



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 FINAL RULEMAKING

PIMA COUNTY CODE

TITLE 17 – AIR QUALITY CONTROL

CHAPTER 4 GENERAL PROVISIONS

[M15-108]

PREAMBLE

1. Article, Part or Section Affected (as applicable) Rulemaking Action
PCC 17.04.190 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 effective date of the rule:
June 5, 2015

4. List of all previous notices appearing in the Register addressing the final rule:
Notice of Rulemaking Docket Opening: 21 A.A.R. 471, March 27, 2015
Notice of Proposed Expedited Rulemaking: 21 A.A.R. 469, March 27, 2015

5. 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

6. An explanation of the rule, including the control officer’s reasons for initiating the rule:
Summary:
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.

7. 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.

8. 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

9. 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.

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

No changes were made between the expedited rule and the final rule.

**11. A summary of the comments made regarding the rule and the agency response to them:**

None

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

None

**13. Conforming change and its location in the rules:**

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

**14. Were these rules previously made as emergency rules?**

No

**15. 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.