



STATE OF ARIZONA  
OFFICE OF THE GOVERNOR

DOUGLAS A. DUCEY  
GOVERNOR

EXECUTIVE OFFICE

June 22, 2016

Ms. Alexis Strauss, Acting Regional Administrator  
U.S. Environmental Protection Agency, Region IX  
Mail Code ORA-1  
75 Hawthorne Street  
San Francisco, CA 94105

Re: Certification of Maricopa Association of Governments and Pima Association of Governments as Lead Planning Organizations under Clean Air Act § 174(a) and A.R.S. § 49-406(A)

Dear Ms. Strauss:

The purpose of this letter is to update the certification of the lead planning organizations for the Phoenix and Tucson nonattainment and maintenance areas and to designate the lead planning organization for recently designated PM<sub>10</sub> and PM<sub>2.5</sub> nonattainment areas in Pinal County under section 174(a) of the Clean Air Act (CAA), 42 U.S.C. § 7504(a), and section 49-406 of the Arizona Revised Statutes (A.R.S.).

### Designations

- The Maricopa Association of Governments (MAG) is recertified as the lead planning organization for the following nonattainment and maintenance areas:
  - the Phoenix maintenance area for the 1-hour ozone national ambient air quality standard (NAAQS),
  - the Phoenix maintenance area for the 1997 8-hour ozone NAAQS,
  - the Phoenix nonattainment area for the 2008 8-hour ozone NAAQS,
  - the Phoenix nonattainment planning area for the PM<sub>10</sub> NAAQS, and
  - the Phoenix maintenance area for the carbon monoxide NAAQS.
- MAG is certified as the lead planning organization for the West Central Pinal nonattainment area for the 2006 24-hour PM<sub>2.5</sub> NAAQS and the West Pinal nonattainment area for the PM<sub>10</sub> NAAQS. MAG will develop future air quality plans for these areas in cooperation with the Sun Corridor Metropolitan Planning Organization (SCMPO). As explained in greater detail below, MAG and PAG each have transportation planning responsibility for a portion of this nonattainment area.

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- To the extent permissible under section 174(a), MAG is certified as the lead planning organization for the Phoenix nonattainment area for the 2015 8-hour ozone NAAQS when it is designated.
- The Pima Association of Governments (PAG) is recertified as the lead planning organization for the Tucson carbon monoxide limited maintenance area.

## Background

Congress first adopted section 174 in the 1977 Clean Air Act Amendments.<sup>1</sup> Section 174(a) required Governors to designate “an organization of elected officials of local governments in the affected area or a State agency” to prepare SIPs for carbon monoxide and ozone nonattainment areas.<sup>2</sup>

On February 7, 1978, Governor Bolin of Arizona sent the EPA Administrator a letter (Attachment A) designating MAG “as the lead planning organization for Maricopa County (Phoenix) Arizona” and PAG “as the lead planning organization for Pima County (Tucson) Arizona for the purpose of determining which elements of a revised Air Quality Implementation Plan will be planned, implemented and enforced by the State and local governments in Arizona” under section 174(a).

In the 1990 Clean Air Act Amendments, Congress amended section 174(a) to provide that:

The implementation plan required by this part shall be prepared by an organization certified by the State, in consultation with elected officials of local governments and in accordance with the determination under the second sentence of this subsection. Such organization shall include elected officials of local governments in the affected area, and representatives of the State air quality planning agency, the State transportation planning agency, the metropolitan planning organization designated to conduct the continuing, cooperative and comprehensive transportation planning process for the area under section 134 of title 23, the organization responsible for the air quality maintenance planning process under regulations implementing this chapter, and any other organization with responsibilities for developing, submitting, or implementing the plan required by this part. *Such organization may be one that carried out these functions before November 15, 1990.*<sup>3</sup>

As amended, section 174(a) applies to PM<sub>10</sub>, as well as ozone and carbon monoxide, nonattainment and maintenance areas.

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<sup>1</sup> Pub. L. No. 95-95, § 129(b), 91 Stat. 685, 748-749 (1977).

<sup>2</sup> At the time, the indicator for ozone pollution was “photochemical oxidants.”

<sup>3</sup> Pub. L. No. 101-549, title I, § 102(d), 104 Stat. 2399, 2417 (1990) (codified at 42 U.S.C. § 7504(a)) (emphasis added).

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In 1992, the Arizona Legislature enacted A.R.S. § 49-406 to implement the amended planning requirements of section 174(a). Section 49-406(A) requires the Governor to certify the MPO, where one exists, for “any ozone, carbon monoxide or particulate nonattainment or maintenance area,” as the “agency responsible for the development of a nonattainment or maintenance area plan for that area.” Section 49-406(B) requires certification of the Arizona Department of Environmental Quality (ADEQ) as the responsible agency for areas without an MPO.

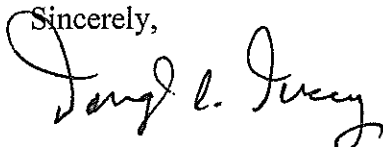
MAG is the MPO for the Phoenix ozone and PM<sub>10</sub> nonattainment areas, the Phoenix carbon monoxide and ozone maintenance areas, and for portions of the West Pinal PM<sub>10</sub> and West Central Pinal PM<sub>2.5</sub> nonattainment areas. PAG is the MPO for the Tucson carbon monoxide limited maintenance area. Both MAG and PAG include the representatives of state, regional and local governments required by section 174(a) in their governing councils or air quality planning committees. In addition, MAG and PAG, as noted above, “carried out these functions before November 15, 1990” for the Phoenix and Tucson nonattainment and maintenance areas. Thus they qualify for certification under section 174(a).

On May 6, 2013, Governor Brewer sent a letter (Attachment B) to the Federal Highway Administration (FHWA) designating SCMPO as the metropolitan planning organization (MPO) under 23 U.S.C. § 134 for the urbanized area of Pinal County that includes Casa Grande, Coolidge and Eloy. On May 9, 2013, Governor Brewer sent the FHWA notification (Attachment C) that MAG’s metropolitan planning area boundaries had been expanded to add portions of Pinal County, including the Town of Florence, the City of Maricopa, and the Pinal County portion of the Gila River Indian Community.

Together, MAG and SCMPO cover the West Pinal PM<sub>10</sub> and West Central Pinal PM<sub>2.5</sub> nonattainment areas in their entirety with respect to transportation planning. MAG and SCMPO have agreed that MAG will serve as the lead air quality planning organization for the West Central Pinal nonattainment area for the 2006 24-hour PM<sub>2.5</sub> NAAQS and the West Pinal nonattainment area for the PM<sub>10</sub> NAAQS and will work in cooperation with SCMPO on the preparation of plans for those areas.

MAG, PAG and SCMPO are also working with ADEQ, the Arizona Department of Transportation and local governments to adopt new, or update existing, memoranda of agreement to address the division of planning responsibilities, as required by section 174(a) and A.R.S. § 49-406.

Sincerely,



Douglas A. Ducey  
Governor  
State of Arizona