

Janet Napolitano
Governor

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

1110 West Washington Street • Phoenix, Arizona 85007
(602) 771-2300 • www.azdeq.gov



Stephen A. Owens
Director

June 20, 2007

Re: Implementation of Executive Order 2007-03, signed January 8, 2007, Regarding
Leafblowers and Gas Powered Equipment

To All Agency Directors:

As you know, Governor Napolitano issued Executive Order 2007-03 January 8, 2007 instructing State agencies to undertake several measures to reduce air pollution. Among these directives is a ban on leaf blowers and gasoline-powered landscape maintenance equipment on State property in Maricopa, Pima and Pinal Counties by June 30, 2007. The primary purpose for the ban is to combat particulate and ozone pollution in these counties. For example, in 2005 there were 20 exceedances of the federal health standard for particulate pollution in the Phoenix metropolitan area and 23 exceedances in 2006. Likewise, the federal eight-hour ozone standard was exceeded on 13 days in 2005 in the Phoenix metropolitan area and on 11 days in 2006.

The purpose of this letter is to help each agency comply with the ban and to collect information that will enable ADEQ to demonstrate statewide compliance with this provision of the Executive Order. A copy of the Executive Order is attached for your reference (Attachment 1). Also attached are the specific requirements associated with the ban on leaf blowers and gasoline-powered landscape maintenance equipment on State property in Maricopa, Pima and Pinal Counties (Attachment 2). This information is also available on the ADEQ Web site at www.azdeq.gov/environ/air/prevent/download/landscapes.pdf.

These guidelines apply, effective immediately, to all State procurement of landscaping services and landscaping equipment in Maricopa, Pinal, and Pima Counties.

The exceptions to these requirements are as follows:

- 1) For emergency maintenance
- 2) When an Agency demonstrates that manual, electric, or propane equipment is not available for the desired purpose
- 3) When an Agency is in a private sector lease and the State does not lease the entire facility

Please list the existing landscape equipment affected by this order and identify the type and planned or actual purchase date of proposed or already-acquired replacement equipment. Please return the completed list to ADEQ by July 6, 2007 by email to Moring.Daniel@azdeq.gov. To assist compliance with these guidelines, the attached table can be used to track an agency's completed and scheduled replacement of older polluting equipment (Attachment 3). The table includes optional columns that may be helpful for an agency's internal project management.

Northern Regional Office
1801 W. Route 66 • Suite 117 • Flagstaff, AZ 86001
(928) 779-0313

Southern Regional Office
400 West Congress Street • Suite 433 • Tucson, AZ 85701
(520) 628-6733

Additionally, State Contract Number SCC070014-A1, Landscape, Turf and Athletic Lawn and Garden Equipment, Utility Vehicles, and Utility Trailers is available to assist your agency in the purchase of equipment to meet the outlined standards. The contract information is available on the SPIRIT system at www.spirit.az.gov. Attached for your reference is a description of the equipment categories on the contract and the contractors awarded per category (Attachment 4). This represents a partial list of equipment that satisfies the Executive Order and includes equipment permitted for State use outside of Maricopa, Pinal, and Pima Counties. If you need further assistance in identifying equipment that meets these standards, please contact Dan Moring with ADEQ at (602) 771-4211.

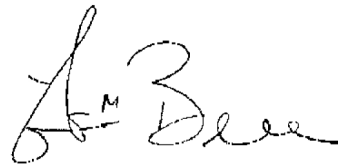
Please also remember that the Executive Order requirements must be incorporated when initiating or renewing a lease for an entire facility in Maricopa, Pinal and Pima Counties. The State may not compel a mid-term change in an existing lease and is not requiring approved equipment where the State does not lease the entire facility. In these cases, we ask that the agency contact their lessor to inquire whether they would be willing to adopt the State's requirements.

Thank you in advance for your timely response, and I look forward to working with you on this important issue.

Sincerely,



Lori Faeth, Policy Advisor
Office of the Governor



William Bell, Director
ADOA



Steve Owens, Director
ADEQ

Attachments:

1. Executive Order 2007-03, Improving Air Quality,
2. ADEQ Requirements for Sections 4 and 5
3. Sample Equipment Plan to Reduce Emissions of Pollutants
4. Contract Information (Equipment and Vendor Lists)

Executive Order 2007-03
Improving Air Quality

WHEREAS, between November 1, 2005, and March 31, 2006, the Arizona Department of Environmental Quality (ADEQ) issued twenty-five High Pollution Advisories for particulate matter, significantly more than in previous years; and

WHEREAS, ADEQ already has issued seven High Pollution Advisories for particulate matter since November 1, 2006; and

WHEREAS, Arizona remains in a condition of prolonged drought such that particulate matter is more easily generated and transported and accumulates in greater concentrations in the air; and

WHEREAS, particulate matter pollution is generated by construction, sand and gravel mining operations, landscaping and grounds maintenance activities, on- and off- road motor vehicle operation, vacant lots, unpaved shoulders, unpaved alleyways, unpaved roads, agriculture and other activities that create dust; and

WHEREAS, a portion of Maricopa County has not yet attained the federal National Ambient Air Quality Standard for particulate matter despite the December 31, 2006, deadline to do so; and

WHEREAS, Arizona will be required to submit a State Implementation Plan to the United States Environmental Protection Agency (EPA) by December 31, 2007 to achieve particulate matter emission reductions of at least 5% annually until the federal National Ambient Air Quality Standard is met; and

WHEREAS, a portion of Maricopa County and Apache Junction in Pinal County has not yet attained the federal National Ambient Air Quality Standard for eight-hour ozone; and

WHEREAS, Arizona is required to meet the eight-hour ozone standard by June 15, 2009; and

WHEREAS, Arizona must submit a State Implementation Plan to EPA by June 15, 2007, demonstrating how the eight-hour ozone standard will be met by the June 15, 2009, deadline; and

WHEREAS, attainment of the eight-hour ozone standard hinges on air quality in the three-year period 2006 through 2008; and

WHEREAS, the eight-hour ozone standard was exceeded on thirteen days between April 1, 2005 and September 30, 2005, and on eleven days between April 1, 2006 and September 30, 2006 in the non-attainment area; and

WHEREAS, ozone pollution is caused predominantly by emissions from motor vehicles, but is also contributed to by emissions from gasoline-powered equipment (including landscaping and off-road equipment) and emissions from gasoline storage and dispensing equipment; and

WHEREAS, while Pima County is in attainment for the federal National Ambient Air Quality Standards for particulate matter and ozone, Pima County has experienced increased levels of those pollutants; and

WHEREAS, Maricopa County, Pima County and Pinal County are experiencing significant growth that threatens to further impair air quality; and

WHEREAS, the Maricopa County area is one of only two areas in the United States required to reduce its particulate matter (PM₁₀) emissions by 5% every year until the federal PM₁₀ standard is achieved; and

WHEREAS, elevated levels of particulate matter and ozone air pollution can cause respiratory problems and other adverse health effects for people, especially children, seniors and other sensitive populations;

NOW, THEREFORE, I, Janet Napolitano, by virtue of the powers vested in me as Governor by the Arizona Constitution and the laws of the State, do hereby order as follows:

1. By March 31, 2007, ADEQ shall develop an Air Quality Improvement Action Plan with recommendations to the Governor for strategies to reduce particulate matter and ozone pollution in Arizona and to meet the federal National Ambient Air Quality Standards for particulate matter and ozone.
2. In compliance with requirements to be developed by ADEQ, any State agency, board or commission that proposes to carry out or approve a future State-funded project relating to transportation in Maricopa County, Pima County or Pinal County that is anticipated to have a significant impact on ozone pollution shall prepare an Air Quality Impact Report containing at a minimum the information specified in A.R.S. §§ 49-453(A)(1-7) and subject to the exceptions outlined in A.R.S. §§ 49-453(C) & (D). The report shall be filed with the Director of ADEQ for ADEQ's review and approval at least 180 days before the agency, board or commission makes a final decision on the transportation project.
3. Any State agency, board or commission that proposes to carry out or approve a future State-funded project relating to transportation in Maricopa County, Pima County, or Pinal County that is anticipated to have a significant impact on particulate matter pollution shall, in compliance with requirements to be developed by ADEQ, go beyond statutory requirements to prepare an Air Quality Impact Report containing at a minimum the information specified in A.R.S. §§ 49-453(A)(1-7) and subject to the exceptions outlined in A.R.S. §§ 49-453(C) & (D). The report shall be filed with the Director of ADEQ for ADEQ's review and approval at least 180 days before the agency, board or commission makes a final decision on the transportation project.
4. In compliance with requirements to be developed by ADEQ in consultation with the Arizona Department of Administration (ADOA), all State agencies shall cease the use of leaf blowers, gasoline-powered lawn mowers and other pollution-

causing landscape maintenance equipment on State property and at State facilities in Maricopa County, Pima County and Pinal County by June 30, 2007.

5. In compliance with requirements to be developed by ADEQ in consultation with ADOA, all State agencies shall hereafter purchase and use only low-emission gas cans and shall over time replace all gas cans currently in use by State agencies that are not low-emission cans.
6. In compliance with requirements to be developed by ADEQ in consultation with the Arizona State Land Department and ADOA, and to the extent permitted by law, any State contract for the sale or lease of any State land, State property or State facility, building, structure or installation in Maricopa County, Pima County and Pinal County shall require the buyer, lessee or tenant to mitigate emissions of particulate matter or ozone-causing pollutants from any indirect source of air pollutants to be constructed or operated thereon.
7. In compliance with requirements to be developed by ADEQ in consultation with ADOA, any State agency that constructs, contracts for the construction of, or provides funding for the construction of, any facility, building, structure or installation in Maricopa County, Pima County or Pinal County that is an indirect source of particulate matter or ozone-causing pollutants shall mitigate emissions of those pollutants and/or require that such emissions be mitigated.
8. In consultation with ADEQ, ADOT further shall require that each jurisdiction that receives funds from ADOT for road construction, expansion, modification or repairs within Maricopa County shall certify annually to ADOT that, during the preceding twelve-month period, the jurisdiction has met its commitments under the existing State Implementation Plan to use PM₁₀ efficient vacuum street sweepers at least weekly, to pave roads, alleys and shoulders (including quantifying the paving) and to install curbing.
9. In compliance with requirements to be developed by ADEQ, any State agency that engages in construction or renovation activities on State property or at a State facility, building, structure or installation in Maricopa County, Pima County and Pinal County shall suppress, and require its contractor(s) to suppress, emissions of dust from such construction or renovation activities.
10. As directed in Executive Order 2006-13, in consultation with ADEQ and to the maximum extent allowed by federal law, ADOT shall develop and implement a pilot program to allow designated hybrid motor vehicles to drive in high-occupancy vehicle lanes on roadways, consistent with the provisions of A.R.S. §§ 28-737 and 28-2416.
11. In compliance with requirements to be developed by ADEQ in consultation with ADOA, any State agency that contracts for the use of on-road or off-road heavy duty diesel equipment in Maricopa County, Pima County and Pinal County shall, subject to relevant state law and where practicable, construct its Requests for Proposals in a manner that gives incentives to bidders that use: equipment retrofitted with diesel retrofit kits; newer clean

diesel technologies and fuels; or “green diesel,” biodiesel fuel, or other fuels that are cleaner than petroleum diesel.

12. All Trip Reduction materials distributed to State employees shall include public education materials about particulate matter and ozone pollution and shall encourage employees to take steps to reduce emissions of these pollutants.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

J. R. ...
GOVERNOR

DONE at the Capitol in Phoenix on this 8th day of January in the Year Two Thousand and Seven and of the Independence of the United States of America the Two Hundred and Thirty-First.

ATTEST:

Janice K. Sewell
SECRETARY OF STATE