Title: Amending Pima County Code Title 17 to modify open burning permit fees and clarify terms of residential, construction, and agricultural open burning permits.

Introduction/Background:
The Pima County Board of Supervisors (BOS) as the governing body for the Pima County Air Quality Control District adopts ordinances which are codified in the Pima County Code (PCC). The Pima County Air Quality Control District operates within the Pima County Department of Environmental Quality (PDEQ). PDEQ periodically proposes updates to PCC through the BOS. This ordinance would modify the open burning fee schedule which was last amended by ordinance 1993-128 and amend language for the terms for all open burning permits issued by PDEQ.

Discussion:
This ordinance would modify the current computational fee schedule to a comparable flat rate fee schedule for all open burning permits issued by PDEQ and amend language to clarify the terms of all open burning permits issued by PDEQ.

Conclusion:
This ordinance is proposed to simplify the fee schedule for all open burning permits, and to clarify terms of residential, commercial, and agricultural burning permits. These updates include changes to PCC Sections 17.14.080 and 17.14.090.

Recommendation:
Staff recommends the Board of Supervisors adopt the proposed amendments to PCC Title 17.

Fiscal Impact:
The amendments proposed by this ordinance will modify the current computational fee schedule for open burning permits issued by PDEQ proposing a comparable flat rate fee schedule for all open burning permits. The amendments should have minimal economic impact on the regulated community in Pima County beyond that already incurred by reason of federal or state rule or law. The costs of compliance for the Air Quality Permitting programs have already occurred, and were considered when the federal and state rule or law was proposed and adopted.

Board of Supervisor District:

<table>
<thead>
<tr>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
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</table>

Department: Environmental Quality
Telephone: 724-7400

Contact: Sarah Reitmeyer, Regulatory Program Manager Telephone: 724-7437

Department Director Signature/Date: Murray K. Neil 11/16/2020

Deputy County Administrator Signature/Date: 11/17/2020

County Administrator Signature/Date: 11/17/2020

Copy
ORDINANCE NUMBER 2020-__

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA, RELATING TO AIR QUALITY; AMENDING THE PIMA COUNTY CODE BY AMENDING TITLE 17, CHAPTER 17.14, SECTIONS 17.14.080 AND 17.14.090 TO MODIFY OPEN BURNING PERMIT FEES AND CLARIFY TERMS OF RESIDENTIAL, CONSTRUCTION, AND AGRICULTURAL OPEN BURNING PERMITS.

THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA, FINDS THAT:

1. The Pima County Board of Supervisors as the governing body for the Pima County Air Quality Control District adopts air quality ordinances under the statutory authority of Arizona Revised Statutes Title 49, Chapter 3, Article 3.

2. The Pima County Air Quality Control District operates within the Pima County Department of Environmental Quality.

3. The intention of this ordinance is to update fees and clarify terms for open burning permits.

IT IS ORDAINED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA, AS FOLLOWS:

Section 1: Chapter 17.14, Sections 17.14.080 and 17.14.090 are amended to read as follows:

Chapter 17.14 – ACTIVITY PERMITS

Article IV. - Open Burning

17.14.080 - Open burning permits.

I. The term of any open burning permit shall...

1. The term of a temporary residential open burning permit shall not exceed three consecutive or nonconsecutive days within a thirty-day period; and

2. The term of an extended construction or agricultural open burning permit shall expire as specified on the original application, and shall in no case exceed ninety days, with no limitation on days of burning within the 90-day term.

17.14.090 - Open burning permit fees.

Open Burning Permit Fee Schedules.

<table>
<thead>
<tr>
<th>S.S.</th>
<th>Permit Activity</th>
<th>Rate-Components</th>
<th>Minimum Permit Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Residential Burning</td>
<td>$16.43 base, plus $2.95 per day of burning</td>
<td>$39.05</td>
</tr>
<tr>
<td>B</td>
<td>Construction/Agricultural Burning</td>
<td>$20.50 base, plus $5.00 per day of burning</td>
<td>$40.00</td>
</tr>
</tbody>
</table>

1. S.S. - Sub-schedule for identification only.

2. The term of a residential burning permit shall not exceed three consecutive or non-consecutive nonconsecutive days within a thirty-day period.
3. The term of a construction/ or agricultural burning permit shall not exceed ninety (90) days, with no limitation on days of burning within the 90-day term.

Section 2. This Ordinance is effective 31 days after the date of adoption.

PASSED AND ADOPTED by the Board of Supervisors, Pima County, Arizona, this ______ day of ________________, 2020

Chairman of the Board of Supervisors

ATTEST:

________________________
Clerk of Board

APPROVED AS TO FORM:

Lesley M. Lukach
Deputy County Attorney

REVIEWED BY:

________________________
Ursula Kramer Nelson, Director
Department of Environmental Quality

11/16/20
ORDINANCE NUMBER 2020-__

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA,
RELATING TO AIR QUALITY; AMENDING THE PIMA COUNTY CODE BY AMENDING TITLE
17, CHAPTER 17.14, SECTIONS 17.14.080 AND 17.14.090 TO MODIFY OPEN BURNING
PERMIT FEES AND CLARIFY TERMS OF RESIDENTIAL, CONSTRUCTION, AND
AGRICULTURAL OPEN BURNING PERMITS.

THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA, FINDS THAT:

1. The Pima County Board of Supervisors as the governing body for the Pima County Air Quality Control
   District adopts air quality ordinances under the statutory authority of Arizona Revised Statutes Title 49,
   Chapter 3, Article 3.

2. The Pima County Air Quality Control District operates within the Pima County Department of
   Environmental Quality.

3. The intention of this ordinance is to update fees and clarify terms for open burning permits.

IT IS ORDAINED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA, AS FOLLOWS:

Section 1: Chapter 17.14, Sections 17.14.080 and 17.14.090 are amended to read as follows:

Chapter 17.14 – ACTIVITY PERMITS

Article IV. - Open Burning

17.14.080 - Open burning permits.

I. The term of any open burning permit shall . . .

1. The term of a residential open burning permit shall not exceed 3 consecutive or nonconsecutive days
   within a 30-day period; and

2. The term of a construction or agricultural open burning permit shall expire as specified on the original
   application, and shall in no case exceed 90 days, with no limitation on days of burning within the 90-day
   term.

17.14.090 - Open burning permit fees.

Open Burning Permit Fee Schedules.

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<tr>
<th>S.S.¹</th>
<th>Permit Activity</th>
<th>Permit Fee</th>
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</thead>
<tbody>
<tr>
<td>A</td>
<td>Residential Burning²</td>
<td>$30</td>
</tr>
<tr>
<td>B</td>
<td>Construction/Agricultural Burning³</td>
<td>$100</td>
</tr>
</tbody>
</table>

1. S.S. - Sub-schedule for identification only.

2. The term of a residential burning permit shall not exceed 3 consecutive or nonconsecutive days within
   a 30-day period.
3. The term of a construction or agricultural burning permit shall not exceed 90 days, with no limitation on days of burning within the 90-day term.

Section 2. This Ordinance is effective 31 days after the date of adoption.

PASSED AND ADOPTED by the Board of Supervisors, Pima County, Arizona, this ________ day of __________________, 2020

________________________
Chairman of the Board of Supervisors

ATTEST:

________________________
Clerk of Board

APPROVED AS TO FORM:

________________________
Lesley M. Lukach
Deputy County Attorney

REVIEWED BY:

________________________
Ursula Kramer Nelson, Director
Department of Environmental Quality
PUBLIC NOTICE
AND
PUBLIC PARTICIPATION

On Proposed Amendments
To Pima County Code Title 17:
Sections 17.13.080 and 17.13.090

November 12, 2020

Pima County Department of Environmental Quality
33 North Stone Avenue, Suite 700
Tucson, AZ 85701
TABLE OF CONTENTS

I. Summary of Proposed Amendments to PCC ................................................................. 1

II. Public Notice ............................................................................................................. 1

III. Notice of Proposed Rulemaking ............................................................................ 1

IV. Public Participation .................................................................................................. 2

V. Public Comment ....................................................................................................... 2

VI. Board of Supervisors Materials ............................................................................. 3

Attachment A
   Public Notice Documents ............................................................................................ 4

Attachment B
   Stakeholder Public Notice E-mails ............................................................................. 26

Attachment C
   Notice of Proposed Rulemaking ................................................................................. 32

Attachment D
   Stakeholder Outreach E-mail ..................................................................................... 36

Attachment E
   Public Comment ......................................................................................................... 38

Attachment F
   Pima County Board of Supervisors Agenda Item Report ........................................... 47
I. SUMMARY OF THE PROPOSED ORDINANCE AMENDMENTS TO PIMA COUNTY CODE TITLE 17 (AIR QUALITY)

The Pima County Board of Supervisors (PC-BOS) as the governing body for the Pima County Air Quality Control District adopts ordinances under statutory authority of Arizona Revised Statutes (A.R.S.) Title 49, Chapter 3, Article 3. Adopted ordinances are codified in the Pima County Code (PCC). The Pima County Air Quality Control District operates within the Pima County Department of Environmental Quality (PDEQ). PDEQ periodically proposes updates to PCC by and through the rulemaking process set forth by the PC-BOS. This rulemaking is proposed to simplify the fee schedule for residential, construction, and agriculture open burning permits, and to clarify terms of residential, commercial, and agricultural burning permits. These updates include changes to PCC Sections 17.14.080 and 17.14.090.

II. PUBLIC NOTICE

PDEQ published a public notice of the Notice of Proposed Rulemaking for the proposed simplified fee schedule for open burning permits, and the language revisions to clarify terms of residential, commercial, and agricultural burning permits on the Pima County homepage on September 11, 2020. This first public notice was at least 60-days prior to the date of the PC-BOS Hearing pursuant to A.R.S. § 11-251.13 (Attachment A: Public Notices). This public notice was also published on the PDEQ homepage, the PDEQ Rules and Regulations webpage, and in two local newspapers (Arizona Daily Star and the Daily Territorial Newspaper) (Attachment A: Public Notices). This public notice allowed for 30-days for PDEQ to accept public comment on the proposed ordinance, with the public comment period closing on Monday, October 12, 2020. The public notice and Notice of Proposed Rulemaking were also published on the PDEQ Rules and Regulations webpage on September 11, 2020. PDEQ published a second public notice on the PDEQ homepage, the PDEQ Rules and Regulations webpage, and in the Arizona Daily Star newspaper on October 12, 2020 (Attachment A: Public Notices). This second public notice was also published on October 13, 2020 in the Daily Territorial newspaper because the Daily Territorial does not publish on the October 12 holiday (Attachment A: Public Notices).

In addition, PDEQ e-mailed both public notices and the Notice of Proposed Rulemaking to interested parties who had requested rulemaking notifications in the past, including United States Environmental Protection Agency (EPA), State, and Local government contacts (Attachment B: Stakeholder Public Notice Notifications).

III. NOTICE OF PROPOSED RULEMAKING

Pursuant to A.R.S. § 49-471.04 PDEQ posted a Notice of Proposed Rulemaking (Attachment C: Notice of Proposed Rulemaking) on the Pima County Homepage (Attachment A: Public Notice) and PDEQ e-mailed a notice of the proposed ordinance amendments to interested parties who had requested rulemaking notifications in the past, including EPA, State, and Local government contacts (Attachment B: Stakeholder Public Notice Notification). The publication of the Notice of Proposed Rulemaking on September 11, 2020 coincided with the first Public Notice which allowed for 30-days for PDEQ to accept public comment on the proposed ordinance.
IV. PUBLIC PARTICIPATION
On September 1, 2020, prior to publication of the Notice of Proposed Rulemaking, and prior to the 60-day Public Notice PDEQ e-mailed interested parties, including EPA, State, and Local government contacts to request feedback on the Draft-Notice of Proposed Rulemaking (Attachment D: Stakeholder Outreach E-mail). Interested stakeholders were notified via e-mail due to the ongoing Covid-19 pandemic.

V. PUBLIC COMMENT
During the 30-day public comment period PDEQ received one (1) written comment on the proposed amendments through the PDEQ Online Public Comment Form. PDEQ also received one (1) written comment outside of the public comment period. The entirety of these comments and responses are found in Attachment E: Public Comments and PDEQ Responses.

The following presents a summary of written comments received and PDEQ responses.

1. Amanda McGennis, Arizona Chapter Associated General Contractors
Written Comment. Received via PDEQ Online Public Comment Form October 12, 2020

The Arizona Chapter Associated General Contractors (AZAGC) is the oldest construction association in Arizona, representing highway, heavy civil, industrial and utility contractors statewide including their service suppliers since 1934. AZAGC is generally not in favor of fee increases for permits pertaining to construction. However, after reviewing the proposed revisions to the ordinance and the fees for construction/agricultural open burning, we believe the proposed revisions simplify the terms of the permit, including calculation of fees. Amanda McGennis AZAGC 1825 W. Adams Phoenix, AZ 85007 (602) 252-3926

Pima County Response:

Thank you for your participation in the rulemaking process with Pima County Department of Environmental Quality. We have received and reviewed your comment and we appreciate your time, attention, and positive feedback on the open burn permit fee and language clarification revisions proposed for PCC Title 17.

2. Written Comment. Received via e-mail October 13, 2020

Thank you for the opportunity to comment. With respect to fee’s the fee seems reasonable to me.

However, I don’t see any conditions or restrictions on the Opacity or other consequence from open burning, which is presumably much more toxic than most. The US Department of Defense estimates they will pay hundreds of millions of dollars over the next decade adjudicating the consequence of open burn pits in Iraq, and other occupations (Military Health Services mhs.mil/burn pits). Wild fire is increasing across the US an the consequence from its smoke, has been and continues to be studied, with very little if any positive results, epa.gov/wildfire.

Thus if the conditions under which open burning are being allowed or the monitoring required for the burn, I would propose the use of imagery (digital cameras) to monitor burns for Public Awareness, Health and Safety. E.g. I think everybody would say no tires should be burned! and a cell phone used as an opacity meter would make
monitoring easy, and verify the burn.

That’s my two cents.

Thank you so much for the opportunity to comment.

Shawn Dolan
801 309 3626
Sdolan50@msn.com

Pima County Response:

Thank you for your participation in the rulemaking process with Pima County Department of Environmental Quality. We have received and reviewed your comment. Limitations on materials which can be burned under an open burning permit are defined and governed by Arizona Revised Statutes § 49-501 and Pima County Code Section 17.14.080. Open burn permits prohibit the burning of household waste or prohibited materials. Prohibited materials include “… nonpaper garbage from the processing, storage, service, or consumption of food; chemically treated wood; lead-painted wood; linoleum flooring, and composite counter-tops; tires; explosives or ammunition; oleanders; asphalt shingles; tar paper; plastic and rubber products, including bottles for household chemicals; plastic grocery and retail bags; waste petroleum products, such as waste crankcase oil, transmission oil, and oil filters; transformer oils; asbestos; batteries; anti-freeze; aerosol spray cans; electrical wire insulation; thermal insulation; polyester products; hazardous waste products such as paints, pesticides, cleaners and solvents, stains and varnishes, and other flammable liquids; plastic pesticide bags and containers; and hazardous material containers including those that contained lead, cadmium, mercury, or arsenic compounds.” Currently there is no opacity limitation for open burning, nor is there any limitation on what methods that can be used to find, determine, and enforce illegal open burning.

VI. BOARD OF SUPERVISORS MEETING MATERIALS

Following the Pima County Board of Supervisors Agenda/Addendum Policy, PDEQ is submitting the proposed ordinance amendments to the Pima County Clerk of the Board via e-mail and hard copy on December 2, 2020. The unsigned Board of Supervisors Agenda Item report can be found in Attachment F.
ATTACHMENT A

Public Notice Documents

Website Public Notices

Pima County Homepage
1st Public Notice
60-Day Notice
September 11, 2020
Proposed Pima County Taxes and Fees

Public 60-day Notice of Proposed Rulemaking - Open Burn Permit Fees & Revisions
(posted September 11, 2020)

NOTICE IS HEREBY GIVEN, that a public hearing will be held to consider proposed changes to the Pima County Department of Environmental Quality fee schedule for residential, construction, and agriculture open burn permits referenced in Pima County Code (PCC) Title 17, Chapter 14 – Activity Permits, Section 17.14.090 - Open Burning permit fees. Proposed changes will also include clarification of the terms of residential, construction, and agricultural burn permits found in PCC Section 17.14.080 – Open Burning Permits. The hearing is scheduled for Tuesday, December 15, 2020 at, or after, 9:00 a.m. in the Board Hearing Room, located at 130 W. Congress, 1st floor, Tucson, Arizona.

Comments pertaining to the proposed ordinance may be submitted at the above noticed public hearing, in writing to PDEQ (Attn: Sarah Reitmeyer, 33 N Stone Ave Suite 700, Tucson, AZ 85701), online, or via e-mail to Sarah Reitmeyer. Online and written comments on the proposed ordinance will be accepted by PDEQ until 5:00 p.m. on Monday, October 12, 2020.

The proposed ordinance is available for review at the PDEQ office and on the PDEQ Draft, Proposed, and Final Rules website, if requested, PDEQ can email a pdf version of the proposed ordinance to anyone requesting this service. For additional information, please call Sarah Reitmeyer at (520) 724-7437.

Notice of Proposed Rulemaking Open Burn Fees and Revisions

Public Notice of Proposed Non-Code Ordinance for Development Services Permitting and License Fees
(posted August 4, 2020)

Notice is hereby given, that a public hearing (meeting) before the Pima County Planning and Zoning Commission will be held on Wednesday, September 30, 2020 at 9:00 AM, at the Pima County Administration Building - East, Board of Supervisors Hearing Room, 130 W. Congress St., 1st Floor, Tucson, AZ 85701, regarding the following:

Whether the Planning and Zoning Commission recommends that the Pima County Board of Supervisors adopt an Ordinance governing the fees charged by Development Services department for building permits, zoning permits, addressing, land use changes and site development. The ordinance amends the methodology for increasing and decreasing fees on an annual basis. The ordinance also adopts tables that outline fee items.
Public Notice and Public Participation
Proposed Amendments to PCC Title 17
Open Burning Permit Fees & Language Revisions

Pima County Department of Environmental Quality Homepage
1st Public Notice
60-Day Notice
September 11, 2020

https://webcms.pima.gov/government/environmental_quality/
Pima County Department of
Environmental Quality Newsroom Article
1st Public Notice
60-Day Notice
September 11, 2020

60-day Notice - Proposed Rulemaking - Open Burn Permit Fees & Revisions
Sep 11, 2020 | Read More News

PUBLIC NOTICE
FIRST NOTICE 60-DAY NOTICE
RELATING TO AIR QUALITY TO REVISE
OPEN BURNING PERMIT FEES AND CLARIFY
TERMS OF RESIDENTIAL, CONSTRUCTION, AND
AGRICULTURAL OPEN BURN PERMITS

The Pima County Board of Supervisors (PC-BOS) as the governing body for the Pima County Air Quality Control District adopts rules for Pima County Code (PCC). The Pima County Air Quality Control District operates within the Pima County Department of Environmental Quality (PDEQ). PDEQ periodically proposes updates to PCC by and through the rulemaking process set forth by the PC-BOS. This rulemaking is proposed to simplify the fee schedule for residential, construction, and agriculture open burn permits, and to clarify terms of residential, construction, and agriculture burn permits. These updates include changes to PCC Sections 17.14.080 and 17.14.090.

Staff recommends the Board of Supervisors adopt the proposed ordinance which proposes revisions to open burn permit fees and clarification on the terms of residential, construction, and agriculture open burn permits.

A public hearing before the Pima County Board of Supervisors will be held on Tuesday, December 15, 2020 at or after 9:00 a.m. in the Board Hearing Room, located at 130 W. Congress, 1st floor, Tucson, Arizona.

Comments pertaining to the proposed ordinance may be submitted at the above noticed public hearing, online, in writing to PDEQ (Attn: Sarah Rettmeyer, 33 N Stone Ave Suite 700, Tucson, AZ 85701), or via e-mail to Sarah.Rettmeyer. Written and online comments on the proposed ordinance will be accepted by PDEQ until 5:00 p.m. on Monday, October 12, 2020.

The proposed ordinance is available for review at the PDEQ office and on the PDEQ Draft, Proposed, and Final Rules website. If requested, PDEQ can email a pdf version of the proposed ordinance to anyone requesting this service. For additional information, please call Sarah Rettmeyer at (520) 724-7437.

https://webcms.pima.gov/cms/One.aspx?portalId=169&pageId=507477
Draft, Proposed, & Final Rules

The Arizona Revised Statutes 49-112 and 49-471 et seq. authorizes the county to adopt regulations and establishes a rulemaking process by which the county must follow. In addition, a variety of state laws give citizens the right to comment on regulations before the county can put them into effect. Pima County Department of Environmental Quality is responsible for creating and amending existing rules within Pima County Code Title 7 - Environmental Quality, Title 13 - Public Service, and Title 17 - Air Quality, and creating and amending existing Pima County Ordinances relating to Air, Water, and Waste.

PDEQ follows a process for creating and amending Pima County Code and Pima County Ordinances. An Introduction to the Rulemaking Process provides an overview of the process and frequently asked questions regarding rulemaking. PDEQ also follows a process for revising the Pima County portion of the Arizona State Implementation Plan (SIP). Each rulemaking, or revision of the Pima County portion of the SIP will have a 30-day Public Comment period. Public Comments can be submitted in writing via letter, e-mail to Sarah Biltmeyer, or through the PDEQ online Public Comment Form. We encourage you to participate in the rulemaking process.

Air

Title 17 - Open Burn Permit Fees and Revisions

Summary: The Pima County Board of Supervisors (PC-BOs) as the governing body for the Pima County Air Quality Control District adopts rules for Pima County Code (PCC). The Pima County Air Quality Control District operates within the Pima County Department of Environmental Quality (PDEQ). PDEQ periodically proposes updates to PCC by and through the rulemaking process set forth by the PC-BOs. This rulemaking is proposed to simplify the fee schedule for residential, construction, and agriculture open burn permits, and to clarify terms of residential, construction, and agricultural burn permits. These updates include changes to PCC Sections 17.14.080 and 17.14.090.

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<tr>
<th>Documents</th>
<th>Deadline for Public Comment</th>
<th>Public Hearing Date</th>
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<tbody>
<tr>
<td>Notice of Proposed Rulemaking</td>
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<td>December 15, 2020</td>
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<tr>
<td>60-Day Public Notice</td>
<td></td>
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<td>Draft Ordinance-Legislative</td>
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Title 17 - Incorporations by Reference 2019

https://webcms.pima.gov/cms/one.aspx?portalId=169&pageId=64989
Pima County Homepage
News Release
2nd Public Notice
October 12, 2020

https://webcms.pima.gov/
Public Notice and Public Participation
Proposed Amendments to PCC Title 17
Open Burning Permit Fees & Language Revisions

Pima County Proposed Taxes and Fees Page
2nd Public Notice
October 12, 2020

https://webcms.pima.gov/cms/One.aspx?portalId=169&postId=45769
Public Notice and Public Participation
Proposed Amendments to PCC Title 17
Open Burn Permit Fees & Language Revisions

Pima County Department of
Environmental Quality Homepage
2nd Public Notice
October 12, 2020

Changes to PDEQ Office Procedures
In response to the COVID-19 pandemic, the customer service counter is now CLOSED to walk-in customers. Meetings are by appointment only. In addition, employees, vendors and the public are required to have their temperature checked and wear face masks in lobbies, elevators and common areas of County facilities. In addition, proper physical distancing (six feet) is encouraged. Additional information on COVID-19 environmental concerns is available here.
Please contact the department by telephone (520) 724-7400 Monday - Friday from 8:00 a.m. to 5:00 p.m. for more information or if an appointment is needed.

Our Mission
Preserve and protect the environment of Pima County for the long-term benefit of residents' health, welfare, safety, and quality of life. Identify and respond to environmental issues by providing public services including monitoring, enforcement, information, education, and solid waste management.

Featured News
- October 12, 2020 - Second Notice - Proposed Rulemaking - Open Burn Permit Fees & Revisions
- October 09, 2020 - Smoke from wildfires taint the air and view
- October 06, 2020 - Tire Pressure and Temperatures Drop Together
- October 01, 2020 - 2020 Ozone Season Finally Over
- September 11, 2020 - 60-day Notice - Proposed Rulemaking - Open Burn Permit Fees & Revisions

https://webcms.pima.gov/government/environmental_quality/
Pima County Department of Environmental Quality Newsroom Article
2nd Public Notice
October 12, 2020

Second Notice - Proposed Rulemaking - Open Burn Permit Fees & Revisions
Oct 12, 2020 | Read More News

PUBLIC NOTICE
SECOND NOTICE
NOTICE OF PROPOSED RULEMAKING
RELATING TO AIR QUALITY TO REVISE
OPEN BURNING PERMIT FEES AND CLARIFY
TERMS OF RESIDENTIAL, CONSTRUCTION, AND
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Staff recommends the Board of Supervisors adopt the proposed ordinance which proposes revisions to open burn permit fees and open burn permit clarification on the terms of residential, construction, and agriculture open burn permits.

A public hearing before the Pima County Board of Supervisors will be held on Tuesday, December 15, 2020 at, or after, 9:00 a.m. in the Board Hearing Room, located at 130 W. Congress, 1st Floor, Tucson, Arizona.

Comments pertaining to the proposed ordinance may be submitted at the above noticed public hearing.

The proposed ordinance is available for review at the PDEQ office and on the PDEQ Draft, Proposed, and Final Rules website. If requested, PDEQ can email a pdf version of the proposed ordinance to anyone requesting this service. For additional information, please call Sarah Reitmeyer at (520) 724-7437.

https://webcms.pima.gov/cms/One.aspx?portalId=169&pageId=648232
Draft, Proposed, & Final Rules

The Arizona Revised Statutes 49-112 and 49-471 et seq. authorize the county to adopt regulations and establishes a rulemaking process by which the county must follow. In addition, a variety of state laws give citizens the right to comment on regulations before the county can put them into effect. Pima County Department of Environmental Quality is responsible for creating and amending existing rules within Pima County Code Title 7 - Environmental Quality, Title 13 - Public Service, and Title 17 - Air Quality, and creating and amending existing Pima County Ordinances relating to Air, Water, and Waste.

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Air

Title 17 - Open Burn Permit Fees and Revisions

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Documents

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<th>Draft Ordinance - Legislative</th>
<th>Draft Notice of Proposed Rulemaking Title 17 - Open Burn Revisions</th>
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Deadline for Public Comment

- October 12, 2020
- December 15, 2020

Public Hearing Date

https://webcms.pima.gov/cms/one.aspx?portalId=169&pageId=64989
Newspaper Public Notices

Arizona Daily Star
1st Public Notice
60-Day Notice
September 11, 2020
ARIZONA DAILY STAR

Tucson, Arizona

STATE OF ARIZONA
COUNTY OF PIMA

Debbie Sanchez, being first duly sworn deposes and says: that she is the Advertising Representative of TNI PARTNERS, a General Partnership organized and existing under the laws of the State of Arizona, and that it prints and publishes the Arizona Daily Star, a daily newspaper printed in Phoenix, AZ and published in the City of Tucson, Pima County, State of Arizona, and having a general circulation in said City, County, State and Cochise and Santa Cruz Counties, and that the attached ad was printed and published correctly in the entire issue of the said Arizona Daily Star on each of the following dates, to-wit:

SEPTEMBER 11, 2020

[Signature]

[Date]

Subscribed and sworn to before me this 15TH day of SEPTEMBER, 2020

[Signature]

Notary Public

My commission expires

AD NO. 4366409
CAR REVIEW
STATUS: Unchanged for 2020 — Buick’s wagon might wear a Regal badge, but it has a style and function all its own.

It’s surprising that the made-in-Germany vehicle is even here at all, considering how few station wagons are sold in North America. Along with plenty of charcoal-colored side cladding, one of the more interesting TourX features is the extra-long distance between the front and rear wheels, resulting in limo-like rear-seat legroom. Likewise, the cargo hold is generous and folding the rear seat superstructures that volume. Compared to the Regal Sportback hatchback (a companion to the TourX), the ride height is slightly higher in anticipation that heavier loads and possible uneven topography could be in the wagon’s future. A turbocharged four-cylinder engine and an eight-speed automatic transmission propel the TourX (it’s also the Sportback’s base engine). All-wheel-drive is standard. Base price (incl. destination): $36,000.
Daily Territorial
1st Public Notice
60-Day Notice
September 11, 2020
THE DAILY TERRITORIAL

AFFIDAVIT OF PUBLICATION

STATE OF ARIZONA  }
        } ss.
COUNTY OF PIMA    }

Roxanne Murray, being first duly sworn, deposes and says that (s)he is the
Lead Public Notice Clerk of THE DAILY TERRITORIAL, a daily newspaper printed and
published in the County of Pima, State of Arizona, and of general circulation in the City of
Tucson, County of Pima, State of Arizona and elsewhere, and hereto attached:

PUBLIC NOTICE FIRST NOTIC
AIR QUALITY PERMIT
Legal #324624

was printed and published correctly in the regular and entire issue of said THE DAILY
TERRITORIAL for 1 issues; that the first was made on the 11th day of September, 2020 and the
last publication thereof was made on the 11th day of September, 2020; that said publication was
made on each of the following dates, to-wit:

09/11/2020

at the Request of: PC DEPARTMENT OF ENVIRONMENTAL QUALITY

by __________________________ , Lead Public Notice Clerk, subscribed and
sworn to before me this 11th day of September, 2020.

Notary Public in and for the County of Pima, State of Arizona

My commission expires 04/24/2021
PUBLIC NOTICE
FIRST NOTICE 60 DAY NOTICE RELATING TO AIR QUALITY TO REVISE OPEN BURNING PERMIT FEES AND CLARIFY TERMS OF RESIDENTIAL, CONSTRUCTION, AND AGRICULTURAL OPEN BURN PERMITS
The Pima County Board of Supervisors (PC-BO S) as the governing body for the Pima County Air Quality Control District adopts rules for Pima County Code (PCD). The Pima County Air Quality Control District operates within the Pima County Department of Environmental Quality (PDEQ). PDEQ periodically proposes updates to PCD by and through the rulemaking process set forth by the PC-BO S. This rulemaking is proposed to simplify the fee schedule for residential, construction, and agricultural open burn permits, and to clarify terms of residential, construction, and agricultural burn permits. These updates include changes to PCD Sections 17.14.080 and 17.14.090.
Staff recommends the Board of Supervisors adopt the proposed ordinance which proposes revisions to open burn permit fees and open burn permit clarification on the terms of residential, construction, and agriculture open burn permits.
A public hearing before the Pima County Board of Supervisors will be held on Tuesday, December 15, 2020 at, or after, 9:00 a.m. in the Board Hearing Room, located at 130 W. Congress, 1st floor, Tucson, Arizona.
Comments pertaining to the proposed ordinance may be submitted at the above noticed public hearing, in writing to PDEQ (Attn: Sarah Reimers, 31 N Stone Ave Suite 700, Tucson, AZ 85701), or via e-mail to sarah.reimers@pima.gov. Written comments on the proposed ordinance will be accepted by PDEQ until 5:00 p.m. on Monday, October 12, 2020.
The proposed ordinance is available for review at the PDEQ office and on the PDEQ website (http://webboss.pima.gov/government/environmental_quality/). If requested, PDEQ can email a pdf version of the proposed ordinance to anyone requesting this service. For additional information, please call Sarah Reimers at (520) 724-7457.
PUBLISHED: The Daily Territorial
September 11, 2020
Arizona Daily Star
2nd Public Notice
October 12, 2020

Public Notice and Public Participation
Proposed Amendments to PCC Title 17
Open Burning Permit Fees & Language Revisions
Debbie Sanchez, being first duly sworn deposes and says: that she is the Advertising Representative of **TNI PARTNERS**, a General Partnership organized and existing under the laws of the State of Arizona, and that it prints and publishes the Arizona Daily Star, a daily newspaper printed in Phoenix, AZ and published in the City of Tucson, Pima County, State of Arizona, and having a general circulation in said City, County, State and Cochise and Santa Cruz Counties, and that the attached ad was printed and

Legal Notice

published correctly in the entire issue of the said Arizona Daily Star on each of the following dates, to-wit:

**OCTOBER 12, 2020**

_Debbie Sanchez_

Subscribed and sworn to before me this 28TH day of

**OCTOBER, 2020**

_Lydia Simons_

Notary Public

My commission expires

AD NO. 44146147

---

**PUBLICATION NOTICE**

**SECOND NOTICE**

**NOTICE OF PROPOSED RULEMAKING RELATING TO AIR QUALITY TO REVISE OPEN BURNING PERMIT FEES AND CLARIFY TERMS OF RESIDENTIAL, CONSTRUCTION, AND AGRICULTURAL OPEN BURN PERMITS**

The Pima County Board of Supervisors (PC-BOSS) as the governing body for the Pima County Air Quality Control District adopts rules for Pima County Code (PCC). The Pima County Air Quality Control District operates within the Pima County Department of Environmental Quality (PDEQ). PDEQ periodically proposes updates to PCC by and through the rulemaking process set forth by the PC-BOSS. This rulemaking is proposed to simplify the fee schedule for residential, construction, and agriculture-open burn permits, and to clarify terms of residential, construction, and agricultural-open burn permits. These updates include changes to PCC Sections 11.14.080 and 17.14.090.

Staff recommends the Board of Supervisors adopt the proposed ordinance which proposes revisions to open burn permit fees and open burn permit clarification on the terms of residential, construction, and agriculture-open burn permits.

A public hearing before the Pima County Board of Supervisors will be held on Tuesday, December 15, 2020 at, or after, 9:00 a.m. in the Board Hearing Room, located at 130 W Congress, 1st floor, Tucson, Arizona.

Comments pertaining to the proposed ordinance may be submitted at the above noticed public hearing.

The proposed ordinance is available for review at the PDEQ office and on the PDEQ website (http://webems.pima.gov/government/environmental_quality/). If requested, PDEQ can email a pdf version of the proposed ordinance to anyone requesting this service.

For additional information, please call Sarah Rottmeyer at (520) 724-7437.

Published October 12, 2020
Arizona Daily Star

PLEASE SEE ATTACHED E-TEAR
Icecold Winters

Warmer winters brought on by the deepening climate crisis are bringing more ice-free areas to Alaska. Researchers studied the phenomenon by analyzing data from satellites, observing changes in the sea ice. The study concluded that ice-free areas are expanding, which could have significant impacts on wildlife and marine ecosystems.

Night Warming

A recent study published in the journal Nature has revealed that night-time warming is occurring at a faster rate than daytime warming. The study found that this phenomenon is leading to changes in the distribution and abundance of plants and animals, with many species moving north to maintain their ranges.

COVID Risks

Public health officials are warning about the increasing risk of COVID-19 as the winter season approaches. They advise people to continue wearing masks, maintaining social distancing, and getting vaccinated to protect themselves and others.

Devil's Return

A small number of mountain lions have been spotted in the forests of the western United States, rekindling the debate over the potential reintroduction of wolves to the region. Researchers say they are surprised by the recent sightings and are monitoring the situation closely.

Earthquakes

One of the largest earthquakes in recent history occurred in southern California, with a magnitude of 7.1. The earthquake triggered aftershocks and created a significant amount of damage, causing widespread destruction and loss of life.

Tropical Cyclones

Huge storms are forming in the eastern Pacific, with the potential to cause significant damage to coastal areas. Authorities are urging residents to take precautions and prepare for potential flooding and strong winds.

Arctic Greening

The往Greening of the Arctic is leading to changes in the region's ecosystem. Scientists are observing increased plant growth and changes in marine life, which could have significant implications for the Arctic's wildlife and human populations.
Daily Territorial
2nd Public Notice
October 13, 2020
THE DAILY TERRITORIAL

AFFIDAVIT OF PUBLICATION

STATE OF ARIZONA  }
               } ss.
COUNTY OF PIMA     }

Roxanne Murray, being first duly sworn, deposes and says that (s)he is the Lead Public Notice Clerk of THE DAILY TERRITORIAL, a daily newspaper printed and published in the County of Pima, State of Arizona, and of general circulation in the City of Tucson, County of Pima, State of Arizona and elsewhere, and hereto attached:

PUBLIC NOTICE SECOND NOTI
AIR QUALITY REVISE
Legal #334157
OPEN BURNING PERMIT

was printed and published correctly in the regular and entire issue of said THE DAILY TERRITORIAL for 1 issues; that the first was made on the 13th day of October, 2020 and the last publication thereof was made on the 13th day of October, 2020; that said publication was made on each of the following dates, to-wit:

10/13/2020

at the Request of: PC DEPARTMENT OF ENVIRONMENTAL QUALITY

by ____________________, Lead Public Notice Clerk, subscribed and sworn to before me this 13th day of October, 2020.

Notary Public in and for the County of Pima, State of Arizona

My commission expires 04/24/2021
PUBLIC NOTICE
SECOND NOTICE
NOTICE OF PROPOSED RULEMAKING
RELATING TO AIR QUALITY TO REVISE
OPEN BURNING PERMIT FEES AND CLARIFY
TERMS OF RESIDENTIAL, CONSTRUCTION,
AND AGRICULTURAL OPEN BURN
PERMITS
The Pima County Board of Supervisors (PCBO) as the governing body for the Pima County
Air Quality Control District adopts rules for
Pima County Code (PCC). The Pima County
Air Quality Control District operates within the
Pima County Department of Environmental
Quality (PDEQ). PDEQ periodically proposes
updates to PCC by and through the rulemaking
process set forth by the PCBO. This rulemak-
ing is proposed to simplify the fee schedule for
residential, construction, and agriculture open
burn permits, and to clarify terms of residential,
construction, and agricultural open burn per-
mits. These updates include changes to PCC
Staff recommends the Board of Supervisors
adopt the proposed ordinance which proposes
revisions to open burn permit fees and open
burn permit clarification on the terms of resi-
dential, construction, and agriculture open burn
permits.
A public hearing before the Pima County Board
of Supervisors will be held on Tuesday, Decem-
ber 15, 2020 at 9:00 a.m. in the Board
Hearing Room, located at 130 W. Congress, 1st
floor, Tucson, Arizona.
Comments pertaining to the proposed ordi-
nance may be submitted at the above noticed
public hearing.
The proposed ordinance is available for review
at the PDEQ office and on the PDEQ website
(http://webmna.pima.gov/government/environ-
mental_quality). If requested, PDEQ can email
a pdf version of the proposed ordinance to any-
one requesting this service. For additional in-
formation, please call Sarah Riemeyer at (520)
724-7457.
PUBLISHED: The Daily Territorial
Oct. 13, 2020
ATTACHMENT B

Stakeholder Public Notice
E-mails

1st Public Notice
60-Day Notice
September 11, 2020
Dear Interested Stakeholder,

You are receiving this e-mail because you have expressed interest in notification for the Pima County Department of Environmental Quality (PDEQ) regulatory process (i.e. rulemaking).

The Pima County Board of Supervisors (PC-BOS) as the governing body for the Pima County Air Quality Control District adopts rules for Pima County Code (PCC). The Pima County Air Quality Control District operates within the Pima County Department of Environmental Quality (PDEQ). PDEQ periodically proposes updates to PCC by and through the rulemaking process set forth by the PC-BOS. This rulemaking is proposed to simplify the fee schedule for residential, construction, and agriculture open burn permits, and to clarify terms of residential, construction, and agricultural burn permits. These updates include changes to PCC Sections 17.14.080 and 17.14.090. Attached to this email you will find the Notice of Proposed Rulemaking, the 60-Day Public Notice, and the draft legislative ordinance. The Notice of Proposed Rulemaking can be found on the PDEQ Rulemaking Website. The 60-Day Public Notice has been published in the Arizona Daily Star and the Daily Territorial, as well as on the Pima County Homepage, the Pima County Proposed Taxes and Fees page, the PDEQ Homepage, and the PDEQ Rulemaking page.

A public hearing before the Pima County Board of Supervisors is currently scheduled for:

Date:   Tuesday, December 15, 2020
Time:   9:00 A.M. (or after)
Location:   Board Hearing Room
            130 W. Congress, 1st floor
            Tucson, Arizona 85701

Comments pertaining to the Notice of Proposed Rulemaking may be submitted at the above noticed public hearing, in writing to PDEQ (Attn: Sarah Reitmeyer, 33 N Stone Ave Suite 700, Tucson, AZ 85701), via e-mail, or via the online Public Comment form located on the PDEQ website. Online, email, and written comments on the Notice of Proposed Rulemaking will be accepted by PDEQ until 5:00 p.m. on Monday, October 12, 2020.

Information regarding this Proposed Rulemaking may be viewed under the Air tab on the PDEQ Draft, Proposed, & Final Rules website. Copies are also available at our office, or may be requested via e-mail to: sarah.reitmeyer@pima.gov.

Questions and/or comments may be directed to:
Sarah Reitmeyer
Phone: (520) 724-7437
Fax: (520) 838-7432
sarah.reitmeyer@pima.gov

If you would like to be removed from this notification or would like to receive a hard copy of notices, please call (520) 724-7437 or e-mail sarah.reitmeyer@pima.gov.
Thank you for taking an active part in the rulemaking process.

Sarah Reitmeyer, Regulatory Program Manager  
Pima County Department of Environmental Quality  
33 N Stone Ave, Suite 700, Tucson, AZ 85701  

Be Counted in Census 2020  
Phone: (520) 724-7437  
Fax: (520) 838-7432  
Email: sarah.reitmeyer@pima.gov
Stakeholder Public Notice
Notification -
2nd Public Notice
October 13, 2020
Dear Interested Stakeholder,

You are receiving this e-mail because you have expressed interest in notification for the Pima County Department of Environmental Quality (PDEQ) regulatory process (i.e. rulemaking).

The Pima County Board of Supervisors (PC-BOS) as the governing body for the Pima County Air Quality Control District adopts rules for Pima County Code (PCC). The Pima County Air Quality Control District operates within the Pima County Department of Environmental Quality (PDEQ). PDEQ periodically proposes updates to PCC by and through the rulemaking process set forth by the PC-BOS. This rulemaking is proposed to simplify the fee schedule for residential, construction, and agriculture open burn permits, and to clarify terms of residential, construction, and agricultural burn permits. These updates include changes to PCC Sections 17.14.080 and 17.14.090. Attached to this email you will find the Notice of Proposed Rulemaking and the Second Public Notice. The Notice of Proposed Rulemaking can be found on the PDEQ Rulemaking Website. The Second Public Notice has been published in the Arizona Daily Star (10/12) and the Daily Territorial (10/13), as well as on the Pima County Homepage, the Pima County Proposed Taxes and Fees page, and the PDEQ Rulemaking page.

A public hearing before the Pima County Board of Supervisors is currently scheduled for:

Date: Tuesday, December 15, 2020
Time: 9:00 A.M. (or after)
Location: Board Hearing Room
130 W. Congress, 1st floor
Tucson, Arizona 85701

Comments pertaining to the Notice of Proposed Rulemaking may be submitted at the above noticed public hearing.

Information regarding this Proposed Rulemaking may be viewed under the Air tab on the PDEQ Draft, Proposed, & Final Rules website. Copies are also available at our office, or may be requested via e-mail to: sarah.reitmeyer@pima.gov.

Questions may be directed to:
Sarah Reitmeyer
Phone: (520) 724-7437
Fax: (520) 838-7432
sarah.reitmeyer@pima.gov

If you would like to be removed from this notification or would like to receive a hard copy of notices, please call (520) 724-7437 or e-mail sarah.reitmeyer@pima.gov.

Thank you for taking an active part in the rulemaking process.

Sarah Reitmeyer, Regulatory Program Manager
ATTACHMENT C

Notice of Proposed Rulemaking
NOTICE OF PROPOSED RULEMAKING
PIMA COUNTY CODE
TITLE 17 – AIR QUALITY CONTROL
CHAPTER 14 ACTIVITY PERMITS

PREAMBLE

1. Sections Affected
   PCC 17.14.080  Amend
   PCC 17.14.090  Amend

2. Statutory authority for the rulemaking:
   Authorizing Statutes: Arizona Revised Statutes (A.R.S.) §§ 49-471.04, 49-501, and 49-479
   Implementing Statutes: A.R.S. §§ 11-251.13, 49-112, and 49-479

3. A list of all previous notices appearing in the Register addressing the expedited rule:
   None

4. The name and address of agency personnel with whom persons may communicate regarding 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

5. An explanation of the rule, including the control officer’s reasons for initiating the rule:
   The Pima County Board of Supervisors (PC-BOS) as the governing body for the Pima County Air Quality
   Control District adopts rules for Pima County Code (PCC). The Pima County Air Quality Control District
   operates within the Pima County Department of Environmental Quality (PDEQ). PDEQ periodically
   proposes updates to PCC by and through the rulemaking process set forth by the PC-BOS. This
   rulemaking is proposed to simplify the fee schedule for residential, construction, and agriculture open burn
   permits, and to clarify terms of residential, commercial, and agricultural burn permits. These updates
   include changes to PCC Sections 17.14.080 and 17.14.090.

6. Demonstration of the grounds and evidence of compliance with A.R.S. 49-112:
   Based on information and belief, the control officer of the Pima County Department of Environmental
   Quality affirms the following:
   Pima County is in compliance with A.R.S. § 49-112(B) in that PDEQ is proposing to adopt rules that are as
   stringent as a provision of A.R.S. Title 49 or rule adopted by the Director of ADEQ or any Board of
Commission authorized to adopt rules pursuant to A.R.S. Title 49. Whereas the state has not adopted a fee or tax for open burn permits the proposed fees by Pima County do not exceed the reasonable costs of the county to issue and administer the permit program. This rulemaking modifies the current computational fee schedule to a comparable flat rate fee schedule for all open burning permits issued by PDEQ.

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:**

PDEQ periodically proposes updates to PCC by and through the rulemaking process set forth by the PC-BOS. This rulemaking is proposed to clarify the terms of residential, construction, and agriculture open burn permits and to simplify the fee schedule by modifying the current computational fee schedule to flat fees. These revisions should not have an economic impact on businesses in Pima County, and should 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 open burn permits have already occurred, and were considered when the federal and state rule or law was proposed and adopted.

10. **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

11. **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 **Monday, October 12, 2020 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, December 15, 2020
Time: 9 a.m.
Location: Pima County Board of Supervisors
Public Hearing Room, First Floor
130 West Congress Street
Tucson, Arizona 85701

12. Any other matters prescribed by the statute that are applicable to the specific agency or to any specific rule or class of rules:
   None

13. The full text of the rule follows:

Chapter 17.14 – ACTIVITY PERMITS

Article IV. - Open Burning

17.14.080 - Open burning permits.

   I. The term of any open burning permit shall . . .
      1. The term of a temporary residential open burning permit shall not exceed three consecutive or nonconsecutive days within a thirty-day period; and
      2. The term of an extended construction or agricultural open burning permit shall expire as specified on the original application, and shall in no case exceed ninety days, with no limitation on days of burning within the 90-day term.

17.14.090 - Open burning permit fees.

Open Burning Permit Fee Schedules.

<table>
<thead>
<tr>
<th>S.S.</th>
<th>Permit Activity</th>
<th>Rate Components</th>
<th>Minimum Permit Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Residential Burning²</td>
<td>$16.13 base, plus $3.53 per day of burning</td>
<td>$19.66</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>$30</td>
</tr>
<tr>
<td>B</td>
<td>Construction/Agricultural Burning³</td>
<td>$26.50 base, plus $5.00 per day of burning</td>
<td>$31.50</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>$100</td>
</tr>
</tbody>
</table>

1. S.S. - Sub-schedule for identification only.

2. The term of a residential burning permit shall not exceed three consecutive or nonconsecutive nonconsecutive days within a thirty-day period. The term of a construction or agricultural burning permit shall not exceed ninety days, with no limitation on days of burning within the 90-day term.

3. The term of a construction or agricultural burning permit shall not exceed ninety days, with no limitation on days of burning within the 90-day term.

...
ATTACHMENT D

Stakeholder Outreach E-mail
Dear Interested Stakeholder,

You are receiving this e-mail because you have expressed interest in notification for the Pima County Department of Environmental Quality (PDEQ) regulatory process (i.e. rulemaking).

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PDEQ is requesting your feedback on this rulemaking prior to going to formal public comment in order to give you an opportunity to ask questions, provide feedback, and offer informal comments. Due to the COVID-19 public health emergency we will not be holding an in person stakeholder meeting. Currently, PDEQ is planning to proceed with public notice and open the formal public comment period on Friday, September 11th.

Information regarding this revision may be viewed on our website. Copies are also available at our office, or may be requested via e-mail sarah.reitmeyer@pima.gov. The draft proposed rulemaking is attached for your review.

Questions and/or comments may be directed to:
Sarah Reitmeyer
Phone: (520) 724-7437
Fax: (520) 838-7432
sarah.reitmeyer@pima.gov

Thank you for taking an active part in the rulemaking process.

If you would like to be removed from this notification or would like to receive a hard copy of notices, please call (520) 724-7437 or e-mail sarah.reitmeyer@pima.gov.

Sarah Reitmeyer, Regulatory Program Manager
Pima County Department of Environmental Quality
33 N Stone Ave, Suite 700, Tucson, AZ 85701
Phone: (520) 724-7437
Fax: (520) 838-7432
Email: sarah.reitmeyer@pima.gov
ATTACHMENT E

Public Comment

Comment Received from the Arizona Chapter Associated General Contractors
The Arizona Chapter Associated General Contractors (AZAGC) is the oldest construction association in Arizona, representing highway, heavy civil, industrial and utility contractors statewide including their service suppliers since 1934. AZAGC is generally not in favor of fee increases for permits pertaining to construction. However, after reviewing the proposed revisions to the ordinance and the fees for construction/agricultural open burning, we believe the proposed revisions simplify the terms of the permit, including calculation of fees. Amanda McGennis AZAGC 1825 W. Adams Phoenix, AZ 85007 (602) 252-3926

https://webcms.pima.gov/cms/One.aspx?portalId=169&pageId=303335

Thank you, Pima County, Arizona
PDEQ Response to the Comment
Received from the AZ Chapter
Associate General Contractors
Hello Ms. McGennis,

Thank you for your participation in the rulemaking process with Pima County Department of Environmental Quality. We have received and reviewed your comment and we appreciate your time, attention, and positive feedback on the open burn permit fee and language clarification revisions proposed for PCC Title 17.

Please let me know if you have any other questions.

Thank you,
Sarah Reitmeyer, Regulatory Program Manager
Pima County Department of Environmental Quality
33 N Stone Ave, Suite 700, Tucson, AZ 85701

Be Counted in Census 2020
Phone: (520) 724-7437
Fax: (520) 838-7432
Email: sarah.reitmeyer@pima.gov
Comment Received from Shawn Dolan, Owner of Virtual Technology LLC
Thank you for the opportunity to comment. With respect to fee’s the fee seems reasonable to me.

However, I don’t see any conditions or restrictions on the Opacity or other consequence from open burning, which is presumably much more toxic than most. The US Department of Defense estimates they will pay hundreds of millions of dollars over the next decade adjudicating the consequence of open burn pits in Iraq, and other occupations (Military Health Services mhs.mil/burn pits). Wild fire is increasing across the US an the consequence from its smoke, has been and continues to be studied, with very little if any positive results, epa.gov/wildfire.

Thus if the conditions under which open burning are being allowed or the monitoring required for the burn, I would propose the use of imagery (digital cameras) to monitor burns for Public Awareness, Health and Safety. E.g. I think everybody would say no tires should be burned ! and a cell phone used as an opacity meter would make monitoring easy, and verify the burn.

That’s my two cents.

Thank you so much for the opportunity to comment.

Shawn Dolan
801 309 3626
Sdolan50@msn.com
Dear Interested Stakeholder,

You are receiving this e-mail because you have expressed interest in notification for the Pima County Department of Environmental Quality (PDEQ) regulatory process (i.e. rulemaking).

The Pima County Board of Supervisors (PC-BOS) as the governing body for the Pima County Air Quality Control District adopts rules for Pima County Code (PCC). The Pima County Air Quality Control District operates within the Pima County Department of Environmental Quality (PDEQ). PDEQ periodically proposes updates to PCC by and through the rulemaking process set forth by the PC-BOS. This rulemaking is proposed to simplify the fee schedule for residential, construction, and agriculture open burn permits, and to clarify terms of residential, construction, and agricultural burn permits. These updates include changes to PCC Sections 17.14.080 and 17.14.090.

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Sarah Reitmeyer
Phone: (520) 724-7437
Fax: (520) 838-7432
sarah.reitmeyer@pima.gov

Thank you for taking an active part in the rulemaking process.

If you would like to be removed from this notification or would like to receive a hard copy of notices, please call (520) 724-7437 or e-mail sarah.reitmeyer@pima.gov.

Sarah Reitmeyer, Regulatory Program Manager
Pima County Department of Environmental Quality
33 N Stone Ave, Suite 700, Tucson, AZ 85701
Phone: (520) 724-7437
Fax: (520) 838-7432
Email: sarah.reitmeyer@pima.gov
PDEQ Response to Comment Received from Shawn Dolan, Owner of Virtual Technology LLC
Mr. Dolan,

Thank you for your participation in the rulemaking process with Pima County Department of Environmental Quality. We have received and reviewed your comment. Limitations on materials which can be burned under an open burning permit are defined and governed by Arizona Revised Statutes § 49-501 and Pima County Code Section 17.14.080. Open burn permits prohibit the burning of household waste or prohibited materials. Prohibited materials include "... nonpaper garbage from the processing, storage, service, or consumption of food; chemically treated wood; lead-painted wood; linoleum flooring, and composite counter-tops; tires; explosives or ammunition; oleanders; asphalt shingles; tar paper; plastic and rubber products, including bottles for household chemicals; plastic grocery and retail bags; waste petroleum products, such as waste crankcase oil, transmission oil, and oil filters; transformer oils; asbestos; batteries; anti-freeze; aerosol spray cans; electrical wire insulation; thermal insulation; polyester products; hazardous waste products such as paints, pesticides, cleaners and solvents, stains and varnishes, and other flammable liquids; plastic pesticide bags and containers; and hazardous material containers including those that contained lead, cadmium, mercury, or arsenic compounds.”

Currently there is no opacity limitation for open burning, nor is there any limitation on what methods that can be used to find, determine, and enforce illegal open burning.

Please let me know if you have any other questions.

Thank you,
Sarah Reitmeyer, Regulatory Program Manager
Pima County Department of Environmental Quality
33 N Stone Ave, Suite 700, Tucson, AZ 85701
Phone: (520) 724-7437
Fax: (520) 838-7432
Email: sarah.reitmeyer@pima.gov
Attachment F

Board of Supervisors Agenda
Item Report
Title: Amending Pima County Code Title 17 to modify open burning permit fees and clarify terms of residential, construction, and agricultural open burning permits.

Introduction/Background:
The Pima County Board of Supervisors (BOS) as the governing body for the Pima County Air Quality Control District adopts ordinances which are codified in the Pima County Code (PCC). The Pima County Air Quality Control District operates within the Pima County Department of Environmental Quality (PDEQ). PDEQ periodically proposes updates to PCC through the BOS. This ordinance would modify the open burning fee schedule which was last amended by ordinance 1993-128 and amend language for the terms for all open burning permits issued by PDEQ.

Discussion:
This ordinance would modify the current computational fee schedule to a comparable flat rate fee schedule for all open burning permits issued by PDEQ and amend language to clarify the terms of all open burning permits issued by PDEQ.

Conclusion:
This ordinance is proposed to simplify the fee schedule for all open burning permits, and to clarify terms of residential, commercial, and agricultural burning permits. These updates include changes to PCC Sections 17.14.080 and 17.14.090.

Recommendation:
Staff recommends the Board of Supervisors adopt the proposed amendments to PCC Title 17.

Fiscal Impact:
The amendments proposed by this ordinance will modify the current computational fee schedule for open burning permits issued by PDEQ proposing a comparable flat rate fee schedule for all open burning permits. The amendments should have minimal economic impact on the regulated community in Pima County beyond that already incurred by reason of federal or state rule or law. The costs of compliance for the Air Quality Permitting programs have already occurred, and were considered when the federal and state rule or law was proposed and adopted.

Board of Supervisor District:

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Department: Environmental Quality
Telephone: 724-7400

Contact: Sarah Reitmeyer, Regulatory Program Manager
Telephone: 724-7437

Department Director Signature/Date: M. K. Nelson 11/16/2020

Deputy County Administrator Signature/Date: C. Delehanty 11/17/2020

County Administrator Signature/Date: 11/17/2020