

Scott DiBiase
Interim Air Quality Director



To: Pinal County Board of Supervisors

From: Scott DiBiase
Interim Director, Pinal County Air Quality

Date: January 4, 2023

Re: Executive Summary – West Pinal Fugitive Dust Rulemaking

The West Pinal fugitive dust rulemaking proposal – The January 25, 2023 Public Hearing before the Pinal County Board of Supervisors (BOS) is due to the following:

- Environmental Protection Agency (EPA) Finding of Failure to Attain the PM₁₀ National Ambient Air Quality Standards (NAAQS) for the West Pinal Moderate PM₁₀ Nonattainment Area (NAA) and subsequent redesignation of the nonattainment area to a Serious PM₁₀ Nonattainment Area. The three year attainment period was 2020 through 2022.
- Ongoing PM₁₀ exceedances made attainment of the PM₁₀ NAAQS by the end of 2022 impractical.
- Maricopa Association of Governments (MAG) developed the West Pinal Serious PM₁₀ NAA State Implementation Plan (SIP) which included commitments by the Pinal County Board of Supervisors (Resolution 080421-AQ1) to adopt Best Available Control Measures (BACM) and Most Stringent Measures (MSM). The MAG SIP also contained a request to extend the attainment year to 2026. A Clean Air Act (CAA) requirement associated with attainment year extension requests are to include in the SIP BACM/MSM rules.

The formal West Pinal BACM/MSM fugitive dust rulemaking started November 3, 2022 with a Notice of Proposed rulemaking published in the local newspaper on file and also on the Pinal County Air Quality rulemaking webpage. A stakeholder meeting was held on December 6, 2022 with eight participants. An Oral Proceeding conducted by the Control Officer occurred on December 13, 2022 with the closure of the public comment period at Close of Business December 13, 2022. Two sets of formal comments were submitted, EPA and Waste Management. Response to comments are provided in the BOS Public Hearing agenda packet along with a Concise Explanatory Statement (CES) which describes the minor revisions (from the original rulemaking proposal) to the rulemaking proposal (Resolution No. 012523-AQ) before the BOS at today's Public Hearing.

The recommendation to the BOS, included in Resolution No. 012523-AQ is to adopt the West Pinal BACM/MSM fugitive dust rules as presented along with the direction to Pinal County Air Quality to submit the rulemaking package to the Arizona Department of Environmental Quality (ADEQ) with the request for submittal to EPA for inclusion of the adopted rules into the Arizona State Implementation Plan.