



City of Phoenix

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| ADMINISTRATIVE REGULATION | A.R. NUMBER 1.54 |
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| SUBJECT OFFICE OF ENVIRONMENTAL PROGRAMS | EFFECTIVE DATE November 1, 2017 |

I. Introduction

The City of Phoenix (City) is committed to environmental excellence. We take effective, continuous action to meet and exceed environmental standards and remain a leader in environmental protection and sustainability. For that reason, the City created the Office of Environmental Programs (OEP), which resides in and is a function of the City Manager's Office.

OEP's mission is to advance environmental protection, regulatory compliance, and sustainability by promoting sound environmental policies and practices through leadership, training, and education. OEP is responsible for coordinating environmental programs and issues, developing City environmental policies and regulations, and providing technical and regulatory assistance to all City departments, offices, and functions. OEP provides independent technical expertise and leads in the creation and implementation of City-wide environmental policies and programs to reduce environmental risk and liability.

This Administrative Regulation (A.R.) outlines general activities conducted by OEP and program specific activities and areas of assistance that are required by law, regulations, City code, resolutions, and policy. This A.R. identifies the many program areas for which OEP is responsible and sets forth the scope of assistance that OEP provides City-wide. OEP is also the City's primary point of contact with agencies and regulatory bodies with jurisdiction of environmental and public health issues.

II. Purpose

Because of the unique and specialized expertise OEP possesses, all departments, offices, and functions of the City are required to communicate and collaborate as necessary with OEP to effect the City's commitment to and tradition of environmental excellence. This A.R. applies to all City departments, functions, and offices that play any role in ensuring the City's commitment to environmental excellence and compliance with environmental laws and regulations.

III. OEP Areas of General Activity and Assistance

A. Environmental Facility Assessment (EFA)

An industry best practice for effective environmental management systems is to have an organization-wide audit capacity to ensure operational units are meeting regulatory compliance requirements. OEP performs approximately 100 assessments each year, evaluating various facility operations. These EFA activities provide a measure of protection to ensure the City's operating units maintain a culture focused on regulatory compliance.

B. Legislative and Policy Analysis

OEP monitors federal, state, and local laws and rules in coordination with technical experts in departments to advise City management concerning issues that impact City interests and operations, and helps devise strategic responses. This is a primary function of OEP as it positions the City to remain in regulatory compliance, negotiate, or initiate legal challenges to ensure that it is not adversely impacted and can carry out essential City operations.

C. Technical and Regulatory Assistance

OEP provides consulting support to departments to ensure regulatory compliance. This support can be technical, or facilitative. Areas which require legal advice are referred to the Law Department, while areas requiring external expertise will be handled through professional services.

D. Redevelopment/Revitalization Activities and Special Projects

OEP plays a critical role in redevelopment activities because of associated environmental liability and concerns. Major projects requiring OEP's participation include: downtown redevelopment, Rio Salado, Tres Rios, Light Rail, and West Phoenix Revitalization, among others. This includes a role with ensuring environmental liability protection for property acquisitions and economic development activities and providing information and understanding about future compliance requirements and obligations that may apply based on the final project result.

E. Environmental Policy Analysis and Implementation

OEP supports departments and City Council in performing analysis and implementation of environmental sustainability initiatives and strategies. The most recent target is the 2050 Environmental Sustainability Goals.

F. Environmental Quality and Sustainability Commission

OEP coordinates with the Office of Sustainability to support the Environmental Quality and Sustainability Commission.

G. Environmental Threats

OEP is involved in addressing significant environmental threats including groundwater contamination, particulate air pollution, and privately-owned high risk facilities. OEP has extensive staff involvement in state sponsored advisory groups including regional air quality and the Arizona's Water Quality Assurance Revolving Fund (WQARF). OEP manages an emergency response program to support safe and protective clean-up of chemical spills on City property.

H. Grant Programs

OEP is actively engaged in researching, preparing applications, and managing government and private foundation grants that assist the City in meeting 2050 environmental sustainability initiatives or improving environmental protection.

IV. OEP Areas of Specific Activity and Assistance

OEP has focused areas of expertise to complement the expertise existing within individual City departments, offices, and functions. OEP functions consist of Phoenix's Pollution Prevention, Air Quality, Section 404, Remedial Projects, and Brownfields Programs. OEP consults with and advises all City departments, functions,

and offices on a wide range of environmental issues under the umbrella of these programs and is the primary contact for the City with the U.S. Environmental Protection Agency (EPA), U.S. Army Corps of Engineers (Corps), U.S. Fish and Wildlife Service (USFWS), Arizona Department of Environmental Quality (ADEQ), Arizona Game and Fish Department (AGFD), and Maricopa County. Departments that perform operations that are subject to significant environmental health and safety regulations also maintain independent working relationships with some regulatory agencies and have staff expertise in their field.

The following program areas are directly managed by OEP, or are managed in coordination with one or more other departments.

A. Phoenix Section 404 Program

1. Clean Water Act Section 404

Federal law prohibits the “discharge of dredge or fill material” into a water of the U.S. (i.e. activities in washes, rivers, drainage ways, etc.) without a Section 404 permit. The City uses hundreds of 404 permits annually for construction and maintenance activities. Every 404 permit also requires a Section 401 water quality certification from ADEQ.

OEP provides the following:

- Provides sole City interface with the Corps Regulatory Branch (required by settlement of a previous Notice of Violation)
- Determines the best 404 permitting options for City projects and works with departments to achieve compliance with Section 404
- Reviews all submittals for 404 permits and associated documentation and Section 401 certifications and approves submittal to the regulating agency
- Provides training to departments on Sections 401/404 and associated regulations
- Serves as a City resource for the Arizona State Land Department’s Desert Ridge, Paradise Ridge, and Azara 404 permits

2. National Environmental Policy Act (NEPA)

NEPA is the overarching federal environmental disclosure and analysis law. Every federal action requires NEPA compliance so that the federal agency understands the environmental impacts of its actions. Each federal agency has its own set of NEPA guidelines. All City projects with a federal nexus (i.e., funding, permit, easement, etc.) require NEPA compliance.

OEP provides the following:

- Serves as a resource for NEPA compliance
- Upon request, reviews and provides input on NEPA documents including Environmental Impact Statements (EISs), Environmental Assessments (EAs), and Categorical Exclusions

3. Endangered Species Act (ESA)

Federal law prohibits “take” of threatened or endangered species without a permit. “Take” has a broad definition under the ESA and can include activities that impair species behavior including modification of habitat. For example, trimming a tree with a nesting endangered bird could qualify as “take”. The ESA is enforced by the USFWS. City projects that potentially impact endangered species may need to undergo consultation with the USFWS.

OEP provides the following:

- Key City resource on Rio Salado and Tres Rios Safe Harbor Agreements
- Point of contact for the City with the USFWS
- Reviews projects for potential impacts to species protected under ESA and provides recommendations for compliance

4. Migratory Bird Treaty Act (MBTA)

Federal law protects many birds in the Phoenix area. The MBTA is administered by the USFWS and the AGFD. Common protected species that could be impacted by City projects include the western burrowing owl and cliff swallow. The active nests of protected species are also protected. With the breeding season generally from February 1 through August 31, this law can be particularly challenging on City projects.

OEP provides the following:

- Interfaces with USFWS and AGFD to assist City compliance
- Facilitates obtaining permits from USFWS, as appropriate
- Reviews projects for potential impacts to species protected under MBTA and provides recommendations for compliance

5. Arizona State Species of Concern

State law protects sensitive species with the goal of preventing a future need for federal ESA protection. It is administered by the AGFD. The most frequently encountered state species of concern on Phoenix projects are the Sonoran Desert Tortoise, western burrowing owl and various species of bats.

OEP provides the following:

- Interfaces with AGFD to assist City compliance
- Reviews projects for potential impacts to species of concern and provides recommendations for compliance

6. Arizona Native Plant Law

State law protects sensitive native plants. Protected plants cannot be removed from any lands without a permit from the Arizona Department of Agriculture, who administers the program. The protected native plant list includes different levels of designation including Highly Safeguarded, Salvage-Restricted, Salvage-Assessed, and Harvest-Restricted. The list includes many cactus, agave, and yucca species, and others.

OEP provides the following:

- Upon request, advises on potential project requirements for compliance with this state law

B. Remedial Projects and Brownfields Redevelopment Programs

The remedial project program is primarily concerned with solid waste and environmental contaminants in soil and groundwater that are regulated under state and federal laws and regulations, and which are also addressed by City policy and precedent. OEP maintains a strong background in technical and regulatory review related to the assessment and remediation of such wastes and contaminants, and works closely with

ADEQ and EPA to identify new and existing regulations that apply to City properties, operations, and interests. OEP serves as the City's Remedial Action Coordinator as required by state law.

1. Property Acquisition Due Diligence

Ownership of or operations upon contaminated real estate can expose the City to liability for remediation, worker health and safety violations, tort claims, and Occupational Safety and Health Administration (OSHA) violations, even where the City has not directly participated in activities resulting in the contamination. Examples of sites where past City expenditures due to liability acquired through property acquisition alone have resulted in expenditures exceeding millions of dollars include Estes Landfill, the Rio Salado project landfills, Phoenix Goodyear Airport, the West Sky Harbor fuel release (acquisition of fueling operations), and others as well as many other properties with lesser liability-driven costs. Federal Superfund law (the Comprehensive Environmental Response Compensation and Liability Act or "CERCLA") now provides an effective defense against such liability so long as certain procedures are followed.

OEP is responsible for advising the Finance Department's Real Estate Division and other departments on the implementation of such procedures and for providing oversight or direct project management of environmental assessments including actual contaminant site characterization and assessment of risk (Phase II) and remediation (Phase III). These procedures are required by A.R. 3.95 to ensure that the City meets the due diligence requirements of CERCLA.

2. Soil and Groundwater Contaminant Sites

OEP assists departments responsible for soil and groundwater investigations and cleanup through technical expertise and oversight, regulatory assistance, consultant management, and direct project management for certain projects. These activities occur where the City is performing cleanup either due to federal or state regulations or by contract, such as a purchase agreement or redevelopment project and OEP is responsible for remedial action decisions. OEP also provides technical expertise and oversight where the City is actively monitoring the progress of third-party remediation of contamination that impacts City property or interests, including the City's groundwater resources. Examples include large projects such as state and federal superfund sites, fuel releases, etc. Applicable laws and regulations are diverse, administered by the EPA, ADEQ, and Arizona Department of Water Resources (ADWR), and include the Clean Water Act (CWA), Toxic Substances Control Act, Resource Conservation and Recovery Act (TSCA), CERCLA, and Arizona statutes relating to water quality management and remediation (Brownfields, Dry Wells, Remedial Actions, Pesticide Contamination, Aquifer Protection Permits, Solid Waste Management, Hazardous Waste Disposal, and Underground Storage Tank Regulations).

3. Brownfields Bond and Grant Funds

OEP is responsible for managing the Phoenix Brownfields Program. This program supports City economic development and business and employment retention efforts by encouraging redevelopment of contaminated properties (brownfields) through outreach and training, and provides direct financial and technical assistance to qualified City and private brownfields redevelopment. The program is supported by general funds, a substantial bond fund commitment, and includes administration of EPA brownfields grants to Phoenix.

The City is committed to brownfields redevelopment as evidenced by allocation of \$7.4 million from the 2001 and 2006 bond programs, which significantly expanded the scope of the Brownfields Program.

C. Pollution Prevention Programs

1. General Pollution Prevention Activities

To meet environmental requirements for these programs, OEP provides the following:

- Conducts EFAs for sites that have threshold amounts of hazardous materials
- Assists departments in correcting regulatory non-compliant situations
- Trains field staff and management regarding federal, state and local environmental requirements, through both catalog courses and on-site briefings
- Identifies potential hazardous materials liabilities through on-site observation and departmental input
- As necessary, develops City policy regarding management of hazardous materials to address these issues
- Works collaboratively with the Law Department, Human Resources Safety Section, and impacted departments to ensure all are aware of and included in the process
- Reviews proposed new requirements to provide and prepare formal comment as necessary
- Serves as environmental staff for departments that do not have a dedicated environmental professional

2. Federal Pollution Prevention (P2) Act

Federal law mandates that EPA develop and implement a strategy to promote source reduction of pollutants and establish a database that contains information on source reduction. Unlike other areas in which the requirements are concentrated within a program such as Air or Waste, Pollution Prevention is incorporated into many regulations, including the Clean Air Act (CAA), RCRA, EPCRA, CWA, the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), and NEPA. .

At the state level, ADEQ requires facilities that generate threshold amounts of hazardous waste or use threshold amounts of specific chemicals to prepare a P2 Plan that establishes measurable pollution prevention goals and requires training of impacted employees.

OEP provides the following:

- Educates field staff and management on applicable requirements, and the City's exemptions
- Works with the ADEQ P2 section to simplify and standardize the annual plan update
- Annually, works with Police Department to review the P2 plan statement and ensure that employees are trained pursuant to original P2 plan
- Submits annual P2 plan updates to ADEQ
- Evaluates products used, associated hazards and requirements, and necessary protective measures for employees who use these products
- Works with City staff to research and identify sustainable products
- Meets with vendors of sustainable products to determine potential uses within City operations
- Refers departmental staff that might need products to appropriate vendors

D. Clean Water Act (CWA) Section 402 - National Pollutant Discharge Elimination System (NPDES)

1. Arizona Pollutant Discharge Elimination System (AZPDES) Permits

Section 402 of the CWA requires a permit for the discharge of any pollutant, or combination of pollutants, into waters of the U.S. EPA has delegated administration of this section to ADEQ, which developed and implements the AZPDES permit program. There are multiple permits that can be obtained under this law, depending on the facility, operation, and discharge likely to occur. The City has a Municipal Separate Storm Sewer System (MS4) permit, Multi-Sector General Discharge (MSGP) permit, Pesticide General permit, and uses the DeMinimis General permit.

The MS4 and Pesticide General permits are discussed separately below, but for the MSGP and DeMinimis General permit, OEP provides the following:

- Assists departments in identifying necessary Section 402 permits and complying with the permit requirements
- Upon request, assists departments in coordination with ADEQ to resolve compliance or process questions/concerns

2. Municipal Separate Storm Sewer System (MS4) Discharge Permit

ADEQ provides and oversees the City's MS4 permit. The City is required to develop programs for public education and outreach, illicit discharge detection and elimination, and municipal, construction and commercial site's stormwater management. The permit also requires the City to train staff, implement a sampling program, and conduct program evaluations, reporting, and revisions. The City must develop and carry out a Stormwater Management Plan for sites throughout the Phoenix area, and enforce these requirements through the City code. OEP works closely with the Water Services Department (WSD) and other departments to assist with compliance activities under the City's MS4 permit.

OEP provides the following:

- Conducts EFAs at all City-owned sites that have hazardous materials in containers that are greater than 5 gallons and evaluates spill response preparedness
- Conducts training for those departments without their own stormwater training program
- With assistance from departments, compiles training data for all applicable departments to ensure MS4 permit compliance
- Establishes and maintains the City's Hazardous Materials Management Program (HMMP), which functions as the Stormwater Management Plan for City-owned facilities.
- Coordinates with proposing departments on the review, approval, funding and implementation of stormwater Capital Improvement Projects under the City's stormwater budget
- Coordinates the review of all HMMP policies every two (2) years, and introduces new policies as warranted by applicable requirements

3. AZPDES Pesticide General Permit(PGP)

ADEQ issues and oversees the PGP for the application of pesticides to, including over and near, waters of the U.S. City departments file an Area-wide or City-wide Notice of Intent (NOI) for the application of pesticides under the PGP. In addition to filing an NOI, certified pesticide applicators are required to: comply with effluent limitations for each pesticide use pattern, conduct visual monitoring, complete a spray log report for each application, prepare a Pesticide Discharge Management Plan (PDMP), report adverse incidents, conduct any corrective actions, maintain required purchasing and disposal records, and submit reporting documents to ADEQ. Operators required to submit an NOI must also submit a Notice of Termination (NOT) when all pesticide discharge activities are completed.

OEP provides the following:

- Assists departments in determining applicability of water bodies to be included in the NOI
- Assists with PGP documentation, including NOI review/update, NOT, and PDMP
- Reviews spray log reports for completeness and assists in annual report preparation and submittal

E. Subtitle C of Resource Conservation and Recovery Act (RCRA)

Federal law requires EPA to establish minimum standards for the identification, generation, storage, and disposal of hazardous wastes. It establishes a system for controlling hazardous waste from its point of generation to its final disposal. City facilities that generate hazardous materials must comply with specific requirements for:

- ✓ Container selection and management
- ✓ Training for employees
- ✓ Length of storage
- ✓ Labeling and shipping
- ✓ Records management
- ✓ Universal waste (hazardous waste managed with reduced requirements, such as mercury containing lamps and batteries)
- ✓ Used oil management

In Arizona, this law is enforced by ADEQ. The state has adopted the federal laws with few modifications.

OEP provides the following:

- Performs assessments annually, using a checklist that covers RCRA requirements and City standards
- Assists facilities in determining solutions to address compliance shortcomings
- Reviews on-site chemical inventory to identify products that upon disposal might be regulated as hazardous wastes
- Recommends sustainable products that might be suitable substitutes
- Conducts technical visits at sites to evaluate operations
- Conducts training
- Works with other departments to ensure that hazardous waste management standards are incorporated into the building phases of new construction and site upgrades

G. Arizona's Aquifer Protection Program (APP) and Drywell Program

Arizona law requires drywells be registered with ADEQ. Dry wells can only receive stormwater runoff or discharges that are exempted by law. The APP requirements apply to certain drywells that drain areas where hazardous substances are used, stored, loaded, or treated (Type 2.01 General APP permit), and drywells that drain areas at motor fuel dispensing facilities where motor fuels are used, stored or loaded (Type 2.04 General Permit). Operators of these drywells that require an APP must file a NOI. Operators of Type 2.01 General Permit drywells must also develop a Best Management Plan (BMP).

OEP provides the following:

- Assists with identifying unregistered drywells and assists departments through the registration process, as necessary
- For Type 2.01 dry wells, coordinates and assists departments with compliance and utilizing the BMP Training, visual inspection, and coordinates cleaning of type 2.01 drywells as needed.

H. Federal Emergency Planning and Community Right-to-Know Act (EPCRA)

Federal law establishes requirements for federal, state and local governments, Indian Tribes, and industry regarding emergency planning and "Community Right-to-Know" reporting on hazardous and toxic chemicals. The "Community Right-to-Know" provisions may be used to increase the public's knowledge and access to

information on chemicals at individual facilities, their uses, and releases into the environment. This law includes provisions for emergency planning, emergency release notification, hazardous chemical storage reporting, and toxic chemical release inventory (municipalities are exempt from this portion).

OEP provides the following:

- Serves as the City's subject matter expert regarding EPCRA requirements
- Conducts one-on-one or group training
- Acts as liaison between the City and state, county and local fire departments for all EPCRA issues
- Identifies facilities that must be included in program
- Works with departments to compile information regarding chemical storage to prepare each facility's annual report
- Completes, reviews, certifies, and submits annual reports for all City facilities
- Assists facilities that have more than threshold amounts of extremely hazardous substances (EHSs) in meeting regulations

I. Federal Clean Air Act (CAA): General Duty Clause for Hazardous Air Pollutants

Federal law requires that any facility that stores, handles or uses threshold amounts of any "hazardous air pollutants" must develop comprehensive safety plans to reduce the risk of accidental releases and the impact on employees (OSHA) and the public (CAA). The General Duty Clauses of the law also impose significant requirements for facilities that use, store, or handle smaller quantities of these chemicals.

OEP provides the following:

- Assists Transit Department and WSD with initial Risk Management Plans
- Coordinates inter-office team with affected departments and Law Department to reach consistent understanding of the vague aspects of the General Duty Clause and to develop internal policy for City compliance
- Develops guidance documents for departments on the City compliance policy
- Provides air quality modeling data to identify specific operations that may be impacted and alternative operations to reduce risks and the associated regulatory requirements
- Includes general duty clause issues in EFAs
- Works with department air quality staff to identify potentially impacted sites
- Develops inventory of sites, and meet with departments to ensure necessary plans are completed
- Develops template for City use based on EPA's Guidance for Implementation of the General Duty Clause 112r
- Completes plan for hydrochloric acid/sodium hydrochloric mishaps at City swimming pools

J. Federal Occupational Safety and Health Act: Hazard Communication Standard

This federal standard requires chemical manufacturers and importers to evaluate the hazards of the chemicals they produce or import, and to provide information about them through labels on shipped containers and more detailed information sheets called safety data sheets (SDSs). Employers with hazardous chemicals in their workplaces must prepare and implement a written hazard communication program, ensure that all containers are labeled, provide employee access to SDSs, and provide a list of all products in the work area. Employers must also provide training regarding chemical hazards. Records of chemicals used must be kept on file for 30 years after employee working with the product terminates employment.

OEP provides the following:

- Assists departments without environmental or safety professionals write their hazard communication program
- Manages the Safety Data System (SDS), a web-based database, used by every department with chemicals
- Trains designated staff to edit and administer the database and keep it up to date by adding/deleting SDSs.

K. Federal Fungicide, Insecticide and Rodenticide Act

Federal law requires EPA to establish requirements for regulation, sale, distribution, and use of pesticides in the U.S. FIFRA authorizes EPA to review and register pesticides for specified uses. EPA also has the authority to suspend or cancel the registration of a pesticide if subsequent information shows that continued use would pose unreasonable risks. EPA also can regulate pesticide use through labeling, packaging, composition, and disposal. In Arizona, FIFRA requirements are enforced by the Arizona Department of Agriculture Pest Management Division (PMD)

OEP provides the following:

- Reviews each site's chemical inventory to ensure pesticides are included
- Through the EFA process, checks to see that each City employee applying pesticide is certified by PMD in the category for which they are applying pesticides.
- Ensures pesticides are managed per City standards for hazardous materials storage
- Develops City policy that incorporates pollution prevention by merging from a pesticide spray program to an Integrated Pest Management (IPM) program
- Responds to inquiries by the Arizona Department of Agriculture

L. Federal Clean Water Act – Spill Prevention, Control and Countermeasures (SPCC) Rule

Federal law requires EPA to enforce the SPCC rule, which includes requirements for oil spill prevention, preparedness, and response to prevent oil discharges to navigable waters and adjoining shorelines. The rule requires specific facilities to prepare, amend, and implement SPCC Plans.

OEP provides the following:

- Through the EFA process, evaluates storage of oil products to determine whether facility exceeds threshold amount required to develop plans

M. City of Phoenix Fire Code Hazardous Materials Inventory Statement (HMIS)

City code requires facilities to record all hazardous materials on site, and to submit this list and other facility information to the Phoenix Fire Department Special Hazards Unit.

OEP provides the following:

- Manages the SDS database, which is programmed to create the report required by the Phoenix Fire Department

Using the SDS database, City staff can submit updated HMIS reports whenever there is a substantial change to the chemical inventory

N. Procurement of Recycled and Sustainable Products

City Resolution 18054 requires City staff to recycle and produce less waste when possible, purchase recycled materials, encourage double-sided printing, use composting and mulching, recycle or reuse waste tires, and explore use of recycled plastic products. It also mandated the City to develop a formal P2 policy or program.

OEP provides the following:

- Developed and administers the City's formal P2 Program
- Researches, identifies, and promotes the use of recycled content materials as part of the Sustainable Purchasing (SP) program

O. Sustainable Purchasing

City Resolution 20519 requires City staff to encourage and increase use of environmentally preferable or sustainable products and services in Phoenix, while remaining fiscally responsible. This is to be done through contract specifications, product life cycle analysis, and support of environmentally preferable product (EPP) vendors and manufacturers.

OEP provides the following:

- Develops and maintains extensive intranet website, which details purchasing, contracts that have been reviewed for SP, and links users to other SP resources
- Interacts with SP manufacturers and vendors to link them to departments that might be seeking an EPP
- Trains department purchasing staff regarding SP and the City's tools to support this program
- Reviews upcoming contracts for opportunities to use SP language
- Develops SP language for departments and creates central database of SP language within the Finance Department

P. Air Quality and Climate Change Programs

OEP possesses substantial expertise and experience managing the City's air quality and climate change responsibilities and interests. As such, on a general level, OEP provides the following:

- Assists departments with regulatory compliance
- Reviews proposed and new laws and regulations and prepares formal comments as necessary
- Develops summaries of new requirements and works with departments to ensure compliance
- Provides training to departments to help ensure regulatory compliance
- Coordinates with Governmental Relations Office on legislative issues
- Represents City position at regulatory stakeholder meetings
- Assists departments with negotiation of air quality permit requirements or other regulatory requirements and tracking compliance schedules
- Maintains Intergovernmental Agreements between City and outside agencies for regulatory or research of air quality monitoring stations located in Phoenix.
- Serves as liaison between departments and regulatory agencies in response to Notices of Violation, implementation of regulatory requirements, etc.
- Prepares and presents information for City Council and management on proposed and adopted laws/regulations and the impact on the City
- Monitors implementation of air and climate change mandates; prepare internal compliance tracking reports

- Implements programs to achieve 2050 Environmental Sustainability Goals related to climate change and air quality

1. Federal Clean Air Act (CAA): National Health Standards & Air Quality Plans

Federal law requires EPA to establish National Ambient Air Quality standards to protect public health consistently throughout the nation. EPA must review the standards every five (5) years and adjust the standard based on most recent independent scientific research. Areas that do not meet the standards must develop extensive Nonattainment Area Plans to define how the problem will be resolved by the federally mandated deadlines.

Maricopa Association of Governments (MAG), ADEQ, and the Maricopa County Air Quality Department (MCAQD) work together to create the plan. Cities and towns participate in the planning process through MAG and each local government must adopt legally binding commitments to reduce air pollution (as defined in a series of City Resolutions: 1987-2007).

OEP provides the following:

- Represents the City on the MAG Air Quality Technical Committee
- Assists in developing the proposed and final pollution reduction measures for the air quality plans
- Develops City's air quality commitments and funding; coordinates with implementing departments. (Examples: road paving, vacant lot stabilization, street sweeper purchases, and outreach)
- Tracks on-going compliance with commitments in air quality plans and prepares status reports to management and City Council
- Prepares annual compliance reports submitted to ADEQ, MAG, and EPA
- Assists MAG staff in development of annual report forms and other documents to ensure efficiency in reporting process

2. Maricopa County Air Quality Rules

MCAQD has been delegated by the state to be the lead agency for regulation of air pollution within the county. The Maricopa County Air Quality Rules define air pollution controls for industrial activities, construction dust, municipal operations and other activities. The primary regulations that impact City operations include:

- ✓ Dust generating operations
- ✓ Stabilization/paving of roads, alleys, and vacant lots
- ✓ Print shops and painting operations
- ✓ Boilers and generators
- ✓ Gasoline storage tanks
- ✓ Vehicle idling
- ✓ Wood burning and fire training burns
- ✓ Solvent cleaning
- ✓ Abrasive blasting
- ✓ Asbestos removal
- ✓ Landfills & wastewater treatment systems

OEP provides the following:

- Conducts air quality compliance assessments of City facilities and work with City departments to resolve any issues

- Assists field staff and supervisors with interpretation of county rules and specific implications for field operations
- Assists in maintaining Dust Control Certification for appropriate city staff by coordinating official Dust Control training provided by Maricopa County to several hundred City employees per year
- Implements vacant lot inspection program for City-owned lots to ensure compliance
- Provides dust compliance assistance and Block Permit Dust Control renewal as needed to City departments
- Identifies and directs installation of appropriate dust control treatments and preventative measures for City-owned vacant lots

3. Arizona Air Quality State Implementation Plan

State law defines the state's air quality mandates for municipal governments. In 2007, this law was significantly expanded to include more than 50 new mandates including several for local governments in numerous areas:

- ✓ Ordinances for parking lots and trespass
- ✓ Alternative fuels programs
- ✓ Employee rideshare
- ✓ Leaf blowing restrictions
- ✓ Dust training
- ✓ Formal plans for stabilization of roads, shoulders and alleys
- ✓ Compliance reports to ADEQ

State law defined the air quality regulations throughout Arizona with specific requirements to address air pollution in the Phoenix urban area. The law includes several significant mandates that impact local governments including:

- ✓ Vehicle emissions testing
- ✓ Gasoline and clean fuel standards
- ✓ Notifications to staff and Management of High Pollution Advisories and High Risk Dust Notifications

OEP provides the following:

- Reviews City ordinances and coordinates appropriate amendments as necessary
- Works with stormwater staff on enforcement of leaf-blower restrictions
- Develops outreach materials for public education and air pollution notifications to City staff
- Works with Street Transportation Department to update paving/stabilization plans and other assistance as requested.
- Assists departments with vehicle emissions, alternative fuels, changing standards for gasoline and diesel fuels
- Leads the Trip Reduction Program for Phoenix

4. National Environmental Policy Act (NEPA) and Air Quality Conformity

Federal law requires an environmental assessment for federally funded construction or other projects. City transportation projects must undergo consultation through MAG to ensure that they "conform" to the air quality plans and do not cause or contribute to violations of the air quality standards. In addition, all federally funded projects must undergo General Conformity review to determine if they would impact air quality.

OEP provides the following:

- Reviews and comments on air quality sections of EA and EIS documents for City projects as needed. (Examples include: Rio Salado, Rio Salado Oeste, airport expansion and other construction projects)
- Assists the Neighborhood Services Department (NSD) with review of Housing and Urban Development (HUD) funded projects and other departments and projects as needed
- Works with NSD environmental staff and ADEQ to streamline review process
- Reviews MAG and City Conformity Determinations to ensure that City projects meet the requirements

5. City Council approved targets for Climate Action and Green House Gas (GHG) Reduction

In April, 2008, the Phoenix City Council adopted a resolution which includes a goal to reduce GHG emissions from City operations to 5% below the 2005 levels by 2015. In 2012 and again in 2015, Council updated the target, which is currently set at a 40% reduction of GHG levels by 2025. Council also directed OEP to develop a community-scale GHG inventory and to coordinate with the community to recommend a 2025 reduction goal.

OEP coordinates the interdepartmental project to maintain an inventory of GHG emissions and a Climate Action Plan to reduce GHG emissions from City operations to reach this City Council goal.

OEP provides the following:

- Identifies GHG emission calculator tools and promotes consistent and accurate GHG calculations for City operations, community sources, initiatives, and projects
- Facilitates community inventory and citizen participation regarding community GHG goal
- Maintains City Web page, and produce other outreach materials as directed by management and Council

V. Related Policies, Standards, Procedures, and City Manager Letters

- A.R. 1.134 – Environmental Citations and Notice of Violation
- A.R. 2.314 – Hazardous Materials Owned by City of Phoenix: Responsibilities for Compliance with Local, State, and Federal Rules Governing Hazardous Materials
- A.R. 3.95 – Environmental Due Diligence for Real Estate Acquisitions
- City Manager (C.M.) Letter 1191 – Pollution Prevention Policy Statement (8/22/1996)
- C.M. Letter – Achieving Environmental Excellence (9/19/2003)
- C.M. Letter – Commitment to Environmental Excellence (11/16/2016)
- City Resolutions 1987-2007

VI. Questions

Questions regarding this A.R. should be directed to the Office of Environmental Programs at (602) 256-5669.

Ed Zuercher, City Manager

By Toni Maccarone

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