



COUNTY NOTICES ACCORDING TO A.R.S. § 49-112

This section of the *Arizona Administrative Register* contains County Notices (according to A.R.S. § 49-112).

Each county writes rules and regulations in its own unique style. Although these notices are published in the *Register*, they do not conform to the standards specified in

the *Arizona Rulemaking Manual*. With the exception of minor formatting changes, County Notices (including subsection labeling, spelling, grammar, and punctuation) are reproduced as submitted.

NOTICE OF PROPOSED EXPEDITED RULEMAKING

PIMA COUNTY CODE

TITLE 17 – AIR QUALITY CONTROL

CHAPTER 4 GENERAL PROVISIONS

[M15-51]

PREAMBLE

1. Sections Affected

PCC 17.04.190

Rulemaking Action

Amend

2. Statutory authority for the rulemaking:

Authorizing statutes: Arizona Revised Statutes (A.R.S.) §§ 49-402 and 49-479
Implementing statutes: A.R.S. §§ 49-478

3. The agency’s contact person who can answer questions about the rulemaking:

Name: Sarah Reitmeyer
Address: Pima County DEQ
33 N. Stone Ave., Suite 700
Tucson, AZ 85701
Telephone: (520) 724-7437
Fax: (520) 838-7432
E-mail: sarah.reitmeyer@pima.gov

4. An agency’s justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:

Pima County Department of Environmental Quality (PDEQ) is updating this rule to conform to the Arizona Revised Statutes in an effort to achieve consistency and accuracy in Title 17 of the Pima County Code. PDEQ's intention in updating this rule is to conform to the composition of the Air Quality Hearing Board as put forth in A.R.S. 49-478. This update includes changes to Section PCC 17.04.190.

5. Demonstration of compliance with A.R.S. § 49-471.08 expedited rule or ordinance making:

A county may declare an expedited rulemaking and is not subject to A.R.S. § 49-471.07 if the rule is adopted pursuant to A.R.S. § 49-112(B) and the rule incorporates a conforming change to directly reflect federal or state rule or law. PDEQ is updating Pima County Code Title 17 to directly reflect state rule or law.

6. Reference to any study relevant to the rule that the control officer reviewed and either relied or did not rely on in its evaluation of or justification for the rule, where the public may review each study, all data underlying each study, and any analysis of each study and other supporting material:

No studies were reviewed in reference to this rulemaking action.

7. A showing of good cause why the rules are necessary to promote a statewide interest if the rules will diminish a previous grant of authority of a political subdivision of this state:

Not Applicable.

8. The preliminary summary of the economic, small business, and consumer impact:

Pima County is proposing to update the composition of the Air Quality Hearing Board to amend the composition of the five members of the board to conform to the A.R.S. This revision will not have an economic impact on businesses in Pima County, and will not impose additional costs on the regulated community, small businesses, political subdivisions, and members of the public beyond that already incurred by reason of federal or state rule or law. The costs of compliance for the hearing board have already occurred, and were considered when the state rule or law was proposed and adopted.



9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: Sarah Reitmeyer
 Address: Pima County DEQ
 33 N. Stone Ave., Suite 700
 Tucson, AZ 85701
 Telephone: (520) 724-7437
 Fax: (520) 838-7432
 E-mail: sarah.reitmeyer@pima.gov

10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

Written comments will be accepted if received between the date of this publication and **April 27, 2015 by 5:00 p.m.** Written comments may be mailed or hand delivered to the Pima County Department of Environmental Quality (see #10 above). Written comments received during the comment period will be considered formal comments to the expedited rule or ordinance, and will be responded to in the notice of final rulemaking.

Oral Proceeding: Tuesday, May 5, 2015
Time: 9 a.m.
Location: Pima County Board of Supervisors
Public Hearing Room, First Floor
130 West Congress Street
Tucson, AZ 85701

11. Any other matters prescribed by the statute that are applicable to the specific agency or to any specific rule or class of rules:

None

12. Conforming change and its location in the rules:

<u>Conforming Rule:</u>	<u>Location</u>
A.R.S. 49-478	17.04-190

13. The full text of the rule follows:

TITLE 17 – AIR QUALITY CONTROL

CHAPTER 17.04 GENERAL PROVISIONS

ARTICLE IV. HEARING BOARD

Section
 17.04.190 Composition.

Chapter 17.04 General Provisions

Article IV. Hearing Board

17.04.190 Composition.

- A. The hearing board shall consist of five members, ~~none of whom is an employee of the county or of the state or any of its political subdivisions.~~
 - 1. The five members shall be knowledgeable in the field of air pollution control.
 - 2. One member shall ~~have been admitted to the practice of law in the state~~ be an attorney licensed to practice law in this state.
 - 3. ~~One member shall be a duly licensed practitioner of medicine in the state.~~
 - 4. ~~One member shall be a registered professional engineer in the state.~~
- B. At least a majority of the hearing board members shall not individually have a substantial interest in an emission source subject to permits or enforcement orders issued pursuant to this title. Substantial interest means any pecuniary or proprietary interest, either direct or indirect, other than a remote interest ~~as defined in A.R.S. 38-502, paragraph 10.~~



NOTICE OF RULEMAKING DOCKET OPENING

PIMA COUNTY DEPARTMENT OF ENVIRONMENTAL QUALITY

[M15-52]

- 1. Title and its heading:** Pima County Code Title 17 – Air Quality Control
- Rule and its heading:** Article VI – Hearing Board, Section 17.04.190 – Composition
- 2. The subject matter of the proposed rule:**
 Pima County Department of Environmental Quality (PDEQ) is proposing to update this rule to conform to the Arizona Revised Statutes in an effort to achieve consistency and accuracy in Title 17 of the Pima County Code. PDEQ's intention in updating this rule is to conform to the composition of the Air Quality Hearing Board as put forth in A.R.S. § 49-478. This update includes changes to Section PCC 17.04.190.
- 3. A citation to all published notices relating to this proceeding:**
 Notice of Proposed Expedited Rulemaking: 21 A.A.R. 469, March 27, 2015 (*in this issue*)
- 4. The name and address of department personnel with whom persons may communicate regarding the proposed rule:**
 Name: Sarah Reitmeyer
 Address: Pima County DEQ
 33 N. Stone Ave., Suite 700
 Tucson, AZ 85701
 Telephone: (520) 724-7437
 Fax: (520) 838-7432
 E-mail: sarah.reitmeyer@pima.gov
- 5. The time during which the department will accept written comments and the time and place where oral comments may be made:**
 See Notice of Proposed Expedited Rulemaking in this issue.
- 6. A timetable for department decisions or other action on the proceeding, if known:**
 See Notice of Proposed Expedited Rulemaking in this issue.