

Pinal County Air Quality Control District

(PCAQCD)

Hazardous Air Pollutants (HAPs) Program and Appendix L
Proposed Rescission Rulemaking
Pinal County Board of Supervisors Public Hearing

July 1, 2020



PINAL COUNTY

WIDE OPEN OPPORTUNITY

Reason for Rulemaking

- Pursuant to A.R.S. 49-426.06 the Arizona Department 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 adopted the Pinal County Hazardous Air Pollutants (HAPs) Program and Appendix L (Procedures for Determining Ambient Air Concentrations for Hazardous Air Pollutants) on June 13, 2007.
- Shortly after ADEQ adoption, the State HAPs rules were legally challenged (Oak Canyon Manufacturing, et al.)
 - March 20, 2008 final judgement (CV 2006-018439) - ADEQ HAPs rules were ruled unenforceable (Court held that ADEQ didn't have authority to adopt de minimis levels of Federal HAPs).

Reason for Rulemaking (continued)

- In response to the court ruling, ADEQ through the Governor's Regulatory Review Council under A.R.S. §41-1056(J) let the State Hazardous Air Pollutants rules expire (AAR 23:2, page 135, January 13, 2017).
- The ADEQ rule expiration left PCAQCD's HAPs rules in effect, thus more stringent than ADEQ's rules (not in compliance with A.R.S. 49-112).

Rulemaking Proposal

- Rescission of Chapter 7, Article 2 and Appendix L

Rulemaking Timeline

- Stakeholder meeting held virtually on May 14, 2020, 3 attendees (Mayor of Casa Grande and two consultants)
- Control Officer Oral Proceeding held on May 21, 2020 – 2 attendees (Mayor of Casa Grande and a consultant)
 - No public comments received
- Today's (BOS) Public Hearing