

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

Thursday, June 7, 2007
MAG Office
Phoenix, Arizona

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
- #Greg Edwards for Scott Bouchie, Mesa
- Joe Gibbs for 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
- Jeannette Fish, Maricopa County Farm Bureau
- Steve Trussell for Russell Bowers, Arizona Rock Products Association
- *Michelle Rill, Greater Phoenix Chamber of Commerce
- Amanda McGennis, Associated General Contractors
- *Connie Wilhelm-Garcia, Homebuilders Association of Central Arizona
- *Stephen J. Andros, American Institute of Architects - Central Arizona
- *Mannie Carpenter, Valley Forward
- *Kai Umeda, 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
- Dean Giles, Maricopa Association of Governments
- Julie Hoffman, Maricopa Association of Governments
- Patrisia Navarro, Maricopa Association of Governments
- Ranjith Dandanayakula, Maricopa Association of Governments
- Ieesuck Jung, Maricopa Association of Governments
- Colleen McKaughan, Environmental Protection Agency
- Scott Di Biase, Pinal County Air Quality
- Shane Kiesow, City of Apache Junction
- Mario Saldamando, City of Goodyear
- Robert St. John, City of Glendale
- Kate Graf, Geomatrix Consultants
- Jane McVay, Arizona Department of Transportation
- Tiffany Ground, Arizona Department of Agriculture
- Andrea Martin, Arizona Department of Agriculture
- Kurt Readus, United States Department of Agriculture/Natural Resources Conservation Service
- Cy Sokoll, United States Department of Agriculture/Natural Resources Conservation Service

1. Call to Order

A meeting of the MAG Air Quality Technical Advisory Committee was conducted on June 7, 2007. Doug Kukino, City of Glendale, Acting Chair, called the meeting to order at approximately 1:40 p.m. Antonio DeLaCruz, City of Surprise; Jamie McCullough, City of El Mirage; Greg Edwards, City of Mesa; and Gina Grey, Western States Petroleum Association, attended the meeting via telephone conference call. Mr. Kukino indicated that copies of the handouts for the meeting are available on the tables on both sides of the room. If assistance is needed, please notify a MAG staff person.

2. Call to the Audience

Mr. Kukino 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 tables adjacent to the doorways 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. He noted that no public comment cards had been received.

3. Approval of the May 22, 2007 Meeting Minutes

The Committee reviewed the minutes from the May 22, 2007 meeting. Joe Gibbs, City of Phoenix, moved and Jim Weiss, City of Chandler, seconded and the motion to approve the May 22, 2007 meeting minutes carried unanimously.

4. Eight-Hour Ozone Plan

Lindy Bauer, Maricopa Association of Governments, provided an overview of the MAG Eight-Hour Ozone Plan for the Maricopa Nonattainment Area. She indicated that the plan is due to the Environmental Protection Agency (EPA) on June 15, 2007. The region has an attainment date of June 15, 2009. Ms. Bauer stated that based upon the air quality modeling conducted by MAG and the weight of evidence approach, the plan demonstrates attainment with the existing measures in place by the ozone season of 2008. She noted that with an attainment date of June 15, 2009, in the middle of the ozone season, attainment actually needs to be demonstrated in 2008. Ms. Bauer indicated that the region has had two years with no violating monitors for the eight-hour ozone standard. She stated that a complete presentation on the Eight-Hour Ozone Plan was given at the last Committee meeting.

Ms. Bauer indicated that MAG conducted two public hearings on the Draft Eight-Hour Ozone Plan jointly with the Arizona Department of Environmental Quality (ADEQ). The public hearings were conducted on Friday, June 1, 2007 and Monday, June 4, 2007. At the June 1, 2007 public hearing, two public testimonies were received. Ms. Bauer stated that no public testimonies were presented at the June 4, 2007 public hearing; however, written comments were received from ADEQ and the Arizona Center for Law in the Public Interest. Comments were also received from EPA on May 31, 2007 that were emailed to MAG as well. She indicated that a response to the comments has been prepared beginning with the public testimonies followed by the letters received.

Ms. Bauer provided a summary of the comments. She indicated that an overriding comment received was that additional measures would be needed in order to attain the eight-hour ozone standard. As presented to the Committee, while there have been two years with no violating

monitors, the numbers have been very close. Ms. Bauer stated that the highest three year average of the fourth high was 0.083 parts per million (ppm) at the monitors for 2004 - 2006. She noted that a value of 0.085 ppm is over the standard. Also reported to the Committee, there has been a downward trend in the ozone concentrations. Ms. Bauer stated that there were seven violating monitors in 2000. However, the current monitor numbers are very close. She indicated that the air quality modeling numbers were very close as well.

Ms. Bauer discussed potential additional ozone control measures. As indicated in the response to comments, EPA has approved reductions in the volatile organic compounds from consumer and commercial products. Ms. Bauer stated that EPA thought some time ago that there would be a memo distributed to the entire country indicating the amount of credit that may be taken in the plans for these new EPA rules. She noted that the memo was distributed May 30, 2007. Ms. Bauer indicated that these are additional control measures being implemented at the national level that will help with ozone. She stated that the Legislature will be going into Conference Committee to consider some additional measures, which have been presented to this Committee by ADEQ. These measures are the liquid leaker test in the Vehicle Emissions Testing Program, the ban on open burning during the summer, and clean burning gasoline in western Maricopa County.

Ms. Bauer stated that the main comment received on the Eight-Hour Ozone Plan was that additional control measures were necessary. She noted that there were also comments for the Arizona Center for Law in the Public Interest on the contingency measures. Ms. Bauer stated that the plan relies on existing contingency measures in other plans. In the response to comments it states that these measures are early implementation of contingency measures which EPA does allow. Also, in the November 29, 2005 eight-hour ozone guidance, EPA indicated that federal control measures could be used for contingency measures as long as they are not needed for attainment. Ms. Bauer stated that there were also a wide variety of comments including detailed questions on the modeling, emissions inventory, and reasonably available control technologies (RACT). She indicated that the responses to these comments along with the letters received have been presented to the Committee.

Wienke Tax, Environmental Protection Agency, asked if there will be an effort to include the additional measures in another way if not included in S.B. 1552. Ms. Bauer replied that the Legislature is the entity that has the authority over these measures. For example, Maricopa County has regulatory authority, but not over the Vehicle Emissions Testing Program. She indicated that ADEQ has authority over the program, but she believes ADEQ would need Legislative authority to implement the measure. Ms. Bauer asked if Maricopa County has existing regulatory authority for the ban on open burning in the summer if the Legislature does not take action. Jo Crumbaker, Maricopa County Air Quality Department, responded that she is not sure of a total ban. However, Maricopa County does have authority to do High Pollution Advisory days right now. Ms. Bauer stated that perhaps it is an option for that measure should the Legislature not take action. She indicated that for clean burning gasoline, it is the Legislature that has authority over the fuel. Ms. Bauer stated that MAG cannot include these measures in the Eight-Hour Ozone Plan right now since there are no commitments for implementation. It would be in violation of the Clean Air Act Section 110(a)(2) requirements. She stated that the hope is that the Legislature takes action soon.

Mr. Weiss made a motion to approve the MAG Eight-Hour Ozone Plan for the Maricopa Nonattainment Area. Corey Woods, American Lung Association of Arizona, seconded the motion.

Brian O'Donnell, Southwest Gas Corporation, asked if one of the measures is to expand Area A to Wickenburg. Ms. Bauer responded that she does not believe the expansion of Area A was included in the draft conference committee report. She indicated that it is only a new Area C that would cover western Pinal County.

Larry Person, City of Scottsdale, asked if the Committee is voting on a plan that includes the contingency measures that might be added in S.B. 1552 or would the measures be added later. Ms. Bauer replied that under the Clean Air Act it would be a violation of Section 110(a)(2) which requires that there be committed measures that are enforceable, permanent, emission reductions with the necessary assurances and funding that they will be implemented. At this time the Legislature has not taken action so there are no commitments. Ms. Bauer indicated that should the Legislature take action, then MAG would be able to prepare a supplemental revision, include those measures, and submit it to EPA. She noted that additional measures may be added at any time. Ms. Bauer indicated that the Eight-Hour Ozone Plan builds upon the measures in the Serious Area Carbon Monoxide Plan, One-Hour Ozone Maintenance Plan, and Carbon Monoxide Maintenance Plan that have all been approved by EPA.

Mr. Person asked if the potential future contingency measures would be presented to the Committee prior to being forwarded to EPA. Ms. Bauer responded that the Legislature may take action next week. If action is taken and MAG prepares a supplemental document to include those measures, it would come before the Committee. She indicated that a supplemental document would go through the regular process that the Eight-Hour Ozone Plan is going through, including the public hearing process.

Barbara Sprungl, Salt River Project, asked if the nitrogen oxides (NOx) RACT waiver is still in effect for the Eight-Hour Ozone Plan. Ms. Bauer responded that the NOx RACT waiver was in effect until EPA revoked the one-hour ozone standard. Currently there is no NOx RACT waiver. She stated that it appeared that the waiver may be necessary in the initial stages of the modeling effort. Ms. Bauer noted that the modeling is only a few years out since the attainment date is close. When the modeling efforts were completed it appeared that a NOx RACT waiver would not be necessary. She stated that the issue would be revisited when a maintenance plan is prepared.

Mr. Gibbs asked if there are provisions in the Clean Air Act for a NOx RACT waiver for eight-hour ozone. Ms. Bauer replied yes, there are provisions for NOx RACT waivers. Mr. Kukino called for a vote on the motion to adopt the MAG Eight-Hour Ozone Plan for the Maricopa Nonattainment Area. The motion passed unanimously.

5. Update on Additional PM-10 Measures

Ms. Bauer provided an update on the additional PM-10 measures. She stated that a table of the 2007 exceedances of the 24-hour PM-10 standard through June 6, 2007 has been provided to the Committee. Maricopa County has indicated that it is likely the exceedances will be considered for possible natural events such as high wind. Ms. Bauer stated that it is really important that we maintain ever vigilant throughout the entire region. The hope is that 2007 will be the first year of clean data for PM-10.

Ms. Bauer stated that the MAG Regional Council took action on May 23, 2007 to approve 13 additional measures. She indicated that the Regional Council made some changes to what was last presented to this Committee. Ms. Bauer mentioned that Measure #2, which was just-in-time

grading limitations for construction from the Maricopa County March 28, 2007 memorandum, was modified. She stated that Maricopa County contacted MAG before the Regional Council meeting to give the latest thinking on what would be appropriate for the measure. The measure was modified by the Regional Council to require barriers in addition to Rule 310 stabilization requirements and exempt sites in compliance with storm water permits. Ms. Bauer indicated that another change made by the Regional Council was to Measure #12 which states that Maricopa County Rules 310 and 316 be amended to provide that larger construction and mineral production facilities in excess of 50 acres be required to install two or more PM-10 samplers certified by the County. These samplers will be operated simultaneously for five consecutive hours during operating hours for the site or facility. These samplers will not meet EPA approved methods for ambient air quality monitoring.

Ms. Bauer stated that the language of the measure was modified because the intent is to help the sites keep the dust down and not to have the monitors at the sites become part of the National Ambient Air Quality Standards monitoring system or State system. The intent of the measure is to use monitors to help these big sites, so they can watch the monitors and keep the numbers down. She indicated that an example of a sampler would be DustTracks which are approximately \$3,500 each. Ms. Bauer stated that the Regional Council also struck two sentences from this measure where a threshold would be set and if the site were to go over the threshold, the County could shut the site down.

Ms. Bauer mentioned Measure #10, MAG allocate \$5 million in FY 2007 MAG federal funds matched on a 50/50 basis by MAG member agencies for paving dirt roads and shoulders projects and that these projects be immediately submitted to MAG for consideration at the July meetings of the MAG Management Committee and Regional Council for an amendment to the Transportation Improvement Program. These funds would be on a nonsupplanting basis for new projects. She indicated that immediately following the Regional Council action, MAG sent a memorandum notifying MAG member agencies of the \$5 million available in federal funds. Ms. Bauer stated that MAG is now collecting data of the inventories of unpaved roads from the cities and will be evaluating that data.

Mark Hajduk, Arizona Public Service Company, asked if the samplers mentioned in Measure #12 would be used as compliance devices for Rules 310 and 316 or just a monitoring tool. Ms. Bauer responded that the measure is to keep the emissions down at the site so the site does not inadvertently cause a lot of emissions that could hurt the region. The thinking is to help the site keep the emissions down. She indicated that Maricopa County will be considering this measure. Ms. Bauer stated that the 13 additional PM-10 measures have been added to the Suggested List of Measures to Reduce PM-10 Particulate Matter. She noted that the potential implementing entity is listed for each measure. Also, at the top of the Suggested List it indicates that these measures may or may not be feasible and available to the implementing entities. The appropriate implementing entities will be considering the feasibility for implementation.

Ms. Bauer indicated that the Regional Council put a caveat on their recommendation for the 13 additional PM-10 measures. The Regional Council said that these actions will receive further input and refinement in the implementation process. Mr. Hajduk asked if it is still not clear whether the samplers would be used as a monitoring or compliance tool and will be determined as the measure moves forward and Maricopa County may make that determination. Ms. Bauer replied that the measure came out of the Sierra Research Report. The thinking was to place monitors on a site so that the emissions can be watched and the site can be kept under control.

Mr. Kukino asked if there are any thoughts from Maricopa County on the measure regarding its use and enforcement. Ms. Crumbaker responded that the County is evaluating the measure and she does not have a statement to make today. She indicated that the measure exists in California as a standard. The standard has to be implemented if you fail to implement all of the best available control technology (BACT) controls in the rule and conduct the recordkeeping required by the rule. Mr. Hajkuk indicated that it appears to still be up in the air as to how the measure will be developed. He stated that he will have more specific questions when the measure becomes more defined.

Mr. Weiss asked if the additional funding being considered for roads will also be considered for stabilizing shoulders. Ms. Bauer responded that the language approved by the Regional Council is for paving dirt roads and shoulders projects. She indicated that paving is more permanent and eligible when using MAG federal funds.

Dean Giles, Maricopa Association of Governments, stated that MAG contacted the Federal Highway Administration to get clarification on the types of improvements that would be eligible for Surface Transportation Program (STP) funding. He indicated that gravel surfaces and any type of dust palliative would not be eligible under this project.

Mr. O'Donnell stated that after looking at S.B. 1552 in the Legislature, some of the measures no longer exist. He indicated that the measures appear on the Suggested List but not on the list at the Legislature. Mr. O'Donnell commented that the Committee made a recommendation and the Regional Council has modified the Suggested List. He indicated that he is not sure all of the measures will be adopted. Mr. Kukino stated that consistency with S.B. 1552 would be in order.

Ms. Bauer referred to the potential implementing entities listed for the additional PM-10 measures. She indicated that the Governor's Agricultural Best Management Practices (BMPs) Committee have agreed to apply the BMPs in the existing Area A in Maricopa County. Ms. Bauer stated that is one provision that is in the draft Conference Committee amendment for example. There are a number of measures that the Legislature does not include. She indicated that the region may need additional measures and have to go back in subsequent years. Ms. Bauer stated that a measure that MAG felt very strongly about was prohibiting new dirt roads. She noted that this measure was not included. Ms. Bauer mentioned that MAG spends federal funds to pave dirt roads and more are being created, especially in the unincorporated area due to lot splits. She stated that the County tried to help with this measure, but it met a great deal of opposition.

6. Gila River Indian Community Air Quality Management Plan

The Gila River Indian Community requested that this agenda item be postponed until a future meeting.

7. Call for Future Agenda Items

Mr. Kukino announced that the next meeting of the Committee is tentatively scheduled for June 28, 2007 at 1:30 p.m. Amanda McGennis, Associated General Contractors, requested that a full outline be presented to the Committee on S.B. 1552. With no further comments, the meeting was adjourned.