

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

Thursday, April 27, 2000  
MAG Office  
Phoenix, Arizona

MEMBERS PRESENT

Stephen Cleveland, City of Goodyear, Chairman  
Scottsdale: Larry Person  
Chandler: Doug Hockersmith for Jim Weiss  
Gilbert: Danielle Typinski  
Glendale: Benjamin Johnson for Doug Kukino  
Mesa: Christine Zielonka  
Phoenix: Joe Gibbs for Gaye Knight  
Tempe: Mike Short for Mary O'Conner  
Citizen Representative: Walter Bouchard  
\*Citizen Representative: Arve Dahl  
Arizona Lung Association: David Feuerherd  
\*Arizona Automobile Dealers Association: Bobbi Sparrow for W. Knox Ramsey, Jr.  
Salt River Project: Greg Witherspoon  
Southwest Gas Corporation: Brian O'Donnell  
\*Arizona Public Service Company: Scott Davis  
Western States Petroleum Association: Gina Grey  
Regional Public Transportation Authority: Bryan Jungwirth  
\*Arizona Motor Transport Association: Dave Berry  
Maricopa County Farm Bureau: Jeannette Fish  
\*Arizona Rock Products Association: Samuel Aubrey

\*Associated General Contractors: David Martin  
\*Homebuilders Association of Central Arizona:  
Connie Wilhelm-Garcia  
American Institute of Architects- Central Arizona:  
H. Maynard Blumer  
\*Valley Forward: Peter Allard  
\*Phoenix Chamber of Commerce: Ian Calkins  
\*University of Arizona - Cooperative Extension:  
Monica Pastor  
\*Arizona Nursery Association: Cheryl Goar  
Arizona Department of Transportation: Pat Cupell  
Arizona Department of Environmental Quality: Peter Hyde  
Maricopa County Environmental Services  
Department: Jo Crumbaker  
Arizona Department of Weights and Measures: Mark Ellery  
Federal Highway Administration: Dennis Mittelstedt  
Arizona State University: Judi Nelson  
\*Arizona Farm Bureau: James Klinker  
\*Salt River Pima-Maricopa Indian Community: Dawn Daw for B. Bobby Ramirez  
\*Citizen Representative: David Rueckert

\*Those members were neither present nor represented by proxy.

OTHERS PRESENT

Ross Rodgers, Governor's Agricultural Best Management Practices Committee  
Dean Giles, Maricopa Association of Governments  
Brenda Geisen, Maricopa Association of Governments  
Robert Farrell, Pinal County Air Quality Control District  
Ken Knutson, Day Break Environmental Corporation  
Sandra Gilbert, Arizona Department of Transportation

Lindy Bauer, Maricopa Association of Governments  
Ken Davis, Federal Highway Administration  
Tom Deitering, Federal Highway Administration  
Susie Stevens-Matthews, Stevens and Leibow  
Kevin Adam, City of Mesa  
Robert Evans, Maricopa County Environmental Services Division

1. Call to Order

A meeting of the MAG Air Quality Technical Advisory Committee was conducted on Thursday, April 27, 2000. Stephen Cleveland, City of Goodyear, Chairman, called the meeting to order at 1:30 p.m.

2. Approval of the February 3, 2000 Meeting Minutes

The Committee reviewed the minutes from the February 3, 2000 meeting. Bryan Jungwirth, Regional Public Transportation Authority, moved and Joe Gibbs, City of Phoenix, seconded, and it was unanimously carried to approve the minutes from the February 3, 2000 meeting.

3. Status Report on the Revised MAG 1999 Serious Area Particulate Plan for PM-10

Lindy Bauer, MAG, indicated that on April 13, 2000 the Environmental Protection Agency (EPA) published a notice proposing approval of the Revised MAG 1999 Serious Area Particulate Plan for PM-10. She noted that a sixty-day public comment period is provided. In addition, EPA published a notice with an interim final determination which stayed the off-set sanctions that had been in place for stationary sources.

Ms. Bauer indicated the Arizona Center for Law in the Public Interest (ACLPI) may litigate after the sixty-day period. She mentioned that if the plan approval were to be vacated, the region could be in the midst of the off-set sanctions and five months away from highway sanctions. Conformity would lapse on the day highway sanctions are imposed. Ms. Bauer also provided an update on PM-10 lawsuits filed by ACLPI that were heard in court on April 13, 2000.

Mr. Jungwirth inquired what the impact would be from the loss of federal transportation dollars. Although highway sanctions would be a setback, Ms. Bauer responded that the resulting conformity lapse from the highway sanctions is even more extensive. Mr. Gibbs asked about the types of transit projects which could continue during a conformity lapse. Ms. Bauer indicated she could provide this information at the next Committee meeting. Mr. Jungwirth asked if granted projects continue during a conformity lapse. Dennis Mittelstedt, Federal Highway Administration, responded that generally approved phases of a project may continue during a conformity lapse as well as operations activities.

Maynard Blumer, American Institute of Architects, summarized the contents of his letter dated April 27, 2000 to the Committee concerning the problem of dust in the MAG area. He indicated other agencies, particularly soil conservation agencies, should address the sources of dust generated from locations outside of the MAG area. Mr. Blumer added that soil conservation is a state and interstate concern.

Jeanette Fish, Maricopa County Farm Bureau, mentioned that this issue has been pointed out to the EPA. Peter Hyde, ADEQ, added that monitors measuring particulate matter from across the state do not show a large potential for the transport of particulate matter. He noted that particulate matter transport is primarily an episodic event.

#### 4. EPA Comments on the Maricopa County Air Quality Violation Reporting and Enforcement Policy and Procedure

Robert Evans, Maricopa County Environmental Services Division (MCESD), presented an update on changes regarding the Maricopa County Air Quality Violation Reporting and Enforcement Policy and Procedure. He noted the policy allows improved enforcement of dust generated from vacant land and construction activities and provides for twelve specific violations which are referred directly to the County Attorney's office.

Mr. Gibbs inquired about policy language changes made since November, 1999. Mr. Evans indicated that fugitive dust violators will receive a notice of violation from the department and will be referred to the County Attorney's office. Greg Witherspoon, Salt River Project, asked when the policy will be implemented. Mr. Evans replied that the policy should be in place by May, 2000.

Mr. Jungwirth asked about the number of county attorneys that will handle these cases. Mr. Evans indicated that there are 15 full-time employees to support the policy. Larry Person, City of Scottsdale, indicated the issue of timeliness of responding to violations seems to have been addressed. Mr. Evans responded that the policy includes two timelines. The County has three working days to submit inspector reports and three working days to deliver reports to the County Attorney's office.

Mr. Cleveland inquired about what cities can do to assist in this effort to reduce fugitive dust. Mr. Evans indicated that publicity, from the posting of department signs to the availability of a hotline at construction sites, has played a big role in reducing dust. Mr. Gibbs asked whether a contractor within a city will receive contact from the County. Mr. Evans responded that there has been a compliance assistance program to educate contractors and cities about the new policy including community college courses.

Jo Crumbaker, MCESD, indicated that Maricopa County will work with the contractor to do a preaudit of the construction site. In addition, the Arizona Department of Transportation was awarded \$150,000 to develop outreach materials. Mr. Blumer asked about specifications for the posting of signs at new construction sites. Mr. Evans mentioned that this requirement became effective December 1, 1999. Ms. Crumbaker indicated developers notified of the sign compliance requirement are not referred to the County Attorney. Mr. Blumer added that the sign specifications should be included as part of the bid documents.

Ms. Bauer inquired how the order of abatement option works. Mr. Evans stated that the County may enter into a consent by agreement. This may include monetary penalties or an agreement by the parties to implement control measures. Mr. Evans added that no timeline is provided for in the statute and that a unilateral order can be imposed after thirty days. Mr. Person suggested that a written set of criteria be developed which would allow reduced penalties for a more timely and voluntary response. Mr. Evans mentioned this was in effect.

#### 5. PM-10 Efficient Street Sweeper Test

Dean Giles, MAG, presented a status report on the MAG PM-10 Efficient Street Sweeper Test. The Request for Proposal (RFP) was advertised and proposals are due by April 28, 2000. He gave an overview of the five tasks included in the RFP. Task 1 involves the scope of work refinement. Task 2 involves research on street sweeper characteristics, interviews to be conducted with local public works departments, and a review of the South Coast Air Quality Management District (SCAQMD) test protocol. Task 3 involves the acquisition of street sweepers, development of the test protocol, and identifying test sites.

Task 4 involves the street sweeper test, documentation of the results, and an evaluation of the sweeper performance and PM-10 pick-up efficiencies. Task 5 involves the preparation of the final report to identify PM-10 efficient street sweepers suitable for use in the nonattainment area. Copies of the Certified Street Sweepers under SCAQMD Rule 1186 dated February 29, 2000 were distributed to the Committee.

Mr. Gibbs asked which sweepers would be included in the local street sweeper test. Mr. Giles responded that only the street sweepers certified under Rule 1186 by South Coast would be included in the test.

#### 6. Model Dust Control Ordinance

Ms. Bauer provided a status report on the Model Dust Control Ordinance. A copy of the Model Dust Control Ordinance was provided in the agenda mailing. Ms. Bauer reviewed the language contained in the ordinance: A copy of the Maricopa County Earth Moving Permit and Dust Control Plan shall be submitted and incorporated into the grading, drainage, building, and demolition permits for any work performed within the (name of jurisdiction). Ms. Bauer also announced a workshop is anticipated during the month of May.

Mr. Blumer suggested that the items listed seemed to be out of order, particularly in regard to the "filing of the final plat". Ms. Bauer thanked him for the suggestion.

#### 7. Conformity Analysis for the Draft FY 2001-2005 MAG Transportation Improvement Program and Long Range Transportation Plan

Mr. Giles presented an update on the schedule for the conformity analysis for the Draft FY 2001-2005 MAG Transportation Improvement Program (TIP) and Long Range Transportation Plan (LRTP). He indicated that consultation on potentially regionally significant transportation projects and the conformity methodology was underway and that the MAG Regional Council had authorized the Draft FY 2001-2005 MAG TIP and the MAG Long Range Transportation Plan Summary and 2000 Update for a conformity analysis at its March 22, 2000 meeting. Mr. Giles reviewed the tentative schedule for the 2000 conformity analysis. An open house and public hearing will be conducted on June 26, 2000. It is anticipated that the MAG Regional Council will consider the conformity analysis in July 2000. Federal approval of the conformity determination on the Draft TIP and LRTP may take place by August 2000.

Mr. Gibbs sought clarification on the date in which a possible conformity lapse could occur. Mr. Mittelstedt indicated that with the recent PM-10 plan approval and the lifting of the sanction clock, the region would be just five months away from possible highway sanctions, should sanctions be reinstated if the plan approval is disrupted. Ms. Bauer added that the EPA has published a proposed approval action on the PM-10 plan.

#### 8. Air Quality Project Schedule

Ms. Bauer distributed a copy of the Tentative Air Quality Project Schedule to members of the Committee. She explained that the schedule encompasses the time frame of April 2000-December 2001 and describes the processes involved in Conformity, the Street Sweeper Test and Implementation, the Model Dust Control Ordinance, the Carbon Monoxide Maintenance Plan, and the Ozone Maintenance Plan.

Ms. Bauer indicated that the smog dog program had been eliminated during the eleventh hour in House Bill 2104. The bill also provides for a research study on alternative testing technologies, including

improvements in remote sensing. Christine Zielonka, City of Mesa, asked to what extent the Serious Carbon Monoxide Plan relied on the remote sensing program. Ms. Bauer responded that it was built into the baseline emissions.

9. Call to the Public

Noting the controversy surrounding methyl tertiary butyl ether (MTBE), Mr. Jungwirth requested an update on MTBE issues for the next meeting.

10. Next Committee Meeting

Mr. Cleveland announced that the next meeting of the AQTAC is tentatively scheduled for June 1, 2000. With no further business, the meeting was adjourned.