arizona Department of Environmental
Quality
Scott Di Biase, Pinal County Air Quality
Don Gabrielson, Pinal County Air Quality
David Smith, Maricopa County
Bob Kard, Maricopa County Air Quality Department
Joy Rich, Maricopa County
Eric Raisanen, Maricopa County Air Quality
Department
Matt Poppen, Maricopa County Air Quality Department
Shane Kiesow, City of Apache Junction

Steve Trussell, Arizona Rock Products Association
Jody Noble, Environmental Stabilization Solutions
Patrick Ford, Environmental Stabilization Solutions
Jane McVay, Arizona Department of
Transportation
Corinne Purtill, The Arizona Republic
Brad Lundahl, City of Scottsdale
Andrew Kocisky, City of Scottsdale
Robert St. John, City of Glendale
Greg Shively, Kitchell Environmental Services
Cameron Flower, Kitchell Environmental Services
Mark Barnes, Barnes & Associates
Wendy Crites, Salt River Project
Margaret Cook, Gila River Indian Community
Department of Environmental Quality
Russell Betsuie, Gila River Indian Community
Colleen McKaughan, Environmental Protection
Agency
#Doris Lo, Environmental Protection Agency
#Bob Dulla, Sierra Research

1. Call to Order

A meeting of the MAG Air Quality Technical Advisory Committee was conducted on April 26, 2007. Stephen Cleveland, City of Goodyear, Chair, called the meeting to order at approximately 1:40 p.m. Jamie McCullough, City of El Mirage; Jim Weiss, City of Chandler; Jess Segovia, City of Avondale; Wienke Tax, Environmental Protection Agency; Gina Grey, Western States Petroleum Association; Doris Lo, Environmental Protection Agency; and Bob Dulla, Sierra Research, attended the meeting via telephone conference call. Mr. Cleveland noted that there are Committee meeting materials on the tables inside the meeting room.

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. He noted that no public comment cards had been received.

3. Approval of the March 29, 2007 Meeting Minutes

The Committee reviewed the minutes from the March 29, 2007 meeting. Scott Bouchie, City of Mesa, moved and Gaye Knight, City of Phoenix, seconded and the motion to approve the March 29, 2007 meeting minutes carried unanimously.

5. Status Report on the Maricopa County 2005 Periodic Emissions Inventory for PM-10

This agenda item was taken out of order.

Jo Crumbaker, Maricopa County Air Quality Department, provided a status report on the Maricopa County 2005 Periodic Emissions Inventory for PM-10. She indicated that the one outstanding issue is the windblown fugitive dust category. Ms. Crumbaker stated that it is closer to where it should be in terms of magnitude. She provided the January draft emissions and April 2007 emissions for the 2005 PM-10 Emissions Inventory. The hope is to resolve the point on the windblown fugitive dust category next week and finalize the inventory. At that time, the County will also provide the comment and responsiveness summary. Ms. Crumbaker indicated that a notice will be provided to MAG so that the Committee can receive a link to the inventory.

Ms. Crumbaker stated that some changes have been made in the construction category, specifically road construction. She indicated that the County was asked to separate the heavy duty road construction from the more routine road construction and consider the repaving projects. Ms. Crumbaker mentioned that this split did reduce the construction emissions. She noted that the other changes were smaller in magnitude. Ms. Crumbaker stated that the comment and responsiveness summary details why changes were made and how the County responded to the comments.

Brian O'Donnell, Southwest Gas Corporation, commented that fuel combustion is less than one percent and fires are 5.4 percent of the 2005 PM-10 Emissions Inventory. He asked why the two categories were combined on the pie chart. Ms. Crumbaker replied that fuel combustion and fires were combined on the pie chart because they are carbon based emissions. Mr. O'Donnell stated that it would be better if the categories were separate. Ms. Crumbaker indicated that the larger industrial processes are included in the point source inventory. Mr. O'Donnell commented that fuel combustion is less than one percent and the pie chart can be deceiving.

Mr. Cleveland asked how the 2005 PM-10 Emissions Inventory will be incorporated within the MAG 2007 Five Percent Plan for PM-10. Ms. Crumbaker responded that Maricopa County will be forwarding the final inventory to MAG. She indicated that MAG has developed the projection factors. Cathy Arthur, Maricopa Association of Governments, stated that MAG will develop a new table that shows the emission reductions for each measure based on the final inventory. She noted that since the windblown fugitive dust category has increased, there may be some benefit from some of the measures in the windblown area that may not have been received earlier.

Mr. Bouchie commented that the windblown fugitive dust category has increased significantly and is still listed as preliminary. Ms. Crumbaker replied that Maricopa County feels the new number is more realistic. She indicated that the hope is to have it finalized next week. Mr. Cleveland asked if five percent reductions will be needed from the revised 2005 PM-10 Emissions Inventory total of 90,536.20 tons per year. Ms. Crumbaker replied that the total emissions of 90,536.20 will be used in the calculations. Lindy Bauer, Maricopa Association of Governments, indicated that the total emissions of 90,536.20 tons per year from the 2005 PM-10 Emissions Inventory will be used to project 2007 emissions.

Ms. Knight stated that there is not a direct correlation between the table and pie chart for the 2005 PM-10 Emissions Inventory. Matt Poppen, Maricopa County Air Quality Department, indicated that the percentages on the pie chart are accurate. He stated that the categories are grouped differently between the pie chart and table. Mr. Poppen noted that the percentages may differ slightly due to rounding. Lisa Taraborelli, Town of Gilbert, inquired about the correlation between the sources and the sections on the pie chart since some of the sources are the same color. Mr. Poppen replied that the first source category listed begins at the top of the pie chart and continues clockwise.

Mr. Cleveland inquired about how long Maricopa County has been working on the 2005 PM-10 Emissions Inventory. Ms. Crumbaker responded that the process began in January 2006. She indicated that Maricopa County started with the point source data and distributed a request to the point sources. The rest of the data was collected in June or July 2006. Mr. Cleveland asked if Maricopa County is required to develop an emissions inventory annually. Ms. Crumbaker replied that Maricopa County prepares a comprehensive emissions inventory every three years. She indicated that it is a periodic emission inventory and is used to judge milestones and as the base year for Air Quality Plans.

Mr. Kamps asked when the backup information for the 2005 PM-10 Emissions Inventory would be available. Ms. Crumbaker responded that when the windblown dust category is completed and the document is finalized, the link will be provided to MAG to distribute to the Committee. The hope is to have the document finalized next week.

Ms. Taraborelli referred to the other earthmoving (trenching, weed control) source category on the pie chart, which is shown as three percent. She indicated that the table lists trenching as less than 0.05 percent and weed control as 0.1 percent of the total emissions inventory. Ms. Crumbaker stated that the site prep category (2.6 percent) is also included in the other earthmoving source category.

6. Final Report on the Analysis of Particulate Control Measure Cost Effectiveness

Ms. Arthur provided an overview of the Final Report on the Analysis of Particulate Control Measure Cost Effectiveness by Sierra Research, MAG consultant. She indicated that MAG contracted with Sierra Research to evaluate 46 of the measures considered by the Committee. Ms. Arthur stated that the draft report was utilized in the process of vetting the measures and determining which ones

would be on the Suggested List. She indicated that the document has now been finalized with some modifications based on feedback received from the Committee. In addition, an Appendix to the Analysis of Particulate Control Measure Cost Effectiveness was provided at each place and additional copies are available on the tables inside the meeting room. The appendix includes all of the detailed spreadsheet calculations for the cost effectiveness analyses. Mr. Cleveland inquired about the conclusions. Ms. Arthur indicated that the table has been changed slightly, but is very similar to tables seen previously.

Bob Dulla, Sierra Research, summarized the changes made in the Final Report on the Analysis of Particulate Control Measure Cost Effectiveness. He indicated that three categories of measures changed a fair amount. Mr. Dulla stated that the first category is trackout. He indicated that this measure looked at the cost benefit of sweeping and reducing the length of trackout from 50 feet to 25 feet. Originally, the cost estimate was \$2.5 million per ton. He indicated that a lot of comments were received and he went back to look at how it was calculated. Mr. Dulla stated that there is a dollar per hour charge for sweeping. Originally, the assumption was that the travel time would be charged at the same rate as the sweeping time. In addition, the contract sweeping service would be traveling a mile to and from the site to sweep 25 feet. He indicated that on reflection, it does not seem realistic. Mr. Dulla mentioned that the sweeper is not sweeping during the travel time and that cost is really being included in the overall cost of the sweeping expense. Also, he looked at the Salt River Area State Implementation Plan (SIP) Technical Support Document (TSD) and found that the shortest length of trackout measured in the Salt River Area was 455 feet. Therefore, the benefit from the rule was the difference between 25 feet and 455 feet. He indicated that the cost decreased and the benefit increased so the cost effectiveness for the measure dropped to \$67,653 per ton.

Ms. Knight commented that trackout from 50 feet to 455 feet is already regulated. Mr. Dulla indicated that the question is whether the rule is being fully enforced. He mentioned taking the average length of trackout under the existing rule versus the average trackout length under a new rule. One approach would be to say the difference is 25 feet. A broader approach would look at the fact that under the existing rule, the trackout length is longer. Mr. Dulla added that there are measurements to show that the trackout length is longer. He indicated that there is not enough data for a perfect answer; however, the benefit for the measure is greater than 25 feet. Ms. Knight commented on the issue of not being able to enforce 50 feet and lowering the trackout provision to 25 feet. Mr. Dulla indicated that he tried to account for the trackout that is longer than 50 feet in the revision to the measure. He stated that the analysis could be broken out between enforcement and cost of compliance for the 25 foot increment.

Spencer Kamps, Homebuilders Association of Central Arizona, inquired about the 455 foot trackout measurement. Mr. Dulla replied that the measurement was found in the Salt River Area SIP TSD prepared by the Arizona Department of Environmental Quality (ADEQ) for the modeling of attainment in the Salt River Area. He indicated that there were eight measurements on 43rd Avenue and the length of trackout ranged from 455 feet to approximately 2,800 feet. Mr. Kamps asked if the trackout was from nonpermitted sources. Mr. Dulla responded that he would need to report back on the sources. Mr. Kamps commented that the assumption for trackout to be reduced from 50 feet to 25 feet is based on permitted sources, but the assumption in the cost analysis is nonpermitted sources. Therefore, the reduction would be for nonpermitted sources.

Ms. Knight questioned whether there could be 455 feet of trackout from a parking lot. She indicated that trackout of 455 feet could likely be a permitted source. Mr. Kamps stated that there is no trackout requirement for nonpermitted sources. Ms. Knight mentioned that does not mean there is

no trackout from permitted sources. She asked ADEQ if the measurements were from permitted or nonpermitted sources. Peter Hyde, Arizona Department of Environmental Quality, indicated that a number of studies were conducted on trackout including the one just discussed. He indicated that the trackout on 43rd Avenue was probably associated with a permitted source. Mr. Hyde noted that it was one of the worst encountered. He referred to a trackout study that specifies what street the trackout occurred and whether it was serious. Mr. Dulla indicated that he saw there were several trackout studies available and that he picked the one he thought was the most defensible in terms of referencing. He indicated that an alternate estimate could be developed using 25 feet with the changed cost or using a broader average across multiple measurements that would be shorter than 455 feet and longer than 25 feet.

Ms. Knight commented on the degree to which the Committee considers the technical information. She indicated that she read the Analysis of Particulate Control Measure Cost Effectiveness and that there have been technical discussions at the Committee meetings about cost effectiveness when reviewing the measures. Ms. Knight commented on having a professional who is nationally recognized in his field conducting the analysis. She stated that the Committee has been providing him with comments. Ms. Knight indicated that it may be difficult for the Committee to give a lot of advice on the analysis. She stated that she assumed that MAG, the MAG consultant, ADEQ, Maricopa County, and EPA would be communicating. Ms. Knight commented on the detail involved. She indicated that she provides advice based on logic. Ms. Knight stated that to expect the Committee to have much more discussion on how the measure should be calculated may be beyond their skill level.

Russell Bowers, Arizona Rock Products Association, inquired about an earlier comment that a nonpermitted source could not have 455 feet of trackout. Ms. Knight replied that that is exactly the kind of thing she does not know. She stated that she was responding, but did not say that is a fact. Ms. Knight commented on the degree in which the Committee is debating accuracy. Mr. Bowers discussed mud from parking lots being tracked out on the street. He asked if the information prepared by the experts and presented to the Committee has been reviewed by someone else who has arrived at different conclusions. He mentioned technical science versus political science.

Mr. Kamps indicated that he is not debating the issue, but trying to find answers to his questions. He indicated that the MAG consultant is an expert and the measure was presented with a cost effectiveness of \$2.5 million per ton and is now \$67,653 per ton. He asked why the Committee was presented with two very different cost effectiveness numbers.

Ms. Crumbaker stated that one of the issues that she raised when reviewing the analysis for the measure was the number of sweeping passes in the calculation. She indicated that trackout frequently reflects the fact that the trackout control device is not being maintained or is not as effective as it should be. Ms. Crumbaker stated that to put the cost of that onto the trackout cleanup is not appropriate. Ms. Arthur stated that a range can be provided by calculating the cost effectiveness at 50 feet as well. She noted that there are a number of strategies in the analysis that show a range of values based on different assumptions. Ms. Bauer indicated that this is cost effectiveness information which is a different type of analysis than modeling the impact of measures. Mr. Kamps requested that the MAG consultant look at permitted versus nonpermitted sources. He indicated that they are held to different standards and the benefits may be different.

Beverly Chenausky, Arizona Department of Transportation, commented on the assumptions for vacant lots on Measure #38, Strengthen and increase enforcement of Rule 310.01 for vacant lots, and

Measure #39, Restrict vehicular use and parking on vacant lots (e.g., Phoenix). She asked if a rock barrier was the only type of barrier analyzed. Ms. Chenausky indicated that fencing is far cheaper. Mr. Dulla responded that the Salt River Area SIP TSD had detailed costs and the rock barrier was the cheapest. Ms. Chenausky indicated that she could provide cheaper estimates for two of the ADOT right-of-way properties. She stated that she believes fencing is the most cost effective control.

Mr. Dulla indicated that another change in the Final Report on the Analysis of Particulate Control Measure Cost Effectiveness was the measure relating to limiting speeds on unpaved roads. The measure went from approximately \$3,400 per ton to about \$900 per ton. He indicated that a mistake was made in the spreadsheet when trying to determine how many miles of roadway might be signed. Mr. Dulla stated that originally a spreadsheet was received from Maricopa County that had shown about 220 miles of unpaved roads and they had flagged a small percentage of those roads for possible paving because the average daily traffic (ADT) values were increasing. The calculation had mistakenly spread the cost and benefit out over the entire 220 miles when in fact it should have been over a three mile length.

Mr. Dulla stated that the high wind event emissions was added to the vacant lot measures. He indicated that the cost per ton dropped substantially because the emissions from high winds were included. Mr. Dulla stated that he also contacted Clark County (Las Vegas, Nevada) regarding the question as to whether they had a just-in-time grading measure. According to Clark County, they do not have a just-in-time grading measure in place. Instead they have a staging recommendation which suggests that there is a maximum of 100 acres that can be disturbed at any one time and the rest of the project has to be treated with dust suppressants. He also asked Clark County about their view on increased penalties, which was raised as an issue. Mr. Dulla stated that their view of increased penalties is that it results in higher compliance.

Steven Peplau, Arizona Department of Environmental Quality, commented on the measure of modeling cumulative impacts for new and existing sources. The Analysis of Particulate Control Measure Cost Effectiveness includes a 70 ton PM-10 threshold level. He indicated that is a currently existing threshold in nonattainment areas for major sources. Mr. Peplau stated that the State envisioned a cumulative modeling program with a much lower threshold for the cumulative emissions to be reviewed for any new or modifications to an existing source to ensure that the National Ambient Air Quality Standards (NAAQS) are being preserved. He indicated that one way to look at new sources or modifications is to ensure we are maintaining below the NAAQS and try to prevent any PM-10 exceedances at the monitors. Mr. Peplau stated that the way the measure is written is not how the State envisioned it would operate. Mr. Dulla indicated that he will contact Mr. Peplau regarding his comments and will add his requested changes as an addendum to the report.

Mr. O'Donnell inquired about individual sources. Mr. Peplau responded that a lot of the sand and gravel operations are in the 10 to 25 ton range and some emit as much as 42 tons per year. He indicated that in areas such as the Salt River Area, maybe with a little more planning with such a program, two issues could be solved: stay in attainment going forward, and do not crowd facilities together and continue to be in nonattainment. Mr. Peplau stated that this will preserve the air space to allow for increased economic activity in a structured way.

Barbara Sprungl, Salt River Project, indicated that she still disagrees with the cost effectiveness value provided for Measure #22. She stated that unless offsets are being defined differently than they are under New Source Review, offsets need to be permanent and quantifiable. Ms. Sprungl

indicated that dust palliatives, unless being done for a certain length of time, would not be a permanent reduction. She stated that the only option for an unpaved road would be paving, and that would be a higher expense. Ms. Sprungl requested that Mr. Dulla address how it will work for a dust palliative or if paving is required and if so to revise the cost estimate.

Mr. Dulla indicated that the lowest cost option available at the time was chosen in the analysis. He stated that if it would be a permanent offset, the dust palliative would need to be applied more often. If the dust palliative is applied more often, then paving would be more cost effective over the long term. Mr. Dulla noted that there are more options than paving to provide reductions for this measure. He stated that before there is a commitment to paving he would want to see if there would be another lower cost option that could be used to offset any increase in emissions. Ms. Sprungl stated that in order for it to be a credible reduction, there would need to be something to specify the number of times the dust palliative is being applied and for how long. She indicated that the reduction would need to remain in place to continue to offset the emissions. Ms. Sprungl stated that the cost estimate needs to be reevaluated because she does not think \$141 is an adequate measure of a permanent reduction that could be used as a quantifiable reduction in the plan.

Mr. Bowers asked if the analysis used a rotation in the application of the dust palliative versus the long lasting millings with oil or paving surface. He asked about the scheduled maintenance. Mr. Dulla referred to a study for Maricopa County that looked at the cost of alternate palliatives and selected the most cost effective and upgraded it to provide a reduction over one year for roads carrying 120 ADT. More frequency, paving, or another measure would be needed to provide permanent offsets. Mr. Bowers commented on paving as a permanent offset and discussed maintenance.

Mr. Bowers commented that Mr. Peplau indicated that the expectation of modeling cumulative impacts was to come out of nonattainment. He asked if modeling or monitoring of the emissions from the pits triggered this solution. Mr. Peplau indicated that they are a predominant source of the emissions in the Salt River Area. He stated that the measure could be used throughout the Maricopa County area. Mr. Peplau mentioned that monitoring would lead to trying to model and show whether new sources would contribute to nonattainment of the PM-10 standard. Mr. Bowers inquired about his industry being a predominant source of emissions. Mr. Peplau responded that the predominant sources of emissions in the Salt River Area are industrial facilities. Mr. Bowers commented on having a different analysis of "predominant". He discussed monitoring the pits to substantiate this mechanism. Mr. Bowers referred to a past study and data from the new Coyote Lakes monitor and asked if it substantiates what the State is trying to accomplish. Mr. Peplau replied that the cumulative modeling is an additional permit review that would allow them to look at all types of sources. He indicated that we need to be mindful of new facilities and their potential impact in a PM-10 nonattainment area. Mr. Bowers asked if the measure is aimed at all emission sources or just sand and gravel operations. Mr. Peplau responded that the measure is aimed at all PM-10 sources. Mr. Bowers indicated that their attorney spoke with Patrick Cunningham, Arizona Department of Environmental Quality, and he had said the measure was aimed at aggregate production.

Mark Hajduk, Arizona Public Service Company, commented on paving unpaved roads and offsets. He indicated that Maricopa County has proposed Rule 242 for offsets. In that rule, it identifies and makes sure that the unpaved roads that are paved are quantifiable and permanent. Mr. Hajduk asked if the numbers generated in the preamble for the rule were taken into account in this analysis. Mr. Dulla replied that he has not seen proposed Rule 242. Mr. Hajduk commented that the numbers are different. He indicated that if the rule is finalized, it would be difficult to choose other options when

paving would be required to meet offsets. Mr. Cleveland requested that Maricopa County provide Mr. Dulla with the proposed Rule 242.

Mr. Cleveland recognized public comment from Patrick Ford, Environmental Stabilization Solutions (EnSSo). Mr. Ford indicated that he grew up in Arizona and just recently moved back with his family from California. Mr. Ford stated that he does not think some of the information being distributed is true. He mentioned looking to the private industry and solicit feedback because there is a lot of information out there that we are not opening ourselves up to. Mr. Ford indicated that one of the comments was that dust palliatives do not work. He stated that looking back, some do not work. However, there a lot of chemicals and natural palliatives that do work. Mr. Ford referred to paving and said that nothing is permanent. He mentioned that paving is not always cost effective. Mr. Ford indicated that he has a team of geologists and environmental engineers that work for him and he would be willing to donate their time to help MAG investigate more options. He stated that he is currently working on a project with the sky walk at the Grand Canyon for a cost effective solution for a 14 mile road. Mr. Ford indicated he is working with other private industries as well. He stated that the answers are out there and that we need to broaden our horizons and ask for help and some resources. Mr. Ford indicated that he wanted to be on record saying that he is willing at his cost to have his staff available to help MAG. Mr. Cleveland thanked Mr. Ford for his comments.

Mr. Kamps commented on the trackout issue and the revised cost effectiveness. He stated that it works out to about \$170 per street sweep assuming one additional sweep per week. Mr. Kamps indicated that multiplying that by 5,000 projects, the result is about \$44 million for the permitted sources. He stated that is just over \$1 million per ton. Mr. Kamps noted that he agrees with removing the mileage and travel time from the calculation. However, this information is looking at it from an additional sweep perspective.

4. Additional PM-10 Measures Recommended by Maricopa County for the Suggested List

Mr. Cleveland recognized David Smith, Maricopa County Manager, Joy Rich, Deputy Maricopa County Manager, and Bob Kard, Maricopa County Air Quality Department Director. He indicated that Ms. Bauer would provide an overview on the Suggested List of Measures to Reduce PM-10 Particulate Matter.

Ms. Bauer indicated that at the last Committee meeting, MAG reported that at the MAG Regional Council meeting on the previous day, Supervisor Stapley had presented a memorandum that recommended five additional PM-10 control measures for the Suggested List and also identified some concerns. She stated that the Regional Council took action to approve the Suggested List of Measures to Reduce PM-10 Particulate Matter as recommended by the MAG Air Quality Technical Advisory Committee and the MAG Management Committee with one modification and one addition: (1) to modify Measure #38 Restrict vehicle use and parking on vacant lots (e.g. Phoenix) by adding "State" to the list of implementing entities; and (2) to add a measure to the Suggested List to grant Maricopa County the ability to assess liens on parcels to cover the cost of stabilization for the parcel; also to direct the MAG Air Quality Technical Advisory Committee at their April meeting to consider the remainder of the recommendations provided in the March 28, 2007 memorandum from Maricopa County to MAG.

Ms. Bauer stated that MAG received a copy of a letter from the Environmental Protection Agency (EPA) regarding the development of the new PM-10 plan, the violations of the PM-10 standard occurring outside the Phoenix nonattainment area, and the development of the eight-hour ozone plan. She noted that copies of the letter were sent to the Committee members and provided at each place.

Additional copies are also available on the tables inside the meeting room. Ms. Bauer indicated that Colleen McKaughan, Environmental Protection Agency, is also in attendance to address the letter. For PM-10, the EPA letter expresses concern that the major responsibility for implementing the PM-10 measures in the past plans and this time has fallen to Maricopa County. In the latest Suggested List of Measures, EPA indicates that 35 are assigned to the County, six to the State and nine to the cities and towns. Ms. Bauer pointed out that in the Serious Area PM-10 Plan, the measures with the most impact were the regional dust control rules because they are regional in nature and cover a wide variety of sources, both permitted and nonpermitted. Ms. Bauer stated that this plan is different in that the types of improvements to make to the dust control rules, such as Rule 310 and Rule 316, are specified as individual measures in the Suggested List.

Ms. Bauer indicated that the EPA letter states that the cities and towns need to provide more help. Maricopa County needs help from the cities and towns on the nonpermitted sources. In the letter, EPA points out that there is not enough resources to implement the plan. Ms. Bauer discussed the large number of commitments made by the cities and towns in the past. She indicated that she has brought to the meeting the massive documents containing the commitments from the local governments and Maricopa County for the Serious Area Plan for PM-10.

Ms. Bauer stated that EPA also expressed concern in their letter about the process. She indicated that this was of major concern to MAG. Ms. Bauer mentioned that in 1994, MAG was criticized by the legislature and other stakeholders for only having its own members at the table. At the time, the MAG Regional Council thought it would be beneficial to have a broad based Air Quality Technical Advisory Committee with all the stakeholders at the table to enable stakeholders to review the data generated and build consensus for effective measures for the plans. Ms. Bauer stated that is why this Committee exists. She indicated that the Committee has an excellent track record. In the past, this Committee has recommended measures for the Carbon Monoxide Plans. She noted that the region is in attainment for carbon monoxide. Ms. Bauer added that this Committee has also recommended measures for the Ozone Plans and the region is in attainment for the one-hour ozone standard. Due to all the measures recommended by this Committee and implemented by State and local governments, the region has had two years of no violating monitors for the eight-hour ozone standard. Ms. Bauer indicated that PM-10 is a tough problem. For the Serious Area Plan for PM-10, this Committee recommended 77 control measures.

Ms. Bauer mentioned the great deal of work performed by the Committee. She discussed the technical information the Committee has reviewed with this plan as well as past plans. Ms. Bauer indicated that a workshop was also held to address questions and more issues. She stated that MAG appreciates the work of the Committee. Ms. Bauer indicated that everyone brings different aspects to the table that we need to be aware of when the Air Quality Plans are prepared.

Ms. Bauer indicated that the EPA letter also states that the point is not just to target the monitors. She mentioned that the Committee is aware of this and it is one of the Key Guiding Principles for the Five Percent Plan for PM-10. Ms. Bauer stated that measures need to be implemented throughout the PM-10 nonattainment area to protect public health. She noted that a violating monitor is a big problem and the region will not be deemed in attainment due to one violating monitor.

Ms. Bauer discussed the issue of violations of the PM-10 standard outside the PM-10 nonattainment area mentioned in the EPA letter. She indicated that the Buckeye monitor is a little less than one mile outside the western boundary of the PM-10 nonattainment area. The EPA letter notes that Pinal

County has had several violations of the PM-10 standard and some of the highest readings in the country. Ms. Bauer indicated that EPA has provided options in the letter ranging from designating the western portion of Pinal County as nonattainment; extending the boundaries of the Phoenix nonattainment area to include the Buckeye monitor; issuing a call for the State to revise its State Implementation Plan to attain the NAAQS; and working with the State and local agencies to bring the area back into attainment as expeditiously as possible, which is the preferred approach of EPA. Ms. Bauer indicated that the section of the EPA letter related to the development of the eight-hour ozone plan will be discussed under agenda item eight. She noted that the EPA letter was not received in time for the agenda mailout. Ms. Bauer stated that EPA indicated that when the letter was emailed, there were issues with the file and some of the words are missing.

Ms. McKaughan discussed the EPA letter. She indicated that although the letter may be upsetting to some, it is better to get the issue out now as opposed to the end of the process when a discussion could no longer occur. Ms. McKaughan acknowledged the time and effort the Committee put into developing the Suggested List of Measures. She indicated that EPA kept hearing concerns from ADEQ and Maricopa County about the recommendations of the Committee.

Ms. McKaughan provided background information on the PM-10 plans in Phoenix, Arizona. She indicated that EPA looks at the process in a defensive way because EPA has been sued by the Arizona Center for Law in the Public Interest over every PM-10 plan that EPA has taken action on in Phoenix. Ms. McKaughan stated that EPA looks to make sure the plan can be defended if they are challenged in court. She mentioned that she looked at the Serious Area Plan for PM-10, which EPA approved in July 2002. Ms. McKaughan indicated that a plan was received prior to the Serious Area Plan for PM-10 that was rejected since it relied too much on Maricopa County. The plan counted on Rule 310 and emission reductions from fugitive dust control for 90 percent of the control. It also relied on a 90 percent compliance rate. She stated that EPA felt this was unrealistic. Ms. McKaughan indicated that according to EPA, the default for rule effectiveness is 80 percent. She mentioned that the plan was sent back since there was too much emphasis on Rule 310 and fugitive dust control from Maricopa County, who did not have the resources. Maricopa County committed to try to get the resources. Ms. McKaughan stated that other control measures were necessary to make sure that the plan was not unrealistic in terms of the expectations.

Ms. McKaughan stated that the Serious Area Plan for PM-10 was submitted which relied on Rule 310 with an 80 percent rule effectiveness rate. She indicated that EPA approved the plan with high hopes; however, it failed. Ms. McKaughan mentioned that the letter is saying that EPA does not want to go down the same path. She stated that the plan needs expectations for implementation by Maricopa County, the State, and cities and towns that can be met and the resources in place at the beginning of the plan. She indicated that with the previous plan, the resources were after the fact. The resources are needed at the beginning of the plan to make sure the control measures can be fully implemented from the start. Ms. McKaughan added that it is better to show attainment as quickly as possible so that additional years of five percent reductions are not required.

Ms. McKaughan indicated that the concern of EPA is that there has not been a conversation among the air quality experts to decide what makes sense. She stated that we need to look at the 2005 PM-10 Emissions Inventory and the measures to make sure they go toward the correct problem and that nothing is missing. Ms. McKaughan reminded the Committee that even though the Serious Area Plan for PM-10 did not work, the commitments in the Plan still exist and need to be met. She noted that the deficiencies in the Serious Area Plan for PM-10 need to be fixed. Ms. McKaughan stated

that unless the air quality agencies are all going in the same direction and have a vision of what is trying to be accomplished, the plan may not work again. She indicated that is problematic.

Ms. McKaughan stated that EPA does not want to get sued and lose over the Five Percent Plan for PM-10. She indicated that EPA is concerned about a plan that they can defend well in the Ninth Circuit Court. She stated that the Arizona Center for Law in the Public Interest is tracking the Five Percent Plan for PM-10 carefully. Ms. McKaughan indicated that the letter is written with the intention of making sure that everyone is on the same page and that we have the kind of discussions necessary. She stated that EPA would like to discuss with the different agencies the information developed by the MAG consultants so that we are focusing our energy in the right places. Ms. McKaughan commented on being more efficient. She indicated that she does not want the Committee to think that EPA does not appreciate the time spent on the Five Percent Plan for PM-10. Ms. McKaughan mentioned the time involved in reviewing all the information. She stated that it is difficult to come prepared to have the technical discussion that has to happen in the way it has to happen. Ms. McKaughan indicated that type of discussion may be better outside this forum. She stated that all the air quality agencies need to be on the same page.

Mr. Cleveland thanked Ms. McKaughan for providing additional information and background. He asked how additional conversations fit into the timeline for the Five Percent Plan for PM-10. Mr. Cleveland mentioned that commitments are due back to MAG by June 15, 2007. Ms. McKaughan suggested a meeting with ADEQ, MAG, and Maricopa County in the next couple of weeks. She indicated that she would commit to have the expertise from EPA at the meeting.

Ms. Bauer stated that it is very important that all the air quality agencies are on the same page. She indicated that she thought that the air quality agencies were on the same page since we are all going for attainment of the PM-10 standard as quickly as possible. Ms. Bauer mentioned that we do not want to have to add another year of five percent reductions in the Five Percent Plan for PM-10.

Ms. Bauer noted that resources are very important to implement the measures. She referred to the 2006 PM-10 emission reductions from committed control measures in the Serious Area Plan for PM-10. She indicated that previously, Maricopa County had committed to strengthen the dust control rules, which is why the plan had a rule effectiveness rate of 90 percent. After the plan was submitted, EPA indicated that they had received reports from Maricopa County showing a downward trend in enforcement of the dust control rules and indicated that a 90 percent credit for rule effectiveness could not be taken.

Ms. Bauer stated that MAG and Maricopa County worked very hard to address this problem. She stated that MAG had to put a significant amount of money in CMAQ for Maricopa County to pave unpaved roads, which was one of the comments from EPA. Ms. Bauer stated that the County provided a 50 percent match and committed to paving approximately 60 to 65 miles of unpaved roads. To make up the shortfall, she indicated that MAG allocated money in the MAG Transportation Improvement Program (TIP) and dedicated it to the purchase of street sweepers for MAG member agencies. Originally, MAG committed to conduct a PM-10 street sweeper test. Ms. Bauer stated that MAG also allocated funding for local government paving projects. At that time, the City of Phoenix had already spent a lot of money paving 60 miles of unpaved roads.

Ms. Bauer indicated that due to the issue and possible sanctions, the plan needed to be quickly revised, another commitment was needed from the County, distribute the money, amend the MAG TIP, and submit it to EPA. This resulted in the control measure Strengthening and Better Enforcement of Fugitive Dust Control Rules - Rule 310, being broken out into different measures.

She indicated that the region had approximately one month of the offset sanctions in place before EPA approved the plan. Ms. Bauer stated that MAG does not want to go down that same path again either and would be happy to meet with the air quality agencies. She indicated that it is critical everyone is on the same page.

Ms. McKaughan indicated that the rule effectiveness on Rule 310 is way below 80 percent. In addition, some of the industrial sectors are low on rule effectiveness. She mentioned that discussion on this would need to occur. Ms. McKaughan stated that it is difficult to track the city commitments because they vary from each other. She requested that there be discussion on how to track these better so it is easier to add the emission reductions. Ms. McKaughan stated that accountability and record-keeping on all the measures is very important. She noted that people are tracking the issue more closely now. Ms. McKaughan added that EPA is willing to devote the time and energy that is necessary. Mr. Kamps requested that the Committee members be able to attend the meeting.

Ms. Knight referred to past reports submitted to Maricopa County for tracking, based on a standard reporting process. She indicated that cities need to be involved in the process. Ms. Knight commented on the timing for commitments. She stated that changes to how cities make commitments would need to occur very soon. Ms. Knight indicated that MAG is conducting a workshop on the model resolution package for implementing measures for the Five Percent Plan for PM-10. She asked if something different may be required in the resolutions. Ms. McKaughan responded that something different may be required because it is difficult to track the emission reductions from city commitments. Ms. Knight discussed the time constraints for getting the resolutions adopted by the Phoenix City Council. Mr. Cleveland requested that EPA look at the timeline for the Five Percent Plan for PM-10.

Mr. Bowers referred to the EPA letter where it expresses concern that some of the control measures were eliminated too early in the planning process. He asked for clarification that one of the concerns by EPA is that too much is being placed on the County for enforcement. Ms. McKaughan replied that is correct. Mr. Bowers inquired about the implementing entities of those measures that EPA feels were eliminated too early. Ms. McKaughan stated that there were several measures that were not recommended that Maricopa County and ADEQ have asked be brought back for discussion. She discussed the workload for Maricopa County. Ms. McKaughan asked how Maricopa County would be able to address the nonpermitted sources given the workload of permitted sources. She stated that help is needed from municipalities to address the nonpermitted source issue. Ms. McKaughan noted that Pima County has a vacant lot program, which relied heavily on the cities when it was developed. She stated that if EPA receives a plan that has Maricopa County addressing the permitted and nonpermitted sources with only 30 staff, she will have to say the plan cannot be approved since the plan would not be doable. Ms. McKaughan indicated that there needs to be a reasonable workload for the County. The plan needs to explain how the region will deal with other sources that need to be controlled. Ms. Bauer stated that in the model resolution package, MAG indicates the unit to report in, which is used for modeling purposes, but could also be helpful for tracking the implementation of measures.

Mr. Hajduk requested clarification on the meeting suggested by EPA. He asked if the discussion would be on the workload and enforcement of Maricopa County or evaluating the measures again to develop a unified position that would be presented to the Committee. Mr. Hajduk requested that the Arizona Public Service Company be involved in any decision making in the meeting. Ms. McKaughan stated that the goal of the meeting is to look at the Suggested List of Measures that address the 2005 PM-10 Emissions Inventory to determine if there is enough and if they are the right

measures. There would also need to be discussion on the additional measures. Mr. Hajduk commented that is what the Committee has been doing. He expressed concern about a decision being made without input from some of the Committee members. Ms. McKaughan stated that a draft list of measures would be reviewed by the Committee and the draft plan would be made available for public comment. Mr. Hajduk indicated that he would be engaged in the public comment process. He expressed concern about important issues not being addressed by the Committee if they are discussed at a meeting of the air quality agencies.

Ms. Bauer stated that the discussion should occur at the Committee meeting so everyone can be involved. She indicated that the Committee has worked hard on the measures and that all stakeholders will be needed to make the plan work. Ms. McKaughan suggested that the air quality agencies develop a proposal to be discussed.

Ms. Knight commented on stakeholder meetings at the legislature. She asked how she would know if the air quality agencies have met and agree. Ms. Knight indicated that she assumed the air quality agencies would meet and discuss any concerns and come back to the Committee. She stated that some Committee members may be nervous that the air quality agencies will make decisions after the Committee has spent a lot of time reviewing the data; therefore, changing the process.

Ms. Sprungl commented on the amount of time the Committee has spent reviewing data and debating the issue. She stated that she has attended meetings at the State Senate and for the Maricopa County Draft Rulemaking Process and measures that were not recommended by MAG have been put into draft rules. Ms. Sprungl indicated that two of the measures in the March 28, 2007 memorandum from Maricopa County to MAG regarding the Suggested List of Measures are already in the draft Rule 310. She commented on the reasonableness of expecting enforcement by the County and State. Ms. Sprungl stated that she is also sympathetic to industry and the reasonableness of implementing some of these standards. She indicated that she is nervous that the reasonableness expected of industry is different than that expected of the agencies. Ms. Sprungl expressed concern that the voice of the stakeholders are not being heard. She asked if it is necessary to revisit the measures included in the Maricopa County memorandum given that two are already included in draft Rule 310. Mr. Cleveland replied that the Regional Council directed the Committee to consider the recommendations provided in the Maricopa County memorandum.

Mr. Kamps stated that he echos the comments made by Ms. Sprungl and that he has felt the same frustrations through the process. He thanked Ms. McKaughan for coming to speak to the Committee. Mr. Kamps indicated that he wanted the agencies to know that the permitted sources stand strongly that the County should remain their regulatory enforcement agency and cities should be the enforcement for nonpermitted sources. He stated that he has been adamant that he does not want dual enforcement from the cities and Maricopa County. Mr. Kamps asked if the legislative process is the preferred method for some of the measures being adopted from the perspective of EPA. Ms. McKaughan responded that EPA would be neutral on the issue.

Amanda McGennis, Associated General Contractors, inquired about the options for voting on the measures included in the Maricopa County memorandum. Mr. Cleveland stated that the Suggested List of Measures were approved by the Regional Council with the one modification and one addition. This agenda item addresses the four remaining measures included in the Maricopa County memorandum to determine if the Committee wishes to forward any of them to the Regional Council.

Larry Person, City of Scottsdale, referred to a statement made by Ms. McKaughan about EPA being neutral in terms of who does the planning and that the EPA letter states that MAG is the lead

planning agency. Ms. McKaughan indicated that MAG is the lead planning agency for the region. She stated that her earlier comment referred to the mechanism for putting together the individual pieces of the plan. Mr. Cleveland requested that Maricopa County discuss the recommendations in the Maricopa County memorandum to be addressed by the Committee and any actions the County has taken in terms of the measures.

Ms. Crumbaker stated that Maricopa County has begun the Draft Rulemaking Process. In order to have the rules in place, the goal is to have the process completed by December 31, 2007 or possibly January 2008. She indicated that in the draft Rule 310, Maricopa County looked at Clark County, the South Coast Air Quality Management District, and San Joaquin Valley for measures they have in rules. Ms. Crumbaker stated that the proposal includes Measure #4 from the memorandum, No visible emissions at the property line (also already in effect for rock products facilities). She mentioned that the County has already identified it as a Best Available Control Measure for the rock products industry. She mentioned Measure #3 from the memorandum, Reduce the tolerance of trackout to 25 feet before immediate clean up is required for construction sites. Maricopa County has already approved this standard for rock products facilities. Ms. Crumbaker stated that the County believes that the measures are feasible and should be extended to the other Fugitive Dust Rules and in the case of Measure #4, to the other stationary sources. Mr. Cleveland asked for clarification if Measures #3 and #4 have been added to draft Rule 310. Ms. Crumbaker responded that is correct. She added that some of the draft language for S.B. 1552 has also been included.

Mr. O'Donnell requested clarification of where he can find the measures being discussed. Mr. Cleveland stated that the measures are listed on pages four and five of the Maricopa County memorandum. Mr. O'Donnell asked if the measures were part of a previous list reviewed by the Committee. Mr. Cleveland stated that the measures are in addition to those included in the Suggested List of Measures approved by the Regional Council. Ms. Crumbaker added that the measures were included in the Preliminary Draft Comprehensive List of Measures to Reduce PM-10 Particulate Matter. She indicated that the measures in the Maricopa County memorandum were not recommended by the Committee. Mr. Cleveland clarified that Maricopa County is requesting that the Committee reconsider the measures listed in the memorandum. He indicated that Measures #3 and #4 in the memorandum are currently being considered in the rulemaking process.

Mr. Sprungl asked if Measures #3 and #4 would be removed from the draft Rule 310 if the Committee decided to not recommend the measures. Ms. Crumbaker said no. She added that Maricopa County believes there is justification from a programmatic standpoint for their inclusion. Ms. Sprungl inquired about the voting on the measures. Ms. Bauer stated that MAG just became aware that the County has included Measures #3 and #4 in the draft Rule 310. She indicated that the Maricopa County memorandum was received March 28, 2007. Ms. Bauer asked if the measures were added to the draft Rule 310 after March 28, 2007. Ms. Crumbaker replied that is correct.

Mr. O'Donnell inquired about Measure #4. Ms. Crumbaker responded that experience has shown that during elevated wind events it can clearly be seen when the wind picks up additional material. She indicated that for windblown, Maricopa County is looking for significant differentials before action would be taken. Ms. Crumbaker stated that they would not be penalized for dust that is simply blowing across the property. Mr. O'Donnell commented on the measure as written.

Mr. Cleveland asked if Maricopa County needs the Committee to make a recommendation on Measures #3 and #4 that they be included in the Suggested List of Measures since the County is moving forward with the measures in the draft Rule 310. Ms. Crumbaker stated that since the

measures were on the Preliminary Draft Comprehensive List of Measures, there should be a recommendation by the Committee. She added that the measures are in place in other areas that have successfully reached attainment. Mr. Cleveland asked for clarification that if the Committee were to not recommend measures, the County would still move forward with them. Ms. Crumbaker responded that every effort would be made. Ms. McGennis clarified that the draft Rule 310 is still a draft document. She added that even though the measures have been included in the draft Rule 310 it does not mean they will be included in the final rule.

Mr. Kamps commented that there is a clear test for a 20 percent opacity violation. Ms. Crumbaker replied that is correct. Mr. Kamps inquired about the test method for the no visible dust across the boundary line. Ms. Crumbaker responded that the test would be if particles can be seen crossing the boundary line. She added that the measure is not new and has been upheld in many areas. Mr. Kamps commented that the 20 percent opacity test is a verified test. He stated that there is no test method that has to be verified for the boundary line test. He asked if someone would need to see dust instantaneously for there to be a violation. Ms. Crumbaker replied that the person making the observation does need to be certified in the reading of visible emissions. She indicated that the certification process is laid out under Method 9. Ms. Crumbaker stated that Appendix C references EPA Method 204 which references back to Method 9. Mr. Kamps asked if the test method for the boundary line is instantaneous. Mr. Crumbaker replied that is correct.

Mr. Kamps indicated that for the Serious Area PM-10 Plan, EPA stated that the 20 percent opacity standard was the equivalent of a property line test. Ms. Crumbaker indicated that the test was identified as a Best Management Practice (BMP) and Most Stringent Measure (MSM) for the Salt River SIP analysis. She stated that it has been identified as MSM and Best Available Control Measure (BACM) and that is what changed in the interval. Mr. Kamps asked if Rule 310 is equivalent to the property line test. Ms. Crumbaker mentioned Clark County. Mr. Kamps indicated that Clark County stated that the measure was infeasible and ineffective, but was eventually accepted. He mentioned that Clark County was on record stating that it was almost a test that could not be attained even though it was adopted. Ms. Crumbaker indicated that the point of Measures #3 and #4 is that activity should be kept from impacting neighbors. These measures move toward that and creating a healthy environment for people and other industries that are near activities. Mr. Kamps stated that EPA has agreed that the 20 percent opacity test does that. Ms. Crumbaker responded that the 20 percent opacity test does not fully address the magnitude of the impact that can occur at the property line. She stated that the County feels that a property line test is better than setbacks and other criteria which are not feasible for certain industries.

Mr. Cleveland asked if there is any discussion on the remaining measures in the Maricopa County memorandum. Ms. Crumbaker stated that Measure #1, Ability to assess liens on parcels to cover the costs of stabilizing them, was added to the Suggested List of Measures when the Regional Council took action on the Suggested List on March 28, 2007. Mr. Cleveland referred to Measure #2, Just-in-time grading limitations for construction, and the staging approach used in Clark County. Ms. Crumbaker stated that since the slow down in construction, there are large parcels where activity has ceased. She mentioned that Maricopa County is having to follow-up with enforcement action because the parcels were not left in a stable condition. Ms. Crumbaker noted that they are large areas and subject to miscellaneous activity. She indicated that the smaller the acreage that is disturbed, the lower the emissions.

Mr. Cleveland mentioned Measure #5, Modeling cumulative impacts for permitted sources because of the effects of multiple sources locating in close proximity to each other. Ms. Crumbaker stated

that she echoes earlier comments made by Mr. Peplau. She indicated that Maricopa County lacks the tools to prevent the buildup of hot spots in the future. Ms. Crumbaker indicated that Maricopa County is looking for a proactive way to deal with the PM-10 issue. She stated that the County is receiving an increasing number of comments from people that live near these areas.

Mr. O'Donnell inquired about Measure #5. He asked if a source could lose their Title V permit and inquired about which permit holders would be impacted. Ms. Crumbaker responded that Maricopa County is looking from a PM-10 standpoint and therefore looking at a smaller threshold. She indicated that based on past experience, a 70 ton threshold does not necessarily protect the neighbors from NAAQS exceedances. Ms. Crumbaker stated that an accumulation of a group of smaller sources can add up to an impact on the NAAQS and the public nearby. Mr. O'Donnell stated that would be the same as targeting near the monitors. He indicated that the entire nonattainment area needs to be clean, according to EPA. Ms. Crumbaker stated that the County is not reserving the measure for a particular monitor area. The measure would be applied wherever there are multiple particulate sources in close proximity. Mr. Cleveland asked if the measure would be used as a tool to identify the nature of problems and not as an enforcement tool. Ms. Crumbaker responded that cumulative effects would be modeled and the County would be looking to mitigate the impact. The hope is to prevent future PM-10 exceedances.

Mr. Bouchie stated that the measures in the Maricopa County memorandum relate to measures included in Table 5, Air Quality Technical Advisory Committee Recommendations on the Suggested List of Measures to Reduce PM-10 Particulate Matter, which were discussed at length by the Committee. He noted that Table 5 includes the Committee recommendations and reasoning for the recommendations. Mr. Bouchie stated that Measure #6, Strengthen the stringency and enforcement of the trackout provision, in Table 5 was not recommended due to the \$2.5 million per ton cost effectiveness. He indicated that Measure #6 in Table 5 relates to Measures #3 and #4 in the Maricopa County memorandum. Mr. Bouchie noted that a different cost effectiveness has been presented, a reduction from \$2.5 million per ton to \$67,653 per ton. He mentioned that the factors influencing the reduction include the enforcement of rule effectiveness and reducing the trackout length from 50 feet to 25 feet. Mr. Bouchie inquired about new information being presented. He stated that the Committee has gone through the process and made recommendations. Mr. Bouchie indicated that the Committee made a recommendation based on the information available at the time and the Regional Council can make changes to what has been recommended.

Mr. Bouchie stated that Measure #2 in the Maricopa County memorandum relates 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), in Table 5. Mr. Cleveland stated that Clark County conducts staging as opposed to just-in-time grading. Mr. Bouchie stated that the measure was not recommended due to negligible impacts. He added that there are requirements that if the land is cleared, it has to be stabilized. Therefore the emission reductions are from stabilized land. Mr. Bouchie stated that Measure #5 in the Maricopa County memorandum relates to Measure #22, Model cumulative impacts for new or modified existing sources, in Table 5.

Mr. Cleveland stated that earlier discussion indicated that Measures #3 and #4 in the Maricopa County memorandum may be connected to different cost effectiveness. Mr. Kamps stated that the two issues were the cost and the trackout provision of 25 cumulative feet. Mr. Bouchie indicated that for him, the issue was the cost effectiveness of \$2.5 million per ton. Ms. McGennis called for a vote.

Mr. Hyde stated that Measure #4 in the Maricopa County memorandum is a good thing for the Committee to endorse. He indicated that it is easier for an inspector in the field to be able to enforce no visible emissions at the property line than a six minute average opacity reading. Mr. Hyde mentioned that the concept of Measure #5 in the Maricopa County memorandum is to prevent the accumulation of a number of small to moderate sources of PM-10 from being too close together and therefore collectively contributing to or causing a violation of the PM-10 standard. He indicated that if a source was to move into an area where there are already five existing sources, right now it would only have to account for its own emissions. With the cumulative modeling, it would have to take into account the emissions of the existing sources. Mr. Hyde stated that this is a preventative measure and is very effective. He indicated that it would be structured so that it is not an onerous burden on the conduct of construction and other industries.

Mr. Bowers referred to Measure #22, Model cumulative impacts for new or modified existing sources, discussed in the Final Report on the Analysis of Particulate Control Measure Cost Effectiveness. He inquired about the cost effectiveness portion referring to unpaved roads and dust palliatives. Mr. Bouchie stated that the cost effectiveness is offsetting the emissions by applying a dust palliative on a road. Mr. Dulla indicated that is correct. He stated that the point would be if offsetting the emissions from the source, there would be a menu of items to choose from. The lowest cost option was chosen in the analysis. Mr. Dulla stated that there is not a focus specifically on unpaved roads as the source of that control. He added that it needs to be permanent. Ms. Knight commented that an issue is that the paving could occur in a different area.

Mr. Hajduk commented that the cost effectiveness for the measure is determined based on offsets that a facility would have to take into account, including the offsets of the facilities around them. He discussed a situation where a facility that wants to make a revision would have to offset their own emissions as well as the emissions from the facilities nearby. Mr. Hyde stated he cannot envision more than one case out of 100 where offsets would be an issue. He indicated that it is unlikely to happen. Mr. Hyde stated that a new source or an existing source that wants to grow can do the numerical modeling to see what they would have to do. He added that this is a preventative measure.

Mr. Bowers indicated that the measure hits his industry and discussed political situations. He mentioned studies by Maricopa County. Mr. Bowers stated that the monitoring did not prove out the modeling. He referred to political demand.

Jeannette Fish, Maricopa County Farm Bureau, inquired about the radius involved in modeling cumulative impacts, where the measure would count, and the means of control. Mr. Hyde replied that the radius has not been determined. He mentioned that for the Prevention of Significant Deterioration, the size is 50 km, which is too large for this case. Mr. Hyde stated that five or ten km would be a possibility. He indicated that the modeling would be part of the permit process. Mr. Hyde mentioned that in terms of control, there are many choices such as reducing hours of operation, slightly move the location, possible PM-10 offsets, or permit denial.

Ms. Sprungl indicated that she has an issue with Measure #5 from the Maricopa County memorandum as written. She inquired about how portable sources would be impacted. Mr. Bowers commented on a situation where one facility would move from an area bringing the amount of emissions below the threshold and inquired about how that would be handled among the remaining facilities. Ms. Sprungl asked if a portable facility would have to model with every move. Mr. Hyde replied that there could be a mechanism within the permitting process that would deal with the issue.

Ms. McGennis made a motion to decline reconsideration of the measures recommended in the March 28, 2007 Maricopa County memorandum. Mr. Kamps seconded the motion. Mr. Bowers commented that the measures should be fully deliberated. Mr. Kamps indicated that these measures have been discussed extensively in past meetings.

Mr. Bouchie stated that new information is available for Measures #3 and #4 in the Maricopa County memorandum. He indicated that when the Committee first voted, the cost effectiveness was \$2.5 million and is now \$67,653. Mr. Bouchie mentioned that it would be worthwhile to review these measures further.

Mr. Person stated that since the EPA letter does not specifically identify which measures were eliminated too early, he opposes the motion. Ms. Taraborelli commented that during previous voting, the Committee agreed to reconsider measures if new information became available. Mr. Cleveland called for a vote on the motion to decline reconsideration of the measures recommended in the March 28, 2007 Maricopa County memorandum. The motion failed with Ms. Fish, Mr. Hajduk, Ms. Chenausky, Ms. McGennis, and Mr. Kamps voting yes.

Mr. Bouchie made a motion to recommend that Measure #3, Reduce the tolerance of trackout to 25 feet before immediate clean up is required for construction sites. Maricopa County has already approved this standard for rock products facilities, and Measure #4, no visible emissions at the property line (also already in effect for rock products facilities), from the March 28, 2007 Maricopa County memorandum be sent back to the MAG consultant to review the emission reductions and cost effectiveness looking at an increase in enforcement and rule effectiveness. Ms. Knight seconded the motion. Mr. Bowers requested that the motion include technical feasibility. Ms. Knight commented on the concept of no visible emissions at the property line and trenching.

Mr. Hyde stated that there is also new information on Measure #2, Just-in-time grading limitations for construction, from the March 28, 2007 Maricopa County memorandum. He requested that all the measures in the memorandum be sent back to the MAG consultant.

Mr. Kamps commented on the cost issues. He indicated that sidewalks are now counted toward the cumulative trackout. Mr. Kamps stated that reducing the tolerance of trackout to 25 feet before immediate clean up is required and the inclusion of sidewalks result in a zero threshold for trackout. He commented that trackout is allowed for nonpermitted sources. Mr. Kamps mentioned that the cost of the measure is not proportionate to the tonnage. He noted that South Coast has implemented the measure; however, Clark County has not. Ms. Crumbaker stated that the Clark County Rule was amended prior to the South Coast Rule. She indicated that the issue with sidewalks and the feasibility have been raised and Maricopa County has agreed to address it. Ms. Crumbaker stated that sidewalks will not count toward the trackout length.

Ms. McGennis inquired about the definition of visible emissions. Ms. Crumbaker replied that visible emissions are defined in Rule 316. Mr. Kamps indicated that Rule 316 states "Fugitive dust emissions must not remain visible in the atmosphere beyond the property line of a facility." Mr. Cleveland requested a vote on the motion to recommend that Measure #3, Reduce the tolerance of trackout to 25 feet before immediate clean up is required for construction sites. Maricopa County has already approved this standard for rock products facilities, and Measure #4, No visible emissions at the property line (also already in effect for rock products facilities), from the March 28, 2007 Maricopa County memorandum be sent back to the MAG consultant to review the emission reductions and cost effectiveness looking at an increase in enforcement and rule effectiveness and the technical feasibility of the measures, including the 25 feet trackout provision. The motion passed

with Mr. Kamps voting no and Ms. McGennis; Duane Yantorno, Arizona Department of Weights and Measures; Ms. Crumbaker; Wienke Tax, Environmental Protection Agency; and Gina Grey, Western States Petroleum Association, abstaining.

Ms. Fish inquired about how to take credit for Measures #4 and #5. She commented on the difficulty of modeling. Mr. O'Donnell stated that there is no new information on Measures #2 and #5 and asked why they should be reconsidered by the Committee. Mr. Cleveland requested that separate action be taken on Measures #2 and #5. Mr. O'Donnell made a motion to recommend that Measure #2, Just-in-time grading limitations for construction, from the March 28, 2007 Maricopa County memorandum, not be further considered. Mr. Kamps seconded the motion. Ms. Knight indicated that the measures have been suggested from the beginning. Mr. Cleveland called for a vote on the motion. The motion passed with Mr. Hyde; Ms. Crumbaker; Kai Umeda, University of Arizona Cooperative Extension; Corey Woods, American Lung Association of Arizona; and Ed Stillings, Federal Highway Administration, voting no and Ms. Knight; Ms. Grey; Ms. Tax; Mr. Person; Ms. Taraborelli; and Mr. Yantorno abstaining.

Mr. O'Donnell recommended that Measure #5, Modeling cumulative impacts for permitted sources because of the effects of multiple sources locating in close proximity to each other, from the March 28, 2007 Maricopa County memorandum, not be further considered. Mr. Hajduk seconded and the motion carried with Mr. Woods; Mr. Hyde; Ms. Crumbaker; Mr. Yantorno; and Mr. Stillings voting no and Ms. Grey; Ms. Tax; Oddvar Tveit, City of Tempe; Ms. Chenausky; Doug Kukino, City of Glendale; Ms. Knight; Mr. Umeda; and Mr. Person abstaining.

7. Gila River Indian Community Air Quality Management Plan

This agenda item was postponed until a future meeting.

8. Ozone Control Measures

This agenda item was postponed until a future meeting.

9. Call for Future Agenda Items

Mr. Cleveland announced that the next meeting of the Committee is tentatively scheduled for May 22, 2007 at 1:30 p.m. Ms. Sprungl asked if there will be an additional meeting before May 22, 2007. Ms. Bauer replied that MAG will take a look at the schedule. Ms. Fish requested clarification on the May 22, 2007 meeting. Ms. Bauer responded that the May meeting has been scheduled on a Tuesday due to the timeline for the evaluation of proposed CMAQ Improvement projects for Federal Fiscal Year 2007 Interim Year End Closeout. With no further comments, the meeting was adjourned.



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May 15, 2007

TO: Members of the MAG Air Quality Technical Advisory Committee

FROM: Dean Giles, Air Quality Program Planning Specialist

SUBJECT: EVALUATION OF PROPOSED CMAQ PROJECTS FOR THE FEDERAL FISCAL YEAR 2007 INTERIM YEAR END CLOSEOUT

The Maricopa Association of Governments has conducted an evaluation of proposed Congestion Mitigation and Air Quality Improvement projects submitted for the Federal Fiscal Year 2007 Interim Year End Closeout. The results of the project evaluation are provided in Attachment A ranked by cost-effectiveness based on the total CMAQ funds for the project. This information is being presented to the MAG Air Quality Technical Advisory Committee for a possible recommendation to forward the Congestion Mitigation and Air Quality Improvement (CMAQ) evaluation to the MAG Transportation Review Committee for use in prioritizing projects. In addition, an Air Quality Project provided in Attachment B may also be forwarded to the Transportation Review Committee for their May 24, 2007 meeting.

PROJECT EVALUATION

For the Federal FY 2007 Interim Year End Closeout, MAG has estimated \$13.86 million to be available for projects. The deadline for submitting requests for MAG federal closeout funding was April 26, 2007. Ten projects, requesting \$9.34 million, were evaluated for estimated emissions reductions and cost-effectiveness based on the total CMAQ funds for the projects. The remaining funds are recommended to maintain fiscal balance in the Transportation Improvement Program.

In accordance with CMAQ guidance, MAG staff evaluated the projects for air quality benefits and calculated the cost-effectiveness consistent with the CMAQ methodologies. Beginning in 1999, MAG has developed and applied methodologies for assessing emission reduction benefits for proposed CMAQ projects in accordance with federal guidance for the CMAQ Program. The latest version of the CMAQ methodologies, dated August 15, 2005, are based on comments received at a MAG workshop conducted on June 28, 2005.

The projects have been ranked in order from most cost-effective to least cost-effective in the attachments. In general, the methodologies for calculating cost-effectiveness involve the estimation of emissions reductions for total organic gases (TOG), nitrogen oxides (NO_x), and PM-10, measured in kilograms per day. The annualized cost-effectiveness of each project is measured in CMAQ dollars per metric ton of total emissions reduced.

A Voluntary Association of Local Governments in Maricopa County

The Environmental Protection Agency MOBILE6.2 emission model was used to estimate TOG, NOx, and PM-10 exhaust emission factors for the implementation year of the project. The emission factors from the EPA AP-42 guidance were used to estimate reentrained PM-10 emissions on paved and unpaved roads, where appropriate.

The purpose of the CMAQ Program is to provide federal funding for transportation-related projects and programs designed to assist nonattainment and maintenance areas in complying with federal air quality standards. On December 19, 2006, the Federal Highway Administration published new Interim Guidance on the Congestion Mitigation and Air Quality Improvement Program that incorporates Safe Accountable Flexible Efficient Transportation Equity Act: A Legacy For Users (SAFETEA-LU) provisions. A CMAQ fact sheet is enclosed.

The evaluation of proposed CMAQ projects for the Federal FY 2007 Interim Year End Closeout in the attachment is being presented to the MAG Air Quality Technical Advisory Committee for a possible recommendation to forward the air quality evaluations to the MAG Transportation Review Committee (TRC) for use in prioritizing projects for funding. In addition, an Air Quality Project may also be forwarded by the Air Quality Technical Advisory Committee to the TRC. If you have any questions or need additional information, please contact me at (602) 254-6300.

Attachments

PROPOSED CMAQ PROJECTS FOR THE FEDERAL FY 2007 INTERIM YEAR END CLOSEOUT - RANKED BY COST EFFECTIVENESS

Attachment A

Project#	Agency	Location	Work Type	FY	Length (miles)	Emissions Reduction Weighted TOG (kg/day)	Emissions Reduction Weighted NOX (kg/day)	Emissions Reduction Weighted PM (kg/day)	Emissions Reduction Weighted Total (kg/day)	Cost Effectiveness (\$/metric ton) ¹	Requested CMAQ Funds	Notes (below)
MAG07-307	MAG	Goodyear, Mesa-Falcon Field, Litchfield Park, Mesa	Purchase the four remaining street sweepers from the Prioritized List of Proposed PM-10 Certified Street Sweeper Projects for FY 2007 CMAQ. The projects in prioritized order are: Litchfield Park, Mesa-Falcon Field, Goodyear, and Mesa.	2007				22.45	22.45	\$8,817	\$507,109	4
CHN10-618	Chandler	Various Locations - Upgrade Outdated TS1 Signal Equipment	This project is to purchase TS2 traffic signal cabinets to replace outdated TS1 cabinets at various locations around the City. The City has local funding available for the match portion of the grant this year so, if approved for closeout funds, these purchases could be committed very quickly.	2007	28.5	2.21	2.89		5.10	\$49,589	\$422,700	5,9
Valley Metro Rail	Light Rail	Regionwide	Construction activities for the Central Phoenix/East Valley (METRO) light rail transit project.	2008	20	21.19	19.86	108.07	149.12	\$73,849	\$3,500,000	3,6
RPT07-325T	Valley Metro	Regionwide	Repayment of advance design, right of way acquisition and construction of intermodal transfer facilities. Development of bus transfer stations to facilitate transfers between buses and the Central Phoenix/East Valley (METRO) light rail transit project.	2008	20	21.19	19.86	108.07	149.12	\$73,849	\$391,941	3,6
GLN08-606ADX; GLN08-606C	Glendale	Glendale Sports Facilities	This is for the repayment for the advance design of fiber optic cable and video detection cameras. Installation of fiber optic cable and video detection cameras. The project will install five miles of fiber optic cable, nine CCTV cameras at key intersections, two dynamic message signs, and video detection cameras in the sports facilities area. The fiber optic cable will connect recently installed traffic signals to the city's control center and CCTV cameras will allow monitoring of day-to-day local traffic and special events.	2007	4	1.35	1.80		3.15	\$82,198	\$806,825	2,5,9
CHN12-805	Chandler	Chandler Blvd at Price/101 TI	This project will extend bike lanes along Chandler Boulevard that currently stop east and west of the Price Freeway. The project will reconstruct the Chandler Boulevard underpass to widen the roadway and allow room for striped bike lanes. This request is for advanced funding for the study and design phase of the project to allow early design of the project, which would potentially allow us to accelerate construction to FY2010.	2010	0.5	0.42	0.20	0.41	1.03	\$118,311	\$200,000	7,8
MAG06-207	MAG/ITS Committee	Regionwide	Implementation of CMAQ eligible phases of the regional community WAN study (CMAQ share)	2007	454	4.62	3.66		8.28	\$140,848	\$350,000	5,9
GLN11-703	Glendale	Glendale Sports Facilities area	Purchase and install two dynamic message signs and three reversible lane control sign bridges with message signs. Each sign will be installed along the main entrances to the stadium area along 95th and 91st Avenues.	2007	0.5	0.17	0.23		0.39	\$290,165	\$356,018	5,9
GDY04-204C	City of Goodyear	Litchfield Rd; Wigwam Blvd to MC 85	Furnishing and installation of 4.65 miles of fiber optic communications infrastructure along Litchfield Rd, a major urban arterial. This project will provide connections from the Traffic Management Center to 16 signalized intersections.	2007	4.65	0.62	0.61		1.23	\$440,015	\$402,440	5,9

PROPOSED CMAQ PROJECTS FOR THE FEDERAL FY 2007 INTERIM YEAR END CLOSEOUT - RANKED BY COST EFFECTIVENESS

Attachment A

Project#	Agency	Location	Work Type	FY	Length (miles)	Emissions Reduction Weighted TOG (kg/day)	Emissions Reduction Weighted NOX (kg/day)	Emissions Reduction Weighted PM (kg/day)	Emissions Reduction Weighted Total (kg/day)	Cost Effectiveness (\$/metric ton) ¹	Requested CMAQ Funds	Notes (below)
GLN08-604; GLN12-802	Glendale	63rd Avenue at Loop 101 (Agua Fria)	Design and construct a multi-use overpass over Loop 101, including approach ramps, landscaping, and lighting. This project contains a bridge overpass 290 feet in length, a 14-foot wide bicycle/pedestrian bridge, 10-foot wide ramps connecting the underpass to the bridge and connection to the existing 63rd Avenue bike route. This project combines Phases I & II of the multi-use overpass over Loop 101.	2008	0.3	0.19	0.09	0.15	0.42	\$2,030,125	\$2,400,000	7,8,10

Notes:

1. Cost Effectiveness is expressed as the total CMAQ Project cost (in dollars) per annual emissions reduction (in metric tons).
2. In calculating the Cost Effectiveness, the total CMAQ funds for Projects GLN08-606C and GLN08-606ADX were combined.
3. In calculating the Cost Effectiveness, the total CMAQ funds for the 20-mile MOS as identified in the FFGA are \$59.8 million.
4. Supports the Measure in the Serious Area PM-10 Plan: "PM-10 Efficient Street Sweepers."
5. Supports the Transportation Control Measure (TCM) in the Serious Area PM-10 Plan and CO Maintenance Plan: "Develop Intelligent Transportation Systems".
6. Supports the TCM in the Serious Area PM-10 Plan and CO Maintenance Plan: "Mass Transit Alternatives."
7. Supports the TCM in the Serious Area PM-10 Plan and CO Maintenance Plan: "Encouragement of Pedestrian Travel."
8. Supports the TCM in the Serious Area PM-10 Plan and CO Maintenance Plan: "Encouragement of Bicycle Travel."
9. Supports the TCM in the Serious Area PM-10 Plan and CO Maintenance Plan: "Coordinate Traffic Signal Systems."
10. In calculating the Cost Effectiveness, the total CMAQ funds for Projects GLN08-604 and GLN12-802 were combined.

PROPOSED AIR QUALITY CMAQ PROJECTS FOR THE FY 2007 INTERIM YEAR END CLOSEOUT

Attachment B

Project#	Agency	Location	Work Type	FY	Length (miles)	Emissions Reduction Weighted TOG (kg/day)	Emissions Reduction Weighted NOX (kg/day)	Emissions Reduction Weighted PM (kg/day)	Emissions Reduction Weighted Total (kg/day)	Cost Effectiveness (\$/metric ton)	Requested CMAQ Funds	Notes (below)
MAG07-307	MAG	Goodyear, Mesa-Falcon Field, Litchfield Park, Mesa	Purchase the four remaining street sweepers from the Prioritized List of Proposed PM-10 Certified Street Sweeper Projects for FY 2007 CMAQ. The projects in prioritized order are: Litchfield Park, Mesa-Falcon Field, Goodyear, and Mesa.	2007				22.45	22.45	\$8,817	\$507,109	4

CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM FACT SHEET

According to the final Congestion Mitigation and Air Quality Improvement (CMAQ) Program Guidance, effective October 31, 2006, the purpose of the CMAQ program is to fund transportation projects or programs that will contribute to attainment or maintenance of the national ambient air quality standards for ozone, carbon monoxide, and particulate matter. Table 1 provides a description of the 16 project categories contained in federal CMAQ guidance as well as general activities and projects eligible for CMAQ funding. Table 1 also includes the CMAQ eligible projects and programs added from transportation reauthorization, Safe Accountable Flexible Efficient Transportation Equity Act: A Legacy For Users (SAFETEA-LU). Table 2 provides a list of ineligible CMAQ activities and projects.

The development of a CMAQ-eligible project may occur through a public-private partnership. Private entity proposals that benefit the general public by clearly reducing emissions require a legal written agreement between the public agency and private or nonprofit entity specifying the use of funds, roles and responsibilities of participating entities, cost sharing arrangements for capital investments and/or operating expenses, and how the disposition of land, facilities, and equipment should original terms of the agreement be changed. Eligible costs under this section may not include costs to fund an obligation imposed on private sector or nonprofit entities under the CAA or any other federal law except where the incremental portion of a project that exceeds the obligation under Federal law.

Table 1. Eligible CMAQ Activities and Projects

- 1. Transportation control measures (TCMs) found in 42 U.S.C. §7408(f)(1)**
 - programs for improved public transit
 - restriction of certain roads or lanes to, or construction of such roads or lanes for use by, passenger buses or high occupancy vehicles
 - employer-based transportation management plans, including incentives
 - trip-reduction ordinances
 - traffic flow improvement programs that achieve emission reductions
 - fringe and transportation corridor parking facilities serving multiple-occupancy vehicle programs or transit service
 - programs to limit or restrict vehicle use in downtown areas or other areas of emission concentration particularly during periods of peak use
 - programs for the provision of all forms of high-occupancy, shared ride services
 - programs to limit portions of road surfaces or certain sections of the metropolitan area to the use of non-motorized vehicles or pedestrian use, both as to time and place
 - programs for secure bicycle storage facilities and other facilities, including bicycle lanes, for the convenience and protection of bicyclists, in both public and private areas
 - programs to control extended idling of vehicles
 - programs to reduce motor vehicle emissions from extreme cold-start conditions
 - employer-sponsored programs to permit flexible work schedules
 - programs and ordinances to facilitate non-automobile travel, provision and utilization of mass transit, and to generally reduce the need for single-occupant vehicle travel, as part of transportation planning and development efforts of a locality, including programs and ordinances applicable to new shopping centers, special events, and other centers of vehicle activity
 - programs for new construction and major reconstructions of paths, tracks or areas solely for the use by pedestrian or other non-motorized means of transportation when economically feasible and in the public interest

- 2. Extreme Low-Temperature Cold Start Programs**
 - retrofitting vehicles and fleets with water and oil heaters
 - installing electrical outlets and equipment in publicly-owned garages or fleet storage facilities

3. Alternative Fuels and Vehicles

- establishment of publicly-owned fueling facilities and other infrastructure needed to fuel alternative-fuel vehicles, unless privately-owned fueling stations are in place and reasonably accessible
- support the conversion of private fueling facility to support alternative fuels through a public-private partnership
- purchase of publicly-owned non-transit alternative fuel vehicles, including passenger vehicles, refuse trucks, street cleaners, and others
- costs associated with converting fleets to run on alternative fuels
- for private vehicles, the cost difference between alternative fuel vehicles and comparable conventional fuel vehicles
- hybrid vehicles that have lower emission rates than their non-hybrid counterparts
- hybrid passenger vehicles that meet EPA low emission and energy efficiency requirements for certification under the HOV exception provisions of SAFETEA-LU
- projects involving heavier vehicles, including refuse haulers and delivery trucks may be eligible based on a comparison of the emissions projections of these larger candidate vehicles and other comparable models

4. Congestion Reduction & Traffic Flow Improvements

- traditional traffic flow improvements, such as the construction of roundabouts, HOV lanes, left-turn or other managed lanes are eligible provided they demonstrate net emissions benefits
- Intelligent Transportation Systems (ITS) projects such as traffic signal synchronization projects, traffic management projects, and regional multimodal traveler information systems, traffic signal control systems, freeway management systems, electronic toll-collection systems, transit management systems, and incident management programs
- Value/Congestion Pricing projects that generate an emissions reduction, including, but not limited to: tolling infrastructure, such as transponders and other electronic toll or fare payment systems; small roadway modifications to enable tolling; marketing, public outreach efforts to expand and encourage the use of eligible pricing measures; and support services, such as transit in a newly tolled corridor
- innovative pricing approaches supported through the Value Pricing Pilot Program
- operating expenses for traffic flow improvements for a period not to exceed three years if shown to produce air quality benefits, if the expenses are incurred from new or additional services, and if previous funding mechanisms, such as fares or fees for services, are not displaced
- projects or programs that involve the purchase of integrated, interoperable emergency communications equipment

5. Transit Improvements

- new transit facilities (e.g., lines, stations, terminals, transfer facilities) are eligible if they are associated with new or enhanced mass transit service
- rehabilitation of a facility may be eligible if the vast majority of the project involves physical improvements that will increase capacity and results in an increase in transit ridership
- new transit vehicles (bus, rail, or van) to expand fleet or replace existing vehicles
- diesel engine retrofits, such as replacement engines and exhaust after-treatment devices, are eligible if certified or verified by the EPA or CARB
- other transit equipment may be eligible if it represents a major system-wide upgrade that will significantly improve speed or reliability of transit service, such as advanced signal and communications systems
- fuel, whether conventional or alternative fuel, is an eligible expense only as part of a project providing operating assistance for new or expanded transit service, including fuel and fuel additives considered diesel retrofit technologies by EPA or CARB
- operating assistance, including labor, fuel, maintenance, and related expenses, to introduce new transit service or expand existing transit service is eligible for a maximum of 3 years
- regular transit fares may be subsidized as part of a comprehensive area-wide program to prevent exceedances of NAAQS during periods of high pollutant levels; must be combined with a marketing program to inform SOV drivers of other transportation options

6. Bicycle and Pedestrian Facilities and Programs

- construction of bicycle and pedestrian facilities (paths, bike racks, support facilities, etc.) that are not exclusively recreational and reduce vehicle trips
- non-construction outreach projects related to safe bicycle use
- establishment and funding of State bicycle/pedestrian coordinator positions for promoting and facilitating nonmotorized transportation modes through public education, safety programs, etc.

- 7. Travel Demand Management**
 - activities explicitly aimed at reducing SOV travel and associated emissions including fringe parking, traveler information services, shuttle services, guaranteed ride home programs, market research and planning in support Transportation Demand Management implementation, carpools, vanpools, traffic calming measures, parking pricing, variable road pricing, telecommuting, and employer-based commuter choice programs
 - capital expenses and up to 3 years of operating assistance to administer and manage new or expanded TDM programs
 - marketing and outreach efforts to expand use of TDM measures may be funded indefinitely, but only if broken out as distinct line items
 - telecommuting activities including planning, preparing technical and feasibility studies, and training
- 8. Public Education and Outreach Activities**
 - a wide range of public education and outreach activities, including activities that promote new or existing transportation services, developing messages and advertising materials (including market research, focus groups, and creative), placing messages and materials, evaluating message and material dissemination and public awareness, technical assistance, programs that promote the Tax Code provision related to commute benefits, transit “store” operations, and any other activities that help forward less-polluting transportation options
- 9. Transportation Management Associations**
 - TMA start-up costs and up to 3 years of operating assistance
- 10. Carpooling and Vanpooling**
 - carpools and vanpools marketing covers existing, expanded, and new activities to increase the use of carpools and vanpools and includes the purchase and use of computerized matching software and outreach to employers and guaranteed ride home programs
 - vanpool vehicle capital costs include purchasing or leasing vans that do not directly compete with or impede private sector initiatives; vanpool operating expenses are limited to 3 years and include empty-seat subsidies, maintenance, insurance, administration, and other related expenses
- 11. Freight/Intermodal**
 - projects and programs (e.g. new diesel engine technology or retrofits of vehicles or engines, nonroad mobile freight projects) that provide a transportation function and target freight capital costs including rolling stock or ground infrastructure are eligible provided that air quality benefits can be demonstrated
- 12. Diesel Engine Retrofits & Other Advanced Truck Technologies**
 - applicable to onroad motor vehicles and nonroad construction equipment, project types in the diesel retrofit area include: diesel engine replacement, full engine rebuilding and reconditioning, the purchase and installation of after-treatment hardware including particulate matter traps and oxidation catalysts, and other technologies, and support for heavy-duty vehicle retirements programs
 - purchase and installation of emission control equipment on school buses
 - refueling projects (e.g., ultra-low sulfur diesel), but only if required to support the installation of emissions control equipment, repowering, rebuilding, or other retrofits of nonroad engines and only until the standards are effective and the fuel becomes commonly available through the regional supply and logistics chain. Eligible costs are limited to the difference between standard nonroad diesel fuel and ULSD
 - outreach activities that provide information exchange and technical assistance to diesel owners and operators on retrofit options
 - under a public-private partnership, projects for upgrading long-haul heavy-duty diesel trucks with advanced technologies, such as idle reduction devices, cab and trailer aerodynamic fixtures, and single-wide or other efficient tires are eligible
- 13. Idle Reduction**
 - capital costs of off-board projects (e.g., truck stop electrification projects) that reduce emissions and are located within, or in proximity to and primarily benefitting a nonattainment or maintenance area
 - capital costs of on-board projects (e.g., auxiliary power units, direct fired heaters, etc.) the heavy-duty vehicle must travel within, or in proximity to and primarily benefitting a nonattainment or maintenance area
- 14. Training**
 - funds to support training and educational development for the transportation workforce must be directly related to implementing air quality improvements and be approved in advance by the FHWA Division Office

15. Inspection/Maintenance (I/M) Programs

- for publicly or privately owned I/M facilities that constitute new or additional efforts eligible activities include construction of facilities, purchase of equipment, I/M program development, and one-time start-up activities, such as updating quality assurance software or developing a mechanic training curriculum
- operating expenses are eligible for a maximum of three years
- State or local I/M program related administrative costs are eligible in States that rely on privately owned I/M facilities
- privately-owned I/M facilities such as service stations, that own the equipment and conduct emission test-and-repair services, requires a public-private partnership
- establishment of “portable” I/M programs, including remote sensing providing that they are public services, reduce emissions, and meet relevant regulations

16. Experimental Pilot Projects

- an “experimental” project or program must be defined as a transportation project and be expected to reduce emissions by decreasing vehicle miles traveled (VMT), fuel consumption, congestion, or by other factors

Table 2. Ineligible CMAQ Activities and Projects

- 1. Projects outside of the nonattainment or maintenance area boundaries, except in cases where the project is located in close proximity to the nonattainment or maintenance area and the benefits will be realized primarily within the nonattainment or maintenance area**
- 2. Light-duty vehicle scrappage programs**
- 3. Projects that add new capacity for single-occupancy vehicle (SOV) are ineligible for CMAQ funding unless construction is limited to high occupancy vehicle (HOV) lanes**
- 4. Routine maintenance and rehabilitation projects (e.g., replacement-in-kind of track or other equipment, reconstruction of bridges, stations, and other facilities, and repaving or repairing roads) are ineligible for CMAQ funding as they only maintain existing levels of highway and transit service, and therefore do not reduce emissions**
- 5. Administrative costs of the CMAQ program may not be defrayed with program funds**
- 6. Projects that do not meet the specific eligibility requirements under United States Code titles 23 or 49**
- 7. Stand-alone projects to purchase fuel, except in certain states**
- 8. Routine preventive maintenance for vehicles is not eligible as it only returns the vehicles to baseline conditions**
- 9. Operating assistance for truck stop electrification projects is not an eligible activity since these projects generate their own revenue stream and can therefore recover all operating expenses**

**DRAFT
EIGHT-HOUR OZONE PLAN FOR
THE MARICOPA NONATTAINMENT AREA**

EXECUTIVE SUMMARY

MAY 2007



DRAFT

EIGHT-HOUR OZONE PLAN FOR THE MARICOPA NONATTAINMENT AREA

EXECUTIVE SUMMARY

On June 15, 2004, EPA designated a 4,880 square mile area located mainly in Maricopa and Pinal Counties as an eight-hour ozone nonattainment area. The Clean Air Act requires that a plan be submitted to EPA by June 15, 2007, that shows attainment of the eight-hour ozone standard in the Maricopa nonattainment area. The plan must demonstrate that the eight-hour ozone standard will be met by the ozone season of 2008, with measures that have been implemented before the ozone season of 2008.

The plan uses photochemical modeling to show that the standard will be attained in 2008 with federal, state, and local control measures that have already been implemented in the region. The modeling results are supported by a downward trend in monitored ozone concentrations. As Figure ES-1 indicates, the eight-hour ozone standard has not been violated at any monitor in the Maricopa nonattainment area for the past two years (i.e., 2005 and 2006).

Ozone is formed by chemical reactions among volatile organic compounds (VOC), nitrogen oxides (NO_x), and other air pollutants, in the presence of heat and sunlight. The ozone precursor emissions on the highest ozone day during the June 2002 episode are summarized in Figure ES-2. The major source of VOC is natural vegetation (i.e., biogenics). Onroad mobile and area sources each contribute another 13 percent of the total VOC emissions. Motor vehicles are the largest source of nitrogen oxide (NO_x), contributing nearly two-thirds of the emissions. Nonroad engine exhaust is responsible for another 27 percent. Together, onroad and nonroad mobile sources produce 90 percent of the total NO_x emissions.

To demonstrate attainment by the ozone season of 2008, the plan assumes emission reduction credit for seven attainment measures. Figures ES-3 and ES-4 show the VOC and NO_x reductions, respectively, for the individual attainment measures in June 2008. All of the attainment measures represent legally binding commitments in EPA-approved air quality plans that have already been implemented in the Maricopa area. Figures ES-5 show the VOC and NO_x emissions in June 2008 with the attainment measures.

FIGURE ES-1
VIOLATIONS OF THE EIGHT-HOUR OZONE STANDARD IN THE
MARICOPA COUNTY NONATTAINMENT AREA

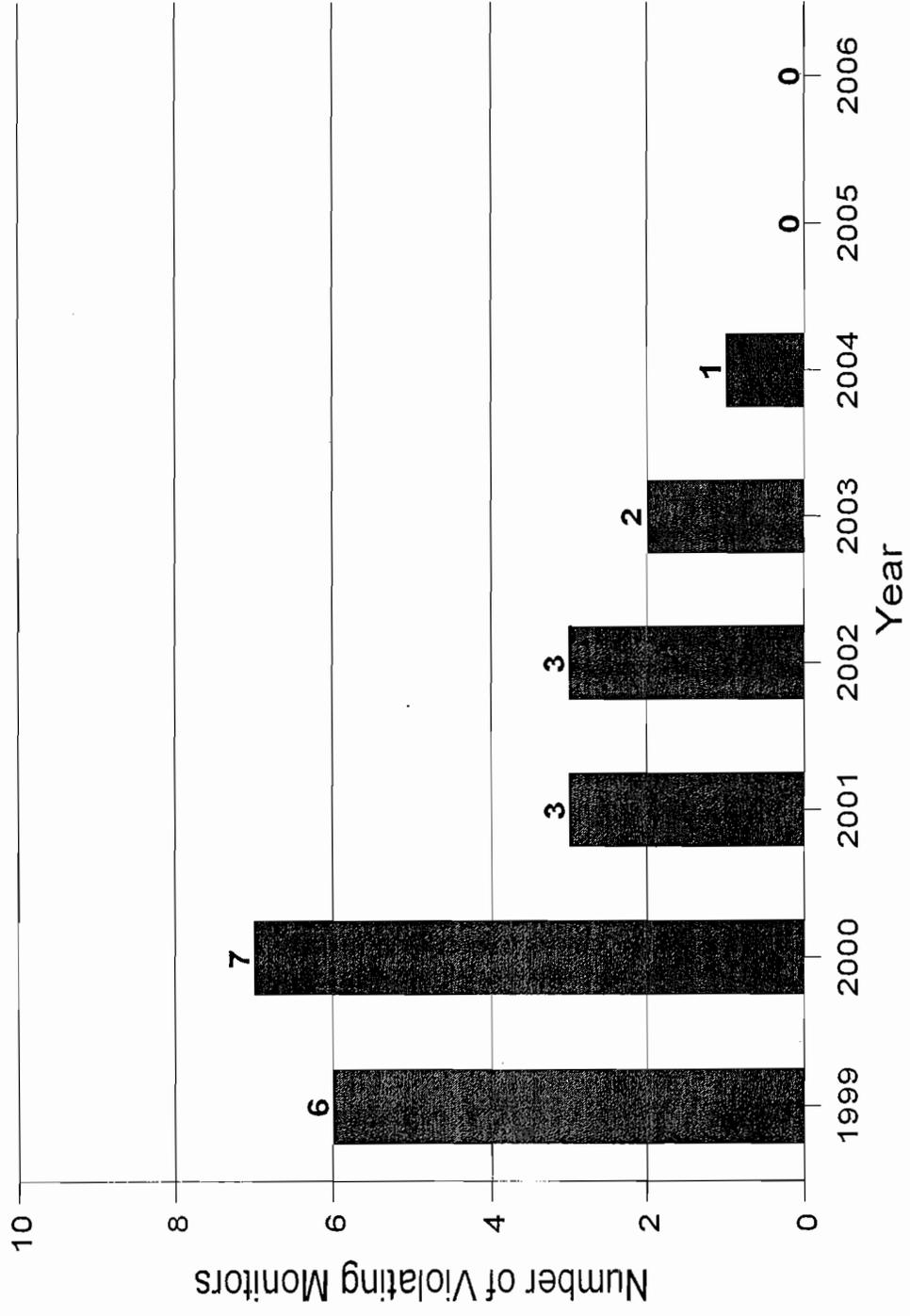
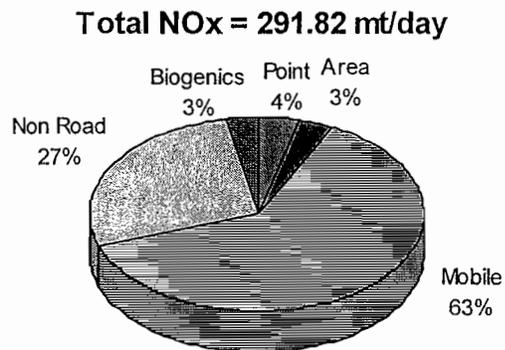
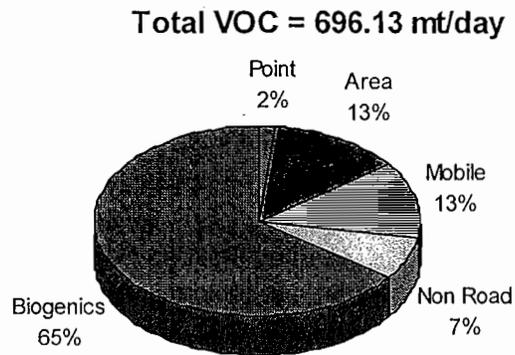


FIGURE ES-2
VOC AND NO_x EMISSIONS ON JUNE 6, 2002



**FIGURE ES-3
VOC REDUCTIONS BY INDIVIDUAL ATTAINMENT MEASURE IN JUNE 2008**

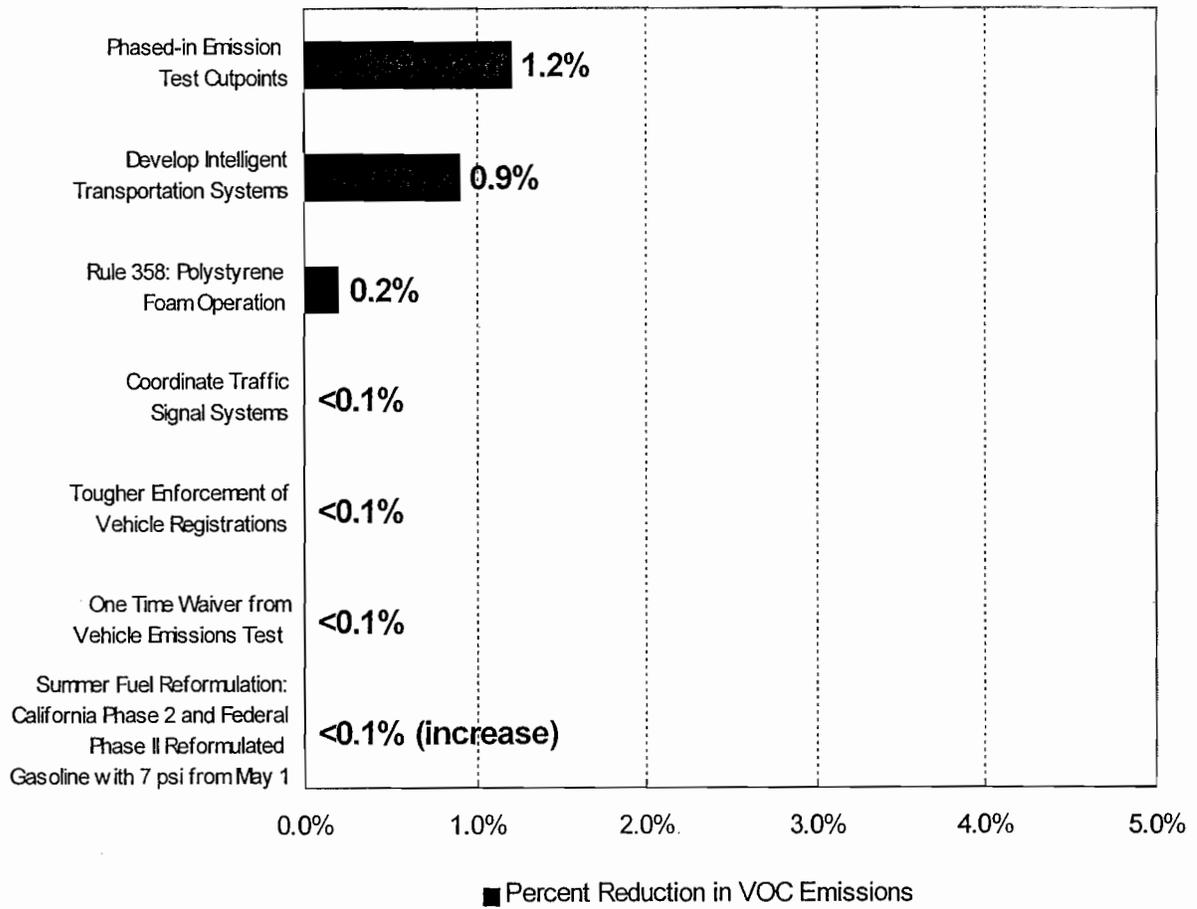


FIGURE ES-4
NO_x REDUCTIONS BY INDIVIDUAL ATTAINMENT MEASURE IN JUNE 2008

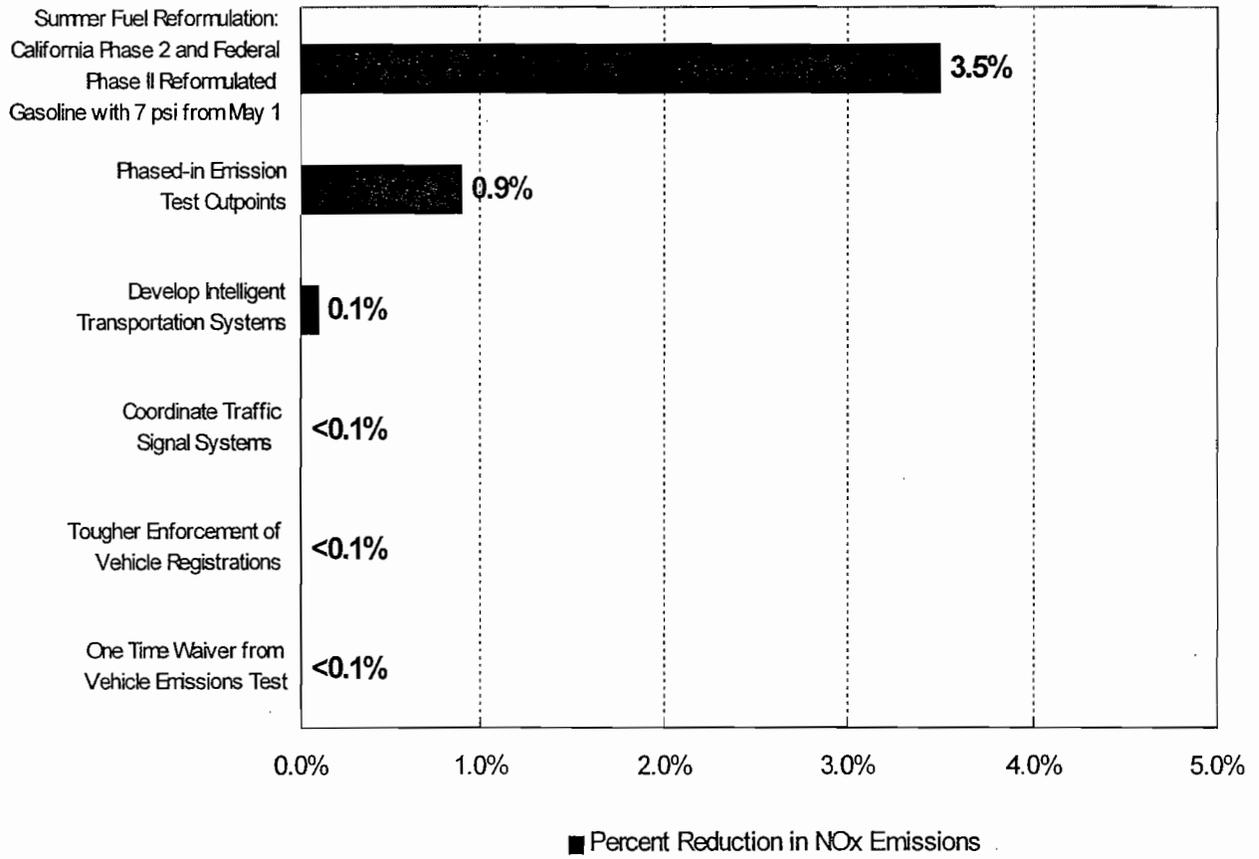
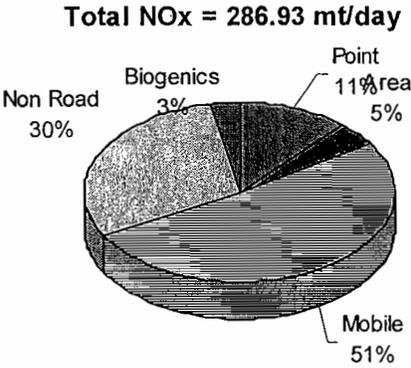
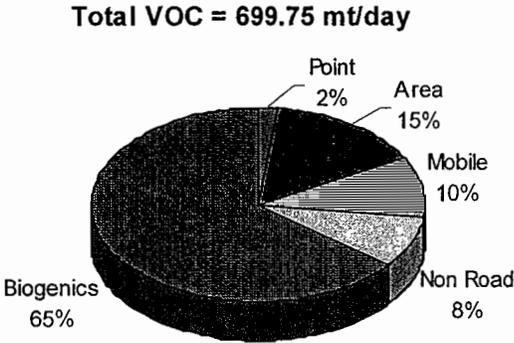


FIGURE ES-5
VOC AND NO_x EMISSIONS WITH ATTAINMENT MEASURES IN JUNE 2008



As required by the Clean Air Act, the attainment plan also includes contingency measures. Figures ES-6 and ES-7 show the VOC and NO_x emission reductions, respectively, attributable to the individual contingency measures. Credit for the contingency measures was not assumed in modeling attainment in 2008. The contingency measures have all been implemented, as allowed by EPA, in order to ensure that the standard is met as expeditiously as possible. Early implementation of the contingency measures serves to reinforce the emission reductions credited to the attainment measures. EPA also allows federal measures to be contingency measures if the credit for these measures is not needed for attainment.

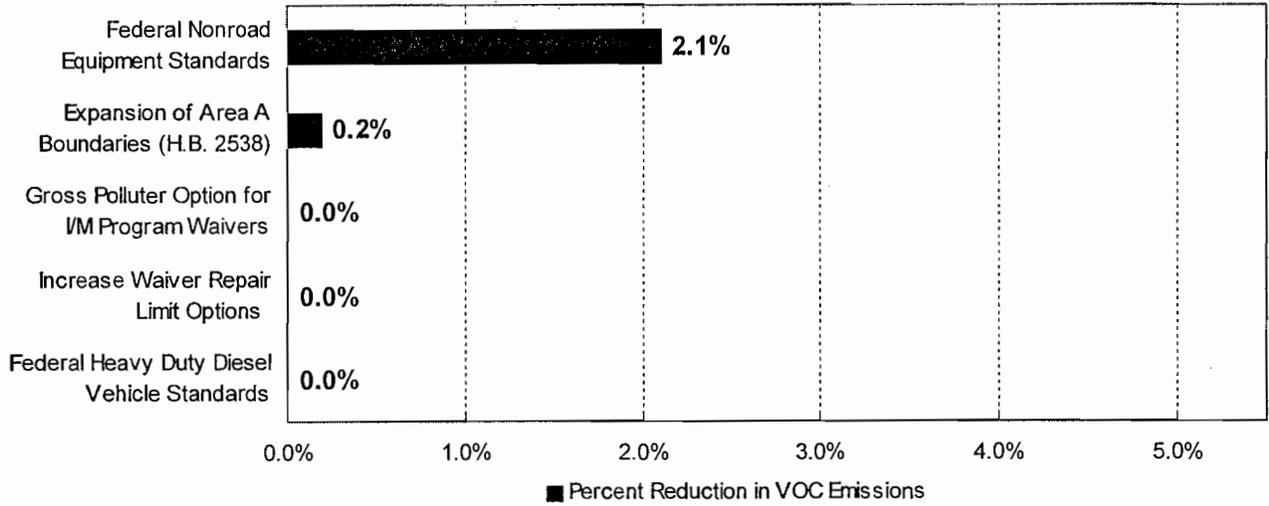
The photochemical grid modeling was conducted for multi-day high ozone episodes that occurred in June 2002, July 2002, and August 2001. These three episodes were selected because they represent a range of meteorological conditions and diurnal and spatial emission patterns that can lead to high ozone concentrations in the nonattainment area [MAG, 2005]. Attainment was modeled by applying the base year meteorology and diurnal and spatial pattern of emissions on the episode days to projected 2008 emissions. The attainment demonstration assumed emission reduction credit for the seven attainment measures, which have all been implemented. Figure ES-5 is a contour plot of the modeled eight-hour ozone concentrations for the June 2008 episode.

All of the predicted values in the contour plot are 84 ppb (0.084 ppm) or less. The predicted ozone values for the July and August 2008 episodes are also 84 ppb (0.084 ppm) or less. Therefore, the modeling indicates that the eight-hour ozone standard is attained for all three episodes in 2008.

Since the peak modeled ozone values were so close to the standard, a screening test and weight of evidence analysis were performed to supplement the modeling results. The screening test indicated that areas not near monitors would also attain the standard for all three episodes. The weight of evidence analysis also concluded that the eight-hour ozone standard will be met during the ozone season of 2008, based on downward trends in concentrations of ozone precursors and ozone concentrations.

The attainment plan establishes onroad mobile source emissions budgets for transportation conformity. The 2008 conformity budgets for the eight-hour ozone nonattainment area are 67.9 metric tons per day for VOC and 138.2 metric tons per day for NO_x. After these budgets are found to be adequate or approved by EPA as part of the attainment plan, they will replace the interim eight-hour ozone emissions tests currently being used in conformity analyses.

**FIGURE ES-6
VOC REDUCTIONS BY INDIVIDUAL CONTINGENCY MEASURE**



**FIGURE ES-7
NOx REDUCTIONS BY INDIVIDUAL CONTINGENCY MEASURE**

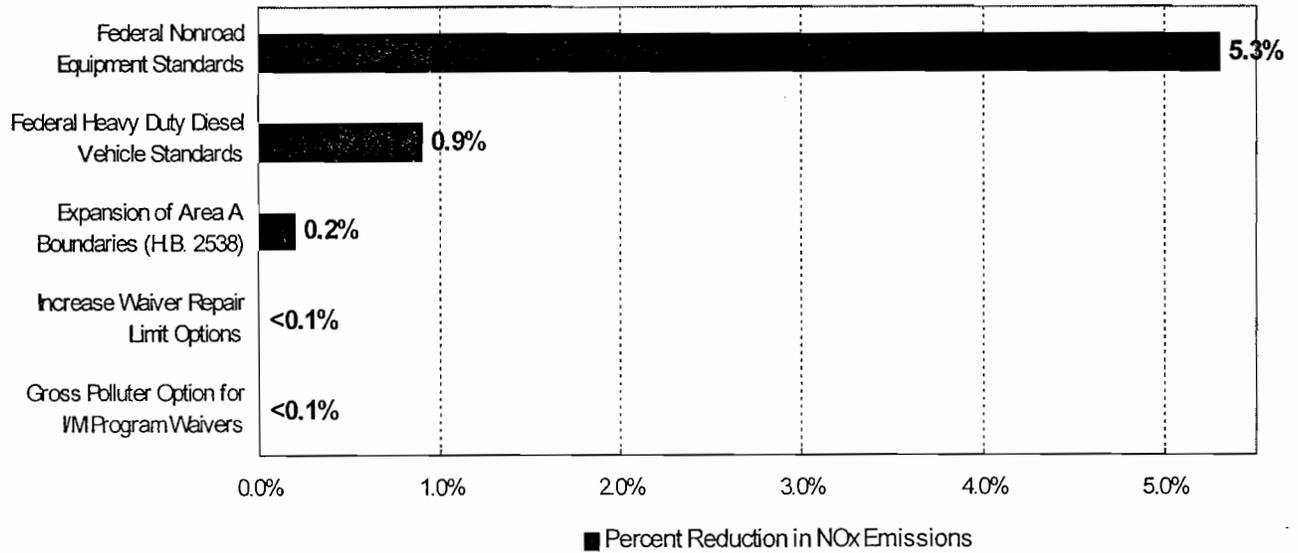
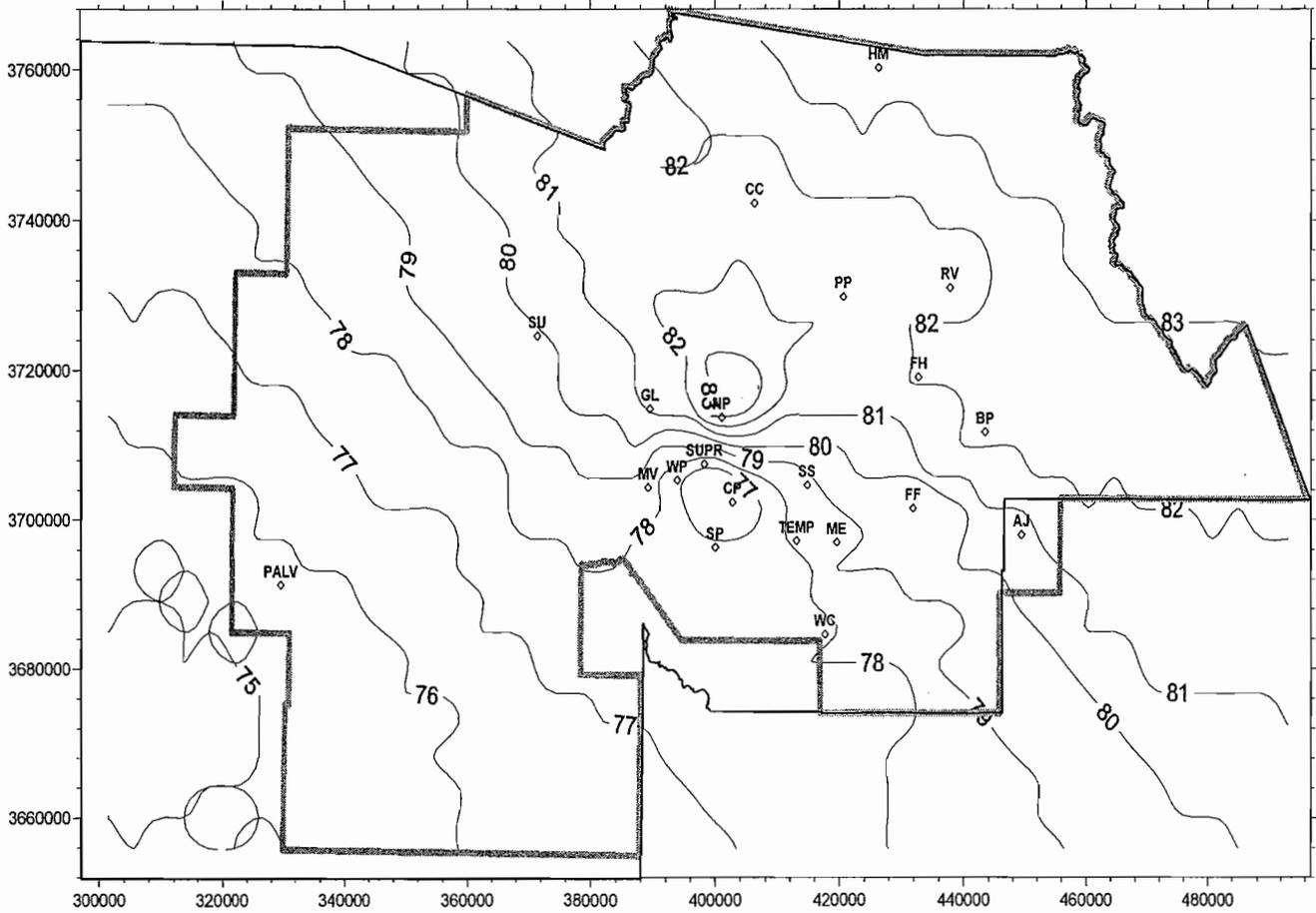


FIGURE ES-8
PREDICTED EIGHT-HOUR OZONE CONCENTRATIONS IN JUNE 2008 (IN PPB)



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: PM₁₀, 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 be 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: 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.

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

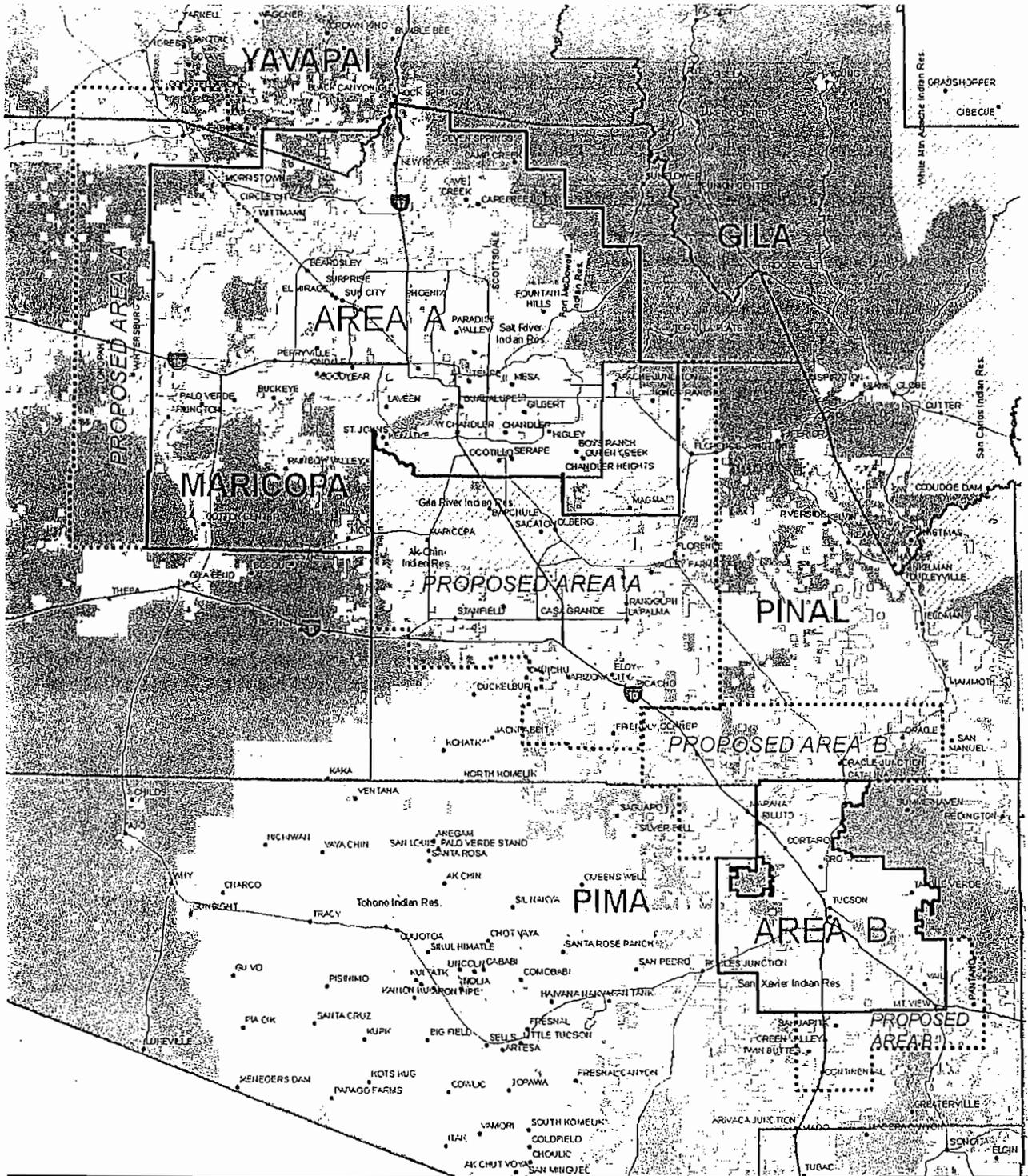
TOWNSHIP 18 SOUTH, RANGE 13 EAST AND RANGE 14 EAST

(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



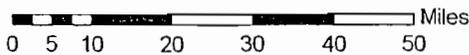
Legend

- 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



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.

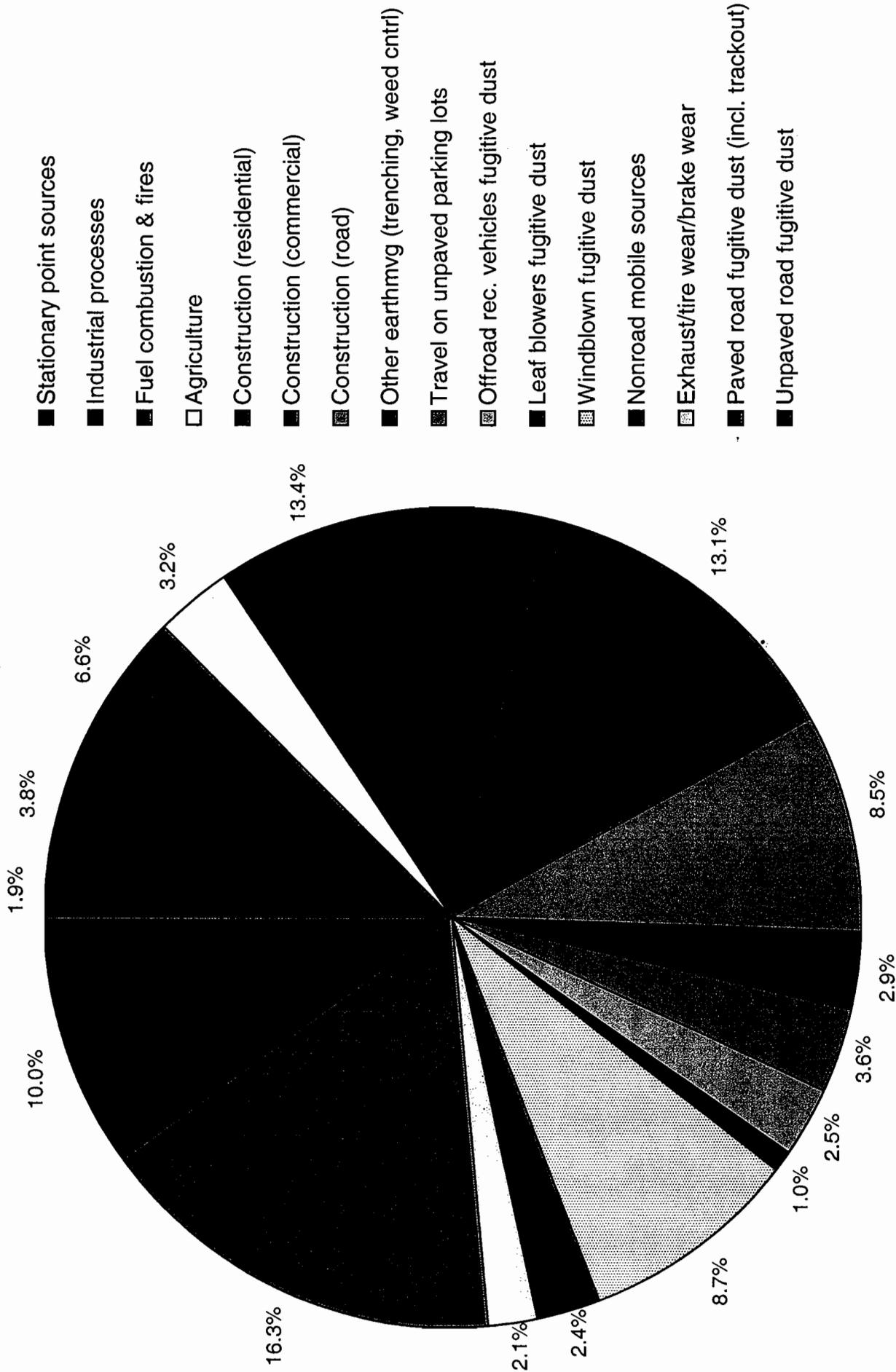
EXISTING AREA A MEASURES

- 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

2005 PM₁₀ Emissions Inventory

(Revised May 2007 – PM₁₀ Nonattainment Area Total = 84,753 tons/yr)



2005 PM₁₀ Emissions Inventory
for the PM₁₀ non-attainment area

Revised May 2007

Source category	Calculation method	Jan. 2007 Draft (tons/yr)	PM ₁₀ Emissions (tons/yr)	% of total
STATIONARY POINT SOURCES:	Individual facility surveys	1,763.79	1,636.33	1.9%
AREA SOURCES:				
-Industrial Processes:				
Chemical manufacturing	Scaled-up individual facility surveys	119.08	76.25	0.1%
Commercial cooking	Restaurant permit data	1,539.90	1,539.90	1.8%
Grain handling/processing	Individual facility surveys	11.44	12.64	*
Secondary metal production	Scaled-up individual facility surveys	24.91	10.95	*
Non-metallic mineral processes	Individual facility surveys	304.74	430.89	0.5%
Mining and quarrying	Individual facility surveys	54.81	54.77	0.1%
Wood product manufacturing	Scaled-up individual facility surveys	163.52	211.78	0.2%
Rubber/plastic product mfg.	Scaled-up individual facility surveys	1,504.15	362.77	0.4%
Fabricated metal products mfg.	Scaled-up individual facility surveys	122.55	138.01	0.2%
Electrical equipment mfg.	Individual facility surveys	13.14	5.24	*
State-permitted portable sources	Individual facility surveys	101.70	101.70	0.1%
Industrial paved/unpaved road travel	Individual facility surveys	164.88	167.78	0.2%
Engine testing	Individual facility surveys	0.15	0.15	*
Crematories	Individual facility surveys	0.91	0.91	*
Accidental releases	Individual facility surveys	1.03	1.03	*
Landfills	Individual facility surveys	6.79	6.79	*
On-site incineration	Individual facility surveys	0.38	0.15	*
Other industrial waste disposal	Individual facility surveys	49.00	79.55	0.1%
Industrial processes, NEC	Individual facility surveys	16.77	24.29	*
-Subtotal, Industrial Processes:		4,199.85	3,225.55	3.8%
-Fuel Combustion:				
Industrial natural gas	Surveys of natural gas suppliers	16.40	16.40	*
Industrial fuel oil	2005 Dept. of Energy data	246.14	246.14	0.3%
Commercial/institutional natural gas	Surveys of natural gas suppliers	59.72	59.72	0.1%
Commercial/institutional fuel oil	2005 Dept. of Energy data	75.51	75.51	0.1%
Residential natural gas	Surveys of natural gas suppliers	62.69	62.69	0.1%
Residential wood	2003 Dept. of Energy data	231.22	231.22	0.3%
Residential fuel oil	2004 Dept. of Energy data	0.01	0.01	*
-Subtotal, Fuel Combustion:		691.69	691.69	0.8%
-Fires:				
Open burning	County burn permit data	11.50	24.24	*
Wildfires	AZ State Land Dept., GEOMAC data	4,860.02	4,860.02	5.7%
Prescribed fires	USDA-FS data	0.00	0.00	*
Structure fires	Fire Dept. surveys	22.56	22.56	*
Vehicle fires	Fire Dept. surveys	26.45	26.45	*
-Subtotal, Fires:		4,920.53	4,933.27	5.8%
-Agricultural Activities:				
Tilling	USDA AZ Ag. Statistics Svc. data	1,228.67	1,228.67	1.4%
Harvesting	USDA AZ Ag. Statistics Svc. data	58.99	58.99	0.1%
Travel on unpaved farm roads	URS/ERG approach	910.64	910.64	1.1%
Cotton ginning	Individual facility surveys	0.08	0.09	*
Livestock	USDA AZ Ag. Statistics Svc. data	520.84	520.84	0.6%
-Subtotal, Agricultural Activities:		2,719.22	2,719.23	3.2%

* Category comprises less than 0.05% of the total emissions inventory.



Maricopa County
Air Quality Department

2005 PM₁₀ Emissions Inventory
for the PM₁₀ non-attainment area

Revised May 2007

Source category	Calculation method	Jan 2007 Draft (tons/yr)	PM ₁₀ Emissions (tons/yr)	% of total
-Construction:				
Residential (single- and multi-family)	Dust control permit data	11,709.02	11,331.99	13.4%
Commercial	"	11,454.38	11,085.55	13.1%
Road construction	"	11,850.63	7,236.42	8.5%
Trenching	"	27.73	26.84	*
Site prep	"	2,413.15	2,335.44	2.8%
Weed control	"	117.40	113.62	0.1%
-Subtotal, Construction:		37,572.31	32,129.86	37.9%
-Miscellaneous Area Sources:				
Travel on unpaved parking lots	WRAP approach, MAG land use data	3,009.00	3,009.00	3.6%
Offroad rec. vehicles fugitive dust	NONROAD model activity data	2,159.00	2,159.00	2.5%
Leaf blowers fugitive dust	CE-CERT approach	843.00	843.00	1.0%
Windblown dust (broken out by land use type):	WRAP windblown model	1,086.83	7,380.43	8.7%
—Agricultural		(n/a)	39.26	*
—Commercial Construction		(n/a)	116.01	0.1%
—Residential Construction		(n/a)	713.94	0.8%
—Transportation Construction		(n/a)	7.34	*
—Developed		(n/a)	0.00	*
—Vacant		(n/a)	5,288.13	6.2%
—Alluvial		(n/a)	720.58	0.9%
—Other		(n/a)	495.17	0.6%
-Subtotal, Misc. Area Sources:		7,097.83	13,391.43	15.8%
TOTAL, ALL AREA SOURCES:		57,201.48	57,091.03	67.4%
NONROAD MOBILE SOURCES:				
Agricultural equipment	NONROAD model	18.83	18.83	*
Airport ground support equipment	Equipment activity survey (MAG)	16.50	16.50	*
Commercial equipment	NONROAD model	118.48	118.48	0.1%
Construction and mining equipment	"	1,356.40	1,356.40	1.6%
Industrial equipment	"	109.23	109.23	0.1%
Comm. & residential lawn/garden	"	178.50	178.50	0.2%
Logging equipment	"	0.00	0.00	*
Pleasure craft	"	8.60	8.60	*
Railway maintenance equipment	"	1.20	1.20	*
Recreational equipment	"	8.89	8.89	*
Aircraft	Activity surveys, EPA AP-42 emission factors	6,364.30	157.69	0.2%
Locomotives	Locomotive activity surveys	38.01	38.01	*
TOTAL, NONROAD MOBILE:		8,218.95	2,012.33	2.4%
ONROAD MOBILE SOURCES:				
Exhaust	MOBILE 6.2 model	1,041.00	1,041.00	1.2%
Tire wear	"	305.00	305.00	0.4%
Brake wear	"	394.00	394.00	0.5%
Paved road fugitive dust	EPA AP-42	13,783.00	13,783.00	16.3%
Unpaved road fugitive dust	"	8,490.00	8,490.00	10.0%
TOTAL, ONROAD MOBILE:		24,013.00	24,013.00	28.3%
GRAND TOTAL, ALL CATEGORIES:		91,197.21	84,752.69	100.0%

* Category comprises less than 0.05% of the total emissions inventory.



Maricopa County
Air Quality Department

MAG MANAGEMENT COMMITTEE MAG AND REGIONAL COUNCIL EXECUTIVE
COMMITTEE RECOMMENDATION FOR ADDITIONAL PM-10 MEASURES
MAY 14, 2007

The MAG Management Committee and the MAG Regional Council Executive Committee recommended to the Regional Council that we take aggressive steps to deal with the PM-10 pollution in this region to protect the public health, and that we add the following measures identified in the March 28, 2007, memorandum from Supervisor Stapley to MAG to the Suggested List of Measures to Reduce PM-10 Particulate Matter. These measures would receive further refinement and input from the public in the Maricopa County rule-making process:

MAG Support for Maricopa County Measures

- 1) Measure #2, Just-in-time grading limitations for construction be placed in Maricopa County Rule 310 and incorporated into local grading and drainage permits.
- 2) Measure #3, Reduce the tolerance of trackout to 25 feet before immediate cleanup is required for construction sites be placed in Maricopa County Rule 310.
- 3) Measure #4, No visible emissions across the property line be placed in Maricopa County Rule 310 and 310.01, and in local ordinances for nonpermitted sources as appropriate.
- 4) Measure #5, Modeling cumulative impacts. This measure would need further definition by Maricopa County and the Arizona Department of Environmental Quality and be subject to input to ensure that unintended consequences for temporary uses are not created.

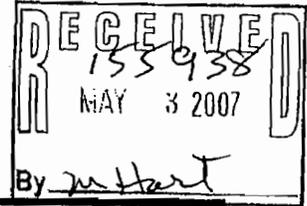
Additional MAG Measures and Recommendations

- 5) MAG member agencies reexamine existing ordinances to ensure that nonpermitted sources, such as unpaved parking, unpaved staging areas, unpaved roads, unpaved shoulders, vacant lots and open areas, receive priority attention.
- 6) Forward to the Governor's Agricultural Best Management Practices Committee that cessation of tilling be required on high wind days and that agricultural best management practices be required in existing Area A.
- 7) The Arizona State Legislature provide funding to the Arizona Department of Environmental Quality for four agriculture dust compliance officers for a total of five inspectors.
- 8) Support Maricopa County in receiving statutory authority to prohibit new dirt roads including those associated with lot splits. At a minimum, this would be within the Maricopa County PM-10 Nonattainment Area.
- 9) Each year the Maricopa Association of Governments conduct an inventory of dirt roads and estimated traffic counts by jurisdiction to measure progress in eliminating dirt roads. Also, each year MAG would issue a report on the status of the implementation of the committed measures for this region by the cities, towns, Maricopa County and the State. These reports would be made available to the Governor's Office, Legislature, the Arizona Department of Environmental

Quality and the Environmental Protection Agency.

- 10) MAG allocate \$5 million in FY 2007 MAG federal funds matched on a 50/50 basis by MAG member agencies for paving dirt roads and shoulders projects and that these projects be immediately submitted to MAG for consideration at the July meetings of the MAG Management Committee and Regional Council for an amendment to the Transportation Improvement Program. These funds would be on a nonsupplanting basis for new projects.
- 11) The Arizona State Legislature provide funding to this region for paving dirt roads and shoulders and provide a funding source to local governments for the enforcement of nonpermitted sources, such as unpaved parking, unpaved vehicle staging areas, unpaved roads, unpaved shoulders, vacant lots and open areas. Also to provide funding to Maricopa County for additional inspectors for the enforcement of Maricopa County Rule 310.
- 12) Maricopa County Rules 310 and 316 be amended to provide that larger construction and mineral production facilities in excess of 50 acres be required to install two or more continuous PM-10 monitors certified by the County. Also that a graduated penalty system be implemented for exceeding limits at the same location. Violators who do not come into compliance would be shut down, until a demonstration is filed and accepted by the County indicating appropriate mitigation measures.
- 13) Maricopa County should increase enforcement in the areas where PM-10 violations continue to occur, along with efforts throughout the region. When an area continually experiences higher PM-10 concentrations than other areas, increased enforcement in areas experiencing high monitor readings is needed to protect public health.

Agenda Item #9



**ARIZONA
CENTER FOR
LAW IN
THE
PUBLIC
INTEREST**

2205 E. SPEEDWAY BLVD.
TUCSON, ARIZONA 85719
(520) 529-1798
(520) 529-2927 (FAX)
WWW.ACLPI.ORG

JOY E. HERR-CARDILLO
STAFF ATTORNEY

May 2, 2007

CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Stephen L. Johnson, Administrator
United States Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

RE: Notice of citizen suit under §304 of Clean Air Act --Phoenix PM₁₀ Serious
Nonattainment Area -- Salt River Plan

Dear Mr. Johnson:

Pursuant to 42 U.S.C. §7604(a)(2), we hereby provide notice our intent to file a citizen suit to compel performance of certain nondiscretionary duties imposed upon you under the Clean Air Act (the Act).

The Phoenix area violates both the annual PM-10 standard of 50 $\mu\text{g}/\text{m}^3$ and the 24-hour standard of 150 $\mu\text{g}/\text{m}^3$. 40 CFR 50.6. In 1996, the Phoenix area was classified as a serious PM-10 nonattainment area under the CAA and required to develop a nonattainment plan that provided for expeditious attainment of both standards and met the other applicable CAA plan requirements for serious areas. See 61 FR 21372 (May 10, 1996). Since 1996, Arizona has made several SIP submittals. In May, 1997, the state submitted a Plan for Attainment of the 24-hour PM-10 Standard--Maricopa County PM-10 Nonattainment Area, as a SIP revision. This plan, known as the microscale plan, included attainment and RFP demonstrations for the 24-hour PM-10 standard at the Salt River air quality monitoring site as well as three other "microscale" monitoring sites in the Phoenix area (Maryvale, Gilbert, and West Chandler). The demonstration for the Salt River site showed that, with additional controls adopted by the local air quality agencies, Maricopa County Environmental Services Department, attainment at the site would occur by May 1998. EPA approved the attainment

May 2, 2007

and RFP demonstrations for the Salt River site and Maricopa County's controls on August 4, 1997. See 62 FR 41856

In 2002, however, due to continuing violations of the 24-hour PM10 NAAQS at the Salt River air quality monitoring site, EPA found the microscale plan inadequate and directed Arizona to submit a revision to correct SIP inadequacies (67 FR 44369). The state was required to submit its SIP revision by February 2, 2004.

In response to EPA's SIP call, Arizona submitted multiple PM-10 plans for the Salt River area, beginning with a January 27, 2004 submittal, deemed complete August 4, 2004, and followed by August 2, 2004 and August 29, 2005 submittals. EPA took no formal action approving or disapproving these submittals (although action should have been taken no later than August 4, 2005). On October 7, 2005 the state submitted a Revised PM-10 State Implementation Plan for the Salt River Area, and a supplemental November 29, 2005 submittal, Revised PM-10 State Implementation Plan for the Salt River Area Additional Submittals, which superseded the previous three submittals (hereinafter collectively the "Revised Salt River Plan"). EPA deemed the Revised Salt River Plan complete on December 8, 2005 and proposed to approve it on July 12, 2006 (71 FR 39251).

Pursuant to 42 U.S.C. §7410(k)(2), within 12 months of a determination by the administrator that a state has submitted a plan or plan revision that meets the minimum criteria, the Administrator "shall" act on the submission. Although EPA found the Revised Salt River Plan complete on December 8, 2005 and proposed to approve the Revised Salt River Plan in July, 2006, no final action has been taken.

We contend that you have failed to timely perform the above-described non-discretionary duties with respect to the Revised Salt River Plan. If you do not correct the above-described failure to perform nondiscretionary duties within 60 days, we intend to initiate legal action under §304(a)(2) of the Act to compel compliance. This notice is submitted on behalf of:

Sandra L. Bahr
2046 N. 10th St.
Phoenix, Arizona 85006

Robin Silver
111 W. Palo Verde Dr.
Phoenix, AZ 85013

David Matusow
43311 N. 18th Street
New River, AZ 85087

May 2, 2007

I am acting as counsel for the above-named parties and ask that all communications regarding this matter be directed to me at the address shown in the letterhead.

Sincerely,



Joy E. Herr-Cardillo

Cc: Wayne Nastri, Regional Administrator, EPA Region 9
Colleen McKaughan, Associate Director, Air Division, EPA Region IX
Stephen Owens, Director, Arizona Department of Environmental Quality