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EPA Proposes to Approve Maricopa County's 5 Percent Plan

PHOENIX (Jan. 15, 2014) -- The U.S. Environmental Protection Agency (EPA) today proposed to approve the air quality plan that has resulted in Maricopa County achieving compliance with the health based standards for dust, or PM10.

This plan, also known as the PM10 Five Percent Plan because of its reliance upon dust emissions reductions of at least five percent each year between 2007 and 2013, was prepared jointly by Maricopa Association of Governments (MAG), Arizona Department of Environmental Quality (ADEQ), Maricopa County Air Quality Department (MCAQD) and numerous stakeholders. The plan was submitted to EPA on May 25, 2012 and includes many of the most stringent dust control measures in the country.

“We are very pleased that the Environmental Protection Agency is proposing to approve our Five Percent Plan, and that it agreed that Maricopa County achieved the health based standard for dust,” said Mesa Mayor Scott Smith, who is the chairman of the Maricopa Association of Governments. “It is the culmination of years of hard work and collaboration by many stakeholders. The collective efforts have resulted in dramatic improvements in the concentration of dust in the Valley, improving the quality of life for all of the county’s residents.”

Critical to the approval of the Five Percent Plan was EPA’s concurrence with 17 technical demonstrations that additional dust controls in Maricopa County would not prevent regional dust storms that frequently occur during the monsoon season and are caused by natural sources. These Exceptional Event demonstrations were the first to be approved under EPA’s recently revised policy. Based on these concurrences, EPA has excluded dust storms from consideration under the Clean Air Act and has proposed a finding that Maricopa County attained the federal standard by the required deadline of Dec. 31, 2012.

“Exceptional Event demonstrations are about ensuring that areas like Maricopa County are not held hostage by requirements of the Clean Air Act for air pollution that is natural or beyond any reasonable control,” ADEQ Director Henry Darwin said. “Maricopa County has many of the strongest dust controls in the nation, and further regulation within the County will not prevent dust from high winds.”

Maricopa County had failed to meet the federal standards for dust since the Clean Air Act was amended in 1970.

The first Five Percent Plan for PM10 was submitted to EPA as required on December 31, 2007. On September 9, 2010, EPA published a notice of proposed partial approval and disapproval of the plan in the Federal Register.

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On January 25, 2011, ADEQ voluntarily withdrew the first Five Percent Plan for PM10 to address the approvability issues and include updated information. Although the plan was withdrawn from EPA review, the measures continued to be implemented to reduce PM10.

Along with the measures in the plan, ADEQ, MCAQD and MAG have taken additional actions to reduce concentrations of dust and the threat that dust has to public health by:

- Implementing a dust risk forecast that reduces or eliminates emissions of dust before and during high wind or stagnation events;
- Improving the inventory of dust emissions to more accurately describe the current economy;
- Improving partnerships with industries subject to dust control requirements and providing technical assistance and training manuals to promote compliance with dust control laws;
- Increasing outreach and education efforts with government partners on their role to prevent dust problems;
- Implementing an award-winning “Rapid Response” program to provide early notification about poor air quality conditions and asking dust generators to further reduce emissions; and
- Improving public access to forecasts and the ability to file complaints through the county's CleanAirMakeMore.com smart phone application and web site.

Collectively, the Five Percent Plan for PM10 now includes more than 53 control measures from the state, Maricopa County, and local governments.

“Today’s announcement is 43 years in the making,” Maricopa County Air Quality Department Director Bill Wiley said. “It’s been exceptionally difficult, but through our partnerships, the dedication to compliance and increased awareness, we have successfully reduced our dust problem and improved our air quality.”

“But the journey is not over. In truth, it continues,” ADEQ Air Quality Director Eric Massey said. “Upon final approval, we will need to submit plans demonstrating that maintaining these efforts will keep us in compliance for the next 20 years.”

The proposal will be sent to the Federal Register for publication as a proposed rule, providing EPA’s analysis of the plan and announcing a 30-day public comment period. EPA will make its final decision on the plan after reviewing public comments.