

House Engrossed

EPA; regional offices; move

State of Arizona  
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## HOUSE CONCURRENT MEMORIAL 2008

### A CONCURRENT MEMORIAL

URGING THE PRESIDENT OF THE UNITED STATES AND THE ADMINISTRATOR OF THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY TO MOVE ARIZONA FROM ONE EPA REGION TO ANOTHER OR TO MOVE THE REGIONAL OFFICE TO ARIZONA.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 To the President of the United States of America and the Administrator of  
2 the United States Environmental Protection Agency:  
3 Your memorialist respectfully represents:  
4 Whereas, the United States Environmental Protection Agency (EPA),  
5 the mission of which is to protect human health and the environment, has  
6 ten regional offices; and  
7 Whereas, each regional office is responsible for the execution of  
8 EPA's programs within several states and territories; and  
9 Whereas, regional offices allow the EPA to address health and  
10 environmental concerns in a specific area of the country across a set of  
11 commonalities in that area, including environmental, economic, cultural  
12 and other conditions in common; and  
13 Whereas, the Pacific Southwest Region, also known as Region 9,  
14 includes Arizona, California, Hawaii, Nevada, the Pacific Islands and 148  
15 tribal nations; and  
16 Whereas, the regional office for EPA Region 9 is in San Francisco;  
17 and  
18 Whereas, the average office rental asking price in Phoenix is less  
19 than half that of San Francisco; and  
20 Whereas, the Maricopa Association of Governments, the Maricopa  
21 County Air Quality Department, the Arizona Department of Environmental  
22 Quality (ADEQ) and other public and private stakeholders in this state  
23 have experienced challenges in dealing with EPA administrators who are  
24 based out of the EPA Region 9 office in San Francisco; and  
25 Whereas, the current regulatory process requires extensive  
26 back-and-forth communication between ADEQ and EPA Region 9 headquarters in  
27 San Francisco, significantly delaying decision-making; and  
28 Whereas, Arizona's air and water quality challenges require timely  
29 responses that the current structure and location in San Francisco do not  
30 provide; and  
31 Whereas, this state's unique environment creates distinct challenges  
32 that differ from the challenges of other states in EPA Region 9, including  
33 locally uncontrollable emissions associated with international, interstate  
34 and natural sources, exception events that contribute to air quality  
35 concerns, such as nonattainment for ozone, PM2.5, PM10 and regional haze  
36 requirements, water quality issues, such as the EPA's interpretation that  
37 waters of the United States extend to ephemeral streams and delays in  
38 permitting for aquifer protection permits, and solid waste and hazardous  
39 material management, such as delays in approval for underground injection  
40 control permits and challenges with hazardous waste disposal and landfill  
41 capacity recycling programs; and  
42 Whereas, the current coordination between ADEQ and the EPA on these  
43 matters is often inefficient, resulting in delays in addressing  
44 contamination sites, approving waste management plans and ensuring  
45 compliance with federal regulations; and

1       Whereas, leadership at the EPA Region 9 office in San Francisco has  
2 failed to recognize legitimate natural background sources of ozone  
3 precursors, such as from native species indigenous to the Southwest, and  
4 international transport of ozone and ozone precursors from other countries  
5 and states, including California, Mexico and China, which cannot  
6 reasonably be controlled and in the case of native plant species,  
7 including shade trees, should not be controlled; and

8       Whereas, leadership at the EPA Region 9 office has not acted on the  
9 revised Maricopa County Air Pollution Control Regulations II – Rules 204  
10 and 205, which allow parties in the Phoenix-Mesa nonattainment area to  
11 earn nontraditional emission reduction credits for implementing reasonable  
12 emission precursor control measures on nontraditional sources and mobile  
13 sources, such light and heavy duty vehicles, which are the primary source  
14 of ozone emission precursors in some nonattainment areas; and

15       Whereas, the EPA Region 9 office is failing to meet the needs of and  
16 adequately recognize the circumstances in Arizona; and

17       Whereas, the complexities of Arizona's environmental issues, coupled  
18 with the prolonged timeline for rulemaking, state implementation plans and  
19 requisite authorizations underscore the necessity of having a dedicated  
20 local presence from the EPA in this state; and

21       Whereas, in prior years, the EPA had a dedicated satellite office in  
22 Tucson, Arizona, where Colleen McKaughan served as a local liaison and the  
23 associate director for the EPA's Air Division in Region 9; and

24       Whereas, as a dedicated local liaison, Associate Director McKaughan  
25 worked extensively on air quality, tribal and environmental issues in the  
26 region, somewhat mitigating Region 9 inefficiencies; and

27       Whereas, establishing a local EPA presence in Phoenix would help to  
28 bridge the gap between Arizona's state, local and tribal agencies and the  
29 EPA that currently exists between these important regulatory bodies; and

30       Whereas, regardless of the specific methods and approaches that the  
31 federal government considers to reshape the federal bureaucracy, drastic  
32 measures are needed to shake EPA Region 9 from its current inefficiencies  
33 and release Arizona from the hold that California currently has on this  
34 state and others in EPA Region 9.

35 Wherefore your memorialist, the House of Representatives of the State of  
36 Arizona, the Senate concurring, prays:

37       1. That the President of the United States and the Administrator of  
38 the United States Environmental Protection Agency (EPA) address the  
39 impacts of EPA Region 9 on Arizona by strongly considering adopting one of  
40 the following strategies, in the following order of preference:

41       (a) Move the EPA Region 9 office from California to Arizona.

42       (b) Move Arizona from EPA Region 9 to EPA Region 6 and establish a  
43 local office in Arizona consistent with paragraph 2 of this section.

44       (c) Move Arizona from EPA Region 9 to EPA Region 8 and establish a  
45 local office in Arizona consistent with paragraph 2 of this section.

1           (d) Establish a new EPA region in the Intermountain West consisting  
2 of Arizona, Idaho, Nevada and Utah and establish a local office in Arizona  
3 consistent with paragraph 2 of this section.

4           2. That, in addition to selecting their preferred strategy in  
5 paragraph 1 of this section, the President of the United States and the  
6 EPA Administrator seek to accomplish the following:

7           (a) Establish and staff a dedicated, local satellite office for the  
8 relevant EPA Region in Phoenix.

9           (b) Appoint to the head of such office an individual from within  
10 the appropriate region who will be given a meaningful and prominent  
11 position in leadership, with authority and discretion to make decisions on  
12 critical regulatory matters, permits and plans that affect this state,  
13 such as a director or deputy regional administrator or an equivalent role.

14           (c) Work with state, local and tribal governments, stakeholders,  
15 businesses and members of the regulated community in Arizona to help  
16 identify and vet potential candidates for such a role.

17           3. That the Secretary of State of the State of Arizona transmit  
18 copies of this Memorial to the President of the United States and the  
19 Administrator of the United States Environmental Protection Agency.