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June 21, 2007

TO: Members of the MAG Air Quality Technical Advisory Committee

FROM: Stephen S. Cleveland, Chairman

SUBJECT: MEETING NOTIFICATION AND TRANSMITTAL OF TENTATIVE AGENDA

Thursday, June 28, 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 June 7, 2007 Meeting Minutes

4. Draft 2007 MAG Conformity Analysis for the Draft FY 2008-2012 MAG Transportation Improvement Program and Draft Regional Transportation Plan - 2007 Update

The Draft 2007 Conformity Analysis concludes that the FY 2008-2012 MAG Transportation Improvement Program (TIP) and Draft Regional Transportation Plan - 2007 Update meet all applicable federal conformity requirements and are in conformance with the applicable air quality plans. Following a 30-day public review and comment period, a public hearing was conducted on June 18, 2007 on the Draft TIP, Regional Transportation Plan - 2007 Update and Conformity Analysis. At the meeting, the comments received and the response to the public comments will be discussed. Please refer to the enclosed material.

2. For information.

3. Review and approve the June 7, 2007 meeting minutes.

4. Recommend approval of the Draft 2007 MAG Conformity Analysis for the Draft FY 2008-2012 MAG Transportation Improvement Program and Draft Regional Transportation Plan - 2007 Update.

5. Evaluation of Proposed PM-10 Projects for FY 2007 CMAQ Funding

On May 23, 2007, the MAG Regional Council allocated \$5 million in FY 2007 MAG federal funds matched on a 50/50 basis by MAG member agencies for paving dirt roads and shoulder 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.

The proposed PM-10 Paving Projects have been evaluated for emission reductions and corresponding cost-effectiveness. Please refer to the enclosed material.

6. Decision of the U.S. Court of Appeals on the EPA Request for Rehearing of the Phase I Rule to Implement the 8-Hour Ozone Standard and EPA Proposed New 8-Hour Ozone Standard

On June 8, 2007, the U.S. Court of Appeals for the District of Columbia Circuit rejected EPA's request for rehearing on the classification of Subpart I areas. The EPA has indicated that since the Court has vacated the portions of the rule that created the Subpart I classification and because SIP submission dates under the Phase 2 Implementation Rule are based on an area's classification, areas that were classified as Subpart I are not subject to the June 15, 2007 submission date. EPA is in the process of reviewing the June 8 court opinion to determine how to proceed on Subpart I area classifications.

Also, on June 20, 2007, EPA proposed to strengthen the air quality standards for both the primary and secondary standards for ozone. For the primary health standard, EPA is proposing a level within the range of 0.070-

5. For information, discussion and recommendation of a prioritized list of Proposed PM-10 Paving Projects for FY 2007 CMAQ funding to the MAG Management Committee.

6. For information and discussion.

0.075 parts per million. Please refer to the enclosed material.

8. Update on S.B. 1552 Air Quality Program

On June 20, 2007, the Arizona Legislature passed S.B. 1552 Air Quality Program. The bill includes a wide variety of measures to reduce PM-10. There are also three ozone control measures in the bill. An update will be provided. Please refer to the enclosed material.

7. Call for Future Agenda Items

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

8. For information and discussion.

7. For information and discussion.

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

Thursday, June 7, 2007
MAG Office
Phoenix, Arizona

MEMBERS PRESENT

- *Stephen Cleveland, City of Goodyear, Chairman
- *Jess Segovia, Avondale
- *Lucky Roberts, Buckeye
Jim Weiss, Chandler
- #Jamie McCullough, El Mirage
Lisa Taraborelli for Tami Ryall, Gilbert
Doug Kukino, Glendale
- #Greg Edwards for Scott Bouchie, Mesa
Joe Gibbs for 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
Steve Trussell for Russell Bowers, Arizona Rock
Products Association
- *Michelle Rill, Greater Phoenix Chamber of Commerce
- Amanda McGennis, Associated General
Contractors
- *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
- Dean Giles, Maricopa Association of Governments
- Julie Hoffman, Maricopa Association of Governments
- Patrisia Navarro, Maricopa Association of Governments
- Ranjith Dandanayakula, Maricopa Association of
Governments
- Ieesuck Jung, Maricopa Association of Governments
- Colleen McKaughan, Environmental Protection Agency
- Scott Di Biase, Pinal County Air Quality
- Shane Kiesow, City of Apache Junction
- Mario Saldamando, City of Goodyear
- Robert St. John, City of Glendale
- Kate Graf, Geomatrix Consultants
- Jane McVay, Arizona Department of
Transportation
- Tiffany Ground, Arizona Department of
Agriculture
- Andrea Martin, Arizona Department of Agriculture
- Kurt Readus, United States Department of
Agriculture/Natural Resources Conservation
Service
- Cy Sokoll, United States Department of
Agriculture/Natural Resources Conservation
Service

1. Call to Order

A meeting of the MAG Air Quality Technical Advisory Committee was conducted on June 7, 2007. Doug Kukino, City of Glendale, Acting Chair, called the meeting to order at approximately 1:40 p.m. Antonio DeLaCruz, City of Surprise; Jamie McCullough, City of El Mirage; Greg Edwards, City of Mesa; and Gina Grey, Western States Petroleum Association, attended the meeting via telephone conference call. Mr. Kukino indicated that copies of the handouts for the meeting are available on the tables on both sides of the room. If assistance is needed, please notify a MAG staff person.

2. Call to the Audience

Mr. Kukino stated that, according to the MAG public comment process, members of the audience who wish to speak are requested to fill out comment cards, which are available on the tables adjacent to the doorways 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 May 22, 2007 Meeting Minutes

The Committee reviewed the minutes from the May 22, 2007 meeting. Joe Gibbs, City of Phoenix, moved and Jim Weiss, City of Chandler, seconded and the motion to approve the May 22, 2007 meeting minutes carried unanimously.

4. Eight-Hour Ozone Plan

Lindy Bauer, Maricopa Association of Governments, provided an overview of the MAG Eight-Hour Ozone Plan for the Maricopa Nonattainment Area. She indicated that the plan is due to the Environmental Protection Agency (EPA) on June 15, 2007. The region has an attainment date of June 15, 2009. Ms. Bauer stated that based upon the air quality modeling conducted by MAG and the weight of evidence approach, the plan demonstrates attainment with the existing measures in place by the ozone season of 2008. She noted that with an attainment date of June 15, 2009, in the middle of the ozone season, attainment actually needs to be demonstrated in 2008. Ms. Bauer indicated that the region has had two years with no violating monitors for the eight-hour ozone standard. She stated that a complete presentation on the Eight-Hour Ozone Plan was given at the last Committee meeting.

Ms. Bauer indicated that MAG conducted two public hearings on the Draft Eight-Hour Ozone Plan jointly with the Arizona Department of Environmental Quality (ADEQ). The public hearings were conducted on Friday, June 1, 2007 and Monday, June 4, 2007. At the June 1, 2007 public hearing, two public testimonies were received. Ms. Bauer stated that no public testimonies were presented at the June 4, 2007 public hearing; however, written comments were received from ADEQ and the Arizona Center for Law in the Public Interest. Comments were also received from EPA on May 31, 2007 that were emailed to MAG as well. She indicated that a response to the comments has been prepared beginning with the public testimonies followed by the letters received.

Ms. Bauer provided a summary of the comments. She indicated that an overriding comment received was that additional measures would be needed in order to attain the eight-hour ozone standard. As presented to the Committee, while there have been two years with no violating

monitors, the numbers have been very close. Ms. Bauer stated that the highest three year average of the fourth high was 0.083 parts per million (ppm) at the monitors for 2004 - 2006. She noted that a value of 0.085 ppm is over the standard. Also reported to the Committee, there has been a downward trend in the ozone concentrations. Ms. Bauer stated that there were seven violating monitors in 2000. However, the current monitor numbers are very close. She indicated that the air quality modeling numbers were very close as well.

Ms. Bauer discussed potential additional ozone control measures. As indicated in the response to comments, EPA has approved reductions in the volatile organic compounds from consumer and commercial products. Ms. Bauer stated that EPA thought some time ago that there would be a memo distributed to the entire country indicating the amount of credit that may be taken in the plans for these new EPA rules. She noted that the memo was distributed May 30, 2007. Ms. Bauer indicated that these are additional control measures being implemented at the national level that will help with ozone. She stated that the Legislature will be going into Conference Committee to consider some additional measures, which have been presented to this Committee by ADEQ. These measures are the liquid leaker test in the Vehicle Emissions Testing Program, the ban on open burning during the summer, and clean burning gasoline in western Maricopa County.

Ms. Bauer stated that the main comment received on the Eight-Hour Ozone Plan was that additional control measures were necessary. She noted that there were also comments for the Arizona Center for Law in the Public Interest on the contingency measures. Ms. Bauer stated that the plan relies on existing contingency measures in other plans. In the response to comments it states that these measures are early implementation of contingency measures which EPA does allow. Also, in the November 29, 2005 eight-hour ozone guidance, EPA indicated that federal control measures could be used for contingency measures as long as they are not needed for attainment. Ms. Bauer stated that there were also a wide variety of comments including detailed questions on the modeling, emissions inventory, and reasonably available control technologies (RACT). She indicated that the responses to these comments along with the letters received have been presented to the Committee.

Wienke Tax, Environmental Protection Agency, asked if there will be an effort to include the additional measures in another way if not included in S.B. 1552. Ms. Bauer replied that the Legislature is the entity that has the authority over these measures. For example, Maricopa County has regulatory authority, but not over the Vehicle Emissions Testing Program. She indicated that ADEQ has authority over the program, but she believes ADEQ would need Legislative authority to implement the measure. Ms. Bauer asked if Maricopa County has existing regulatory authority for the ban on open burning in the summer if the Legislature does not take action. Jo Crumbaker, Maricopa County Air Quality Department, responded that she is not sure of a total ban. However, Maricopa County does have authority to do High Pollution Advisory days right now. Ms. Bauer stated that perhaps it is an option for that measure should the Legislature not take action. She indicated that for clean burning gasoline, it is the Legislature that has authority over the fuel. Ms. Bauer stated that MAG cannot include these measures in the Eight-Hour Ozone Plan right now since there are no commitments for implementation. It would be in violation of the Clean Air Act Section 110(a)(2) requirements. She stated that the hope is that the Legislature takes action soon.

Mr. Weiss made a motion to approve the MAG Eight-Hour Ozone Plan for the Maricopa Nonattainment Area. Corey Woods, American Lung Association of Arizona, seconded the motion.

Brian O'Donnell, Southwest Gas Corporation, asked if one of the measures is to expand Area A to Wickenburg. Ms. Bauer responded that she does not believe the expansion of Area A was included in the draft conference committee report. She indicated that it is only a new Area C that would cover western Pinal County.

Larry Person, City of Scottsdale, asked if the Committee is voting on a plan that includes the contingency measures that might be added in S.B. 1552 or would the measures be added later. Ms. Bauer replied that under the Clean Air Act it would be a violation of Section 110(a)(2) which requires that there be committed measures that are enforceable, permanent, emission reductions with the necessary assurances and funding that they will be implemented. At this time the Legislature has not taken action so there are no commitments. Ms. Bauer indicated that should the Legislature take action, then MAG would be able to prepare a supplemental revision, include those measures, and submit it to EPA. She noted that additional measures may be added at any time. Ms. Bauer indicated that the Eight-Hour Ozone Plan builds upon the measures in the Serious Area Carbon Monoxide Plan, One-Hour Ozone Maintenance Plan, and Carbon Monoxide Maintenance Plan that have all been approved by EPA.

Mr. Person asked if the potential future contingency measures would be presented to the Committee prior to being forwarded to EPA. Ms. Bauer responded that the Legislature may take action next week. If action is taken and MAG prepares a supplemental document to include those measures, it would come before the Committee. She indicated that a supplemental document would go through the regular process that the Eight-Hour Ozone Plan is going through, including the public hearing process.

Barbara Sprungl, Salt River Project, asked if the nitrogen oxides (NOx) RACT waiver is still in effect for the Eight-Hour Ozone Plan. Ms. Bauer responded that the NOx RACT waiver was in effect until EPA revoked the one-hour ozone standard. Currently there is no NOx RACT waiver. She stated that it appeared that the waiver may be necessary in the initial stages of the modeling effort. Ms. Bauer noted that the modeling is only a few years out since the attainment date is close. When the modeling efforts were completed it appeared that a NOx RACT waiver would not be necessary. She stated that the issue would be revisited when a maintenance plan is prepared.

Mr. Gibbs asked if there are provisions in the Clean Air Act for a NOx RACT waiver for eight-hour ozone. Ms. Bauer replied yes, there are provisions for NOx RACT waivers. Mr. Kukino called for a vote on the motion to adopt the MAG Eight-Hour Ozone Plan for the Maricopa Nonattainment Area. The motion passed unanimously.

5. Update on Additional PM-10 Measures

Ms. Bauer provided an update on the additional PM-10 measures. She stated that a table of the 2007 exceedances of the 24-hour PM-10 standard through June 6, 2007 has been provided to the Committee. Maricopa County has indicated that it is likely the exceedances will be considered for possible natural events such as high wind. Ms. Bauer stated that it is really important that we maintain ever vigilant throughout the entire region. The hope is that 2007 will be the first year of clean data for PM-10.

Ms. Bauer stated that the MAG Regional Council took action on May 23, 2007 to approve 13 additional measures. She indicated that the Regional Council made some changes to what was last presented to this Committee. Ms. Bauer mentioned that Measure #2, which was just-in-time

grading limitations for construction from the Maricopa County March 28, 2007 memorandum, was modified. She stated that Maricopa County contacted MAG before the Regional Council meeting to give the latest thinking on what would be appropriate for the measure. The measure was modified by the Regional Council to require barriers in addition to Rule 310 stabilization requirements and exempt sites in compliance with storm water permits. Ms. Bauer indicated that another change made by the Regional Council was to Measure #12 which states that 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 PM-10 samplers certified by the County. These samplers will be operated simultaneously for five consecutive hours during operating hours for the site or facility. These samplers will not meet EPA approved methods for ambient air quality monitoring.

Ms. Bauer stated that the language of the measure was modified because the intent is to help the sites keep the dust down and not to have the monitors at the sites become part of the National Ambient Air Quality Standards monitoring system or State system. The intent of the measure is to use monitors to help these big sites, so they can watch the monitors and keep the numbers down. She indicated that an example of a sampler would be DustTracks which are approximately \$3,500 each. Ms. Bauer stated that the Regional Council also struck two sentences from this measure where a threshold would be set and if the site were to go over the threshold, the County could shut the site down.

Ms. Bauer mentioned Measure #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. She indicated that immediately following the Regional Council action, MAG sent a memorandum notifying MAG member agencies of the \$5 million available in federal funds. Ms. Bauer stated that MAG is now collecting unpaved roads from the cities and will be evaluating these projects.

Mark Hajduk, Arizona Public Service Company, asked if the samplers mentioned in Measure #12 would be used as compliance devices for Rules 310 and 316 or just a monitoring tool. Ms. Bauer responded that the measure is to keep the emissions down at the site so the site does not inadvertently cause a lot of emissions that could hurt the region. The thinking is to help the site keep the emissions down. She indicated that Maricopa County will be considering this measure. Ms. Bauer stated that the 13 additional PM-10 measures have been added to the Suggested List of Measures to Reduce PM-10 Particulate Matter. She noted that the potential implementing entity is listed for each measure. Also, at the top of the Suggested List it indicates that these measures may or may not be feasible and available to the implementing entities. The appropriate implementing entities will be considering the feasibility for implementation.

Ms. Bauer indicated that the Regional Council put a caveat on their recommendation for the 13 additional PM-10 measures. The Regional Council said that these actions will receive further input and refinement in the implementation process. Mr. Hajduk asked if it is still not clear whether the samplers would be used as a monitoring or compliance tool and will be determined as the measure moves forward and Maricopa County may make that determination. Ms. Bauer replied that the measure came out of the Sierra Research Report. The thinking was to place monitors on a site so that the emissions can be watched and the site can be kept under control.

Mr. Kukino asked if there are any thoughts from Maricopa County on the measure regarding its use and enforcement. Ms. Crumbaker responded that the County is evaluating the measure and she does not have a statement to make today. She indicated that the measure exists in California as a standard. The standard has to be implemented if you fail to implement all of the best available control technology (BACT) controls in the rule and conduct the recordkeeping required by the rule. Mr. Hajkuk indicated that it appears to still be up in the air as to how the measure will be developed. He stated that he will have more specific questions when the measure becomes more defined.

Mr. Weiss asked if the additional funding being considered for roads will also be considered for stabilizing shoulders. Ms. Bauer responded that the language approved by the Regional Council is for paving dirt roads and shoulders projects. She indicated that paving is more permanent and eligible when using MAG federal funds.

Dean Giles, Maricopa Association of Governments, stated that MAG contacted the Federal Highway Administration to get clarification on the types of improvements that would be eligible for Surface Transportation Program (STP) funding. He indicated that gravel surfaces and any type of dust palliative would not be eligible under this project.

Mr. O'Donnell stated that after looking at S.B. 1552 in the Legislature, some of the measures no longer exist. He indicated that the measures appear on the Suggested List but not on the list at the Legislature. Mr. O'Donnell commented that the Committee made a recommendation and the Regional Council has modified the Suggested List. He indicated that he is not sure all of the measures will be adopted. Mr. Kukino stated that consistency with S.B. 1552 would be in order.

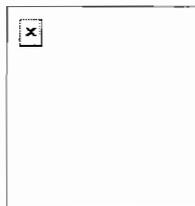
Ms. Bauer referred to the potential implementing entities listed for the additional PM-10 measures. She indicated that the Governor's Agricultural Best Management Practices (BMPs) Committee have agreed to apply the BMPs in the existing Area A in Maricopa County. Ms. Bauer stated that is one provision that is in the draft Conference Committee amendment for example. There are a number of measures that the Legislature does not include. She indicated that the region may need additional measures and have to go back in subsequent years. Ms. Bauer stated that a measure that MAG felt very strongly about was prohibiting new dirt roads. She noted that this measure was not included. Ms. Bauer mentioned that MAG spends federal funds to pave dirt roads and more are being created, especially in the unincorporated area due to lot splits. She stated that the County tried to help with this measure, but it met a great deal of opposition.

6. Gila River Indian Community Air Quality Management Plan

The Gila River Indian Community requested that this agenda item be postponed until a future meeting.

7. Call for Future Agenda Items

Mr. Kukino announced that the next meeting of the Committee is tentatively scheduled for June 28, 2007 at 1:30 p.m. Amanda McGennis, Associated General Contractors, requested that a full outline be presented to the Committee on S.B. 1552. With no further comments, the meeting was adjourned.



Arizona House of Representatives
House Majority Research
MEMORANDUM

Kristine Stoddard

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Legislative Research Analyst
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To: Members of the Arizona House of Representatives

Re: SB 1552 air quality program

Date: June 15, 2007

Below you will find a history and a list of the current provisions of SB 1552, including those provisions adopted by the Conference Committee on June 12, 2007. I have used different bullet points to designate where the provisions originated:

- Conference Committee provisions
- House Engrossed version provisions
- ❖ Provisions contained in both the Conference Committee amendment and the House Engrossed bill

Please feel free to contact me if you need any further information.

History

The Clean Air Act (CAA) was established in 1990 to address the nation's problems with air pollutants. Through the CAA, the Environmental Protection Agency (EPA) set primary and secondary standards for the amounts of any pollutant that can be in the air anywhere in the United States. Currently, there are six criteria pollutants included in the National Ambient Air Quality Standards (NAAQS): carbon monoxide (CO), nitrogen dioxide (NO_x), particulate matter (PM-10 and PM-2.5), ozone, sulfur dioxide (SO₂), and lead (Pb).

On December 31, 2006, a large portion of Maricopa County and the Apache Junction portion of Area A failed to reach attainment of the federal PM-10 health standards. The Maricopa Association of Governments (MAG), which is the designated regional agency for air quality, is required to submit a State Implementation Plan (SIP) to the EPA by December 31, 2007 that includes measures to reduce PM-10 emissions over the next three years. As of May 23, 2007, MAG has suggested 55 measures to reduce PM-10 emissions. Potential implementing entities for the measures include state, local and county governments and the private sector. Some of the state measures include a Dust-Free Certification program; paving or stabilizing dirt roads, alleys and shoulders; and banning or discouraging use of leaf blowers on High Pollution Advisory Days (HPA).

Additionally, on April 15, 2004 the EPA designated Area A as nonattainment for the NAAQS for ozone; the Maricopa County nonattainment area is classified as basic and is required to reach attainment of the standard at all ozone monitors by June 15, 2009. MAG is also required to submit a SIP to the EPA by June 15, 2007 that demonstrates an approach to reducing the ozone level in the air and emissions of ozone precursors.

The Arizona Department of Environmental Quality estimates that the provisions contained in SB 1552 will reduce PM-10 emissions by 10,425 tons per year, VOC emissions by 12,243 tons per year and NO_x by 5,529 tons per year. According to MAG, the total reduction of PM-10 needed for attainment is 13,782 tons.

Area A – means greater Phoenix metropolitan area, a portion of Apache Junction and a portion of Yavapai County.

A county with a population of two million or more persons or any portion of a county within an area designated by the EPA as a serious PM-10 nonattainment area or a maintenance area that was designated as a serious PM-10

nonattainment area – Currently, this description means Maricopa County in its entirety and the Apache Junction portion of Area A.

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Provisions

Unpaved Roads

- Requires a city or town in Area A and a county which contains any portion of Area A to develop and implement plans to stabilize unpaved roads, alleys and unpaved shoulders on targeted arterials by January 1, 2008.
- Specifies that the plans of a county which contains any portion of Area A must address the performance goals; the criteria for targeting the roads, alleys and shoulders; a schedule for implementation; funding options; and reporting requirements.
- Requires a city or town in Area A and a county which contains any portion of Area A to give priority to:
 1. Unpaved roads with more than 100 average daily trips; and
 2. Unpaved shoulders on arterial roads where vehicle use is evident or anticipated due to projected traffic volume.
- Allows counties to use petroleum based or non-petroleum based products in the maintenance and repair of unpaved roads, alleys and shoulders in any county where the control officer certifies that the emissions from such roads, alleys or shoulders may endanger compliance with the NAAQS.

Parking Areas

- Requires that no later than March 31, 2008, a city and town in Area A, Maricopa County and the Apache Junction portion of Area A, adopt or amend codes or ordinances and, no later than October 1, 2008, commence enforcement of those codes or ordinances as necessary to require dustproof paving methods for the following:
 1. Parking, maneuvering, ingress and egress areas at developments other than residential buildings with four or fewer units; and
 2. Parking, maneuvering, ingress and egress areas that are 3000 square feet or more in size at residential buildings with four or fewer units.

Vacant Lots

- Requires that no later than March 31, 2008, a city and town in Area A and a county which contains any portion of Area A, adopt or amend codes or ordinances as necessary to restrict vehicle parking and use on unpaved or unstabilized vacant lots.
- Requires that no later than March 31, 2008, Maricopa County and the Apache Junction portion of Area A, adopt rule provisions and enforce those rule provisions pertaining to the stabilization of disturbed surfaces of vacant lots no later than October 1, 2008.
- Stipulates that the county rules must include reasonable written notice to the property owner that the unpaved disturbed surface of a vacant lot is required to be stabilized and must also grant the county authority to enter the lot to stabilize the disturbed surface at the expense of the owner if it has not been stabilized by the day set for compliance.
- Specifies that vacant lots do not include any site that has been issued a county dust control permit.
- Defines *disturbed surface*.

Leaf Blowers

- ❖ Stipulates that beginning on March 31, 2008, employees or contractors of a city or town in Area A or a county which contains any portion of Area A (beginning on the general effective date) are prohibited from operating leaf blowers, except in vacuum mode, on high pollution advisory days.
- ❖ Prohibits employees or contractors of a city or town in Area A or a county which contains any portion of Area A from blowing landscape debris into public roadways at any time.
- Exempts any site that has been issued a county dust control permit.
- ❖ Requires a city and town in Area A to adopt, implement and enforce an ordinance by March 31, 2008 that bans the blowing of landscape debris into public roadways at any time by any person.
- Prohibits any person from blowing landscape debris into public roadways in Maricopa County and the Apache Junction portion of Area A after March 31, 2008.

- Requires that by March 31, 2008, a county that contains any portion of Area A, Maricopa County and the Apache Junction portion of Area A, to adopt, implement and enforce an ordinance that prohibits the operation of leaf blowers, except on surfaces that have been stabilized.

In Maricopa County and the Apache Junction portion of Area A:

- Requires any person operating a leaf blower for remuneration to successfully complete training approved by the Arizona Department of Environmental Quality (ADEQ) on how to operate a leaf blower in a manner designed to minimize the generation of fugitive dust emissions at least every three years.
- Specifies that any person required to complete training must complete the initial training no later than December 31, 2008.
- ❖ Requires ADEQ to produce printed materials for persons who sell or rent equipment used for blowing landscape debris for the purpose of educating and informing the user of the equipment on the safe and efficient use of the equipment.
- ❖ Requires any person who rents or sells equipment that is used for blowing landscape debris to provide the buyer or renter of the equipment with the materials approved by ADEQ.

Street Sweepers

- Requires new or renewed contracts for street sweeping on city streets in a city or town in Area A and in a county which contains any portion of Area A, no later than March 31, 2008, to specify that the street sweepers meet the South Coast Air Quality Management rule pertaining to pick-up efficiency and PM-10 emissions.

Off-Highway Vehicles

- Requires a city and town in Area A to adopt, implement and enforce an ordinance that prohibits the operation of any vehicle, including an off-highway vehicle (OHV), an all-terrain vehicle (ATV) or an off-road recreation motor vehicle (ORRMV), on an unpaved surface that is not a public or private road, street or lawful easement and that is closed by the landowner.
- Exempts the operation of vehicles used in the normal course of business or the normal course of government operations.
- Clarifies that this does not prohibit or preempt the enforcement of any similar ordinance that is adopted by a city or town in Area A before March 31, 2008 for purposes of dust abatement.
- Prescribes a Class 3 misdemeanor for a violation of a city or town ordinance prohibiting OHVs on unpaved surfaces.
- Allows a judge to order a person to perform at least 8-24 hours of community restitution or to complete an approved OHV safety course, or both, in lieu of a fine.

The following provisions apply in Area A:

- ❖ Prohibits a person from operating an OHV, an ATV or an ORRMV, on an unpaved surface that is not a public or private road, street or lawful easement during any high pollution advisory day forecast by ADEQ.
- Provides exemptions for:
 1. An event that is intended for an OHV, an ATV or an ORRMV and that is endorsed, authorized, permitted or sponsored by a public agency, occurs on a designated route or area and includes dust abatement measures at all staging areas, parking areas and entrances;
 2. An event that occurs at a facility where an admission or use fee is charged and includes dust abatement measures;
 3. A closed course that is maintained with dust abatement measures;
 4. An OHV, an ATV or an ORRMV used in the normal course of business or government operations; or
 5. Golf carts that are used as part of a private or public golf course.
- Allows the control officer or other enforcement officer to issue citations and prescribes the following penalties:
 1. A warning for the first violation;
 2. A civil penalty of \$50 for the second violation;
 3. A civil penalty of \$100 for the third violation; and
 4. A civil penalty of \$250 for the fourth or any subsequent violation.

In Maricopa County and the Apache Junction portion of Area A:

- Requires ADEQ to produce printed materials, make the material available on ADEQ's website and distribute the materials to persons who sell or rent OHVs, ATVs or ORRMVs.
- Specifies that the materials must be designed to educate and inform the user of the vehicle on methods for reducing the generation of dust and dust control ordinances and restrictions.
- Requires any person who rents or sells OHVs, ATVs or ORRMVs in the normal course of business, other than golf carts, to provide the buyer or renter of the vehicle printed materials that are approved by ADEQ.

Agricultural Best Management Practices

- Increases the number of agricultural Best Management Practices (BMPs) from one to two and requires that the BMPs be used to demonstrate compliance with the general permit no later than December 31, 2007.
- Requires the Director of the Agricultural Best Management Practices Committee (Committee) to submit the rule containing the two BMPs to the EPA no later than December 31, 2007.
- Specifies that the Committee adopt the rules as interim rules in order to comply with the December 2007 deadline imposed by the EPA for PM-10 compliance.
- Defines *regulated area* for the purposes of BMPs as the Maricopa County portion of Area A.

Dust Control Training and Coordinators

The following provisions apply in Maricopa County and the Apache Junction portion of Area A:

- Requires that no later than January 1, 2008, the control officer develop and implement basic and comprehensive training programs for the suppression of PM-10 emissions from sources that are subject to a county dust control permit.
- Allows the county to adopt rules prescribing standards for training.
- Requires that by December 31, 2008 and at least once every three years thereafter, the following persons successfully complete *basic* dust control training:

1. The site superintendent or other designated on-site representative of a county dust control permit holder if the site has *more than one acre* of disturbed surface; and
 2. Water truck and water pull drivers.
- Specifies that the requirements of site superintendents, water truck and water pull drivers do not apply to a permittee that has a single permit for multiple noncontiguous sites that are *one acre or less*.
 - Specifies that no later than June 30, 2008, a site subject to a county dust control permit of *five acres or more* of disturbed surface area must have at least one trained dust control coordinator (coordinator) on site at all times during primary dust generating operations.
 - Grants the coordinator full authority to ensure that dust control measures are implemented on site, including conducting inspections, deployment of dust suppression resources and modification or shutdown of activities as needed to control dust.
 - Stipulates that the coordinator must be responsible for managing dust prevention and dust control on the site.
 - Requires that at least once every three years, the coordinator successfully complete a *comprehensive* dust control class conducted or approved by the appropriate control officer and that the coordinator have a valid coordinator certification on site.
 - States that the requirement to have a coordinator for any site *five acres or more* and the ability for the coordinator to have full authority lapse if all of the following apply:
 1. The area of disturbed surface area is less than five acres;
 2. The previously disturbed areas are stabilized in accordance with the requirements of applicable rules; and
 3. The permittee provides notice of the acreage stabilized to the control officer.
 - Stipulates that a permittee that has a single permit for multiple noncontiguous sites must have on sites *greater than one acre* of disturbed surface area at least one designated coordinator.

The following provisions apply in a designated PM-10 nonattainment area:

- Requires a subcontractor engaged in dust generating operations at a site that is subject to a county dust control permit to register with the control officer.
- Allows the control officer to establish and assess a fee for subcontractor registration.
- Requires that the subcontractor have the registration number readily accessible on site.

Voluntary Diesel Retrofit Program

- Requires a county with a population of more than 400,000 persons to operate and administer a voluntary diesel emissions retrofit program for the purpose of reducing particulate emissions from diesel equipment.
- Stipulates that the program must allow for extended hours of operation by a modification to an existing permit or provision in a new permit.
- Requires that the diesel retrofit demonstrate at least a 35 percent reduction in particulate pollution with no increase in the generation or emission of other regulated pollutants.

Covered Loads

- Exempts minor pieces of agricultural materials such as leaves and stems from agricultural loads and vehicles that drop sufficient sand for the purpose of securing traction or sprinkle water or another substance on a roadway to clean or maintain the roadway.
- Adds that the covered load requirements are for highway safety or air pollution prevention.

Open and Unlawful Burning

- Requires a county which contains any part of Area A, on or before October 31, 2007, to prescribe a no burn

restriction for any HPA for particulate matter.

- Stipulates that a fourth or subsequent violation of the no burn restriction is a civil penalty of \$250.
- Prohibits any open outdoor fire in Area A, from May 1 through September 30 each year.
- Removes fires for recreational purposes from the exemptions of unlawful burning.
- Requires a county with a population in excess of 1.2 million persons to prohibit by ordinance the use of wood burning chimineas, outdoor fire pits and similar outdoor fires on those days for which the county has issued a No Burn Day Restriction.
- Increases the fine for open burning from \$25 to \$500 for the first violation.

Vehicle Emissions

- Adds the Liquid Fuel Leak Inspection to the Vehicle Emissions Inspection Program.
- Requires the Director of ADEQ to adopt rules prescribing procedures and standards for the Liquid Fuel Leak Inspection.

Area C

- Establishes Area C in western Pinal County and requires Area C to use clean burning gasoline (CBG) from May 31st to September 30th.
- Contains conditional enactments based on the EPA approving a revision to the SIP.

Construction Contracts with Public Entities

- Allows the state, an agency or political subdivision of this state that is party to a construction contract executed prior to the enactment of these air quality control measures to agree to a contract amendment to provide for supplement payments to reimburse the contractor for the costs incurred solely and directly as a result of new dust control standards.
- Requires that any invitation to bid or request for proposals for a construction project in Area A issued by this state, an agency or political subdivision of this state, address compliance with all dust control requirements applicable to the project.
- Includes a delayed repeal date of September 30, 2009.

Dust-Free Developments Program

- Requires ADEQ to develop the Dust-Free Developments Program (Program).
- Requires that the Program include a voluntary certification process based on criteria developed by ADEQ.
- Stipulates that any person or entity may apply for certification under the Program, and if approved, may lawfully use a certification, seal, logo or other similar indicator established by ADEQ for promotional, civic, public relations or public involvement purposes.
- Stipulates that the Program does not include a specific expiration date.

Reporting Requirements

- Requires any city, town and county located in a PM-10 nonattainment area to submit reports on particulate enforcement to the Joint Legislative Budget Committee (JLBC) on June 1 and December 1 of 2008 and 2009.
- Specifies that the reports must include the following information:
 1. The number of notices of violation issued, fines or penalties assessed or other sanctions imposed for particulate violations.
 2. The number of inspectors or other enforcement personnel employed for purposes of enforcing statutes, rules

or ordinances related to particulates.

3. The number of miles of streets, roads, alleys, shoulders and vacant areas paved or otherwise stabilized.
4. Any other information relevant to the enforcement of particulate measures.

State Air Quality Study Committee

- Creates the State Air Quality Study Committee consisting of 10 legislators and states that its purpose is to examine and make recommendations for current and future compliance with primary NAAQS.
- Outlines the duties of the State Air Quality Study Committee which include submitting a report to the Legislature.
- Contains a delayed repeal date from and after December 31, 2009.

Motor Fuels Emissions Studies

- Requires ADEQ to evaluate the Coordinating Research Council study E-74b and to receive comments from the Department of Weights and Measures, any trade organizations representing automobile manufacturing, ethanol producers and marketers, petroleum refiners, suppliers, distributors and marketers, and other interested parties.
- Stipulates that ADEQ must consider providing additional research and cooperating to design and conduct any additional studies.
- Specifies that if funding is made available and it is determined that additional research is necessary, ADEQ must work with the Department of Weights and Measures to develop and implement research that would complement and incorporate the Coordinating Research Council study E-74b regarding Reid vapor pressure and oxygen content effects on emissions.
- Stipulates that ADEQ must submit its evaluation of the Coordinating Research Council study E-74b to the Legislature by February 15, 2008.
- Requires that ADEQ submit a report of all of the findings and recommendations to the State Air Quality Study Committee by September 1, 2008.

Miscellaneous

- Adds that the work hours of municipal employees in a city or town with a population of 50,000 persons or more be adjusted in order to reduce ozone and particulate matter concentrations caused by vehicular travel.
- Stipulates that if the Director of ADEQ determines that progress or attainment will not be achieved in order to achieve or maintain NAAQS or other air quality standards applicable to ozone precursors, the county must adopt rules necessary to achieve progress or attainment.
- Requires emissions reductions for the 8-hour ozone standard be achieved by December 31, 2008.
- Makes technical and conforming changes.

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Conference Engrossed

State of Arizona
Senate
Forty-eighth Legislature
First Regular Session
2007

SENATE BILL 1552

AN ACT

AMENDING SECTION 9-500.04, ARIZONA REVISED STATUTES; AMENDING TITLE 9, CHAPTER 4, ARTICLE 8, ARIZONA REVISED STATUTES, BY ADDING SECTION 9-500.27; AMENDING SECTIONS 11-871 AND 11-872, ARIZONA REVISED STATUTES; AMENDING TITLE 11, CHAPTER 6, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 11-877; AMENDING SECTIONS 28-1098 AND 28-6705, ARIZONA REVISED STATUTES; AMENDING SECTION 41-2083, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2007, CHAPTER 145, SECTION 1; AMENDING SECTION 41-2083, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2007, CHAPTER 145, SECTION 2; AMENDING TITLE 41, CHAPTER 15, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-2083.01; AMENDING SECTION 41-2121, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 15, ARTICLE 6, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-2124.01; AMENDING SECTION 41-2124.01, ARIZONA REVISED STATUTES, AS ADDED BY SECTION 12 OF THIS ACT; AMENDING SECTION 49-457, ARIZONA REVISED STATUTES; AMENDING TITLE 49, CHAPTER 3, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 49-457.01, 49-457.02, 49-457.03 AND 49-457.04; AMENDING SECTION 49-474.01, ARIZONA REVISED STATUTES; AMENDING TITLE 49, CHAPTER 3, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 49-474.05, 49-474.06 AND 49-474.07; AMENDING SECTION 49-501, ARIZONA REVISED STATUTES; AMENDING SECTION 49-542, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2007, CHAPTER 171, SECTION 5; RELATING TO AIR QUALITY; PROVIDING FOR CONDITIONAL ENACTMENTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 9-500.04, Arizona Revised Statutes, is amended to
3 read:

4 9-500.04. Air quality control; definitions

5 A. The governing body of a city or town in area A or AREA B as defined
6 in section 49-541 shall:

7 1. If the city has a population exceeding fifty thousand persons
8 according to the 1995 special census, adjust the work hours of at least
9 eighty-five per cent of municipal employees each year beginning October 1 and
10 ending April 1 in order to reduce the level of carbon monoxide, OZONE AND
11 PARTICULATE MATTER concentrations caused by vehicular travel.

12 2. In area A, in consultation with the designated metropolitan
13 planning organization, synchronize traffic control signals on all existing
14 and new roadways, within and across jurisdictional boundaries, ~~which~~ THAT
15 have ~~a traffic flow~~ AVERAGE DAILY TRIPS exceeding fifteen thousand motor
16 vehicles per day.

17 3. In area A, beginning on January 1, ~~2000~~ 2008, develop and implement
18 plans to stabilize targeted unpaved roads, alleys and unpaved shoulders on
19 targeted arterials. The plans shall address the performance goals, the
20 criteria for targeting the roads, alleys and shoulders, a schedule for
21 implementation, funding options and reporting requirements. PRIORITY SHALL
22 BE GIVEN TO THE FOLLOWING:

23 (a) UNPAVED ROADS WITH MORE THAN ONE HUNDRED AVERAGE DAILY TRIPS.

24 (b) UNPAVED SHOULDERS ON ARTERIAL ROADS AND OTHER ROAD SEGMENTS WHERE
25 VEHICLE USE ON UNPAVED SHOULDERS IS EVIDENT OR ANTICIPATED DUE TO PROJECTED
26 TRAFFIC VOLUME.

27 4. In area A, acquire or utilize vacuum systems or other dust removal
28 technology to reduce the particulates attributable to conventional crack
29 sealing operations as existing equipment is retired.

30 5. IN AREA A, IN ORDER TO REDUCE PARTICULATE MATTER IN AMBIENT AIR:

31 (a) BEGINNING MARCH 31, 2008, ON ANY HIGH POLLUTION ADVISORY DAY
32 FORECAST BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY PROHIBIT EMPLOYEES OR
33 CONTRACTORS OF THAT CITY OR TOWN FROM OPERATING LEAF BLOWERS EXCEPT WHILE IN
34 VACUUM MODE AND PROHIBIT THOSE EMPLOYEES OR CONTRACTORS FROM BLOWING
35 LANDSCAPE DEBRIS INTO PUBLIC ROADWAYS AT ANY TIME.

36 (b) NO LATER THAN MARCH 31, 2008, ADOPT, IMPLEMENT AND ENFORCE AN
37 ORDINANCE THAT BANS THE BLOWING OF LANDSCAPE DEBRIS INTO PUBLIC ROADWAYS AT
38 ANY TIME BY ANY PERSON.

39 6. IN AREA A, NO LATER THAN MARCH 31, 2008, ADOPT OR AMEND CODES OR
40 ORDINANCES AND, NO LATER THAN OCTOBER 1, 2008, COMMENCE ENFORCEMENT OF THOSE
41 CODES OR ORDINANCES AS NECESSARY TO REQUIRE THAT PARKING, MANEUVERING,
42 INGRESS AND EGRESS AREAS AT DEVELOPMENTS OTHER THAN RESIDENTIAL BUILDINGS
43 WITH FOUR OR FEWER UNITS ARE MAINTAINED WITH ONE OR MORE OF THE FOLLOWING
44 DUSTPROOF PAVING METHODS:

1 (a) ASPHALTIC CONCRETE.

2 (b) CEMENT CONCRETE.

3 (c) PENETRATION TREATMENT OF BITUMINOUS MATERIAL AND SEAL COAT OF
4 BITUMINOUS BINDER AND A MINERAL AGGREGATE.

5 (d) A STABILIZATION METHOD APPROVED BY THE CITY OR TOWN.

6 7. IN AREA A, NO LATER THAN MARCH 31, 2008, ADOPT OR AMEND CODES OR
7 ORDINANCES AND, NO LATER THAN OCTOBER 1, 2009, COMMENCE ENFORCEMENT OF THOSE
8 CODES OR ORDINANCES AS NECESSARY TO REQUIRE THAT PARKING, MANEUVERING,
9 INGRESS AND EGRESS AREAS THAT ARE THREE THOUSAND SQUARE FEET OR MORE IN SIZE
10 AT RESIDENTIAL BUILDINGS WITH FOUR OR FEWER UNITS ARE MAINTAINED WITH A
11 PAVING OR STABILIZATION METHOD AUTHORIZED BY THE CITY OR TOWN BY CODE,
12 ORDINANCE OR PERMIT.

13 8. IN AREA A, NO LATER THAN MARCH 31, 2008, ADOPT OR AMEND CODES OR
14 ORDINANCES AS NECESSARY TO RESTRICT VEHICLE PARKING AND USE ON UNPAVED OR
15 UNSTABILIZED VACANT LOTS.

16 9. IN AREA A, NO LATER THAN MARCH 31, 2008, REQUIRE THAT NEW OR
17 RENEWED CONTRACTS FOR STREET SWEEPING ON CITY STREETS MUST BE CONDUCTED WITH
18 STREET SWEEPERS THAT MEET THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT
19 RULE 1186 STREET SWEEPER CERTIFICATION SPECIFICATIONS FOR PICK UP EFFICIENCY
20 AND PM-10 EMISSIONS IN EFFECT ON JANUARY 1, 2007.

21 ~~5-~~ 10. In area B, synchronize traffic control signals on all roadways
22 which ~~which~~ ~~have a traffic flow~~ AVERAGE DAILY TRIPS exceeding fifteen thousand
23 motor vehicles per day.

24 B. The governing body of a city or town in area B as defined in
25 section 49-541 may make and enforce ordinances to reduce or encourage the
26 reduction of the commuter use of motor vehicles by employees of the city or
27 town and employees whose place of employment is within the city or town.

28 C. Except as provided in subsection F of this section, the governing
29 body of a city or town in area A as defined in section 49-541 in a county
30 with a population of more than one million two hundred thousand persons
31 according to the most recent United States decennial census shall develop and
32 implement a vehicle fleet plan for the purpose of encouraging and
33 progressively increasing the use of alternative fuels and clean burning fuels
34 in city or town owned vehicles. The plan shall include a timetable for
35 increasing the use of alternative fuels and clean burning fuels in fleet
36 vehicles either through purchase or conversion.

37 D. The timetable shall reflect the following schedule and percentage
38 of vehicles ~~which~~ THAT operate on alternative fuels and clean burning fuels:

39 1. At least eighteen per cent of the total fleet by December 31, 1995.

40 2. At least twenty-five per cent of the total fleet by December 31,
41 1996.

42 3. At least fifty per cent of the total fleet by December 31, 1998.

43 4. At least seventy-five per cent of the total fleet by December 31,
44 2000 and each year thereafter.

1 E. The requirements of subsections C and D of this section may be
2 waived on receipt of evidence acceptable to the city or town council that the
3 city or town is unable to acquire or be provided equipment or refueling
4 facilities necessary to operate vehicles using alternative fuels or clean
5 burning fuels at a projected cost that is reasonably expected to result in
6 net costs of no greater than ten per cent more than the net costs associated
7 with the continued use of conventional gasoline or diesel fuels measured over
8 the expected useful life of the equipment or facilities supplied.
9 Applications for waivers shall be filed with the department of environmental
10 quality pursuant to section 49-412. An entity that receives a waiver
11 pursuant to this section shall retrofit fleet heavy-duty diesel vehicles with
12 a gross vehicle weight of eight thousand five hundred pounds or more, that
13 were manufactured in or before model year 1993 and that are the subject of
14 the waiver with a technology that is effective at reducing particulate MATTER
15 emissions at least twenty-five per cent or more and that has been approved by
16 the United States environmental protection agency pursuant to the urban bus
17 engine retrofit/rebuild program. The entity shall comply with the
18 implementation schedule pursuant to section 49-555.

19 F. The plan prescribed by subsection C of this section shall include
20 provisions for the use of alternative fuels and clean burning fuels in the
21 bus fleet operated by that city or town or a regional public transportation
22 authority, except that all newly purchased buses shall use alternative fuel
23 or clean burning fuel. The bus fleet shall comply with the timetable
24 prescribed by subsection D of this section, except that the requirements of
25 subsections C and D of this section may be waived on receipt of certification
26 supported by evidence acceptable to the department of environmental quality
27 that the city or town is unable to acquire or be provided equipment or
28 refueling facilities necessary to operate vehicles using alternative fuels or
29 clean burning fuels at a projected cost that is reasonably expected to result
30 in net costs of no greater than twenty per cent more than the net costs
31 associated with the continued use of conventional gasoline or diesel fuels
32 measured over the expected useful life of the equipment or facilities
33 supplied.

34 G. If the requirements of subsections C, D and F of this section are
35 met by the use of clean burning fuel, vehicle equivalents under those
36 requirements shall be calculated as follows:

37 1. One vehicle equivalent for every four hundred fifty gallons of neat
38 biodiesel or two thousand two hundred fifty gallons of a diesel fuel
39 substitute prescribed in section 1-215, paragraph 7, subdivision (b).

40 2. One vehicle equivalent for every five hundred thirty gallons of the
41 fuel prescribed in section 1-215, paragraph 7, subdivision (d).

42 H. SUBSECTION A, PARAGRAPHS 5 THROUGH 8 OF THIS SECTION DO NOT APPLY
43 TO ANY SITE THAT HAS A PERMIT ISSUED BY A CONTROL OFFICER AS DEFINED IN
44 SECTION 49-471 FOR THE CONTROL OF FUGITIVE DUST FROM DUST GENERATING
45 OPERATIONS.

1 2. Meets performance standards for new residential wood heaters
2 manufactured on or after July 1, 1990 or sold at retail on or after July 1,
3 1992 as prescribed by 40 Code of Federal Regulations part 60, subpart AAA.
4 3. Burns gaseous fuels, including gas logs.
5 4. Meets rules adopted by the board of supervisors as prescribed in
6 section 49-479 for burning wood in approved appliances.
7 ~~C.~~ D. The ordinance shall provide that a person who violates an
8 ordinance adopted pursuant to this section is subject to:
9 1. A warning for the first violation.
10 2. The imposition of a civil penalty of fifty dollars for the second
11 violation.
12 3. The imposition of a civil penalty of one hundred dollars for ~~a~~ THE
13 third ~~or any subsequent~~ violation.
14 4. THE IMPOSITION OF A CIVIL PENALTY OF TWO HUNDRED FIFTY DOLLARS FOR
15 THE FOURTH OR ANY SUBSEQUENT VIOLATION.
16 ~~D.~~ E. For violations of ordinances adopted pursuant to this section,
17 the control officer shall use a uniform civil ticket and complaint
18 substantially similar to a uniform traffic ticket and complaint prescribed by
19 the rules of procedure in civil traffic cases adopted by the supreme court.
20 The control officer may issue citations to persons in violation of ordinances
21 adopted pursuant to this section.
22 Sec. 4. Section 11-872, Arizona Revised Statutes, is amended to read:
23 11-872. Control techniques; rules; schedule for adoption
24 A. If the administrator of the United States environmental protection
25 agency makes a finding relating to area A, as defined in section 49-541,
26 pursuant to the clean air act amendments of 1990 (P.L. 101-549), section 172,
27 the county shall adopt by rule the necessary emission limitations or other
28 standards reflecting control techniques guidelines issued by the United
29 States environmental protection agency pursuant to the clean air act
30 amendments of 1990, section 183 in order to achieve emissions reductions
31 sufficient to respond to the finding.
32 B. The county shall begin to develop rules ~~which~~ THAT incorporate the
33 provisions of the control techniques guidelines being developed by the United
34 States environmental protection agency. The rule making process shall
35 parallel as closely as possible the United States environmental protection
36 agency process and incorporate adequate public notice and comment. The
37 county shall make every practical effort to assure the rules are consistent
38 with the concepts and provisions embodied in the United States environmental
39 protection agency process. Within sixty days ~~of~~ AFTER the formal adoption of
40 the United States environmental protection agency control techniques
41 guidelines for an industry sector, the county shall adopt rules, emission
42 limitations or other standards reflecting such guidelines. If the guidelines
43 are required pursuant to subsection A of this section prior to formal
44 adoption by the administrator of the guidelines, the county rules shall
45 become effective within sixty days ~~of~~ AFTER the United States environmental

1 protection agency finding. The county shall determine which industry sector
2 shall be subject to the requirements of this section.

3 C. If the director of the department of environmental quality
4 determines that emissions inventory data, monitoring information and modeling
5 or projections indicate it is likely that reasonable further progress or
6 attainment will not be achieved in order to comply with the clean air act
7 amendments of 1990 OR ACHIEVE OR MAINTAIN NATIONAL AMBIENT AIR QUALITY
8 STANDARDS OR OTHER AIR QUALITY STANDARDS APPLICABLE TO OZONE PRECURSORS, the
9 county shall adopt rules necessary to achieve emissions reductions to achieve
10 reasonable further progress or attainment. The rules shall be based on
11 technically feasible controls to reduce the emissions of volatile organic
12 compounds from industry sectors that the United States environmental
13 protection agency is considering for control technique guidelines.

14 D. All emissions reductions required pursuant to this section shall be
15 achieved FOR PURPOSES OF THE ONE-HOUR OZONE STANDARD no later than June 1,
16 1996 AND FOR PURPOSES OF THE EIGHT-HOUR AVERAGED OZONE STANDARD NO LATER THAN
17 DECEMBER 31, 2008.

18 Sec. 5. Title 11, chapter 6, article 4, Arizona Revised Statutes, is
19 amended by adding section 11-877, to read:

20 11-877. Air quality control measures

21 A. IN ORDER TO REDUCE PARTICULATE MATTER IN AMBIENT AIR, THE BOARD OF
22 SUPERVISORS OF ANY COUNTY THAT CONTAINS ANY PORTION OF AREA A, AS DEFINED IN
23 SECTION 49-541, SHALL DEVELOP, IMPLEMENT AND ENFORCE IN AREA A THE FOLLOWING
24 AIR QUALITY CONTROL MEASURES:

25 1. BEGINNING ON THE EFFECTIVE DATE OF THIS SECTION, PROHIBIT EMPLOYEES
26 OR CONTRACTORS OF THAT COUNTY FROM OPERATING LEAF BLOWERS ON ANY HIGH
27 POLLUTION ADVISORY DAY FORECAST BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY
28 EXCEPT WHILE IN VACUUM MODE AND PROHIBIT THOSE EMPLOYEES OR CONTRACTORS FROM
29 BLOWING LANDSCAPE DEBRIS INTO PUBLIC ROADWAYS AT ANY TIME.

30 2. NO LATER THAN MARCH 31, 2008, ADOPT, IMPLEMENT AND ENFORCE AN
31 ORDINANCE THAT BANS THE BLOWING OF LANDSCAPE DEBRIS INTO PUBLIC ROADWAYS AT
32 ANY TIME BY ANY PERSON.

33 3. NO LATER THAN MARCH 31, 2008, ADOPT, IMPLEMENT AND ENFORCE AN
34 ORDINANCE THAT PROHIBITS THE OPERATION OF LEAF BLOWERS EXCEPT ON SURFACES
35 THAT HAVE BEEN STABILIZED WITH ASPHALTIC CONCRETE, CEMENT CONCRETE,
36 HARDSCAPE, PENETRATION TREATMENT OF BITUMINOUS MATERIAL AND SEAL COAT OF
37 BITUMINOUS BINDER AND A MINERAL AGGREGATE, DECOMPOSED GRANITE COVER, CRUSHED
38 GRANITE COVER, AGGREGATE COVER, GRAVEL COVER, OR GRASS OR OTHER CONTINUOUS
39 VEGETATIVE COVER, OR ANY COMBINATION OF THOSE STABILIZERS.

40 B. THIS SECTION DOES NOT APPLY TO ANY SITE THAT HAS A PERMIT ISSUED BY
41 A CONTROL OFFICER AS DEFINED IN SECTION 49-471 FOR THE CONTROL OF FUGITIVE
42 DUST FROM DUST GENERATING OPERATIONS.

1 Sec. 6. Section 28-1098, Arizona Revised Statutes, is amended to read:
2 28-1098. Vehicle loads; restrictions; civil penalties

3 A. FOR THE PURPOSE OF HIGHWAY SAFETY OR AIR POLLUTION PREVENTION, a
4 person shall not drive or move a vehicle on a highway unless the vehicle is
5 constructed or loaded in a manner to prevent any of its load from dropping,
6 sifting, leaking or otherwise escaping from the vehicle, except ~~that either~~
7 THE FOLLOWING ARE PERMITTED:

8 1. SUFFICIENT sand may be dropped for the purpose of securing
9 traction.

10 2. Water or another substance may be sprinkled on a roadway in
11 cleaning or maintaining the roadway.

12 3. MINOR PIECES OF AGRICULTURAL MATERIALS SUCH AS LEAVES AND STEMS
13 FROM AGRICULTURAL LOADS.

14 B. A person shall not operate a vehicle on a highway with a load
15 unless the load and any covering on the load are securely fastened in a
16 manner to prevent the covering or load from becoming loose, detached or in
17 any manner a hazard to other users of the highway.

18 C. If a person is found in violation of this section and the
19 violation:

20 1. Does not cause any damage or injury and is the person's:

21 (a) First violation in a sixty month period, the person is subject to a
22 civil penalty of ~~up to~~ NOT MORE THAN two hundred fifty dollars.

23 (b) Second or subsequent violation in a sixty month period, the person
24 is subject to a civil penalty of ~~up to~~ NOT MORE THAN three hundred fifty
25 dollars.

26 2. Results in an accident causing serious physical injury as defined
27 in section 13-105 to another person, the person is subject to a civil penalty
28 of ~~up to~~ NOT MORE THAN five hundred dollars.

29 3. Results in an accident causing the death of another person, the
30 person is subject to a civil penalty of ~~up to~~ NOT MORE THAN one thousand
31 dollars.

32 Sec. 7. Section 28-6705, Arizona Revised Statutes, is amended to read:
33 28-6705. Public road and street maintenance

34 A. The board of supervisors may spend public monies for maintenance of
35 public roads and streets other than legally designated state and county
36 highways located without the limits of an incorporated city or town. Before
37 spending public monies under this section, the roads or streets shall be
38 both:

39 1. Laid out, opened and constructed without cost to the county.

40 2. Completed pursuant to a plat approved pursuant to sections 11-802
41 and 11-806.01 and in accordance with standard engineering road specifications
42 adopted by the board of supervisors to ensure uniform compliance.

43 B. The board of supervisors may spend public monies for maintenance of
44 public roads and streets laid out, constructed and opened before June 13,

1 1975 even if the roads and streets were not constructed in accordance with
2 subsection A of this section.

3 C. Maintenance of a public road or street does not include purchasing
4 or laying cement. To reduce long-term maintenance costs for maintenance
5 authorized by this section, the board of supervisors may spend monies to add
6 rock products, gravel and processed materials to the base of the roads and
7 streets. Petroleum based or nonpetroleum based products may be used in the
8 maintenance and repair of unpaved roads, alleys and shoulders identified
9 pursuant to section 9-500.04 or ~~section~~ 49-474.01 OR UNPAVED ROADS, ALLEYS
10 AND SHOULDERS IN ANY COUNTY WHERE THE CONTROL OFFICER AS DEFINED IN SECTION
11 49-471 CERTIFIES TO THE BOARD OF SUPERVISORS THAT EMISSIONS FROM SUCH ROADS,
12 ALLEYS OR SHOULDERS MAY ENDANGER COMPLIANCE WITH THE NATIONAL AMBIENT AIR
13 QUALITY STANDARD AS DEFINED IN SECTION 49-401.01.

14 Sec. 8. Section 41-2083, Arizona Revised Statutes, as amended by Laws
15 2007, chapter 145, section 1, is amended to read:

16 41-2083. Standards for motor fuel; exceptions

17 A. Except as provided in SECTION 41-2083.01 AND subsections C, D, E,
18 F, G, K, L, M and N of this section, a retail seller or fleet owner shall not
19 store, sell or expose or offer for sale any motor fuel, kerosene, oil or
20 other liquid or gaseous fuel or lubricating oil, lubricant, mixtures of
21 lubricants or other similar products if the product fails to meet the
22 standards specified in this section and in the rules adopted by the director.

23 B. A person shall not misrepresent the nature, origination, quality,
24 grade or identity of any product specified in subsection A of this section or
25 represent the nature, origination, quality, grade or identity of such product
26 in any manner calculated or tending to mislead or in any way deceive.

27 C. After consultation with the director of the department of
28 environmental quality, the standards and test methods for motor fuels shall
29 be established by the director of the department of weights and measures by
30 rule.

31 D. Maximum vapor pressure for gasoline that is supplied or sold by any
32 person and that is intended as a final product for the fueling of motor
33 vehicles in a county with a population of one million two hundred thousand or
34 more persons and any portion of a county contained in area A as defined in
35 section 49-541 shall be 9.0 pounds per square inch from and after September
36 30 through March 31 of each year. Fuel used in motor vehicles at a
37 manufacturer's proving ground or a motor vehicle racing event as defined by
38 section 41-2121 is exempt from this subsection.

39 E. From and after September 30 through March 31 of each year a person
40 shall not supply or sell gasoline that exceeds the ASTM D4814 class A vapor
41 pressure/distillation class ten volume per cent evaporated distillation
42 temperature.

43 F. Maximum vapor pressure for gasoline that is supplied or sold by any
44 person and that is intended as a final product for the fueling of motor
45 vehicles in a county with a population of one million two hundred thousand

1 persons or more and any portion of a county contained in area A as defined in
2 section 49-541 shall be 7.0 pounds per square inch from and after May 31
3 through September 30 of each year. Fuel used in motor vehicles at a
4 manufacturer's proving ground or a motor vehicle racing event as defined by
5 section 41-2121 is exempt from this subsection.

6 G. Exclusively for the purposes of transportation conformity and only
7 if the administrator of the United States environmental protection agency
8 fails to approve the applicable plan required pursuant to section 49-406,
9 maximum vapor pressure for gasoline that is supplied or sold by any person
10 and that is intended as a final product for the fueling of motor vehicles in
11 area B as defined in section 49-541 shall be ten pounds per square inch from
12 and after September 30 through March 31 of each year. Fuel used in motor
13 vehicles at a manufacturer's proving ground or a motor vehicle racing event
14 as defined by section 41-2121 is exempt from this subsection.

15 H. Notwithstanding subsections D, F and G of this section, the
16 director of the department of weights and measures in consultation with the
17 director of the department of environmental quality shall approve alternate
18 fuel control measures that are submitted by manufacturers or suppliers of
19 gasoline and that the directors determine will result in either of the
20 following:

21 1. Motor vehicle carbon monoxide emissions that are equal to or less
22 than emissions that result under compliance with subsection D of this section
23 and section 41-2123. In making this determination, the director of the
24 department of weights and measures and the director of the department of
25 environmental quality shall compare the emissions of the alternate fuel
26 control measure with the emissions of a fuel with a maximum vapor pressure
27 standard as prescribed by this section and with the minimum oxygen content or
28 percentage by volume of ethanol as prescribed by section 41-2123.

29 2. Motor vehicle non-methane hydrocarbon emissions that are equal to
30 or less than the emissions that result under compliance with subsection F of
31 this section. In making this determination, the director of the department
32 of weights and measures and the director of the department of environmental
33 quality shall compare the motor vehicle non-methane hydrocarbon emissions of
34 the alternate fuel control measure with the motor vehicle non-methane
35 hydrocarbon emissions of a fuel that complies with the maximum vapor pressure
36 standard as prescribed by subsection F of this section.

37 I. Any alternate fuel control measures that are approved shall not
38 increase emissions of non-methane hydrocarbons, particulates, carbon monoxide
39 or oxides of nitrogen. Alternate fuel control measures approved pursuant to
40 subsection H of this section and this subsection may be used by any
41 manufacturer or supplier of gasoline unless the approval is rescinded more
42 than one hundred eighty days before the first day of a gasoline control
43 period. Manufacturers and suppliers who use an approved alternate fuel
44 control measure shall annually submit a compliance plan to the director of

1 the department of weights and measures no later than sixty days before the
2 first day of a gasoline control period.

3 J. A person shall not sell or offer or expose for sale diesel fuel
4 grade 1, 2 or 4 as defined in ASTM D975 that contains sulfur in excess of:

5 1. For low sulfur diesel fuel, five hundred parts per million by
6 weight for use in area A as defined in section 49-541.

7 2. For ultra low sulfur diesel fuel, the amount that conforms with 40
8 Code of Federal Regulations section 80.520(a)(1).

9 K. A person shall not sell or offer or expose for sale biodiesel that
10 is not tested or does not meet the specifications established by ASTM D6751
11 or any blend of biodiesel and diesel fuel that is not tested or does not meet
12 the specifications established by ASTM D975 and that contains sulfur in
13 excess of five hundred parts per million for use in area A as defined in
14 section 49-541.

15 L. A person that blends biodiesel that is intended as a final product
16 for the fueling of motor vehicles shall report to the director by the
17 fifteenth day of each month the quantity and quality of biodiesel shipped to
18 or produced in this state during the preceding month. A person who supplies
19 biodiesel subject to this subsection shall report the following by batch:

20 1. The percentage of biodiesel in a final blend.

21 2. The volume of the finished product.

22 3. For neat biodiesel, the results of analysis for those parameters
23 established by ASTM D6751.

24 4. For biodiesel blended with any diesel fuel, the results of the
25 analysis of the following motor fuel parameters as established by ASTM D975:

26 (a) Sulfur content.

27 (b) Aromatic hydrocarbon content.

28 (c) Cetane number.

29 (d) Specific gravity.

30 (e) American petroleum institute gravity.

31 (f) The temperatures at which ten per cent, fifty per cent and ninety
32 per cent of the diesel fuel boiled off during distillation.

33 M. The report required by subsection L of this section shall be on a
34 form prescribed by the director and shall contain a certification of
35 truthfulness and accuracy of the data submitted and a statement of the
36 supplier's consent permitting the department or its authorized agent to
37 collect samples and access records as provided in rules adopted by the
38 department. A corporate officer who is responsible for operations at the
39 facility that produces or ships the final product shall sign the report.

40 N. A person shall label dispensers at which biodiesel is dispensed in
41 such a manner as to notify other persons of the volume percentage of
42 biodiesel in the finished product and that conforms with 40 Code of Federal
43 Regulations sections 80.570, 80.571, 80.572, 80.573 and 80.574 to inform the
44 customer of the sulfur content of the diesel fuel being dispensed.

1 O. A person shall label each dispenser at which ultra low sulfur
2 diesel fuel is dispensed in a manner that conforms with 40 Code of Federal
3 Regulations sections 80.570, 80.571, 80.572, 80.573 and 80.574 to inform the
4 customer of the sulfur content of the diesel fuel being dispensed.

5 P. A person shall label each dispenser at which low sulfur diesel fuel
6 is dispensed in a manner that conforms with 40 Code of Federal Regulations
7 sections 80.570, 80.571, 80.572, 80.573 and 80.574 to inform the customer of
8 the sulfur content of the diesel fuel being dispensed.

9 Q. If any person transfers custody or title of a diesel fuel or
10 distillate, except if the diesel fuel is dispensed into a motor vehicle or
11 nonroad, locomotive or marine equipment, the transferor shall provide to the
12 transferee product transfer documents that conform with 40 Code of Federal
13 Regulations section 80.590.

14 R. If the transfer of a motor fuel is from a terminal, storage
15 facility, or transmix facility, the product transfer documents shall contain
16 the information prescribed in subsection Q of this section as well as the
17 name and address of the final destination for the shipment, as prescribed by
18 department rule, and must accompany the shipment to its final destination.

19 Sec. 9. Section 41-2083, Arizona Revised Statutes, as amended by Laws
20 2007, chapter 145, section 2, is amended to read:

21 41-2083. Standards for motor fuel; exceptions

22 A. Except as provided in SECTION 41-2083.01 AND subsections C, D, E,
23 F, G, K, L, M and N of this section, a retail seller or fleet owner shall not
24 store, sell or expose or offer for sale any motor fuel, kerosene, oil or
25 other liquid or gaseous fuel or lubricating oil, lubricant, mixtures of
26 lubricants or other similar products if the product fails to meet the
27 standards specified in this section and in the rules adopted by the director.

28 B. A person shall not misrepresent the nature, origination, quality,
29 grade or identity of any product specified in subsection A of this section or
30 represent the nature, origination, quality, grade or identity of such product
31 in any manner calculated or tending to mislead or in any way deceive.

32 C. After consultation with the director of the department of
33 environmental quality, the standards and test methods for motor fuels shall
34 be established by the director of the department of weights and measures by
35 rule.

36 D. Maximum vapor pressure for gasoline that is supplied or sold by any
37 person and that is intended as a final product for the fueling of motor
38 vehicles in a county with a population of one million two hundred thousand or
39 more persons and any portion of a county contained in area A as defined in
40 section 49-541 shall be 9.0 pounds per square inch from and after September
41 30 through January 31 of each year. Fuel used in motor vehicles at a
42 manufacturer's proving ground or a motor vehicle racing event as defined by
43 section 41-2121 is exempt from this subsection.

44 E. From and after September 30 through March 31 of each year a person
45 shall not supply or sell gasoline that exceeds the ASTM D4814 class A vapor

1 pressure/distillation class ten volume per cent evaporated distillation
2 temperature.

3 F. Maximum vapor pressure for gasoline that is supplied or sold by any
4 person and that is intended as a final product for the fueling of motor
5 vehicles in a county with a population of one million two hundred thousand
6 persons or more and any portion of a county contained in area A as defined in
7 section 49-541 shall be 7.0 pounds per square inch from and after May 31
8 through September 30 of each year. Fuel used in motor vehicles at a
9 manufacturer's proving ground or a motor vehicle racing event as defined by
10 section 41-2121 is exempt from this subsection.

11 G. Exclusively for the purposes of transportation conformity and only
12 if the administrator of the United States environmental protection agency
13 fails to approve the applicable plan required pursuant to section 49-406,
14 maximum vapor pressure for gasoline that is supplied or sold by any person
15 and that is intended as a final product for the fueling of motor vehicles in
16 area B as defined in section 49-541 shall be ten pounds per square inch from
17 and after September 30 through March 31 of each year. Fuel used in motor
18 vehicles at a manufacturer's proving ground or a motor vehicle racing event
19 as defined by section 41-2121 is exempt from this subsection.

20 H. Notwithstanding subsections D, F and G of this section, the
21 director of the department of weights and measures in consultation with the
22 director of the department of environmental quality shall approve alternate
23 fuel control measures that are submitted by manufacturers or suppliers of
24 gasoline and that the directors determine will result in either of the
25 following:

26 1. Motor vehicle carbon monoxide emissions that are equal to or less
27 than emissions that result under compliance with subsection D of this section
28 and section 41-2123. In making this determination, the director of the
29 department of weights and measures and the director of the department of
30 environmental quality shall compare the emissions of the alternate fuel
31 control measure with the emissions of a fuel with a maximum vapor pressure
32 standard as prescribed by this section and with the minimum oxygen content or
33 percentage by volume of ethanol as prescribed by section 41-2123.

34 2. Motor vehicle non-methane hydrocarbon emissions that are equal to
35 or less than the emissions that result under compliance with subsection F of
36 this section. In making this determination, the director of the department
37 of weights and measures and the director of the department of environmental
38 quality shall compare the motor vehicle non-methane hydrocarbon emissions of
39 the alternate fuel control measure with the motor vehicle non-methane
40 hydrocarbon emissions of a fuel that complies with the maximum vapor pressure
41 standard as prescribed by subsection F of this section.

42 I. Any alternate fuel control measures that are approved shall not
43 increase emissions of non-methane hydrocarbons, particulates, carbon monoxide
44 or oxides of nitrogen. Alternate fuel control measures approved pursuant to
45 subsection H of this section and this subsection may be used by any

1 manufacturer or supplier of gasoline unless the approval is rescinded more
2 than one hundred eighty days before the first day of a gasoline control
3 period. Manufacturers and suppliers who use an approved alternate fuel
4 control measure shall annually submit a compliance plan to the director of
5 the department of weights and measures no later than sixty days before the
6 first day of a gasoline control period.

7 J. A person shall not sell or offer or expose for sale diesel fuel
8 grade 1, 2 or 4 as defined in ASTM D975 that contains sulfur in excess of:

9 1. For low sulfur diesel fuel, five hundred parts per million by
10 weight for use in area A as defined in section 49-541.

11 2. For ultra low sulfur diesel fuel, the amount that conforms with 40
12 Code of Federal Regulations section 80.520(a)(1).

13 K. A person shall not sell or offer or expose for sale biodiesel that
14 is not tested or does not meet the specifications established by ASTM D6751
15 or any blend of biodiesel and diesel fuel that is not tested or does not meet
16 the specifications established by ASTM D975 and that contains sulfur in
17 excess of five hundred parts per million for use in area A as defined in
18 section 49-541.

19 L. A person who blends biodiesel that is intended as a final product
20 for the fueling of motor vehicles shall report to the director by the
21 fifteenth day of each month the quantity and quality of biodiesel shipped to
22 or produced in this state during the preceding month. A person who supplies
23 biodiesel subject to this subsection shall report the following by batch:

24 1. The percentage of biodiesel in a final blend.

25 2. The volume of the finished product.

26 3. For neat biodiesel, the results of analysis for those parameters
27 established by ASTM D6751.

28 4. For biodiesel blended with any diesel fuel, the results of the
29 analysis of the following motor fuel parameters as established by ASTM D975:

30 (a) Sulfur content.

31 (b) Aromatic hydrocarbon content.

32 (c) Cetane number.

33 (d) Specific gravity.

34 (e) American petroleum institute gravity.

35 (f) The temperatures at which ten per cent, fifty per cent and ninety
36 per cent of the diesel fuel boiled off during distillation.

37 M. The report required by subsection L of this section shall be on a
38 form prescribed by the director and shall contain a certification of
39 truthfulness and accuracy of the data submitted and a statement of the
40 supplier's consent permitting the department or its authorized agent to
41 collect samples and access records as provided in rules adopted by the
42 department. A corporate officer who is responsible for operations at the
43 facility that produces or ships the final product shall sign the report.

44 N. A person shall label dispensers at which biodiesel is dispensed in
45 such a manner as to notify other persons of the volume percentage of

1 biodiesel in the finished product and that conforms with 40 Code of Federal
2 Regulations sections 80.570, 80.571, 80.572, 80.573 and 80.574 to inform the
3 customer of the sulfur content of the diesel fuel being dispensed.

4 O. A person shall label each dispenser at which ultra low sulfur
5 diesel fuel is dispensed in a manner that conforms with 40 Code of Federal
6 Regulations sections 80.570, 80.571, 80.572, 80.573 and 80.574 to inform the
7 customer of the sulfur content of the diesel fuel being dispensed.

8 P. A person shall label each dispenser at which low sulfur diesel fuel
9 is dispensed in a manner that conforms with 40 Code of Federal Regulations
10 sections 80.570, 80.571, 80.572, 80.573 and 80.574 to inform the customer of
11 the sulfur content of the diesel fuel being dispensed.

12 Q. If any person transfers custody or title of a diesel fuel or
13 distillate, except if the diesel fuel is dispensed into a motor vehicle or
14 nonroad, locomotive or marine equipment, the transferor shall provide to the
15 transferee product transfer documents that conform with 40 Code of Federal
16 Regulations section 80.590.

17 R. If the transfer of a motor fuel is from a terminal, storage
18 facility, or transmix facility, the product transfer documents shall contain
19 the information prescribed in subsection Q of this section as well as the
20 name and address of the final destination for the shipment, as prescribed by
21 department rule, and must accompany the shipment to its final destination.

22 Sec. 10. Title 41, chapter 15, article 3, Arizona Revised Statutes, is
23 amended by adding section 41-2083.01, to read:

24 41-2083.01. Area C; standards for motor fuel; exceptions

25 A. EXCEPT AS PROVIDED IN SUBSECTIONS C AND D OF THIS SECTION, AFTER
26 MAY 31, 2008, A RETAIL SELLER OR FLEET OWNER SHALL NOT STORE, SELL OR EXPOSE
27 OR OFFER FOR SALE IN AREA C AS DEFINED IN SECTION 41-2121 ANY MOTOR FUEL,
28 KEROSENE, OIL OR OTHER LIQUID OR GASEOUS FUEL OR LUBRICATING OIL, LUBRICANT,
29 MIXTURES OF LUBRICANTS OR OTHER SIMILAR PRODUCTS IF THE PRODUCT FAILS TO MEET
30 THE STANDARDS SPECIFIED IN THIS SECTION AND IN THE RULES ADOPTED BY THE
31 DIRECTOR.

32 B. A PERSON SHALL NOT MISREPRESENT THE NATURE, ORIGINATION, QUALITY,
33 GRADE OR IDENTITY OF ANY PRODUCT SPECIFIED IN SUBSECTION A OF THIS SECTION OR
34 REPRESENT THE NATURE, ORIGINATION, QUALITY, GRADE OR IDENTITY OF SUCH PRODUCT
35 IN ANY MANNER CALCULATED OR TENDING TO MISLEAD OR IN ANY WAY DECEIVE.

36 C. AFTER CONSULTATION WITH THE DIRECTOR OF THE DEPARTMENT OF
37 ENVIRONMENTAL QUALITY, THE STANDARDS AND TEST METHODS FOR MOTOR FUELS SHALL
38 BE ESTABLISHED BY THE DIRECTOR OF THE DEPARTMENT OF WEIGHTS AND MEASURES BY
39 RULE.

40 D. MAXIMUM VAPOR PRESSURE FOR GASOLINE THAT IS SUPPLIED OR SOLD BY ANY
41 PERSON AND THAT IS INTENDED AS A FINAL PRODUCT FOR THE FUELING OF MOTOR
42 VEHICLES IN AREA C AS DEFINED IN SECTION 41-2121 SHALL BE 7.0 POUNDS PER
43 SQUARE INCH FROM AND AFTER MAY 31 THROUGH SEPTEMBER 30 OF EACH YEAR. FUEL
44 USED IN MOTOR VEHICLES AT A MANUFACTURER'S PROVING GROUND OR A MOTOR VEHICLE
45 RACING EVENT AS DEFINED BY SECTION 41-2121 IS EXEMPT FROM THIS SUBSECTION.

1 E. THE DIRECTOR OF THE DEPARTMENT OF WEIGHTS AND MEASURES IN
2 CONSULTATION WITH THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY
3 SHALL APPROVE ALTERNATE FUEL CONTROL MEASURES THAT ARE SUBMITTED BY
4 MANUFACTURERS OR SUPPLIERS OF GASOLINE AND THAT THE DIRECTORS DETERMINE WILL
5 RESULT IN MOTOR VEHICLE NON-METHANE HYDROCARBON EMISSIONS THAT ARE EQUAL TO
6 OR LESS THAN THE EMISSIONS THAT RESULT UNDER COMPLIANCE WITH SUBSECTION D OF
7 THIS SECTION. IN MAKING THIS DETERMINATION, THE DIRECTOR OF THE DEPARTMENT
8 OF WEIGHTS AND MEASURES AND THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL
9 QUALITY SHALL COMPARE THE MOTOR VEHICLE NON-METHANE HYDROCARBON EMISSIONS OF
10 THE ALTERNATE FUEL CONTROL MEASURE WITH THE MOTOR VEHICLE NON-METHANE
11 HYDROCARBON EMISSIONS OF A FUEL THAT COMPLIES WITH THE MAXIMUM VAPOR PRESSURE
12 STANDARD AS PRESCRIBED BY SUBSECTION D OF THIS SECTION.

13 F. ANY ALTERNATE FUEL CONTROL MEASURES THAT ARE APPROVED SHALL NOT
14 INCREASE EMISSIONS OF NON-METHANE HYDROCARBONS, PARTICULATES, CARBON MONOXIDE
15 OR OXIDES OF NITROGEN. ALTERNATE FUEL CONTROL MEASURES APPROVED PURSUANT TO
16 SUBSECTION E OF THIS SECTION AND THIS SUBSECTION MAY BE USED BY ANY
17 MANUFACTURER OR SUPPLIER OF GASOLINE UNLESS THE APPROVAL IS RESCINDED MORE
18 THAN ONE HUNDRED EIGHTY DAYS BEFORE THE FIRST DAY OF A GASOLINE CONTROL
19 PERIOD. MANUFACTURERS AND SUPPLIERS WHO USE AN APPROVED ALTERNATE FUEL
20 CONTROL MEASURE SHALL ANNUALLY SUBMIT A COMPLIANCE PLAN TO THE DIRECTOR OF
21 THE DEPARTMENT OF WEIGHTS AND MEASURES NO LATER THAN SIXTY DAYS BEFORE THE
22 FIRST DAY OF A GASOLINE CONTROL PERIOD.

23 Sec. 11. Section 41-2121, Arizona Revised Statutes, is amended to
24 read:

25 41-2121. Definitions

26 In this article, unless the context otherwise requires:

- 27 1. "Area A" has the same meaning prescribed in section 49-541.
28 2. "Area B" has the same meaning prescribed in section 49-541.
29 3. "AREA C" MEANS THAT PORTION OF PINAL COUNTY LYING WEST OF RANGE 11
30 EAST, EXCLUDING THAT PORTION OF THE COUNTY LYING WITHIN AREA A AS DEFINED IN
31 SECTION 49-541 AND THAT PORTION OF THE COUNTY WITHIN THE JURISDICTION OF ANY
32 INDIAN TRIBE, BAND, GROUP OR COMMUNITY THAT IS RECOGNIZED BY THE UNITED
33 STATES SECRETARY OF THE INTERIOR AND THAT EXERCISES GOVERNMENTAL AUTHORITY
34 WITHIN THE LIMITS OF ANY INDIAN RESERVATION UNDER THE JURISDICTION OF THE
35 UNITED STATES GOVERNMENT, NOTWITHSTANDING THE ISSUANCE OF ANY PATENT AND
36 INCLUDING RIGHTS-OF-WAY RUNNING THROUGH THE RESERVATION.

37 ~~3.~~ 4. "Fleet owner" means a registered owner or lessee of at least
38 twenty-five vehicles.

39 ~~4.~~ 5. "Gasoline" means a volatile, highly flammable liquid mixture of
40 hydrocarbons that does not contain more than five one-hundredths grams of
41 lead for each United States gallon, that is produced, refined, manufactured,
42 blended, distilled or compounded from petroleum, natural gas, oil, shale oils
43 or coal and other flammable liquids free from undissolved water, sediment or
44 suspended matter, with or without additives, and that is commonly used as a

1 fuel for spark ignition internal combustion engines. Gasoline does not
2 include diesel fuel or the ethanol blend E85 as defined in ASTM D5798-99.

3 ~~5-~~ 6. "Manufacturer's proving ground" means a facility whose sole
4 purpose is to develop complete advanced vehicles for an automotive
5 manufacturer.

6 ~~6-~~ 7. "Motor vehicle racing event" means a race that uses unlicensed
7 vehicles that are designed and manufactured specifically for racing purposes
8 and that is conducted on a public or private racecourse for the entertainment
9 of the general public. A motor vehicle racing event includes practice,
10 qualifying and demonstration laps conducted as part of the activities related
11 to a motor vehicle race.

12 ~~7-~~ 8. "Oxygenate" means any oxygen-containing ashless, organic
13 compound, including aliphatic alcohols and aliphatic ethers, that may be used
14 as a fuel or as a gasoline blending component and that is approved as a
15 blending agent under the provisions of a waiver issued by the United States
16 environmental protection agency pursuant to 42 United States Code section
17 7545(f).

18 ~~8-~~ 9. "Oxygenated fuel" means an unleaded motor fuel blend that
19 consists primarily of gasoline and at least one and one-half per cent by
20 weight of one or more oxygenates and that has been blended consistent with
21 the provisions of a waiver issued by the United States environmental
22 protection agency pursuant to 42 United States Code section 7545(f).

23 ~~9-~~ 10. "Product transfer document" means any bill of lading, loading
24 ticket, manifest, delivery receipt, invoice or other documentation used on
25 any occasion when a person transfers custody or title of motor fuel other
26 than when motor fuel is sold or dispensed at a service station or fleet
27 vehicle fueling facility.

28 ~~10-~~ 11. "Supplier" means any person who imports gasoline into a
29 vehicle emissions control area by means of a pipeline or in truckload
30 quantities for the person's own use within the vehicle emissions control area
31 or any person who sells gasoline intended for ultimate consumption within a
32 vehicle emissions control area, except that supplier does not mean a person
33 with respect to gasoline supplied or sold by the person to another for resale
34 to a retailer within a vehicle emissions control area or to a fleet owner for
35 consumption within a vehicle emissions control area.

36 ~~11-~~ 12. "Vehicle emissions control area" has the same meaning
37 prescribed in section 49-541, except that such an area does not include a
38 manufacturer's proving ground that is located in the vehicle emissions
39 control area.

40 Sec. 12. Title 41, chapter 15, article 6, Arizona Revised Statutes, is
41 amended by adding section 41-2124.01, to read:

42 41-2124.01. Area C; fuel reformulation; rules

43 A. FROM AND AFTER MAY 31, 2008 THROUGH SEPTEMBER 30, 2008 AND DURING
44 THE PERIOD FROM AND AFTER MAY 31 THROUGH SEPTEMBER 30 OF EACH SUBSEQUENT
45 YEAR, ALL GASOLINE PRODUCED AND SHIPPED TO OR WITHIN THIS STATE AND SOLD OR

1 OFFERED FOR SALE FOR USE IN MOTOR VEHICLES IN AREA C SHALL COMPLY WITH EITHER
2 OF THE FOLLOWING FUEL REFORMULATION OPTIONS:

3 1. A GASOLINE THAT MEETS STANDARDS FOR FEDERAL PHASE II REFORMULATED
4 GASOLINE, AS PROVIDED IN 40 CODE OF FEDERAL REGULATIONS SECTION 80.41,
5 PARAGRAPHS (e) THROUGH (h), IN EFFECT ON JANUARY 1, 1999, EXCEPT THAT THE
6 MINIMUM OXYGEN CONTENT STANDARD DOES NOT APPLY. THE GASOLINE SHALL ALSO MEET
7 THE MAXIMUM VAPOR PRESSURE REQUIREMENTS IN SECTION 41-2083.01, SUBSECTION D.

8 2. CALIFORNIA PHASE 2 REFORMULATED GASOLINE, INCLUDING ALTERNATIVE
9 FORMULATIONS ALLOWED BY THE PREDICTIVE MODEL, AS ADOPTED BY THE CALIFORNIA
10 AIR RESOURCES BOARD PURSUANT TO CALIFORNIA CODE OF REGULATIONS TITLE 13,
11 SECTIONS 2261 THROUGH 2262.7 AND 2265, IN EFFECT ON JANUARY 1, 1997, EXCEPT
12 THAT THE MINIMUM OXYGEN CONTENT STANDARD DOES NOT APPLY. THE GASOLINE SHALL
13 ALSO MEET THE MAXIMUM VAPOR PRESSURE REQUIREMENTS IN SECTION 41-2083.01,
14 SUBSECTION D.

15 B. ANY REGISTERED SUPPLIER, AS DEFINED IN DEPARTMENT RULES, MAY
16 PETITION THE DIRECTOR TO REQUEST THAT ALL REGISTERED SUPPLIERS BE ALLOWED TO
17 SUPPLY GASOLINE IN AREA C THAT DOES NOT MEET THE STANDARDS IN SUBSECTION A OF
18 THIS SECTION IF THE PETITIONER DEMONSTRATES THAT A SHORTAGE IN THE SUPPLY OF
19 GASOLINE MEETING THE STANDARDS IN SUBSECTION A OF THIS SECTION IS IMMINENT.

20 C. A PETITION UNDER SUBSECTION B OF THIS SECTION SHALL:

21 1. IDENTIFY SPECIFIC SUPPLY CONDITIONS THAT WILL RESULT IN A SHORTAGE
22 OF GASOLINE MEETING THE STANDARDS IN SUBSECTION A OF THIS SECTION.

23 2. IDENTIFY THE FORMULATION OF GASOLINE THAT WILL BE SOLD IN AREA C IN
24 LIEU OF GASOLINE MEETING THE STANDARDS IN SUBSECTION A OF THIS SECTION.

25 3. SPECIFY A TIME PERIOD FOR COMPLIANCE WITH THE STANDARDS OF
26 SUBSECTION A OF THIS SECTION NOT TO EXCEED SIXTY DAYS.

27 D. THE DIRECTOR SHALL EITHER GRANT OR DENY A PETITION UNDER SUBSECTION
28 B OF THIS SECTION IN WRITING WITHIN SEVEN DAYS OF ITS RECEIPT. ANY DECISION
29 BY THE DIRECTOR TO GRANT THE PETITION SHALL BE EQUALLY APPLICABLE TO ALL
30 REGISTERED SUPPLIERS AND SHALL NOT BE SELECTIVELY APPLIED TO ANY SINGLE
31 REGISTERED SUPPLIER. THE PETITION MAY BE GRANTED ONLY IF THE DIRECTOR
32 VERIFIES THAT THE BASIS FOR REQUESTING THE PETITION IS FACTUAL.

33 E. THE DIRECTOR MAY REAUTHORIZE A PETITION GRANTED UNDER SUBSECTION B
34 OF THIS SECTION IF THE PETITIONER DEMONSTRATES THAT THE CONDITIONS IDENTIFIED
35 IN THE PETITION HAVE CONTINUED. THE REAUTHORIZATION OF A PETITION SHALL NOT
36 EXCEED THIRTY DAYS.

37 F. THE DIRECTOR OF THE DEPARTMENT OF WEIGHTS AND MEASURES SHALL
38 CONSULT WITH THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY BEFORE
39 GRANTING, REAUTHORIZING OR DENYING ANY PETITION UNDER SUBSECTION B OF THIS
40 SECTION.

41 G. THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY IN
42 CONSULTATION WITH THE DIRECTOR OF THE DEPARTMENT OF WEIGHTS AND MEASURES
43 SHALL ADOPT BY RULE:

44 1. REQUIREMENTS TO IMPLEMENT SUBSECTIONS A, B AND C OF THIS SECTION.

1 2. REQUIREMENTS FOR RECORD KEEPING, REPORTING AND ANALYTICAL METHODS
2 FOR FUEL PROVIDERS TO DEMONSTRATE COMPLIANCE WITH SUBSECTION A OF THIS
3 SECTION.

4 H. THIS SECTION DOES NOT APPLY TO FUEL SOLD FOR USE AT A MOTOR VEHICLE
5 MANUFACTURER PROVING GROUND OR AT A MOTOR VEHICLE RACING EVENT.

6 Sec. 13. Section 41-2124.01, Arizona Revised Statutes, as added by
7 section 12 of this act, is amended to read:

8 41-2124.01. Area C; fuel reformulation; rules

9 A. From and after May 31, 2008 through September 30, 2008 and during
10 the period from and after May 31 through September 30 of each subsequent
11 year, all gasoline produced and shipped to or within this state and sold or
12 offered for sale for use in motor vehicles in area C shall comply with either
13 of the following fuel reformulation options:

14 1. A gasoline that meets standards for federal phase II reformulated
15 gasoline, as provided in 40 Code of Federal Regulations section 80.41,
16 paragraphs (e) through (h), in effect on January 1, 1999, except that the
17 minimum oxygen content standard does not apply. The gasoline shall also meet
18 the maximum vapor pressure requirements in section 41-2083.01, subsection D.

19 2. California phase ~~2~~-3 reformulated gasoline, including alternative
20 formulations allowed by the predictive model, as adopted by the California
21 air resources board pursuant to California Code of Regulations title 13,
22 sections 2261 through ~~2262.7~~ and 2263, 2265 AND 2266.5, in effect on January
23 ~~1, 1997~~ MAY 1, 2003, ~~except that the minimum oxygen content standard does not~~
24 ~~apply. The gasoline shall also meet the maximum~~ INCLUDING vapor pressure
25 requirements ~~in section 41-2083.01, subsection D~~ CONTAINED IN SECTION 2262.4.

26 B. Any registered supplier, as defined in department rules, may
27 petition the director to request that all registered suppliers be allowed to
28 supply gasoline in area C that does not meet the standards in subsection A of
29 this section if the petitioner demonstrates that a shortage in the supply of
30 gasoline meeting the standards in subsection A of this section is imminent.

31 C. A petition under subsection B of this section shall:

32 1. Identify specific supply conditions that will result in a shortage
33 of gasoline meeting the standards in subsection A of this section.

34 2. Identify the formulation of gasoline that will be sold in area C in
35 lieu of gasoline meeting the standards in subsection A of this section.

36 3. Specify a time period for compliance with the standards of
37 subsection A of this section not to exceed sixty days.

38 D. The director shall either grant or deny a petition under subsection
39 B of this section in writing within seven days of its receipt. Any decision
40 by the director to grant the petition shall be equally applicable to all
41 registered suppliers and shall not be selectively applied to any single
42 registered supplier. The petition may be granted only if the director
43 verifies that the basis for requesting the petition is factual.

44 E. The director may reauthorize a petition granted under subsection G
45 of this section if the petitioner demonstrates that the conditions identified

1 in the petition have continued. The reauthorization of a petition shall not
2 exceed thirty days.

3 F. The director of the department of weights and measures shall
4 consult with the director of the department of environmental quality before
5 granting, reauthorizing or denying any petition under subsection B of this
6 section.

7 G. The director of the department of environmental quality in
8 consultation with the director of the department of weights and measures
9 shall adopt by rule:

10 1. Requirements to implement subsections A, B and C of this section.

11 2. Requirements for record keeping, reporting and analytical methods
12 for fuel providers to demonstrate compliance with subsection A of this
13 section.

14 H. This section does not apply to fuel sold for use at a motor vehicle
15 manufacturer proving ground or at a motor vehicle racing event.

16 Sec. 14. Section 49-457, Arizona Revised Statutes, is amended to read:

17 49-457. Agricultural best management practices committee;
18 members; powers; permits; definitions

19 A. A best management practices committee for regulated agricultural
20 activities is established.

21 B. The committee shall consist of:

22 1. The director OF ENVIRONMENTAL QUALITY or the director's designee.

23 2. The director of the ARIZONA department of agriculture or the
24 director's designee.

25 3. The dean of the college of agriculture of the university of Arizona
26 or the dean's designee.

27 4. The state director of the United States natural resources
28 conservation service or the director's designee.

29 5. One person actively engaged in the production of citrus.

30 6. One person actively engaged in the production of vegetables.

31 7. One person actively engaged in the production of cotton.

32 8. One person actively engaged in the production of alfalfa.

33 9. One person actively engaged in the production of grain.

34 10. One soil taxonomist from the university of Arizona college of
35 agriculture.

36 C. The governor shall appoint the members designated pursuant to
37 subsection ~~A~~ B, paragraphs 5 through 10 of this section for a term of six
38 years. Members may be reappointed. Members are not entitled to compensation
39 for their services but are entitled to receive reimbursement of expenses
40 pursuant to ~~section 38-611, subsection D~~ TITLE 38, CHAPTER 4, ARTICLE 2.

41 D. The committee shall elect a chairman from the appointed members to
42 serve a two year term.

43 E. The committee shall meet at the call of the chairman or at the
44 request of a majority of the appointed members.

1 F. The department of environmental quality, the ARIZONA department of
2 agriculture and the college of agriculture of the university of Arizona shall
3 cooperate with and provide technical assistance and any necessary information
4 to the committee. The department of environmental quality shall provide the
5 necessary staff support and meeting facilities for the committee.

6 G. Notwithstanding subsections I, J and K of this section, a person
7 engaged in a regulated agricultural activity on ~~the effective date of this~~
8 ~~section~~ AUGUST 21, 1998 shall comply with the general permit as provided in
9 subsection H of this section by December 31, 2001. A person who commences a
10 regulated agricultural activity after December 31, 2000, shall comply with
11 the general permit within eighteen months of commencing the activity.

12 H. By June 10, 2000, the committee shall adopt, by rule, an
13 agricultural general permit specifying best management practices for
14 regulated agricultural activities to reduce PM-10 particulate emissions. A
15 person subject to an agricultural general permit pursuant to this section is
16 not subject to a permit issued pursuant to section 49-426 except as provided
17 in subsection K of this section. The committee shall adopt by rule a list of
18 best management practices, at least ~~one~~ TWO of which shall be used to
19 demonstrate compliance with applicable provisions of the general permit no
20 later than December 31, ~~2001~~ 2007. Best management practices may vary within
21 the ~~Maricopa PM-10 particulate nonattainment~~ REGULATED area, according to
22 regional or geographical conditions or cropping patterns. The director shall
23 submit the rule to the United States environmental protection agency as a
24 revision to the applicable implementation plan ~~within sixty days of adoption~~
25 NO LATER THAN DECEMBER 31, 2007.

26 I. If the director determines that a person engaged in a regulated
27 activity is not in compliance with the general permit, and that person has
28 not previously been subject to a compliance order issued pursuant to this
29 section, the director may serve upon the person by certified mail an order
30 requiring compliance with the general permit and notifying the person of the
31 opportunity for a hearing pursuant to title 41, chapter 6, article 10. The
32 order shall state with reasonable particularity the nature of the
33 noncompliance and shall specify that the person has a period that the
34 director determines is reasonable, but is not less than six months, to submit
35 a plan to the supervisors of the natural resource conservation district in
36 which the person engages in the regulated activity that specifies the best
37 management practices from among those adopted in rule pursuant to subsection
38 H of this section that the person will use to comply with the general permit.

39 J. If the director determines that a person engaged in a regulated
40 activity is not in compliance with the general permit, and that person has
41 previously submitted a plan pursuant to subsection I of this section, the
42 director may serve upon the person by certified mail an order requiring
43 compliance with the general permit and notifying the person of the
44 opportunity for a hearing pursuant to title 41, chapter 6, article 10. The
45 order shall state with reasonable particularity the nature of the

1 noncompliance and shall specify that the person has a period that the
2 director determines is reasonable, but is not less than six months, to submit
3 a plan to the department that specifies the best management practices from
4 among those adopted in rule pursuant to subsection H of this section that the
5 person will use to comply with the general permit.

6 K. If a person fails to comply with the plan submitted pursuant to
7 subsection J of this section, the director may revoke the agricultural
8 general permit for that person and ~~to~~ require that the person obtain an
9 individual permit pursuant to section 49-426. A revocation becomes effective
10 after the director has provided the person with notice and an opportunity for
11 a hearing pursuant to title 41, chapter 6, article 10.

12 L. The committee may periodically reexamine, evaluate and modify best
13 management practices. Any approved modifications shall be submitted to the
14 United States environmental protection agency as a revision to the applicable
15 implementation plan.

16 M. The committee shall develop and commence an education program by
17 June 10, 2000. The education program shall be conducted by the director or
18 the director's designee or designees.

19 N. In this section, unless the context otherwise requires:

20 1. "Agricultural general permit" means best management practices that:

21 (a) Reduce PM-10 particulate emissions from tillage practices and from
22 harvesting on a commercial farm.

23 (b) Reduce PM-10 particulate emissions from those areas of a
24 commercial farm that are not normally in crop production.

25 (c) Reduce PM-10 particulate emissions from those areas of a
26 commercial farm that are normally in crop production including prior to plant
27 emergence and when the land is not in crop production.

28 2. "Applicable implementation plan" means that term as defined in 42
29 United States Code SECTION 7601(q).

30 3. "Best management practices" means techniques THAT ARE verified by
31 scientific research, ~~AND~~ AND that on a case by case basis are practical,
32 economically feasible and effective in reducing PM-10 particulate emissions
33 from a regulated agricultural activity.

34 4. "Maricopa PM-10 particulate nonattainment area" means the Phoenix
35 planning area as set forth in 40 Code of Federal Regulations ~~part~~ SECTION
36 81.303.

37 5. "Regulated agricultural activities" means commercial farming
38 practices that may produce PM-10 particulate emissions within the Maricopa
39 ~~PM-10 particulate nonattainment area~~ REGULATED AREA.

40 6. "REGULATED AREA" MEANS THE MARICOPA PM-10 NONATTAINMENT AREA AND
41 ANY PORTION OF AREA A THAT IS LOCATED IN A COUNTY WITH A POPULATION OF TWO
42 MILLION OR MORE PERSONS.

1 Sec. 15. Title 49, chapter 3, article 2, Arizona Revised Statutes, is
2 amended by adding sections 49-457.01, 49-457.02, 49-457.03 and 49-457.04, to
3 read:

4 49-457.01. Leaf blower use restrictions and training; leaf
5 blower equipment sellers; informational material;
6 outreach; applicability

7 A. THIS SECTION APPLIES IN A COUNTY WITH A POPULATION OF TWO MILLION
8 OR MORE PERSONS OR ANY PORTION OF A COUNTY WITHIN AN AREA DESIGNATED BY THE
9 ENVIRONMENTAL PROTECTION AGENCY AS A SERIOUS PM-10 NONATTAINMENT AREA OR A
10 MAINTENANCE AREA THAT WAS DESIGNATED AS A SERIOUS PM-10 NONATTAINMENT AREA.

11 B. AFTER MARCH 31, 2008, NO PERSON MAY USE A LEAF BLOWER TO BLOW
12 LANDSCAPE DEBRIS INTO PUBLIC ROADWAYS.

13 C. AFTER MARCH 31, 2008, NO PERSON MAY OPERATE A LEAF BLOWER EXCEPT ON
14 SURFACES THAT HAVE BEEN STABILIZED WITH ASPHALTIC CONCRETE, CEMENT CONCRETE,
15 HARDSCAPE, PENETRATION TREATMENT OF BITUMINOUS MATERIAL AND SEAL COAT OF
16 BITUMINOUS BINDER AND A MINERAL AGGREGATE, DECOMPOSED GRANITE COVER, CRUSHED
17 GRANITE COVER, AGGREGATE COVER, GRAVEL COVER, OR GRASS OR OTHER CONTINUOUS
18 VEGETATIVE COVER, OR ANY COMBINATION OF THOSE STABILIZERS.

19 D. AT LEAST ONCE EVERY THREE YEARS, ANY PERSON OPERATING A LEAF BLOWER
20 FOR REMUNERATION SHALL SUCCESSFULLY COMPLETE TRAINING APPROVED BY THE
21 DEPARTMENT ON HOW TO OPERATE A LEAF BLOWER IN A MANNER DESIGNED TO MINIMIZE
22 THE GENERATION OF FUGITIVE DUST EMISSIONS. ANY PERSON WHO IS REQUIRED TO BE
23 TRAINED UNDER THIS SUBSECTION SHALL COMPLETE INITIAL TRAINING NO LATER THAN
24 DECEMBER 31, 2008.

25 E. ANY PERSON WHO RENTS OR SELLS IN THE NORMAL COURSE OF BUSINESS
26 EQUIPMENT THAT IS USED FOR BLOWING LANDSCAPE DEBRIS SHALL PROVIDE TO THE
27 BUYER OR RENTER OF THE EQUIPMENT PRINTED MATERIALS THAT ARE APPROVED BY THE
28 DEPARTMENT PURSUANT TO THIS SECTION.

29 F. THE DEPARTMENT SHALL PRODUCE PRINTED MATERIALS AND DISTRIBUTE THOSE
30 MATERIALS TO PERSONS WHO SELL OR RENT EQUIPMENT USED FOR BLOWING LANDSCAPE
31 DEBRIS. THE PRINTED MATERIALS SHALL BE DESIGNED TO EDUCATE AND INFORM THE
32 USER OF THE EQUIPMENT ON THE SAFE AND EFFICIENT USE OF THE EQUIPMENT,
33 INCLUDING METHODS FOR REDUCING THE GENERATION OF DUST, AND SHALL INCLUDE
34 INFORMATION REGARDING DUST CONTROL ORDINANCES AND RESTRICTIONS THAT MAY BE
35 APPLICABLE.

36 G. THIS SECTION DOES NOT APPLY TO ANY SITE THAT HAS A PERMIT ISSUED BY
37 A CONTROL OFFICER AS DEFINED IN SECTION 49-471 FOR THE CONTROL OF FUGITIVE
38 DUST FROM DUST GENERATING OPERATIONS.

39 49-457.02. Dust-free developments program; certification; seal

40 A. THE DEPARTMENT SHALL ESTABLISH THE DUST-FREE DEVELOPMENTS PROGRAM
41 TO ENCOURAGE AND RECOGNIZE PERSONS AND ENTITIES THAT DEMONSTRATE EXCEPTIONAL
42 COMMITMENT TO THE REDUCTION OF AIRBORNE DUST IN A COUNTY WITH A POPULATION OF
43 MORE THAN TWO MILLION PERSONS AND IN THE PM-10 NONATTAINMENT AREA THAT
44 CONTAINS THE CITY OF APACHE JUNCTION. THE PROGRAM SHALL INCLUDE A VOLUNTARY
45 CERTIFICATION PROCESS BASED ON CRITERIA DEVELOPED BY THE DEPARTMENT.

1 49-457.04. Off-highway vehicle and all-terrain vehicle dealers;
2 informational material; outreach; applicability

3 A. ANY PERSON WHO RENTS OR SELLS IN THE NORMAL COURSE OF BUSINESS
4 OFF-HIGHWAY VEHICLES, ALL-TERRAIN VEHICLES OR OFF-ROAD RECREATIONAL MOTOR
5 VEHICLES, OTHER THAN GOLF CARTS SOLD TO PUBLIC OR PRIVATE GOLF COURSES, SHALL
6 PROVIDE TO THE BUYER OR RENTER OF THE VEHICLE PRINTED MATERIALS THAT ARE
7 APPROVED BY THE DEPARTMENT PURSUANT TO THIS SECTION.

8 B. THE DEPARTMENT SHALL PRODUCE PRINTED MATERIALS AND DISTRIBUTE THOSE
9 MATERIALS TO PERSONS WHO SELL OR RENT OFF-HIGHWAY VEHICLES, ALL-TERRAIN
10 VEHICLES OR OFF-ROAD RECREATIONAL MOTOR VEHICLES. THE PRINTED MATERIALS
11 SHALL BE DESIGNED TO EDUCATE AND INFORM THE USER OF THE VEHICLE ON METHODS
12 FOR REDUCING THE GENERATION OF DUST AND SHALL INCLUDE INFORMATION REGARDING
13 DUST CONTROL ORDINANCES AND RESTRICTIONS THAT MAY BE APPLICABLE. THE
14 DEPARTMENT SHALL MAKE AVAILABLE ON THE DEPARTMENT'S WEBSITE THE PRINTED
15 MATERIALS IN A FORMAT THAT IS ACCESSIBLE TO THE PUBLIC.

16 C. THIS SECTION APPLIES IN A COUNTY WITH A POPULATION OF TWO MILLION
17 OR MORE PERSONS OR ANY PORTION OF A COUNTY IN AN AREA DESIGNATED BY THE
18 ENVIRONMENTAL PROTECTION AGENCY AS A SERIOUS PM-10 NONATTAINMENT AREA OR A
19 MAINTENANCE AREA THAT WAS DESIGNATED AS A SERIOUS PM-10 NONATTAINMENT AREA.

20 Sec. 16. Section 49-474.01, Arizona Revised Statutes, is amended to
21 read:

22 49-474.01. Additional board duties in vehicle emissions control
23 areas; definitions

24 A. The board of supervisors of a county which contains any portion of
25 area A or area B as defined in section 49-541 shall:

26 1. In area A, in consultation with the designated metropolitan
27 planning organization, synchronize traffic control signals on all existing
28 and new roadways, within the unincorporated area and at jurisdictional
29 boundaries, which have a traffic flow exceeding fifteen thousand motor
30 vehicles per day.

31 2. In area A, beginning ~~on~~ January 1, 2000, develop and implement
32 plans to stabilize targeted unpaved roads, alleys and unpaved shoulders on
33 targeted arterials. The plans shall address the performance goals, the
34 criteria for targeting roads, alleys and arterials, a schedule for
35 implementation, funding options and reporting requirements.

36 3. In area A, acquire or utilize vacuum systems or other dust removal
37 technology to reduce the particulates attributable to conventional crack
38 sealing operations as existing equipment is retired.

39 4. IN AREA A, BEGINNING JANUARY 1, 2008, DEVELOP AND IMPLEMENT PLANS
40 TO STABILIZE TARGETED UNPAVED ROADS, ALLEYS AND UNPAVED SHOULDERS ON TARGETED
41 ARTERIALS. THE PLANS SHALL ADDRESS THE PERFORMANCE GOALS, THE CRITERIA FOR
42 TARGETING THE ROADS, ALLEYS AND SHOULDERS, A SCHEDULE FOR IMPLEMENTATION,
43 FUNDING OPTIONS AND REPORTING REQUIREMENTS. PRIORITY SHALL BE GIVEN TO THE
44 FOLLOWING:

- 1 (a) UNPAVED ROADS WITH MORE THAN ONE HUNDRED AVERAGE DAILY TRIPS.
2 (b) UNPAVED SHOULDERS ON ARTERIAL ROADS AND OTHER ROAD SEGMENTS WHERE
3 VEHICLE USE ON UNPAVED SHOULDERS IS EVIDENT OR ANTICIPATED DUE TO PROJECTED
4 TRAFFIC VOLUME.
- 5 5. IN A COUNTY WITH A POPULATION OF TWO MILLION OR MORE PERSONS OR ANY
6 PORTION OF A COUNTY IN AN AREA DESIGNATED BY THE ENVIRONMENTAL PROTECTION
7 AGENCY AS A SERIOUS PM-10 NONATTAINMENT AREA OR A MAINTENANCE AREA THAT WAS
8 DESIGNATED AS A SERIOUS PM-10 NONATTAINMENT AREA, NO LATER THAN MARCH 31,
9 2008, ADOPT OR AMEND CODES OR ORDINANCES AND, NO LATER THAN OCTOBER 1, 2008,
10 COMMENCE ENFORCEMENT OF THOSE CODES OR ORDINANCES AS NECESSARY TO REQUIRE
11 THAT PARKING, MANEUVERING, INGRESS AND EGRESS AREAS AT DEVELOPMENTS OTHER
12 THAN RESIDENTIAL BUILDINGS WITH FOUR OR FEWER UNITS ARE MAINTAINED WITH ONE
13 OR MORE OF THE FOLLOWING DUSTPROOF PAVING METHODS:
- 14 (a) ASPHALTIC CONCRETE.
15 (b) CEMENT CONCRETE.
16 (c) PENETRATION TREATMENT OF BITUMINOUS MATERIAL AND SEAL COAT OF
17 BITUMINOUS BINDER AND A MINERAL AGGREGATE.
18 (d) A STABILIZATION METHOD APPROVED BY THE COUNTY.
- 19 6. IN A COUNTY WITH A POPULATION OF TWO MILLION OR MORE PERSONS OR ANY
20 PORTION OF A COUNTY IN AN AREA DESIGNATED BY THE ENVIRONMENTAL PROTECTION
21 AGENCY AS A SERIOUS PM-10 NONATTAINMENT AREA OR A MAINTENANCE AREA THAT WAS
22 DESIGNATED AS A SERIOUS PM-10 NONATTAINMENT AREA, NO LATER THAN MARCH 31,
23 2008, ADOPT OR AMEND CODES OR ORDINANCES AND, NO LATER THAN OCTOBER 1, 2009,
24 COMMENCE ENFORCEMENT OF THOSE CODES OR ORDINANCES AS NECESSARY TO REQUIRE
25 THAT PARKING, MANEUVERING, INGRESS AND EGRESS AREAS THREE THOUSAND SQUARE
26 FEET OR MORE IN SIZE AT RESIDENTIAL BUILDINGS WITH FOUR OR FEWER UNITS ARE
27 MAINTAINED WITH A PAVING OR STABILIZATION METHOD AUTHORIZED BY THE COUNTY BY
28 CODE, ORDINANCE OR PERMIT.
- 29 7. IN AREA A, NO LATER THAN MARCH 31, 2008, ADOPT OR AMEND CODES OR
30 ORDINANCES AS NECESSARY TO RESTRICT VEHICLE PARKING AND USE ON UNPAVED OR
31 UNSTABILIZED VACANT LOTS.
- 32 8. IN AREA A, REQUIRE THAT NEW OR RENEWED CONTRACTS FOR STREET
33 SWEEPING ON CITY STREETS MUST BE CONDUCTED WITH STREET SWEEPERS THAT MEET THE
34 SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT RULE 1186 STREET SWEEPER
35 CERTIFICATION SPECIFICATIONS FOR PICK UP EFFICIENCY AND PM-10 EMISSIONS IN
36 EFFECT ON JANUARY 1, 2007.
- 37 ~~4-~~ 9. In area B, synchronize traffic control signals on roadways with
38 a traffic flow exceeding fifteen thousand motor vehicles per day.
- 39 ~~5-~~ 10. Implement adjusted work hours for at least eighty-five per
40 cent of county employees in area A each year beginning October 1 and ending
41 April 1 in order to reduce the level of carbon monoxide concentrations caused
42 by vehicular travel.
- 43 11. IN A COUNTY WITH A POPULATION OF TWO MILLION OR MORE PERSONS OR
44 ANY PORTION OF A COUNTY WITHIN AN AREA DESIGNATED BY THE ENVIRONMENTAL
45 PROTECTION AGENCY AS A SERIOUS PM-10 NONATTAINMENT AREA OR A MAINTENANCE AREA

1 THAT WAS DESIGNATED AS A SERIOUS PM-10 NONATTAINMENT AREA, NO LATER THAN
2 MARCH 31, 2008, ADOPT RULE PROVISIONS, AND, NO LATER THAN OCTOBER 1, 2008,
3 COMMENCE ENFORCEMENT OF THOSE RULE PROVISIONS REGARDING THE STABILIZATION OF
4 DISTURBED SURFACES OF VACANT LOTS THAT INCLUDE THE FOLLOWING:

5 (a) REASONABLE WRITTEN NOTICE TO THE OWNER OR THE OWNER'S AUTHORIZED
6 AGENT OR THE OWNER'S STATUTORY AGENT THAT THE UNPAVED DISTURBED SURFACE OF A
7 VACANT LOT IS REQUIRED TO BE STABILIZED. THE NOTICE SHALL BE GIVEN NOT LESS
8 THAN THIRTY DAYS BEFORE THE DAY SET FOR COMPLIANCE AND SHALL INCLUDE A LEGAL
9 DESCRIPTION OF THE PROPERTY AND THE ESTIMATED COST TO THE COUNTY FOR THE
10 STABILIZATION IF THE OWNER DOES NOT COMPLY. THE NOTICE SHALL BE EITHER
11 PERSONALLY SERVED OR MAILED BY CERTIFIED MAIL TO THE OWNER'S STATUTORY AGENT,
12 TO THE OWNER AT THE OWNER'S LAST KNOWN ADDRESS OR TO THE ADDRESS TO WHICH THE
13 TAX BILL FOR THE PROPERTY WAS LAST MAILED.

14 (b) AUTHORITY FOR THE COUNTY TO ENTER THE LOT TO STABILIZE THE
15 DISTURBED SURFACE AT THE EXPENSE OF THE OWNER IF THE VACANT LOT HAS NOT BEEN
16 STABILIZED BY THE DAY SET FOR COMPLIANCE.

17 (c) METHODS FOR STABILIZATION OF THE DISTURBED SURFACE OF THE VACANT
18 LOT, THE ACTUAL COST OF STABILIZATION AND THE FINE THAT MAY BE IMPOSED FOR A
19 VIOLATION OF THIS SECTION.

20 B. FOR THE PURPOSES OF SUBSECTION A, PARAGRAPH 11 OF THIS SECTION:

21 1. "DISTURBED SURFACE" MEANS A PORTION OF THE EARTH'S SURFACE OR
22 MATERIAL PLACED ON THE EARTH'S SURFACE THAT HAS BEEN PHYSICALLY MOVED,
23 UNCOVERED, DESTABILIZED OR OTHERWISE MODIFIED FROM ITS UNDISTURBED NATIVE
24 CONDITION IF THE POTENTIAL FOR THE EMISSION OF FUGITIVE DUST IS INCREASED BY
25 THE MOVEMENT, DESTABILIZATION OR MODIFICATION.

26 2. VACANT LOTS DO NOT INCLUDE ANY SITE OF DISTURBED SURFACE AREA THAT
27 IS SUBJECT TO A PERMIT ISSUED BY A CONTROL OFFICER THAT REQUIRES CONTROL OF
28 PM-10 EMISSIONS FROM DUST GENERATING OPERATIONS.

29 ~~B.~~ C. The board of supervisors of a county that contains any portion
30 of area A as defined in section 49-541 shall make and enforce ordinances
31 consistent with section 49-588 to reduce or encourage the reduction of the
32 commuter use of motor vehicles by employees of the county and employees whose
33 place of employment is within area A.

34 ~~C.~~ D. The board of supervisors in a county that contains any portion
35 of area A shall develop and implement a vehicle fleet plan for the purpose of
36 encouraging and progressively increasing the use of alternative fuels and
37 clean burning fuels in county owned vehicles operating in area A.

38 ~~D.~~ E. The plan shall include a timetable for increasing the use of
39 alternative fuels and clean burning fuels in fleet vehicles either through
40 purchase or conversion. The timetable shall reflect the following schedule
41 and percentage of vehicles that operate on alternative fuels or clean burning
42 fuels:

- 43 1. At least eighteen per cent of the total fleet by December 31, 1995.
44 2. At least twenty-five per cent of the total fleet by December 31,
45 1996.

1 3. At least fifty per cent of the total fleet by December 31, 1998.

2 4. At least seventy-five per cent of the total fleet by December 31,
3 2000 and each year thereafter.

4 ~~F.~~ F. The requirements of subsections ~~G~~- D and ~~D~~- E of this section
5 may be waived on receipt of certification supported by evidence acceptable to
6 the department that the county is unable to acquire or be provided equipment
7 or refueling facilities necessary to operate vehicles using alternative fuels
8 or clean burning fuels at a projected cost that is reasonably expected to
9 result in net costs of no greater than ten per cent more than the net costs
10 associated with the continued use of conventional gasoline or diesel fuels
11 measured over the expected useful life of the equipment or facilities
12 supplied. Applications for waivers shall be filed with the department
13 pursuant to section 49-412. An entity that receives a waiver pursuant to
14 this section shall retrofit fleet heavy-duty diesel vehicles with a gross
15 vehicle weight of eight thousand five hundred pounds or more, that were
16 manufactured in or before model year 1993 and that are the subject of the
17 waiver with a technology that is effective at reducing particulate emissions
18 at least twenty-five per cent or more and that has been approved by the
19 United States environmental protection agency pursuant to the urban bus
20 engine retrofit/rebuild program. The entity shall comply with the
21 implementation schedule pursuant to section 49-555.

22 ~~F.~~ G. If the requirements of subsections ~~G~~- D and ~~D~~- E of this
23 section are met by the use of clean burning fuel, vehicle equivalents under
24 those requirements shall be calculated as follows:

25 1. One vehicle equivalent for every four hundred fifty gallons of neat
26 biodiesel or two thousand two hundred fifty gallons of a diesel fuel
27 substitute prescribed in section 1-215, paragraph 7, subdivision (b).

28 2. One vehicle equivalent for every five hundred thirty gallons of the
29 fuel prescribed in section 1-215, paragraph 7, subdivision (d).

30 H. SUBSECTION A, PARAGRAPHS 5, 6 AND 7 OF THIS SECTION DO NOT APPLY TO
31 ANY SITE THAT HAS A PERMIT ISSUED BY A CONTROL OFFICER AS DEFINED IN SECTION
32 49-471 FOR THE CONTROL OF FUGITIVE DUST FROM DUST GENERATING OPERATIONS.

33 ~~G.~~ I. For the purposes of this section, "alternative fuel" and "clean
34 burning fuel" have the same meanings prescribed in section 1-215.

35 Sec. 17. Title 49, chapter 3, article 3, Arizona Revised Statutes, is
36 amended by adding sections 49-474.05, 49-474.06 and 49-474.07, to read:

37 49-474.05. Dust control; training; site coordinators

38 A. THIS SECTION APPLIES IN A COUNTY WITH A POPULATION OF TWO MILLION
39 OR MORE PERSONS OR ANY PORTION OF A COUNTY IN AN AREA DESIGNATED BY THE
40 ENVIRONMENTAL PROTECTION AGENCY AS A SERIOUS PM-10 NONATTAINMENT AREA OR A
41 MAINTENANCE AREA THAT WAS DESIGNATED AS A SERIOUS PM-10 NONATTAINMENT AREA.

42 B. NO LATER THAN JANUARY 1, 2008, THE CONTROL OFFICER SHALL DEVELOP
43 AND IMPLEMENT BASIC AND COMPREHENSIVE TRAINING PROGRAMS FOR THE SUPPRESSION
44 OF PM-10 EMISSIONS FROM SOURCES OF PM-10 THAT ARE SUBJECT TO A PERMIT ISSUED
45 BY A CONTROL OFFICER THAT REQUIRES CONTROL OF PM-10 EMISSIONS FROM DUST

1 GENERATING OPERATIONS. THE CONTROL OFFICER MAY APPROVE TRAINING DEVELOPED
2 AND PROVIDED BY A THIRD PARTY AND THE BOARD OF SUPERVISORS MAY ADOPT RULES
3 PRESCRIBING STANDARDS FOR DUST CONTROL TRAINING.

4 C. AT LEAST ONCE EVERY THREE YEARS, THE FOLLOWING PERSONS ARE REQUIRED
5 TO SUCCESSFULLY COMPLETE BASIC DUST CONTROL TRAINING:

6 1. THE SITE SUPERINTENDENT OR OTHER DESIGNATED ON-SITE REPRESENTATIVE
7 OF THE PERMIT HOLDER IF PRESENT AT A SITE THAT HAS MORE THAN ONE ACRE OF
8 DISTURBED SURFACE AREA THAT IS SUBJECT TO A PERMIT ISSUED BY A CONTROL
9 OFFICER REQUIRING CONTROL OF PM-10 EMISSIONS FROM DUST GENERATING OPERATIONS.

10 2. WATER TRUCK AND WATER PULL DRIVERS.

11 D. PERSONS WHO ARE REQUIRED TO BE TRAINED UNDER THIS SECTION SHALL
12 COMPLETE THE TRAINING NO LATER THAN DECEMBER 31, 2008. ALL PERSONS WHO HAVE
13 SUCCESSFULLY COMPLETED TRAINING DURING THE 2006 AND 2007 CALENDAR YEARS ARE
14 DEEMED TO HAVE SATISFIED THIS REQUIREMENT IF THE TRAINING PROGRAM COMPLETED
15 WAS CONDUCTED OR APPROVED BY A COUNTY AIR POLLUTION CONTROL OFFICER.
16 COMPLETION OF THE TRAINING REQUIRED UNDER SUBSECTION G SATISFIES THE
17 REQUIREMENTS OF THIS SUBSECTION.

18 E. NO LATER THAN JUNE 30, 2008, THE PERMITTEE FOR ANY SITE OF FIVE
19 ACRES OR MORE OF DISTURBED SURFACE AREA SUBJECT TO A PERMIT ISSUED BY A
20 CONTROL OFFICER REQUIRING CONTROL OF PM-10 EMISSIONS FROM DUST GENERATING
21 OPERATIONS SHALL HAVE ON SITE AT LEAST ONE DUST CONTROL COORDINATOR TRAINED
22 IN ACCORDANCE WITH THIS SECTION AT ALL TIMES DURING PRIMARY DUST GENERATING
23 OPERATIONS RELATED TO THE PURPOSES FOR WHICH THE DUST CONTROL PERMIT WAS
24 OBTAINED.

25 F. A DUST CONTROL COORDINATOR HAS FULL AUTHORITY TO ENSURE THAT DUST
26 CONTROL MEASURES ARE IMPLEMENTED ON SITE, INCLUDING CONDUCTING INSPECTIONS,
27 DEPLOYMENT OF DUST SUPPRESSION RESOURCES AND MODIFICATION OR SHUTDOWN OF
28 ACTIVITIES AS NEEDED TO CONTROL DUST. THE DUST CONTROL COORDINATOR SHALL BE
29 RESPONSIBLE FOR MANAGING DUST PREVENTION AND DUST CONTROL ON THE SITE.

30 G. AT LEAST ONCE EVERY THREE YEARS, THE DUST CONTROL COORDINATOR SHALL
31 SUCCESSFULLY COMPLETE A COMPREHENSIVE DUST CONTROL CLASS CONDUCTED OR
32 APPROVED UNDER SUBSECTION A BY THE COUNTY AIR POLLUTION CONTROL OFFICER WITH
33 JURISDICTION OVER THE SITE. THE DUST CONTROL COORDINATOR SHALL HAVE A VALID
34 DUST TRAINING CERTIFICATION IDENTIFICATION CARD READILY ACCESSIBLE ON SITE
35 WHILE ACTING AS A DUST CONTROL COORDINATOR. ALL PERSONS HAVING SUCCESSFULLY
36 COMPLETED TRAINING DURING THE 2006 AND 2007 CALENDAR YEARS ARE DEEMED TO HAVE
37 SATISFIED THIS REQUIREMENT IF THE TRAINING PROGRAM COMPLETED WAS CONDUCTED OR
38 APPROVED BY A COUNTY AIR POLLUTION CONTROL OFFICER.

39 H. SUBSECTIONS C AND D DO NOT APPLY WHEN ON-SITE DUST GENERATING
40 OPERATIONS ARE CONDUCTED BY A PERMITTEE WHO IS REQUIRED TO OBTAIN A SINGLE
41 PERMIT FOR MULTIPLE NONCONTIGUOUS SITES THAT IS ISSUED BY A CONTROL OFFICER
42 AND THAT REQUIRES CONTROL OF PM-10 EMISSIONS.

43 I. THE REQUIREMENTS OF SUBSECTIONS E AND F LAPSE IF ALL OF THE
44 FOLLOWING APPLY:

45 1. THE AREA OF THE DISTURBED SURFACE AREA IS LESS THAN FIVE ACRES.

1 2. THE PREVIOUSLY DISTURBED AREAS ARE STABILIZED IN ACCORDANCE WITH
2 THE REQUIREMENTS OF APPLICABLE RULES.

3 3. THE PERMITTEE PROVIDES NOTICE OF THE ACREAGE STABILIZED TO THE
4 CONTROL OFFICER.

5 J. PERMITTEES WHO ARE REQUIRED TO OBTAIN A SINGLE PERMIT FOR MULTIPLE
6 NONCONTIGUOUS SITES THAT IS ISSUED BY A CONTROL OFFICER AND THAT REQUIRES
7 CONTROL OF PM-10 EMISSIONS FROM DUST GENERATING OPERATIONS SHALL HAVE ON
8 SITES WITH GREATER THAN ONE ACRE OF DISTURBED SURFACE AREA AT LEAST ONE
9 INDIVIDUAL WHO IS DESIGNATED BY THE PERMITTEE AS A DUST CONTROL COORDINATOR
10 TRAINED IN ACCORDANCE WITH SUBSECTION C. THE DUST CONTROL COORDINATOR SHALL
11 BE PRESENT ON SITE AT ALL TIMES DURING PRIMARY DUST GENERATING ACTIVITIES
12 THAT ARE RELATED TO THE PURPOSES FOR WHICH THE PERMIT WAS OBTAINED. THIS
13 SUBSECTION DOES NOT APPLY TO PERMITTEES SUBJECT TO SUBSECTIONS B AND C.

14 49-474.06. Dust control; subcontractor registration; fee

15 A. IN AN AREA DESIGNATED BY THE ENVIRONMENTAL PROTECTION AGENCY AS A
16 SERIOUS PM-10 NONATTAINMENT AREA OR A MAINTENANCE AREA THAT WAS DESIGNATED AS
17 A SERIOUS PM-10 NONATTAINMENT AREA, A SUBCONTRACTOR WHO IS ENGAGED IN DUST
18 GENERATING OPERATIONS AT A SITE THAT IS SUBJECT TO A PERMIT THAT IS ISSUED BY
19 A CONTROL OFFICER AND THAT REQUIRES CONTROL OF PM-10 EMISSIONS FROM DUST
20 GENERATING OPERATIONS SHALL REGISTER WITH THE CONTROL OFFICER BY SUBMITTING
21 INFORMATION IN THE MANNER PRESCRIBED BY THE CONTROL OFFICER. THE CONTROL
22 OFFICER SHALL ISSUE A REGISTRATION NUMBER AFTER PAYMENT OF THE FEE AUTHORIZED
23 UNDER SUBSECTION C.

24 B. THE SUBCONTRACTOR SHALL HAVE ITS REGISTRATION NUMBER READILY
25 ACCESSIBLE ON SITE WHILE CONDUCTING ANY DUST GENERATING OPERATIONS.

26 C. THE CONTROL OFFICER MAY ESTABLISH AND ASSESS A FEE FOR THE
27 REGISTRATION REQUIRED UNDER SUBSECTION A BASED ON THE TOTAL COST OF
28 PROCESSING THE REGISTRATION AND ISSUANCE OF A REGISTRATION NUMBER.

29 49-474.07. Voluntary diesel equipment retrofit program;
30 criteria; inventory; permits

31 A. A COUNTY WITH A POPULATION OF MORE THAN FOUR HUNDRED THOUSAND
32 PERSONS SHALL OPERATE AND ADMINISTER A VOLUNTARY DIESEL EMISSIONS RETROFIT
33 PROGRAM IN THE COUNTY FOR THE PURPOSE OF REDUCING PARTICULATE EMISSIONS FROM
34 DIESEL EQUIPMENT. THE PROGRAM SHALL PROVIDE FOR REAL AND QUANTIFIABLE
35 EMISSIONS REDUCTIONS BASED ON ACTUAL EMISSIONS REDUCTIONS BY AN AMOUNT
36 GREATER THAN THAT ALREADY REQUIRED BY APPLICABLE LAW, RULE, PERMIT OR ORDER
37 AND COMPUTED BASED ON THE PERCENTAGE EMISSIONS REDUCTIONS FROM THE TESTING OF
38 THE DIESEL RETROFIT EQUIPMENT PRESCRIBED IN SUBSECTION C AS APPLIED TO THE
39 RATED EMISSIONS OF THE ENGINE AND USING THE STANDARD OPERATING HOURS OF THE
40 EQUIPMENT.

41 B. A PERSON MAY PARTICIPATE IN THE PROGRAM IF BOTH OF THE FOLLOWING
42 APPLY:

43 1. THE PERSON IS THE OWNER OF DIESEL POWERED EQUIPMENT THAT REQUIRES A
44 PERMIT ISSUED PURSUANT TO THIS ARTICLE FOR LAWFUL OPERATION.

1 2. THE PERSON REPORTS TO THE CONTROL OFFICER ON THE TYPE OF EQUIPMENT
2 THAT IS RETROFITTED, PROVIDES A METHOD FOR CALCULATING THE EMISSIONS
3 REDUCTIONS ACHIEVED THAT IS APPROVED BY THE CONTROL OFFICER AND PROVIDES
4 EVIDENCE THAT THE RETROFITTED EQUIPMENT IS ACTUALLY USED IN A MANNER THAT
5 RESULTS IN LOWER PARTICULATE EMISSIONS WITH NO INCREASE IN EMISSIONS OF OTHER
6 POLLUTANTS.

7 C. THE VOLUNTARY DIESEL RETROFIT PROGRAM SHALL PROVIDE FOR THE
8 FOLLOWING:

9 1. EACH PERSON WHO PARTICIPATES SHALL ALLOCATE TO THE AIR QUALITY
10 EMISSIONS REDUCTION INVENTORY FOR THAT COUNTY ONE-HALF OF THE TOTAL
11 PARTICULATE EMISSIONS REDUCTION ACHIEVED THROUGH THAT PERSON'S RETROFIT OF
12 DIESEL EQUIPMENT OPERATING AT THE PERMITTED SITE WHETHER OR NOT THAT
13 EQUIPMENT IS REQUIRED TO HAVE A PERMIT.

14 2. EACH PERSON WHO PARTICIPATES SHALL RETAIN ONE-HALF OF THE TOTAL
15 PARTICULATE EMISSIONS REDUCTION ACHIEVED THROUGH THAT PERSON'S RETROFIT OF
16 EQUIPMENT AT THE SITE FOR PURPOSES OF RECEIVING A MODIFICATION TO AN EXISTING
17 PERMIT OR A PROVISION IN A NEW PERMIT THAT ALLOWS FOR EXTENDED HOURS OF
18 OPERATION FOR THE PERMITTED EQUIPMENT, AS COMPARED TO THE EXISTING PERMIT, OR
19 FOR NEW PERMITS, AS COMPARED TO PERMITS FOR SIMILAR EQUIPMENT.

20 3. THE DIESEL EMISSIONS REDUCTION EQUIPMENT THAT IS RETROFITTED SHALL
21 BE REGISTERED WITH THE DEPARTMENT OF ENVIRONMENTAL QUALITY WITH NOTICE TO THE
22 APPLICABLE COUNTY, SHALL BE TESTED WITH AN ISO 8178 TEST BY A PROPERLY
23 EQUIPPED LABORATORY AND SHALL DEMONSTRATE AT LEAST A THIRTY-FIVE PER CENT
24 REDUCTION IN PARTICULATE POLLUTION WITH NO INCREASE IN THE GENERATION OR
25 EMISSION OF OTHER REGULATED POLLUTANTS. THIS PARAGRAPH APPLIES WITHOUT
26 REGARD TO WHETHER THE PARTICIPANT IS REQUIRED TO OBTAIN AN AIR QUALITY PERMIT
27 FOR THE EQUIPMENT.

28 4. THE CONTROL OFFICER SHALL PROVIDE A METHOD FOR DETERMINING THE
29 PARTICIPANT'S ELIGIBILITY FOR THE PROGRAM AND FOR THE MODIFICATION OF
30 EXISTING PERMITS OR FOR INCORPORATING THIS PROGRAM'S PROVISIONS INTO THE
31 TERMS OF ANY APPLICABLE NEW PERMITS AS WELL AS ANY REPORTING REQUIREMENTS TO
32 ENSURE CONTINUED USE OF THE EMISSIONS REDUCTION MEASURES.

33 D. THIS SECTION DOES NOT AUTHORIZE A PERMIT CONDITION OR A
34 MODIFICATION TO A PERMIT CONDITION THAT WOULD VIOLATE A REQUIREMENT OF THE
35 CLEAN AIR ACT, THIS CHAPTER OR A RULE ADOPTED UNDER THIS CHAPTER, INCLUDING
36 THE NATIONAL AMBIENT AIR QUALITY STANDARDS. THIS SECTION DOES NOT AUTHORIZE
37 THE USE OF REDUCTIONS IN MOBILE SOURCE EMISSIONS FOR PURPOSES OF DETERMINING
38 THE APPLICABILITY OF NEW SOURCE REVIEW REQUIREMENTS.

39 Sec. 18. Section 49-501, Arizona Revised Statutes, is amended to read:
40 49-501. Unlawful open burning; exceptions; fine; definition

41 A. Notwithstanding the provisions of any other section of this
42 article: —

43 1. It is unlawful for any person to ignite, cause to be ignited,
44 permit to be ignited, or suffer, allow, or maintain any open outdoor fire
45 except as provided in this section.

1 2. FROM MAY 1 THROUGH SEPTEMBER 30 EACH YEAR, IT IS UNLAWFUL FOR ANY
2 PERSON TO IGNITE, CAUSE TO BE IGNITED, PERMIT TO BE IGNITED OR SUFFER, ALLOW
3 OR MAINTAIN ANY OPEN OUTDOOR FIRE IN AREA A AS DEFINED IN SECTION 49-541.

4 ~~C.~~ B. The following fires are excepted from ~~the provisions of this~~
5 section:

6 1. Fires used only for cooking of food or for providing warmth for
7 human beings ~~or for recreational purposes~~ or the branding of animals or the
8 use of orchard heaters for the purpose of frost protection in farming or
9 nursery operations.

10 2. Any fire set or permitted by any public officer in the performance
11 of official duty, if such fire is set or permission given for the purpose of
12 weed abatement, the prevention of a fire hazard, or instruction in the
13 methods of fighting fires.

14 3. Fires set by or permitted by the director of the department of
15 agriculture or county agricultural agents of the county for the purpose of
16 disease and pest prevention.

17 4. Fires set by or permitted by the federal government or any of its
18 departments, agencies or agents or the state or any of its agencies,
19 departments or political subdivisions for the purpose of watershed
20 rehabilitation or control through vegetative manipulation.

21 5. Fires permitted by any rule or regulation issued pursuant to this
22 article, by any conditional permit issued by a hearing board established
23 under this article or by any rule or conditional permit issued pursuant to
24 article 2 of this chapter when the department of environmental quality
25 pursuant to section 49-402 has assumed jurisdiction of the county in which
26 the fire is located.

27 6. Fires set for the disposal of dangerous materials where there is no
28 safe alternate method of disposal.

29 ~~D.~~ C. Permission for the setting of any fire given by a public
30 officer in the performance of official duty under subsection ~~C.~~ B, paragraph
31 2, 3 or 4 OF THIS SECTION shall be given in writing and a copy of the written
32 permission shall be transmitted immediately to the director OF ENVIRONMENTAL
33 QUALITY and the control officer of the county, district or region in which
34 such fire is allowed. The setting of any such fire shall be conducted in a
35 manner and at such time as approved by the control officer or the director OF
36 ENVIRONMENTAL QUALITY, unless doing so would defeat the purpose of the
37 exemption.

38 ~~E.~~ D. Notwithstanding section 49-107, the director may delegate
39 authority for the issuance of open burning permits to a county, city, town or
40 fire district. A county, city, town or fire district that has been delegated
41 authority for the issuance of open burning permits may assign the issuance of
42 these permits to a private fire protection service provider that performs
43 fire protection services within that county, city, town or fire district.
44 Any private fire protection service provider that is authorized to issue open
45 burning permits pursuant to this subsection shall maintain a copy of all

1 currently effective permits issued including a means of contacting the person
2 authorized by the permit to set the fire in the event that an order to
3 extinguish the open burning is issued. Permits issued pursuant to this
4 subsection shall contain both of the following:

5 1. Conditions that limit the manner and time of setting the fire and
6 that are consistent with this section and rules adopted pursuant to this
7 section.

8 2. A provision that all burning be extinguished at the discretion of
9 the director or the director's authorized representative during periods of
10 inadequate atmospheric smoke dispersion, periods of excessive visibility
11 impairment that could adversely affect public safety or periods when smoke is
12 blown into populated areas so as to create a public nuisance.

13 ~~F.~~ E. The director may issue a general permit to allow persons
14 engaged in farming or ranching on forty acres or more in an unincorporated
15 area to burn household waste, as defined in section 49-701, that is generated
16 on site, if no household waste collection and disposal service is available.
17 The general permit shall include the following:

18 1. Conditions governing the method, manner and times for burning.

19 2. Limitation on materials which may be burned, including a
20 prohibition on burning of materials which generate noxious fumes.

21 3. A requirement that any person seeking coverage under the general
22 permit shall register with the director on a form prescribed by the director.
23 Upon receipt of a registration form, the director shall notify the county in
24 which the farm or ranch is located of such registration.

25 4. A statement that the director, a local air pollution control
26 officer, or any other public officer may order the extinguishment of burning
27 or may prohibit burning during periods of inadequate smoke dispersion
28 or excessive visibility impairment or at other times when public health or
29 safety could be adversely affected.

30 ~~G.~~ F. Nothing in this section is intended to permit any practice
31 which is a violation of any statute, ordinance, rule or regulation in a
32 county with a population in excess of one million two hundred thousand
33 persons. ~~according to the most recent United States decennial census.~~
34 NOTWITHSTANDING ANY OTHER LAW, SUCH A COUNTY SHALL PROHIBIT BY ORDINANCE THE
35 USE OF WOOD BURNING CHIMINEAS, OUTDOOR FIRE PITS AND SIMILAR OUTDOOR FIRES ON
36 THOSE DAYS FOR WHICH THE COUNTY HAS ISSUED A NO BURN DAY RESTRICTION.

37 ~~H.~~ G. A person who violates any provision of this section may be
38 served a notice of violation and be subject to the enforcement provisions of
39 this article to the same extent as a person violating any rule or regulation
40 adopted pursuant to this article, EXCEPT THAT A VIOLATION THAT LASTS NO MORE
41 THAN TWENTY-FOUR HOURS AND THAT IS THE FIRST VIOLATION COMMITTED BY THAT
42 PERSON IS SUBJECT TO A CIVIL PENALTY OF NO MORE THAN FIVE HUNDRED DOLLARS.

43 ~~I. Any violation of this section shall be punishable by a fine not to~~
44 ~~exceed twenty-five dollars.~~

1 B. H. FOR THE PURPOSES OF THIS SECTION, "open outdoor fire", ~~as used~~
2 ~~in this section,~~ means any combustion of combustible material of any type
3 outdoors, in the open where the products of combustion are not directed
4 through a flue. FOR THE PURPOSES OF THIS SUBSECTION, "flue", ~~as used in~~
5 ~~this subsection,~~ means any duct or passage for air, gases or the like, such
6 as a stack or chimney.

7 Sec. 19. Section 49-542, Arizona Revised Statutes, as amended by Laws
8 2007, chapter 171, section 5, is amended to read:

9 49-542. Emissions inspection program; powers and duties of
10 director; administration; periodic inspection;
11 minimum standards and rules; exceptions; definition

12 A. The director shall administer a comprehensive annual or biennial
13 emissions inspection program which shall require the inspection of vehicles
14 in this state pursuant to this article and applicable administrative rules.
15 Such inspection is required in area A and area B, for those vehicles owned by
16 a person who is subject to section 15-1444 or 15-1627 and for those vehicles
17 registered outside of area A or area B but used to commute to the driver's
18 principal place of employment located within area A or area B. Inspection in
19 other counties of the state shall commence upon application by a county board
20 of supervisors for participation in such inspection program, subject to
21 approval by the director. In all counties with a population of three hundred
22 fifty thousand or fewer persons according to the most recent United States
23 decennial census, except for the portion of counties that contain any portion
24 of area A, the director shall as conditions dictate provide for testing to
25 determine the effect of vehicle related pollution on ambient air quality in
26 all communities with a metropolitan area population of twenty thousand
27 persons or more according to the most recent United States decennial census.
28 If such testing detects the violation of state ambient air quality standards
29 by vehicle related pollution, the director shall forward a full report of
30 such violation to the president of the senate, the speaker of the house of
31 representatives and the governor.

32 B. The state's annual or biennial emissions inspection program shall
33 provide for vehicle inspections at official emissions inspection stations or
34 at fleet emissions inspection stations. Each inspection station in area A
35 shall employ at least one mechanic who is available during the station's
36 hours of operation to provide technical advice and assistance for persons who
37 fail the emissions test. The director may enter into agreements with the
38 department of transportation or with county assessors for the use of official
39 emissions inspection stations for the purpose of conducting vehicle
40 registrations. An official or fleet emissions inspection station permit
41 shall not be sold, assigned, transferred, conveyed or removed to another
42 location except on such terms and conditions as the director may prescribe.

43 C. Vehicles required to be inspected and registered in this state,
44 except those provided for in section 49-546, shall be inspected, for the
45 purpose of complying with the registration or reregistration requirement

1 pursuant to subsection D of this section, in accordance with the provisions
2 of this article no more than ninety days prior to each reregistration
3 expiration date. A vehicle may be submitted voluntarily for inspection more
4 than ninety days before the reregistration expiration date on payment of the
5 prescribed inspection fee. Such voluntary inspection shall not be considered
6 as compliance with the registration or reregistration requirement pursuant to
7 subsection D of this section.

8 D. A vehicle shall not be registered or reregistered until such
9 vehicle has passed the emissions inspection, ~~and~~ the tampering inspection
10 prescribed in subsection G of this section AND THE LIQUID FUEL LEAK
11 INSPECTION PRESCRIBED IN SUBSECTION Z OF THIS SECTION or has been issued a
12 certificate of waiver. A certificate of waiver shall only be issued one time
13 to a vehicle after January 1, 1997. If any vehicle to be registered or
14 reregistered is being sold by a dealer licensed to sell motor vehicles
15 pursuant to title 28, the cost of any inspection and any repairs necessary to
16 pass the inspection shall be borne by the dealer. A dealer who is licensed
17 to sell motor vehicles pursuant to title 28 and whose place of business is
18 located in area A or area B shall not deliver any vehicle to the retail
19 purchaser until the vehicle passes any inspection required by this article or
20 the vehicle is exempt under subsection J of this section.

21 E. On the registration or reregistration of a vehicle which has
22 complied with the minimum emissions standards pursuant to this section or is
23 otherwise exempt under this section, the registering officer shall issue an
24 air quality compliance sticker to the registered owner which shall be placed
25 on the vehicle as prescribed by rule adopted by the department of
26 transportation or issue a modified year validating tab as prescribed by rule
27 adopted by the department of transportation. Those persons who reside
28 outside of area A or area B but who elect to test their vehicle or are
29 required to test their vehicle pursuant to this section and who comply with
30 the minimum emissions standards pursuant to this section or are otherwise
31 exempt under this section shall remit a compliance form, as prescribed by the
32 department of transportation, and proof of compliance issued at an official
33 emissions inspection station to the department of transportation along with
34 the appropriate fees. The department of transportation shall then issue the
35 person an air quality compliance sticker which shall be placed on the vehicle
36 as prescribed by rule adopted by the department of transportation. The
37 registering officer or the department of transportation shall collect an air
38 quality compliance fee of twenty-five cents. The registering officer or the
39 department of transportation shall deposit, pursuant to sections 35-146 and
40 35-147, the air quality compliance fee in the state highway fund established
41 by section 28-6991. The department of transportation shall deposit, pursuant
42 to sections 35-146 and 35-147, any emissions inspection fee in the emissions
43 inspection fund. The provisions of this subsection do not apply to those
44 vehicles registered pursuant to title 28, chapter 7, article 7 or 8, the sale
45 of vehicles between motor vehicle dealers or vehicles leased to a person

1 residing outside of area A or area B by a leasing company whose place of
2 business is in area A or area B.

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

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

8 (a) A motor vehicle manufactured in or before the 1980 model year,
9 other than a diesel powered vehicle, shall be required to take and pass the
10 curb idle test condition. A diesel powered vehicle is subject to only a
11 loaded test condition. The conditioning mode shall, at the option of the
12 vehicle owner or owner's agent, be administered only after the vehicle has
13 failed the curb idle test condition. Upon completion of such conditioning
14 mode, a vehicle that has failed the curb idle test condition may be retested
15 in the curb idle test condition. If the vehicle passes such retest, it shall
16 be deemed in compliance with minimum emissions standards unless the vehicle
17 fails the tampering inspection pursuant to subsection G of this section OR
18 THE LIQUID LEAK FUEL INSPECTION PURSUANT TO SUBSECTION Z OF THIS SECTION.

19 (b) A motor vehicle manufactured in or after the 1981 model year,
20 other than a diesel powered vehicle, shall be required to take and pass the
21 curb idle test condition and the loaded test condition or an onboard
22 diagnostic check as may be required pursuant to title II of the clean air
23 act.

24 2. For purposes of determining compliance with minimum emissions
25 standards and functional tests in area A:

26 (a) Motor vehicles manufactured in or after model year 1981 with a
27 gross vehicle weight rating of eighty-five hundred pounds or less, other than
28 diesel powered vehicles, shall be required to take and pass a transient
29 loaded emissions test or an onboard diagnostic check as may be required
30 pursuant to title II of the clean air act.

31 (b) Motor vehicles other than those prescribed by subdivision (a) of
32 this paragraph and other than diesel powered vehicles shall be required to
33 take and pass a steady state loaded test and a curb idle emissions test.

34 (c) A diesel powered motor vehicle applying for registration or
35 reregistration in area A shall be required to take and pass an annual
36 emissions test conducted at an official emissions inspection station or a
37 fleet emissions inspection station as follows:

38 (i) A loaded, transient or any other form of test as provided for in
39 rules adopted by the director for vehicles with a gross vehicle weight rating
40 of eight thousand five hundred pounds or less.

41 (ii) A test that conforms with the society for automotive engineers
42 standard J1667 for vehicles with a gross vehicle weight rating of more than
43 eight thousand five hundred pounds.

44 (d) Motor vehicles by specific class or model year shall be required
45 to take and pass any of the following tests:

- 1 (i) An evaporative system purge test.
2 (ii) An evaporative system integrity test.
3 (e) An onboard diagnostic check as may be required pursuant to title
4 II of the clean air act.
- 5 3. A motorcycle in area A or any constant four wheel drive vehicle
6 shall be required to take and pass a curb idle emissions test or an onboard
7 diagnostic check as required pursuant to title II of the clean air act.
- 8 4. Fleet operators in area B must comply with this section, except
9 that used vehicles sold by a motor vehicle dealer who is a fleet operator and
10 who has been issued a permit under section 49-546 shall be tested as follows:
11 (a) A motor vehicle manufactured in or before the 1980 model year
12 shall take and pass only the curb idle test condition, except that a diesel
13 powered vehicle is subject to only a loaded test condition.
14 (b) A motor vehicle manufactured in or after the 1981 model year shall
15 take and pass the curb idle test condition and a twenty-five hundred
16 revolutions per minute unloaded test condition.
- 17 5. Vehicles owned or operated by the United States, this state or a
18 political subdivision of this state shall comply with this subsection without
19 regard to whether those vehicles are required to be registered in this state,
20 except that alternative fuel vehicles of a school district that is located in
21 area A shall be required to take and pass the curb idle test condition and
22 the loaded test condition.
- 23 6. Fleet operators in area A shall comply with this section, except
24 that used vehicles sold by a motor vehicle dealer who is a fleet operator and
25 who has been issued a permit pursuant to section 49-546 for purposes of
26 determining compliance with minimum emission standards in area A shall be
27 tested as follows:
28 (a) A motor vehicle manufactured in or before the 1980 model year
29 shall take and pass the curb idle test condition, except that a diesel
30 powered vehicle is subject to only a loaded test condition.
31 (b) A motor vehicle manufactured in or after the 1981 model year shall
32 take and pass the curb idle test condition and a two thousand five hundred
33 revolutions per minute unloaded test condition.
- 34 7. Beginning on January 1, 2004 and except for any registered owner or
35 lessee of a fleet of less than twenty-five vehicles, a diesel powered motor
36 vehicle with a gross vehicle weight of more than twenty-six thousand pounds
37 and for which gross weight fees are paid pursuant to title 28, chapter 15,
38 article 2 in area A shall not be allowed to operate in area A unless it was
39 manufactured in or after the 1988 model year or is powered by an engine that
40 is certified to meet or surpass emissions standards contained in 40 Code of
41 Federal Regulations section 86.088-11. This paragraph does not apply to
42 vehicles that are registered pursuant to title 28, chapter 7, article 7 or 8.
- 43 8. Beginning on January 1, 2006 for any registered owner or lessee of
44 a fleet of less than twenty-five vehicles, a diesel powered motor vehicle
45 with a gross vehicle weight of more than twenty-six thousand pounds and for

1 which gross weight fees are paid pursuant to title 28, chapter 15, article 2
2 in area A shall not be allowed to operate in area A unless it was
3 manufactured in or after the 1988 model year or is powered by an engine that
4 is certified to meet or surpass emissions standards contained in 40 Code of
5 Federal Regulations section 86.088-11. This paragraph does not apply to
6 vehicles that are registered pursuant to title 28, chapter 7, article 7 or 8.

7 G. In addition to an emissions inspection, a vehicle is subject to a
8 tampering inspection on at least a biennial basis if the vehicle was
9 manufactured after the 1974 model year and the vehicle is not subject to a
10 transient loaded emissions test or an onboard diagnostic check as required
11 pursuant to title II of the clean air act. The director shall adopt vehicle
12 configuration guidelines for the tampering inspection which shall be based on
13 the original configuration of the vehicle when manufactured. The tampering
14 inspection shall consist of the following:

15 1. A visual check to determine the presence of properly installed
16 catalytic converters.

17 2. An examination to determine the presence of an operational air
18 pump.

19 3. In area A, if the vehicle was manufactured after the 1974 model
20 year and is not subject to a transient loaded emissions test or an onboard
21 diagnostic check as required pursuant to title II of the clean air act, a
22 visual inspection for the presence or malfunction of the positive crankcase
23 ventilation system and the evaporative control system.

24 H. Vehicles required to be inspected shall undergo a functional test
25 of the gas cap to determine if the cap holds pressure within limits
26 prescribed by the director, except for any vehicle that is subject to an
27 evaporative system integrity test.

28 I. Motor vehicles failing the initial or subsequent test are not
29 subject to a penalty fee for late registration renewal if the original
30 testing was accomplished before the expiration date and if the registration
31 renewal is received by the motor vehicle division or the county assessor
32 within thirty days of the original test.

33 J. The director may adopt rules for purposes of implementation,
34 administration, regulation and enforcement of the provisions of this article
35 including:

36 1. The submission of records relating to the emissions inspection of
37 vehicles inspected by another jurisdiction in accordance with another
38 inspection law and the acceptance of such inspection for compliance with the
39 provisions of this article.

40 2. The exemption from inspection of:

41 (a) A motor vehicle manufactured in or before the 1966 model year.

42 (b) New vehicles originally registered at the time of initial retail
43 sale and titling in this state pursuant to section 28-2153 or 28-2154.

44 (c) Vehicles registered pursuant to title 28, chapter 7, article 7
45 or 8.

- 1 (d) New vehicles before the sixth registration year after initial
2 purchase or lease.
- 3 (e) Vehicles which will not be available within the state during the
4 ninety days prior to registration.
- 5 (f) Golf carts.
- 6 (g) Electrically-powered vehicles.
- 7 (h) Vehicles with an engine displacement of less than ninety cubic
8 centimeters.
- 9 (i) The sale of vehicles between motor vehicle dealers.
- 10 (j) Vehicles leased to a person residing outside of area A or area B
11 by a leasing company whose place of business is in area A or area B.
- 12 (k) Collectible vehicles.
- 13 (l) Motorcycles in area B.
- 14 3. Compiling and maintaining records of emissions test results after
15 servicing.
- 16 4. A procedure which shall allow the vehicle service and repair
17 industry to compare the calibration accuracy of its emissions testing
18 equipment with the department's calibration standards.
- 19 5. Training requirements for automotive repair personnel using
20 emissions measuring equipment whose calibration accuracy has been compared
21 with the department's calibration standards.
- 22 6. Any other rule which may be required to accomplish the provisions
23 of this article.
- 24 K. The director shall, after consultation with automobile
25 manufacturers and the vehicle service and repair industry, establish by rule
26 a definition of "low emissions tune-up" for motor vehicles subject to
27 inspection under this article. The definition shall specify repair
28 procedures which, when implemented, will reduce vehicle emissions.
- 29 L. The director shall adopt rules which specify that the estimated
30 retail cost of all recommended maintenance and repairs shall not exceed the
31 amounts prescribed in this subsection, except that if a vehicle fails a
32 tampering inspection there is no limit on the cost of recommended maintenance
33 and repairs. The director shall issue a certificate of waiver for a vehicle
34 which has failed reinspection, if the director has determined that all
35 recommended maintenance and repairs have been performed. If, after
36 reinspection, the director has determined that the vehicle is in compliance
37 with minimum emissions standards or that all recommended maintenance and
38 repairs for compliance with minimum emissions standards have been performed,
39 but that tampering discovered at a tampering inspection has not been
40 repaired, the director may issue a certificate of waiver if the owner of the
41 vehicle provides to the director a written statement from an automobile parts
42 or repair business that an emissions control device which is necessary to
43 repair the tampering is not available and cannot be obtained from any usual
44 source of supply before the vehicle's current registration expires. Rules
45 adopted by the director for the purpose of establishing the estimated retail

1 cost of all recommended maintenance and repairs pursuant to this subsection
2 shall specify that:

3 1. In area A the cost shall not exceed:

4 (a) Five hundred dollars for a diesel powered vehicle with a gross
5 weight in excess of twenty-six thousand pounds.

6 (b) Five hundred dollars for a diesel powered vehicle with tandem
7 axles.

8 (c) For a vehicle other than a diesel powered vehicle with a gross
9 weight in excess of twenty-six thousand pounds and other than a diesel
10 powered vehicle with tandem axles:

11 (i) Two hundred dollars for such a vehicle manufactured in or before
12 the 1974 model year.

13 (ii) Three hundred dollars for such a vehicle manufactured in the 1975
14 through 1979 model years.

15 (iii) Four hundred fifty dollars for such a vehicle manufactured in or
16 after the 1980 model year.

17 2. In area B the cost shall not exceed:

18 (a) Three hundred dollars for a diesel powered vehicle with a gross
19 weight in excess of twenty-six thousand pounds.

20 (b) Three hundred dollars for a diesel powered vehicle with tandem
21 axles.

22 3. For a vehicle other than a diesel powered vehicle with a gross
23 weight in excess of twenty-six thousand pounds and other than a diesel
24 powered vehicle with tandem axles:

25 (a) Fifty dollars for such a vehicle manufactured in or before the
26 1974 model year.

27 (b) Two hundred dollars for such a vehicle manufactured in the 1975
28 through 1979 model years.

29 (c) Three hundred dollars for such a vehicle manufactured in or after
30 the 1980 model year.

31 M. Each person whose vehicle has failed an emissions inspection shall
32 be provided a list of those general recommended tune-up procedures for
33 vehicles which are designed to reduce vehicle emissions levels. The list
34 shall include the following notice: "This test is the result of federal law.
35 You may wish to contact your representative in the United States Congress."

36 N. Notwithstanding any other provisions of this article, the director
37 may adopt rules allowing exemptions from the requirement that all vehicles
38 must meet the minimum standards for registration or reregistration.

39 O. The director of environmental quality shall establish, in
40 cooperation with the assistant director for the motor vehicle division of the
41 department of transportation:

42 1. An adequate method for identifying bona fide residents residing
43 outside of area A or area B to ensure that such residents are exempt from
44 compliance with the inspection program established by this article and rules
45 adopted under this article.

1 2. A written notice that shall accompany the vehicle registration
2 application forms that are sent to vehicle owners pursuant to section 28-2151
3 and that shall accompany or be included as part of the vehicle emissions test
4 results that are provided to vehicle owners at the time of the vehicle
5 emissions test. This written notice shall describe at least the following:
6 (a) The restriction of the waiver program to one time per vehicle and
7 a brief description of the implications of this limit.
8 (b) The availability and a brief description of the vehicle repair and
9 retrofit program established pursuant to section 49-474.03.
10 (c) Notice that many vehicles carry extended warranties for vehicle
11 emissions systems, and those warranties are described in the vehicle's
12 owner's manual or other literature.
13 (d) A description of the catalytic converter replacement program
14 established pursuant to section 49-474.03.
15 P. Notwithstanding any other law, if area A or area B is reclassified
16 as an attainment area, emissions testing conducted pursuant to this article
17 shall continue for vehicles registered inside that reclassified area,
18 vehicles owned by a person who is subject to section 15-1444 or 15-1627 and
19 vehicles registered outside of that reclassified area but used to commute to
20 the driver's principal place of employment located within that reclassified
21 area.
22 Q. A fleet operator who is issued a permit pursuant to section 49-546
23 may electronically transmit emissions inspection data to the department of
24 transportation pursuant to rules adopted by the director of the department of
25 transportation in consultation with the director of environmental quality.
26 R. The director shall prohibit a certificate of waiver pursuant to
27 subsection L of this section for any vehicle which has failed inspection in
28 area A due to the catalytic converter system.
29 S. The director shall establish provisions for rapid testing of
30 certain vehicles and to allow fleet operators, singly or in combination, to
31 contract directly for vehicle emissions testing.
32 T. Each vehicle emissions control station in area A shall have a sign
33 posted to be visible to persons who are having their vehicles tested. This
34 sign shall state that enhanced testing procedures are a direct result of
35 federal law.
36 U. The initial adoption of rules pursuant to this section shall be
37 deemed emergency rules pursuant to section 41-1026.
38 V. The director of environmental quality and the director of the
39 department of transportation shall implement a system to exchange information
40 relating to the waiver program, including information relating to vehicle
41 emissions test results and vehicle registration information.
42 W. Any person who sells a vehicle that has been issued a certificate
43 of waiver pursuant to this section after January 1, 1997 and who knows that a
44 certificate of waiver has been issued after January 1, 1997 for that vehicle

1 shall disclose to the buyer before completion of the sale that a certificate
2 of waiver has been issued for that vehicle.

3 X. Vehicles that fail the emissions test at emission levels higher
4 than twice the standard established for that vehicle class by the department
5 pursuant to section 49-447 are not eligible for a certificate of waiver
6 pursuant to this section unless the vehicle is repaired sufficiently to
7 achieve an emissions level below twice the standard for that class of
8 vehicle.

9 Y. If an insurer notifies the department of transportation of the
10 cancellation or nonrenewal of collectible vehicle or classic automobile
11 insurance coverage for a collectible vehicle, the department of
12 transportation shall cancel the registration of the vehicle and the vehicle's
13 exemption from emissions testing pursuant to this section unless evidence of
14 coverage is presented to the department of transportation within sixty days.

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

20 ~~Z~~ AA. For the purposes of this section, "collectible vehicle" means
21 a vehicle that complies with both of the following:

22 1. Either:

23 (a) Bears a model year date of original manufacture that is at least
24 fifteen years old.

25 (b) Is of unique or rare design, of limited production and an object
26 of curiosity.

27 2. Meets both of the following criteria:

28 (a) Is maintained primarily for use in car club activities,
29 exhibitions, parades or other functions of public interest or for a private
30 collection and is used only infrequently for other purposes.

31 (b) Has a collectible vehicle or classic automobile insurance coverage
32 that restricts the collectible vehicle mileage or use, or both, and requires
33 the owner to have another vehicle for personal use.

34 Sec. 20. Interim rule making; publication

35 Notwithstanding title 41, chapter 6, article 3, Arizona Revised
36 Statutes, the best management practices committee for regulated agricultural
37 activities established under section 49-457, Arizona Revised Statutes, shall
38 adopt the rules required by section 49-457, Arizona Revised Statutes, as
39 amended by this act, as interim rules with an immediate effective date in
40 compliance with section 41-1032, Arizona Revised Statutes, in order to comply
41 with the December 31, 2007 deadline imposed by the United States
42 environmental protection agency for failure to attain the national ambient
43 air quality standard for PM-10 on or before December 31, 2006. The rules
44 shall have an immediate effective date. Interim rules are exempt from title
45 41, chapter 6, article 3, Arizona Revised Statutes, except that the committee

1 shall submit the rules for publication and the secretary of state shall
2 publish the rules in the Arizona administrative register.

3 Sec. 21. Construction contracts with public entities;
4 definition

5 A. If this state or an agency or political subdivision of this state
6 is party to a construction contract executed before enactment of this act,
7 the state, agency or political subdivision may agree to a contract amendment
8 to provide for supplemental payments to reimburse the contractor for costs
9 incurred solely and directly as a result of new dust control requirements
10 imposed under this act if the following conditions are satisfied:

11 1. The measures taken to comply with the new dust control requirements
12 were necessary and appropriate.

13 2. The measures taken to comply with the new dust control requirements
14 were not necessary or appropriate to comply with dust control requirements or
15 any other legal or contractual requirements in existence before enactment of
16 this act.

17 3. The contractor provides the state, agency or political subdivision
18 with complete documentation for the costs for which supplemental payment is
19 requested.

20 4. The contractor did not expressly or impliedly assume the risk that
21 additional costs would be incurred as a result of changes in dust control
22 requirements.

23 B. Any invitation to bid or request for proposals issued by this state
24 or an agency or political subdivision of this state for a construction
25 project in area A as defined in section 49-541, Arizona Revised Statutes,
26 shall require that the offer address compliance with all dust control
27 requirements applicable to the project.

28 C. For the purposes of this section, "political subdivision" means an
29 entity supported in whole or in part by tax revenues.

30 Sec. 22. Delayed repeal

31 Section 21 of this act, relating to public contracts and dust control
32 requirements, is repealed from and after September 30, 2009.

33 Sec. 23. City and county particulate enforcement; report; joint
34 legislative budget committee

35 A county and any city or town that is located in an area designated by
36 the environmental protection agency as a serious PM-10 nonattainment area or
37 a maintenance area that was designated as a serious PM-10 nonattainment area
38 shall submit reports on particulate enforcement to the joint legislative
39 budget committee on June 1 and December 1 in 2008 and 2009. The reports
40 shall include the following information for each county, city and town:

41 1. The number of notices of violation issued, fines or penalties
42 assessed or other sanctions imposed for particulate violations.

43 2. The number of inspectors or other enforcement personnel employed
44 for purposes of enforcing statutes, rules or ordinances related to
45 particulates.

1 3. The number of miles of streets, roads, alleys, shoulders and vacant
2 areas paved or otherwise stabilized.

3 4. Any other information relevant to enforcement of particulate
4 measures prescribed by this act.

5 Sec. 24. State air quality study committee; members; duties;
6 report

7 A. The state air quality study committee is established consisting of
8 the following members:

9 1. Five members of the senate who are appointed by the president of
10 the senate, not more than three of whom are members of the same political
11 party. The president of the senate shall designate one of these members to
12 serve as cochairperson of the committee.

13 2. Five members of the house of representatives who are appointed by
14 the speaker of the house of representatives, not more than three of whom are
15 members of the same political party. The speaker of the house of
16 representatives shall designate one of these members to serve as
17 cochairperson of the committee.

18 B. The purpose of the committee is to examine and make recommendations
19 for current and future compliance with primary national ambient air quality
20 standards in this state.

21 C. The committee shall:

22 1. Review the implementation and enforcement of the particulate matter
23 and ozone control measures for areas A and C prescribed in this act and
24 adopted by the Maricopa association of governments and Maricopa county for
25 area A. On request of the committee, the Maricopa association of governments
26 shall provide a summary of the five per cent PM-10 reduction plan submitted
27 to the United States environmental protection agency on or before December
28 31, 2007.

29 2. Examine the need to adopt additional particulate matter and ozone
30 control measures in areas A and C to ensure compliance with national ambient
31 air quality standards in areas A and C and any other federal requirements.

32 3. Review the different types of motor fuel standards required by law
33 in this state.

34 4. Examine the need to adjust the different types of motor fuel
35 standards in this state based on the following criteria:

36 (a) Current and future compliance with primary national ambient air
37 quality standards to protect public health.

38 (b) Effect on supply of motor fuel into this state.

39 (c) Effect on the price and costs of production and delivery of motor
40 fuel to consumers.

41 (d) Cost-effectiveness of motor fuel standard changes in comparison
42 with other types of control measures.

43 (e) Federal regulations on locally-specific motor fuel types.

44 5. Review the vehicle emission inspection requirements in this state
45 and examine the applicability of these requirements.

1 6. Review and examine other air quality control measures, as the
2 committee deems necessary, to ensure current and future compliance with
3 primary national ambient air quality standards to protect public health,
4 including vapor recovery system technologies and requirements.

5 7. Make any recommendations on review and examination of the subjects
6 prescribed in paragraphs 1 through 6 of this subsection.

7 8. Submit a report of its findings and recommendations to the
8 governor, the president of the senate and the speaker of the house of
9 representatives on or before December 31, 2009 and submit copies of these
10 reports to the secretary of state and the director of the Arizona state
11 library, archives and public records.

12 Sec. 25. Department of environmental quality; motor fuels
13 emissions studies; recommendations

14 A. The department of environmental quality shall evaluate the
15 coordinating research council study E-74b. The department of environmental
16 quality shall receive comments evaluating the coordinating research council
17 study E-74b from the department of weights and measures, any trade
18 organizations representing automobile manufacturers, ethanol producers and
19 marketers, petroleum refiners, suppliers, distributors and marketers, and
20 other interested parties.

21 B. The department of environmental quality and each of the entities
22 submitting comments pursuant to subsection A of this section shall consider
23 providing additional research and cooperating to design and conduct any
24 additional studies.

25 C. If funding is made available, and if the department of
26 environmental quality in consultation with each of the entities submitting
27 comments pursuant to subsection A of this section determines additional
28 research is necessary, the department of environmental quality, in
29 consultation with the department of weights and measures, shall develop and
30 implement research that would complement and incorporate the coordinating
31 research council study E-74b regarding Reid vapor pressure and oxygen content
32 effects on emissions of 1994 model year and newer light duty vehicles. The
33 research:

34 1. May include federal test procedure testing of a sufficient number
35 and variety of federal tier 1 and tier 2 standard vehicles to be
36 representative of the current in-use light duty vehicle fleet.

37 2. May include an emissions and air quality assessment of the impacts
38 of changing the area A wintertime Reid vapor pressure standard to comply with
39 American society for testing and materials Reid vapor pressure standards
40 applicable to area A, including the wintertime Reid vapor pressure waiver for
41 ethanol blends allowed by provisions of a waiver issued or other limits
42 established by the United States environmental protection agency.

43 3. May include an assessment of the emissions and air quality impacts
44 of requiring ten per cent ethanol in tandem with any change in Reid vapor
45 pressure, including an assessment of Reid vapor pressure being allowed to

1 rise with no ethanol content and an assessment of fuel containing greater
2 than twenty per cent ethanol content.

3 4. Notwithstanding the receipt of the coordinating research council
4 study E-74b, shall include:

5 (a) An assessment of costs of production and delivery of gasoline and
6 ethanol and an assessment of gasoline and ethanol supplies and logistics.

7 (b) A statewide assessment of increasing flexibility under state
8 standards for blending ethanol to include impacts on the environment, vehicle
9 performance and costs to consumers.

10 D. On or before February 15, 2008, the department of environmental
11 quality shall submit its evaluation of the coordinating research council
12 study E-74b and any comments received pursuant to subsection A of this
13 section to the governor, the president of the senate and the speaker of the
14 house of representatives for referral to the appropriate standing committees
15 of the senate and the house of representatives. The department shall submit
16 copies of the evaluation and comments to the secretary of state and the
17 director of the Arizona state library, archives and public records.

18 E. On or before September 1, 2008, the department of environmental
19 quality shall submit a report of all of the findings and recommendations made
20 pursuant to this section to the state air quality study committee established
21 by this act and shall submit copies of these reports to the secretary of
22 state and the director of the Arizona state library, archives and public
23 records.

24 Sec. 26. Delayed repeal

25 Section 24 of this act, relating to the state air quality study
26 committee, and section 25 of this act, relating to motor fuels emissions
27 studies, are repealed from and after December 31, 2009.

28 Sec. 27. Conditional enactment

29 A. Section 41-2083, Arizona Revised Statutes, as amended by Laws 2007,
30 chapter 145, section 2 and this act, is effective as prescribed in Laws 2005,
31 chapter 104, section 7, subsection A, as amended by Laws 2007, chapter 145,
32 section 4.

33 B. Section 41-2124.01, Arizona Revised Statutes, as amended by section
34 13 of this act, is not effective unless, on or before November 1, 2009, the
35 conditions specified in Laws 2005, chapter 104, section 7, subsection B, as
36 amended by Laws 2007, chapter 145, section 4, are satisfied.



DRAFT 2007

MAG CONFORMITY ANALYSIS

for the FY 2008-2012 Transportation Improvement Program and Regional Transportation Plan—2007 Update

MAY 2007



EXECUTIVE SUMMARY

This report presents the 2007 MAG Conformity Analysis for the FY 2008-2012 MAG Transportation Improvement Program (TIP) and the MAG Regional Transportation Plan - 2007 Update (RTP). The Maricopa Association of Governments (MAG) is the designated Metropolitan Planning Organization (MPO) in Maricopa County, Arizona, and is responsible for regional transportation and air quality planning. The analysis demonstrates that the criteria specified in the federal transportation conformity rule for a conformity determination are satisfied by the TIP and RTP. A finding of conformity for the FY 2008-2012 MAG Transportation Improvement Program and MAG Regional Transportation Plan - 2007 Update is therefore supported.

The 2007 MAG Conformity Analysis for the FY 2008-2012 MAG Transportation Improvement Program and the MAG Regional Transportation Plan - 2007 Update includes results of the regional emissions analysis for carbon monoxide, eight-hour ozone, and PM-10. Summarized below are the applicable federal criteria or requirements for conformity determinations, the conformity tests applied, regional emissions analysis results, and an overview of the organization of this report. Figures presenting the conformity test results and transportation control measure funding in the FY 2008-2012 MAG Transportation Improvement Program are provided at the end of the Executive Summary.

CONFORMITY REQUIREMENTS

The federal transportation conformity rule (40 Code of Federal Regulations Parts 51 and 93) specifies criteria and procedures for conformity determinations for transportation plans, programs, and projects and their respective amendments. The federal transportation conformity rule was first promulgated in 1993 by EPA, following the passage of amendments to the federal Clean Air Act in 1990. The federal transportation conformity rule has been revised several times since its initial release to reflect both EPA rule changes and court opinions. The transportation conformity rule and court opinions are summarized in Chapter 1.

The conformity rule applies nationwide to “all nonattainment and maintenance areas for transportation-related criteria pollutants for which the area is designated nonattainment or has a maintenance plan” (40 CFR 93.102). At this time, portions of Maricopa County are designated as a nonattainment or maintenance area with respect to federal air quality standards for three criteria pollutants, carbon monoxide (CO), eight-hour ozone, and particulate matter less than or equal to ten microns in diameter (PM-10). Transportation plans and programs for the nonattainment or maintenance areas in the Maricopa County

area must satisfy the requirements of the federal transportation conformity rule. Under the federal transportation conformity rule, the principal criteria for a determination of conformity for transportation plans and programs are:

- (1) the TIP and Regional Transportation Plan must pass an emissions budget test with a budget that has been found to be adequate or approved by EPA for transportation conformity purposes, or interim emissions tests;
- (2) the latest planning assumptions and emission models in force at the time the conformity analysis begins must be employed;
- (3) the TIP and RTP must provide for the timely implementation of transportation control measures (TCMs) specified in the applicable air quality implementation plans; and,
- (4) consultation.

Consultation generally occurs at the beginning of the conformity analysis process, on the proposed models, associated methods, and assumptions for the upcoming analysis and the projects to be assessed, and at the end of the process, on the draft conformity analysis report. The final determination of conformity for the TIP and RTP is the responsibility of the Federal Highway Administration and the Federal Transit Administration.

CONFORMITY TESTS

The conformity tests specified in the federal transportation conformity rule are: (1) the emissions budget test, and (2) interim emissions tests. For the emissions budget test, predicted emissions for the TIP and RTP must be less than or equal to the motor vehicle emissions budget specified in the approved air quality implementation plan or the emissions budget found by EPA to be adequate for transportation conformity purposes. If there is no approved air quality plan for a pollutant for which the region is in nonattainment or no emissions budget found to be adequate for transportation conformity purposes, interim emissions tests apply.

On March 9, 2005, EPA published the final rule in the *Federal Register* approving the Carbon Monoxide Maintenance Plan, including the conformity budgets, effective April 8, 2005. EPA published a final rule to approve the One-Hour Ozone Maintenance Plan, including the conformity budgets on June 14, 2005. EPA published the final rule approving the Revised MAG 1999 Serious Area Particulate Plan for PM-10 and conformity budget on July 25, 2002.

Chapter 1 summarizes the applicable air quality implementation plans and conformity tests for carbon monoxide, eight-hour ozone, and PM-10. For the 2007 MAG Conformity Analysis for the FY 2008-2012 MAG TIP and RTP, the emissions budget test was applied using the approved conformity budgets from the Carbon Monoxide Maintenance Plan. For eight-hour ozone, two interim emissions tests were performed for volatile organic

compounds (VOC) and nitrogen oxides (NOx): an adjusted one-hour ozone budget test and a no-greater-than-2002 baseline emissions test. For PM-10, the emissions budget test was applied using the approved conformity budget from the Revised MAG 1999 Serious Area PM-10 Plan.

RESULTS OF THE CONFORMITY ANALYSIS

For the 2007 MAG Conformity Analysis, a regional emissions analysis was conducted for carbon monoxide for the years: 2009, 2015, 2019, and 2028. For the eight-hour ozone precursors (volatile organic compounds and nitrogen oxides), and PM-10, a regional emissions analysis was conducted for the years: 2009, 2019, and 2028. All analyses were conducted using the latest planning assumptions and emissions models in force at the time the conformity analysis started on April 26, 2007. The major conclusions of the 2007 MAG Conformity Analysis are:

- For carbon monoxide, the total vehicle-related emissions associated with implementation of the TIP and Regional Transportation Plan for the analysis year 2009 are projected to be less than the approved 2006 emissions budget, and the emissions associated with implementation of the TIP and Regional Transportation Plan for the analysis years 2015, 2019, and 2028 are projected to be less than the approved budget for 2015. The applicable conformity test for carbon monoxide is therefore satisfied. The results of the regional emissions analysis for carbon monoxide are presented in Figure ES-1.
- For eight-hour ozone, the total vehicle-related volatile organic compound and nitrogen oxide emissions associated with implementation of the TIP and Regional Transportation Plan for the analysis year 2009 are projected to be less than the adjusted 2006 emissions budgets for the one-hour ozone maintenance area. The VOC and NOx emissions associated with implementation of the TIP and Regional Transportation Plan for the analysis years 2019 and 2028 are projected to be less than the adjusted 2015 emissions budgets for the one-hour ozone maintenance area. In addition, the vehicle-related VOC and NOx emissions associated with implementation of the TIP and Regional Transportation Plan for the analysis years are projected to be less than the 2002 baseline emissions for the eight-hour ozone nonattainment area. The applicable conformity tests for eight-hour ozone are therefore satisfied. The results of the regional emissions analysis for eight-hour ozone are presented in Figures ES-2, ES-3, ES-4, and ES-5.
- For PM-10, the total vehicle-related emissions associated with implementation of the TIP and Regional Transportation Plan for the analysis years of 2009, 2019, and 2028 are projected to be less than the 2006 emissions budget approved for transportation conformity purposes in the Revised MAG 1999 Serious Area Particulate Plan for PM-10. The conformity test for PM-10 is therefore satisfied. The results of the regional emissions analysis for PM-10 are presented in Figure ES-6.

- A review of the implementation status of TCMs in applicable air quality plans has indicated that the TIP and Regional Transportation Plan will provide for the timely implementation of the TCMs and there are no obstacles to the implementation of any TCM. The current status of TCMs identified in applicable air quality implementation plans is documented in Chapter 5 of this report. Figure ES-7 presents the total funding programmed in the TIP for transportation projects and programs that implement transportation control measures and other air quality measures.
- Consultation has been conducted in accordance with federal requirements.

REPORT ORGANIZATION

The report is organized into six chapters. Chapter 1 provides an overview of the applicable federal and state conformity rules and requirements, air quality implementation plans, and conformity test requirements. Chapter 2 contains a discussion of the latest planning assumptions. Chapter 3 includes a summary of the transportation model characteristics, key socioeconomic data, and other data related to the land use and transportation system forecasts, and Chapter 4 describes the air quality modeling used to estimate emission factors and mobile source emissions. Chapter 5 contains the documentation required under the federal transportation conformity rule for transportation control measures. The results of the conformity analysis for the TIP and Regional Transportation Plan are provided in Chapter 6.

Excerpts from the applicable air quality plans, consultation documentation, and other related information are contained in the Appendices. The appendices include copies of memoranda previously circulated for consultation. The appendices of the final version of this report will also include a transcript of the public hearing to be conducted on the draft report. Any comments received and responses made as part of the final 30-day consultation period on this draft report will also be included in the appendices.

Figure ES-1: Carbon Monoxide Results for Conformity Budget Test

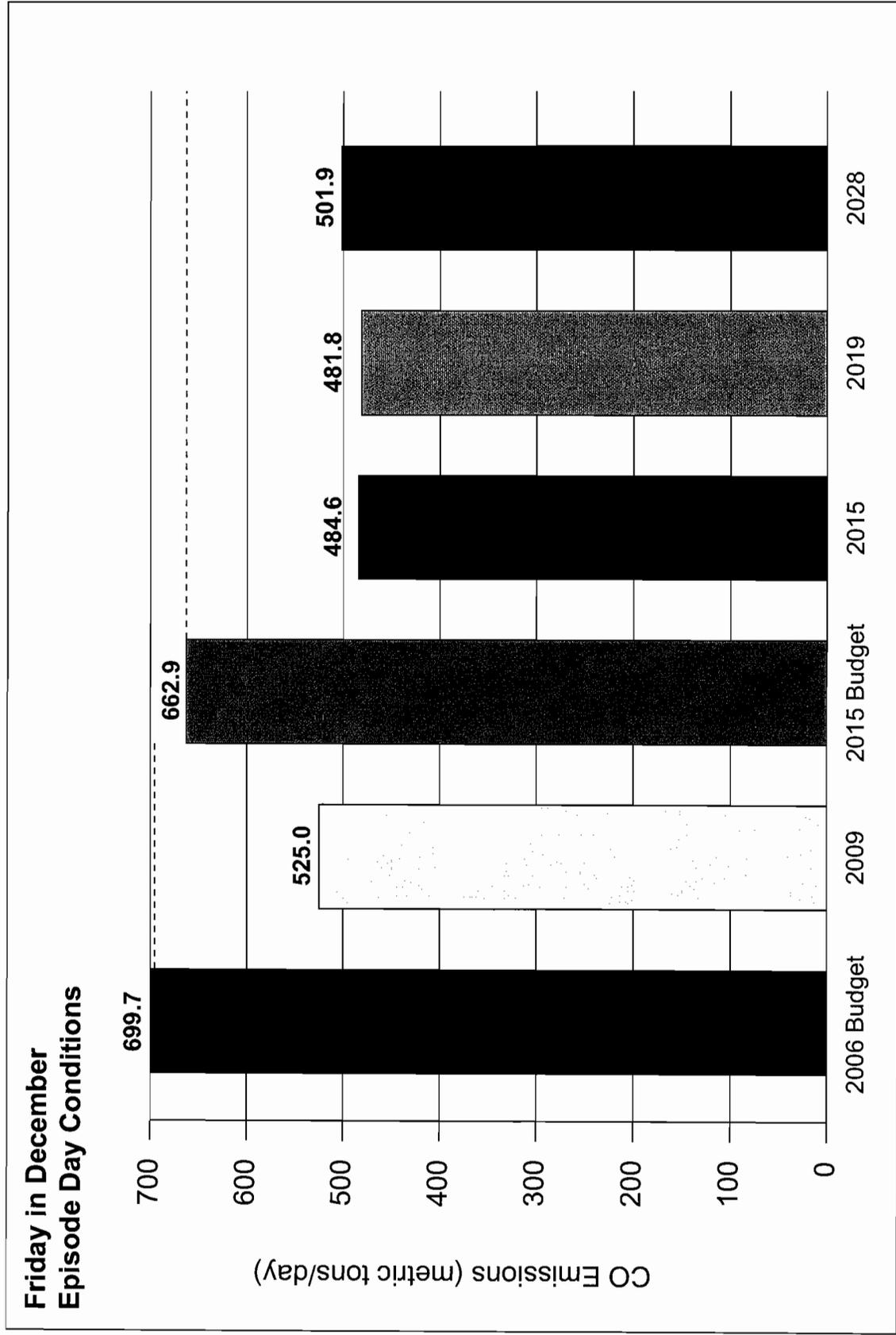


Figure ES-2: Eight-Hour Ozone: Volatile Organic Compounds (VOC) Results for Adjusted One-Hour Ozone Budget Test

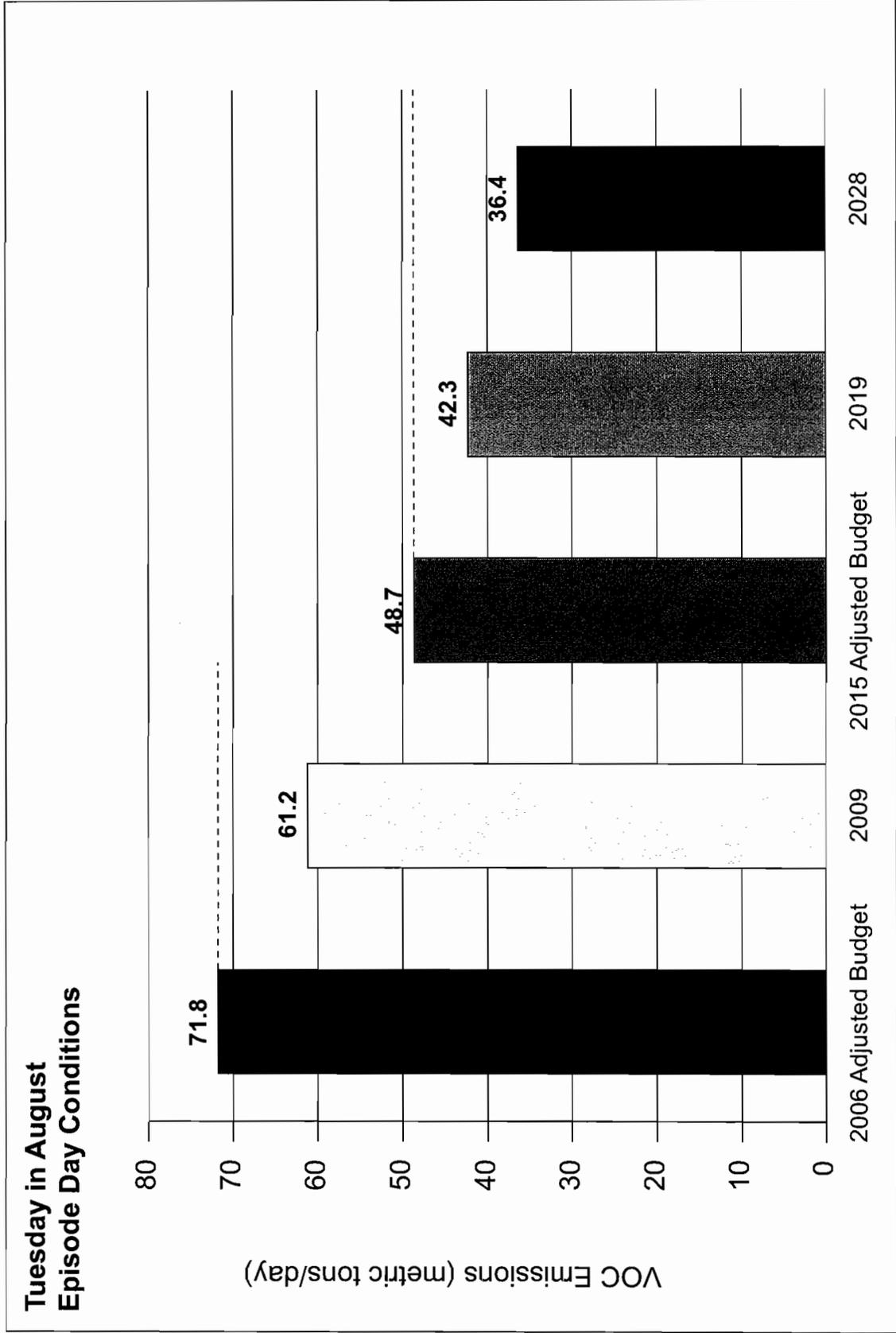


Figure ES-3: Eight-Hour Ozone: Nitrogen Oxides (NOx) Results for Adjusted One-Hour Ozone Budget Test

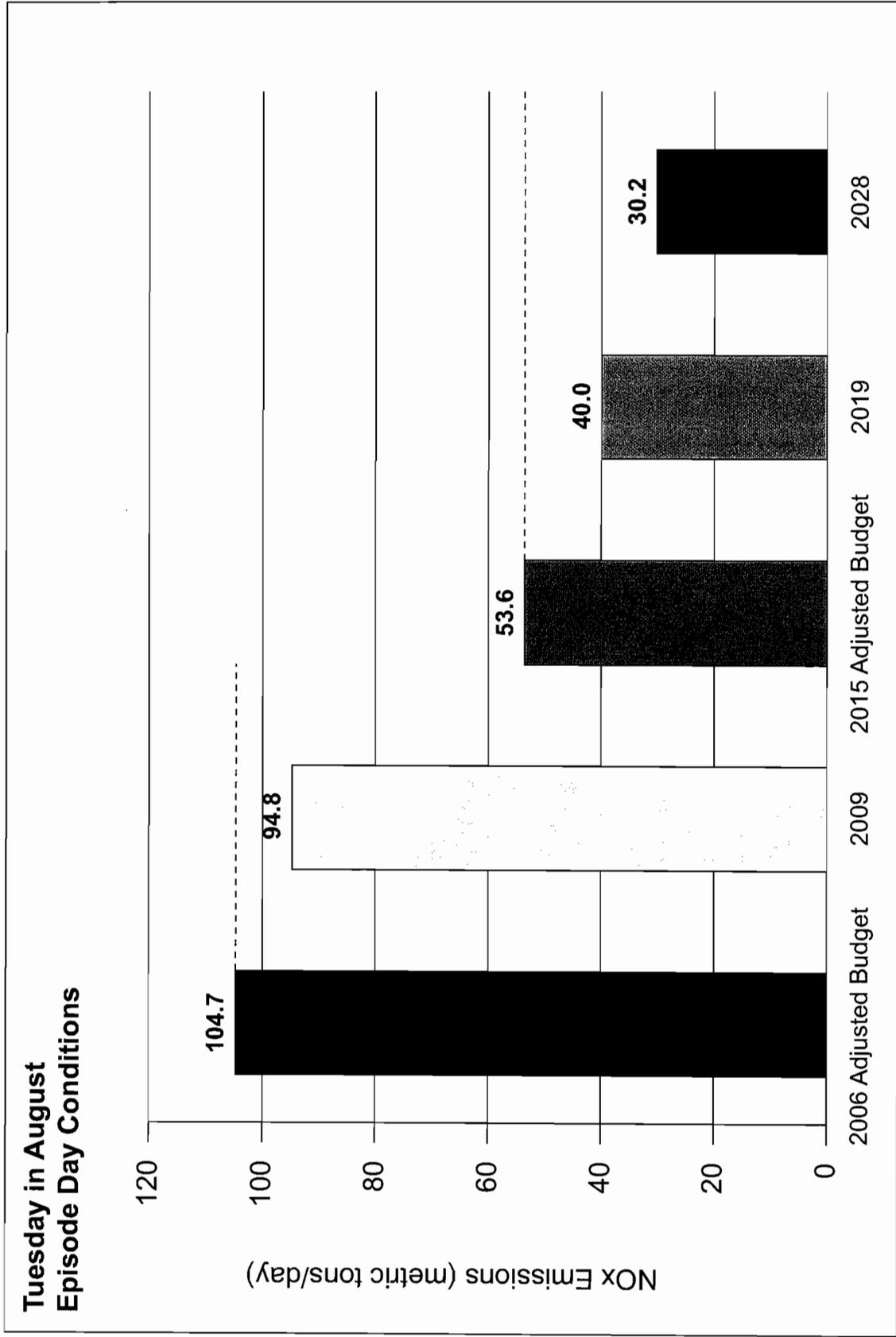


Figure ES-4: Eight-Hour Ozone: Volatile Organic Compounds (VOC) Results for the No-Greater-Than-2002 Baseline Emissions Test for the Eight-Hour Ozone Nonattainment Area

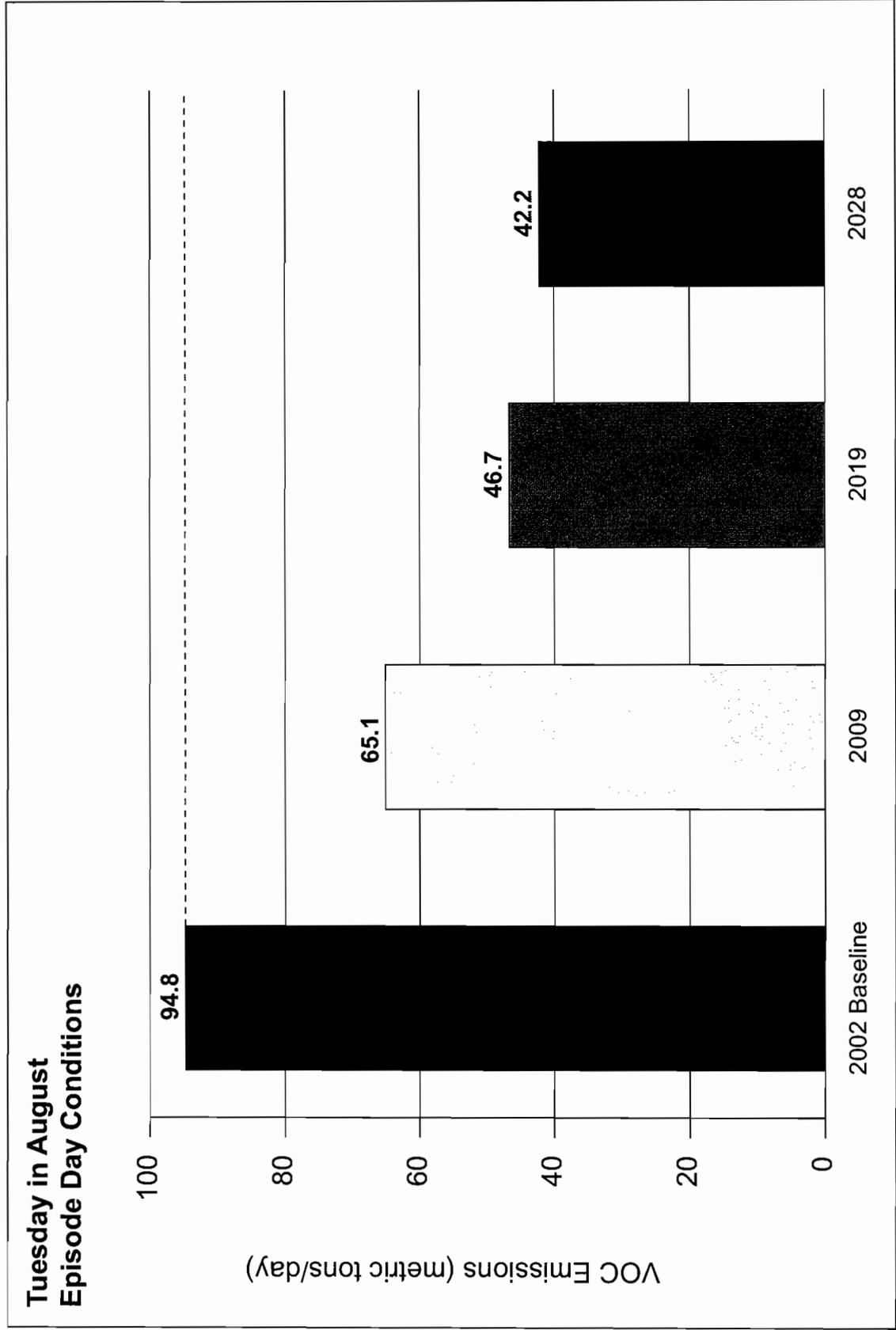


Figure ES-5: Eight-Hour Ozone: Nitrogen Oxides (NOx) Results for the No-Greater-Than-2002 Baseline Emissions Test for the Eight-Hour Ozone Nonattainment Area

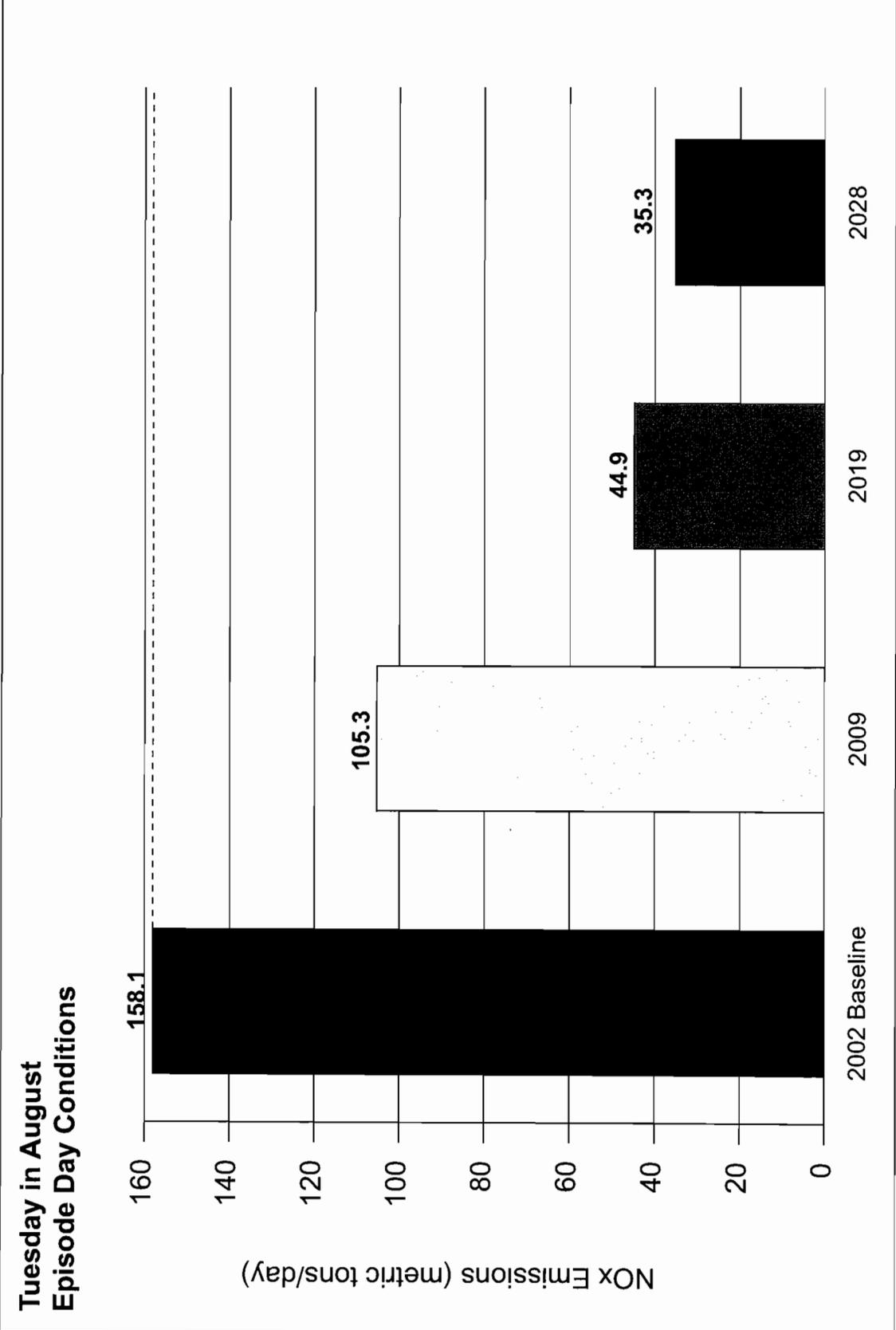


Figure ES-6: PM-10 Results for Conformity Budget Test

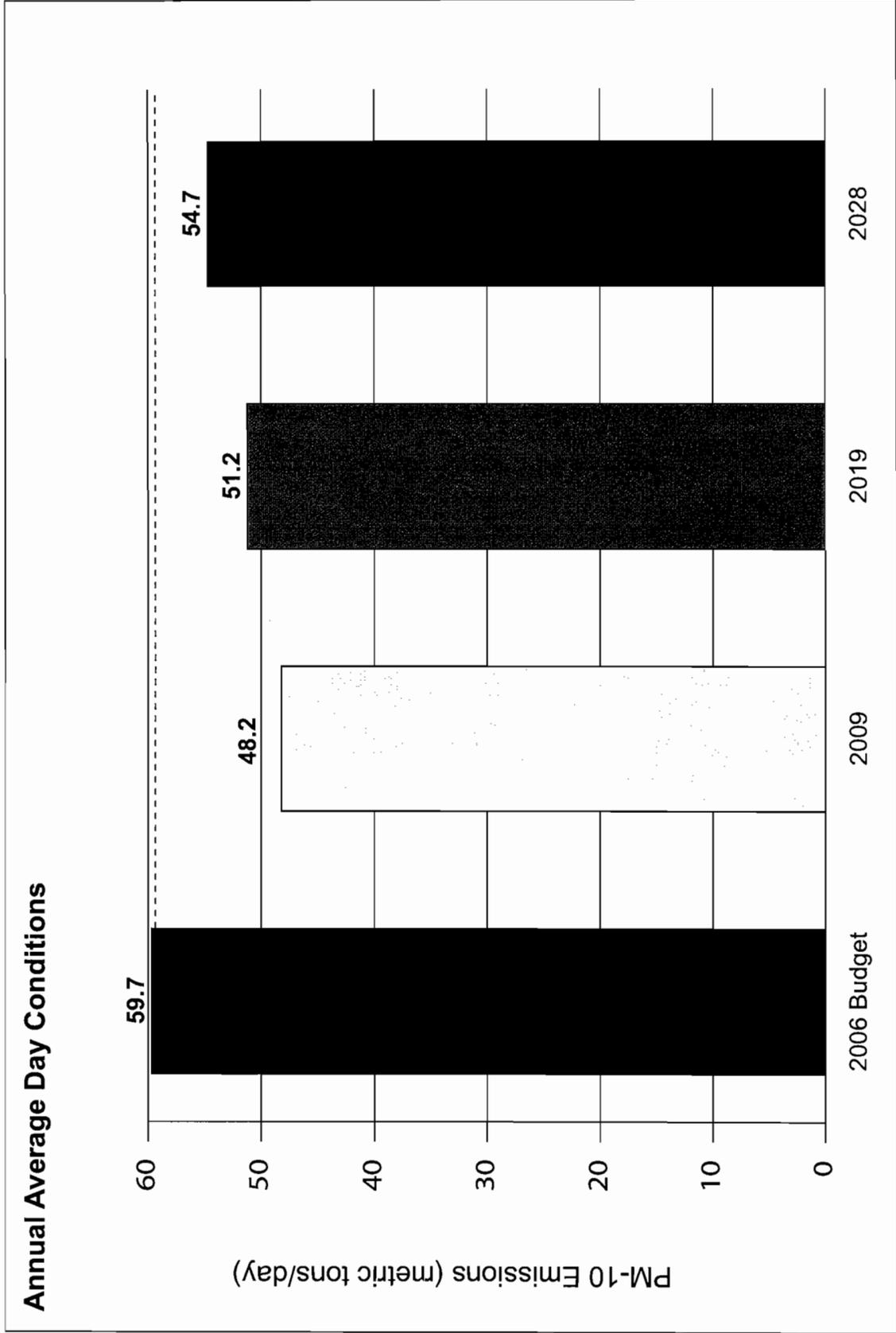
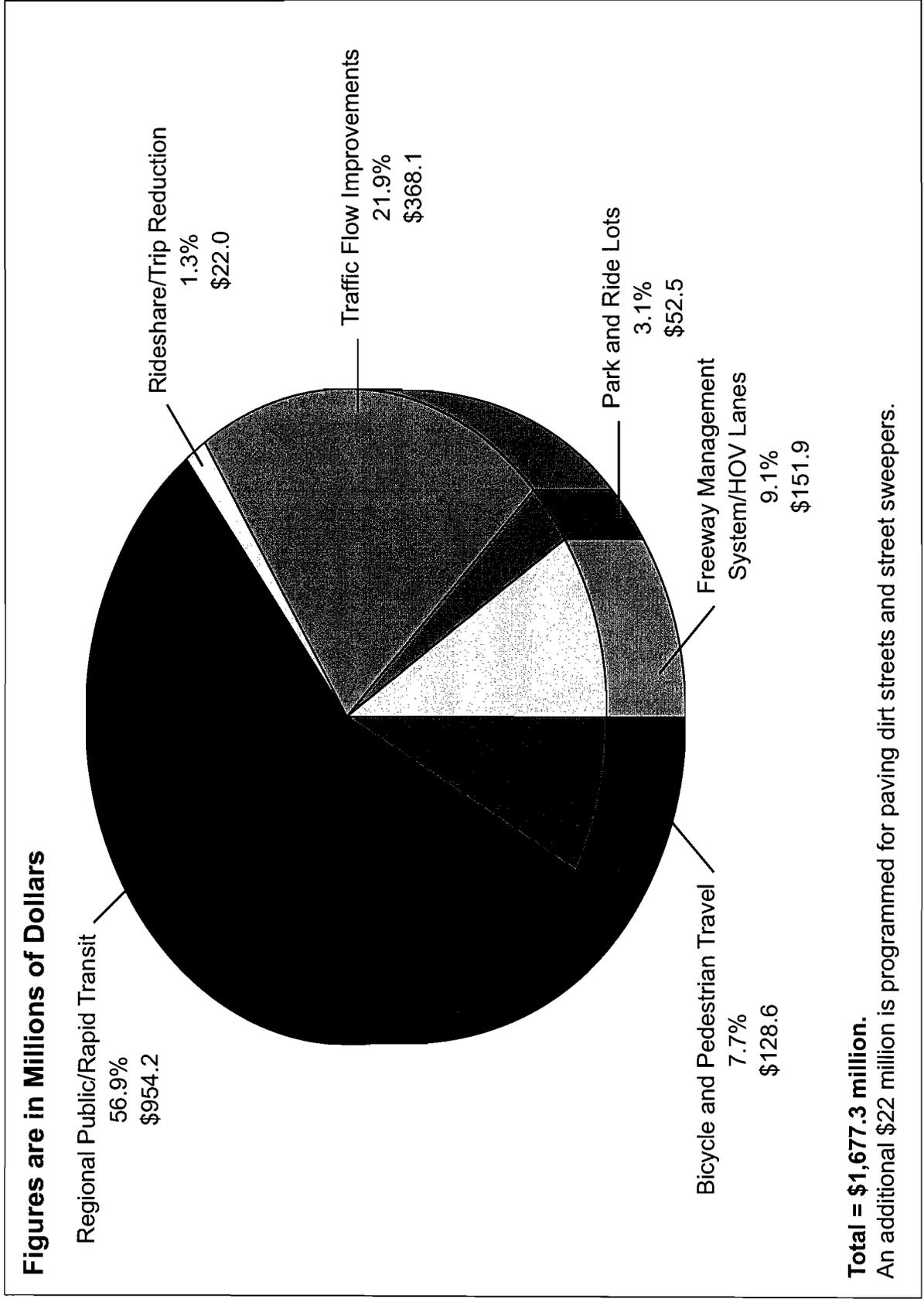


Figure ES-7: Transportation Control Measure Funding in the FY 2008-2012 MAG Transportation Improvement Program



June 21, 2007

TO: Members of the MAG Air Quality Technical Advisory Committee

FROM: Dean Giles, Air Quality Planning Program Specialist

SUBJECT: EVALUATION OF PROPOSED PM-10 PAVING PROJECTS FOR FY 2007
CMAQ FUNDING

The Maricopa Association of Governments staff has evaluated proposed PM-10 Paving Projects for FY 2007 Congestion Mitigation and Air Quality Improvement (CMAQ) Program funding for emission reductions and corresponding cost-effectiveness. Three road and seven shoulder projects requesting approximately \$6,044,673 million in federal funds were received. The calculations for emissions reduction and cost-effectiveness were based on the MAG Methodologies for Evaluating Congestion Mitigation and Air Quality Improvement Projects, August 15, 2005. In Attachment A the projects have been listed in order of cost-effectiveness based on the amount of CMAQ funds requested. Attachment B provides the projects listed in order of PM-10 emission reductions. Following consideration of this information, the MAG Air Quality Technical Advisory Committee will be requested to recommend a prioritized list of the PM-10 Paving Projects for FY 2007 to the MAG Management Committee.

On May 23, 2007, the Maricopa Association of Governments Regional Council approved a recommendation for additional PM-10 measures. One of the new measures is that 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. Projects were due to MAG by June 6, 2007.

If you have any questions or need additional information, please contact me at (602) 254-6300.

Attachment



302 North 1st Avenue, Suite 300 ▲ Phoenix, Arizona 85003
 Phone (602) 254-6300 ▲ FAX (602) 254-6490
 E-mail: mag@mag.maricopa.gov ▲ Web site: www.mag.maricopa.gov

June 21, 2007

TO: Members of the MAG Air Quality Technical Advisory Committee

FROM: Dean Giles, Air Quality Planning Program Specialist

SUBJECT: EVALUATION OF PROPOSED PM-10 PAVING PROJECTS FOR FY 2007
CMAQ FUNDING

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Attachment

Proposed PM-10 Paving Projects for FY 2007 MAG Federal Funds - Ranked by Cost Effectiveness

Agency	Location	Work Type	FY	Length (miles)	Emission Reduction TOG(kg/day)	Emission Reduction NOX(kg/day)	Emission Reduction PM10(kg/day)	Emission Reduction Total(kg/day)	Cost Effectiveness (\$/met.ton)	Funds Requested
Buckeye	Various locations: Yuma Road, Miller Rd	Road	2007	2.00	0.00	0.00	556.76	556.76	\$14	\$42,350
Goodyear	Various Locations: Chandler Heights Blvd, Queen Creek Rd, Rainbow Valley Rd.	Road	2007	4.50	0.00	0.00	495.64	495.64	\$87	\$234,000
Phoenix/ Maricopa County+	Various locations	Road	2007	8.79	0.00	0.00	675.58	675.58	\$416	\$1,525,304
Glendale	Various locations: Camelback Rd, Litchfield Rd, Olive Ave, Greeway Rd, 83rd Ave, 75th Ave	Shoulder	2007	5.17	0.00	0.00	57.99	57.99	\$422	\$133,035
Queen Creek	Chandler Heights Rd: Power Rd to Hawes Road	Shoulder	2007	1.50	0.00	0.00	43.68	43.68	\$471	\$111,691
Queen Creek	Hunt Highway: Power Rd to Ellsworth Rd	Shoulder	2007	3.00	0.00	0.00	68.07	68.07	\$554	\$204,893
Scottsdale	Dynamite Blvd: Pima Rd to Alma School Rd.	Install Vertical Curb /Gutter	2007	3.00	0.00	0.00	55.04	55.04	\$1,673	\$500,000
Buckeye	Various locations: MC 85/Monroe, Southern Ave, Apache Road	Shoulder	2007	9.30	0.00	0.00	10.28	10.28	\$2,025	\$113,000
Goodyear	Various Locations: 165th Avenue, Estrella Pkwy, Sarval Ave, Van Buren Rd, Yuma Rd	Shoulder	2007	10.00	0.00	0.00	73.43	73.43	\$3,014	\$1,201,750
Phoenix/ Maricopa County+	Various locations	Shoulder	2007	12.10	0.00	0.00	81.08	81.08	\$4,494	\$1,978,650
Wickenburg*	Palos Verdes: Vulture Mine Rd to Lazy Fox Rd.		2007	0.65	0.00	0.00	0.00	0.00	\$0	\$0
									Total	\$6,044,673

*An application was received from the Town of Wickenburg outside of the PM-10 Nonattainment Area.

+ Many of the proposed Phoenix/ Maricopa County paving projects are located within a four-mile radius of PM-10 monitors in the Salt River area.

Proposed PM-10 Paving Projects for FY 2007 MAG Federal Funds - Ranked by Emission Reduction

Agency	Location	Work Type	FY	Length (miles)	Emission Reduction TOG(kg/day)	Emission Reduction NOX(kg/day)	Emission Reduction PM10(kg/day)	Emission Reduction Total(kg/day)	Cost Effectiveness (\$/met-ton)	Funds Requested
Phoenix/ Maricopa County+	Various locations	Road	2007	8.79	0.00	0.00	675.58	675.58	\$416	\$1,525,304
Buckeye	Various locations: Yuma Road, Miller Rd	Road	2007	2.00	0.00	0.00	556.76	556.76	\$14	\$42,350
Goodyear	Various Locations: Chandler Heights Blvd, Queen Creek Rd, Rainbow Valley Rd.	Road	2007	4.50	0.00	0.00	495.64	495.64	\$87	\$234,000
Phoenix/ Maricopa County+	Various locations	Shoulder	2007	12.10	0.00	0.00	81.08	81.08	\$4,494	\$1,978,650
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Queen Creek	Hunt Highway: Power Rd to Ellsworth Rd	Shoulder	2007	3.00	0.00	0.00	68.07	68.07	\$554	\$204,893
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Buckeye	Various locations: MC 85/Monroe, Southern Ave, Apache Road	Shoulder	2007	9.30	0.00	0.00	10.28	10.28	\$2,025	\$113,000
Wickenburg*	Palos Verdes: Vulture Mine Rd to Lazy Fox Rd.		2007	0.65	0.00	0.00	0.00	0.00	\$0	\$0
									Total	\$6,044,673

*An application was received from the Town of Wickenburg outside of the PM-10 Nonattainment Area.

+ Many of the proposed Phoenix/ Maricopa County paving projects are located within a four-mile radius of PM-10 monitors in the Salt River area.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 15 2007

OFFICE OF
AIR AND RADIATION

MEMORANDUM

SUBJECT: Decision of the U.S. Court of Appeals for the District of Columbia Circuit on our Petition for Rehearing of the Phase 1 Rule to Implement the 8-Hour Ozone NAAQS

FROM: Robert J. Meyers 
Acting Assistant Administrator

TO: Regional Administrators
Regions I-X

On June 8, 2007, the U.S. Court of Appeals for the District of Columbia Circuit responded to our petition for rehearing on the court's December 22, 2006, decision on the Phase 1 Rule to implement the 8-hour ozone NAAQS. The purpose of this memorandum is to provide a summary of the court's opinion and its implications for the June 15, 2007, due date for submission of State implementation plans (SIPs) for nonattainment areas.

Summary of Court Decision

The court rejected our request for rehearing on the classification of subpart 1¹ areas and anti-backsliding issues, granted our request to limit the scope of its decision regarding continued application of 1-hour ozone conformity obligations and limited its vacatur of the Phase 1 Rule to those portions on which it had ruled against the Agency. The court upheld the portions of the Phase 1 Rule relating to EPA's classification system under subpart 2.² The court also urged EPA to promulgate a revised rule to implement the 8-hour ozone NAAQS for all unresolved issues as promptly as possible to ensure continued protection of public health.

With regard to anti-backsliding, the court reaffirmed its decision that EPA improperly determined that areas would no longer be subject to 1-hour ozone NAAQS new source review requirements, the section 185 penalty fees for failure of severe and

¹ Areas covered under subpart 1 of title 1 of Part D of the CAA were generally attaining the 1-hour ozone NAAQS but were not attaining for the 8-hour ozone NAAQS at the time they were designated nonattainment. Subpart 1 contains general requirements for SIPs for nonattainment areas for any pollutant, including ozone, governed by a NAAQS.

² Areas classified under subpart 2 of title of Part D of the CAA were generally not attaining for the 1-hour ozone NAAQS and were also not attaining the 8-hour ozone NAAQS at the time they were designated nonattainment. Subpart 2 contains more specific requirements for ozone nonattainment SIPs.

extreme areas to attain the 1-hour ozone NAAQS and contingency measures for failure to attain or make reasonable further progress toward attainment of the 1-hour ozone NAAQS.

The court limited its December 22, 2006, decision on the 1-hour conformity determination obligation for anti-backsliding purposes in 1-hour ozone nonattainment and maintenance areas. The court granted a joint request by EPA and environmental petitioners to clarify that the court's reference to conformity determinations speaks only to the use of 1-hour motor vehicle emissions budgets as part of 8-hour conformity determinations until 8-hour SIP budgets are found available. The court thus clarified that 1-hour conformity determinations are not required for anti-backsliding purposes. Therefore, there is no change to the transportation conformity or general conformity determination regulations in place before the court's December 22, 2006, ruling. Eight-hour ozone nonattainment and maintenance areas must continue to meet the requirements of the conformity regulations for the 8-hour ozone standard.

In addition, the court limited its vacatur of the Phase 1 Rule to provisions establishing a subpart 1 classification and those provisions determining that four requirements did not need to be retained as anti-backsliding requirements. Therefore, the classifications for areas currently classified as subpart 2 nonattainment areas, the 8-hour ozone attainment dates and the timing for emissions reductions needed for attainment of the 8-hour ozone NAAQS remain in place. Additionally, with the exception of the regulatory provisions addressing the 1-hour ozone requirements that the court found EPA improperly waived, the anti-backsliding requirements remain in place.

Implications for Subpart 2 Areas

In its December 2006 decision, the court upheld EPA's system of classifying areas under subpart 2, and have now clarified that these provisions were not vacated. As a result, the subpart 2 classifications and associated requirements, including the June 15, 2007, SIP submittal date, remain in place. However, because the court initially stated that it was vacating "the 2004 Rule" for the 8-hour ozone standard, there has been uncertainty on the part of State, local and Tribal agencies as to whether the SIPs were still due on June 15, 2007, (i.e., attainment demonstrations and other SIP elements needed for attainment). In a March 19, 2007, memorandum from William L. Wehrum entitled "Impacts of Court Decision on the Phase 1 Ozone Implementation Rule," the Regional Offices were encouraged to work with their States to continue efforts to develop and submit their 8-hour ozone SIPs expeditiously. The court has now clarified that it is not vacating the entire Phase 1 Rule. We understand that the uncertainty over the last several months may have caused some delays in State action. The Regional Offices should continue to work with your States over the next two months to ensure a complete submittal. We will not make findings of failure to submit SIPs sooner than August 15, 2007.

Implications for Subpart 1 Areas

Since the court has vacated the portions of the rule that created the subpart 1 classification and because SIP submission dates under the Phase 2 Implementation Rule are based on an area's classification, areas that were classified as "subpart 1" are not currently subject to the June 15, 2007 submission date for their attainment demonstrations. EPA is in the process of reviewing the June 8 court opinion to determine how to proceed on subpart 1 area classifications and the anti-backsliding provisions. In the interim, we encourage States with subpart 1 areas to continue their efforts toward improving local air quality.

If you or your staff has any questions on specific program elements, please refer to the attached list of EPA staff to contact.

Attachment

List of OAR Contacts

Transportation Conformity	--	Meg Patulski (734) 214-4842 Rudy Kapichak (734) 214-4574
General Conformity	--	Tom Coda (919) 541-3037
New Source Review	--	David Painter (919) 541-5515 Lynn Hutchinson (919) 541-4795
Ozone Implementation	--	John Silvasi (919) 541-5666 Denise Gerth (919) 541-5550

FACT SHEET
PROPOSAL TO REVISE THE NATIONAL AMBIENT AIR QUALITY STANDARDS
FOR OZONE

ACTION

- On June 20, 2007, EPA proposed to strengthen the national ambient air quality standards for ground-level ozone, the primary component of smog. The proposed revisions reflect new scientific evidence about ozone and its effects on people and public welfare.
- Breathing air containing ozone can reduce lung function, thereby aggravating asthma or other respiratory conditions. Ozone exposure has also been associated with increases in respiratory infection susceptibility, medicine use by asthmatics, doctors' visits, emergency department visits and hospital admissions. Ozone exposure also may contribute to premature death in people with heart and lung disease.
- Scientific evidence indicates that adverse public health effects occurs following exposure to ozone at levels below the current standard, particularly in those with respiratory illnesses.
- In addition, new scientific evidence since the last review shows that repeated exposure to low levels of ozone damages vegetation, trees and crops leading to increased susceptibility to disease, damaged foliage, and reduced crop yields.
- EPA's proposal would revise both ozone standards: the *primary* standard, designed to protect human health; and the *secondary* standard, designed to protect welfare (such as vegetation and crops). The existing primary and secondary standards, set in 1997, are identical: an 8-hour standard of 0.08 parts per million (ppm). (In practice, because of rounding, an area meets the standard if ozone levels are 0.084 ppm or lower.)

Proposed revisions to the primary standard

- EPA proposes to set the primary (health) standard to a level within the range of 0.070-0.075 ppm (70 -75 ppb) The Agency also requests comments on alternative levels of the 8-hour primary ozone standard, within a range from 0.060 ppm up to and including retention of the current standard (0.084 ppm). (EPA also proposes to specify the level of the primary standard to the third decimal place, because today's monitors can detect ozone that accurately.

Proposed revisions to the secondary standard

- EPA is proposing two options for the secondary standard:
 - One option would establish a new form of standard designed specifically to protect sensitive plants from damage caused by repeated ozone exposure throughout the growing season. This cumulative standard would add daily ozone concentrations across a three-month period. EPA is proposing to set the level of the cumulative standard within the range of 7 to 21 ppm-hours.

- The other option would follow the current practice of making the secondary standard identical to the proposed primary 8-hour standard.
- EPA will take public comment for 90 days following publication of the proposal in the Federal Register. The agency also will hold four public hearings on the proposal in: Los Angeles and Philadelphia on Aug. 30, and Chicago and Houston on Sept. 5.
- EPA will issue final standards by March 12, 2008.

OZONE AND PUBLIC HEALTH

- Exposures to ozone can:
 - Reduce lung function, making it more difficult for people to breathe as deeply and vigorously as normal,
 - Irritate the airways, causing coughing, sore or scratchy throat, pain when taking a deep breath and shortness of breath,
 - Increase frequency of asthma attacks,
 - Inflammate and damage the lining of the lung,
 - Increase susceptibility to respiratory infection, and
 - Aggravate chronic lung diseases such as asthma, emphysema and bronchitis.
- In some people, these effects can lead to:
 - Increased medicine use among asthmatics,
 - More frequent doctors visits,
 - School absences, and
 - Increased emergency room visits and hospital admissions.
- Ozone may continue to cause lung damage even when the symptoms have disappeared.
- Breathing ozone may contribute to premature death in people with heart and lung disease.

OZONE AND THE ENVIRONMENT

- Ground-level ozone can have harmful effects on plants and ecosystems. When sufficient ozone enters the leaves of a plant, it can:
 - Interfere with the ability of sensitive plants to produce and store food, making them more susceptible to certain diseases, insects, other pollutants, competition and harsh weather.
 - Visibly damage the leaves of trees and other plants, harming the appearance of urban vegetation, national parks, and recreation areas.
 - Reduce forest growth and crop yields.

DETERMINING COMPLIANCE: THE FORM OF THE STANDARDS

- When EPA sets air quality standards, it also must specify the measurement unit, or “form” of each standard, that the Agency will use to determine whether an area is meeting the standards.
- For the primary ozone standard, an area meets the standard if the three-year average of the annual fourth-highest reading at a particular monitor is less than or equal to the level of the standard.
- EPA is proposing a new and distinct form for the secondary standard. The form, called W126, is designed to account for the cumulative effects of ozone on vegetation during the three months of the year when ozone concentrations are highest. The form focuses on the highest exposure during the growing season.
- If EPA finalizes the W126 option, an area would meet the secondary standard if the W126 value is less than or equal to the level of the standard. If the agency finalizes the section option proposed, compliance with the secondary standard would be based on compliance with the primary 8-hour standard.

BENEFITS AND COSTS

- While the Clean Air Act prohibits EPA from considering costs in setting or revising National Ambient Air Quality Standards, the Agency analyzes the benefits and costs of meeting the standards in order to provide states and other stakeholders with the information necessary to assess the implications of meeting alternative standards. The analysis, which is required by Executive Order 12866, is based on guidance from the White House Office of Management and Budget. These analyses of benefits and costs will be detailed in a Regulatory Impact Analysis to be released in the next few weeks.
- To estimate the benefits of meeting a standard, EPA utilizes a sophisticated peer-reviewed approach to modeling the relationship between air quality and health and welfare effects, the air quality impacts of implementing future control technologies, and the dollar values of public health improvements.
- To estimate the costs of meeting a standard, EPA uses several peer-reviewed approaches for modeling the cost of using both existing controls and controls that may be developed in the future for reducing NO_x and VOCs .

ESTIMATED TIMELINE FOR IMPLEMENTING THE PROPOSED STANDARDS

- EPA will issue final standards by March 12, 2008. Based on that date, EPA estimates the following implementation schedule:
 - *By June 2009*: States make recommendations for areas to be designated attainment and nonattainment.
 - *By June 2010*: EPA makes final designations of attainment and nonattainment areas. Those designations would become effective 60 days after publication in the Federal Register.
 - *2013*: State Implementation Plans, outlining how states will reduce pollution to meet the standards, are due to EPA (three years after designations).
 - *2013 to 2030*: States are required to meet the standard, with deadlines depending on the severity of the problem.

WHAT IS OZONE?

- Ozone is found in two regions of the Earth's atmosphere – at ground level and in the upper regions of the atmosphere. Both types of ozone have the same chemical composition (O₃). While upper atmospheric ozone forms a protective layer from the sun's harmful rays, ground level ozone is the primary component of smog.
- Ground-level ozone is not emitted directly into the air, but forms through a reaction of nitrogen oxides (NO_x) and volatile organic compounds (VOCs) in the presence of sunlight.
- Emissions from industrial facilities and electric utilities, motor vehicle exhaust, gasoline vapors, and chemical solvents are the major man-made sources of NO_x and VOCs.
- Because sunlight and hot weather accelerate its formation, ozone is mainly a summertime air pollutant. Both urban and rural areas can have high ozone levels, often due to transport of ozone or its precursors (NO_x and VOCs) from hundreds of miles away.

BACKGROUND ON THE NATIONAL AIR QUALITY STANDARDS FOR OZONE

- The Clean Air Act requires EPA to set National Ambient Air Quality Standards (NAAQS) for pollutants considered harmful to public health and the environment. National standards exist for six pollutants: ozone, particulate matter, nitrogen oxides, carbon monoxide, sulfur dioxide, and lead.

- The law also requires EPA to periodically review the standards and their scientific basis to determine whether revisions are appropriate.
- EPA last updated the ozone standards in 1997. The decision to revise the standards was challenged in court by a number of parties and ultimately reached the U.S. Supreme Court. The Court unanimously upheld the constitutionality of the 1970 Clean Air Act provision that authorizes EPA to set NAAQS to protect public health and welfare. The Court also affirmed that the Clean Air Act requires EPA to set ambient air quality standards, at levels necessary to protect the public health and welfare, without considering the economic costs of implementing the standards.

HOW TO COMMENT

- EPA will accept public comments for 90 days after the proposed revisions to the ozone standards are published in the Federal Register.
- Comments should be identified by Docket ID No. EPA-HQ-OAR-2005 -0172 and submitted by one of the following methods:
 - Federal eRulemaking Portal (<http://www.regulations.gov>),
 - e-mail (a-and-r-docket@epa.gov),
 - Mail (EPA Docket Center, Environmental Protection Agency, Mail code 6102T, 1200 Pennsylvania Avenue, NW, Washington, DC 20460), or
 - Hand delivery (EPA Docket Center, Environmental Protection Agency, Room 3334, 1301 Constitution Avenue, NW, Washington, DC).

FOR MORE INFORMATION

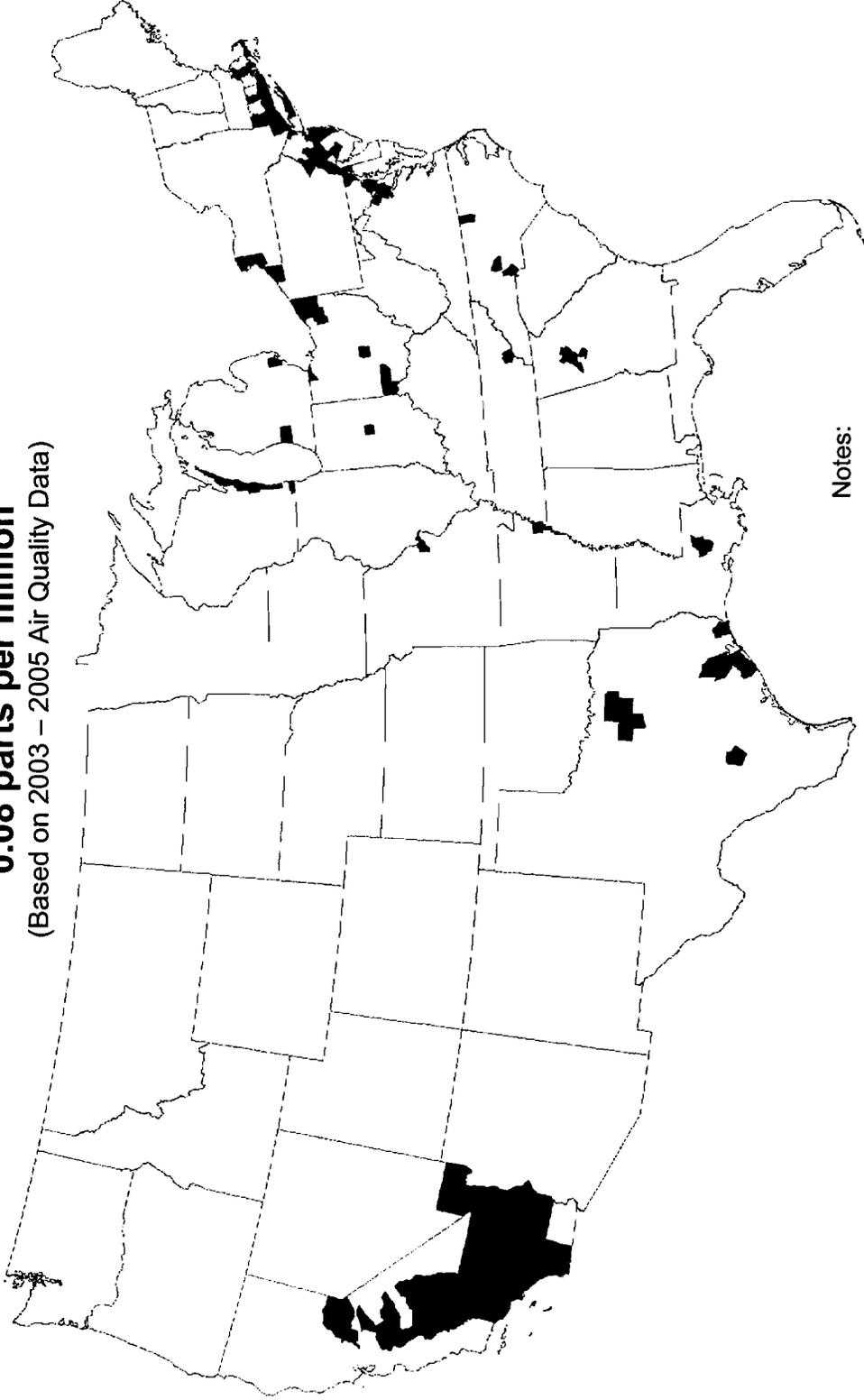
- To download the Federal Register notice about the proposed revisions to the ozone standards, visit www.epa.gov/groundlevelozone.
- Today's proposal and other background information are also available either electronically at <http://www.regulations.gov>, EPA's electronic public docket and comment system, or in hardcopy at the EPA Docket Center's Public Reading Room.
 - The Public Reading Room is located in the EPA Headquarters Library, Room Number 3334 in the EPA West Building, located at 1301 Constitution Ave., NW, Washington, DC. Hours of operation are 8:30 a.m. to 4:30 p.m. eastern standard time, Monday through Friday, excluding federal holidays.
 - Visitors are required to show photographic identification, pass through a metal detector, and sign the EPA visitor log. All visitor materials will be processed through an X-ray machine as well. Visitors will be provided a badge that must be visible at all times.
 - Materials for this action can be accessed using Docket ID No. EPA-HQ-OAR- 2005-0172.

MAPS



Counties With Monitors Violating the Current Primary 8-hour Ozone Standard 0.08 parts per million

(Based on 2003 – 2005 Air Quality Data)



Notes:

¹ 104 of 639 monitored counties violate.

² No monitored counties outside the continental U.S. violate.

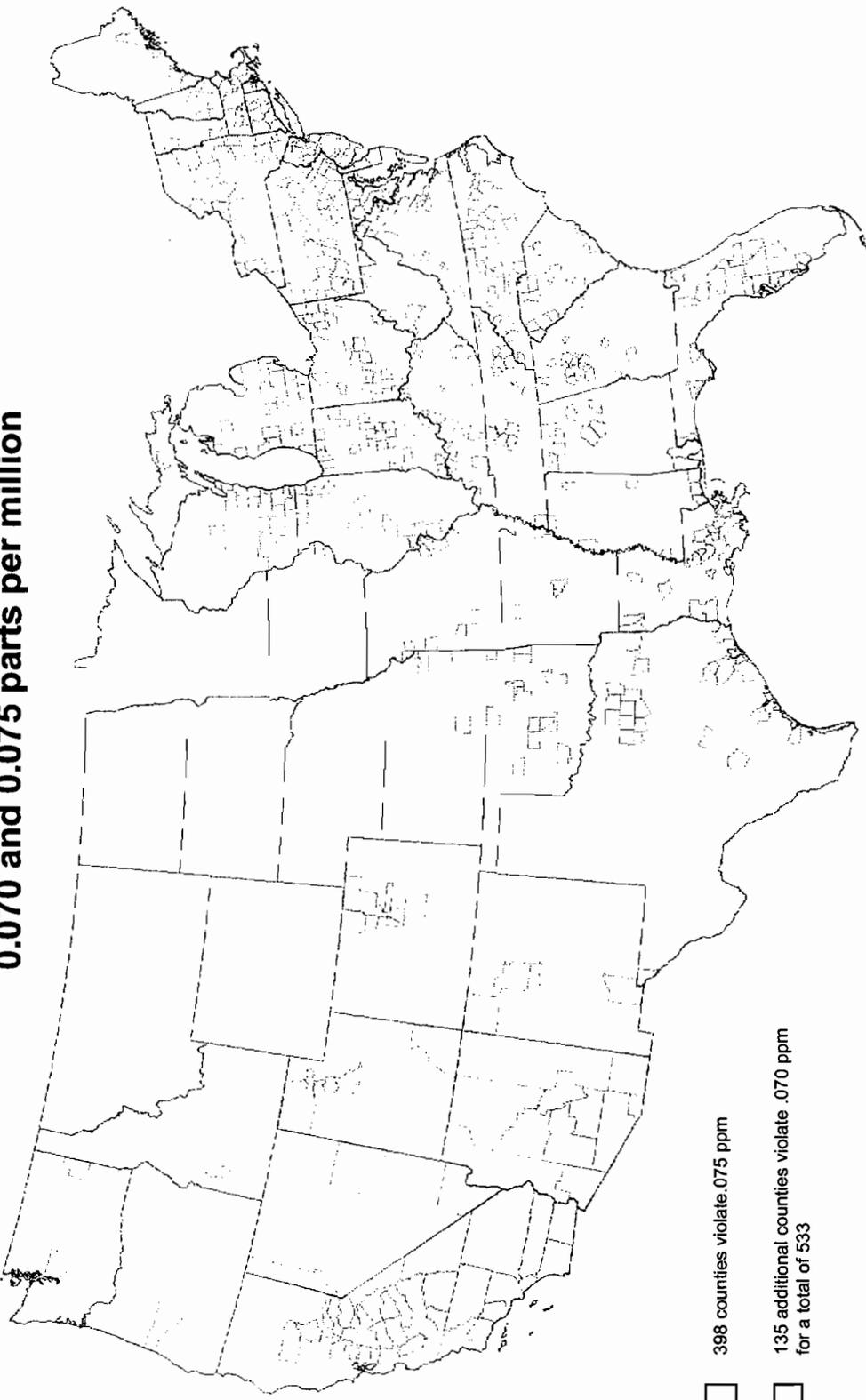
³ Monitored data can be obtained from the AQS system at <http://www.epa.gov/ttn/airs/airsaqs/>

⁴ The current standard of 0.08 ppm is effectively expressed as 0.084 ppm when rounding conventions are applied.



Estimates are based on the most recent data (2003 – 2005). EPA will not designate areas as nonattainment on these data, but likely on 2006 - 2008 data which we expect to show improved air quality.

Counties With Monitors Violating Alternate 8-hour Ozone Standards 0.070 and 0.075 parts per million



□ 398 counties violate .075 ppm

□ 135 additional counties violate .070 ppm
for a total of 533

Notes:

¹ 398 of 639 monitored counties violate 0.075,
533 of 639 monitored counties violate 0.070.

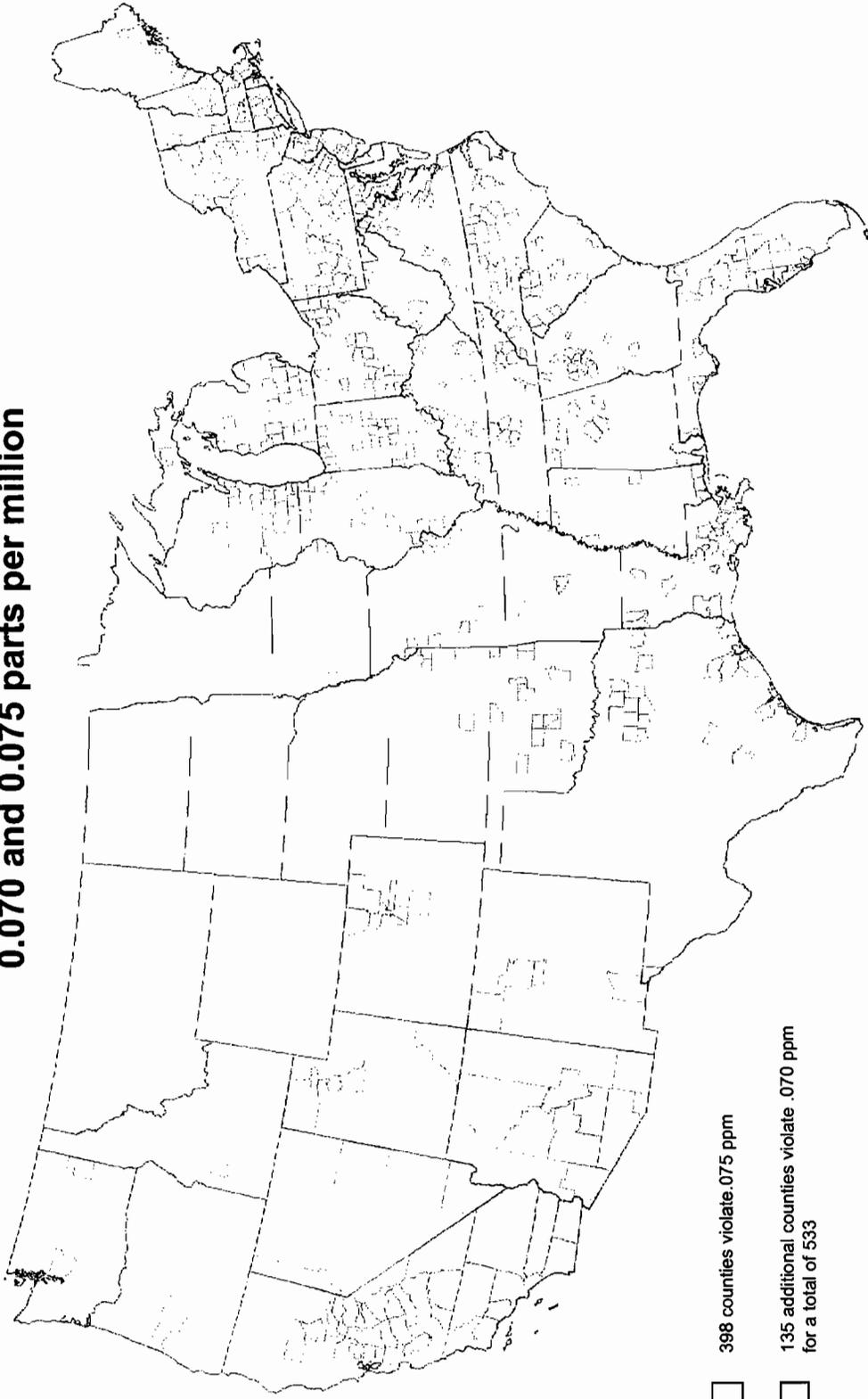
³ Monitored data can be obtained from the AQS system at
<http://www.epa.gov/ttn/airs/airsaqs/>

² No monitored counties outside the continental U.S. violate.



Estimates are based on the most recent data (2003 – 2005). EPA will not designate areas as nonattainment on these data, but likely on 2006 - 2008 data which we expect to show improved air quality.

Counties With Monitors Violating Alternate 8-hour Ozone Standards 0.070 and 0.075 parts per million



398 counties violate .075 ppm

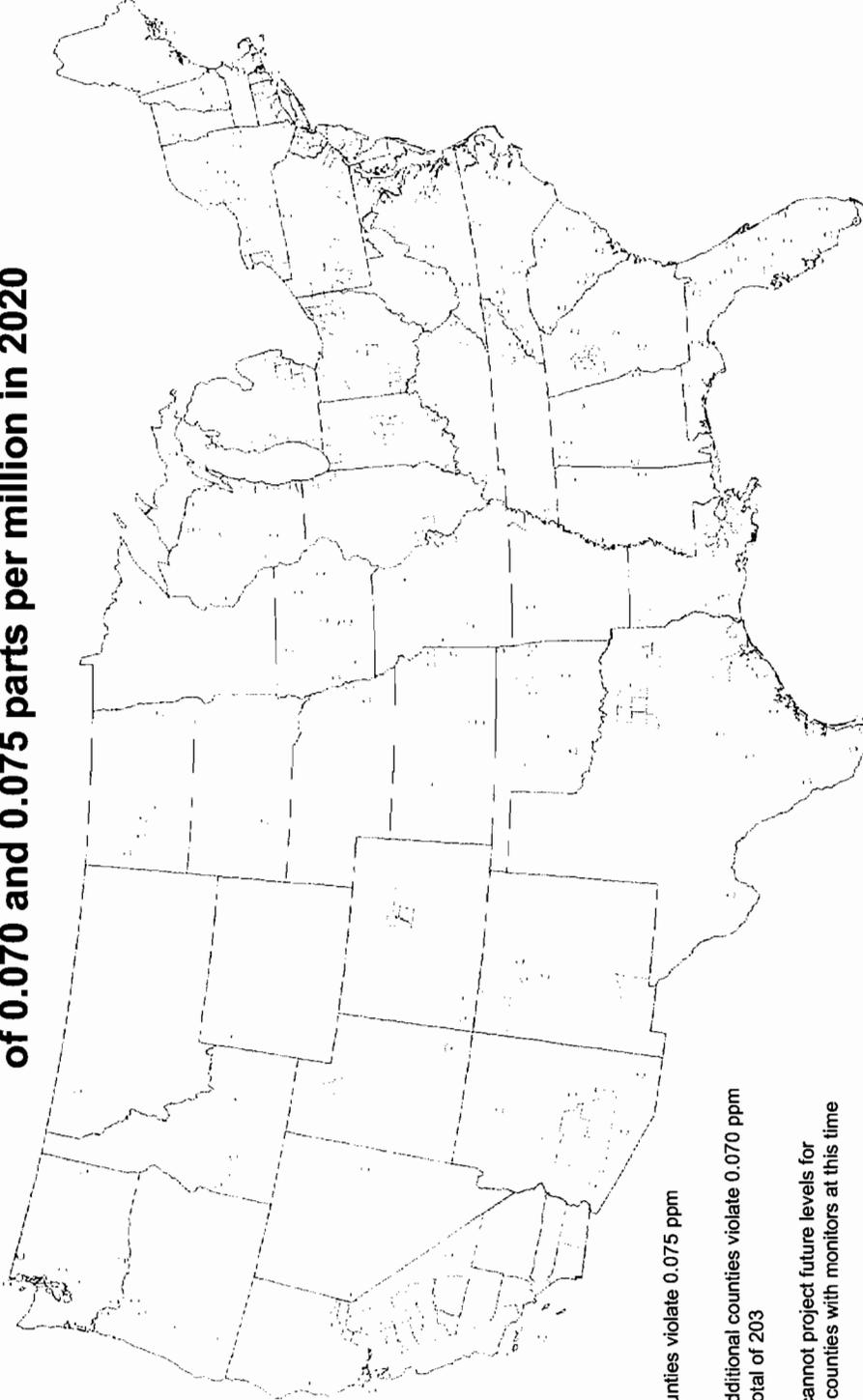
135 additional counties violate .070 ppm
for a total of 533

Notes:

¹ 398 of 639 monitored counties violate 0.075,
533 of 639 monitored counties violate 0.070.
² No monitored counties outside the continental U.S. violate.
³ Monitored data can be obtained from the AQS system at
<http://www.epa.gov/ttn/airs/airsaqs/>



Counties With Monitors Projected to Violate Alternate 8-hour Ozone Standards of 0.070 and 0.075 parts per million in 2020



82 counties violate 0.075 ppm

121 additional counties violate 0.070 ppm for a total of 203

EPA cannot project future levels for these counties with monitors at this time

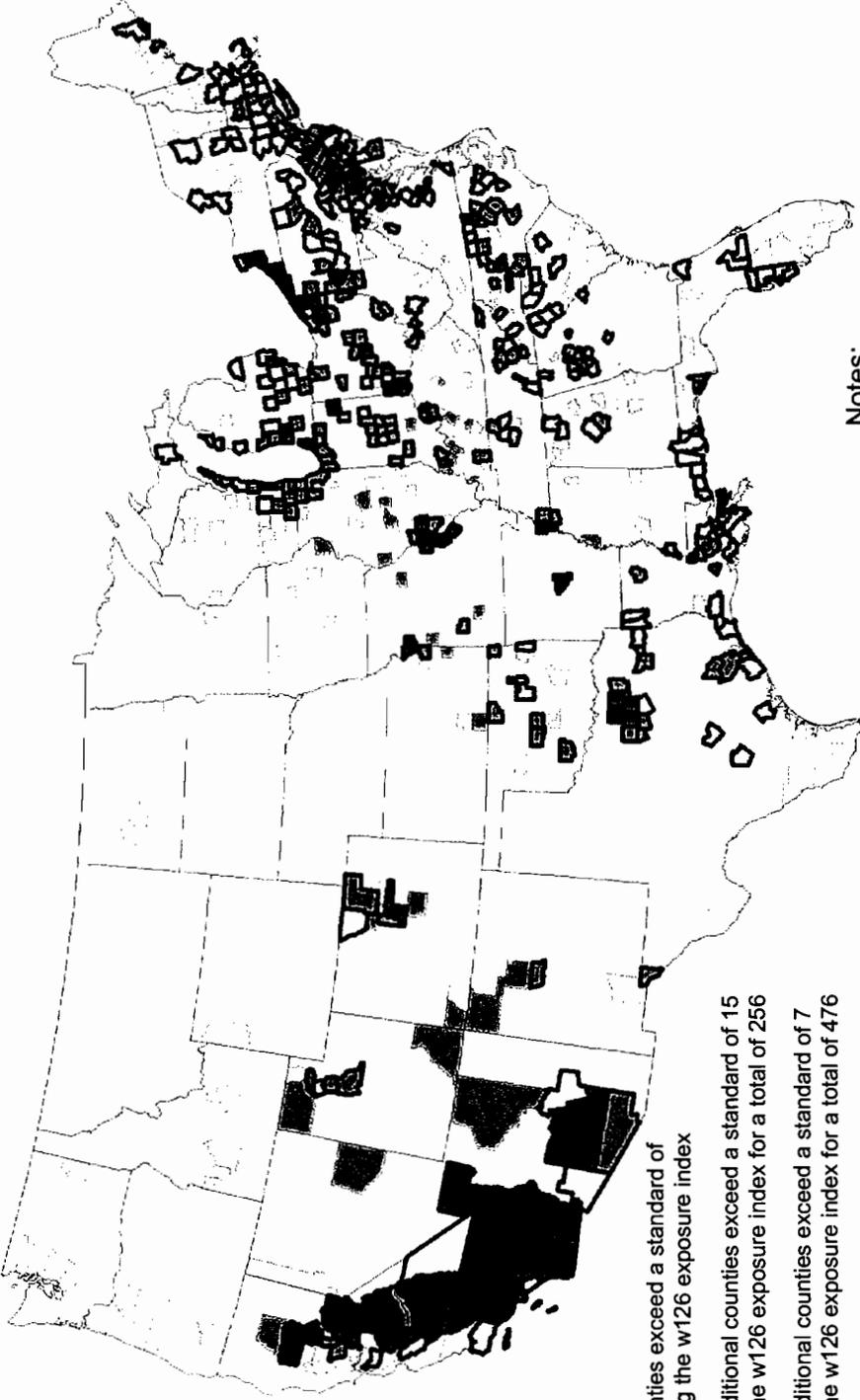
Notes:

- 1 Modeled emissions reflect the expected reductions from federal programs including the Clean Air Interstate Rule, the Clean Air Mercury Rule, the Clean Air Visibility Rule, the Clean Air Nonroad Diesel Rule, the Light-Duty Vehicle Tier 2 Rule, the Heavy Duty Diesel Rule, proposed rules for Locomotive and Marine Vessels and for Small Spark-Ignition Engines, and state and local mobile and stationary source controls identified for additional reductions in emissions for the purpose of attaining the current PM 2.5 and Ozone standards.
- 2 Controls applied are illustrative. States may choose to apply different control strategies for implementation.
- 3 Modeled design values in ppm are only interpreted up to 3 decimal places.
- 4 Consistent with current modeling guidance, EPA did not project 2020 concentrations for counties where 2001 base year concentrations were less than recommended criterion. Such projections may not represent expected future levels. These counties are shown on the map with a grey dot.



Status of Counties with Monitors – Proposed Alternative w126 Index Secondary Standard and 8-hour 0.075 Ozone Primary Standard

(Based on 2005 Air Quality Data for the w126 and 2003-2005 Air Quality Data for 0.075)



-  72 counties exceed a standard of 21 using the w126 exposure index
-  184 additional counties exceed a standard of 15 using the w126 exposure index for a total of 256
-  220 additional counties exceed a standard of 7 using the w126 exposure index for a total of 476
-  79 counties meet a standard of 7 using the w126 exposure index for a total of 555
-  Outlined in heavy black are the 398 counties that exceed the 0.075 alternate 8-hr primary standard

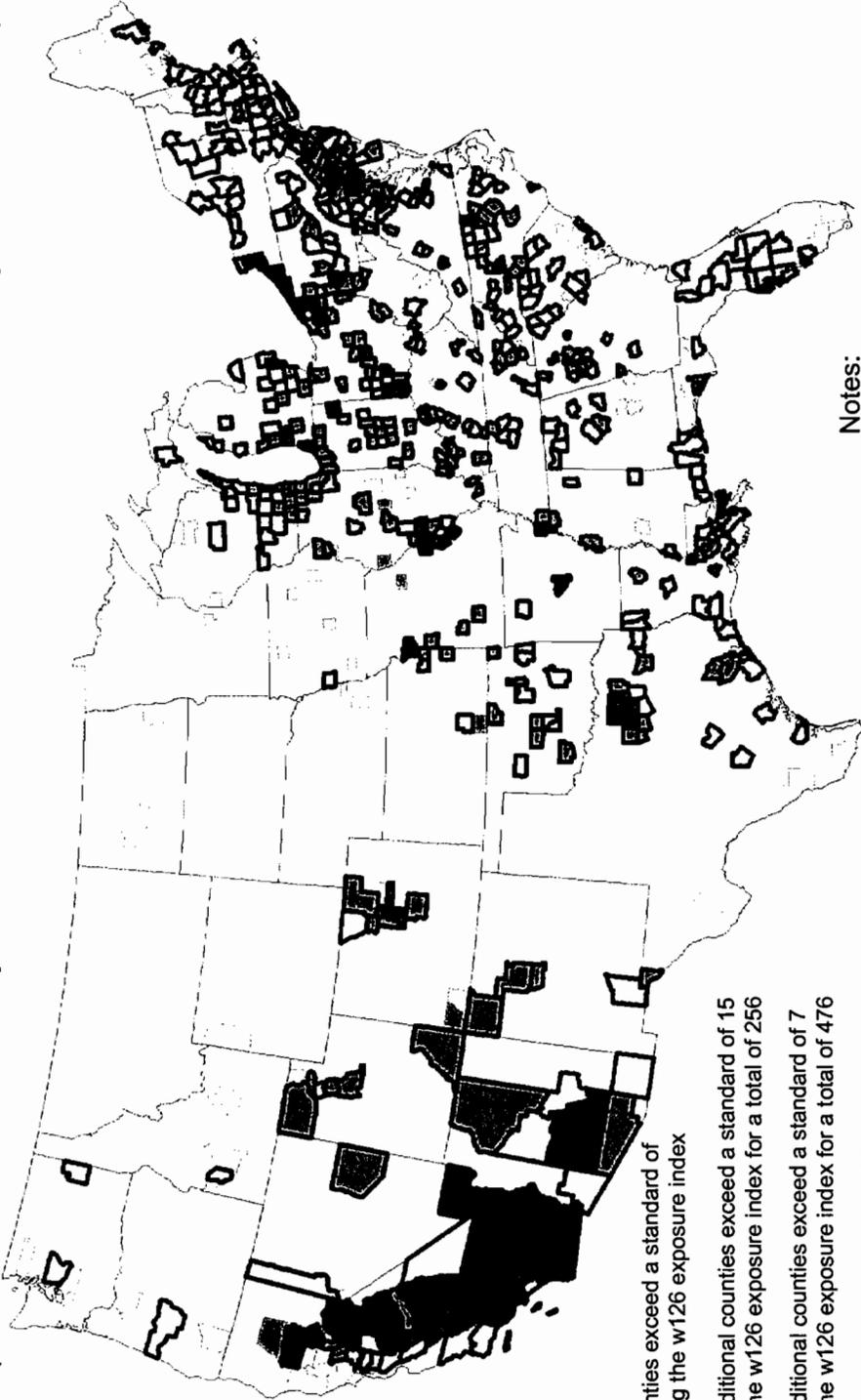
Notes:

- ¹ w126 is out of 555 monitored counties in 2005
- ² No monitored counties outside the continental U.S. violate
- ³ Monitored data can be obtained from the AQS system at <http://www.epa.gov/ttn/airs/airsaqs/>
- ⁴ These estimates are based on the most recent data (2005). EPA will not designate areas as nonattainment on these data, but likely on 2006 - 2008 data which we expect to show improved air quality.



Countries With Monitors Violating Alternative w126 Exposure Index Secondary Standard and 8-hour 0.070 Ozone Primary Standard

(Based on 2005 Air Quality Data for the w126 and 2003-2005 Air Quality Data for 0.070)



-  72 counties exceed a standard of 21 using the w126 exposure index
-  184 additional counties exceed a standard of 15 using the w126 exposure index for a total of 256
-  220 additional counties exceed a standard of 7 using the w126 exposure index for a total of 476
-  79 counties meet a standard of 7 using the w126 exposure index for a total of 555
-  Outlined in heavy black are the 533 counties that exceed the 0.070 alternate 8-hr primary standard

Notes:

- ¹ w126 is out of 555 monitored counties in 2005
- ² No monitored counties outside the continental U.S. violate
- ³ Monitored data can be obtained from the AQS system at <http://www.epa.gov/ttn/airs/airsaqs/>
- ⁴ These estimates are based on the most recent data (2005). EPA will not designate areas as nonattainment on these data, but likely on 2006 - 2008 data which we expect to show improved air quality.