

ATTACHMENT II

Interagency Memorandum of Agreement

MEMORANDUM OF AGREEMENT
AMONG
THE ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY
AND
THE ARIZONA DEPARTMENT OF TRANSPORTATION
AND
MARICOPA COUNTY, BY AND THROUGH THE MARICOPA COUNTY
ENVIRONMENTAL QUALITY AND COMMUNITY SERVICES AGENCY
AND
THE MARICOPA ASSOCIATION OF GOVERNMENTS

PURPOSE

The purpose of this Memorandum of Agreement is to provide the framework and guidelines to promote coordinated decision making in planning, development, and implementation, and enforcement of those actions necessary to attain and maintain the National Ambient Air Quality Standards in Maricopa County, hereafter referred to as the Nonattainment Area Plan, or NAP. This Memorandum is required pursuant to A.R.S. 49-406 D. and E. The Memorandum also provides the framework and guidelines for preparing plans designed to address other air pollution problems of regional concern.

SCOPE

This Memorandum is designed to address the control of the following pollutants: Carbon Monoxide, Ozone, Particulates, and Other Air Pollution Problems of Regional Concern.

The geographical area of concern is Maricopa County or the area specifically designated by the Administrator of the U.S. Environmental Protection Agency as not having attained the National Ambient Air Quality Standards for one or more of the pollutants named above.

RESPONSIBILITIES AND AUTHORITIES

The Arizona Department of Environmental Quality (ADEQ) has the primary authority in the State of Arizona for air pollution control and abatement. ADEQ is charged with preparation, development and maintenance of the State Implementation Plan (A.R.S. § 49-404); designation of areas of the state with respect to compliance with the National Ambient Air Quality Standards (A.R.S. § 49-405); and assuring that nonattainment area plans are implemented (A.R.S. § 49-406 J.). ADEQ has original jurisdiction and control over portable, mobile, and specific types of stationary air pollution sources (see A.R.S. § 49-402 A.). In addition, ADEQ is responsible for development of stationary source permitting procedures and standards (see A.R.S. § 49-480 B.). ADEQ is also responsible for providing technical assistance to political subdivisions of the State for implementing air pollution control programs (A.R.S. § 49-424 A.8.), conducting research on the amounts of hazardous air pollutants in ambient air and their impacts on human health (A.R.S. § 49-426.06); management and implementation of programs under the Air Quality Fee Fund (A.R.S. § 49-551), implementation of the Vehicle Emissions Inspections Program (A.R.S. § 49-521 through 550), and conducting research on vehicular emissions and clean burning fuels (A.R.S. § 49-553). The Department may delegate authority to a county for implementing air pollution control statutes (A.R.S. § 49-424 B.)

The Arizona Department of Transportation (ADOT) has exclusive control over state highways and all other state owned transportation systems (A.R.S. § 28-104). This includes the responsibility of multi-modal state transportation planning, cooperation with local governments, coordination of transportation planning with local governments, investigation of new transportation systems, and advising local governments concerning the development and operation of public transit systems (A.R.S. § 28-104).

The ADOT Director shall also enter into agreements on behalf of the state with political subdivisions for the improvement, maintenance and construction of mass transit systems, and shall provide rules for the application for and expenditure of all mass transit funds (A.R.S. § 28-108).

In addition, ADOT is authorized to conduct demonstration projects to evaluate the effectiveness of new, extended, improved or integrated public transportation services and carpooling or vanpooling activities in meeting regional transportation needs or in improving air quality (A.R.S. § 28-2611). These projects are funded by an annual distribution of \$400,000 from the air quality fund (A.R.S. § 49-551). ADOT must also support ADEQ on reporting to the Legislature results of mobile source emissions Research, where applicable, per A.R.S. § 49-553.

The Maricopa County Environmental Quality and Community Services Agency (MC EQ&CSA) is the local air pollution control department for Maricopa County. The Agency has jurisdiction over air pollution sources not explicitly reserved for state jurisdiction (A.R.S. § 49-402); the Agency is delegated authority from the State of Arizona to regulate certain portable air pollution sources initially reserved for state jurisdiction (A.R.S. § 49-424); the Agency operates the Regional Travel Reduction Program (A.R.S. § 49-582 et seq), and is the principal government sponsor for the Voluntary No Drive Days Program (A.R.S. § 49-506). The Agency is also responsible for monitoring the ambient air quality of the region (A.R.S. § 49-473) through collecting and analyzing air quality data.

Within the Maricopa County Environmental Quality and Community Services Agency, the Assistant County Manager of the Agency is designated as the Air Pollution Control Officer. The Air Pollution Control Officer has the responsibility and authority to enforce the provisions of Article 3, Chapter 3, Title 49, "County Air Pollution Control", Arizona Revised Statutes. The Control Officer also has the responsibility for assuring adequate nonattainment plan implementation as prescribed by A.R.S. § 49-406.

The Maricopa Association of Governments (MAG) is a nonprofit Arizona corporation composed of elected officials from twenty-four cities and towns, Maricopa County, Gila River Indian Community, and the Arizona Department of Transportation. MAG has been designated by the Governor of Arizona as the lead planning organization for Maricopa County that, together with the State, is responsible for determining which elements of the State Implementation Plan revision will be planned, implemented, and enforced by State and local governments in Arizona (Governor Wesley Bolin, February 7, 1978; Clean Air Act § 174(a); and A.R.S. 49-406)). MAG is responsible for providing assistance to the Maricopa County Travel Reduction Regional Task Force and for recommending third and following year travel reduction targets, policies, standards and criteria for the Maricopa County Travel Reduction Program (A.R.S. § 49-582 and 49-588). Related directly to air quality, MAG is the official designated metropolitan transportation planning organization, and the designated agency for preparing population estimates and projections for the Maricopa County area. MAG is also responsible for making transportation/air quality conformity determinations, subject to the consultation procedures as provided by law (Clean Air Act § 176).

UNDERSTANDING/AGREEMENTS

In recognition and to facilitate the accomplishment of the foregoing, IT IS HEREBY AGREED that:

1. The Arizona Department of Environmental Quality; Arizona Department of Transportation; Maricopa County Environmental Quality and Community Services Agency; and Maricopa Association of Governments will work through a coordinated effort to prepare the MAG regional air quality plans as described in Attachments One, Three, Four, and Five. Attachment One contains a description of the generalized roles and areas of expertise of the agencies, the MAG Air Quality Planning Team, and the MAG Air Quality Policy Team. Attachment Three contains the general implementation authorities for measures in the air quality plans. Attachment Four includes provisions for tracking plan implementation; determining reasonable further progress; assurances for adequate plan implementation, and adoption of control measures. Attachment Five contains the Work Programs for Preparing Air Quality Plans.
2. The Maricopa Association of Governments will maintain the MAG Regional Air Quality Planning Process for decision making as described in Attachment Two. This Attachment contains the roles of the MAG Regional Council, MAG Management Committee, MAG Air Quality Policy Committee, and ad hoc Working Groups. MAG will coordinate the preparation of the NAPs. Representatives from ADEQ, ADOT and MC EQ&CSA will be included as ex-officio members of the MAG Air Quality Policy Committee, and active members of all working groups associated with this MAG committee.
3. The Arizona Department of Environmental Quality; Arizona Department of Transportation; Maricopa County Environmental Quality and Community Services Agency; Maricopa Association of Governments will pursue commitments to implement the measures in the NAPs. The aforementioned agencies will continue to evaluate and pursue the implementation of additional air pollution control measures as a result of the evaluations performed as described in Attachment Four.

EFFECTIVE DATE

The Agreement and all Amendments shall become effective on the date it has been signed by all parties to it.

TERM

This Agreement shall remain in effect from the effective date of the Agreement until such time it is terminated or superseded by a subsequent agreement. This Agreement may be terminated by any party to it, providing written notice of intent to terminate is provided to all other parties to the Agreement thirty days prior to the effective date of withdrawal of that party from the Agreement.

AMENDMENT

This Agreement may be amended at any time upon mutual written agreement of all parties. No agent, employee or other representative of any party to this Agreement is empowered to alter any of the terms of the Agreement, unless it is done in writing and signed by the Designated Officers of the respective parties, their authorized representatives, or duly appointed successors.

ATTEST

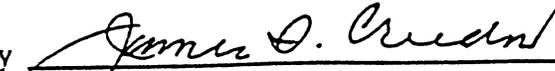
All terms of this Memorandum of Agreement are hereby acknowledged and agreed, as certified by the signatures of the Designated Officers affixed hereto:

ARIZONA DEPARTMENT OF
ENVIRONMENTAL QUALITY

By 
Edward Z. Fox, Director, Arizona
Department of Environmental Quality

Date NOV 9, 1992

ARIZONA DEPARTMENT OF
TRANSPORTATION

By 
James Creedon, Acting Director,
Arizona Department of Transportation

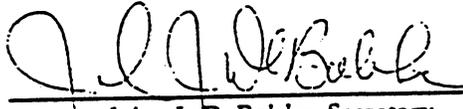
Date NOV 9, 1992

MARICOPA COUNTY, BY AND
THROUGH THE MARICOPA COUNTY
ENVIRONMENTAL QUALITY AND
COMMUNITY SERVICES AGENCY

By 
Betsy Bayless, Chairman, Maricopa
County Board of Supervisors

Date 11.2.92

MARICOPA ASSOCIATION OF
GOVERNMENTS

By 
John J. DeBolske, Secretary,
Maricopa Association of Governments

Date 11.2.92

MAG REGIONAL AIR QUALITY PLANNING TECHNICAL PROCESS

- All MAG regional air quality plans are prepared through a coordinated effort among the Arizona Department of Environmental Quality, Arizona Department of Transportation, Maricopa County Environmental Quality and Community Services Agency, and Maricopa Association of Governments.

MAG AIR QUALITY POLICY TEAM

Composition: Director of Arizona Department of Environmental Quality; Director of Arizona Department of Transportation; Air Pollution Control Officer of Maricopa County; MAG Secretary

- Oversees preparation of plans and overall technical planning effort
- Resolves technical problems and issues

MAG AIR QUALITY PLANNING TEAM

Composition: Staff from the Arizona Department of Environmental Quality, Arizona Department of Transportation; Maricopa County Environmental Quality and Community Services Agency; Maricopa Association of Governments

Agency Roles

- Arizona Department of Environmental Quality - air quality modeling and technical assistance, mobile source emissions research and inventory, input for the comprehensive list of measures and feasibility analysis, information relating to the Vehicle Emission Inspection Maintenance Program, stationary and portable source control strategies, air quality research studies, State Air Quality Fund administration, adoption and submittal of State Implementation Plans to the Environmental Protection Agency, tracking plan implementation, assurances, special purpose air quality and meteorological monitoring for plan development and compliance
- Arizona Department of Transportation - State Transportation Improvement Program, other transportation plans and programs, input for the comprehensive list of measures and feasibility analysis
- Maricopa County Environmental Quality and Community Services Agency - stationary source emissions inventory and controls, coordinating the comprehensive emissions inventory, air quality monitoring data, input for comprehensive list of measures and feasibility analysis, mandatory travel reduction program, trip reduction data, voluntary no drive days program, tracking plan implementation, reasonable further progress, assurances, special purpose air quality and meteorological monitoring for plan development and compliance
- Maricopa Association of Governments - demographic projections and socioeconomic data, transportation modeling, air quality modeling, Regional Transportation Improvement Program, Regional Transportation Plan, other transportation plans and programs, congestion management system, conformity, input for comprehensive list of measures and feasibility analysis, development of the air quality plans, interface with state, county, and local entities, recommending future year travel reduction goals, policies, and standards to Maricopa County, assistance to Maricopa County for the mandatory travel reduction program, review reasonable further progress made to reduce air pollution and plan adjustments if necessary, review plan implementation

The technical planning work is closely coordinated with EPA Region IX staff, Federal Highway Administration, and Federal Transit Administration.

MAG REGIONAL AIR QUALITY PLANNING PROCESS

MAG REGIONAL COUNCIL

Composition: Elected officials from 24 cities and towns, Maricopa County, Gila River Indian Community, and Arizona Department of Transportation, Regional Public Transportation Authority

- Reviews all pertinent air quality data
- Adopts regional air quality plans
- Formally requests that state, county, local, and other appropriate agencies implement measures in the plans
- Approves trip reduction goals and policies and recommends to Maricopa County
- Determines conformity, subject to the consultation procedures as provided by law (Clean Air Act § 176)
- Maintains an air quality/transportation planning process consistent with federal law

MAG MANAGEMENT COMMITTEE

Composition: Managers from 24 cities and towns, Maricopa County, Gila River Indian Community, and Arizona Department of Transportation, Regional Public Transportation Authority

- Reviews all pertinent air quality and transportation data
- Recommends regional air quality and transportation plans
- Recommends trip reduction goals and policies

MAG AIR QUALITY POLICY COMMITTEE

Composition: 10 elected officials from cities and towns and Maricopa County and 9 citizen representatives + ex-officio representatives from Arizona Department of Environmental Quality, Arizona Department of Transportation, and Maricopa County Environmental Quality and Community Services Agency

- Reviews all pertinent air quality data from the technical planning process
- Reviews air quality research studies conducted by MAG, Arizona Department of Environmental Quality, EPA, Maricopa County Environmental Quality and Community Services Agency, etc.
- Reviews related data generated from other MAG regional planning areas such as transportation, transit, population, regional development, water quality, solid waste, etc.
- Studies in detail a comprehensive list of control measures. Data on the measures includes: description of the measures, air quality impacts, complementary measures, implementation responsibility, costs, advantages and disadvantages, etc.
- Recommends air quality measures for the plans
- Conducts public hearings on the plans
- Formally recommends regional air quality plans and control measures
- Recommends trip reduction goals and policies
- Conducts conformity reviews, subject to the consultation procedures as provided by law (Clean Air Act § 176)
- Reviews reasonable further progress made to reduce air pollution and recommends plan adjustments if necessary
- Provides input on the MAG congestion management system

**ADDITIONAL WORKING GROUPS
AS NECESSARY**

IMPLEMENTATION OF MAG REGIONAL AIR QUALITY PLANS
GENERAL IMPLEMENTATION AUTHORITIES

STATE - ARIZONA DEPARTMENT OF ADMINISTRATION

- Travel reduction and adjusted work hours for state employees

STATE - ARIZONA DEPARTMENT OF COMMERCE

- Capitol Ridesharing Program

STATE - ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

- Mobile source emissions controls
- Mobile source emissions research
- Portable and some major stationary source controls
- Ambient air quality monitoring and research
- Assurances

STATE - ARIZONA DEPARTMENT OF TRANSPORTATION

- State and interstate transportation system planning, development and management (includes High Occupancy Vehicle Lanes, Freeway Management Systems, etc.)
- Vehicle registration and licensing
- Transit Assistance Grants

STATE - ARIZONA DEPARTMENT OF WEIGHTS AND MEASURES

- Oxygenated fuels
- Other fuel quality regulation (e.g. Reid Vapor Pressure)
- Stage I and Stage II vapor recovery

MARICOPA COUNTY - ENVIRONMENTAL QUALITY AND COMMUNITY SERVICES AGENCY

- Stationary source controls
- Delegated portable source controls
- Area source controls (e.g. *de minimis* sources, materials storage and handling, construction)
- Open burning control
- Mandatory Travel Reduction Program (TRP) and Voluntary No Drive Days
- Other transportation control measures in unincorporated areas
- Ambient air monitoring
- County roadways system planning, development and management
- Planning and zoning (unincorporated areas)
- Assurances

MAG CITIES AND TOWNS

- Municipal roadways system planning, development and management
- Transportation control measures (besides TRP)
- Planning and zoning
- Some area source controls (e.g. vacant land, construction practices)
- Public transit (including Regional Public Transportation Authority)

MARICOPA ASSOCIATION OF GOVERNMENTS

- Future year travel reduction goals, policies, standards, and criteria
 - Ridesharing program
 - Conformity determinations, as provided by law (Clean Air Act § 176)
 - Allocation of Congestion Mitigation Air Quality Improvement Program Funds and Surface Transportation Program Funds
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- As noted in the MAG regional air quality plans, the action taken by the MAG Regional Council to approve the Suggested Measures and Adopted Plan Measures does not commit each jurisdiction to implement those measures. As indicated in the resolutions and commitments, each jurisdiction determines which measures are reasonably available for implementation by that jurisdiction.

OTHER IMPLEMENTATION AND ADOPTION FUNCTIONS

This attachment includes provisions for tracking plan implementation and determining reasonable further progress; assurances for adequate plan implementation, and procedures and responsibilities for adoption of control measures and emissions limitations.

TRACKING PLAN IMPLEMENTATION AND DETERMINING REASONABLE FURTHER PROGRESS

Each agency is afforded a review and comment period for each ongoing portion of a plan or revision to a plan being prepared by another agency. Every effort will be made to incorporate the comments of the reviewing agency into each portion of the plan being prepared by another agency.

Maricopa County will develop monitoring guidelines with respect to reasonable further progress which will be consistent with the needs of the Arizona Department of Environmental Quality and U.S. EPA. Maricopa County will be responsible for tracking emissions from point, area and non-road mobile sources and for tracking implementation of control strategies. MAG will be responsible for tracking on-road mobile source emissions and conformity. Maricopa County will integrate the MAG information and reports with the Maricopa County information and submit it to the Arizona Department of Environmental Quality.

For the EPA, the primary means of demonstrating the rate of progress will be through the periodic inventories (i.e., complete, actual inventories) submitted every 3 years. EPA has indicated in the General Preamble Section III.A.3 (d) that they currently intend to rely on existing reporting requirements such as emission statements, periodic inventories, annual Aerometric Information Retrieval System update, and conformity reviews.

ASSURANCES FOR ADEQUATE PLAN IMPLEMENTATION

In order to comply with the Clean Air Act, State law provides an approach for assurances that State and local committed measures will be adequately implemented (A.R.S. §49-406 L and J.). If any person (includes State, County, local governments, regional agencies, and other entities) fails to implement a committed measure, the County would file an action in Superior Court to have the court order that the measure be implemented. Likewise, the ADEQ Director will backstop the County if it fails to implement a committed measure or if the County fails to backstop the local governments and regional agencies.

Regarding committed measures, A.R.S. §49-406 G. requires that each agency that commits to implement any control measure contained in the State Implementation Plan must describe the commitment in a resolution. The resolution must be adopted by the appropriate governing body of the agency. State law also requires the resolution to specify the following: (1) Its authority for implementing the limitation or measure as provided in statute, ordinance or rule; (2) A program for the enforcement of the limitation or measure; and (3) The level of personnel and funding allocated to the implementation of the measure.

As noted in the MAG regional air quality plans, the action taken by the MAG Regional Council to approve the Suggested Measures and Adopted Plan Measures does not commit each jurisdiction to implement those measures. As indicated in the resolutions and commitments, each jurisdiction determines which measures are reasonably available for implementation by that jurisdiction.

PROCEDURES AND RESPONSIBILITIES FOR ADOPTION OF CONTROL MEASURES AND EMISSIONS LIMITATIONS

According to A.R.S. §49-404 B., the ADEQ Director may adopt rules that describe procedures for adoption of revisions to the State Implementation Plan. The State, in accordance with these rules, and the governing body of the metropolitan planning organization (MAG) are required to adopt the nonattainment area plans (A.R.S. §49-406 H.).