Improving Air Quality (Statement)

In March 2000, Arizona Governor Jane Hull established a “Brown Cloud Summit” to identify ways of reducing a brown cloud over parts of the state and to recommend proposals to address the pollution that contributes to the brown cloud. The Summit adopted its final recommendations in January 2001. These recommendations generally address three categories: (1) long-term market driven strategies to improve visibility and provide health benefits; (2) short-term and long-term voluntary and mandatory measures to reduce emissions and improve public health; and (3) goals established with citizen input to improve the brown cloud and improve monitoring of the brown cloud. The brown cloud is generally acknowledged to be the combination of carbon particles and nitrogen dioxide gas that creates the brown color of haze. Extremely small particles of pollutants, such as particulate matter and the chemical conversion of nitrogen dioxide and sulfur dioxide to particles, generally comprise the brown cloud.

Arizona Chapter 371 of 2001 implements recommendations from the Summit. These include imposing diesel engine idling restrictions in Maricopa County, expanding a non-attainment area, implementing a roadside diesel emission testing program, continuing funding for a voluntary vehicle repair and retrofit program, and continuing limited uses of a state clean air fund for two years for converting heavy-duty vehicles to operate on alternative fuels and for the construction of natural gas refueling stations.

Specifically the Arizona law:
- Defines idling to mean the operation of an engine in the operating mode, where the engine in not engaged in gear and the engine operates at a speed at the RPM specified by the engine or vehicle manufacturer for when the accelerator is fully released and there is no load on the engine;
- Addresses mandatory engine idling restrictions for engines that propel a heavy-duty diesel vehicle (GVW 14,000+ pounds);
- Allows counties to adopt ordinances to restrict engine idling;
- Requires the local ordinances to provide exemptions for vehicles such as police, fire and emergency vehicles, situations such as traffic delays or the need for a driver to sleep in the vehicle, and equipment operation such as refrigeration of cargo;
- Directs that a county control officer or any law enforcement officer authorized to enforce traffic laws may enforce such ordinances;
- Establishes a 5-year voluntary program among power suppliers and the construction industry to identify viable sources of electric power to reduce the use of generators;
- Provides general guidelines for opacity cut-points, citations and alternative standards;
- Directs the state department of environmental quality to administer a pilot program for the emissions testing of diesel vehicles with a GVWR of greater than 10,000 pounds;
- Directs the state department of environmental quality to collect pilot program data including the feasibility of a civil penalty system and submit the report to a diesel vehicle emissions testing committee;
- Authorizes public and private sector entities to purchase or retrofit non-road emissions reducing equipment in certain circumstances and areas;
- Permits public and private sector entities in certain areas to use low-sulfur diesel fuel in vehicles retrofitted with oxidation catalysts and particulate filters;
- Directs the state department of transportation to develop a plan to increase the use of bypass routes on days of poor visibility in a metropolitan area, and
- Directs the state department of transportation to establish a daily visibility index for certain areas and a method to gauge improvement in visibility for those areas over time.