



**ISSUE: EPA PROPOSED PARTIAL APPROVAL AND DISAPPROVAL OF  
MAG 2007 FIVE PERCENT PLAN FOR PM-10**

This information sheet should be used for the purpose of providing GPCC membership insight to the issues associated with EPA's proposed actions regarding emissions attainment in the Maricopa County nonattainment area. Below please find a definition of terms, an explanation of the issue and background of the events which eventually lead to the current action by EPA.

**Definitions:**

<b>AAC</b>	Arizona Administrative Code
<b>ARS</b>	Arizona Revised Statute
<b>Attainment</b>	meeting the National Ambient Air Quality Standards for 24 hour PM-10 standards as determined by the Clean Air Act
<b>BACM</b>	Best Available Control Measure
<b>BMP</b>	Best Management Practice
<b>CAA</b>	Clean Air Act
<b>Conformity Freeze</b>	Occurs as a result from a state implementation plan disapproval without a protective finding. Only Projects in the first 3 years of the RTP and TIP can proceed.
<b>Exceedance</b>	demonstration event where pollutants have exceeded CAA standards.
<b>MCAQD</b>	Maricopa County Air Quality Division
<b>MCAQD Rule 310</b>	designed to limit emissions of fugitive dust or particulate matter from activities such as land clearing, construction, demolition, vehicle track out, etc.
<b>MCAQD Rule 310.01</b>	designed to limit emissions of fugitive dust or particulate matter from disturbed surfaces and vehicle use in open areas and vacant lots, livestock activities, access roads for utilities, etc.
<b>MCAQD Rule 316</b>	designed to limit emission of particulate matter into ambient air from any nonmetallic mineral processing plant and/or rock product processing plant
<b>NAAQS</b>	National Ambient Air Quality Standards
<b>Nonattainment area</b>	the eastern portion of Maricopa County, including the cities of Phoenix, Scottsdale, Mesa, Tempe, Chandler, Glendale, and 17 other jurisdictions and unincorporated County lands. It also includes Apache Junction in Pinal County.
<b>PM-10</b>	particulate matter that measure less than or equal to 10 micrometers in aerodynamic mass median diameter. PM-10 may be directly emitted into the atmosphere from a source or it may be formed in the atmosphere as a result of condensation or chemical reactions of other pollutants.
<b>SIP</b>	State Implementation Plan
<b>TIP</b>	Transportation Improvement Plan
<b>RTP</b>	Regional Transportation Plan

## Issue

EPA is proposing to approve and disapprove portions of the Arizona State Implementation Plan (SIP) to meet the CAA requirements applicable to the serious Maricopa County nonattainment area. A partial disapproval and approval has the same consequences as disapproval, including a conformity freeze on new or amended TIPs, RTPs.

## Background

PM-10 causes adverse health effects by penetrating deep into the lungs, aggravating the cardiopulmonary system. Children, the elderly and people with asthma and heart conditions are the most vulnerable.

On the date of enactment of the Clean Air Act (CAA) Amendments of 1990, nonattainment areas were designated, including the Maricopa County area in Arizona, along with many others. Areas with this designation (PM-10 nonattainment) were classified as moderate and were provided a required attainment date.

Federal law states if the EPA determines the area cannot practicably attain the PM-10 NAAQS by the attainment date or that the area has failed to attain the PM-10 NAAQS by the attainment date, the area can be reclassified as serious. In May 1996 EPA reclassified the Maricopa area as a serious PM-10 nonattainment area.

CAA requires nonattainment area plans to contain a **comprehensive, current, and accurate** inventory of emissions from all sources of the relevant pollutants in the designated geographic area. EPA **does not believe the data** in the "2005 Periodic Emissions Inventory for Maricopa County, Arizona Nonattainment Area" report, **is accurate based on the overestimation** of baseline emissions for construction and other sources. This data was also used to calculate subsequent year emission inventories, the 5% reduction in emissions projections and to show compliance of MCAQD Rules 310, 310.01 and 316. EPA states although the formulas may be correct, the projections through year 2010 are imprecise as they were derived from this inaccurate data.

On September 3, 2010 EPA proposed partial approval and disapproval of the plan. Final action on the disapproval will result in a conformity freeze on TIP and RTP within approximately 30 days. Final action by the EPA is scheduled for January 28, 2011. The related conformity freeze will go into effect approximately February 28, 2011.

### **EPA Actions**

- EPA has disapproved the 2005 baseline emissions inventory in the plan and all of the projected inventories as not meeting the requirements under CAA.
- EPA is proposing action on the measure in the SIP that constitutes mandatory directives to the regulated community or to various local jurisdictions to adopt certain legislative requirements.
- EPA proposes to approve the sections of ARS that implement the plan measures generally associated with on-site dust management, certification programs, vehicle use, leaf blowers, unpaved areas, burning and agriculture.
- EPA proposes to approve the amended ARS 49-457 as it requires an increase in the number of required BMPs and expands the geographical scope of the agricultural BMP program.
- EPA proposes a limited approval and disapproval of AAC because the general permit rule does not meet the enforceability requirements of CAA and no longer ensures that controls for agricultural sources in the Maricopa area are implemented at a BACM level as required.
- EPA proposes to disapprove the attainment demonstration in the SIP identifying four exceedances in 2008 and stating the area cannot attain the standard by 2010 as projected by the plan and required by CAA.

### Timeline of Events

March 1991	Maricopa is classified as a moderate nonattainment area.
May 1996	EPA reclassified the Maricopa area as a serious PM-10 nonattainment area
December 31, 2001	Arizona responded with a request for a 5 year extension as permitted by CAA.
July 2002	EPA approved the serious PM-10 plan and granted the extension with new attainment date designated as December 31, 2006.
December 2006	Arizona submitted new SIP to EPA.
June 6, 2007	EPA found the Maricopa area had failed to attain the PM-10 NAAQS by December 2006. As a serious nonattainment area failing to meet the date, EPA required a new SIP within 12 months, December 31, 2007. The SIP would require revisions providing to meet the attainment standards and an annual reduction of PM-10 emissions of not less than 5 percent per year from date of submission until attainment.
December 21, 2007	New SIP, with a 5 percent reduction plan was submitted to EPA. CAA requires EPA to determine whether a SIP is complete within 60 days of receipt. Any plan not affirmatively determined complete or incomplete shall become complete within 6 months by operation of the law. The new SIP was issued complete status on June 21, 2008.
June 30, 2009	EPA was required to take action on plan, but did not.
May 25, 2010	EPA announces nonconcurrence with four exceeding events and proposes to disapprove the plan.
September 3, 2010	EPA proposes partial approval and disapproval of the plan.
January 28, 2011	EPA will finalize action on plan.
February 28, 2011	Conformity freeze may go into effect.