

NOTICE OF PROPOSED EXPEDITED RULEMAKING

PIMA COUNTY CODE  
TITLE 17 – AIR QUALITY CONTROL  
CHAPTER 4 GENERAL PROVISIONS

PREAMBLE

- | <u>1. Sections Affected</u> | <u>Rulemaking Action</u> |
|-----------------------------|--------------------------|
| 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 agency’s contact person who can answer questions about the rulemaking:**  
Name: Sarah Reitmeyer  
Address: Pima County DEQ  
33 N. Stone Avenue, 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 An agency’s justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:**  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: 33 N. Stone Avenue, Suite 700  
Tucson, AZ 85701-1429  
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, Arizona 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.~~