

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

Wednesday, July 10, 2002
MAG Office
Phoenix, Arizona

MEMBERS PRESENT

- *Stephen Cleveland, City of Goodyear, Chairman
- *Chandler: Jim Weiss
- *Gilbert: Danielle Typinski
- Glendale: Doug Kukino
- Mesa: Christine Zielonka
- Phoenix: Gaye Knight
- Scottsdale: Peggy Carpenter for Larry Person
- Surprise: Robert Zobel
- *Tempe: Tom Moore
- *Citizen Representative: Walter Bouchard
- *Arizona Lung Association: David Feuerherd
- *Salt River Project: Chris Janick
- Southwest Gas Corporation: Brian O'Donnell
- Arizona Public Service Company: Jim Mikula for Scott Davis
- Western States Petroleum Association: Gina Grey
- Valley Metro: Randi Alcott for Bryan Jungwirth
- *Arizona Motor Transport Association: Dave Berry
- Maricopa County Farm Bureau: Jeannette Fish
- *Arizona Rock Products Association: Rusty Bowers
- *Greater Phoenix Chamber of Commerce: Heidi Koopman
- *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
- University of Arizona - Cooperative Extension: Patrick Clay
- Arizona Department of Transportation: Pat Cupell
- Arizona Department of Environmental Quality: Randy Sedlacek for Peter Hyde
- Maricopa County Environmental Services Department: Jo Crumbaker
- Arizona Department of Weights and Measures: Mark Ellery
- Federal Highway Administration: Ed Stillings for Dennis Mittelstedt
- Arizona State University: Judi Nelson
- *Salt River Pima-Maricopa Indian Community: B. Bobby Ramirez
- Citizen Representative: David Rueckert

*Those members were neither present nor represented by proxy.

OTHERS PRESENT

- Ruey-in Chiou, Maricopa Association of Governments
- Roger Roy, Maricopa Association of Governments
- Dean Giles, Maricopa Association of Governments
- Doug Collins, Maricopa Association of Governments
- Scott DiBiase, Maricopa Association of Governments
- Lindy Bauer, Maricopa Association of Governments
- Jean Parkinson, Pinal County Air Quality Control District
- Robert Evans, Maricopa County Environmental Services Department
- Michael Powell, City of Avondale
- Sherri Zendri, Arizona Department of Environmental Quality
- Susie Stevens-Matthews, Stevens & Leibow

1. Call to Order

A meeting of the MAG Air Quality Technical Advisory Committee was conducted on July 10, 2002. Doug Kukino, City of Glendale, Acting Chairman, began a discussion of the agenda items at approximately 10:10 a.m. since a quorum was not present. Gina Grey, Western States Petroleum Association, attended the meeting through teleconference.

3. Draft 2002 Conformity Analysis

This item was taken out of order. Dean Giles, Maricopa Association of Governments, presented an overview of the conformity requirements and the results of the regional emissions analysis conducted for the FY 2003-2007 MAG Transportation Improvement Program (TIP) and the MAG Long Range Transportation Plan 2002 Update (LRTP). He noted that a finding of conformity is required by MAG prior to approval of the TIP and LRTP and that the final determination of conformity is the responsibility of the Federal Highway Administration and Federal Transit Administration. Mr. Giles indicated there are four criteria required for the conformity determination for the TIP and Long Range Transportation Plan including: emissions budget or emissions reduction tests; the use of latest planning assumptions and emissions models; the timely implementation of transportation control measures in the TIP and LRTP; and consultation. Mr. Giles reviewed the regional emissions analysis results for carbon monoxide, volatile organic compounds (ozone), and particulate matter. In addition, he presented the funding for Transportation Control Measures in the TIP.

Mr. Giles noted that on July 1, 2002, the Draft FY 2003-2007 MAG Transportation Improvement Program, Draft MAG Long Range Transportation Plan 2002 Update, and the 2002 MAG Conformity Analysis were the subject of a public hearing. He indicated that no comments were received regarding the conformity analysis.

Brian O'Donnell, Southwest Gas Corporation, inquired about the carbon monoxide budget and the development of the budget in the carbon monoxide maintenance plan that uses the new MOBILE6 emissions model. Lindy Bauer, Maricopa Association of Governments, replied that the carbon monoxide budget from the Revised MAG 1999 Serious Area Carbon Monoxide Plan is the budget found to be adequate for transportation conformity purposes.

Michael Powell, City of Avondale, noted the small difference between the carbon monoxide budget and the 2006 horizon year estimated emissions and inquired about the consequences of a scenario where the modeled emissions exceed the budget. Mr. Giles responded that in that scenario the TIP and Long Range Transportation Plan would not meet conformity requirements and could not be approved. Ms. Bauer also replied that additional air quality projects could be added to the TIP and Long Range Transportation Plan with emission reduction credits to attempt to bring the plans into conformance.

Mr. Kukino called the meeting to order. Mr. Rueckert moved and Gaye Knight, City of Phoenix seconded, and the motion to approve the Draft 2002 Conformity Analysis for the Draft FY 2003-2007 MAG Transportation Improvement Program and Draft MAG Long Range Transportation Plan 2002 Update carried unanimously.

2. Approval of the May 30, 2002 Meeting Minutes

The Committee reviewed the minutes from the May 30, 2002 meeting. Christine Zielonka, City of Mesa moved, and Dave Rueckert, Citizen Representative seconded, and the motion to approve the May 30, 2002 meeting minutes carried unanimously.

4. Salt River Monitoring Site Air Quality Study

Sherri Zendri, Arizona Department of Environmental Quality, gave a presentation on the Salt River Monitoring Site Air Quality Study. She provided background on the development of Moderate and Serious Area PM-10 Plans including the 1997 Arizona Department of Environmental Quality (ADEQ) 24-Hour Microscale Plan. The Microscale Plan indicated that the Salt River monitor would show attainment of the 24-hour PM-10 standard by May 1998; however, the site has recorded several violations and continues to violate the standard. Due to the continued violations, the Environmental Protection Agency issued a final rule on July 2, 2002 to find the State Implementation Plan (SIP) inadequate for the Salt River Monitoring Site and to issue a SIP “call” for correcting the inadequacy. Ms. Zendri noted that the plan inadequacy is with the attainment demonstration for the Salt River monitor from the ADEQ Microscale Plan.

Ms. Zendri indicated that the study area would encompass the area from 55th Avenue to 10th Street and Van Buren Street to Baseline Road. She mentioned that data collection at the monitors would occur once every three days and would result in an update of the Microscale Plan emissions inventory. She distributed a color map of the study area that denoted PM-10 monitoring site locations.

Mr. Rueckert commented that the 19th Avenue landfill and other industrial uses were in the vicinity of the Salt River monitor and asked how Rule 310 was enforced in the area. Jo Crumbaker, Maricopa County Environmental Services Department, responded that readings have not decreased and that one of the larger issues is the technical tools to capture the particulate sources in the area. Ms. Knight indicated that although the number of violations has declined, the concentrations remain elevated. Mr. Rueckert inquired about the wind characteristics for the area from the windrose. Ms. Crumbaker responded that the annual windrose is fairly even with a general northeast to southeast directional flow with no dominant wind direction. Randy Sedlacek, Arizona Department of Environmental Quality, indicated that the Salt River Monitoring Site Study will look into the air drainage for the study area.

Ms. Zielonka asked if additional control measures would be necessary and how this would affect the cities. Ms. Bauer indicated that measures could apply to sources on a regional basis and could impact the modeling in the Revised MAG 1999 Serious Area PM-10 Plan. MAG will continue to monitor the ongoing work for the Salt River Monitoring Site Study. Ms. Knight indicated she thought the SIP call only impacted the Microscale Plan and would apply only to similar industrial areas in the Salt River Monitoring Site study area. Ms. Bauer replied that the July 2, 2002 *Federal Register* final rule indicates that any controls adopted to demonstrate attainment at the Salt River site must be applied to similar sources in the Phoenix nonattainment area. Ms. Knight asked about the wind flow within the 32-square mile study area. Ms. Crumbaker responded that background sources

probably played a larger role for the annual PM-10 standard and the 24-hour PM-10 standard is based on local sources and differences in elevation lead to drainage from the surrounding area.

Mr. O'Donnell inquired about differences in densities for the area. Mr. Sedlacek noted that surface heating occurs during the day and cooler air starts to flow downward in the evening. He noted that the inventory will look at the annual average for the entire study area. Mr. Sedlacek also mentioned that PM-10 starts to drop off one-half mile from the source, but that computer models are not always accurate on wind flows. Ms. Bauer asked why ADEQ was proposing to model the year 2013. Ms. Zendri responded that she would follow up on this question. Ms. Zielonka requested a routine update on the study. Mr. O'Donnell inquired if the other monitors would be removed after testing for the study was complete. Ms. Crumbaker responded that the monitors being used for the study are existing monitor sites and the only new site will be for relocating the Salt River monitor.

Ms. Knight explained that the Salt River monitor is located on Phoenix city property and that the agreement to continue hosting the monitor expires at the end of 2002 due to a new construction project at the site.

5. Strengthened Enforcement of Maricopa County Rule 310

Bob Evans, Maricopa County Environmental Services Department, provided an update on the strengthened enforcement of Maricopa County Rule 310. Mr. Evans reported that Maricopa County has stepped up its campaign against fugitive dust at construction sites and on vacant land, has added staff to administer the program, and is receiving compliance from the construction industry. He noted that the enforcement of Rule 310 has resulted in 400 settlements and \$800,000 in penalties. Approximately 1,000 notices of violation have been issued. Mr. Evans mentioned that the Board of Supervisors revised Rule 310 to allow for more stringent requirements regarding work practices on the construction sites or vacant land (e.g. pre-wetting), permitting (e.g. general contractor submission of a dust control plan to Maricopa County), and to reduce trackout by providing a stabilized interface with paved public roadways.

Mr. Evans indicated that Maricopa County had established four offices in the Valley to reduce response time and to increase productivity. He noted that certain violations are forwarded directly to the County Attorney's office including: trackout that exceeds 50 feet, no pre-wetting, and haul trucks with no covers. Mr. Evans reported that the process is working very effectively and EPA is provided with quarterly reports on Rule 310 enforcement.

Mr. Rueckert asked about the frequency of repeat complaints. Mr. Evans responded that there had been approximately 30 repeat violations and that penalties are increased for repeat violations. Mr. Rueckert inquired about the methods used to determine violations. Mr. Evans noted that there are visual observations, sieves to measure stability of the soil, and also video and photography which he noted are difficult for violators to refute. Ms. Grey asked if the cost of settling a violation by the contractors was less than implementation of the control measures. Mr. Evans indicated that repetitive violations typically do not occur at the same sites and generally top management representatives are immediately notified of a violation and it is taken very seriously - it is not a pleasant experience. He mentioned that the cost of implementing the control measures has not been

evaluated. The cost of the violation is more than measure implementation. However, during the settlement negotiations, the penalty can be reduced. Ms. Grey asked if the original inspectors were paid for by EPA. Ms. Crumbaker replied that under the Federal Implementation Plan, EPA provided Maricopa County \$200,000 for staff to enforce nonpermitted sources, but that the current staff positions are funded through permit fee revenue.

Ms. Knight asked if the enforcement was occurring on unpaved roads or vacant lots. Ms. Crumbaker indicated that Maricopa County has no statutory authority to enforce Rule 310 on private, unpaved roads. Rule 310 applies to unpaved, public roads. Ms. Crumbaker reported that Maricopa County staff is working to contact city staff to compare the dust control authority of individual cities with County authority. She noted that for the vast majority of violations, most are resolved by property owners within 60 days. Compliance from out-of-state property owners is a challenge.

Mr. Evans noted specific success stories. He mentioned that recent coordination with the Bureau of Land Management, State Land Department, and the Maricopa County Flood Control District to construct fences and post signage in the Agua Fria area of the West Valley has restricted heavy off-road vehicle use. He indicated that in Gilbert a wide open area used extensively by off-road vehicles has been restricted from use by forming berms, posting of "No-Trespassing" signs, and continued enforcement of violating vehicles. Mr. Evans also mentioned that the Maricopa County Parks Department and Board of Supervisors are interested in South Coast Air Quality Management District rules about off-road vehicle use.

Peggy Carpenter, City of Scottsdale, inquired when the 400 settlements took place. Mr. Evans responded that the period was from the end of April 2000 to the present, or about 26-months. Mr. Evans announced that a second prosecutor in the County Attorney's office would assist in the backlog of 100 cases. He indicated that based on visual inspections, the program's effectiveness is evident from the changes made to construction sites over the last five years. Ms. Crumbaker added that Maricopa County will forward a study on the effectiveness of Rule 310 to EPA in 2004.

6. Call to the Public

An opportunity was provided to members of the public to address the MAG Air Quality Technical Advisory Committee. No comments were presented.

7. Call for Future Agenda Items

Mr. Kukino indicated the next meeting of the Committee is tentatively scheduled for August 1, 2002, if necessary. Ms. Knight suggested that the ADEQ provide an update every other month on the Salt River Monitoring Site Air Quality Study.