

**NOTICE OF TERMINATION OF RULEMAKING**  
**MARICOPA COUNTY AIR POLLUTION CONTROL REGULATIONS**  
**REGULATION I – GENERAL PROVISIONS**  
**RULE 100 – GENERAL PROVISIONS AND DEFINITIONS**

**1. The Register citation and the date of the Notice of Rulemaking Docket Opening:**

Notice of Rulemaking Docket Opening: 18 A.A.R. 2567, October 12, 2012

**2. The Register citation and the date of the Notice of Proposed Rulemaking:**

Notice of Proposed Rulemaking: 18 A.A.R. 2636, October 19, 2012

**3. Explanation of the rule and reason for the termination:**

In July 2012, the U.S. Environmental Protection Agency (EPA) disapproved the state's provisions regarding County Hearing Board composition under the Clean Air Act (CAA), because the conflict of interest provisions do not apply to enforcement orders (as well as permits).

The Maricopa County Air Quality Department (department), in consultation with the County Attorney's office, identified a simple revision to Rule 100 (General Provisions and Definitions), Section 108 (Hearing Board) that would address EPA's disapproval. The department was proposing to revise Rule 100, Section 108 as follows: "The Board of Supervisors shall appoint a 5-member hearing board knowledgeable in the field of air pollution. At least three members shall not have a substantial interest, as defined in A.R.S. § 38-502(11), in any person required to obtain an air pollution permit or subject to enforcement orders issued under these rules. Each member shall serve a term of three years."

The department is terminating this rulemaking; however, the department will propose such amendment to Rule 100, Section 108 under the Enhanced Regulatory Outreach Program. The Enhanced Regulatory Outreach Program is an expansion of the department's current rulemaking process and is intended to provide a platform that allows stakeholders multiple opportunities for input regarding the adoption and amendment of all regulatory requirements. The Enhanced Regulatory Outreach Program is scheduled to begin in January 2013 and will include a Maricopa County website designed entirely for all Maricopa County rulemaking activities.