



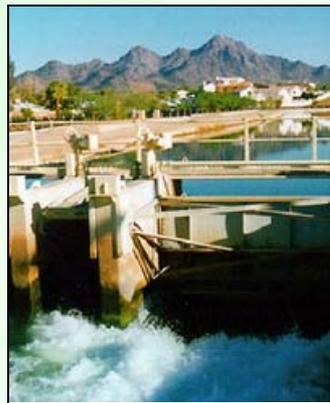
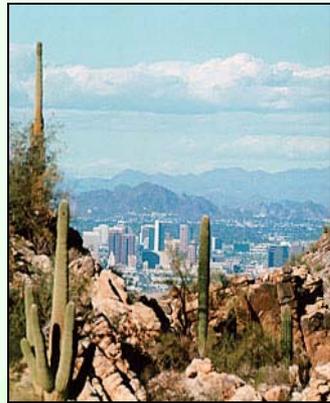
# **Lawsuit Filed by the Arizona Center for Law in the Public Interest for PM-10**

## **Air Quality Technical Advisory Committee**

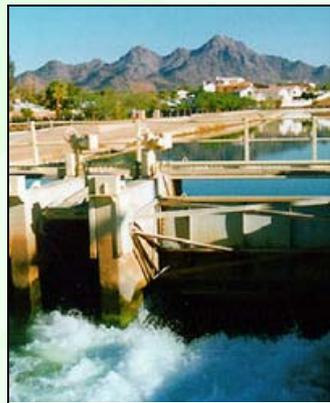
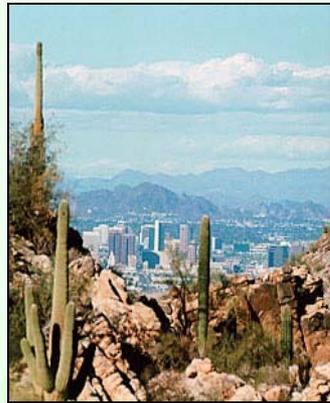
**December 10, 2009**



# Overview



- **Five Percent Plan for PM-10**
- **Lawsuit Filed by Arizona Center for Law in the Public Interest**
- **Possible Consequences**
- **Current Issues**
- **Best Course of Action**

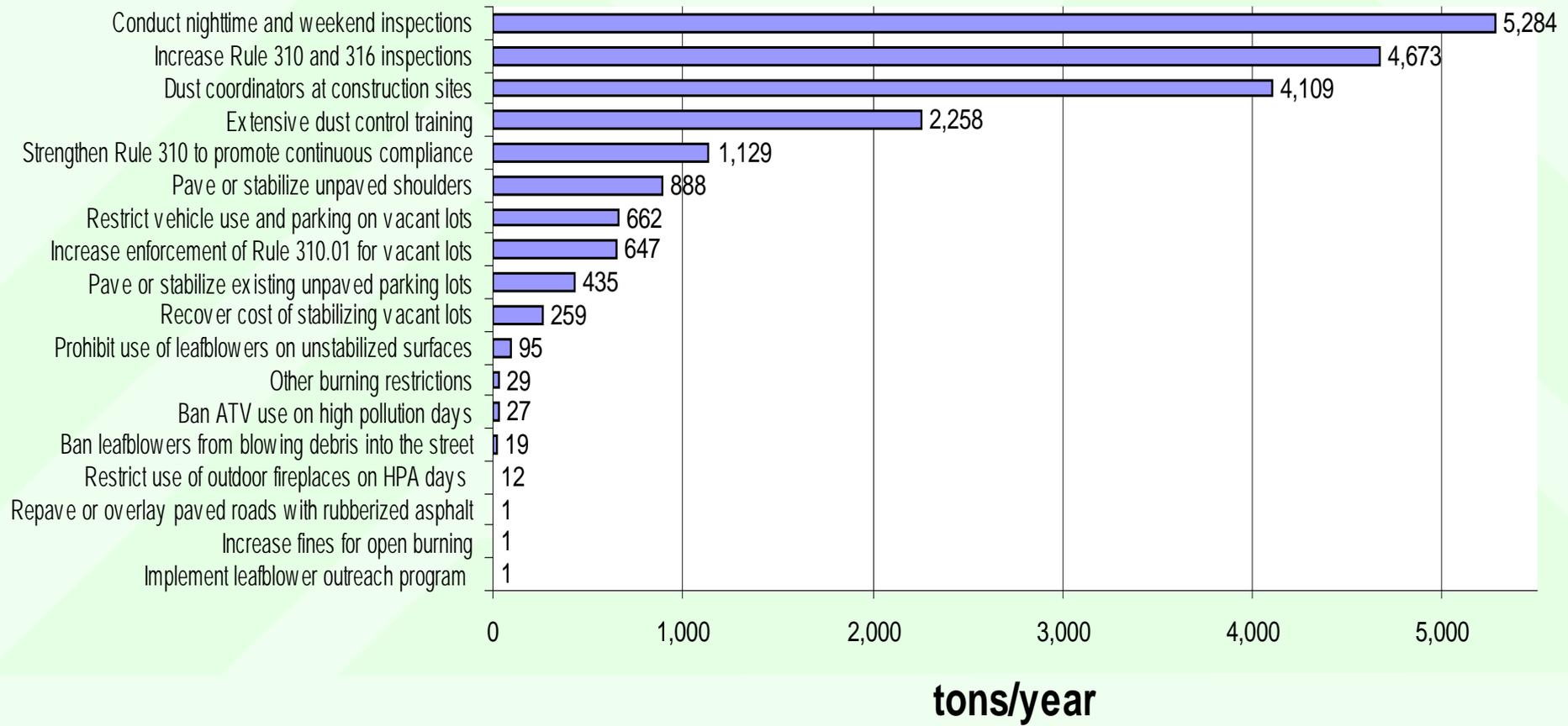


# Five Percent Plan for PM-10

- **Required by Clean Air Act Section 189(d) -**  
For Serious nonattainment areas that do not meet the PM-10 standard by the attainment date (December 31, 2006)
- **Five Percent Plan due one year later**
  - MAG submitted Plan to EPA by Dec 31, 2007
- **Plan shows PM-10 emission reductions of 5% per year until the standard is attained in 2010**
  - Commitments received for 53 new measures
  - 5% emission reductions in 2008, 2009 and 2010
  - Modeling demonstrates attainment in 2010
  - 3 years of clean data needed at all PM-10 monitors in 2008, 2009 and 2010

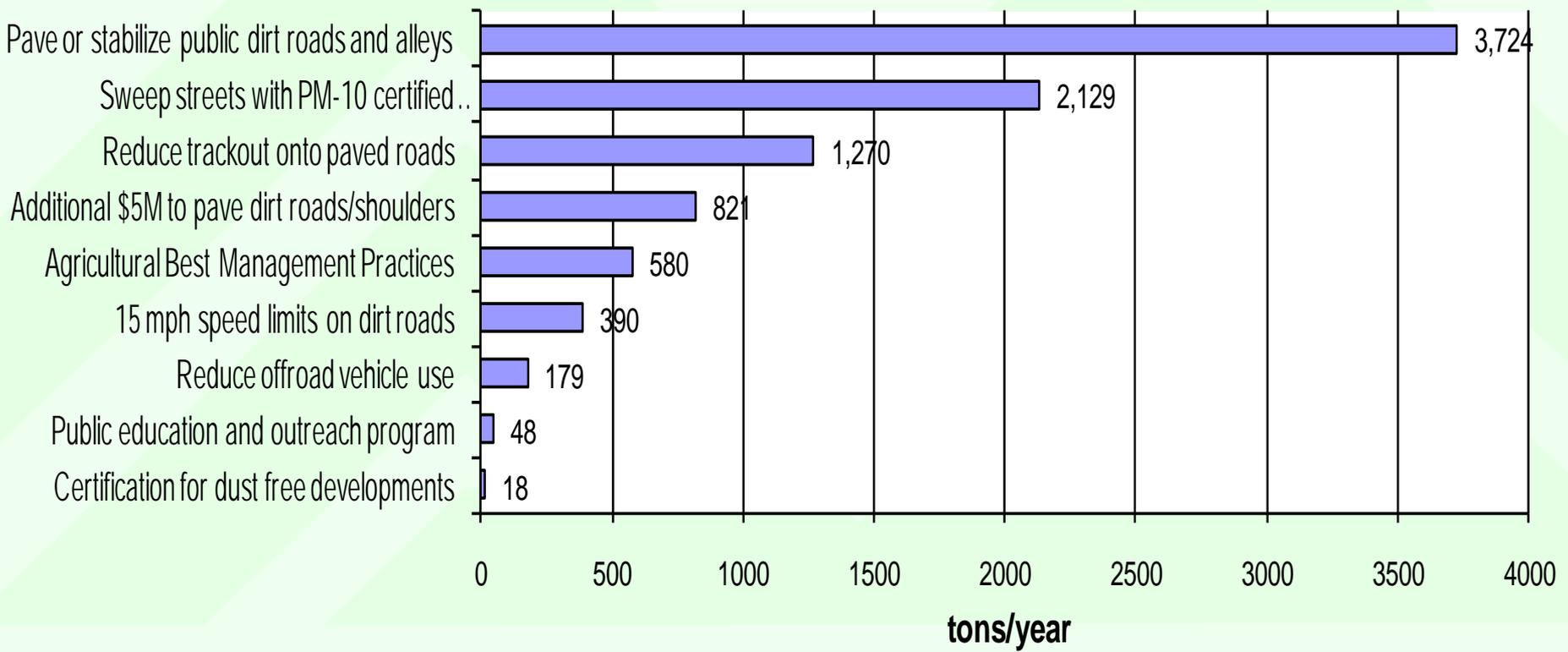


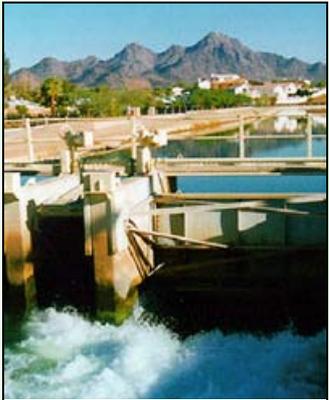
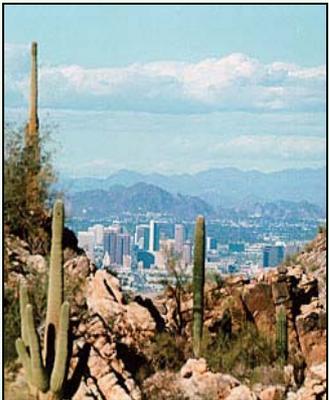
# Reductions in 2010 for Committed Control Measures in the Five Percent Plan for PM-10



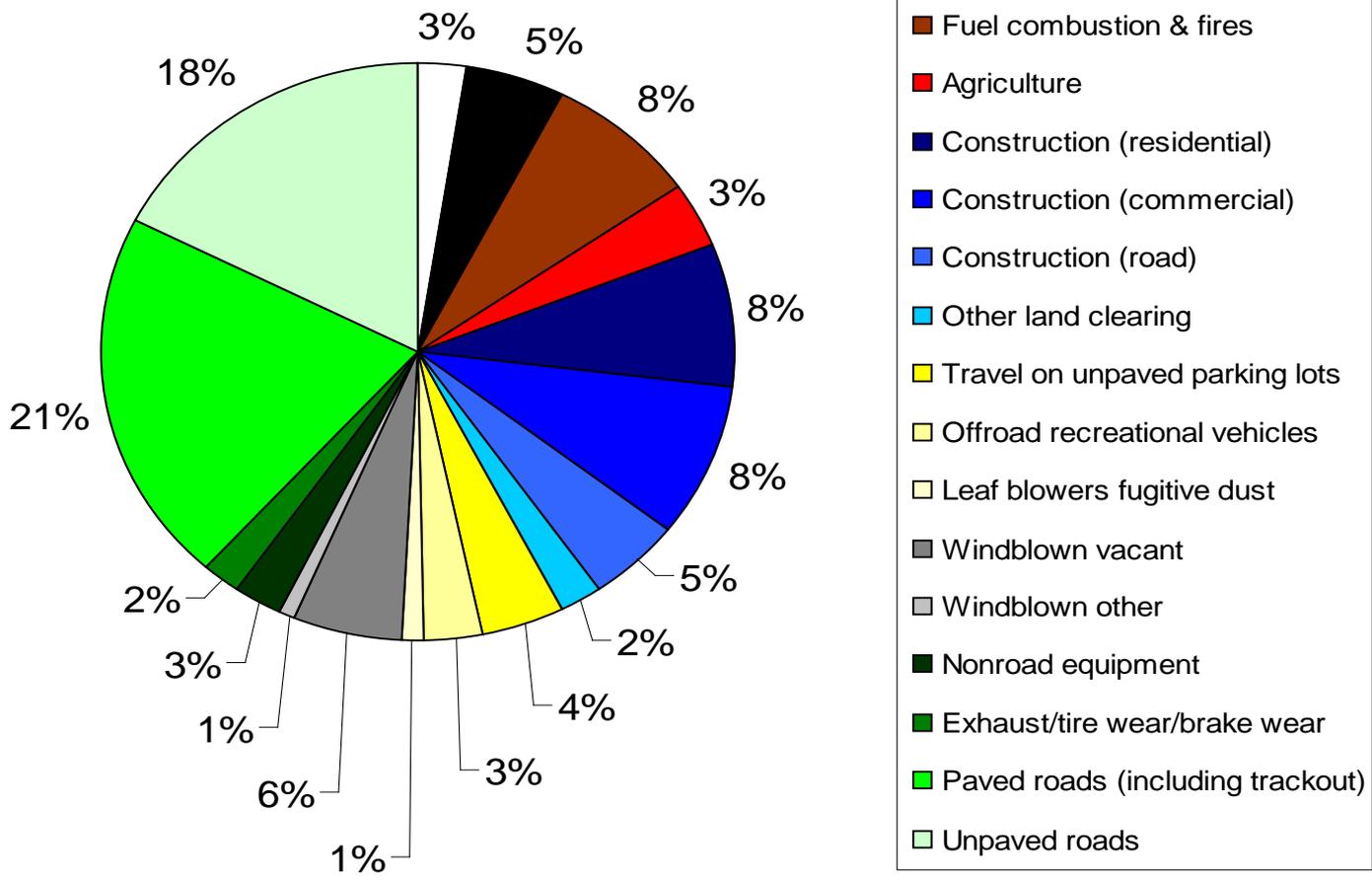


# Reductions in 2010 for Committed Contingency Measures in the Five Percent Plan for PM-10





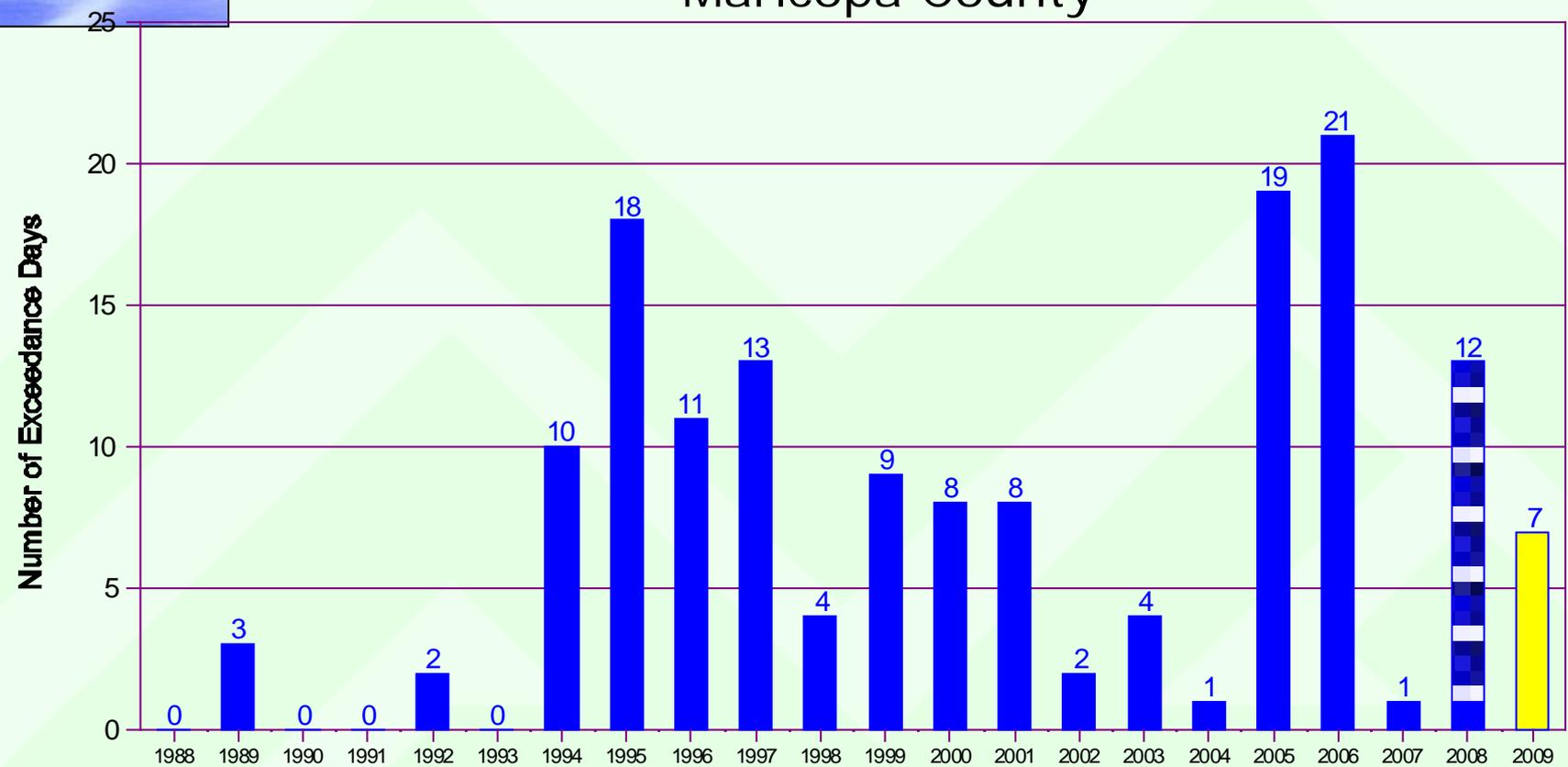
**2010 PM-10 Emissions  
with Committed Control and Contingency Measures  
Total = 73,670 tons/year  
(28.2% reduction in 2010)**





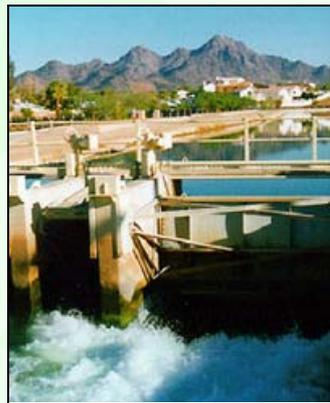
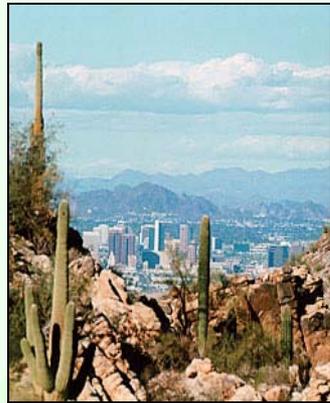
# PM-10 Monitoring Data

## Days Exceeding the 24-Hour PM-10 Standard in Maricopa County



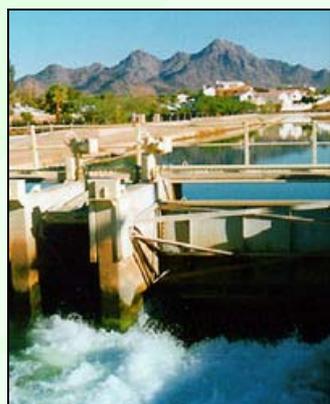
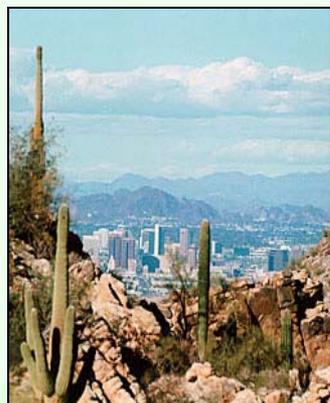
Notes:

1. The hatched blue area represents 11 exceedance days in 2008 that ADEQ has documented as exceptional/natural events, but have not been approved by EPA.
2. Some or all of the 7 exceedance days in 2009 (shown in yellow) may be exceptional/natural events, but these have not yet been documented by ADEQ or approved by EPA. The 2009 exceedances represent preliminary data as of October 27, 2009.
3. Exceedance days that have been approved by EPA as exceptional/natural events have been removed from this chart.
4. Most of the exceedances before 2004 were recorded by filter-based monitors that measured PM-10 concentrations on every sixth day. Since 2004, the filter-based monitors that exceeded the PM-10 standard have been replaced with monitors that measure PM-10 concentrations every day.
5. Chart also includes exceedance days at the Buckeye monitor, which is outside the PM-10 nonattainment area.



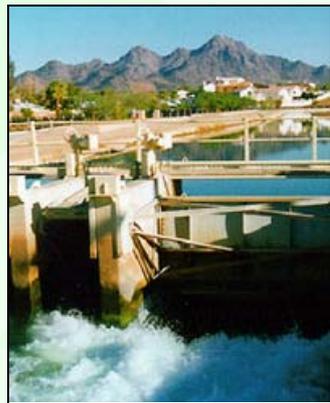
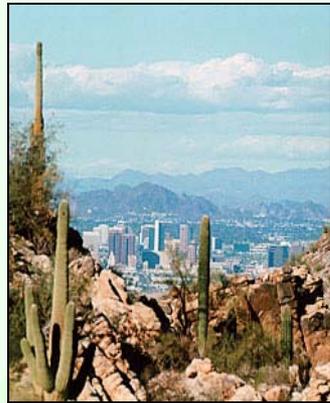
## Status of Five Percent Plan

- **EPA has not acted to approve or disapprove the MAG 2007 Five Percent Plan for PM-10**
  - Clean Air Act requires EPA action within 18 months (June 30, 2009)
- **August 4, 2009 - the Arizona Center for Law in the Public Interest (ACLPI) submitted notice of intent to sue EPA for not acting on the Plan**
- **December 2, 2009 - ACLPI filed a lawsuit to order EPA to propose approval or disapproval of the Plan within 1 month and finalize the action within 3 months**

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## Status of Five Percent Plan

- **If EPA proposes disapproval of the Plan, in whole or part, sanctions would be imposed if the problem is not corrected within**
  - 18 months from proposed finding of disapproval
    - Tighter controls on major industries (2:1 offsets in emissions)
  - 24 months from proposed finding of disapproval
    - Loss of federal highway funds - \$1.1B at risk in MAG Transportation Improvement Program (TIP)
    - Federal implementation plan imposed
- **Imposition of highway sanctions may trigger a conformity lapse**
  - Major projects in \$7B TIP could not proceed



# Status of Five Percent Plan

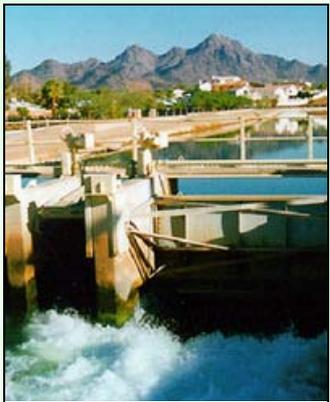
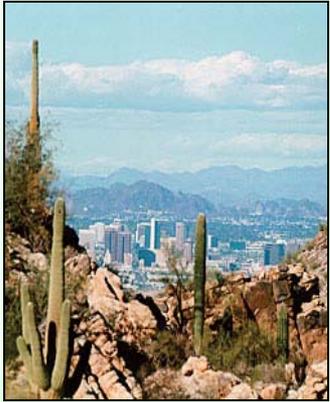
## ■ Current Issues

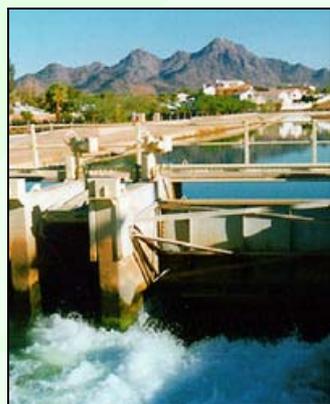
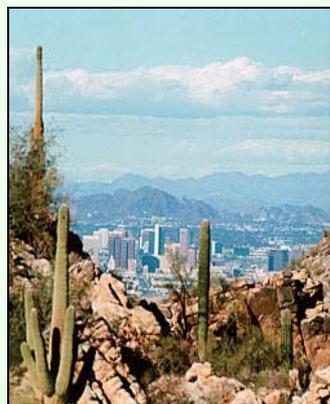
- **Five Percent Plan is based on a 2005 PM-10 emissions inventory**
  - Downturn in economy since 2005 has changed the mix of sources
- **Monitored exceedances of the PM-10 standard in 2008 and 2009**
  - ADEQ has documented 11 of the 12 exceedance days in 2008 as exceptional/natural events
  - EPA is reviewing ADEQ documentation
  - Some or all of the 7 exceedance days in 2009 may be exceptional/natural events, but ADEQ has not yet submitted documentation to EPA

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# Status of Five Percent Plan

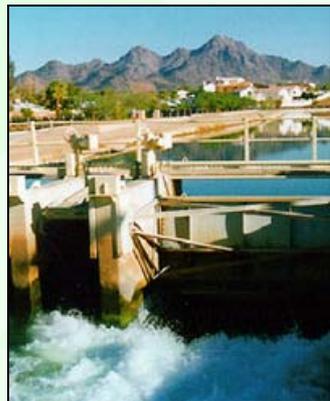
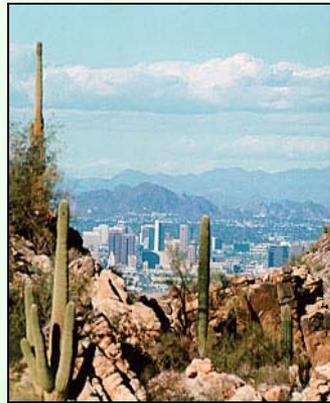
- If EPA does not agree with the ADEQ exceptional/natural events documentation:
  - May need to add more measures to reduce emissions by 5 percent per year until attainment, as measured at the monitors
  - Will need to revise modeling in the Plan
  - Will need 3 years of clean data at all PM-10 monitors for attainment



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## Status of Five Percent Plan

- To address these issues, MAG, Maricopa County and ADEQ are
  - Updating the PM-10 emissions inventory to 2008
  - Providing assistance to EPA in reviewing
    - The Five Percent Plan
    - ADEQ documentation of the exceptional/natural events
  - Collecting additional field data during windy and stagnant days



# Status of Five Percent Plan

## ■ Best Course of Action

- EPA agreement with the ADEQ exceptional/natural events
- Address issues before EPA proposes action on the Plan
  - EPA has not yet identified plan approvability issues
  - Timing for the EPA proposed action is uncertain
- Prevent violations at the monitors

# For more information

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

