



MEMORANDUM FROM AIR QUALITY

Date: June 16, 2020

To: Pinal County Board of Supervisors

Re: Proposed rulemaking (HAPs Rule Rescission)

From: Michael Sundblom

The following is background information for the proposed rulemaking that is being presented to the Pinal County Board of Supervisors on July 1, 2020.

- Pursuant to A.R.S. §49-426.06 The Arizona Dept. of Environmental Quality (ADEQ) adopted the State Hazardous Air Pollutants Program in June 2006.
- Pursuant to A.R.S. §49-480.04 Pinal County Board of Supervisors (BOS) adopted the Pinal County Hazardous Air Pollutants Program (HAPs) (Chapter 7, Article 2 and Appendix L) on June 13, 2007.
- The State HAPs rules were legally challenged (Oak Canyon Manufacturing, et al.) and in a March 20, 2008 final judgement (CV 2006-018439) ruled unenforceable (Court held that ADEQ didn't have the authority to adopt undefined de minimis levels of Federal HAPs).
- In response to the court ruling ADEQ through the Governor's Regulatory Review Council under A.R.S. §41-1056(J) let the State HAPs rules expire (AAR 23:2, Page 135, January 13, 2017)
- The ADEQ rule expiration left the Pinal County Air Quality Control District (PACQCD) HAPs rules in effect, thus more stringent than the State's (ADEQ) rules, not in compliance with A.R.S. §49-112.
- The proposed rulemaking started on March 27th with the Combined Notice of Proposed Rulemaking and Oral Proceeding posted on the Pinal County Air Quality website and also posted in County buildings and published in local newspapers. A stakeholder meeting was held virtually on May 14th with several people in attendance. The Control Officer Oral Proceeding was held virtually on May 21st with several people in attendance. No formal comments were submitted by the end of the public comment period (Close of Business on May 21st).
- The rulemaking proposal is requesting the Pinal County Board of Supervisors rescind PACQCD Code Chapter 7, Article 2 – Pinal County Hazardous Air Pollutants (HAPs) Program along with rescinding Appendix L – Procedures for Determining Ambient Air Concentrations for Hazardous Air Pollutants.

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