

EPA Disapproval of 5% Plan for PM-10

August, 2010

In the News

EPA warns county: No excuses on air quality

by **Shaun McKinnon** - May. 26, 2010 12:00 AM

The Arizona Republic

Arizona cannot blame dust storms for high pollution readings at a south Phoenix air-quality monitor, federal regulators said Tuesday, a decision that exposes Maricopa County to costly federal sanctions.

Quick History

- A 5% Plan was required by Clean Air Act for Serious nonattainment areas that do not meet the PM-10 standard by the attainment date.
- Five Percent Plan was due one year later.
- Plan shows PM-10 emission reductions of 5% per year until the standard is attained in 2010 Commitments included 53 new measures
- 5% emission reductions in 2008, 2009 and 2010 3 years of clean data needed at all monitors.
- Original modeling demonstrates attainment in 2010

Exceptional Events

- Compliance Based on Monitors
- Only 3 Exceedences Allowable for 3 Years.
- In 2008, there were 4 Exceedences at W. 43rd.
- Can be Flagged as Exceptional Events
- ADEQ Submits to EPA based Established Criteria





May 25, 2010

- EPA does NOT agree with the ADEQ's Documentation for Exceptional Events at West 43rd Avenue Monitor (EPA Response Doc.)
(SB 1193 & RC Response)
- EPA Region IX Administrator Acknowledged that the EPA Exceptional Events Rule is Flawed.
- EPA Intends to Disapprove the MAG 2007 Five Percent Plan for PM-10
- Timing of Disapproval Action is Unknown

Consequences of Plan Disapproval

- **Conformity Freeze** – 30 to 90 days after final disapproval in Federal Register
 - Only projects in 1st four years of the conforming TIP and Regional Transportation Plan (RTP) can proceed.
- **No New TIPs, RTPs or Projects** until a new Five Percent Plan is submitted that fulfills the Clean Air Act requirements

Consequences of Plan Disapproval

Clean Air Act Sanctions will be imposed if the problem is not corrected within 18 months:

- Tighter controls on major industries (2:1 offsets)

24 months from disapproval action:

- Loss of federal highway funds -\$1.7B
- Federal implementation plan imposed
- Major projects in \$7.3B Draft TIP could not proceed

What will have to be done?

- New emissions inventory needed
- Add more measures to reduce emissions by 5% per year until in attainment
- Will need to revise modeling in the Plan
- Will need 3 years of clean data at all PM-10 monitors to show attainment

Next Steps for State



- Complete Data Collection @ W. 43rd
- Address Plan issues as quickly as possible and prevent future violations at the monitors
- Obtain a conformity finding
- Assistance from Governor and Delegation
- Explore possible legal challenge – Who?

