

The Clean Air Act (CAA) requires the U.S. Environmental Protection Agency (EPA) to identify and revise national ambient air quality standards (NAAQS) for air pollutants that may reasonably be anticipated to endanger public health. To date, EPA has set NAAQS for six “criteria” air pollutants: ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, particulate matter (PM₁₀), and lead. EPA and the State of Arizona share responsibility for ensuring all areas attain federal NAAQS by deadlines specified in the CAA.

Since 2005 construction has lowered its emissions by 65% and now has over an 89% compliance record.

Arizona is required to monitor each of these pollutants and submit data used to determine whether geographic areas are in “attainment” for each. A geographic area that does not meet EPA air quality standards is classified as a nonattainment area.

Designation as a nonattainment area triggers a series of steps that must be taken to bring the area into compliance. Such as:

- ✓ State is responsible for preparing and executing state implementation plan (SIP) to achieve and maintain NAAQS within their borders.
- ✓ Plans are divided into air quality regions
- ✓ Regions establish enforceable requirements for controlling air pollution from stationary, and mobile sources. (Construction is considered an off road mobile source)
- ✓ Motor vehicle emissions budget (MVEB) is developed that determines the amount of emissions an area can produce and still maintain air quality standards.
- ✓ Once a MVEB is established local planning organizations must develop a transportation improvement program (TIP) that conforms to the SIP.
- ✓ Conformity is an attempt to coordinate transportation planning in an area so activities do not cause new air

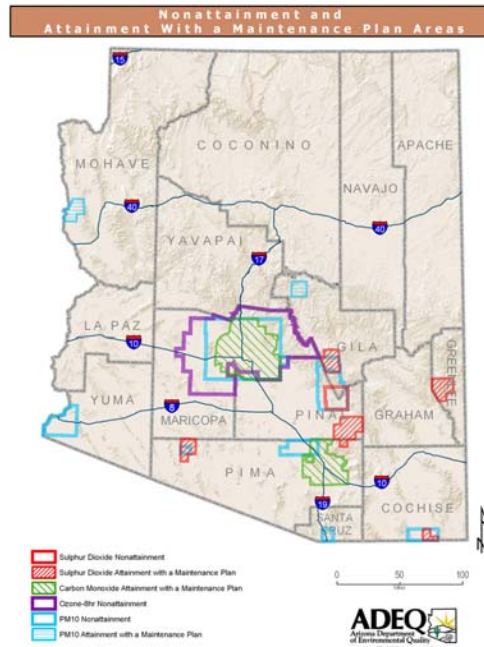
quality violations, worsen existing violations, or delay attainment of air quality standards.

- ✓ Transportation conformity applies to all nonattainment and maintenance areas that fail to meet air quality standards
- ✓ Conformity determinations are required for the approval, funding or implementation of highway and transit projects. Funding and implementation of federal highway/transit projects are suspended when a region is determined out of conformance. No new projects may advance until a new conformity determination is made.

Arizona

Currently Arizona has 13 areas statewide designated as nonattainment areas or attainment areas with maintenance plans. Particulate Matter (PM₁₀) is the predominant pollutant in most of these thirteen areas however sulfur dioxide, carbon monoxide and one hour and eight hour ozone standards are also regulated. Maricopa and Pinal County are currently awaiting action determinations from U.S. EPA, Region IX for PM. Statewide plans are found on ADEQ’s website

<http://www.azdeq.gov/environ/air/plan/notmeet.html>



Three Arizona counties have their own air pollution control programs and operate pursuant to agreements with ADEQ. In addition to ADEQ, two metropolitan planning organizations in Arizona share in the responsibility of completing state implementation plan requirements for ozone, carbon monoxide, and particulate pollution.

Maricopa County PM₁₀

Since 1999 Maricopa County has struggled to attain air quality standards. In 1999 over 77 measures were proposed and implemented in the serious area plan to reduce dust. Failing to attain, the region was required to prepare a five percent plan which means emissions must be reduced 5% annually until attainment is reached. On December 31, 2006 the region submitted its plan with an additional 53 aggressive measures to reduce

emissions, thereby designating the area as having the most stringent measures (MSM) in the nation for controlling dust.

Recently EPA notified officials of their intent to propose partial approval and partial disapproval of the regions five percent plan primarily for failure to demonstrate attainment

due to the exceedances categorized in the plan as “exceptional events”. Exceptional events are emission activities, such as extraordinary high winds, outside the control of mankind. Without these 2008/2009 exceptions the region will no longer be classified as having three years of clean data. Should EPA formally reject the plan in January 2011 a sanctions clock will begin thereby triggering a conformance freeze on highway construction projects planned after 2014 until a new conformance determination is made. This could put \$1.7 billion of highway funds and thousands jobs at risk. MAG would be forced to terminate many projects in the \$7.5 billion transportation improvement plan.

Pinal County

In 2009 after reviewing data indicating numerous violations of at the monitors in Pinal County, EPA requested the state submit recommendations for designating areas of Pinal County as either in attainment, nonattainment or unclassifiable for PM 10 and PM 2.5. The state submitted their recommendations for attainment boundary

designations; recently EPA revised these recommendations to include a portion of Pinal County as “nonattainment” for PM 10. This will require the County to prepare a SIP. The county will be required to develop a plan with more stringent enforceable actions, including additional control measures on contributing sources. Recommended Boundary area <http://www.azdeq.gov/enviro/air/plan/download/032910b.jpg>

Future Air Quality Issues facing Arizona

- ✓ *Revisions to the Ozone Standard – **this could impact thirteen of Arizona’s fifteen counties***
- ✓ *DOT/EPA proposed national emissions and fuel efficiency standards for heavy duty trucks (including pickup trucks)*
- ✓ *EPA Regulation of Greenhouse Gas Emissions in the Clean Air Act*
- ✓ *Regional Haze SIP within 5 years*
- ✓ *General Permits for Mobile Asphalt Plants & Crushing and Screening Operations*

AZAGC Message:

- **Encourage the EPA to address and revise their Exceptional Events Rule for determining exceptional events.**
- **Oppose additional measures and fees to construction. Since 2005 construction has lowered its emissions by 65% and now has over an 89% compliance record.**
- **ADEQ should withdraw and revise the MAG 5%plan submitted in 2006. This will allow the MAG region time to amend the TIP to include additional projects should the region lapse into a “conformity freeze”.**
- **Support and Encourage Use of Inspections by allowing “Right to Cure” for minor violations**
- **Ensure Air Quality Controls Do Not Impede Infrastructure Construction.**
- **Oppose the Development of More Stringent NAAQS that Exclude Cost Considerations.**
- **Work with Pinal County to develop plans that achieve compliance in the region.**
- **Oppose Green House Gas Emissions in the Clean Air Act.**
- **Encourage the use of CMAQ funds in Arizona for retrofit of non-road diesel equipment used to construct projects funded by the highway bill.**
- **Work with the environmental officials and industry stakeholders to establish state-wide programs that encourage and financially assist voluntary diesel-engine retrofits and member initiated diesel emission reduction projects.**