

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

Thursday, July 29, 2010  
MAG Office  
Phoenix, Arizona

MEMBERS ATTENDING

Doug Kukino, Glendale, Chairman  
Gaye Knight, Phoenix, Vice Chair  
Paul Lopez for Sue McDermott, Avondale  
#Elizabeth Biggins-Ramer, Buckeye  
#Jim Weiss, Chandler  
#Jamie McCullough, El Mirage  
Kurt Sharp for Tami Ryall, Gilbert  
\*Cato Esquivel, Goodyear  
Greg Edwards for Scott Bouchie, Mesa  
William Mattingly, City of Peoria  
Larry Person, Scottsdale  
Antonio DeLaCruz, Surprise  
Oddvar Tveit, Tempe  
\*Mark Hannah, Youngtown  
Ramona Simpson, Queen Creek  
\*American Lung Association of Arizona  
#Wendy Crites for Grant Smedley, Salt River Project  
Brian O'Donnell, Southwest Gas Corporation  
\*Mark Hajduk, Arizona Public Service Company  
#Gina Grey, Western States Petroleum Association  
\*Valley Metro/RPTA  
Dave Berry, Arizona Motor Transport Association  
Jeannette Fish, Maricopa County Farm Bureau  
\*Russell Bowers, Arizona Rock Products Association  
\*Greater Phoenix Chamber of Commerce  
#Amanda McGennis, Associated General Contractors  
\*Spencer Kamps, Homebuilders Association of Central Arizona  
#Mannie Carpenter, Valley Forward  
Erin Taylor, University of Arizona Cooperative Extension  
Beverly Chenausky, Arizona Department of Transportation  
Diane Arnst, Arizona Department of Environmental Quality  
\*Environmental Protection Agency  
Bob Downing for 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  
Christopher Horan, Salt River Pima-Maricopa Indian Community

\*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  
Patrisia Magallon, Maricopa Association of Governments  
Julie Hoffman, Maricopa Association of Governments  
Feng Liu, Maricopa Association of Governments  
Taejoo Shin, Maricopa Association of Governments  
Ieesuck Jung, Maricopa Association of Governments  
Adam Xia, Maricopa Association of Governments  
Mike Sabatini, Maricopa County Department of Transportation  
Mitch Wagner, Maricopa County Department of Transportation  
Joe Gibbs, City of Phoenix  
Dan Blair, Gila River Indian Community  
# Scott DiBiase, Pinal County Air Quality  
Shane Kiesow, City of Apache Junction  
Heather Hodgman, City of Apache Junction  
Dan Catlin, Fort McDowell Yavapai Nation  
Russell Van Leuven, Arizona Department of Agriculture  
Joonwon Joo, Arizona Department of Transportation  
Hannah Rosen, Soilworks, LLC  
Jamie Wilson, Trinity Consultants  
Frank Schinzel, Maricopa County Air Quality Department  
Michele Mellott, Arizona Department of Weights and Measures

1. Call to Order

A meeting of the MAG Air Quality Technical Advisory Committee was conducted on July 29, 2010. Doug Kukino, City of Glendale, Chair, called the meeting to order at approximately 1:30 p.m. Wendy Crites, Salt River Project; Amanda McGennis, Associated General Contractors; Jamie McCullough, City of El Mirage; Elizabeth Biggins-Ramer, Town of Buckeye; Mannie Carpenter, Valley Forward; Jim Weiss, City of Chandler; and Gina Grey, Western States Petroleum Association, attended the meeting via telephone conference call.

Mr. Kukino stated that Gaye Knight, City of Phoenix, Vice Chair, is retiring. He mentioned that Ms. Knight is one of only a few original members of the Committee. Mr. Kukino stated that she is the author of many if not all of the City's Air Quality Plans and is a constant voice of reason on the Committee. He added that Ms. Knight is a friend and trusted colleague that will be missed. Mr. Kukino presented Ms. Knight with a Resolution of Appreciation for her work on the MAG Air Quality Technical Advisory Committee.

Ms. Knight thanked Mr. Kukino and the Committee for the recognition. She indicated that she was volunteering as the Arizona Clean Air Coalition representative when she began working with Lindy Bauer, MAG. Ms. Knight stated that she also worked at the Arizona Department of Environmental Quality (ADEQ). She mentioned that her work in air quality has spanned 25 years. Prior to air quality Ms. Knight had a career in ultrasound and X-ray for a number of years. Ms. Knight stated that it has been a difficult decision to retire; however, it is time to move on to find her next passion.

Ms. Bauer expressed appreciation to Ms. Knight on behalf of the MAG staff. She stated that it has been a pleasure working with Ms. Knight and she has been a go-to person in the City of Phoenix. Ms. Bauer indicated that she will be missed. Ms. Knight mentioned that her last day with the City of Phoenix is August 13, 2010. She noted that there will be a reception on the first floor of City Hall at 10:30 a.m. on August 13<sup>th</sup> and indicated that Committee members are welcome to attend.

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 June 24, 2010 Meeting Minutes

The Committee reviewed the minutes from the June 24, 2010 meeting. Larry Person, City of Scottsdale, moved and Jeannette Fish, Maricopa County Farm Bureau, seconded and the motion to approve the June 24, 2010 meeting minutes carried unanimously.

4. Request for Project Change from Surprise

Dean Giles, MAG, briefed the Committee on a request for project change from the City of Surprise. He indicated that the request is a change to the project location of a FY 2012 PM-10 paving project SUR12-801, from Dove Valley Road: 163<sup>rd</sup> Avenue to 179<sup>th</sup> Avenue to Dove Valley Road: 187<sup>th</sup> Avenue to 203<sup>rd</sup> Avenue. Mr. Giles stated that the change is requested due to significant drainage features associated with the prior project location. He noted that there is no change to the project length or estimated emission reductions.

Mr. Giles indicated that this project was originally approved in a ranking by the Committee on December 11, 2008. He stated that in accordance with the MAG Federal Fund Programming Principles, a project change request comes back to this Committee and any recommendation is forwarded to the MAG Transportation Review Committee (TRC). Mr. Giles mentioned that this item is on the agenda for information, discussion, and recommendation for approval of the City of Surprise request to change the project location for SUR12-801, to Dove Valley Road: 187<sup>th</sup> Avenue to 203<sup>rd</sup> Avenue and forward the recommendation to the MAG TRC.

Brian O'Donnell, Southwest Gas Corporation, inquired if there is a change to the project cost. Mr. Giles responded that there is no change to the project cost. Dave Berry, Arizona Motor Transport Association, recommended approval of the City of Surprise request to change the location for SUR12-801, to Dove Valley Road: 187<sup>th</sup> Avenue to 203<sup>rd</sup> Avenue and forward the recommendation to the MAG TRC. Ms. Knight seconded, and the motion carried unanimously.

5. Update on Exceptional Events and MAG Five Percent Plan for PM-10

Ms. Bauer provided an update on the exceptional events and MAG Five Percent Plan for PM-10. She indicated that on June 21, 2010, the MAG Regional Council Executive Committee had directed staff to retain legal counsel and other consultants to take administrative action needed regarding the Environmental Protection Agency (EPA) nonconcurrence on the four high wind exceptional events and EPA's intent to disapprove the MAG Five Percent Plan for PM-10. Ms. Bauer reported that MAG has now engaged Mr. Roger Ferland and associates from the law firm of Quarles and Brady, LLP to assist MAG with these matters. In addition, MAG is seeking additional expertise in air quality communications and intergovernmental relations with the public and EPA. Due to the tight timeframes, it is anticipated that this expertise will be available in mid-August 2010.

Ms. Bauer stated that it was previously reported to the Committee that on June 23, 2010, EPA and the Center for Law in the Public Interest had come to agreement on a timetable for EPA to take action on the MAG Five Percent Plan for PM-10. According to the proposed consent decree, EPA has to propose action on the Plan by September 3, 2010, and finalize the action by January 28, 2011. She indicated that the proposed consent decree has now been published in the Federal Register and public comments are due by August 2, 2010.

Ms. Bauer mentioned that MAG is working on comments to be submitted and coordinating closely with ADEQ and the Maricopa County Air Quality Department. She stated that it was reported at the last meeting that comments were being prepared on the EPA technical support document in which EPA said it did not concur with the exceptional events. Ms. Bauer noted that those comments have now been submitted to EPA. She added that the ADEQ Director submitted the ADEQ comments on June 30, 2010.

Ms. Bauer indicated that there are three principal concerns with EPA's review of the exceptional event request. First, EPA is not always consistent with its own Exceptional Events Rule. Second, EPA failed to take into account some of the ADEQ supporting data and analysis. In fact, ADEQ issued a press release stating that EPA did not review a great deal of the scientific information associated with the exceptional events. Third, EPA is also not consistent with its August 27, 2007 concurrence with California's request to exclude data from the determination of attainment status for the San Joaquin Valley. Ms. Bauer added that ironically, the State of Arizona made the same comment regarding

exceptional events as San Joaquin; however, EPA does not agree with our State. She stated that the demonstrations were substantially identical.

Ms. Bauer stated that the process was unfair. She mentioned that when MAG and ADEQ knew EPA had concerns with four exceptional events, additional supplemental information was submitted by the State. It was anticipated that EPA would report back and provide their thinking on the information. Instead, EPA held a meeting on May 25, 2010 and said no. Ms. Bauer mentioned that additional supplemental information for the four high wind exceptional events will be submitted by August 2010. She noted that this is also mentioned in the ADEQ letter.

Ms. Bauer mentioned that ADEQ also submitted MAG's comments to EPA on July 2, 2010 which are in support of the ADEQ comments. She indicated that a letter from the Western States Air Resources (WESTAR) Council has been included in the agenda packet. Ms. Bauer stated that WESTAR has expressed concern that EPA has not yet addressed the Exceptional Events Rule implementation issues pointed out by 15 western states. The letter indicates that solving these issues are more critical than ever. She noted that EPA has turned down requests for exceptional events for Arizona and California. Ms. Bauer mentioned that both states feel that they have met the exceptional events requirements and EPA's own rule. She discussed additional information provided in the meeting agenda packets. Ms. Bauer noted that there is a letter in the packet from State Senator Carolyn Allen as well.

Antonio DeLaCruz, City of Surprise, inquired if EPA is asking for more measures or changes at the monitor sites. Ms. Bauer replied that MAG has asked EPA for the approvability issues with the Five Percent Plan for PM-10. She noted that there are several next steps and we cannot wait to see if this is going to be successful. Ms. Bauer stated that there were a series of emails that went back and forth and Colleen McKaughan, EPA, has indicated that she cannot discuss the approvability issues with us since they have to be cleared through EPA Region IX and EPA Headquarters. To date, MAG does not have a list of the approvability issues from EPA.

Ms. Bauer noted that MAG has received the Maricopa County 2008 PM-10 Periodic Emissions Inventory. She added that MAG had discussed with the Committee in a previous meeting the types of changes that may be needed in the Plan. Ms. Bauer stated that new measures may need to be added to the Plan if clearance is not given for the 2008 and 2009 monitoring data. She indicated that the modeling will need to be revised and three years of clean data is necessary at all the PM-10 monitors.

Amanda McGennis, Associated General Contractors, asked about the timeline. Ms. Bauer responded that EPA needs to provide the approvability issues. She noted that the Serious Area PM-10 Plan already has 77 measures and there are 53 measures in the Five Percent Plan. Ms. Bauer added that there have been no exceedances of the PM-10 standard in 2010. She stated that some technical questions have also been posed to EPA; however, a response has not yet been provided. Ms. McGennis inquired if EPA gave a timeline for providing the approvability issues. Ms. Bauer replied no timeline has been given. She added that typically when EPA publishes the proposed action on a plan, it will state the approvability issues in the Federal Register notice. According to the proposed consent decree, that would be September 3, 2010. Ms. Bauer stated that the approvability issues have been requested from EPA as soon as possible since time is necessary to deal with these types of issues. Ms. McGennis asked if MAG would like the Committee members to also provide comments by August 2, 2010. Ms. Bauer responded that is up to each stakeholder.

Diane Arnst, ADEQ, commented that starting in October 2009 there has been a Five Percent Plan Technical Study Committee that includes MAG, City of Phoenix, Maricopa County Air Quality Department, Arizona Department of Transportation, and others. She mentioned the five temporary monitors that have been installed along the Salt River bed, visibility cameras, soil sampling effort, and particle speciation effort. Ms. Arnst indicated that we are trying to understand better what it is that we may not understand about the exceptional events that may help us in formulating a more effective control strategy or explaining why there is no better control strategy.

Ms. Knight stated that it is difficult to develop new measures when all the research has not been completed. She mentioned that phenomenal research is being done. Ms. Knight added that until the data is completed it is hard to go back and develop measures until the sources are known. She indicated that the region has been working hard to determine the sources in the Salt River Area. Ms. Knight discussed the difficulties with determining the sources in that area. Ms. Bauer added that the intent is to find out what is happening during high wind exceptional events. She noted that there have been no PM-10 violations under stagnant conditions since the Five Percent Plan was submitted. Ms. Bauer indicated that MAG has reviewed the ADEQ exceptional events documentation and has had the MAG consultant drill down into the information. She stated that MAG believes they are exceptional events and should be approved by EPA.

Mr. Kukino referred to MAG engaging Mr. Ferland on the issue and inquired about the timeframe and general scope of the legal aspect. Ms. Bauer replied that as indicated in the agenda packet, MAG has engaged Mr. Ferland to give legal advice and MAG will be submitting comments for the docket on the proposed consent decree by August 2, 2010. She added that MAG is working with ADEQ and Maricopa County.

Larry Person, City of Scottsdale, stated that EPA has been an important partner in this process to improve air quality in the region for a number of years. He noted that there is an EPA representative on the MAG Air Quality Technical Advisory Committee that has not attended in several meetings. Mr. Person referred to earlier comments regarding the EPA liaison for Arizona being unable to assist the region. He asked if the region is still effectively partnering with EPA to help work through these issues. Ms. Bauer stated that it is difficult to call it a collaborative process based on the events that took place at the May 25, 2010 meeting with EPA. She indicated that ADEQ has conducted a lot of diligent, hard, scientific work on these exceptional events. Ms. Bauer added that at the meeting with EPA, the feeling from MAG, ADEQ, Maricopa County, and the City of Phoenix was that the process was unfair. She indicated that there was no warning on what EPA was going to say at the meeting.

Ms. Bauer stated that it was known EPA had some concerns and supplemental information was submitted to EPA to address those concerns. It was expected that EPA would come back with a response to the supplemental information. She noted that it is supposed to be a collaborative process and it did not appear to be collaborative on at the meeting. Ms. Bauer stated that MAG, ADEQ, and Maricopa County would like to have a good cooperative relationship with EPA; however, at this time it is difficult given the lack of collaboration by EPA. Mr. Kukino thanked Ms. Bauer for the update.

#### 6. Final 2008 PM-10 Periodic Emissions Inventory

Bob Downing, Maricopa County Air Quality Department, provided an overview of the 2008 PM-10 Periodic Emissions Inventory. He indicated that a draft of the inventory was presented to the MAG Air Quality Technical Advisory Committee on April 29, 2010 at the beginning of a 30-day public

comment period. Mr. Downing stated that there was a public hearing on May 14, 2010 and no public comments were received. He mentioned that internally, some technical corrections were made to a few source categories. In addition, new mobile source data was received from Luke Air Force Base in late June. Mr. Downing stated that this new data has been included in the final inventory.

Mr. Downing discussed key highlights from the 2008 PM-10 Periodic Emissions Inventory. He mentioned that overall the PM-10 emissions are 13 percent less than in 2005. Mr. Downing indicated that a lot of the reductions are from construction and overall stationary sources. He stated that compared to the previous inventory, there are increased contributions from paved and unpaved roads and windblown dust. Some of the changes are due to better information on the activities and new or improved methods of calculating emissions.

Mr. Person referred to the 2005 PM-10 Periodic Emissions Inventory which was 84,753 tons per year. He stated that the unpaved road portion of the inventory was 16 percent or approximately 13,000 tons. Mr. Person indicated that the 2008 PM-10 Periodic Emissions Inventory shows that the unpaved road fugitive dust emissions are 11,710 tons per year, which is a reduction. However, Mr. Downing just stated that unpaved road emissions have increased since 2005. Mr. Person inquired about why the numbers do not support the statement. Mr. Downing responded that he does not have the 2005 data with him and would need to report back to Mr. Person. Ms. Bauer inquired if Mr. Downing is referring to the fact that emissions have decreased; however, unpaved road emissions are now a larger piece of the pie chart. Mr. Downing discussed the changes that occur when comparing the pie charts from 2005 to 2008.

Mr. Person commented that he has made the point at a previous meeting that the pie chart can convey a message that is not intended. He added that nobody in the region would agree that a lot more unpaved roads and emissions from unpaved roads have been created from 2005 to 2008. From his perspective it has gone in the opposite direction. Mr. Person stated that the numbers provided by Mr. Downing indicate a reduction as well. He mentioned that he is troubled by the statement made and the pie chart representation. Mr. Downing replied that the pie chart is only one representation. He discussed the difficulties in presenting the data which is why Maricopa County is providing the information in three forms: the one-page pie chart; the two-page tabular summary; and the 150-page 2008 PM-10 Periodic Emissions Inventory. Those with questions or concerns on any of the categories are encouraged to drill down in the full document.

Ms. Knight commented that the issue may be the communication. She suspects that the reason some categories increased as a percent of the pie chart is because construction decreased. Ms. Knight noted that construction will increase again. She asked that as Maricopa County communicates the 2008 PM-10 Periodic Emissions Inventory, that they indicate road emissions decreased even though it appears they increased. Ms. Knight indicated that the region has accomplished reduced emissions and that could be a powerful message. Mr. Downing noted the comments. He added that Maricopa County is working on a new stacked bar format with both sets of information, which should address some of these concerns.

Ms. Fish referred to comments by Cathy Arthur, MAG, at a previous meeting on different methodologies used to determine the windblown contributions. She noted that these are broken down in the 2008 inventory versus the 2005 inventory. Mr. Downing added that the land use categories used by MAG have changed in the interim as well. Ms. Fish stated that this may also be part of the

explanation. Mr. Downing mentioned that knowledge of the activity on the unpaved roads has also changed in the interim. He referred to the MAG unpaved roads study.

Ms. Bauer stated that she had a copy of the pie chart where MAG projected the emissions for 2010 as a result of the implementation of the committed measures and contingency measures. She stated that Ms. Arthur pointed out at a previous meeting that MAG projected in 2010 that the total emissions would be 73,670 tons per year. Ms. Bauer noted that the 2008 PM-10 Periodic Emissions Inventory is 73,410 tons per year, which is close. She added that the big change is the windblown dust category.

Mr. O'Donnell commented that it would be interesting to show what the emissions would be if the region just had untouched land. He stated that the vacant land is 9,500 tons per year. Mr. O'Donnell inquired what the emissions in the region would be if all the land was vacant. He asked if this would assist the region in making its case. Mr. Downing responded that analysis has not been conducted. Mr. O'Donnell commented on wind blowing in a desert. Mr. Downing indicated that the appendix of the inventory discusses the methodology used. He added that there has been many discussions on the assumptions, which are conservative.

Ms. Knight stated that the comment of living in a desert does not hold since there are not PM-10 violations at Organ Pipe National Monument. She indicated that vacant lots have been disturbed by human activity. Ms. Knight mentioned that if the whole Valley was vacant lots, the control measures would be to stabilize them since they have been disturbed by human activity. Mr. O'Donnell stated that there is significant PM-10 during wind disturbances. Ms. Knight replied that is true where the land has been disturbed, but not in the virgin desert. She stated that she has been told for years there is a monitor at Organ Pipe National Monument that does not violate the PM-10 standard since it has a desert crust.

Mr. Person inquired if the Maricopa County Rule Effectiveness Study was folded into the 2008 PM-10 Periodic Emissions Inventory. He recalled that there have been no exceedance in 2010 and it appears the measures that are in place are working. Mr. Person stated that it was his understanding that the rule effectiveness for unpaved roads has improved in recent years. Mr. Downing responded that the Rule Effectiveness Studies are found in Appendix Three of the 2008 PM-10 Periodic Emissions Inventory. He mentioned the six Rule Effectiveness Studies conducted. Mr. Downing indicated that these are reflected in the emissions being presented in the inventory.

Mr. Downing addressed an earlier comment by Mr. O'Donnell. He stated that the list of land use categories is not exhaustive. Categories such as the natural desert where there is no activity and it is assumed to be crusted over, emissions are assumed to be zero. Therefore, this category does not even appear on the emissions summary. Mr. O'Donnell asked if there is no baseline. Mr. Downing replied that the emissions on natural desert are assumed to be zero and vacant refers to land that has some level of disturbance.

Mr. Downing indicated that the Maricopa County Air Quality Department is currently working on the 2008 ozone precursor inventory (volatile organic compounds, nitrogen oxides, and carbon monoxide) for the County and the eight-hour ozone nonattainment area. He stated that an agency review draft is expected in mid-August 2010 with the final report to be completed in September 2010. Mr. Downing added that the data would then be submitted electronically for inclusion in the National Emissions Inventory.

Mr. Kukino asked about the date for the next PM-10 Periodic Emissions Inventory. Mr. Downing responded that 2011 will be the next periodic reporting year. Mr. Kukino inquired if there would be another inventory between the 2008 and 2011 reporting years. Mr. Downing replied that there will be interim assessments as done for the Five Percent Plan; however, the full inventory is only conducted every three years. Mr. Kukino thanked Mr. Downing and the Maricopa County Air Quality Department staff for their efforts in producing the 2008 PM-10 Periodic Emissions Inventory.

7. Call for Future Agenda Items

Mr. Kukino announced that the next meeting of the Committee has been tentatively scheduled for Thursday, August 26, 2010 at 1:30 p.m. Ms. Arnst asked if MAG will be posting its comments on the proposed consent decree to the MAG website. Ms. Bauer replied that the comments will be public information. With no further comments, the meeting was adjourned at 2:22 p.m.