

COUNTY NOTICES OF PROPOSED RULEMAKING

Pursuant to A.R.S. § 49-112(A) or (B)

NOTICE OF PUBLIC INFORMATION

PINAL COUNTY AIR QUALITY CONTROL DISTRICT

- 1. Title and its heading:** Pinal County Ordinance
Ordinance Numbers: 122000 - AQC: Pinal County Board of Supervisors' No Burn Ordinance for Area A
122000 - BS: Pinal County Board of Supervisors' Residential Fireplace Restrictions Ordinance

2. The public information relating to the listed sections:

This provides notice that a public hearing has been scheduled for Wednesday, December 20, 2000, to begin at 10:00 a.m. at the following location: Pinal County Board of Supervisor's Hearing Room, Administration Building No. 1, 31 North Pinal Street, Florence, Arizona 85232.

Public Hearing:

Date: **December 20, 2000**

Time: 10:00 a.m.

Location: Pinal County Board of Supervisor's Hearing Room
Administration Building No. 1
31 North Pinal Street
Florence, Arizona 85232

3. The name and address of agency personnel with whom persons may communicate regarding the public information:

Name: Don Gabrielson, Director

Address: Pinal County Air Quality Control
P.O. Box 987
Florence, Arizona 85232

Telephone: (520) 868-6929

Fax: (520) 868-6967

County Notices Pursuant to A.R.S. § 49-112(A) or (B)

4. The time during which the agency will accept written comments or questions about the public information and the time and place where oral comments or questions may be made:

Individuals interested in providing public comment can attend the public hearing in Florence, Arizona on the date and at the time and address provided in question #2. Written comments shall be submitted not later than 5:00 p.m., Wednesday, December 20, 2000, to the following person:

Name: Don Gabrielson, Director
Address: Pinal County Air Quality Control
P.O. Box 987
Florence, Arizona 85232
Telephone: (520) 868-6929
Fax: (520) 868-6967

**COMBINED
NOTICE OF PROPOSED RULE ADOPTION
AND
NOTICE OF PUBLIC HEARING**

PINAL COUNTY AIR QUALITY CONTROL DISTRICT

- | | |
|--|---------------------------------|
| 1. <u>Sections Affected</u> | <u>Rulemaking Action</u> |
| Ordinance 122000 - AQC: Pinal County Board of Supervisors' "No Burn" Ordinance for Area A. | New |
| Ordinance 122000 - BS: Pinal County Board of Supervisors' Residential Fireplace Restrictions Ordinance | New |

2. Summary of the proposed rules and rule changes, any of which may be adopted in whole or in part:
To the extent that any of the affected ordinance provisions identified below may already constitute elements of the EPA-approved Arizona State Implementation Plan (SIP), the effective date of those particular provisions may be conditioned upon a prior EPA-approval of a corresponding change to the existing EPA-approved plan or program.

A. Ordinance 122000 - AQC: Pinal Air Quality Control District (PCAQCD) is proposing a "No Burn" Ordinance to implement air quality measures and emissions within Area A of Pinal County by requiring persons to cease residential wood combustion and open burning when monitoring or forecasting indicates that the carbon monoxide standard is likely to be exceeded in Area A. Pursuant to A.R.S. § 11-871, a county that contains any part of Area A as defined in § 49-541, shall develop, implement and enforce in Area A an ordinance relating to residential wood burning restrictions, including a no burn restriction when monitoring or forecasting indicates the carbon monoxide standard is likely to be exceeded. The "no burn" restriction arise by operation of law whenever the Maricopa County of Environmental Services declares such a "no burn" restriction in neighboring Maricopa County. Pursuant to A.R.S. § 49-112(A), as enacted in 1994, a county may adopt rules that are more stringent than or in addition to a provision of the state, provided the rule is necessary to address a peculiar local condition; and if it is either necessary to prevent significant threat to public health or the environment that results from a peculiar local condition and is technically and economically feasible or if it is required under federal statute or regulation, or authorized pursuant to an intergovernmental agreement with the federal government to enforce federal statutes or regulations if the county rule is equivalent to federal statutes or regulations; and if any fee adopted under the rule will not exceed the reasonable costs of the county to issue and administer that program. Pinal County and the state of Arizona are submitting Ordinance 122000-AQC as a revision to the Arizona SIP. This new ordinance meets the criteria for approvable Reasonably Available Control Measures (RACM) to control carbon monoxide emissions. Pinal County is currently in attainment status for carbon monoxide, but adjoins Maricopa County which is in nonattainment status for carbon monoxide. On August 28, 1996, the Maricopa County Nonattainment area was reclassified to "serious" for carbon monoxide by the EPA. Pinal County and the state of Arizona are submitting Ordinance 122000 - AQC as a revision to the Arizona SIP. On May 10, 1996, the Pinal County Nonattainment area was reclassified to "serious" for coarse particulate matter (PM-10) in accordance with the CAA (61 FR 21372). This new ordinance meets the criteria for approvable RACM to control PM-10 emissions.

County Notices Pursuant to A.R.S. § 49-112(A) or (B)

B. Ordinance 122000 - BS: Pinal County Building Safety Division is proposing a Residential Fireplace Restrictions Ordinance to implement new air quality measures and reduce emissions within Area A of Pinal County by regulating residential woodburning in fireplaces, woodstoves, and other solid-fuel burning devices. Pursuant to A.R.S. § 49-112(A), as enacted in 1994, a county may adopt rules that are more stringent than or in addition to a provision of the state, provided the rule is necessary to address a peculiar local condition; and if it is either necessary to prevent significant threat to public health or the environment that results from a peculiar local condition and is technically and economically feasible or if it is required under federal statute or regulation, or authorized pursuant to an intergovernmental agreement with the federal government to enforce federal statutes or regulations if the county rule is equivalent to federal statutes or regulations; and if any fee adopted under the rule will not exceed the reasonable costs of the county to issue and administer that program. This ordinance addresses the peculiar local condition of the Pinal County Nonattainment Area “serious” classification for PM-10; on May 10, 1996, the Pinal County Nonattainment area was reclassified to “serious” for PM-10 in accordance with the CAA (61 FR 21372). Pinal County and the state of Arizona are submitting Ordinance 122000 - BS as a revision to the Arizona SIP. This new rule meets the criteria for approvable RACM to control PM-10 emissions.

3. A demonstration of the grounds and evidence of compliance with A.R.S. §49-112 (A) or (B):

Based on information and belief, the Director of the Pinal County Air Quality Control District affirms the following:

- A. Initially, the total of the fees and other charges currently assessed in connection with the administration of the County’s air quality program do not now equal the cost of program administration. To the extent that both the County and ADEQ impose essentially parallel fees, the County’s fees are capped by rule at ADEQ’s rates, which implicitly affirms that the County’s fees are reasonable.
- B. Based on a review of the operating costs of the Pinal County Air Quality Control District, and any reasonable projection of total of revenues resulting from the fees and other charges that would be assessed under any or all of the rule revisions proposed above, the Control Officer finds that there is no real risk that revenues will exceed the cost of program administration. The continuing fee-cap, defined by ADEQ’s fee rates, continues to implicitly assure the reasonableness of the County’s fees. Thus, implementation of any or all of the rule changes proposed above will still not violate the fee-limitations of either A.R.S. §§ 49-112(A)(3) or 49-112(B).
- C. With regard to the ordinances outlined above, items 2.A. and 2.B are additional ordinances in response to legislation from the state of Arizona as Senate Bill 1427. As such, all of these changes inherently avoid triggering the A.R.S. §§ 49-112(A) and 49-479 requirement for a demonstration as a precedent to adoption of more stringent or functionally additional rules. These ordinances conform to existing ordinances in Maricopa County for Area A, and were mandated by the Arizona Legislature for the expanded Area A, and signed by the Governor on May 29, 1998.

4. Name and address of the person to whom persons may address questions or comments:

Name: Donald P. Gabrielson, Director
Address: Pinal County Air Quality Control District
P.O. Box 987
Florence, Arizona 85232
Telephone: (520) 868-6929
Fax: (520) 868-6967

5. Where persons may obtain a full copy of the proposed rule or existing rules:

Name: Pinal County Air Quality Control District
Address: P.O. Box 987 31 N. Pinal Street, Building F
Florence, Arizona 85232 Florence, Arizona
Telephone: (520) 868-6929
Fax: (520) 868-6967

Note - the District has the proposed revisions, as well as supporting materials, available in hard-copy or on disk.

6. Date, time, and location of scheduled public workshops and hearings:

A. Public Hearing

Date: December 20, 2000

Time: 10:00 a.m.

Location: Board of Supervisor's Hearing Room, Administration Building No. 1, 31 North Pinal Street, Florence, Arizona

Nature of meeting: Public hearing as an element of the regular meeting of the Pinal County Board of Supervisors, to consider formal adoption of some, all or none of the proposed revisions and ordinance.