



MEMORANDUM

Date: November 12, 2025

To: The Honorable Chair and Members
Pima County Board of Supervisors

From: Jan Leshner 
County Administrator

Re: **Ordinance to Regulate Certain Unpaved Roads to Maintain Healthy Air Quality**

Background

Earlier this year the Arizona Department of Environmental Quality (ADEQ) issued an air quality permit for the proposed Copper World mine in the Santa Rita Mountains. Pima County's comments on the permit included a concern that the permit did not include the unpaved Santa Rita Road, a County road, which has been identified as the most likely access route for heavy-duty truck traffic to and from the mine site. A major increase in the existing volume of heavy-duty truck traffic using that road is likely to significantly increase fugitive dust released into nearby communities, which may result in exceedances of health standards for particulate matter that could lead to non-attainment area designation by the Environmental Protection Agency (EPA).

The County, Hubday and Town of Sahuarita representatives meet regularly as part of a dust working group for this roadway, and Hubday's voluntary application of a dust suppressant has so far mitigated dust emissions. Recently Sahuarita representatives reported a few dust complaints, but generally this method has been considered successful. However, the mine is not operational and therefore the road is not experiencing the increase in volume of heavy-duty truck traffic that is anticipated if the mine were to become operational.

Paving unpaved roads is a common dust control measure. However, this road traverses the Santa Rita Experimental Range, which is important ecological and rangeland management area. The Range is also within the County's Conservation Lands System (CLS), which guides the County in continued implementation of the Sonoran Desert Conservation Plan. While unpaved roads carry specific risks related to sediment and dust, paving an unpaved road through an important conservation area without mitigation often increases traffic speed and volume, exacerbating fragmentation and collision mortality for wildlife. The choice between paved and unpaved involves weighing these trade-offs against human-use considerations. In environmentally sensitive areas like this, the long-term impacts of increased traffic from paving roads must be carefully evaluated to avoid irreversible harm to wildlife populations. In locations such as this, the County's preference is to require air quality control measures that do not include paving.

Recently, the Executive Director for Save the Scenic Santa Rita's requested the County consider adopting an ordinance similar to that of the Town of Patagonia, to regulate heavy-duty truck traffic, specifically for the Santa Rita Road and other County roads across or near the Santa Rita Experimental Range. The Pima County Department of Transportation (DOT)

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and Department of Environmental Quality (PDEQ) have been working closely with my office and the Pima County Attorney's Office (PCAO) to draft the proposed ordinance. This effort included the following steps:

- Reviewing Patagonia's ordinance, as well as the Attorney General's 2018 determination that Patagonia's ordinance does not violate state law.
- Reviewing other statutory authority related to traffic operations and air quality.
- Reviewing the County's authority to regulate traffic operations on Santa Rita Road.
- Reviewing air quality control measures related to unpaved roads located in Pinal and Maricopa counties for areas that have been designated non-attainment for the PM10 National Ambient Air Quality Standard (NAAQS).
- Estimated heavy-duty truck traffic volumes for Santa Rita Road submitted by Save the Scenic Santa Rita's.
- Copper World's pre-feasibility study which references roads likely to serve the proposed mine.
- Considering ways in which such an ordinance could apply to other unpaved roads in unincorporated Pima County with the intent of proactively preventing the degradation of air quality and health, and the related regulatory requirements that could come from exceeding NAAQS.

This Memorandum transmits the proposed ordinance, (Attachment 1), which will be placed on the Board of Supervisor's December 2, 2025, meeting for consideration along with the required public hearing that will be noticed in the Territorial on November 13 and 14, 2025. Details about the proposed ordinance are included herein. This Memorandum and the proposed ordinance will be provided to Hudbay, Save the Scenic Santa Rita's and the Town of Sahuarita for comment and feedback prior to the Board meeting.

Legal Authority

Similar to the Town of Patagonia, Pima County has the legal authority to regulate heavy-duty trucks on County roads. In addition, per A.R.S. § 28-703(C), the County has the legal authority to impose a speed limit of not lower than 15 miles per hour on unpaved County roads to achieve or maintain air quality standards.

Patagonia's ordinance includes a limit of 100 heavy-duty truck trips per week per company, which equates to about 14 trips a day, and does not include a speed limit reduction. The concern for air quality impacts from unpaved roads was not the primary reason behind Patagonia's ordinance, which appeared to be driven by concerns about noise and nuisance, degradation of road pavement conditions and material spills.

DOT confirmed with the Arizona State Land Department that the County has the authority to regulate traffic operations on Santa Rita Road. This came up as a question because of the process by which Pima County has rights to operate the road across State Trust land, including the Santa Rita Experimental Range.

Applicability

Unpaved roads with heavy traffic volumes traveling at higher speeds have the potential for generating higher levels of dust emissions, especially those that include heavy-duty trucks. The proposed ordinance would apply to unpaved County roads with (1) average daily trips ADT) greater than 150 vehicles AND (2) 75 or more heavy-duty trucks.

Why use an ADT greater than 150 AND 75 or more heavy duty trucks to trigger applicability of this ordinance?

PM-10 non-attainment areas within Pinal County and Maricopa County include a range of ADT counts on unpaved roads to trigger control measures. These include a high of 150 ADT in moderate non-attainment areas, to a low of 26 ADT in areas that failed to meet initial non-attainment requirements. While the City of El Mirage prioritizes unpaved roads with higher ADT traffic volumes AND higher heavy-duty truck traffic, no definition is provided for "higher heavy-duty truck traffic."

After reviewing this information, staff recommend an ordinance that includes a dual trigger (greater than 150 ADT AND 75 heavy-duty trucks) as 75 is half of the 150 ADT which means any number over 75 is a majority. If a majority of the 150 ADT is heavy-duty trucks, it is likely the dust generation is higher than if less than a majority are heavy-duty trucks.

How will Pima County measure applicability and when?

Similar to code enforcement, the County will investigate applicability based on complaints. After receiving a complaint, DOT will place a tube on the road, which provides a vehicle count by vehicle type. Attached is a recent count for Santa Rita Road just west of where the road changes from paved to unpaved. (Attachment 2) The vehicle ADT was 204, which exceeds the 150 ADT, but the heavy-duty truck count (Class 6 and above) was only 27. Cimbar Performance Minerals is a company that currently operates heavy-duty trucks on Santa Rita Road.

Note that if a decision were to be made to pave an unpaved road due to public health concerns from poor air quality, such a road would then not be subject to this ordinance. Paving of any roads that bisect the CLS would require comprehensive wildlife mitigation measures.

Control Measures

Unpaved County roads that meet both applicability standards would be subject to control measures, including lowering the speed limit to 15 miles per hour and limiting the number of heavy-duty truck trips to 75 per day. Notice to users of the roadway would be provided via signage at either ends of the road, as well as speed limit signs along the road. In addition, notices would be mailed to adjacent property owners.

Why a limit speeds to 15 miles per hour?

State statutes permit counties to limit traffic speeds to 15 miles per hour on unpaved roads to maintain or achieve air quality standards.

Why limit the number of heavy-duty truck trips to 75 per day?

Control measures for unpaved roads in non-attainment areas in Pinal and Maricopa counties that failed to meet initial non-attainment requirements, limit heavy-duty truck trips to 20 per company per day on unpaved roads, mostly haul and access roads. Staff's recommended ordinance includes a limit of 75 heavy-duty truck trips per day, irrespective of the number per company. Ultimately this limit should also be informed by public input, which can occur as part of the publicly noticed public hearing.

Penalties and Permits

Similar to Patagonia's ordinance, the County's proposed ordinance includes penalties for non-compliance, as well as a permitting process for exceeding the heavy-duty truck limit that includes a public hearing.

Cost of Implementing Ordinance and Review

If approved, this ordinance will be reviewed within six months. The review will include costs associated with implementing the ordinance, including determining the fee amount that should be charged for the permit application.

Summary

In summary, I respectfully recommend the Board consider the proposed ordinance to regulate certain unpaved roads to maintain healthy air quality, and will place this item on the Board's December 2, 2025, meeting agenda, along with the required public hearing.

JKL/dym

Attachments

c: Carmine DeBonis, Jr., Deputy County Administrator
Steve Holmes, Deputy County Administrator
Sam Brown, Chief Deputy County Attorney
Terry Cullen, MD, MS, Public Health Director, Health Department
Scott DiBiase, Director, Department of Environmental Quality
Kris Gade, Director, Conservation Lands and Resources
Kathryn Skinner, Director, Department of Transportation
Nicole Fyffe, Senior Advisor, County Administrator's Office

ATTACHMENT 1

ORDINANCE 2025-__

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA, RELATING TO TRAFFIC AND HIGHWAYS (TITLE 10); CREATING A NEW SECTION 10.37 UNPAVED COUNTY ROADS, TO REGULATE CERTAIN UNPAVED COUNTY ROADS TO MAINTAIN HEALTH STANDARDS FOR AIR QUALITY.

THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA FINDS THAT:

1. Unpaved roads with heavy traffic volumes traveling at higher speeds have the potential for generating a higher level of dust emissions, especially those that include heavy duty trucks.
2. Pima County intends to apply certain preventive control measures to avoid exceedances of health-based standards (National Ambient Air Quality Standards) for particulate matter (PM10) in the air that could lead to a non-attainment area designation by the U.S. Environmental Protection Agency (EPA).
3. Pima County has the authority under A.R.S. § 28-703(C) to decrease the speed limit to not less than fifteen miles per hour on an unpaved street or road within its jurisdiction to achieve or maintain national ambient air quality standards.
4. Pima County has the authority under A.R.S. § 28-1106(C) to prohibit by ordinance or resolution the operation of trucks or other commercial vehicles or may impose limitations as to the weight of vehicles on designated highways.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA:

Section 1. Pima County Code Title 10 (Traffic and Highways) is amended to create a new Section 10.37 (Unpaved County Roads) as follows:

CHAPTER 10.37 UNPAVED COUNTY ROADS

10.37.10. Applicability

1. Unpaved county roads with average daily trips (ADT) greater than 150 and 75 or more heavy duty trucks shall be subject to control measures in section 10.37.20.
2. ADT means the average number of motor vehicles that cross a given surface over a 48-hour period, divided by two, which may consist of two non-consecutive 24-hour periods. Motor vehicle traffic shall be measured continuously during each 24-hour period and shall represent typical traffic patterns.
3. A heavy duty truck is any vehicle in Class 6 or above, as defined by the Federal Highway Administration (FHWA)'s truck classification system.

10.37.20. Control Measures

1. Establish a 15 mile per hour speed limit; and
2. Restrict the number of heavy duty trucks to no more than 75 ADT for heavy duty truck trips.
3. Install signage at either ends of the road to provide notice of speed limit and heavy duty truck traffic control measures, as well as the statutorily required speed limit signs.
4. Notify all adjacent property owners via certified mail.

10.37.30. Exemptions

1. All emergency vehicles shall be exempt from the ADT count used to determine applicability under Chapter 10.37, whether they are responding to an actual emergency.
2. All heavy duty trucks conducting maintenance on behalf of the county shall be exempt from section 10.37.20(2), the 75 ADT heavy duty truck trip restriction.

10.37.40. Penalties

1. Speed limits will be enforced and fines issued consistent with standard county speed limit enforcement and fines.
2. First offense. A notice of opportunity to comply (NOC) shall be issued to all known persons, firms, or entities driving or causing to be driven heavy duty trucks on the applicable road requiring compliance with section 10.37.20 no later than 60 days from the issuance date of the NOC. The purpose of the NOC is to (a) provide the noticed persons, firms, or entities information on PM10 emissions from heavy duty trucks on unpaved roads and educational material regarding compliance with this chapter, (b) reduce the total number of heavy duty trucks to less than 75, and (c) provide a process by which the noticed person, firm, or entity can apply for a permit to exceed the limit as detailed in section 10.37.50.
3. Second or later offense or failure to comply with a NOC. Any person, firm, or entity who fails to comply with a NOC is subject to a civil sanction for which the court shall impose a sanction in the amount of \$500.

10.37.50. Permits to Exceed Use Restriction

1. An applicant may submit an application in writing to the Pima County Department of Transportation to request to exceed the maximum number of trips specified in section 10.37.10.
2. The board of supervisors may consider a permit to exceed use restriction after holding a public hearing, and hearing from all interested parties desiring to be heard thereon.

3. The board of supervisors, upon finding good cause after a public hearing, may issue a special permit in writing authorizing the applicant to exceed the maximum number of trips specified in section 10.37.10.
4. The permit shall be issued for no more than one year, and in substantial conformity to the procedures adopted by the Arizona Department of Transportation pursuant to A.R.S. § 28-1104.
5. Each permit issuance shall include the following conditions and restrictions:
 - a. Maximum number of heavy duty truck trips per day.
 - b. Designation of specific locations and times of day that the permit holder will make heavy duty truck access to and from the county road.
 - c. Additional measures the permit holder will take to reduce dust emissions.
 - d. Such other conditions that the board of supervisors in its sole discretion deems necessary to secure the peace, safety, health, and welfare of the residents of Pima County.
6. The permit limitations and conditions as provided in this section shall have the force and effect of law when submitted to and approved by the board.
7. As part of the permit issuance, the board of supervisors may, consistent with the 90-day limits of A.R.S. § 28-1106(A):
 - a. Establish seasonal or other time limitations within which the vehicles described may be operated upon the county road.
 - b. Limit and prescribe conditions of operation of the vehicle or vehicles when necessary to ensure against undue damage to the road foundations, surfaces, or structures.
 - c. Require such undertaking or other security as may be deemed necessary to compensate for any risk of damage to any roadway or road structure or to public safety.
8. A permit issued pursuant to this section shall be carried in the vehicle, or combination of vehicles, to which it refers and shall be open to inspection by any peace officer or agent of the county and no person shall violate any of the terms and conditions of the special permit.
9. Any violation of the terms or conditions of the permit issued pursuant to this section may be enforced as a violation of this ordinance. In addition, a violation or written notification from the county as to nuisance or safety concerns regarding the permitted use are sufficient grounds for the county administrator to notice a public hearing with the board of supervisors at which the board of supervisors may revoke the permit.

Section 2. This ordinance is effective 31 days after its adoption.

PASSED AND ADOPTED by the Board of Supervisors, Pima County, Arizona, this 2nd day of December 2025.

Rex Scott
Chairman, Pima County Board of
Supervisors

ATTEST:

Melissa Manriquez, Clerk of the Board

APPROVED ASTO FORM:



Bobby Yu, Deputy County Attorney

ATTACHMENT 2

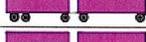
Traffic Count based on tubes placed on the pavement of E Santa Rita Rd, past the entrances to the Sahuarita Highlands development before the end of pavement.

Data was collected for 48 hours from noon on 10/21/25 until noon on 10/23/25.

ADT: 204

of Class 6 or above Vehicles: 27/day

Santa Rita Rd 24hr vehicle data October 2025

Class 1 Motorcycles 	Class 7 Four or more axle, single unit 	Total vehicles 24hrs = 204 24hr average speed = 48.4 MPH 85 percentile speed = 54 MPH 55+ MPH = 38 vehicles Truck hours of use 5am -7:30pm
Class 2 Passenger cars  40 = 20%	 	
Class 3 Four tire, single unit 121 = 60%	Class 8 Four or less axle, single trailer 2 = 1%   	
Class 4 Buses   	Class 9 5-Axle tractor semitrailer 23 = 11%  	
Class 5 Two axle, six tire, single unit 8 = 4%   	Class 10 Six or more axle, single trailer  	
Class 6 Three axle, single unit 2 = 1%   	Class 11 Five or less axle, multi trailer  	
	Class 12 Six axle, multi-trailer  	
	Class 13 Seven or more axle, multi-trailer   	

10/27/25, 7:23 AM

Office of Highway Policy Information - Policy | Federal Highway Administration

Source: Federal Highway Administration

Certain truck configurations utilize axles that can be lifted when the vehicle is empty or lightly loaded. The position of these axles — sometimes called lift axles, drop axles, or tag axles — affects the classification category into which the vehicle falls. To maintain consistency between visual and axle-based counts, the TMG recommends that only axles that are in the dropped position be considered when classifying the vehicle. While this promotes consistency, it may induce difficulty when interpreting summary classification statistics at certain locations. For example, a site may exhibit directional differences in vehicle classification even though the same trucks may be travelling one direction loaded (with axles down) and the other direction empty (with axles lifted).

Page last modified on November 7, 2014

Kathryn Skinner, P.E., Director

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