

MARICOPA ASSOCIATION OF GOVERNMENTS

INFORMATION SUMMARY... for your review

DATE:

March 13, 2007

SUBJECT:

Suggested List of Measures for the Five Percent Plan for PM-10

SUMMARY:

In accordance with the Clean Air Act, the Five Percent Plan for PM-10 is due to the Environmental Protection Agency by December 31, 2007. The plan is required to reduce PM-10 emissions by five percent per year until the standard is met. In order to attain the standard, the region needs three years of clean data at the monitors (2007, 2008, 2009). In 2006, there were approximately twenty-one exceedance days of the twenty-four PM-10 standard. It is important to attain the PM-10 standard as quickly as possible or additional years of five percent reductions may need to be included in the plan. On March 9, 2007, the MAG Air Quality Technical Advisory Committee recommended the Suggested List of Measures to Reduce PM-10 Particulate Matter (attachment).

Following approval of the Suggested List of Measures by the Regional Council, each agency with authority to implement the suggested measures will be requested to make a legally binding commitment to implement the measures it deems appropriate, or to submit reasoned justification for nonimplementation. Local government commitments will be needed by June 15, 2007. After the commitments are received by MAG, the air quality impacts of the committed measures will be assessed as part of the required attainment demonstration.

PUBLIC INPUT:

An opportunity for public comment was provided at the March 1, 2007 MAG Air Quality Technical Advisory Committee meeting and no public input was received. An opportunity for public comment was also provided at the March 6, 2007 MAG Air Quality Technical Advisory Committee meeting and the following comments were received.

A citizen objected to the Committee considering measures for Area A since a portion falls within Pinal County which is not a member of MAG.

A citizen commented on shifting hours of operation during stagnant conditions in November through February. He indicated that there would be confusion on how the measure would be applied and to whom.

A citizen commented on the improvements in leaf blower exhaust emissions, noise and sound quality. He stated that no improvements toward five percent reductions will be made by adopting measures to ban or discourage the use of leaf blowers on High Pollution Advisory days or encourage the use of leaf vacuums to replace blowers.

A citizen expressed support for public education and outreach and indicated that she does not support expanding Area A or requiring 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. She stated that she does not support reducing off-road vehicle use in areas with high off-road vehicle activity - impoundment or confiscation of vehicles for repeat violations and provided alternative language. She mentioned H.B. 2443 as an alternative. She indicated that she is willing to promote a no ride day for all-terrain and off-highway vehicles on High Pollution Advisory days.

A citizen discussed H.B. 2443 and S.B. 1552 in regard to mitigating pollution issues. He indicated that the off-highway vehicle community is policing themselves and expressed support for additional measures such as a no ride day on High Pollution Advisory days. He expressed concern about banning all-terrain and off-highway vehicles by the public on state lands located within the jurisdiction of the city, town, or county.

An opportunity for public comment was provided at the March 9, 2007 MAG Air Quality Technical Advisory Committee meeting. A citizen commented on a plan to build an off-highway vehicle park in Gila Bend as an alternative for riders. She requested that the Committee consider the ramifications of expanding Area A and that alternatives be considered when restricting riders.

PROS & CONS:

PROS: Additional measures are expected to be necessary for the region to be able to demonstrate the five percent reduction in PM-10 emissions per year and attainment of the twenty-four hour PM-10 standard.

CONS: Achieving significant further reductions in emissions and attaining the standard will be difficult, as the region has already implemented a number of the most stringent control programs in the nation. Some of the air quality measures will be controversial, and most will result in increased costs to governments, consumers, or industry.

TECHNICAL & POLICY IMPLICATIONS:

TECHNICAL: The 2005 Periodic Emissions Inventory being prepared by Maricopa County will serve as the base to project the 2007 emissions inventory which will be used to calculate the five percent reductions in PM-10 emissions. The reductions will then need to be achieved in 2008 and 2009. The plan is also required to include a modeling attainment demonstration at the West 43rd Avenue, Durango, and Higley monitors.

POLICY: Collectively, the Suggested List of Measures to Reduce PM-10 Particulate Matter includes forty-one measures. Many of the most significant measures are under the authority of Maricopa County since they strengthen the Maricopa County Fugitive Dust Control Rules which apply regionwide. It is critical that the dust control rules are adequately implemented and enforced. Several measures are also under the authority of local governments.

ACTION NEEDED:

Discussion and recommendation for approval of the Suggested List of Measures to Reduce PM-10 Particulate Matter.

PRIOR COMMITTEE ACTIONS:

Air Quality Technical Advisory Committee: On March 9, 2007, the MAG Air Quality Technical Advisory Committee unanimously recommended a Suggested List of Measures to Reduce PM-10 Particulate Matter.

MEMBERS PRESENT

Stephen Cleveland, City of Goodyear,
Chairman

#Jess Segovia, Avondale

*Lucky Roberts, Buckeye

#Jim Weiss, Chandler

#Jamie McCullough, El Mirage

Lisa Taraborelli for Tami Ryall, Gilbert

Doug Kukino, Glendale

Scott Bouchie, Mesa

Gaye Knight, Phoenix

Larry Person, Scottsdale

#Antonio DeLaCruz, Surprise

Oddvar Tveit, Tempe

*Walter Bouchard, Citizen Representative

Corey Woods, American Lung Association of
Arizona

Barbara Sprungl, Salt River Project

*Brian O'Donnell, Southwest Gas Corporation

Mark Hajduk, Arizona Public Service
Company

*Gina Grey, Western States Petroleum
Association

*Randi Alcott, Valley Metro

*Dave Berry, Arizona Motor Transport
Association

Rick Lavis for Jeannette Fish, Maricopa
County Farm Bureau

Russell Bowers, Arizona Rock Products
Association

*Michelle Rill, Greater Phoenix Chamber of
Commerce

Amanda McGennis, Associated General
Contractors

Spencer Kamps for Connie Wilhelm-
Garcia, Homebuilders Association of
Central Arizona

*Stephen J. Andros, American Institute of
Architects - Central Arizona

*Mannie Carpenter, Valley Forward

Kai Umeda for Patrick Clay, University
of Arizona Cooperative Extension

#Beverly Chenausky, Arizona
Department of Transportation

Peter Hyde, Arizona Department of
Environmental Quality

*Wienke Tax, Environmental Protection
Agency

Jo Crumbaker, Maricopa County Air
Quality Department

#Duane Yantorno, Arizona Department of
Weights and Measures

*Ed Stillings, Federal Highway
Administration

*Judi Nelson, Arizona State University

#Christella Armijo for B. Bobby Ramirez,
Salt River Pima-Maricopa Indian
Community

David Rueckert, Citizen Representative

*Members neither present nor represented by proxy.

#Participated via telephone conference call.

+Participated via video conference call.

CONTACT PERSON:

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SUGGESTED LIST OF MEASURES TO REDUCE PM-10 PARTICULATE MATTER

These measures may or may not be feasible
and available to the implementing entities

MEASURE	POTENTIAL IMPLEMENTING ENTITY
Fugitive Dust Control Rules	
1. Public education and outreach (e.g., Clark County) with assistance from local governments - This measure would involve publicity campaigns (e.g., Bring Back Blue) that increase public awareness of the PM-10 problem and discourage citizens from participating in activities that generate airborne dust.	County, local governments
2. Extensive Dust Control Training Program (e.g., Clark County) - This measure would involve conducting more frequent dust control training classes and implementing a formal certification program. The County would provide advanced training to representatives of trade associations to qualify them to conduct classes and issue certifications. The County video on dust control rules and practices will be updated and distributed to public agencies and private companies for use in training their employees.	County, private sector
3. Dust Managers required at construction sites of 50 acres and greater (e.g., Clark County) - This measure would require a dust manager to be present on construction sites where 50 or more acres of soil are disturbed.	County
4. Dedicated enforcement coordinator for unpaved roads, unpaved parking, and vacant lots (e.g., Clark County) - This measure would require that additional resources be dedicated to strengthen enforcement of Rule 310.01 for unpaved roads, unpaved parking lots, and vacant disturbed lots.	County
5. Establish a certification program for Dust Free Developments to serve as an industry standard - This measure would create a program to certify and publicize companies that routinely demonstrate exceptional efforts to reduce airborne dust.	State, County
6. Better defined tarping requirements in Rule 310 to include enclosure of the bed - This measure would modify Rule 310 to require that the cargo compartments of trucks whether loaded or empty be fully enclosed prior to traveling on paved public roads.	County

MEASURE	POTENTIAL IMPLEMENTING ENTITY
7. Conduct mobile monitoring to measure PM-10 and issue NOVs - This measure involves deployment of a vehicle that has been instrumented to monitor PM-10 and meteorological conditions, so that sources can be identified, and immediate remediation and/or enforcement actions taken.	County
8. Conduct nighttime and weekend inspections - This measure would involve proactive inspections of nonpermitted and permitted PM-10 sources during non-daylight hours and on weekends.	County
9. Increase inspection frequency for permitted facilities - This measure would increase the number of proactive inspections conducted at permitted facilities.	County
10. Increase number of proactive inspections in areas of highest PM-10 emissions densities - intensify training and education - incentive program for compliance - This measure would focus on the areas of highest PM-10 emissions density by increasing the number of inspectors and proactive inspections, conducting on-site training, offering incentives to reduce PM-10, and performing community outreach.	County
11. Notify violators more rapidly to promote immediate compliance - This measure would require inspectors that observe visible dust (e.g., opacity or trackout levels that are approaching rule limits) to call the permit holder and make reasonable efforts to inform a person on-site, so that measures can be taken to prevent, reduce, or mitigate dust generation before a violation occurs.	County
12. Provide timely notification regarding high pollution days - This measure would provide timely notification to permitted and nonpermitted sources when a High Pollution Advisory or High Pollution Watch is issued by ADEQ.	County
13. Develop a program for subcontractors - This measure would develop a program to register, educate, and give notices of violation (NOVs) to subcontractors through Rule 310. This program would not preclude the issuance of NOVs to the permit holder.	County
14. Reduce dragout and trackout emissions from nonpermitted sources - This measure would add dragout provisions to Rules 310 and 310.01 and enforce dragout and trackout provisions for nonpermitted sources. For example, trackout from salvage yards would be enforced by the County.	County

MEASURE	POTENTIAL IMPLEMENTING ENTITY
15. Cover loads/haul trucks in Apache Junction - This measure would require loaded and empty haul trucks to be covered in the City of Apache Junction.	City of Apache Junction
16. Require dust coordinators at earthmoving sites of 5-50 acres - This measure would require an onsite dust control coordinator to be present on sites of 5 to 50 acres during active soil and rock excavation, soil and rock removal, and construction operations, including road construction operations, and related transport activities at access points to paved or unpaved roads. This person could also perform other tasks, but would be responsible for managing dust prevention and control on the site.	County
General	
17. Create a dedicated funding source for the Maricopa County Air Program - This measure would create a dedicated funding source for the County Air Program to support increased enforcement of Rule 310.01, and other air programs, as necessary. Example: Restore In-Lieu funding or some other fee to emissions testing, or other approach.	State, County
Industry	
18. Fully implement Rule 316 - This measure would enforce the provisions of Rule 316, adopted by Maricopa County in June 2005, for nonmetallic mineral processing sources of PM-10.	County, private sector
19. Require private companies to use PM-10 certified street sweepers on paved areas including parking lots (e.g., Clark County) - This measure will require paved surfaces (e.g., parking lots) owned by private companies to be swept using PM-10 certified street sweepers.	State, private sector
20. Provide incentives to shift hours of operation during stagnant conditions in November through February - This measure would provide incentives to postpone activities that generate dust until after 9 a.m. on days between November 1 and February 15 when ADEQ issues a High Pollution Advisory (HPA) under stagnant conditions.	State
Nonroad Activities	
21. Ban or discourage use of leaf blowers on high pollution advisory days - This measure would restrict or prohibit the use of leaf blowers on days when ADEQ issues a High Pollution Advisory (HPA).	State, County
22. Reduce off-road vehicle use in areas with high off-road vehicle activity (e.g., Goodyear Ordinance) - impoundment or confiscation of vehicles for repeat violations - This measure would involve development and enforcement of ordinances or implementation of other actions to prevent or discourage off-road vehicle use in the PM-10 nonattainment area.	State, County, local governments

MEASURE	POTENTIAL IMPLEMENTING ENTITY
23. Create a fund to provide incentives to retrofit nonroad diesel engines and encourage early replacements with advanced technologies - This measure would establish funding to offer incentives for owners of older nonroad diesel equipment to retrofit or repower existing engines or replace with newer, less-polluting technology.	State
24. Encourage early implementation of clean fuels for nonroad equipment. - This measure would provide incentives for nonroad equipment to be retrofitted with diesel retrofit kits, newer clean diesel technologies and fuels; or “green diesel” biodiesel fuel, or other fuels that are cleaner than petroleum diesel.	State
25. Ban leaf blowers from blowing debris into streets - This measure would ban leaf blowers from blowing debris into the streets in Maricopa County.	State, County
26. Implement a leaf blower outreach program - This measure would involve the development and distribution of educational materials on reducing leaf blower dust and would require the private sector to provide the printed materials to customers who purchase or rent leaf blowers.	County, private sector
27. Regulate and increase enforcement of ATV use on State land - This measure would require the State to regulate and increase enforcement of all-terrain and off-highway vehicle use on State lands located in Area A.	State
28. Ban ATV use on high pollution days - This measures would ban ATV use on High Pollution Advisory days in Area A.	State
Paved Roads	
29. Sweep streets with PM-10 certified street sweepers - This measure would require all public paved roads in the PM-10 nonattainment area to be swept with purchased or contracted PM-10 certified sweepers.	County, local govts
30. Retrofit onroad diesel engines with particulate filters - This measure would establish a program with financial incentives to encourage the voluntary retrofit pre-2007 onroad diesel vehicles with particulate filters and oxidation catalysts.	State, County
Unpaved Parking Lots	
31. Pave or stabilize existing unpaved parking lots (e.g., upgrade to Phoenix Parking Code) - strengthen enforcement - This measure would involve strengthening and proactively enforcing dust control rules or ordinances that reduce fugitive dust and PM-10 emissions from existing unpaved parking and vehicle maneuvering areas.	County, local governments

MEASURE	POTENTIAL IMPLEMENTING ENTITY
Unpaved Roads	
32. Pave or stabilize existing public dirt roads and alleys - This measure would revise Rule 310.01 to require paving or stabilizing of public dirt roads that carry less than 150 vehicles per day (e.g., more than 50 vehicles per day).	County, local governments
33. Limit speeds to 15 miles per hour on high traffic dirt roads - This measure would require 15 mph speed limit signs to be posted on dirt roads in the PM-10 nonattainment area that carry high traffic (e.g., 50-150 vehicles per day).	County, local governments
34. Prohibit new dirt roads including those associated with lot splits - This measure would prevent the construction of new dirt roads (e.g., prohibit wildcat subdivisions; require paving of roads before issuing a building permit) in the PM-10 nonattainment area.	State, County
Unpaved Shoulders	
35. Pave or stabilize unpaved shoulders - This measure would require paving or stabilizing dirt shoulders on paved public roads that carry a high level of traffic (e.g., more than 2,000 vehicles or 50 heavy duty trucks per average weekday).	County, local governments
Unpaved Surfaces	
36. Create a fund for paving and stabilizing in high pollution areas - This measure would create a particulate mitigation fund to pave and stabilize land surfaces in and around high pollution areas - Establish a grant program for private businesses to stabilize and pave - Direct fine monies from Maricopa County for stabilization efforts.	State, County, private sector
Vacant Lots	
37. Strengthen and increase enforcement of Rule 310.01 for vacant lots - This measure would increase the frequency of inspections and enforcement actions to reduce dust emitted by vacant lots.	County
38. Restrict vehicular use and parking on vacant lots (e.g., Phoenix) - This measure would strengthen existing rules and ordinances that prohibit vehicle trespass on vacant land.	County, local governments
39. Enhanced enforcement of trespass ordinances and codes - This measure would increase the enforcement of vehicle trespass ordinances and codes for vacant lots.	County, local governments

MEASURE	POTENTIAL IMPLEMENTING ENTITY
Woodburning	
40. Increase fines for open burning (currently \$25) - This measure would increase the maximum fine for open burning in ARS Title 49-501 from \$25 per occurrence to a level that would serve as a deterrent (e.g., \$500 per occurrence).	State, County
41. Restrict use of outdoor fireplaces and pits and ambience fireplaces in the hospitality industry - This measure would prohibit burning in outdoor fireplaces, outdoor pits, and ambience fireplaces in the hospitality industry, and ban other nonessential wood fires on days during the period November 1 - February 15 when ADEQ issues a High Pollution Advisory (HPA).	State, County

Special Notes:

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