



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

AUG 24 2010

OFFICE OF THE
REGIONAL ADMINISTRATOR

Benjamin Grumbles, Director
Arizona Department of Environmental Quality
1110 W. Washington Street
Phoenix, AZ 85007

Dear Mr. Grumbles:

Thank you for your most recent communications regarding exceptional events dated June 30th, July 2nd, and August 2nd, and your August 2nd comments on the schedule in the proposed consent decree in Bahr v. Jackson, No. CV 09-2511-PHX-MHM (D. Ariz.). Regarding the consent decree, EPA and the Department of Justice will review all comments and make a decision based on what is in the public's best interest.

Based upon the proposed consent decree schedule, we will be proposing action on the Phoenix 5% PM-10 Plan on September 3rd. As you know, the Plan relies on the exclusion of exceedances that we have determined do not meet the requirements of our Exceptional Events Rule to support the attainment demonstration. Therefore, we will be addressing the exclusion of these exceedances again in that action. We will respond to any comments we receive during the public comment period on this aspect of our proposed action on the 5% Plan when we take final action.

We appreciate all the hard work that your staff has been devoting to these issues.

Sincerely,

A handwritten signature in black ink, appearing to read "Jared Blumenfeld".

Jared Blumenfeld
Regional Administrator

cc: Dennis Smith, MAG
Joy Rich, Maricopa County