

**MARICOPA COUNTY BOARD OF HEALTH  
MEETING MINUTES**

**Monday, July 25, 2022, at 3:00 PM**

**In Person & Virtual Meeting**

President MacMillan called the meeting to order at 3:00 p.m.

**ROLL CALL:**

**Members Present:**

Chairman Bill Gates

Don Cassano

Kristen Acton

Matthew Farber

Paul Stander

Paula Banahan

Robert MacMillan

Scott Celley

**Members Absent:** Debra Baldauff

Ex-Officio: Marcy Flanagan

**1. CALL TO ORDER**

**President MacMillan**

**A. Roll Call**

**B. Call to the Public**

President MacMillan called the meeting to order at 3:00 pm; there being no speaker requests, all were informed that they would have the opportunity to type questions using the chat box, which will be acknowledged during and or after the meeting accordingly.

**DISCUSSION/ACTION ITEMS:**

**2. Approval of Minutes**

**President MacMillan**

A discussion concerning agenda item no. 8 (Public Health Report) page 16 Par. 3 statement reads: *“the Maricopa County Board of Supervisors can officially declare COVID to be over at the recommendation of public health and that we are no longer in a public health emergency anymore or that we are in a state where our hospitals are worried that they don’t have staffing or beds available or that we are in a much better point with case rates seen in our community and our transition level.”* Dr. Flanagan acknowledged that the statement was correct.

**President MacMillan asked for a motion to approve the draft minutes as presented. Dr. Farber made a motion to approve the BOH minutes as presented. Mr. Celley seconded the motion. The motion passed unanimously.**

### 3. Public Health Finance

Scot Pitcairn

#### A. 4th Quarter FY 22 Updates

Mr. Pitcairn provided the Board with Public Health's Quarter 4<sup>th</sup> FY22 update.

##### **Fund 100 – General Fund**

The report was read from the memo provided in the agenda, the memo outlines fund 100 in greater detail. There were no questions asked about Fund 100.

##### **Fund 265 – Special Revenue Fund**

Fund 265 memo was corrected to state “*through the first forth-quarters,*” not the first three-quarters as it was written. Spending is over budget year to date by (\$426,777 or 5.5%) as a result of large purchases of the flu vaccine. The department has requested an increase for fund 265 expenditure budget to accommodate the spending overage, which was approved by the Board of Supervisors. The budget has not been adjusted because the budget office wants to wait and see how much of the \$675,000 increase was actually needed to get through the year to balance the budget. Mr. Pitcairn added that the TB program has multiple funding sources, some from general funds and some from grants, so the fee fund is somewhat arbitrary as far as how much expenses are applied or put into the fee fund TB budget.

The department received their map Refugee Medical Assistance Program fees for the medical screenings, but the policy was changed to have AHCCCS be the first funder for that program, which must be exhausted first, and they're funded. The fund is federally funded, and AHCCCS is considered a third party.

##### **Fund 293 – Justice Reinvestment Fund**

The Justice Reinvestment Fund is a new funding source from the state marijuana tax per A.R.S. 36-2863. A summary was read, providing the total current revenue balance to date was just under \$2.1 million; no expenditures have been posted to date; however, plans are underway. There were no questions pertaining to the fund.

##### **Fund 296 – State & Local Recovery Funds/American Rescue Plan Act (ARPA)**

An overview of fund 296 was read from the public health memo. The ARPA funding has an end date of December 31, 2024, but the spend-down of the financing for encumbered projects may extend up to two years beyond that date. There were no questions posed for Fund 296.

##### **Fund 532 - Grant Fund**

Fund 532 was summarized to the board, noting that there was a lag in revenue collections from the Arizona Department of Health Services (ADHS). However, the department remains in contact with ADHS staff on a regular basis to press the issue. There is still quite a bit of COVID funding remaining from the grant. The ARPA fund is its own fund and is not related to the COVID funding. There were no additional questions relating to Fund 532.

*(memo and report summary is attached to the meeting agenda)*

#### 4. Environmental Services Department Finance

Darcy Kober  
Sylvie Donaldson

##### A. 4<sup>th</sup> Quarter FY 22 Updates

Ms. Kober introduced the board to their new Finance Manager, Sylvie Donaldson. Ms. Donaldson provided the Board with the Environmental Services Quarter 4 FY22 update. A memo was provided outlining the updates and summarizing each fund listed.

##### **Fund 100 County General Fund**

Fund 100 report was read from the memo provided in the agenda, the memo outlines fund 100 in greater detail. A correction was made from the memo to read, "the amount in the fund was attributed to a positive expenditure variance of \$191,690 in *personal services* and negative variance in supplies and services costs of \$158,740, not *personnel*." Agenda item 6 will provide additional information about EROP Case 2022-001 (Maricopa County Transfer Station Green Waste Fees) disposal fees; however, the department does not have a disposal cost because it's being ground and applied to the landfill starting this fiscal year, they now must dispose of that material. Disposal costs and staff associated with that have increased significantly.

##### **Fund 290 Environmental Tire Fund**

Fund 290 report was read, highlighting that in the past, fund revenues were under budget due to lower revenues distributed from the state of Arizona through the tire disposal tax. Addressing the shortfall, the department created a non-recurring appropriation of \$850,000 to absorb the increased recycling costs. The EROP report will be an agenda item and will be discussed in greater detail later in the meeting.

##### **Fund 506 Environmental Fee Fund**

Fund 506 was recited from the department's memo. Environmental Services shared that the positive variance is due to personnel services like many other agencies have had difficulty recruiting and retaining staff in this competitive market, and as a result, it generated excess vacancy savings. Overtime and other efficiencies have been utilized, and the department has still fulfilled all delegated inspections. There were no questions for fund 506.

*(memo and report summary is attached to the meeting agenda)*

Ms. Bohn began by thanking the board for the opportunity to join the meeting to provide all with an overview of Maricopa County's American Rescue Plan Act (ARPA) Priorities and Spending. A presentation was provided to guide the board through the history of the funding source, highlighting monies received and their allowable uses. This came on the heels of about \$400 million from the CARES Act Funding. The very generous funding was provided by the federal government with stimulus funds. The two funding pools have a lot of overlap and what they could be used for, but they are not interchangeable necessarily. The report will focus on the ARPA Funding; however, information is on hand for the CARES Act, which is now concluded, and the \$400 million from the CARES Act was used. There are five allowable uses for the ARPA funding:

## American Rescue Plan Act (ARPA)

- \$435 M received in May 2021 (first tranche)
- \$435 M received in June 2022 (second tranche)
- Allowable Uses:
  - Supporting the public health response
  - Addressing negative economic impacts and disparities
  - Hazard pay
  - Investments in water, sewer, and broadband
  - Revenue replacement



### Hazard Pay

The hazard pay category was noted as being very broadly defined in the guidelines, which the county could have utilized every penny of their ARPA Funds on Hazard pay. The County chose to have a very focused hazard pay plan, so they focused on individuals who work in the jail system or congregate living environments, detention officers, and healthcare workers in that setting, which has now concluded paying out hazard pay hitting some of the maximum allowable in the guidelines, therefore the county is no longer paying that, but it is a category of pay.

### Revenue Replacement

The federal guidelines allow for any government to take up to a \$10 million revenue replacement allotment (referred to as the standard deduction on your taxes). You don't have to demonstrate any loss in revenue; anything above and beyond that, there's a fairly complicated formula for figuring out what that is. A lot of smaller counties, cities, and towns that received \$10 million or less just put everything in here because they could. Maricopa County took the \$10 million and allocated it towards the county's overall technology improvement plan. It's percentage wise, a very small amount, \$870 million dollars. The county has seen a strong growth in both property tax and sales tax. The ARPA Budget Overview (in millions) was reported on, noting that the biggest chunk is addressing the negative economic impacts and disparities in public health outcomes. That's \$396 million (45% of the \$870m). The second largest category is supporting the public health response, \$185 million (or 21%). \$210 million has not been allocated yet, which is part of the second tranche that was recently

received in June. The good news is that \$435 million was allocated to over half of that already. The next larger category reported as water, sewer, and broadband at just under \$50 million (or 5.5%). Hazard pay is almost \$17 million (or 2%), Revenue Replacement is just over \$10 million (just over 1%), and then a very tiny sliver; another support is anything that the county does with ARPA; there are really extensive accounting reporting requirements. The county supplements its county staff in auditing and finance reporting to make sure that they can meet those requirements appropriately. Ms. Bohn's report will later address the negative economic impact and disparities in general terms. However, the law and federal guidance issued by the treasury is quite broad. Any instance you can find that you could somehow tie back to COVID where someone has been negatively impacted personally, financially, or their health has been impacted, their housing has been impacted, any kind of business, the negative impact that qualifies as well. It's a broad category, which is why it's the biggest area of spending. Maricopa County has chosen its process is to create programs; an example will be provided later in the report. The Board of Supervisors has prioritized funds for non-recurring issues, and the county will see a lot of capital investments in federally qualified healthcare centers and public health locations, trying to avoid what's referred to as the ARPA cliff. Avoiding putting money into operating expenses, like payroll, and likely by 2026, the county won't have enough money to support it; it's considered one of the county's guiding principles.

Ms. Bohn continued her presentation by discussing where monies were allocated and spent from the \$870 million that the county received.

### **Allocation and Spending Overview**

- 25% Spent (\$215,152,394)
- 43% Remaining budget (\$375,137,685)
- 24% Unallocated (\$210,580,801)
- 8% Encumbered (\$70,368,207)

### **ARPA Budget Overview (in millions)**

- \$210.58 Unallocated
- \$185.11 Support Public Health Response
- \$3.06 Other Support
- \$49.45 Water, Sewer, and Broadband
- \$16.73 Hazard Pay
- \$10.00 Revenue Replacement
- \$396.31 Address Negative Economic Impacts & Disparities in Public Health Outcomes

### **Addressing Negative Economic Impacts & Public Health Disparities**

An overview of spending categories detailed how the county is spending the funds received.

- Approx. \$80 million on affordable housing
- Over \$76 million on homelessness
- \$55 million for small businesses
- Over \$30 million for the workforce

The \$80 million spent on affordable housing brought in \$65 million in investments, \$1,700 plus new units, and both rental and homeownership options, these sites will be disbursed throughout the County, and there are 16 contracts approved to date. This is a competitive solicitation; therefore, the board identified funding for each priority area, like affordable housing, which included a request for proposal (RFP) process; the county invited people to respond to that as required by the federal guidance for procurement rules set in place which requires the county to competitively bid on almost everything. Additional details were provided relating to the various programs and extensions of the business hour. The county has put almost 3.5 million into adverse childhood experiences. This is a program that's being spearheaded by the Public Health Group. So, these are the AHCCCS Health that you may have heard about before about adverse childhood experiences, training teachers and

caregivers to identify signs and symptoms of Aces and then helping them figure out how to connect children and family to services.

### **Children & Families**

- Food Bank Support (\$3 M)
  - 68 food banks supported
  - 6,446,123 pounds of shelf-stable food
  - 172,002 households supported
- Funeral Assistance (\$2 M)
  - Financial support to families to cover the cost of a loved one's funeral
- Domestic Violence Support (\$15 M)
  - Over 66,000 survivors & family members of sexual and domestic violence served to date

The funeral assistance was based on financial hardship, not just COVID. United Way initially spearheaded this campaign. (approx. Eight hundred families were helped). The ARPA funds expensed \$140 million to date on rental assistance and \$5 million towards the landlord engagement program working directly with landlords so that they felt safe and reliable that their bills were going to get paid. To date, the county has helped 9,600 households and has spent \$86.5 million using the ARPA funds. The report further explained investments in supporting households. Homeless Point in Time "PIT" count reflects a 35% increase in unsheltered homeless over the last two years. The county saw a variety of different options on that homelessness slide. Part of it is figuring out the root cause analysis, and some were brand-new to homelessness. That's the rapid rehousing, which has a far more robust need and making sure they get access to services.

### **The HomInc Program**

The county has partnered with the HomInc program, a non-profit organization that supports people through the pandemic. The county granted money to 82 agencies and went back to the Board of Supervisors, asking if they would consider increasing that \$5 million to 13.7 million. That allowed for the funding of those 82 agencies that met the criteria and basically funded what they asked for. Other funds were used to help our seniors and people with barriers to independent living. \$50 million for this group, re-opened 11 Adult Day Health Centers and re-opened 16 senior centers. These two are the congregant environments that really suffered during the pandemic. Other monies were put towards things like biohazard and cleaning services. A total of \$55 million was used for small businesses, and it created a three-prong small business approach to help the community, a lot with CARES as well. Millions were spent to assist businesses. In addition to the Small Business Grant Program, which has now concluded, the county ended that in May. Small businesses that are struggling can qualify for a low interest rate loan. A lot of effort has been made by the county to support small businesses, including financial literacy and workforce development, funding four different initiatives so far for workforce support, and the county is funding employer services. The county partnered with Prestamos CDFI and Local First, offering classes and assistance. GCU has stepped up with a career pathway for youth and young adults. They were 1-4 awarded to assist with an electrician training program to help. Ms. Bohn continued to provide the board with the additional programs the county has launched.

## Workforce

- Employer Services (\$2.3 M investment) 900 served
- Job Seeker Initiatives (\$12.3 M investment) 12,000+ served
- Career, College, & Credential Readiness (\$2.5 M obligated)
  - 4 Awards
    - CPLC
    - College Success Arizona
    - Grand Canyon University
    - Partnership for Economic Innovation
- Nurse Practice Readiness (\$750k investment)
- 50+ nursing students (pilot)

## Supporting the Public Health Response

- Spent \$75,552,552 (41%)
- Encumbered \$3,594,555 (2%)
- Remaining Budget \$105,963,321 (57%)

## COVID Response

- \$35.0 M: Testing services (primarily for jail inmates)
- \$15.7 M: Isolation and Related Services
  - Homeless and Vulnerable populations
- \$13.8 M: Pandemic-Related Payroll
- \$9.0 M: Personal Protective Equipment
  - Schools & childcare facilities congregate living facilities, healthcare providers, etc.
- \$4.3 M: Vaccine Efforts
  - Early community-based efforts
  - County's vaccine incentive for staff

## Healthcare

The County has partnered with the Arizona Alliance for Community Health Centers (AACHC), which is Arizona's Primary Care Association, responsible for providing support to safety-net providers. \$52 M Health Center/FQHC Capital Assistance Program funding 13 projects. The Board of Supervisors again was asked to consider an increase in the allocation. \$25 M was the original ask, an additional \$27 million was granted, and the county has \$52 million funding 13 projects for facility construction, expansion, and equipment purchases. The FQHC operating costs are generally paid for at the Federal level, so if the county builds it, there will be a fund as long as they can fill it, there will be a way to fund those operating, and the funding net provides a bit more stabilization in the community. At the same time, the county continues to support organizations in the community and then \$4.3 million for vaccine efforts. Public health has ceased vaccine efforts now but funded a lot of those early on. County staff was incentivized to get vaccinated, and the county finally funded this.

## Clinical Services

Maricopa County is the 4<sup>th</sup> largest county in the nation, with one public health clinic located at 1645 Roosevelt in Phoenix, Arizona. That facility serves the entire county at 9600 square feet miles. Early on, Public Health asked the board to fund four additional clinics. Childhood Immunization, TB testing and Services, STD testing and treatment, Oral Health, WIC, and Vital Registration. Locations are all based on where these sites would do the best.

In the conclusion of the report, information was shared on where to learn more and stay current.

- Check out the County’s ARPA website:
  - [COVID-19 American Rescue Plan Act Funds | Maricopa County, AZ](#)
- Subscribe to the County’s monthly ARPA newsletter:
  - [Rescue Funds Monthly Update: Dec 2021 \(govdelivery.com\)](#)
- Where can I direct residents in need of help?
  - [Rescue & Restore | Maricopa County, AZ](#)
- Where can I apply for a low interest small business loan?
  - [Maricopa County Small Business Resilience Program](#)

December 2024 is when the County has to have all of their plans in place. If the County has made a commitment or obligation. The county has various plans in place to spend the funds and strongly believes that they will be spent. The “*encumbered funds*” have to be spent by December 2026. There are many smaller cities and towns that haven’t even started spending yet because it’s believed they’re worried about the reporting requirements; it wouldn’t be shocking to see this deadline extended. The Board of Supervisors already approved \$3 million in additional operating, a lot of that money that was last year support at least 1 or 2 of these new clinics. The majority of the funding that comes when public health operates their clinics and billable services will bring back the revenue for this. Ms. Flanagan provided the board with additional information relating to the ARPA funding and additional facilities. The majority of funding that comes will be from billable services from the clinic. Public Health will look for additional funding opportunities through the CDC. It would be a five-year sum of money the department will receive. Depending on what the federal government allocates to the CDC, they will be giving local public health departments infrastructure dollars to support having minimal infrastructure. The CDC has indicated that a portion of the monies will continue. Depending on what the federal government allocates. If public health was better resourced to respond to those, that would partially pay for some of those positions, which will be written into the grant application. The funding would continue to be renewed after the first five years, which is how the department will continue to see the staff in the clinics. It would be a combination of federal funds received, and the revenue billed out from the clinics for services. The board commended the department for how the funds were being allocated. However, it’s believed that the perception of the public was that a lot of the monies given by the federal government, and to both the state and locals, has somewhat been wasted and just given to people to not work, therefore causing inflation. Public health provides a lot of press releases to push out the media as they fund and develop new programs.

**6. Environmental Services – Enhanced Regulatory Outreach Program (EROP) Case**

**Blanca Caballero  
Darcy Kober  
Brian Kehoe**

ES-2022-001

Maricopa County Transfer Station Green Waste Fees

Request for Board approval to proceed according to the EROP Standard Process

Ms. Caballero presented to the board Case ES-2022-001 - Maricopa County Transfer Station Green Waste Fees. The department is asking the board to consider a proposed increase in Green Waste Fees and other changes at the transfer station that are a contributing factor to the fee increase but are not a part of this EROP Case. A brief chronological overview was provided in the summary of the EROP process. State statute requires the county to provide public facilities to dispose of solid waste generated within its jurisdiction (A.R.S. §49-741), which includes unincorporated Maricopa County. It is a known fact that other cities and residents utilize the transfer stations, but the department is not mandated to provide this service; the service is limited to residential solid waste (Commercial loads are not accepted). An explanation was provided comparing Solid Waste Service providers to other cities. Maricopa County doesn’t provide containers or curbside pickup, customers come to the transfer stations, and they drop off their solid waste. Emphasizing that the county does not have any open landfills, the board was reminded of the last quarterly meeting and the ten closed landfill stations. Operating



six transfer stations that accept waste and recyclable materials four days per week at most of the locations. Customers drop off waste for a fee (per car or truckload), and the county disposes of trash through a third party. This includes used tires, plastics, and or appliances. One of the departments' challenges is that they don't have scales at the transfer stations, however, the third parties do weigh. The transfer stations were just never set up with scales the cost in adding scales would cost a least \$300,000 per transfer station. Originally, they were adjacent to the landfills, so they were accepting their own waste into the landfill. In 2013 the waste program begins to divert material from going into a landfill and beneficially using it to control erosion. When the program was in place, the department would accept green waste and process it every 90 days. After contracting and grinding the material into smaller pieces, it was easily spread over the landfill to control the rows. So far in 2022, the department has received over 6500 tons of green waste, each year they continue to see an increase in the amount coming in. As a result, in the capping of the landfill, much faster than anticipated, and the need for an alternative disposal and management strategy for Greenway. Most of the grinding was done at the Cave Creek station, two other stations were accepting, but the volume was too low, and they couldn't make green waste.

The department began searching for alternatives to prevent illegal dumping in the desert. Certain requirements were made of residents to bag green waste, cutting down boxes and bundling everything, but this became challenging for customers. The department investigated changing the frequency of disposal services and ultimately implemented a quarterly disposals service that continues to provide this service to customers for two weeks out of every quarter, and simultaneously limiting the cost associated with the service. The landfill is capped and must now treat the material as solid waste, trucked off-site to a third party for disposal. Transportation or disposal cost was added because it was not provided by the county, therefore incurring additional cost. This change is projected to result in an increase of \$150,000 in solid waste management and disposal costs, which is why they department is proposing an increase in green waste fees for the most accepted load. 92% of the Greenways transactions are trucks and trailers prior adjustments made in 2019 did not include greenways fees.

#### **Categories of Green Waste Fees**

- \$4 for passenger cars or station wagons
- \$6 for vans and sport, utility vehicles
- \$12 for trucks
- \$12 for trailers

The increase would be for truck and trailers only. A comparison was made to other service providers, the average price is \$40.00 to \$66 per ton. Green waste disposal fees are grossly underpriced, creating an incentive to travel out of the way to dispose of green waste at one of the county's transfer stations. As of July 1, the department has moved to a quarterly collection schedule at the transfer stations. Services will be offered quarterly, January, April, July and October of each year for a two-week period, this will result in a \$28 savings per ton. Schedules are posted on their websites and flyers were distributed to customers and others. The department is working with their complaint line to address illegal dumping reported.



Comparative Fee Schedule		
Transfer Station	Rate per Ton	Closest ENV Transfer Station
Allied Republic Southwest Regional Landfill	\$ 38.00	Hassayampa, Rainbow Valley
Deer Valley Waste Management	\$ 41.00	Cave Creek
Glendale Landfill	\$ 32.25	Morristown
Northwest Regional Waste Management	\$ 46.36	Morristown, Cave Creek, New River
Phoenix Northern Dixeleita	\$ 44.00	Cave Creek, New River
Phoenix Central 27th Ave	\$ 44.00	Hassayampa, Rainbow Valley
Scottsdale Salt River Landfill	\$ 39.00	Cave Creek
Average pricing per ton	\$ 40.66	

### Stakeholder Workshop Feedback

The department reported that the first stakeholder workshop had no attendees, but in the second workshop, there was one attendee present. Eleven stakeholder comments were received on this case, and nine of those comments are included in the report provided to the board. Two additional comments were received today (7/25/22) from Cave Creek and Care Free, which will be forwarded to Vera Sampler to distribute to the board for their review. Out of the eleven comments received, one was their support, and ten were in opposition of those comments opposed to the proposed fee increase or lifted the fee increase of the concern or lifted illegal dumping as a concern. Two comments were concerned with fire danger, six change in frequency a concern, and the other three opposed the changes indicating they would be willing to pay a higher fee for the service, which is on the proposed fee increase sheet. The one comment and support were received from Daisy Mountain Fire Chief Bryan Tobin, who submitted a letter after our second stakeholder workshop to thank the Department for making what were described as positive changes. So, communities are supported. Local Fire Districts received the proposed regulatory changes and disposal options for events listed which are at no cost. The increase would be from \$12.00 for pickup trucks to \$26.75 and for all trailers from \$12.00 to \$40.00. Homeowners can take the green waste to transportation stations or wait until there is a bulk collection event and plan ahead. There are other service providers that people can use, and the department has no way of knowing if this will decrease the demand in the future. They also have the option to cut down material in-between the bulk collection events. The stations do not accept commercial loads. Issues submitted by the stakeholders were addressed. Therefore, the department is requesting for the Board of Health to recommend approval of the case for the proposed fee increase if there are changes.

**President MacMillan asked if there was a motion to recommend approval of EROP case ES-2-22-001 to the Board of Supervisors according to the EROP standard process. Dr. Stander made a motion, seconded by Ms. Banahan. All were in favor of the motion.**

**7. Environmental Services Dept. Fee Waiver Applications  
Request for Board of Health approval of Seventeen (17) Fee Waiver Applicants**

**Robert Stratman**

The department received 17 Permit Fee Waiver applications, and staff determined that all met the criteria outlined in the Environmental Health Code. The criteria - an operator of a charitable non-profit establishment which operates predominantly for the poor distressed, or underprivileged that may apply to the Board of Health for the waiver of a permit. A waiver may be granted only if the operator maintains a current 501 (c)3 tax-exempt status and demonstrates that the payment of the said fee will cause a financial hardship. In addition, a waiver of fees associated with administering and the issuance of food employee certificates may be granted to an operator of an establishment who maintains a current 501 (c)3 and must demonstrate to the Board of Health that said payment would cause financial hardship. The waiver may be granted to current students enrolled in a K through 12 culinary arts program or similar curriculum-based programs requiring employee certificates. The sponsoring school district must demonstrate to the board of health that payment of set fees will cause financial hardship. All the fee waiver applications reviewed this quarter appeared to meet the criteria. The department is asking for the Board's approval of the 17 fee waiver applications. Summary sheets labeled P1 through P15 and C1 through C2.

*(Summary Sheet and Fee Waiver Staff Report attached to agenda)*

**President MacMillan asked if there was a motion to approve the 17 fee waiver applications presented as P1 through P15 and C1-C2. A motion was made by Mr. Celley and seconded by Dr. Stander. All were in favor, and the motion carried.**

**8. Air Quality Department**

**Greg Verkamp  
Kimberly Butler**

**Make a recommendation to the Board of Supervisors to approve the proposed revisions to the following rule:**

AQ-2017-002 - Rule 321 (Municipal Solid Waste Landfills)

The department presented slides to the Board asking for a recommendation to the Board of Supervisors to approve the proposed revisions to AQ-2017-002 – Rule 321 (Municipal Solid Waste Landfills). Mr. Verkamp indicated that the main reason Rule 321 was opened was to implement the U.S. Environmental Protection Agency's (EPA) new emission guidelines (40 CFR Part 60, Subpart Cf) for existing municipal solid waste (MSW) landfills. The second reason stated was to implement what's termed Reasonably Available Control Technology (RACT) for MSW or municipal solid waste landfills with an installed and operational landfill gas collection and control system, which are not subject to the new emission guidelines. So basically, they are just smaller landfills that emit regulated pollutants above the local permitting thresholds in the rules but below the emission thresholds in the federal guidelines. And finally, the Clean Air Act, under Section 111 d, requires that the department submit a plan regarding how they're going to implement the new emission guidelines that were promulgated; the plan will be submitted after the rule is adopted.

In August of 2016, the EPA promulgated these new emission guidelines under 40 CFR Part 60, Subpart Cf for existing municipal solid waste landfills. And, as it says there, in the bullet point at the bottom, set forth requirements for controlling emissions of nonmethane organic compounds (NMOCs). This was promulgated under Section 111 (d) of the Clean Air Act, which requires states to set emission performance standards for existing sources of designated pollutants. States must adopt plans that establish standards of performance for existing sources and submit the plans to the EPA for approval. In addition to implementing these guidelines that the EPA promulgated, the department is also implementing the local RACT requirements.

- Local RACT Requirements:
  - Rule 241 (Minor New Source Review) requires implementation of RACT for MSW landfills not subject to emission guidelines.

Currently, Maricopa County does not have a specific rule implementing RACT for MSW landfills; however, RACT is implemented through permits issued to MSW landfills. Adding the RACT rule requirement into Rule 321 will standardize the requirements and ensure the consistent application of RACT for all MSW landfills.

### **Rulemaking Summary**

There are two major proposed revisions to Rule 321:

- Section 301 – Implement federal emission guidelines (Subpart Cf)
- Section 302 – Implement local RACT requirements

An overview of the rulemaking process was shared with the board as outlined in the presentation beginning back in March 2017 (5 years). The rulemaking has gone through Stakeholder workshops. The department believes that they are getting close to the finish line if the Board of Health makes a recommendation to the Board of Supervisors to approve the proposed revisions to Rule 321.

### **Stakeholder Response**

- (1) Stakeholder expressed support
- (1) Stakeholder expressed opposition initially, later changed to neither support nor opposition
- (2) Stakeholders expressed neither support nor opposition

Maricopa County Air Quality Department (MCAQD) representatives met with all stakeholders who submitted comments and met multiple times with one stakeholder with continued concerns. A summary of the Stakeholder outreach was briefly mentioned beginning in February 2021 through June 2022. An extended effort was made to meet with stakeholders, even an on-site visit to allow for visual observation of the concerns. The department reached out to Waste Management in June, advising them that they were near the final version, but did not receive any responses from the stakeholder. The department submitted and has not received any further comments from any stakeholders. Any comments received were previously submitted to the board for their review. There are two parts involved in this rulemaking, one is to come in line with federal regulations, and the second is to align with the local rules. The federal guidelines are applicable to sources that are Title V or very large. The rest of the rule is applicable to sources under the federal guideline emission threshold; this rulemaking codifies RACT requirements the department already puts in permits to meet RACT. The board complimented the department on their work. There is not a CTG involved in the process, and this is a local determination of RACT. Discussions were had relating to the EPA and a recent Supreme Court ruling. Department representatives had to clarify the rule has nothing to do with the recent supreme court ruling. The recent Supreme Court ruling had to do with the emissions from power plants. At this stage, discussions with representatives with the EPA that the department is working with on the Federal Plan, 111 D plan. However, this does not have any impact on that at this stage. It was recommended that the department seek advice from an expert source to avoid the creation of rulemaking. Ms. Butler agreed with the suggestion made by the board and added that the Air Quality Department is prepared to make changes based on what's determined, but at this point, they have been advised to continue as they are.

**President MacMillan asked if anyone wanted to make a recommendation to the Board of Supervisors to approve the proposed revisions to AQ 2017-002 Rule 321 (Municipal Solid Waste Landfills). Mr. Cassano made a motion to approve the recommendation, seconded by Mr. Celley. The recommendation passed.**

## Discussion Items

9. Public Health Report
  - I. Human Resources
  - II. Communications
  - III. Infrastructure
  - IV. Strategic Planning
  - V. Programs
  - VI. Disease Update
  - VII. Future Topic

**Marcy Flanagan**  
Dr. Rebecca Sunenshine  
Jana Lafreniere  
Aaron Gettel  
Tianna Baker

## COVID-19 Pandemic

Dr. Flanagan provided the board with updates concerning COVID 19 Pandemic. As of the week of July 20, Maricopa County is still considered at a community level of high transmission. The information is based on a weekly positivity percentage, which the county is at 32%. The daily average case count is 1,451 cases. The board was reminded that the at home self-test kits are not reported to public health, which is what most people are taking now. Therefore, they are not included in the case count. The case counts are received through laboratories. Maricopa County's webpage does have a section that if anyone in the community wants to report their positive result, they may do so. The dominant variant spreading right now in the county is the self-variant of the Omicron. 99% of the cases in the county are being sequenced and are coming back as Omicron. The largest variant is the BA.5, which has been referred to a lot as the "stealth variant," and it's extremely contagious, which would explain the uprise in cases. The increase in cases also has to do with our immunity starting to wear off a bit from when folks were vaccinated or boosted. The belief is that it's also contributing to this a little bit; however, this particular variant is very contagious, but with less severe outcomes, causing hospitalizations or deaths; however, there is a lot of community spread. The hope is to start seeing some community immunity with this variant, so the county's numbers will start to go down a little bit.

The BAA.2.1.2 is the second variant that's still spreading in about 20% of cases. Although the variant has been around for some time, the county is starting to see it rise up. Earlier this year, Omicron first started spreading, and that one stuck around for some time. However, it's believed that the BA.5 is going to start to take over the next few weeks, and that's probably all that we'll see. Dr. Flanagan expressed that, again, the county is still in high community transmission. The recommendation is the same and remains the same for individuals to stay safe, which are in line with the CDC and DHS.

## Monkeypox (MPX)

A brief explanation was provided about Monkeypox, highlighting that it is a rare disease caused by infection with the monkeypox virus. Monkeypox is a part of the same family as smallpox; although the symptoms are similar, they are less mild and less severe than smallpox, and it is rarely fatal; however, it is not related to chickenpox. Symptoms are very similar to smallpox and a lot of other communicable diseases. Globally, we are now up to worldwide 16,836 cases of Monkeypox. Of those 16,593 are in cases that are happening in countries that do not typically or historically report monkeypox cases. In the U.S., we are up to 2,890 cases. Nationally, Arizona was reported by the CDC website to confirm that our state has 29 cases in Maricopa County alone. As of today (7/25/22), we have 37 probable cases in Maricopa County. The CDC is only reporting 29 because the CDC just reported those confirmed cases. The labs in the county have testing capabilities, and private labs, as well as the state labs that are testing, will report any confirmed positive cases, which are considered probable cases in our case count. They then go to the CDC for confirmatory testing, which can take a few days up to a week until they are confirmed cases; the CDC doesn't count those cases. Therefore you'll see the number reach closer to that 37. There's one confirmed case in Pima County, and the rest of the cases are here in Maricopa County at this time.

The vast majority of our cases are all happening in a population of men that have regular close contact with other men. The initial vaccine that was in Arizona was very small, and there were restrictions to the vaccine from the Strategic National Stockpile. The Jynneos vaccine is the same vaccine they used for smallpox, which was only initially allocated for use for PEP, which is Post Exposure Prophylaxis. The county has since then received more vaccines and allowed to expand the vaccine to the subpopulation called HEP PLUS PLUS. The population is for individuals that fall into that same high-risk category; therefore, MSM community men who have sex with other men or have intimate close contact. The county has begun vaccinating those individuals. Individuals can visit the [Maricopa Monkeypox](#) website, or they can call the public health line and obtain information on how to sign up for a vaccine clinic as well as visit one of the events hosted by the county. Public Health has had at least three clinics already, and several hundred individuals have received the vaccine. The county has on had about 1500 doses, which is at the two-series regimen meaning an individual isn't fully protected until two weeks after that second dose. So, when the county has 1500 doses, it's about a little over 700 individuals that they can fully vaccinate. The largest allocation of this vaccine should be arriving at the end of August, and that's when they'll really start expanding to PEP (Pre-exposure Prophylaxis). Those that fall into that category or even other individuals that may come into contact with those individuals because they serve them in other capacities will start offering vaccines to them.

At this time, the focus is on offering the vaccines, and that's being done after hours at the Roosevelt clinic location. Individuals that have reached out again fall into that category of being high-risk and are interested in receiving the vaccine. The county uses its CARES line to connect with those interested and make them aware of the dates/times to come to a vaccine clinic and offer them the vaccine. More events will be announced at the end of August, where the department does some of their mobile units, go out into the community, offer a vaccine, and start working with some of the non-profit and other agencies that serve this population to host vaccine events at those locations.

An update on Strategic Planning and Infrastructure grant will be a part of the next quarter's meeting. Public health has their new mission, vision, and guiding principles, written by their senior leadership team, which will be shared at the department-wide all-staff meeting, and then an update on the infrastructure grant on the CDC; that application will be due by the time this board meets again. Dr. Flanagan intends to share what is being proposed and what their funding allocation looks like.

The focus was directed back to Monkeypox. Historically Monkeypox is not a sexually transmitted disease. However, this current global outbreak that's happening is behaving very much so like an STD. Public health is allowing their Epidemiology team and clinical services, STD Clinic, to work closely together on this particular outbreak happening because it's behaving just like an STD. Individuals who are showing up at the STD clinics and or at their providers' offices thinking that they have an STD because of where the lesions are appearing are very typical of an STD. But Monkeypox itself is not considered an STD. The intention is to get this on the STD metrics because of its behavior.

A brief discussion was had concerning syphilis numbers being so high in the country as well as in the congenital syphilis numbers. Maricopa County is still at the top if you look at the HIV numbers. It was suggested that clinical staff be invited to a future meeting to provide additional information on the new exciting programs and initiatives we're doing around the STD clinic. Public Health has some top global physicians from the CDC, similar to Dr. Sunenshine. The new funding that the county received allows for Public Health to really attack the problem. The ARPA monies were put into new infrastructures to put these new planning locations to be able to do the work needed.

**Announcements and Current Events**

*None*

**President/  
Board Members**

**Adjournment**

**President MacMillan**

There being no further business, Mr. Cassano made a motion to adjourn the meeting, seconded by Mr. Celley. The motion passed unanimously. The meeting was adjourned at 5:13 p.m.

DRAFT