

COUNTY NOTICES PURSUANT TO A.R.S. § 49-112(A) or (B)

NOTICE OF FINAL RULEMAKING

PINAL COUNTY AIR QUALITY CONTROL DISTRICT

- 1. Sections Affected** **Rulemaking Action**  
Ordinance 060502AQC - Area A Vehicle Engine Idling Ordinance New
- 2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**  
Authorizing and implementing statutes: Arizona Revised Statutes (A.R.S.) §§ 11-251.05 and 11-876
- 3. The effective date of the rules:**  
June 5, 2002 (effective after resolution is signed by the Board Chairman)
- 4. A list of all previous notices appearing in the Register addressing the final rules:**  
Notice of Proposed Rulemaking: 8 A.A.R. 2065, May 3, 2002
- 5. Name and address of the person with whom persons may communicate regarding the rulemaking:**

Name:	Jean Parkinson, Air Quality Planning Manager
Address:	Pinal County Air Quality Control District P.O. Box 987 Florence, AZ 85232
Telephone:	(520) 868-6929
Fax:	(520) 868-6967
E-mail:	jean.parkinson@co.pinal.az.us
- 6. An explanation of the rule, including the District's reasons for initiating the rule:**

The Board of Supervisors in accordance with A.R.S. § 11.251.05 adopts county ordinances. Restrictions on vehicle idling were introduced at the Governor's Brown Cloud Summit in January 2001. Since idling reportedly consisted of approximately 10% of a heavy-duty diesel truck's daily activities, reduced idling would correspond to emission reductions of particulate matter and nitrogen oxide. House Bill 2538 required the creation of a Vehicle Engine Idling Restriction Ordinance for heavy-duty diesel engines. A.R.S. § 11-876 requires ordinances for those counties that contain any portion of Area A to be in place by July 1, 2002.

The Arizona Department of Environmental Quality (ADEQ) held a stakeholder process to draft a model ordinance to be implemented by those counties that contain any portion of Area A. The ordinance restricts the amount of time a heavy-duty diesel vehicle operates at idle to five minutes unless an exemption applies.
- 7. A reference to any study that the agency relied on its evaluation of or justification for the final ordinance and where the public may obtain or review the study, all data underlying each study, any analysis of the study and other supporting material:**  
None
- 8. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**  
Not applicable
- 9. The summary of the economic, small business, and consumer impact:**  
The final ordinance should not have an economic impact on businesses in Pinal County and should not impose additional costs on the regulated community, small businesses, political subdivisions, and members of the public.

A "small business" is defined in A.R.S. § 41-1001 as "a concern, including affiliates, which is independently owned and operated, which is not dominant in its field and which employs fewer than 150 full-time employees or which has gross annual receipts of less than 4 million dollars in its last fiscal year. For purposes of a specific rule, an agency may define small business to include more persons if it finds that such a definition is necessary to adapt the rule to the needs and problems of small businesses and organizations."

**Rule Impact Reduction on Small Businesses (A.R.S. § 41-1035):**

1. Establish less stringent compliance or reporting requirements in the rule for small businesses.
2. Establish less stringent schedules or deadlines in the rule for compliance or reporting requirements for small businesses.
3. Consolidate or simplify the rule's compliance or reporting requirements for small business.
4. Establish performance standards for small business to replace design or operational standards in the rule.
5. Exempt small businesses from any or all requirements of the rule.

Pinal County Air Quality Control District (PCAQCD) has evaluated each of the five listed methods and has concluded that all of the methods that are legal and feasible have already been implemented as an exemption in the ordinance.

Given the legislative mandate for a Vehicle Engine Idling Restriction Ordinance in Area A, the County does not know of any less intrusive or less costly alternative methods of achieving the purpose of this action.

**10. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):**

Added: "Arizona Revised Statutes" to clarify the acronym "A.R.S." in paragraph 1, page 1.

Added: "Arizona Administrative Code" to clarify the acronym "A.A.C." in paragraph A.1., page 1.

**11. A summary of the principal comments and the District's response to them:**

No one responded at the stakeholders' meeting on May 22, 2002, the oral proceeding on June 3, 2002, or the public hearing on June 5, 2002. No written comments regarding the ordinance was received by the PCAQCD.

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

Not applicable

**13. Incorporations by reference and their locations in the ordinance:**

None

**14. Was the ordinance previously adopted as an emergency rule?**

No

**15. The full text of the ordinance follows:**

**PINAL COUNTY AREA A  
VEHICLE ENGINE IDLING RESTRICTION ORDINANCE  
Originally Adopted June 5, 2002**

Whereas, Arizona Revised Statutes (A.R.S.) § 11-876 requires a vehicle engine idling restriction ordinance for those counties that contain any portion of Area A (as defined by A.R.S. § 49-541) to be in place by July 1, 2002, to restrict heavy duty diesel engine idling for no more than five minutes.

Whereas, the Pinal County Board of Supervisors finds that the legislature intended that the aforementioned requirement should apply only to heavy duty diesel vehicles over 14,000 pounds gross vehicle weight rating (GVWR), required to be registered under Arizona law, and designed to operate on public highways.

Whereas, A.R.S. § 11-251.01 provides that the Board of Supervisors may impose penalties for the violation of ordinances:

**Now therefore, the Board of Supervisors of Pinal County hereby ordains it as follows:**

**A. Definitions**

The following words and terms, when used in this ordinance shall have the following meanings.

1. **Gross Vehicle Weight Rating** means the maximum vehicle weight for which the vehicle is designed as established by the manufacturer. (Arizona Administrative Code Rule 18-2-1001.36)
2. **Idling** means the operation of a diesel engine where the engine is not engaged in gear. The Federal definition of "curb-idle" means: (1) For manual transmission code light-duty trucks, the engine speed with the transmission in neutral or with the clutch disengaged and with the air conditioning system, if present, turned off. For automatic transmis-

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

sion code light-duty trucks, curb-idle means the engine speed with the automatic transmission in the “Park” position or “Neutral” and with the air conditioning system, if present, turned off; (2) For manual transmission code heavy-duty engines, the manufacturer’s recommended engine speed with the clutch disengaged. For automatic transmission code heavy-duty engines, curb idle means the manufacturer’s recommended engine speed with the automatic transmission in gear and the output shaft stalled.

3. **Primary Propulsion Engine** – Any engine for which the primary function is to provide mechanical power to propel or direct a vehicle, regardless of whether that power is applied directly to the propeller shaft or indirectly by way of an electrical system.
  4. **Vehicle** means any device or combination of devices with a GVWR of more than 14,000 pounds that is required to be registered under Arizona law, and is designed to operate on public highways and powered by a diesel engine. This definition also incorporates by reference definitions provided for motor vehicle, vehicle, truck, truck tractor, vehicle transporter, motor carrier in A.A.C. Rule 18-2-101(69), A.R.S. § 44-1301, A.R.S. § 49-541(16), A.R.S. § 49-581, A.R.S. § 28-101(29), A.R.S. § 28-101(50), A.R.S. § 28-101(50), A.R.S. § 28-101(51), A.R.S. § 28-101(52), A.R.S. § 28-101(53), A.A.C. Rule 17-4-435, and A.R.S. § 28-5201. No definitions exist for “heavy duty motor vehicle” or “heavy duty diesel engine.”
- B.** This ordinance is applicable to only those portions of Pinal County contained in Area A as defined in A.R.S. § 49-541.
- C.** Except as provided in subsection E, no owner, lessee, physical operator or driver of a vehicle as defined in A (4) shall allow or permit the engine of such vehicle to be idling for more than five (5) consecutive minutes.
- D.** A person who violates this ordinance is subject to a civil penalty of \$100 for the first violation and \$300 for a second or any subsequent violation. (The Attorney General’s Office interpretation is that A.R.S. Title 28 allows any law enforcement officer to enforce A.R.S. § 11-877, which authorized this ordinance on private and/or public property).
- E.** This ordinance shall **not** apply when:
1. A vehicle is forced to remain motionless because of traffic or adverse weather conditions affecting the safe operation of the vehicle.
  2. A vehicle is being operated for emergency or law enforcement purposes.
  3. The primary propulsion engine of a vehicle is providing a power source necessary for mechanical operations other than propulsion and involves a power take off (PTO) mechanism, or other mechanical device performing the same function as a PTO and driven off the engine for loading and unloading cargo, mixing or processing cargo, controlling cargo temperature, or a mechanical extension to perform work functions.
  4. The primary propulsion engine of a vehicle is being operated at idle to conform to manufacturer’s warm up and cool down specifications, or for maintenance or diagnostic purposes.
  5. The primary propulsion engine of a vehicle is being operated to supply heat or air conditioning necessary for passenger comfort/safety in those vehicles operating for commercial passenger transportation or school purposes.
  6. The primary propulsion engine of a vehicle is being operated to supply heat or air conditioning necessary for driver comfort, safety or rest, while in the vehicle. Specifically for the purposes of the driver or co-driver being in compliance with U.S. and Arizona Department of Transportation regulations and the driver is in need of sleep or rest.

**NOTICE OF RULEMAKING DOCKET OPENING**

**PINAL COUNTY AIR QUALITY CONTROL DISTRICT**

1. **Title and its heading:** Pinal County Air Quality Control District Code of Regulations  
**Chapter and its heading:** 3, Permits and Permit Revisions  
**Article and its heading:** 7, Permit Fees and Appendix B  
**Section numbers:** §§ 1-1-107. Title V Program Content, 3-1-030. Definitions, 3-7-578. Fee Increases, 3-7-590. Class A Permit Fees, 3-7-600. Class B Permit Fees, 3-7-610. General Permit Fees – Class I Sources, 3-7-612. General Permit Fees – Class II Sources, 3-7-620. Annual Permit Fee Payment, and 3-7-650. Hourly Rate And Late Fee Charge.
2. **The subject matter of the proposed rule:**  
Possible revisions to existing fee rules will include both fee increases and fee reductions, with the staff recommendation generally calling for conformity with the fee structure utilized by the Arizona Department of Environmental Quality. The staff proposal also includes a phase-in schedule to reduce the impact of the larger fee increases.
3. **A citation to all published notices relating to this proceeding:**  
None

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

**4. The name and address of agency personnel with whom persons may communicate regarding this rule:**

Name: Jean Parkinson, Air Quality Planning Manager  
Address: Pinal County Air Quality Control District  
P.O. Box 987  
Florence, AZ 85232  
Telephone: (520) 868-6929  
Fax: (520) 868-6967  
E-mail: jean.parkinson@co.pinal.az.us

**5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**

To be announced in the Notice of Proposed Rulemaking

**6. A timetable for agency decisions or other action on the proceeding, if known:**

To be announced in the Notice of Proposed Rulemaking

**NOTICE OF RULEMAKING DOCKET OPENING**

**PINAL COUNTY AIR QUALITY CONTROL DISTRICT**

**1. Title and its heading:**

Pinal County Air Quality Control District Code of Regulations

**Chapter and its heading:**

3, Permits and Permit Revisions

**Article and its heading:**

8, Open Burning and Appendix C

**Section numbers:**

§§ 3-8-700. General Provisions and 3-8-710. Permit Provisions  
And Administration

**2. The subject matter of the proposed rule:**

Pinal County Air Quality District will propose to amend these Sections to revise the fees for each category of burning described in this Article and listed in Appendix C – Controlled Open Burning and Earthmoving Fees Schedule. Burn permit conditions are amended to include specific conditions for burning and a burn ban season, orchard burners are deleted as exempted, and the approved waste burner permit is deleted. Violation procedures are provided in § 3-8-700 pursuant to A.R.S. § 49-502.

**3. A citation to all published notices relating to this proceeding:**

None

**4. The name and address of agency personnel with whom persons may communicate regarding this rule:**

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P.O. Box 987  
Florence, AZ 85232  
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**5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**

To be announced in the Notice of Proposed Rulemaking

**6. A timetable for agency decisions or other action on the proceeding, if known:**

To be announced in the Notice of Proposed Rulemaking

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

**NOTICE OF RULEMAKING DOCKET OPENING**

**PINAL COUNTY AIR QUALITY CONTROL DISTRICT**

- 1. Title and its heading:** Pinal County Air Quality Control District Code of Regulations  
**Chapter and its heading:** 4, Emissions from Existing & New Non-Point Sources  
**Article and its heading:** 3, Construction Sites & Earthmoving Activities - Fugitive Dust and Appendix C  
**Section numbers:** §§ 4-3-060. General Provisions, 4-3-070. Definitions, and 4-3-080. Registration Requirements
- 2. The subject matter of the proposed rule:**  
Pinal County will propose to amend the above Sections to include a fee for utilities for an annual dust registration for continuous trenching operations, redefine the geographic scope, increase the late fees, and decrease the maximum fee in Appendix C.
- 3. A citation to all published notices relating to this proceeding:**  
None
- 4. The name and address of agency personnel with whom persons may communicate regarding this rule:**  
Name: Jean Parkinson, Air Quality Planning Manager  
Address: Pinal County Air Quality Control District  
P.O. Box 987  
Florence, AZ 85232  
Telephone: (520) 868-6929  
Fax: (520) 868-6967  
E-mail: jean.parkinson@co.pinal.az.us
- 5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**  
To be announced in the Notice of Proposed Rulemaking
- 6. A timetable for agency decisions or other action on the proceeding, if known:**  
To be announced in the Notice of Proposed Rulemaking

**NOTICE OF RULEMAKING DOCKET OPENING**

**PINAL COUNTY AIR QUALITY CONTROL DISTRICT**

- 1. Title and its heading:** Off-Road Recreational Vehicles Ordinance
- 2. The subject matter of the proposed rule:**  
Arizona Revised Statutes (A.R.S.) § 11-251.43 allows the Board of Supervisors to regulate off-road recreational motor vehicles operated illegally on public lands, operated on private lands without the consent of the owner, **or operated in a manner that generates air pollution.** The staff proposal, developed after consultation with the Pinal County Sheriff's Officer, allows the regulation of off-road recreational vehicle activity in the vicinity of buildings or roadways.
- 3. A citation to all published notices relating to this proceeding:**  
None
- 4. The name and address of agency personnel with whom persons may communicate regarding this rule:**  
Name: Jean Parkinson, Air Quality Planning Manager  
Address: Pinal County Air Quality Control District  
P.O. Box 987  
Florence, AZ 85232  
Telephone: (520) 868-6929  
Fax: (520) 868-6967

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

E-mail: jean.parkinson@co.pinal.az.us

5. **The time during which the agency will accept written comments and the time and place where oral comments may be made:**

To be announced in the Notice of Proposed Rulemaking

6. **A timetable for agency decisions or other action on the proceeding, if known:**

To be announced in the Notice of Proposed Rulemaking

**NOTICE OF PUBLIC INFORMATION**

**PINAL COUNTY AIR QUALITY CONTROL DISTRICT**

1. **Title and its heading:** Pinal County Ozone Flex Program

2. **The public information relating to the Pinal County Ozone Flex Program:**

Pursuant to the U.S. Environmental Protection Agency's (EPA) Ozone Flex Program Policy, the Pinal County Air Quality Control District (PCAQCD) must submit an "Ozone Flex Memorandum of Agreement" to the EPA by December 31, 2002. The agreement includes emission inventory data, modeling, and chosen control measures. The resolution to participate in the Ozone Flex Program was adopted on December 5, 2001 by the Board of Supervisors. The Ozone Flex Program was promulgated by EPA on June 21, 2001, and allowed local communities the opportunity to develop voluntary solutions for potential future nonattainment of either the 1-hour or 8-hour ozone National Ambient Air Quality Standards (NAAQS).

3. **The name and address of agency personnel with whom persons may communicate regarding the public information and the time and place where oral comments or questions may be made:**

Name: Jean Parkinson, Air Quality Planning Manager

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

Telephone: (520) 868-6929

Fax: (520) 868-6967

E-mail: jean.parkinson@co.pinal.az.us

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

The PCAQCD will provide an opportunity for public comment on the proposed "Ozone Flex Memorandum of Agreement" between August 6, 2002 and December 4, 2002. Initially, the following Stakeholders Workshops are scheduled:

<b><u>DATE</u></b>	<b><u>TIME</u></b>	<b><u>HO – FLORENCE COMPLEX</u></b>
August 6, 2002	10:00 a.m.	EOC Room, Bldg. F, 31 N. Pinal Street
August 19, 2002	10:00 a.m.	EOC Room, Bldg. F, 31 N. Pinal Street
September 10, 2002	10:00 a.m.	EOC Room, Bldg. F, 31 N. Pinal Street

**NOTICE OF PUBLIC INFORMATION**

**PINAL COUNTY AIR QUALITY CONTROL DISTRICT**

- 1. Title and its heading:** Pinal County Natural Events Action Plan
- 2. The public information relating to the Pinal County Natural Events Action Plan:**

Pursuant to the U.S. Environmental Protection Agency's (EPA) Natural Events Policy, the Pinal County Air Quality Control District (PCAQCD) must submit a Natural Events Action Plan (NEAP) by December 7, 2002. This plan was originally adopted on December 3, 1997, by the Board of Supervisors and must be updated every five years. This plan allows the PCAQCD to exclude consideration of exceedance data for particulate matter resulting from high wind events.
- 3. The name and address of agency personnel with whom persons may communicate regarding the public information and the time and place where oral comments or questions may be made:**

Name: Jean Parkinson, Air Quality Planning Manager  
Address: Pinal County Air Quality Control District  
P.O. Box 987  
Florence, AZ 85232  
Telephone: (520) 868-6929  
Fax: (520) 868-6967  
E-mail: jean.parkinson@co.pinal.az.us
- 4. The time during which the agency will accept written comments about the public information and the time and place where oral comments or questions may be made:**

The PCAQCD will provide an opportunity for public comment on the proposed Natural Events Action Plan between August 6, 2002 and December 4, 2002. Initially, the following Stakeholders Workshops are scheduled:

<u>DATE</u>	<u>TIME</u>	<u>HO – FLORENCE COMPLEX</u>
August 6, 2002	1:00 p.m.	EOC Room, Bldg. F, 31 N. Pinal Street
August 19, 2002	1:00 p.m.	EOC Room, Bldg. F, 31 N. Pinal Street
August 27, 2002	1:00 p.m.	EOC Room, Bldg. F, 31 N. Pinal Street
September 10, 2002	1:00 p.m.	EOC Room, Bldg. F, 31 N. Pinal Street