

Builders stir up dust, fines

County cites developers as key bad-air culprits

By Matthew Benson
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In a year that officials called the worst for air quality in memory, developers were three of the five Maricopa County companies that received the heaviest fines for pollution violations.

The county settled \$765,375 in citations in 2005, according to county

records, with violations stretching back to 2002. Offenses ranged from permit problems to the improper handling of gasoline vapors. But dust violations made up the greatest number, constituting 175 of the 352 violations settled.

That dust, often stirred up by builders as they clear space for homes, is a major culprit behind deteriorating air quality this winter.

In 2005, the Valley fell short of Environmental Protection Agency clean-air guidelines on as many days, 19, as the previous five years combined. A brown cloud hangs over the city like a bad reminder.

"This is the worst winter season for air pollution that anyone can remember," said Steve Owens, director of the Arizona Department of Environmental Quality. "The pollu-

tion we've been experiencing is kind of like the brown cloud on steroids."

The dust also was the reason many home builders and developers ran afoul of county air regulations.

Engle Homes topped the year's list of polluters, with 21 violations settled for \$106,336. Those settlements came as the county's fledgling Air Quality Department flexed

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Pollution blame pinned mostly on developers

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new muscle in its bid to reduce pollution and hold off more stringent federal oversight.

Engle Homes says that it has since cleaned up but concedes that air-quality issues remain a struggle. The same could be said for the entire Valley.

Brown skies

The haze of the brown cloud has long been a challenge for the Valley. And it's not just a matter of aesthetics. Air pollution represents a health threat to those suffering from asthma, bronchitis and other respiratory illnesses, and has been linked to heart disease and other cardiovascular problems.

Some of it is made up of dust and other coarse particulates known as PM10, so named because it is composed of matter that is less than 10 microns in size. That's a fraction of the width of a human hair.

The area has been unable to get a clean rating for PM10 pollution since the EPA implemented its standard in 1987.

The federal agency's three-year, clean-air assessment comes to a close at the end of this year. But with 22 so-called exceedances for PM10 in the past two years alone, local air-quality officials aren't holding their breath about the area shedding its hazy distinction.

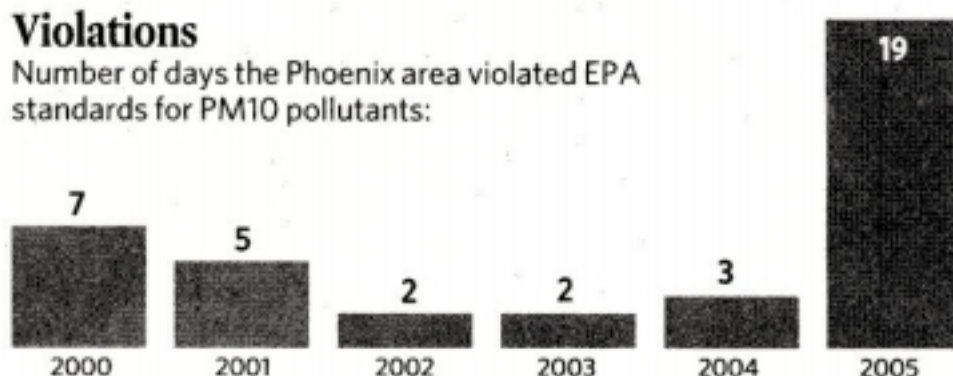
"Everybody's in agreement we're not going to get there from here," Owens said.

Various factors are to blame, not the least of which is a stagnant weather pattern that has left Phoenix without the winds that usually clear its air. Growth is significant, too, with more vehicles clogging roads and more earth-moving equipment marching into the desert to make way for thousands of new homes.

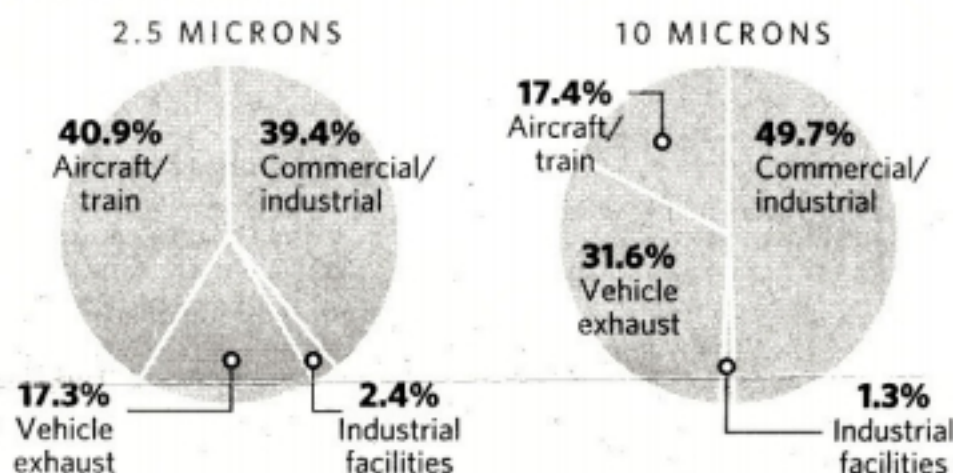
According to one county estimate, 43 percent of all PM10 pollution in a community comes from new construction. Likewise, the construction industry has borne the brunt of

Violations

Number of days the Phoenix area violated EPA standards for PM10 pollutants:



Particulate matter



Top 5 violators in Maricopa County, 2005

Violator	Settlement
1. Engle Homes	\$106,336
2. DL Withers Construction	\$37,340
3. Ray Aguilera Apartments	\$25,000
4. Coastal Transport	\$20,000
5. Union Pacific Railroad	\$18,800

Source: Maricopa County, state of Arizona and Arizona Republic research

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the county's enforcement of air regulations.

Unfairly so, according to Spencer Kamps.

The vice president of legislative affairs for the Home Builders Association of Central Arizona has been involved in local dust issues for about seven years. He said home builders such as Engle Homes come off as the culprit for the Valley's pollution problem because they're an easy target.

The permit-holder for a construction site is the home builder, Kamps said, and is typically the recipient of all air-quality citations written for the site, regardless of whether the violation was committed by a subcontractor or anyone else accessing the area.

"The problem is you have a

number of regional sources contributing to a regional problem," he said. "If we continue to just focus on construction, we're not solving the problem."

Although the construction industry works under what Kamps called "some of the toughest dust-control regulations ... in the nation," industries such as agriculture aren't watched as closely.

But Bob Kard, director of the county Air Quality Department, countered that the county has cited subcontractors in some instances. The pure number, more than 5,000 in the county, makes that impossible in every case. As for regulating other pollution sources, Kard said, the county