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FEE: \$0.00  
PAGES: 13  
FEE NUMBER: 2026-012870

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When recorded return to:  
Clerk of the Board  
Pinal County  
P.O. Box 827  
Florence, Arizona 85232

**PINAL COUNTY BOARD OF SUPERVISORS**

**RESOLUTION NO. 021826-AQ**

**PINAL COUNTY AIR QUALITY CONTROL DISTRICT**

A RESOLUTION OF THE BOARD OF SUPERVISORS OF PINAL COUNTY, ADOPTING CERTAIN REVISIONS TO THE PINAL COUNTY AIR QUALITY CONTROL DISTRICT RULES.

**WHEREAS**, the Pinal County Board of Supervisors ("Board") is empowered under A.R.S. § 49-479 to adopt rules for the purpose of controlling the release of air contaminants within the County; and

**WHEREAS**, the Board is empowered under A.R.S. § 49-471(14) "rule" explicitly includes the prescribing of fees or the amendment of prior rules governing fees; and

**WHEREAS**, the Board is empowered under A.R.S. § 49-480 to adopt a program for issuing permits to sources that emit air contaminants within the County; and

**WHEREAS**, the District proposed that the Board consider adoption of certain revisions to the District Code of Regulations as last amended October 13, 2010 (Chapter 3, Article 7, Section 585); and

**WHEREAS**, the District proposed that the Board consider adoption of annual cost accounting to all Class II and Class III permits in the District Code of Regulations as last amended October 13, 2010 (Chapter 3, Article 7, Section 585); and

**WHEREAS**, the elements of the proposal pertaining to changes in the County's Annual Fee Adjustment and cost accounting are set forth below in full; and

**WHEREAS**, to the extent applicable, the District has complied with the notice-publication and other public notification requirements of A.R.S. §§ 49-471.04 and 49-479, and 40 C.F.R. § 51-102, including a combined notice of proposed rulemaking and oral proceeding published online at <https://www.pinal.gov/403/Rulemaking> on November 27, 2025 and in local newspapers; and

**WHEREAS**, the proposed rule changes will go into effect on the date of Board adoption;

**THEREFORE, FOR THE PURPOSE OF PROTECTING AND PRESERVING THE QUALITY OF AIR WITHIN THE COUNTY IN A SENSIBLE AND ORDERLY MANNER, IT IS HEREBY RESOLVED BY THE BOARD TO:**

1. **Adopt the following revisions, additions, and deletions to the Pinal County Air Quality Control District Code of Regulations reflected in Exhibit A.**

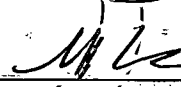
**IN WITNESS WHEREOF**, the Pinal County Board of Supervisors as duly reflected in the minutes of the Board meeting, has executed this document on behalf of the Board of Supervisors on this 18th day of February 2026.

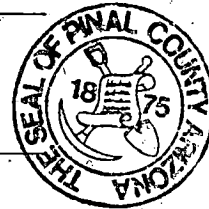
PINAL COUNTY, a political subdivision of the State of Arizona,

By:

  
Chairman of the Board of Supervisors

ATTEST:

  
Clerk of the Board of Supervisors



APPROVED AS TO FORM:

By:

  
Deputy County Attorney

**Exhibit A**

**CHAPTER 3. PERMITS AND PERMIT REVISIONS**

**ARTICLE 7. PERMIT FEES**

**3-7-585. Annual fee adjustment**

- A. The Board of Supervisors shall annually review the District's cost accounting required under §3-7-595 and §3-7-596 and make changes as required to assure continued compliance with air quality fee requirements.
- B. In the event that prior to January 1 of any year the Board does not revise the fees or hourly rates set or referenced by this article on the basis of the preceding cost accounting under §3-7-595 or §3-7-596, then those fees and rates shall be automatically adjusted, to the nearest \$1 for annual fees only, as of that January, by multiplying those fees and hourly rates by the Consumer Price Index for the most recent year and then dividing by the Consumer Price Index for the previous year. The Consumer Price Index for any year is the average of the Consumer Price Index for all-urban consumers, published by the U.S. Department of Labor, as of the close of the 12 month period ending on August 31 of each year.

[Adopted effective November 3, 1993. Amended October 13, 2010, Amended February 18, 2026]

**3-7-596. Annual reporting of Class II and Class III permit fees and costs**

The District shall conduct an annual cost accounting to identify revenues derived and costs incurred with respect to Class II and Class III permits. Data needed shall be collected over each twelve month period beginning January 1, 2027.

[Adopted February 18, 2026]

RESOLUTION NO. 021826-AQ

**Exhibit B**



**PINAL COUNTY**

**Pinal County Air Quality Control District**

**Annual Fees Adjustment**

Pursuant to A.R.S. §§49-112 and 49-471.01 et. Seq.

**Combined Notice of Proposed Rulemaking**

**And**

**Notice of Oral Proceeding**

Pursuant to A.R.S. §49-479 and where applicable,

The requirements of 40 C.F.R. §51-102

**And**

**Notice of Board of Supervisors Public Hearing**

Pinal County Air Quality Control

Published online at

**<https://www.pinal.gov/403/Rulemaking>**

**On November 27, 2025**

**Start of Public Comment Period: November 27, 2025**

**End of Public Comment Period: December 30, 2025**

**I. PREAMBLE**

**1. Statutory authority for the rulemaking (per A.R.S. § 49-471.05.(1))**

A.R.S §§ 49-474, 49-479, 49-480

**2. Name and address of department personnel with whom persons may communicate regarding the rulemaking (per A.R.S. § 49-471.05.(2))**

Name: Rupesh Patel

Pinal County Air Quality Department

Address: 85 North Florence St.,

Florence, Arizona, 85132

Telephone: 520-866-6929

Email: [rupesh.patel@pinal.gov](mailto:rupesh.patel@pinal.gov)

Online: <https://www.pinal.gov/403/Rulemaking>

**3. Rulemaking process (per A.R.S. § 49-471.05.(3))**

The rulemaking process will consist of an initial administrative rule development process, including this notice, a 30 day public comment period, a stakeholder meeting, an oral proceeding before the Control Officer or his designee and a Public Hearing with the Pinal County Board of Supervisors. The dates, times and location for the stakeholder meeting, oral proceeding and BOS public hearing are listed below. Written comments are due prior to the close of the comment period, which shall be the close-of-business on the day of the oral proceeding. The final step in the rule adoption process will be the hearing before the Board of Supervisors. The Board of Supervisors hearing will be separately scheduled and noticed in accord with A.R.S § 49-479, and where applicable, the requirements of 40 C.F.R § 51.102.

Comments may be submitted to PCAQCD through the PCAQCD website rulemaking page at <https://www.pinal.gov/403/Rulemaking> or by mail to P.O. Box 987, Florence, AZ 85132 from November 27, 2025 through December 30, 2025.

While the law states that an oral proceeding may be held upon a written request for one, PCAQCD is choosing to schedule on proactively on December 30, 2025.

After public comment period has closed and PCAQCD has taken into account all comment and made necessary changes, PCAQCD will be presenting the rulemaking to the Board of Supervisors on February 11, 2026 (Work Session) and February 18, 2026 (Regular Session).

All notices, related information, and presentations will be available on PCAQCD website at <https://www.pinal.gov/403/Rulemaking> throughout this rulemaking process. The website is compatible with accessibility options and language translation software.

**4. Explanation of the rule, including the control officer's reasons for initiating the rulemaking (per A.R.S. § 49-471.05.(4))**

The Pinal County Air Quality Control District (PCAQCD), an operating division of Pinal County, proposes that the Board of Supervisors (BOS) adopt, amend or revise certain rules under authority of A.R.S. §§ 49-479 and 49-480, which respectively authorize the board to adopt rules to control air pollution.

The proposed revisions are intended to recover the average cost of services required to administer the permit and conduct inspections. The proposed revision includes annual review cost accounting for all stationary air quality fee requirements, linking the fees to the Consumer Price Index (CPI) to keep pace with inflation. This will prevent the air program's funding from eroding and ensuring it can continue to cover operational costs and achieve its public health and environmental protection goals.

In this rulemaking action Pinal County is revising the annual fee adjustment provision in Chapter 3, Article 7, Section 585 (§ 3-7-585) of the Pinal County Air Quality Control District Code of Regulations, to extend annual fee adjustment of Title V permits to include Non-Title V air quality permits.

In addition, PCAQCD is proposing a new rule Chapter 3, Article 7, Section 596 (§ 3-7-596) of the Pinal County Air Quality Control District Code of Regulations, to apply cost accounting to Class II and Class III air quality permits. PCAQCD will conduct stakeholder outreach to gather feedback and address public concerns prior to final adoption.

The proposed amended rules are identified below:

**Section Affected**

§ 3-7-585. Annual Fee Adjustment

§ 3-7-596. Annual Fee Reporting of Class II and Class III Permit Fees and Costs. New

**Rulemaking Action**

Revised

Those wishing further information regarding any aspect of this proposal may contact Rupesh Patel, Pinal County Air Quality, 85 North Florence St., Development Services Building, Florence, Arizona, 85132, (520) 866-6915, [rupesh.patel@pinal.gov](mailto:rupesh.patel@pinal.gov). To the extent possible, the District will also post information on the County's website: <https://www.pinal.gov/305/Air-Quality>.

Persons may obtain a full copy of the proposed rules or existing rules at:

Pinal County Air Quality Control District  
85 North Florence St., Development Services Building  
<https://www.pinal.gov/403/Rulemaking>

5. Studies relied on in the control officer's evaluation of or justification for the rule and where the public may obtain or review the studies, all data underlying the studies, any analysis of the studies and other supporting material (A.R.S. § 49-471.05(5)):

The CPI is a widely accepted, objective economic indicator that measures overall inflation and changes in the costs of services. Using the CPI ensures that fee adjustments are data-driven, transparent, and consistent from year to year. This approach avoids the need for frequent rulemaking solely to update fee amounts and ensures that fee revenues remain aligned with actual program costs.

6. An economic, small business and consumer impact statement that includes those elements prescribed in section A.R.S. § 41-1055, subsections A, B and C. (A.R.S. § 49-471.05(6))

a. Description of the Proposed Rulemaking

The proposed rulemaking revises the Air Quality Class I, Class II and Class III Permit Fees to include an annual adjustment based on changes in the U.S. Bureau of Labor Statistics' Consumer Price Index (CPI). The rule establishes a formula for applying the CPI adjustment. No changes are made to the underlying fee categories, only to the mechanism for updating the fee amounts.

b. Purpose of the Rulemaking

The purpose of this rule is to maintain adequate funding for air quality permitting, compliance, inspections, and related regulatory functions in a manner that is predictable, transparent, and linked to changes in CPI. Maintaining the real value of the fees ensures that the agency can fulfill its statutory obligations without abrupt fee increases or service reductions.

c. Identification of Persons Affected

The rulemaking affects:

- Regulated facilities required to obtain air quality permits or subject to administrative service fees.
- Small businesses, including small manufacturers, service facilities, fuel operations, and other entities requiring air permits.
- Large industrial sources such as utilities, mines, factories, and materials processors.
- Consumers and the general public, who benefit from adequately funded air quality programs but are not directly charged fees.

No new categories of persons will be newly subject to fees; the rule only modifies how existing fees are updated.

d. Expected Costs and Benefits to the Implementing

Costs:

Minimal administrative cost to calculate and publish annual CPI adjustments. No new staffing, equipment, or capital expenditures are required.

Benefits:

Stabilized revenue that maintains alignment between program costs and fee income.  
Reduced frequency of formal rulemakings solely for inflationary adjustments.  
Improved ability to meet state and federal air quality program requirements.

e. Probable Costs and Benefits to Political Subdivisions

Political subdivisions that operate permitted facilities may experience small annual increases in administrative fees based on CPI. These increases are expected to be modest and predictable.

Political subdivisions benefit from:

- Reliable and timely permitting and compliance services.
- Stable regulatory oversight supporting public health and environmental protection.

f. Probable Costs and Benefits to Businesses and Consumers

Businesses (including small businesses)

Costs:

- Annual fee increases equal to the CPI percentage.
- Estimated annual increases are modest (typically 1–4% depending on inflation conditions).
- No new reporting, administrative, or procedural requirements.

Benefits:

- Predictable, formula-based fee adjustments allow easier budgeting.
- Avoidance of large, infrequent fee increases caused by extended periods without updates.
- Consistent regulatory services and reduced processing delays.

Consumers

- Consumers may indirectly experience minimal cost impacts if regulated businesses pass through increased operating costs. These impacts are expected to be negligible. Consumers benefit from sustained air quality protection and enforcement.

g. Probable Impacts on Small Businesses

Small businesses subject to air permits will experience small, annual CPI-based increases in administrative fees. The Department does not anticipate that the rule will:

- Create new compliance requirements;
- Impose substantive new duties; or
- Require additional recordkeeping or professional services.

The Department considered alternatives to minimize impacts on small businesses, including exempting small businesses or capping increases. These alternatives were rejected because they would undermine equitable fee distribution and reduce the ability of the program to recover actual costs.

h. Probable Impacts to Pinal County

The costs to Pinal County are only the costs of staff time to engage in this rulemaking, including some PCAQCD staff time and the time of the Board of Supervisors and their administrators in advancing this rulemaking, and the costs of publishing notices regarding the rulemaking.

i. Probable Impact on Private and Public Employment

No significant impact on private or public employment is expected. The CPI adjustment maintains existing program funding and avoids operational disruptions that could indirectly affect employment.

j. Impact to County Air Program Revenues

The rule is expected to modestly increase annual fee revenues in line with CPI changes. The adjustment is intended to preserve revenue at a level proportional to costs rather than substantially increase revenue.

k. Less Costly or Intrusive Alternatives Considered

Alternatives considered included:

- No annual adjustment: Rejected because it results in long-term revenue erosion and irregular large increases.
- Periodic fixed-percentage increases: Rejected because such increases lack a connection to actual inflationary costs.
- Tiered adjustments by business size: Rejected as inequitable and inconsistent with cost-of-service principles.

The CPI adjustment is the least intrusive, most transparent, and most equitable option evaluated.

1. Probable Environmental Benefits

By ensuring adequate, stable funding for air quality programs, the rule supports:

- Timely enforcement of emissions limits;
- Accurate emissions inventories;
- Monitoring of air pollutants;
- Compliance assistance; and
- Maintenance of federal air quality attainment status.

These activities directly enhance public health and environmental quality.

m. Additional Information Requested

Not applicable

7. The proposed effective date of the rule or ordinance (A.R.S. § 49-471.05(7))

February 18, 2026

8. Such other matters as are prescribed by statute and that are applicable to the county or to any specific rule or ordinance or class of rules or ordinances. (A.R.S. § 49-471.05(8))

Not applicable.

9. For a final rule or ordinance, a list of all previous notices appearing in the register addressing the proposed rule or ordinance and a concise explanatory statement prescribed in section A.R.S. § 49-471.07, subsection B (A.R.S. § 49-471.05(9))

Not applicable

10. Date, time and location of scheduled stakeholder meeting, oral proceeding and Board of Supervisors Public Hearing:

This rulemaking follows procedures identified in state statutes, Pinal County Air Quality Control District Code of Regulations. All of the following are open to all:

**Public Comment Period**..... November 27, 2025 through December 30, 2025

**Stakeholder Meeting (online only)**..... December 8, 2025

Monday December 8, 9:00am

Time zone: America/Phoenix

Google Meet joining info

Video call link: <https://meet.google.com/ydb-ndox-nsr>

Or dial: (US) +1 260-376-3022 PIN: 304 019 447#

More phone numbers: <https://tel.meet/ydb-ndox-nsr?pin=6877971062456>

**Oral Proceeding/Public Hearing** (online and in-person).....December 30, 2025

Pinal County Planning & Development Building  
85 N. Pinal St., Florence, AZ. 85132

Tuesday, December 30 · 9:00am

Time zone: America/Phoenix

Google Meet joining info

Video call link: <https://meet.google.com/ahr-fnun-mqr>

Or dial: (US) +1 234-301-0926 PIN: 116 873 087#

More phone numbers: <https://tel.meet/ahr-fnun-mqr?pin=7547210819151>

Nature of meeting: Oral proceeding before the Control Officer or his designee in accord with A.R.S. § 49-471.06(C) to consider public comments upon any or all of this proposal.

**Board of Supervisors Work Session** to present proposed rule.....February 11, 2026

Wednesday, February 11, 2026 · 9:30am

Pinal County Board of Supervisors Hearing Room

135 N. Pinal St., Florence, AZ. 85132

Event Details: <https://www.pinal.gov/396/Meeting-Videos>

**Board of Supervisors Regular Meeting** to vote on rules.....February 18, 2026

Wednesday, February 18, 2026 · 9:30am

Pinal County Board of Supervisors Hearing Room

135 N. Pinal St., Florence, AZ. 85132

Event Details: <https://www.pinal.gov/396/Meeting-Videos>

**Notice of Final Rulemaking**

To be posted at a later date

**11. The full text of the proposed changes:**

Pinal County Air Quality Control District Code of Regulations can be found at:  
<https://www.pinal.gov/403/Rulemaking>

The proposed changes are reflected below in strikethroughs to indicate proposed removal, and underline to indicate proposed new language being added to the existing rule.

## CHAPTER 3. PERMITS AND PERMIT REVISIONS

### ARTICLE 7. PERMIT FEES

#### 3-7-585. Annual Fee Adjustment

- C. The Board of Supervisors shall annually review the District's cost accounting required under §3-7-595 and §3-7-596 and make changes as required to assure continued compliance with Title Vair quality fee requirements.
- D. In the event that prior to January 1 of any year the Board does not revise the fees or hourly rates set or referenced by this article on the basis of the preceding cost accounting under §3-7-595 or §3-7-596, then those fees and rates shall be automatically adjusted, to the nearest \$1 for annual fees only, as of that January to reflect the increase, if any, by which multiplying those fees and hourly rates by the Consumer Price Index for the most recent year exceeds and then dividing by the Consumer Price Index for the previous year. The Consumer Price Index for any year is the average of the Consumer Price Index for all-urban consumers, published by the U.S. Department of Labor, as of the close of the 12 month period ending on August 31 of each year.

## CHAPTER 3. PERMITS AND PERMIT REVISIONS

### ARTICLE 7. PERMIT FEES

#### 3-7-596. Annual Reporting of Class II and Class III Permit Fees and Costs

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