

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

Tuesday, March 6, 2007
MAG Office
Phoenix, Arizona

MEMBERS PRESENT

Stephen Cleveland, City of Goodyear, Chairman
Jess Segovia, Avondale
#Michael Salisbury for Lucky Roberts, Buckeye
#Jim Weiss, Chandler
*Jamie McCullough, El Mirage
Lisa Taraborelli for Tami Ryall, Gilbert
Doug Kukino, Glendale
Scott Bouchie, Mesa
Gaye Knight, Phoenix
Larry Person, Scottsdale
#Antonio DeLaCruz, Surprise
*Oddvar Tveit, Tempe
Larry Crisafulli for Walter Bouchard, Citizen
Representative
Corey Woods, American Lung Association of Arizona
Barbara Sprungl, Salt River Project
Brian O'Donnell, Southwest Gas Corporation
Mark Hajduk, Arizona Public Service Company
#Gina Grey, Western States Petroleum Association
Randi Alcott, Valley Metro
Dave Berry, Arizona Motor Transport Association
Jeannette Fish, Maricopa County Farm Bureau
Russell Bowers, Arizona Rock Products Association
*Michelle Rill, Greater Phoenix Chamber of Commerce

Amanda McGennis, Associated General
Contractors
Spencer Kamps for Connie Wilhelm-Garcia,
Homebuilders Association of Central Arizona
*Stephen J. Andros, American Institute of
Architects - Central Arizona
Mannie Carpenter, Valley Forward
Kai Umeda for Patrick Clay, University of Arizona
Cooperative Extension
Beverly Chenausky, Arizona Department of
Transportation
Peter Hyde, Arizona Department of Environmental
Quality
*Wienke Tax, Environmental Protection Agency
Jo Crumbaker, Maricopa County Air Quality
Department
#Duane Yantorno, Arizona Department of Weights
and Measures
*Ed Stillings, Federal Highway Administration
*Judi Nelson, Arizona State University
*B. Bobby Ramirez, Salt River
Pima-Maricopa Indian Community
*David Rueckert, Citizen Representative

*Members neither present nor represented by proxy.
#Participated via telephone conference call.
+Participated via video conference call.

OTHERS PRESENT

Lindy Bauer, Maricopa Association of Governments
Cathy Arthur, Maricopa Association of Governments
Taejoo Shin, Maricopa Association of Governments
Dean Giles, Maricopa Association of Governments
Julie Hoffman, Maricopa Association of Governments
Patrisia Navarro, Maricopa Association of Governments
Diane Arnst, Arizona Department of Environmental
Quality
Don Gabrielson, Pinal County Air Quality
Scott Di Biase, Pinal County Air Quality
Robert St. John, City of Glendale
Johanna Kuspert, Maricopa County Air Quality
Department

Merry Ellen Boom, Converse Consultants
Mike Hudson, Eagle Distributing, Inc.
Jane McVay, Arizona Department of
Transportation
Nick Simonetta, Jennings, Strouss & Salmon, PLC
Tyler Steimel, RideNow & Arizona Powersport
Industry Association
Megan Jefferies, Moto-Trax
Lea Benson, Arizona Powersport Industry
Association
Linda Remick, A to Z Equipment
#Bob Dulla, Sierra Research

1. Call to Order

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

2. Call to the Audience

Mr. Cleveland stated that, according to the MAG public comment process, members of the audience who wish to speak are requested to fill out comment cards, which are available on the table adjacent to the doorway inside the meeting room. Citizens are asked not to exceed a three minute time period for their comments. Public comment is provided at the beginning of the meeting for nonagenda items and nonaction agenda items.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. Call for Future Agenda Items

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