

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

Because each county writes rules and regulations in its own unique style, County Notices published in the *Register* do not conform to the standards of the *Arizona Rulemaking Manual*. With the exception of minor formatting changes, the rules (including subsection labeling, spelling, grammar, and punctuation) are reproduced as submitted.

NOTICE OF TERMINATION OF RULEMAKING

MARICOPA COUNTY AIR POLLUTION CONTROL REGULATIONS

REGULATION III – CONTROL OF AIR CONTAMINANTS

[M12-453]

1. The Register citation and the date of the Notice of Rulemaking Docket Opening:

Notice of Rulemaking Docket Opening: 18 A.A.R. 2028, August 17, 2012

2. The Register citation and the date of the Notice of Proposed Rulemaking:

Notice of Expedited Rulemaking: 18 A.A.R. 2662, October 19, 2012

3. Explanation of the rule and reason for the termination:

The Maricopa County Air Quality Department (department) periodically proposes to incorporate by reference various federal regulations and documents promulgated by the U.S. Environmental Protection Agency (EPA) and published in the Federal Register. The new and revised federal regulations must be adopted into the Maricopa County Air Pollution Control Regulations prior to requesting delegation of authority from EPA for the implementation and enforcement of the federal regulations. Through incorporation by reference and EPA delegation, the department continues to maintain local control over regulated facilities in Maricopa County.

Maricopa County has committed to complete this rulemaking under the Maricopa County Enhanced Regulatory Outreach Program, scheduled to begin in January 2013. Therefore, the department is terminating the periodic incorporation by reference of new and revised federal regulations relating to New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP), Acid Rain, and other parts of Title 40 of the Code of Federal Regulations (CFR) promulgated between July 1, 2011, and July 1, 2012, for Rule 321 (Municipal Solid Waste Landfills), Rule 360 (New Source Performance Standards), Rule 370 (Federal Hazardous Air Pollutant Program), Rule 371 (Acid Rain), and Appendix G (Incorporated Materials).

The revisions proposed in this terminated rulemaking will be folded into a future proposal to incorporate new federal rules codified on July 1, 2012 and July 1, 2013. This proposed revision will be considered under the Enhanced Regulatory Outreach Program. The Enhanced Regulatory Outreach Program is an expansion of the department's current rulemaking process and is intended to provide a platform that allows stakeholders multiple opportunities for input regarding the adoption and amendment of all regulatory requirements. The Enhanced Regulatory Outreach Program is scheduled to begin in January 2013 and will include a Maricopa County website designed entirely for all Maricopa County rulemaking activities.

NOTICE OF TERMINATION OF RULEMAKING

MARICOPA COUNTY AIR POLLUTION CONTROL REGULATIONS

REGULATION I – GENERAL PROVISIONS

REGULATION 100 – GENERAL PROVISIONS AND DEFINITIONS

[M12-452]

1. The Register citation and the date of the Notice of Rulemaking Docket Opening:

Notice of Rulemaking Docket Opening: 18 A.A.R. 2567, October 12, 2012

2. The Register citation and the date of the Notice of Proposed Rulemaking:

Notice of Proposed Rulemaking: 18 A.A.R. 2636, October 19, 2012

3. Explanation of the rule and reason for the termination:

In July 2012, the U.S. Environmental Protection Agency (EPA) disapproved the state's provisions regarding County Hearing Board composition under the Clean Air Act (CAA), because the conflict of interest provisions do not apply to enforcement orders (as well as permits).

The Maricopa County Air Quality Department (department), in consultation with the County Attorney's office, identified a simple revision to Rule 100 (General Provisions and Definitions), Section 108 (Hearing Board) that would address EPA's disapproval. The department was proposing to revise Rule 100, Section 108 as follows: "The Board of Supervisors shall appoint a five-member hearing board knowledgeable in the field of air pollution. At least three members shall not have a substantial interest, as defined in A.R.S. § 38-502(11), in any person required to obtain an

air pollution permit or subject to enforcement orders issued under these rules. Each member shall serve a term of three years.”

The department is terminating this rulemaking; however, the department will propose such amendment to Rule 100, Section 108 under the Enhanced Regulatory Outreach Program. The Enhanced Regulatory Outreach Program is an expansion of the department’s current rulemaking process and is intended to provide a platform that allows stakeholders multiple opportunities for input regarding the adoption and amendment of all regulatory requirements. The Enhanced Regulatory Outreach Program is scheduled to begin in January 2013 and will include a Maricopa County website designed entirely for all Maricopa County rulemaking activities.