



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: 08/02/2016

Title: Amendments to Pima County Code Sections: PCC 17.04.070, PCC 17.04.340, PCC 17.08.020, PCC 17.08.030, PCC 17.08.050, PCC 17.08.060, PCC 17.08.070, PCC 17.12.045, PCC 17.12.180, PCC 17.12.365, PCC 17.16.120, PCC 17.16.490, and PCC 17.16.530 - Incorporations by Reference and Conforming Changes.

Introduction/Background:

The Pima County Board of Supervisors (BOS) as the governing body for the Pima County Air Quality Control District adopts ordinances which are codified in the Pima County Code (PCC). The Pima County Air Quality Control District operates within the Pima County Department of Environmental Quality (PDEQ). PDEQ periodically proposes updates to PCC through the BOS. This rulemaking is proposed to conform to the Code of Federal Regulations (CFR) in an effort to achieve consistency and accuracy in Title 17 of the Pima County Code. PDEQ is proposing new and updated incorporations by reference of the following federal regulations: Acid Rain, National Emission Standards for Hazardous Air Pollutants (NESHAP), New Source Performance Standards (NSPS), National Ambient Air Quality Standards (NAAQS), and other parts of Title 40 CFR. The federal regulations for Acid Rain, NESHAP, and NSPS in effect July 1, 2015 would be incorporated and the NAAQS would be updated to October 26, 2015. In addition, PDEQ is updating definitions, addresses, and minor grammatical updates.

Discussion:

PDEQ is requesting the Board of Supervisors to adopt the attached Ordinance No. 2016-_____ to amend Pima County Code Sections 17.04.070, 17.04.340, 17.08.020, 17.08.030, 17.08.050, 17.08.060, 17.08.070, 17.12.045, 17.12.180, 17.12.365, 17.16.120, 17.16.490, and 17.16.530. The intention in adding and updating the incorporations by reference is to continue PDEQ's delegated authority from EPA to implement and enforce the Acid Rain, NESHAP, NSPS, and NAAQS programs in Pima County. This rulemaking will also update two definitions: the definition of "Volatile Organic Compounds (VOC)" at section PCC 17.04.340 to conform to federal regulations, and the Mineral Tailings definition at section PCC 17.16.120 to conform to Arizona Administrative Code Title 18. Finally, this rulemaking includes updates to the ASTM address and minor grammatical changes. No studies were reviewed in reference to this rulemaking action.

Conclusion:

In an effort to achieve consistency and accuracy in Title 17 of the Pima County Code, the Pima County Department of Environmental Quality (PDEQ) is requesting that these rules be amended to add and update incorporations by reference to continue its delegated authority from EPA to implement and enforce the Acid Rain, NESHAP, and NSPS programs in Pima County, update the NAAQS, as well as conform definitions in PCC to federal and state definitions.

Recommendation:

Staff recommends the Board of Supervisors adopt Ordinance No. 2016-_____ to amend Pima County Code Sections 17.04.070, 17.04.340, 17.08.020, 17.08.030, 17.08.050, 17.08.060, 17.08.070, 17.12.045, 17.12.180, 17.12.365, 17.16.120, 17.16.490, and 17.16.530, relating to Acid Rain, NESHAP, and NSPS programs in Pima County, update the NAAQS, and definitions in PCC.

ORDINANCE NUMBER 2016-__

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA, RELATING TO AIR QUALITY; AMENDING THE PIMA COUNTY CODE BY AMENDING TITLE 17, CHAPTERS 17.04, 17.08, 17.12, AND 17.16 TO UPDATE AND ADOPT NEW INCORPORATIONS BY REFERENCE OF THE FOLLOWING FEDERAL REGULATIONS: ACID RAIN, NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAP), NEW SOURCE PERFORMANCE STANDARDS (NSPS), NATIONAL AMBIENT AIR QUALITY STANDARDS, AND OTHER PARTS OF TITLE 40 CODE OF FEDERAL REGULATIONS, AND CONFORMING DEFINITIONS TO STATE RULES.

IT IS ORDAINED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA, AS FOLLOWS:

Section 1: Chapter 17.04, Sections 17.04.070 and 17.04.340 of the Pima County Code are amended to read as follows:

17.04.070 Incorporated materials.

...

B. The ASTM Test Methods referenced in this title as of the year specified in the reference (and no future amendments). They are available from the American Society for Testing and Materials, ~~1916 Race St., Philadelphia, PA 19103-1187~~ 100 Barr Harbor Dr., West Conshohocken, PA, 19428-2959.

C. All parts of the CFR referenced in this Title are amended as of ~~February 1, 2008~~ July 1, 2015, as applicable requirements and no future editions or amendments unless specifically indicated otherwise.

...

17.04.340 Words, phrases, and terms.

...

A. Definitions.

...

250. "Volatile organic compounds (VOC)" ...

...

- xx. propylene carbonate
- yy. dimethyl-carbonate
- zz. 2,3,3,3-tetrafluoropropene (HFO-1234yf)
- ~~xx.~~ aaa. Perfluorocarbon ...

~~yy.~~ bbb. The following compound is VOC . . .

Section 2. Chapter 17.08, Sections 17.08.020, 17.08.030, 17.08.050, 17.08.060, and 17.08.070 of the Pima County Code are amended to read as follows:

17.08.020 - Sulfur oxides (sulfur dioxide).

A. The primary ambient air quality standards for sulfur oxides measured as sulfur dioxide using the reference method described in 40 CFR 50, Appendix A or A-1, or by an equivalent method, are ~~is~~:

- ~~1. 0.03 parts per million (ppm) (80µg/m3) annual arithmetic mean.~~
- ~~2. 0.14 parts per million (ppm) (365µg/m3) maximum 24-hour concentration not to be exceeded more than once per year.~~
1. 75 parts per billion (ppb) - maximum one-hour concentration. The one-hour primary standard is met at an ambient air quality monitoring site when the three-year average of the annual 99th percentile of the daily maximum one-hour average concentration is less than or equal to 75 parts per billion, as determined according to 40 CFR 50, Appendix T.

B. The secondary ambient . . .

17.08.030 – Particulate Matter: (PM₁₀) and PM_{2.5}).

A. Particulate Matter (PM₁₀)

1. The primary and secondary ambient air quality standards for particulate matter PM₁₀ are
 - ~~a. 50 micrograms per cubic meter of PM₁₀ annual arithmetic mean concentration.~~
 - ~~b. 150 micrograms per cubic meter of PM₁₀ - 24-hour average concentration.~~
- ~~2. The secondary ambient air quality standards for particulate matter (PM₁₀) are:~~
 - ~~a. 50 micrograms per cubic meter of PM₁₀ annual arithmetic mean concentration.~~
 - ~~b. 150 micrograms per cubic meter of PM₁₀ 24-hour average concentration.~~
- ~~3.~~ 2. For the purposes . . .
 - a. A reference method . . .
 - b. An equivalent method . . .
- ~~4. The primary and secondary annual ambient air quality standards for PM₁₀ shall be considered attained if the expected annual arithmetic mean concentration, as determined in accordance with 40 CFR 50, Appendix K, is less than or equal to 50 micrograms per cubic meter.~~

~~5.~~ 3. The primary and . . .

B. Particulate Matter (PM_{2.5})

1. The primary ambient air quality standards for particulate matter (PM_{2.5}) are:
 - a. ~~15~~ 12 micrograms per cubic meter of PM_{2.5}—annual arithmetic mean concentration.
 - b. ~~65~~ 35 micrograms per cubic meter of PM_{2.5} - 24-hour average concentration.
2. The secondary ambient air quality standards for particulate matter (PM_{2.5}) are:
 - a. 15 micrograms per cubic meter of PM_{2.5} - annual arithmetic mean concentration.
 - b. ~~65~~ 35 micrograms per cubic meter of PM_{2.5} - 24-hour average concentration.
3. For purposes of determining attainment of the primary and secondary standards, particulate matter (PM_{2.5}) shall be measured in the ambient air by:
 - a. A reference method based on 40 CFR 50, Appendix J L, and designated in accordance with 40 CFR 53; or
 - b. An equivalent method designated in accordance with 40 CFR 53.
4. The primary ~~and secondary~~ annual ambient air quality standards for PM_{2.5} ~~are~~ is met when the annual arithmetic mean concentration, as determined in accordance with 40 CFR 50, Appendix N, is less than or equal to ~~15~~ 12 micrograms per cubic meter.
5. The secondary annual ambient air quality standard for PM_{2.5} is met when the annual arithmetic mean concentration, as determined in accordance with 40 CFR 50, Appendix N, is less than or equal to 15 micrograms per cubic meter.
- ~~5.~~ 6. The primary and secondary 24-hour ambient air quality standards for PM_{2.5} are met when the 98th percentile 24-hour concentration, as determined in accordance with 40 CFR 50, Appendix N, is less than or equal to ~~65~~ 35 micrograms per cubic meter.

...

17.08.050 - Ozone: ~~1-hour standard and 8-hour averaged standard.~~

~~A.~~ 1-hour standard. Until June 15, 2005:

- ~~1.~~ The 1-hour primary ambient air quality standard for ozone is 0.12 ppm (235 micrograms per cubic meter):
- ~~2.~~ The 1-hour secondary ambient air quality standard for ozone is 0.12 ppm (235 micrograms per cubic meter):
- ~~3.~~ The 1-hour standards are attained when the expected number of days per calendar year with maximum hourly average concentrations above 0.12 ppm (235 micrograms per cubic meter) is less than or equal to 1, as determined by 40 CFR 50, Appendix H.

~~B.A.~~ 8-hour averaged standard.

1. The 8-hour averaged-primary ambient air quality standard for ozone is ~~0.08~~ 0.070 ppm parts per million (ppm), daily maximum 8-hour average.
2. The 8-hour averaged secondary ambient air quality standard for ozone is ~~0.08~~ 0.070 ppm, daily maximum 8-hour average.
3. 8-hour averaged primary and secondary ambient air quality standards for ozone are met at an ambient air quality monitoring site when the 3-year average of the annual fourth-highest daily maximum 8-hour ozone concentration is less than or equal to ~~0.08~~ 0.070 ppm, as determined in accordance with 40 CFR 50, Appendix ~~F~~ U.

B. The levels of ozone in the ambient air shall be measured by:

1. A reference method based on 40 CFR 53, Appendix D, and designated in accordance with 40 CFR 53; or
2. An equivalent method designated in accordance with 40 CFR 53.

17.08.060 - Nitrogen dioxide.

A. The primary and secondary ambient air quality standards for nitrogen dioxide are: ~~0.053 parts per million (one hundred micrograms per cubic meter), annual arithmetic mean concentration.~~

1. 53 ppb - annual arithmetic mean concentration.
2. 100 ppb - 1-hour average concentration.

B. The secondary ambient air quality standard for nitrogen dioxide is ~~0.053 ppm (one hundred micrograms per cubic meter), annual arithmetic mean concentration.~~

C. The primary standards are attained when:

1. The annual arithmetic mean concentration in a calendar year is less than or equal to 53 ppb, as determined in accordance with 40 CFR 50, Appendix S.
2. The 3-year average of the annual 98th percentile of the daily maximum 1-hour average concentration is less than or equal to 100 ppb, as determined in accordance with 40 CFR 50, Appendix S.

B. D. The secondary standards are is attained when the annual arithmetic mean concentration in a calendar year is less than or equal to 0.053 parts per million, rounded to three decimal places (fractional parts equal to or greater than 0.0005 must be rounded up). To demonstrate attainment, an annual mean shall be based upon hourly data that are at least seventy-five percent complete or upon data derived from manual methods that are at least seventy-five percent complete for the scheduled sampling days in each calendar quarter.

E. The levels of . . .

1. A reference . . .
2. An equivalent . . .

17.08.070 - Lead.

- A. The primary and secondary ambient air quality standards for lead and its compounds are ~~4.5~~ 0.15 micrograms per cubic meter, ~~maximum arithmetic mean averaged over a calendar quarter~~ arithmetic mean concentration over a 3-month period.
- B. The levels . . .
 1. A reference . . .
 2. An equivalent . . .
- C. The national primary and secondary ambient air quality standards for lead are met when the maximum arithmetic 3-month mean concentration for a 3-year period, as determined in accordance with Appendix R of this part, is less than or equal to 0.15 micrograms per cubic meter.

Section 3. Chapter 17.12, Sections 17.12.045, 17.12.180, 17.12.320, and 17.12.365, of the Pima County Code are amended to read as follows:

Chapter 17.12 Permits and Permit Revisions

Article I. General Provisions

17.12.045 Test methods and procedures.

...

- A. The following test methods and protocols are approved for use as directed by the Department under this Chapter. These standards adopted as of ~~February 1, 2008~~ July 1, 2015, and no future editions or amendments, are incorporated by reference as applicable requirements. These standards are on file with the Department and are also available from the U.S. Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington D.C. 20402-9328.

...

Article II. Individual Source Permits

...

17.12.180 Permit contents for Class I permits.

- A. Each permit issued shall include the following elements:

...

3. Each permit shall contain the following requirements with respect to monitoring:

- ...
- b. 40 CFR 64 adopted ~~February 1, 2008~~ July 1, 2015, and no future editions or amendments, is incorporated by reference as applicable requirements and on file with the Department and shall be applied by the Department. If more than one monitoring or testing requirement applies, the permit may specify a streamlined set of monitoring or testing provisions if the specified monitoring or testing is adequate to assure compliance at least to the same extent as the monitoring or testing applicable requirements not included in the permit as a result of such streamlining;

...

17.12.365 Acid rain.

- A. 40 CFR 72, 74, 75, and 76, and all accompanying appendices, adopted as of ~~February 1, 2008~~ July 1, 2015, and no future editions or amendments are incorporated by reference as applicable requirements. These standards are on file with the Department and shall be applied by the Department. These standards can be obtained from the U.S. Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington D.C. 20402-9328.

...

Section 4. Chapter 17.16, Sections 17.16.120, 17.16.490 and 17.16.530, of the Pima County Code are amended to read as follows:

Chapter 17.16 Emission Limiting Standards

...

Article III. Emissions from Existing and New Nonpoint Sources

17.16.120 Mineral Tailings.

- A. No person shall cause, suffer, allow, or permit construction of, or otherwise own or operate, mineral tailing piles without taking reasonable precautions to prevent excessive amounts of particulate matter from becoming airborne. Reasonable precautions shall mean wetting, chemical stabilization, revegetation or such other measures as are approved by the control officer.
- B. No person shall cause, suffer, allow, or permit construction of, or otherwise own or operate, mineral tailings piles without taking reasonable precautions (i.e., wetting, chemical stabilization and revegetation) to minimize and control to ensure compliance with Section 17.16.050.

Article VI. New Source Performance Standards

17.16.490 Standards of performance for new stationary sources (NSPS).

A. Except as provided in subsections B, C and D of this Section, and Sections 17.16.500 through 17.16.520, the following subparts of 40 CFR 60, New Source Performance Standards (NSPS), and all accompanying appendices, adopted as of ~~February 1, 2008~~ July 1, 2015, and no future editions or amendments are incorporated by reference as applicable requirements. These standards are on file with the Department and shall be applied by the Department. These standards can be obtained from the U.S. Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington D.C. 20402-9328.

...

12. Subpart Ga - Nitric Acid Plants for Which Construction, Reconstruction, or Modification Commenced After October 14, 2011.

~~12.~~ 13. Subpart H . . .

~~13.~~ 14. Subpart I . . .

~~14.~~ 15. Subpart J . . .

16. Subpart Ja - Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007

~~15.~~ 17. Subpart K . . .

~~16.~~ 18. Subpart Ka . . .

~~17.~~ 19. Subpart Kb . . .

~~18.~~ 20. Subpart L . . .

~~19.~~ 21. Subpart M . . .

~~20.~~ 22. Subpart N . . .

~~21.~~ 23. Subpart Na . . .

~~22.~~ 24. Subpart O . . .

~~23.~~ 25. Subpart P . . .

~~24.~~ 26. Subpart Q . . .

~~25.~~ 27. Subpart R . . .

~~26.~~ 28. Subpart S . . .

~~27.~~ 29. Subpart T . . .

~~28.~~ 30. Subpart U . . .

~~29.~~ 31. Subpart V . . .

- ~~30.~~ 32. Subpart W . . .
- ~~31.~~ 33. Subpart X . . .
- ~~32.~~ 34. Subpart Y - Coal Preparation and Processing Plants.
- ~~33.~~ 35. Subpart Z . . .
- ~~34.~~ 36. Subpart AA . . .
- ~~35.~~ 37. Subpart AAa . . .
- ~~36.~~ 38. Subpart BB . . .
- ~~39.~~ 39. Subpart BBa - Kraft Pulp Mill Affected Sources for Which Construction, Reconstruction, or Modification Commenced After May 23, 2013.
- ~~37.~~ 40. Subpart CC . . .
- ~~38.~~ 41. Subpart DD . . .
- ~~39.~~ 42. Subpart EE . . .
- ~~40.~~ 43. Subpart GG . . .
- ~~41.~~ 44. Subpart HH . . .
- ~~42.~~ 45. Subpart KK . . .
- ~~43.~~ 46. Subpart LL . . .
- ~~44.~~ 47. Subpart MM . . .
- ~~45.~~ 48. Subpart NN . . .
- ~~46.~~ 49. Subpart PP . . .
- ~~47.~~ 50. Subpart QQ . . .
- ~~48.~~ 51. Subpart RR . . .
- ~~49.~~ 52. Subpart SS . . .
- ~~50.~~ 53. Subpart TT . . .
- ~~51.~~ 54. Subpart UU . . .
- ~~52.~~ 55. Subpart VV . . .
- ~~53.~~ 56. Subpart VVa . . .
- ~~54.~~ 57. Subpart WW . . .
- ~~55.~~ 58. Subpart XX . . .
- ~~56.~~ 59. Subpart AAA - New Residential Wood Heaters.
- ~~57.~~ 60. Subpart BBB . . .
- ~~58.~~ 61. Subpart DDD . . .
- ~~59.~~ 62. Subpart FFF . . .

- ~~60.~~ 63. Subpart GGG . . .
- ~~61.~~ 64. Subpart GGGa . . .
- ~~62.~~ 65. Subpart HHH . . .
- ~~63.~~ 66. Subpart III . . .
- ~~64.~~ 67. Subpart JJJ . . .
- ~~65.~~ 68. Subpart KKK . . .
- ~~66.~~ 69. Subpart LLL . . .
- ~~67.~~ 70. Subpart NNN . . .
- ~~68.~~ 71. Subpart OOO . . .
- ~~69.~~ 72. Subpart PPP . . .
- ~~70.~~ 73. Subpart QQQ . . .
- ~~71.~~ 74. Subpart RRR . . .
- ~~72.~~ 75. Subpart SSS . . .
- ~~73.~~ 76. Subpart TTT . . .
- ~~74.~~ 77. Subpart UUU . . .
- ~~75.~~ 78. Subpart VVV . . .
- ~~76.~~ 79. Subpart WWW . . .
- ~~77.~~ 80. Subpart AAAA . . .
- ~~78.~~ 81. Subpart CCCC . . .
- ~~79.~~ 82. Subpart EEEE . . .
- ~~80.~~ Subpart FFFF – Other Solid Waste Incineration Units for Which Construction is Commenced on or before December 9, 2004.
- ~~81.~~ 83. Subpart IIII . . .
- 84. Subpart JJJJ - Stationary Spark Ignition Internal Combustion Engines.
- ~~82.~~ 85. Subpart KKKK . . .
- 86. Subpart LLLL - New Sewage Sludge Incineration Units.
- 87. Subpart OOOO - Crude Oil and Natural Gas Production, Transmission and Distribution.
- 88. Subpart QQQQ - New Residential Hydronic Heaters and Forced-Air Furnaces.

...

Article VII. National Emission Standards for Hazardous Air Pollutants

17.16.530 National Emissions Standards for Hazardous Air Pollutants (NESHAP).

A. Except as provided in subsections B, C, and D of this Section, the following subparts of 40 CFR 61, National Emission Standards for Hazardous Air Pollutants (NESHAPs), and all accompanying appendices, adopted as of ~~February 1, 2008~~ July 1, 2015, and no future editions or amendments, are incorporated by reference as applicable requirements. These standards are on file with the Department and shall be applied by the Department. These standards can be obtained from the U.S. Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington D.C. 20402-9328.

...

B. Except as provided in subsection A, the following subparts of 40 CFR 63, NESHAPs for Source Categories, and all accompanying appendices, adopted as of ~~February 1, 2008~~ July 1, 2015, and no future editions or amendments, are incorporated by reference as applicable requirements. These standards are on file with the Department and shall be applied by the Department. These standards can be obtained from the U.S. Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington D.C. 20402-9328.

...

87. Subpart DDDDD - National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters.

- ~~87.~~ 88. Subpart EEEEE . . .
- ~~88.~~ 89. Subpart FFFFF . . .
- ~~89.~~ 90. Subpart GGGGG . . .
- ~~90.~~ 91. Subpart HHHHH . . .
- ~~91.~~ 92. Subpart IIIII . . .
- ~~92.~~ 93. Subpart JJJJJ . . .
- ~~93.~~ 94. Subpart KKKKK . . .
- ~~94.~~ 95. Subpart LLLLL . . .
- ~~95.~~ 96. Subpart MMMMM . . .
- ~~96.~~ 97. Subpart NNNNN . . .
- ~~97.~~ 98. Subpart PPPPP . . .
- ~~98.~~ 99. Subpart QQQQQ . . .
- ~~99.~~ 100. Subpart RRRRR . . .

- ~~100.~~ 101. Subpart SSSSS . . .
- ~~101.~~ 102. Subpart TTTTTT . . .
- 103. Subpart UUUUUU - National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units.
- ~~102.~~ 104. Subpart WWWW . . .
- ~~103.~~ 105. Subpart YYYYYY . . .
- ~~104.~~ 106. Subpart ZZZZZ . . .
- ~~105.~~ 107. Subpart BBBB . . .
- ~~106.~~ 108. Subpart CCCCC . . .
- ~~107.~~ 109. Subpart DDDDD . . .
- ~~108.~~ 110. Subpart EEEEE . . .
- ~~109.~~ 111. Subpart FFFFF . . .
- ~~110.~~ 112. Subpart GGGGG . . .
- ~~111.~~ 113. Subpart HHHHH . . .
- 114. Subpart JJJJJ - National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources.
- ~~112.~~ 115. Subpart LLLLL . . .
- ~~113.~~ 116. Subpart MMMMM . . .
- ~~114.~~ 117. Subpart NNNNN . . .
- ~~115.~~ 118. Subpart OOOOO . . .
- ~~116.~~ 119. Subpart P . . .
- ~~117.~~ 120. Subpart Q . . .
- ~~118.~~ 121. Subpart R . . .
- ~~119.~~ 122. Subpart S . . .
- ~~120.~~ 123. Subpart T . . .
- 124. Subpart VVVVVV - National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources.
- 125. Subpart WWWW - National Emission Standards for Hazardous Air Pollutants for Plating and Polishing Operations.
- 126. Subpart XXXXX - National Emission Standards for Hazardous Air Pollutants Area Source Standards for Nine Metal Fabrication and Finishing Source Categories.

- 127. Subpart YYYYYY - National Emission Standards for Hazardous Air Pollutants for Area Sources: Ferroalloys Production Facilities.
- 128. Subpart ZZZZZZ - National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Aluminum, Copper, and Other Nonferrous Foundries.
- 129. Subpart AAAAAAA - National Emission Standards for Hazardous Air Pollutants for Area Sources: Asphalt Processing and Asphalt Roofing Manufacturing.
- 130. Subpart BBBBBB - National Emission Standards for Hazardous Air Pollutants for Area Sources: Chemical Preparations Industry.
- 131. Subpart CCCCCC - National Emission Standards for Hazardous Air Pollutants for Area Sources: Paints and Allied Products Manufacturing.
- 132. Subpart DDDDDD - National Emission Standards for Hazardous Air Pollutants for Area Sources: Prepared Feeds Manufacturing.
- 133. Subpart EEEEEEE - National Emission Standards for Hazardous Air Pollutants: Gold Mine Ore Processing and Production Area Source Category.
- 134. Subpart HHHHHHH - National Emission Standards for Hazardous Air Pollutant Emissions for Polyvinyl Chloride and Copolymers Production.

...

SECTION 5. This Ordinance is effective 30 days after the date of adoption.

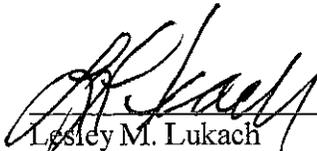
PASSED AND ADOPTED by the Board of Supervisors, Pima County, Arizona, this _____ day of _____, 2016

Chair of the Board of Supervisors

ATTEST:

Clerk of Board

APPROVED AS TO FORM:


Lesley M. Lukach
Deputy County Attorney

REVIEWED BY:


Ursula Nelson, Director
Department of Environmental Quality



PIMA COUNTY

ENVIRONMENTAL QUALITY

RESPONSES TO PUBLIC COMMENTS

**PROPOSED AMENDMENTS TO
AIR QUALITY ORDINANCES:
PIMA COUNTY CODE TITLE 17:
17.04, 17.08, 17.12, 17.16**

June 21, 2016

Pima County Department of Environmental Quality
33 North Stone Avenue, Suite 700
Tucson, AZ 85701

TABLE OF CONTENTS

I.	Summary of Proposed Rulemaking.....	1
II.	Public Participation – Public Notice – Public Comment Period.....	1
III.	Public Comments.....	1
IV.	Summary of Changes Made to the Proposed Rulemaking.....	5
	Attachment A	
	Stakeholder Meeting Notification E-mail and List of Stakeholder Meeting Attendees.....	6
	Attachment B	
	Comment from Shawn Dolan – E-mail dated May 2, 2016.....	10
	Attachment C	
	Comment from Shawn Dolan – E-mail dated May 3, 2016.....	14
	Attachment D	
	Comment from Shawn Dolan – E-mail dated May 5, 2016.....	22
	Attachment E	
	Comment from Cheri Dale, Maricopa County AQD – E-mail dated May 6, 2016.....	24
	Attachment F	
	Comment from Marlene Hilligoss, Citizen – Letter received June 8, 2016.....	30

I. SUMMARY OF PROPOSED RULEMAKING

The Pima County Department of Environmental Quality (PDEQ) submitted a "Notice of Proposed Expedited Rulemaking," to the Arizona Administrative Register published on May 20, 2016. The Pima County Board of Supervisors (BOS) as the governing body for the Pima County Air Quality Control District adopts ordinances which are codified in the Pima County Code (PCC). The Pima County Air Quality Control District operates within the Pima County Department of Environmental Quality (PDEQ). PDEQ periodically proposes updates to PCC through the BOS. This rulemaking is proposed to conform to the Code of Federal Regulations (CFR) in an effort to achieve consistency and accuracy in Title 17 of the Pima County Code. PDEQ is proposing new and updated incorporations by reference of the following federal regulations: Acid Rain, National Emission Standards for Hazardous Air Pollutants (NESHAP), New Source Performance Standards (NSPS), National Ambient Air Quality Standards (NAAQS), and other parts of Title 40 CFR. The federal regulations for Acid Rain, NESHAP, and NSPS in effect July 1, 2015 would be incorporated, and the NAAQS in effect October 26, 2015 would be updated. PDEQ's intention is to continue its delegated authority from EPA to implement and enforce these programs. PDEQ is also updating the definition of Volatile Organic Compounds (VOC) in Section 17.04.340 to conform to federal regulations. This rulemaking will also update the Mineral Tailings section of PCC Title 17 to conform to Arizona Administrative Code Title 18.

II. PUBLIC PARTICIPATION – PUBLIC NOTICE – PUBLIC COMMENT

On April 29, 2016, Pima County Department of Environmental Quality (PDEQ) sent an e-mail notification inviting the Responsible Officials for stationary source air quality permits issued by PDEQ, and interested stakeholders to a stakeholder meeting that would be held to discuss the proposed rulemaking. The stakeholder meeting was conducted on Thursday, May 12, 2016, from 3 p.m. – 3:30 p.m. at the Joel D Valdez Main Library, located at 101 N Stone Avenue, in Tucson, Arizona (Attachment A: Notification E-mail and List of Stakeholder Meeting Attendees).

Public notices were prepared and submitted to local newspapers for publication. The Arizona Daily Star and the Daily Territorial are the two newspapers PDEQ used to publish notices. Public notices were published on May 20, 2016. Information was also available on the PDEQ website. The website publications included the Public Notice information as well as the proposed ordinance documents.

The Notice of Rulemaking Docket Opening and Notice of Proposed Rulemaking were published in the Arizona Administrative Register on May 20, 2016. (22 A.A.R. 1305-1325)

During the 30-day public comment period, PDEQ received one (1) written comment. Outside of the Public comment period PDEQ received four (4) written comments, these comments were received via e-mail. PDEQ accepted written comments on the proposed ordinances until June 20, 2016.

III. PUBLIC COMMENTS

During the 30 day public comment period PDEQ received one (1) written comment. Prior to the public comment period PDEQ received four (4) written comments: three (3) e-mail comments from Mr. Shawn Dolan and one (1) e-mail comment from Ms. Cheri Dale of the Maricopa County Air Quality Department.

The following presents a summary of written comments received and PDEQ responses to those comments.

1. Shawn Dolan, Rio Rico AZ

Written Comment. E-mail dated May 2, 2016

Mr. Dolan's e-mail included three (3) attachments: 1) Federal Register Notice of Availability of Recent Postings of Broadly Applicable Alternative Test Methods (77 FR 8865), 2) Federal Register Final Rule for National Emissions Standards for Hazardous Air Pollutants: Ferroalloys Production (80 FR 37366), and 3) a United States Environmental Protection Agency (EPA) Memorandum for Guidance on EPA Alternative Method 082 – Stacks Larger than 7 feet in Diameter. Attachment B includes the e-mail comment and the EPA Memorandum; the two Federal Register Notices are available online at <https://www.federalregister.gov/>

How are comments to be registered to all these rules? Is there a formal comment web site like regs.gov? I looked on the PCDEQ web site and do not see how to register a comment.

*Title 17 Air Quality Control,
17.12.045 - Test methods and procedures.*

B) Except as otherwise provided in this subsection the opacity of visible emissions shall be determined by Reference Method 9 of the Arizona Testing Manual or Appendix A in 40 CFR 60. A permit may specify a method, other than Method 9, for determining the opacity of emissions from a particular emissions unit, if the method has been promulgated by the administrator in 40 CFR 60, Appendix A.

needs to be updated to specifically allow the use of US EPA Alternative Method 082, as published in CFR see attached, note the "administrator" does not promulgate changes specifically to 40 CFR 60 Appendix A. However the EPA administrator does promulgate and publish broadly applicable standards, for use in lieu of legacy reference methods. In CFR promulgation notices like the one attached approving US EPA Alternative Method 082 for use in lieu of Method 9 for all of 40 CFR 60, 61, 63. Now EPA ALT 082 is declared BACT by the Ferro-Alloy NESHAP final publication in CFR November 2015.

Both references are attached.

My company being and Arizona Small Business, and the sole global provider of EPA Alternative Method 082 certified Digital Camera Opacity Technique systems, considers the current language of the Pima County Administrative Code to represent restraint of trade, and be in violation of CAA delegation authority. As it encourages, the use of legacy, out dated, subjective Methods (Method 9) versus, the use of new, improved and updated Methods (EPA ALT 082) as required in the CAA delegation authority.

I want to be certain the PC Title 17.12.045 is updated to read.

B) Except as otherwise provided in this subsection the opacity of visible emissions shall be determined using EPA Approved Methods for the determination of opacity, such as, EPA Alternative Method 082, (Digital Camera Method), and/or EPA Method 9 (Human Eye Method). A permit may specify a method, other than EPA Alternative Method 082 or EPA Method 9, for determining the opacity of emissions from a particular emissions unit, if the method has been promulgated by the administrator and published as a broadly applicable standard in the code of federal regulations.

I do not know where to write this comment for registration such that it is certain to be addressed.

Written Comment. E-mail dated May 3, 2016

Mr. Dolan's e-mail included one (1) attachment: a document with specific edits to Pima County Code that Mr. Dolan proposed. Attachment C includes the e-mail comment and the document.

I read through title 17 tonight and made other notes on other sections. The key are addressed here-in but repeat in every section of every title throughout the title, e.g. they all reference 40 CFR 60 Appendix A test methods. This wording needed to be updated in all sub sections to read Promulgated Broadly Applicable Alternative Methods and/or 40 CFR 60 Appendix A test method shall be used.....

The attached document represents my notes as I went through the sections.

Another question is the requirement for continuous emission monitors, where-by there is no backup method required for periods of downtime with the COM. This should be fixed to require the use of EPA Alternative Method 082 and/or EPA Method 9 opacity observations during periods of down time, or as a QA check to the COM. How does one know the true span and drift during production operations? Our testing has proven significant error in in stack COM when compared to stack exit opacity reading performed by Humans and cameras, e.g. the Humans and cameras agree, but the COM is typically way low comparatively.

Further in the public outreach section, high opacity producers should be required to make imagery of the stack operations tagged with opacity values available to the media's listed.

How formal do these comments need to be? I see the code that requires public participation but I don't see the instructions on how to participate.

Written Comment. E-mail dated May 5, 2016

Mr. Dolan's e-mail comment had no attachments. Attachment D includes the e-mail comment.

Regarding the 30 day period, is the current update official Public Notice date April 29, 2016? Is the public hearing on this May 12?

The announcement I received reads:

These updates include changes to Sections PCC 17.04.070, PCC 17.04.340, PCC 17.08.020, PCC 17.08.030, PCC 17.08.050, PCC 17.08.060, PCC 17.08.070, PCC 17.12.045, PCC 17.12.180, PCC 17.12.365, PCC 17.16.120, PCC 17.16.490, and PCC 17.16.530.

Thus I assume the specific comment to PCC 17.12.045 incorporated herein will be adjudicated in this round of updates?

Thanks again for your help and guidance in this matter, I am learning these "rules" and look forward to a very productive update

Pima County Response: At this time PDEQ is only making conforming changes and incorporations by reference for the NSPS/NESHAP/NAAQS, and definitions. The existing language in Pima County Code for Test Methods and Procedures is identical to the provisions found in the state code. PDEQ recognizes the Camera Opacity Method is a valid EPA alternative test method, and recognizes that the Arizona Department of Environmental Quality (ADEQ) is currently using your technology. However, the county code is conforming to the corresponding state code. PDEQ suggests you approach ADEQ to incorporate your suggested language in the state code, and following a rulemaking by the state PDEQ would incorporate the language the state develops in a subsequent rulemaking.

For each rulemaking there is a formal Public Comment period for 30 days from the date of official Public Notice. Written comments can be submitted via e-mail or in writing per the Public Notice for each rulemaking, and oral comments can be made at the Public Hearing for that rulemaking.

The May 12th meeting is a stakeholder meeting and is not a formal public hearing. The Public Comment period for this rulemaking will open with the publication of a Public Notice on May 20, 2016, the Public Hearing for this rulemaking is currently proposed for August 2, 2016.

2. **Cheri Dale, Maricopa County Air Quality Department, Phoenix, AZ**

Written Comment. E-mail dated May 6, 2016

Ms. Dale's e-mail comment included one (1) attachment: a letter from the U.S. EPA addressed to the Director of the Maricopa County Air Quality Department regarding incorporations by reference. Attachment E includes the e-mail comment and the EPA letter.

I respectfully propose three revisions to the Pima County Code, Title 17, Chapter 4, 8, 12 and 16 proposed rule revisions found in the NOTICE OF PROPOSED RULEMAKING, anticipated to be published in the Arizona Administrative Register on May 20, 2016.

- *Delete 40 CFR 60, Subpart DDDD - Emissions Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units. Emission guidelines are not delegable to the state/local authority.*
- *Delete 40 CFR 60, Subpart MMMM – Emission Guidelines and Compliance Times for Existing Sewage Sludge Incineration Units. Emission guidelines are not delegable to the state/local authority.*
- *Update the address of the ASTM to P.O. Box C700, West Conshohocken, PA 19428.*

Additional Information:

*ASTM Address 100 Barr Harbor Dr., PO Box C700, West Conshohocken, PA 19428-2959.
Accessed at <http://www.astm.org/>*

In an August 2015 letter from the EPA (refer to attachment), the EPA provided a detailed response to the department as to why NSPS subparts could not be delegated. An excerpt from the attached letter was included.

Pima County Response: PDEQ agrees that 40 CFR 60, Subpart DDDD and 40 CFR 60, Subpart MMMM should be removed from the rule because these rules are not delegated

under the Clean Air Act Section 111(c). PDEQ will incorporate your suggested changes to the proposed rulemaking. PDEQ has also updated the address for the American Society for Testing and Materials.

3. Marlene Hilligoss, Tucson, AZ

Written Comment. Letter received June 8, 2016

Ms. Hilligoss' letter comment included one (1) attachment: the Arizona Daily Star Public Notice published May 20, 2016. Attachment F includes the letter comment and the Public Notice.

Regarding Notice in AZ Star 5/20/16, Amendments to PCC title 17 code, CFR title 40 code AAC title 18 code, Does "UPDATE" mean MORE LENIENT OR LESS LENIENT? Please clarify.

Pima County Response: The proposed amendments are to Pima County Code Title 17: Sections PCC 17.04.070, PCC 17.04.340, PCC 17.08.020, PCC 17.08.030, PCC 17.08.050, PCC 17.08.060, PCC 17.08.070, PCC 17.12.045, PCC 17.12.180, PCC 17.12.365, PCC 17.16.120, PCC 17.16.490, and PCC 17.16.530. This rulemaking does not make amendments to the Code of Federal Regulations (CFR) or to the Arizona Administrative Code (A.A.C.). The proposed rules are neither more, nor less lenient, the proposed amendments are conforming Pima County Code to federal and state rules that are already implemented.

IV. SUMMARY OF CHANGES MADE TO THE PROPOSED RULEMAKING

PDEQ acknowledges the importance of public participation throughout the rulemaking procedure and would like to take this opportunity to thank all participants.

After a careful review of the comments received, PDEQ has made a final decision to make the following changes to the proposed rule.

- 40 CFR Part 60 Subpart DDDD has been removed because emission guidelines are not delegable under Clean Air Act Section 111(C).
- 40 CFR Part 60 MMMM has been removed because emission guidelines are not delegable under Clean Air Act Section 111(C).
- The address for the American Society for Testing and Materials (ASTM) has been updated.
- Minor, non-substantive grammatical and typographical changes were made to the rule to improve clarity, conciseness, and understandability.

ATTACHMENT A

From: Sarah Reitmeyer
Sent: Friday, April 29, 2016 1:12 PM
Subject: Notice of Rulemaking and Stakeholder Meeting - Pima County Code Title 17 - Incorporations
by Reference
Attachments: DRAFT-Notice-of-Proposed-Expedited-Rulemaking.pdf

Dear Interested Stakeholder,

You are receiving this e-mail because you are listed as the Responsible Official for a Stationary Source Air Quality Permit issued by the Pima County Department of Environmental Quality (PDEQ). As such, PDEQ is providing this notification for rulemaking.

Pima County Department of Environmental Quality (PDEQ) periodically proposes updates to PCC by and through the rulemaking process set forth by the PC-BOS. PDEQ is proposing new and updated incorporations by reference of the following federal regulations: Acid Rain, National Emission Standards for Hazardous Air Pollutants (NESHAP), New Source Performance Standards (NSPS), National Ambient Air Quality Standards (NAAQS), and other parts of Title 40 CFR. The federal regulations would be incorporated as of July 1, 2015. The intention in updating the incorporations by reference is to continue its delegated authority from EPA to implement and enforce the Acid Rain, NESHAP, and NSPS programs in Pima County. This rulemaking will also update the Mineral Tailings section of PCC Title 17 to conform to Arizona Administrative Code Title 18. These updates include changes to Sections PCC 17.04.070, PCC 17.04.340, PCC 17.08.020, PCC 17.08.030, PCC 17.08.050, PCC 17.08.060, PCC 17.08.070, PCC 17.12.045, PCC 17.12.180, PCC 17.12.365, PCC 17.16.120, PCC 17.16.490, and PCC 17.16.530.

PDEQ will be holding a stakeholders' meeting to discuss the proposed revisions and obtain feedback from our stakeholders. You are invited to attend the meeting and participate in the discussion of the proposed revisions. Information regarding this revision may be viewed on our [website](#). Copies are also available at our office, or may be requested via e-mail sarah.reitmeyer@pima.gov. The draft expedited rulemaking is attached for your review. The planned publication date for the Arizona Administrative Register and Public Notices is May 20, 2016.

Questions and/or comments may be directed to:
Sarah Reitmeyer
Phone: (520) 724-7437
Fax: (520) 838-7432
sarah.reitmeyer@pima.gov

The stakeholders meeting will be held at the Joel D. Valdez Main Library as follows:

Date: Thursday, May 12, 2016
Time: 3:00 p.m.
Location: Joel D. Valdez Main Library, Lower Level Meeting Room
101 N Stone Avenue, Lower Level
Tucson, Arizona 85701

Thank you for taking an active part in the rulemaking process.

If you would like to be removed from this notification or would like to receive a hard copy of notices, please call (520) 724-7437 or e-mail sarah.reitmeyer@pima.gov.

Sincerely,
Sarah (Walters) Reitmeyer, Regulatory Program Manager
Pima County Department of Environmental Quality
33 N Stone Ave, Suite 700, Tucson, AZ 85701
Phone: (520) 724-7437
Fax: (520) 838-7432
Email: sarah.reitmeyer@pima.gov



PIMA COUNTY

ENVIRONMENTAL QUALITY

Pima County Department of Environmental Quality
Incorporations by Reference/Conforming Change

Stakeholders Meeting

May 12, 2016

Please Sign In

Name/Business	Contact Information	<input checked="" type="checkbox"/> to be added to stakeholder list
Jack Kolopanis Waste Management	Address 222 S. Mill Ave Tempe AZ 85281 E-Mail jkolopanis@wm.com Address 1450813 Ave Valley Rd Moore AZ 85053	
Shote Foresta Waste Management	E-Mail shoforest@wm.com Address 4150 W Turner Ave Phoenix AZ 85019	
Glenn Mortenson Superlite Block	E-Mail glenn.mortenson@oldeoste.com Address	
Nancy Williams Federal Aviation Administration	E-Mail nwilliams@faa.gov Address 2150 W McDowell Blvd, Suite 24116	
FEAR Big Bang / TEP	E-Mail terr.fredston@faa.gov Address 88 E. Broadway Blvd, Tucson, AZ E-Mail zfang@tep.com Address 5255 Williams Circle	
Bonnie Medley	E-Mail bonnie.medley@huddellminerals.com Address	
	E-Mail Address	
	Address E-Mail	
	Address E-Mail	



Pima County Department of Environmental Quality
Incorporations by Reference/Conforming Change
Stakeholders Meeting
 May 12, 2016

Please Sign In

Name/Business	Contact Information	<input checked="" type="checkbox"/> to be added to stakeholder list
Nancy Nesky Prudent Technologies Inc	Address 1776 E. Caroline Ln Tempe 85284 E-Mail ninesky@Prudentweb.com	<input checked="" type="checkbox"/>
Jenn Williams AECOM	Address 333 E Wetmore Suite 400 Tucson 85705 E-Mail Jenn.williams@aecom.com	<input checked="" type="checkbox"/>
Jeff Bennett Federal Aviation Administration	Address 7081 S. Plumer Tucson AZ 85756 E-Mail jeffrey.a.bennett@faa.gov	<input checked="" type="checkbox"/>
Shawn Cofe SAHBA	Address Shawn@sahba.org E-Mail	<input checked="" type="checkbox"/>
Ouatta Chuffe-Moscoso Pima Community College	Address 6680 S. Country Club Rd E-Mail ochuffemoscoso@pima.edu	<input checked="" type="checkbox"/>
Leah Proffitt Davis Monthan AFB	Address 3775 S. Fifth St DMAFB A285707 E-Mail leah.proffitt@us.af.mil	<input checked="" type="checkbox"/>
Shimi Mathew Air Force	Address E-Mail shimi.mathew@us.af.mil	<input checked="" type="checkbox"/>
MARK SEVERSON BISON ENGINEERING	Address was 3730 N PELLIGRINO Dr. E-Mail mseverson@bison-eng.com	<input checked="" type="checkbox"/>
	Address E-Mail	

ATTACHMENT B

From: shawn.dolan@virtuallc.com
Sent: Monday, May 02, 2016 5:16 PM
To: Sarah Reitmeyer
Cc: Shawn Dolan
Subject: RE: Notice of Rulemaking and Stakeholder Meeting - Pima County Code Title 17 - Incorporations by Reference
Attachments: alt_test_mths_FRNotice_2012.pdf; ALT-082 Memo to Breneman R5-fnl.pdf; ferroalloys_rtr_fin_052815.pdf

How are comments to be registered to all these rules? Is there a formal comment web site like regs.gov? I looked on the PCDEQ web site and do not see how to register a comment.

**Title 17 Air Quality Control,
17.12.045 - Test methods and procedures.**

B) Except as otherwise provided in this subsection the opacity of visible emissions shall be determined by Reference Method 9 of the Arizona Testing Manual or Appendix A in 40 CFR 60. A permit may specify a method, other than Method 9, for determining the opacity of emissions from a particular emissions unit, if the method has been promulgated by the administrator in 40 CFR 60, Appendix A.

needs to be updated to specifically allow the use of US EPA Alternative Method 082, as published in CFR see attached, note the "administrator" does not promulgate changes specifically to 40 CFR 60 Appendix A. However the EPA administrator does promulgate and publish broadly applicable standards, for use in lieu of legacy reference methods. In CFR promulgation notices like the one attached approving US EPA Alternative Method 082 for use in lieu of Method 9 for all of 40 CFR 60, 61, 63. Now EPA ALT 082 is declared BACT by the Ferro-Alloy NESHAP final publication in CFR November 2015.

Both references are attached.

My company being and Arizona Small Business, and the sole global provider of EPA Alternative Method 082 certified Digital Camera Opacity Technique systems, considers the current language of the Pima County Administrative Code to represent restraint of trade, and be in violation of CAA delegation authority. As it encourages, the use of legacy, out dated, subjective Methods (Method 9) versus, the use of new, improved and updated Methods (EPA ALT 082) as required in the CAA delegation authority.

I want to be certain the PC Title 17.12.045 is updated to read.

B) Except as otherwise provided in this subsection the opacity of visible emissions shall be determined using EPA Approved Methods for the determination of opacity, such as, EPA Alternative Method 082, (Digital Camera Method), and/or EPA Method 9 (Human Eye Method). A permit may specify a method, other than EPA Alternative Method 082 or EPA Method 9, for determining the opacity of emissions from a particular emissions unit, if the method has been promulgated by the administrator and published as a broadly applicable standard in the code of federal regulations.

I do not know where to write this comment for registration such that it is certain to be addressed.

Shawn Dolan
President
Virtual Technology LLC
888 872 3836



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
RESEARCH TRIANGLE PARK, NC 27711

APR 20 2015

OFFICE OF
AIR QUALITY PLANNING
AND STANDARDS

MEMORANDUM

SUBJECT: Guidance on EPA Alternative Method 082 – Stacks Larger than 7 Feet in Diameter

FROM: Barrett H. Parker, Acting Group Leader
Measurement Technology Group
Air Quality Assessment Division

A handwritten signature in black ink, appearing to read "Barrett H. Parker".

TO: Sara Breneman, Chief
Air Enforcement and Compliance Assurance Branch
Region 5 Air and Radiation Division

We are writing in response to your January 8, 2015 request to our office for guidance on the application of Alternative Method 082 (ALT-082; see <http://www.epa.gov/ttn/emc/approalt/ALT082.pdf>) to stacks larger than 7 feet in diameter. More specifically, you seek our technical opinion as to whether such application would provide credible evidence of an emission source's compliance with applicable opacity limits in lieu of, or in addition to, the use of EPA Reference Method 9 (40 CFR part 60, Appendix A). As stated in your request, ALT-082 allows for the use of ASTM Method D7520-09 with additional caveats in lieu of Method 9 to meet opacity measurement requirements under 40 CFR parts 60 and 63. ASTM D7520-09 utilizes a Digital Camera Opacity Technique or DCOT to determine the opacity from an emission source using a digital camera coupled with software-based analysis. You are correct in your understanding that ASTM D7520-09 methodology, and consequently ALT-082, includes a scope that limits the application to stacks less than 7 feet in diameter. As we understand it, this limited scope was included in ASTM D7520-09, not due to concerns that the method would yield inaccurate results from stacks greater than 7 feet in diameter, but rather due to caution on the part of the ASTM workgroup, as there was only a limited amount of data for large diameter stacks at the time.

Staff in our group have reviewed the three recent ASTM D7520-09 Method 301 (40 CFR part 63, Appendix A) validation studies referenced in your request and believe that they provide an adequate technical basis for using ALT-082 opacity readings on larger diameter stacks (greater than 7 feet in diameter) as credible evidence in air enforcement activities. The credible evidence rulemaking, at 62 FR 8316 (February 24, 1997), allows for the use of "...any credible evidence - that is, both reference test and comparable non-reference test data - to prove or disprove violations of the Act in enforcement actions..." The credible evidence rule further clarified that

"...enforcement authorities can prosecute actions based exclusively on any credible evidence, without the need to rely on any data from a particular reference test..." Although ALT-082 was not originally approved for application to stacks greater than 7 feet in diameter, we are unaware of any technical reason that data from this alternative method could not be used as credible evidence in assessing compliance.

Thank you for your request and I hope you find this information useful. If you have any questions, you may contact Robin Segal at (919) 541-0893 or segal.rob@epa.gov.

ATTACHMENT C

From: Shawn Dolan <sdolan50@msn.com>
Sent: Tuesday, May 03, 2016 1:00 AM
To: shawn.dolan@virtuallc.com; Sarah Reitmeyer
Subject: RE: Notice of Rulemaking and Stakeholder Meeting - Pima County Code Title 17 -
Incorporations by Reference
Attachments: PC Title 17 comments draft.docx

Sarah, I read through title 17 tonight and made other notes on other sections. The key are addressed here-in but repeat in every section of every title throughout the title, e.g. they all reference 40 CFR 60 Appendix A test methods. This wording needed to be updated in all sub sections to read Promulgated Broadly Applicable Alternative Methods and/or 40 CFR 60 Appendix A test method shall be used.....

The attached document represents my notes as I went through the sections.

Another question is the requirement for continuous emission monitors, where-by there is no backup method required for periods of downtime with the COM. This should be fixed to require the use of EPA Alternative Method 082 and/or EPA Method 9 opacity observations during periods of down time, or as a QA check to the COM. How does one know the true span and drift during production operations? Our testing has proven significant error in in stack COM when compared to stack exit opacity reading performed by Humans and cameras, e.g. the Humans and cameras agree, but the COM is typically way low comparatively.

Further in the public outreach section, high opacity producers should be required to make imagery of the stack operations tagged with opacity values available to the media's listed.

How formal do these comments need to be? I see the code that requires public participation but I don't see the instructions on how to participate.

Shawn Dolan
801 309 3626 (cell)

- **17.12.045 - Test methods and procedures.**

B. Except as otherwise provided in this subsection the opacity of visible emissions shall be determined by EPA Alternative Method 082 (Digital Camera Method) and/or EPA Method 9 (Human Eye Method) *of the Arizona Testing Manual* or Appendix A in 40 CFR 60. A permit may specify a method, other than Method 9, for determining the opacity of emissions from a particular emissions unit, if the method has been promulgated as a broadly applicable standard related to *by the administrator in 40 CFR 60, Appendix A.*

17.12.050 - Performance tests.

B. Performance tests shall be conducted and data reduced in accordance with the test method and procedures contained in the Arizona Testing Manual, 40 CFR 52; Appendices D and E, 40 CFR 60; Appendices A through F; and 40 CFR 61, Appendices B and C, unless the control officer:

Change to:

B. Performance tests shall be conducted and data reduced in accordance with the test method and procedures contained in, or published broadly applicable standards related to *the Arizona Testing Manual*, 40 CFR 52; Appendices D and E, 40 CFR 60; Appendices A through F; and 40 CFR 61, Appendices B and C, and methods approved as broadly applicable standards related to the reference unless the control officer:

- **Article II: - Visible Emission Standards**

- **17.16.040 - Standards and applicability (includes NESHAP).**

A.

No person shall cause or permit the effluent from a single emission point, multiple emission point, or fugitive emissions source to have an average optical density equal to or greater than the opacity limiting standards specified in Table 17.16.040 at the end of this chapter, or as otherwise specified in this title, subject to the following provisions:

1.

Opacities (optical densities), shall be as measured in accordance with EPA Alternative Method 082 and/or EPA Method 9, of an effluent shall be measured by a certified visible emissions evaluator with his natural eyes, approximately following the procedures which were used during his certification, or by an approved and precisely calibrated in-stack monitoring instrument.

• 17.16.050 - Visibility limiting standard.

A.

No person shall cause, suffer, allow or permit operations or activities likely to result in excessive amounts of airborne dust without taking reasonable precautions to prevent excessive amounts of particulate matter from becoming airborne.

B.

Except for sources located within the boundaries of the Tohono O'Odham, Pasqua Yaqui and San Xavier Indian Reservations, opacity of an emission from any nonpoint source, as measured in accordance with *the Arizona Testing Manual, Reference EPA Alternative Method 082 and/or EPA Method 9*, shall not exceed the following:

1.

Twenty percent for such nonpoint sources in eastern Pima County, east of the eastern boundary of the Tohono O'Odham Reservation.

2.

Forty percent for such nonpoint sources in all other areas of Pima County.

C.

Open fires permitted according to Chapter 17.12 are exempt from the requirements of this section.

D.

No person shall cause, suffer, allow, or permit diffusion of visible emissions, including fugitive dust, beyond the property boundary line within which the emissions become airborne, without taking reasonably necessary and feasible precautions to control generation of airborne particulate matter. Sources may be required to cease temporarily the activity or operation which is causing or contributing to the emissions until reasonably necessary and feasible precautions are taken.

1.

Sources required to obtain an air quality permit under ARS § 49-426, § 49-480 or Rule 17.12.470 may request to have the actions constituting reasonably necessary and feasible precautions approved and included as permit conditions. Compliance with such permit conditions shall be considered compliance with this subsection.

2.

This subsection shall not apply when wind speeds exceed twenty-five (25) miles per hour (using the Beaufort Scale of Wind-Speed Equivalents, or as recorded by the National Weather Service). This exception does not apply if control measures have not been taken or were not commensurate with the size or scope of the emission source.

3.

This subsection shall not apply to the generation of airborne particulate matter from undisturbed land.

(Ord. 2002-108 § 3, 2002; Ord. 1999-11 § 2, 1999; Ord. 1995-87 § 39, 1995; Ord. 1994-83 § 49, 1994; Ord. 1993-128 § 4 (part), 1993)

17.16.165 - Standards of performance for fossil-fuel fired industrial and commercial equipment

- The owner or operator subject to the provisions of this section shall install, calibrate, maintain and operate a continuous monitoring system for measurement of the opacity of emissions discharged into the atmosphere from the control device. Further the owner or operator subject to the provisions of this section shall have backup opacity measurement capability using EPA Alternative Method 082 (Digital Camera Method) and/or EPA Method 9 (Human Eye Method).

1.

For the purpose of reports required under excess emissions reporting required by Section 17.12.035, 17.12.040, and 17.12.180, the owner or operator shall report all six-minute periods in which the opacity of any plume or effluent exceeds 15 percent.

2.

The format for the excess emissions report shall comply with the requirements of 17.12.040(B).

J.

The test methods and procedures required by this section are as follows:

1.

The reference methods in 40 CFR 60, Appendix A, and/or published broadly applicable alternative standards, shall be used to determine compliance with the standards as prescribed in this section.

• 17.16.170 - Incinerators.

A.

An incinerator shall be operated only between the hours of official sunrise and sunset, except when the following are conditions of the operating permit:

1.

The incinerator is equipped with a continuous monitoring and recording opacity meter; backed up by a day/night Digital Camera Opacity Technique and certified to EPA Alternative Method 082.

2.

The incinerator is used solely for the destruction of materials which would cause or contribute to air pollution if disposed of in any other practical manner;

3.

The incinerating process cannot be operated efficiently during only daylight hours;

4.

The opacity monitoring-and-recording equipment is calibrated and maintained in accordance with the manufacturer's specifications; and

5.

The opacity monitoring records are kept for at least five years.

B.

No person shall cause, allow, or permit to be emitted into the atmosphere, from any type of incinerator, smoke, fumes, gases, particulate matter or other gas-borne material which exceeds twenty percent opacity except during the times specified in subsection E of this section.

- **17.16.190 - Standards of performance for nitric acid plants.**

A.

No person shall cause, allow or permit discharge from any nitric acid plant producing weak nitric acid, which is either:

1.

Thirty to seventy percent in strength by either the increased pressure or atmospheric pressure process; or

2.

More than 1.5 kg of total oxides of nitrogen per metric ton (3.0 lbs/ton) of acid produced expressed as nitrogen dioxide.

B.

The opacity of any plume subject to the provisions of this section shall not exceed ten percent.

C.

A continuous monitoring system for the measurement of nitrogen oxides shall be installed, calibrated, maintained and operated by the owner or operator, in accordance with Section 17.12.060.

D.

The test methods and procedures required by this section are as follows:

1.

The reference methods in 40 CFR 60, Appendix A or promulgated broadly applicable alternative standards shall be used to determine compliance with the standard prescribed in subsection A of this section as follows:

17.16.240 - Standards of performance for secondary lead smelters. (Same as all others)

17.16.250 - Standards of performance for secondary brass and bronze ingot production plants.

- **17.16.260 - Standards of performance for iron and steel plants.**

- The test methods and procedures required under this section are as follows:

1. The reference methods set forth in 40 CFR 60, Appendix A and/or promulgated broadly applicable alternative methods, shall be used to determine compliance with the standards prescribed in subsection A of this section as follows:

- **17.16.270 - Standards of performance for sewage treatment plants (Same 40 CFR comment)**

- **17.16.320 - Standards of performance for steel plants: electric arc furnaces (EAF). (Same 40 CFR comment)**
- **17.16.340 - Standards of performance for stationary rotating machinery**

17.16.350 - Standards of performance for lime manufacturing plants. (all other 17.16 sections have same comment.

Article V. - Continuous Monitoring

H.6.

Alternative continuous monitoring systems that are promulgated as broadly applicable alternative standards can be used with the permission on the control officer in lieu of in stack mounted monitors, e.g out of stake mounted cameras, as used in EPA Alternative Method 082.

• **Article III. - Public Awareness**

• **17.32.060 - Reports to the public.**

A.

Violations of an ambient air standard which occurred during the preceding calendar year shall be communicated to the public in an annual report. This report shall be widely distributed, and shall include information on health hazards associated with violations and on the pollution control measures which were implemented to reduce the hazardous emission levels. This report shall also suggest procedures for preventing recurrences of violations, and ways in which the public may participate in these procedures. For example, given advance information on adverse weather conditions, the control officer, upon the approval of the Director of the Arizona Department of Environmental Quality, may recommend that the public reduce motor vehicle use during selected hours.

B.

The public shall be informed of average daily visibility, via photographic evidence and average daily concentrations of three common air pollutants: TSP, CO and O3. This information shall be made available to newspapers, television and radio stations for dissemination.

(Ord. 1993-128 § 8 (part), 1993)

• **17.32.070 - General information.**

As resources permit, air quality control district staff shall respond to telephone and written inquiries from the public regarding the field of air pollution control or the air quality in Pima County, and shall grant interviews to the news media, public or private groups.

(Ord. 1993-128 § 8 (part), 1993)

• **17.32.080 - Public participation in rulemaking.**

A.

The control officer shall encourage the public to provide input to the rulemaking process.

B.

Extensive publicity, including prominently displayed advertisements in newspapers of wide circulation and notification by mail to interested public and private organizations, shall be given to all public hearings conducted by the air quality advisory council, the air quality hearing board, and the board of supervisors concerning proposed amendments to this title.

C.

The control officer shall consider public comment on methods to improve this title, or to improve air quality in Pima County. For example, informal comments received from interested citizens may be filed and referred to when amending this document.

(Ord. 1993-128 § 8 (part), 1993)

ATTACHMENT D

From: Shawn Dolan <sdolan50@msn.com>
Sent: Thursday, May 05, 2016 2:04 PM
To: Sarah Reitmeyer; shawn.dolan@virtuallc.com
Cc: Richard Grimaldi; SDOLAN50@MSN.COM; 'Michael R. Orman'
Subject: RE: Notice of Rulemaking and Stakeholder Meeting - Pima County Code Title 17 -
Incorporations by Reference

Thank you, Sarah

Regarding the 30 day period, is the current update official Public Notice date April 29, 2016? Is the public hearing on this May 12?

The announcement I received reads:

These updates include changes to Sections PCC 17.04.070, PCC 17.04.340, PCC 17.08.020, PCC 17.08.030, PCC 17.08.050, PCC 17.08.060, PCC 17.08.070, PCC 17.12.045, PCC 17.12.180, PCC 17.12.365, PCC 17.16.120, PCC 17.16.490, and PCC 17.16.530.

Thus I assume the specific comment to PCC 17.12.045 incorporated herein will be adjudicated in this round of updates?

Thanks again for your help and guidance in this matter, I am learning these "rules" and look forward to a very productive update.

Shawn Dolan
888 872 3836

ATTACHMENT E

From: Cheri Dale - AQDX <CheriDale@mail.maricopa.gov>
Sent: Friday, May 06, 2016 3:24 PM
To: Sarah Reitmeyer
Cc: Johanna Kuspert - AQDX; Hether Krause - AQDX
Subject: Pima County Code Title 17 - Incorporations by Reference Rulemaking
Attachments: EPA NSPS NESHAP Delegation letter 13AUG15.pdf

Ms. Reitmeyer,

I respectfully propose three revisions to the Pima County Code, Title 17, Chapter 4, 8, 12 and 16 proposed rule revisions found in the NOTICE OF PROPOSED RULEMAKING, anticipated to be published in the Arizona Administrative Register on May 20, 2016.

- Delete 40 CFR 60, Subpart DDDD - **Emissions Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units**. Emission guidelines are not delegable to the state/local authority.
- Delete 40 CFR 60, Subpart MMMM – **Emission Guidelines and Compliance Times for Existing Sewage Sludge Incineration Units**. Emission guidelines are not delegable to the state/local authority.
- Update the address of the ASTM to P.O. Box C700, West Conshohocken, PA 19428.

Additional Information:

ASTM Address:

ASTM Headquarters

100 Barr Harbor Drive
PO Box C700
West Conshohocken, PA
19428-2959 USA

Accessed at <http://www.astm.org/>

American Society for Testing and Materials (a nongovernment website)
100 Barr Harbor Drive
P.O. Box C700
West Conshohocken, PA 19428-2959

Accessed at <http://www.gsa.gov/portal/content/101059>

In an August 2015 letter from the EPA (refer to attachment), the EPA provided a detailed response to the department as to why NSPS subparts could not be delegated. An excerpt from the attached letter follows:

This delegation also does not include the following:

- **40 CFR 60, NSPS Subparts B, C, Cb, Cc, Cd, Ce, BBBB, DDDD, FFFF, which address Emission Guidelines and Compliance Times and thus are not delegated under Clean Air Act Section 111(c). To the extent that there are sources within Maricopa County that would be subject to these Subparts, the MCAQD should be developing regulations for submission to EPA as a Plan under 40 CFR Part 60, Subpart B.**

A very useful EPA website for “**Specific Authorities Retained By EPA**” can be accessed at <https://yosemite.epa.gov/r9/r9nsps.nsf/findpage/retained>

If I can be of further assistance, please let me know.

Cheri

The Air Quality Department strives to provide excellent customer service to residents of Maricopa County. How are we doing? Send us your feedback.

Cheri Dale, MEPM, REHS/RS

Senior Planner

Maricopa County Air Quality Department

1001 N. Central Avenue, #125 | Phoenix, AZ 85004

Located at the Central Ave. & Roosevelt METRO stop

Desk 602.506.3476

CLEAN AIR
MAKE
MORE





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX

75 Hawthorne Street
San Francisco, Ca. 94105-3901

AUG 13 2015

Mr. Phillip McNeely
Director
Maricopa County Air Quality Department
1001 North Central Avenue, Suite 125
Phoenix, Arizona 85004

Dear Mr. McNeely:

I am writing in response to Maricopa County Air Quality Department's (MCAQD) January 8, 2015 request for delegation of Standards of Performance for New Stationary Sources (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP) pursuant to the Code of Federal Regulations, Title 40 (40 CFR), Parts 60, 61 and 63. In response to your request, the U.S. Environmental Protection Agency, Region IX, (EPA) hereby grants to the MCAQD formal delegation to implement and enforce the following NSPS and NESHAP as they existed on July 1, 2014:

NSPS

- 40 CFR Part 60, Subpart A—General Provisions
- 40 CFR Part 60, Subpart Db—Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units
- 40 CFR Part 60, Subpart Ec—Standards of Performance for Hospital/Medical/Infectious Waste Incinerators
- 40 CFR Part 60, Subpart G—Standards of Performance for Nitric Acid Plants
- 40 CFR Part 60, Subpart H—Standards of Performance for Sulfuric Acid Plants
- 40 CFR Part 60, Subpart Ja—Standards of Performance for Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007
- 40 CFR Part 60, Subpart O—Standards of Performance for Sewage Treatment Plants
- 40 CFR Part 60, Subpart BB—Standards of Performance for Kraft Pulp Mills
- 40 CFR Part 60, Subpart Bba—Standards of Performance for Kraft Pulp Mill Affected Sources for which Construction, Reconstruction or Modification Commenced after May 23, 2013
- 40 CFR Part 60, Subpart GG—Standards of Performance for Stationary Gas Turbines
- 40 CFR Part 60, Subpart KK—Standards of Performance for Lead-Acid Battery Manufacturing Plants
- 40 CFR Part 60, Subpart LL—Standards of Performance for Metallic Mineral Processing Plants
- 40 CFR Part 60, Subpart UU—Standards of Performance for Asphalt Processing and Asphalt Roofing Manufacture
- 40 CFR Part 60, Subpart NNN—Standards of Performance for Volatile Organic Compound (VOC) Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations
- 40 CFR Part 60, Subpart WWW—Standards of Performance for Municipal Solid Waste Landfills

- **40 CFR Part 60, Subpart III**—Standards of Performance for Stationary Compression Ignition Internal Combustion Engines
- **40 CFR Part 60, Subpart JJJJ**—Standards of Performance for Stationary Spark Ignition Internal Combustion Engines

NESHAP

- **40 CFR Part 61, Subpart A**—NESHAPs for General Provisions
- **40 CFR Part 61, Subpart C**—NESHAPs for Beryllium
- **40 CFR Part 61, Subpart D**—NESHAPs for Beryllium Rocket Motor Firing
- **40 CFR Part 61, Subpart E**—NESHAP for Mercury
- **40 CFR Part 61, Subpart N**—NESHAPs for Inorganic Arsenic Emissions from Glass Manufacturing Plants
- **40 CFR Part 61, Appendix B**—Test Methods

- **40 CFR Part 63, Subpart A**—General Provisions
- **40 CFR Part 63, Subpart G**—National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations and Wastewater
- **40 CFR Part 63, Subpart N**—National Emission Standards for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks
- **40 CFR Part 63, Subpart O**—Ethylene Oxide Emissions Standards for Sterilization Facilities
- **40 CFR Part 63, Subpart X**—National Emission Standards for Hazardous Air Pollutants from Secondary Lead Smelting
- **40 CFR Part 63, Subpart Y**—National Emission Standards for Marine Tank Vessel Loading Operations
- **40 CFR Part 63, Subpart GG**—National Emission Standards for Aerospace Manufacturing and Rework Facilities
- **40 CFR Part 63, Subpart GGG**—National Emission Standards for Pharmaceuticals Production
- **40 CFR Part 63, Subpart JJJ**—National Emission Standards for Hazardous Air Pollutants: Group IV Polymers and Resins
- **40 CFR Part 63, Subpart MMM**—National Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredients Production
- **40 CFR Part 63, Subpart PPP**—National Emission Standards for Hazardous Air Pollutants for Polyether Polyols Production
- **40 CFR Part 63, Subpart RRR**—National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production
- **40 CFR Part 63, Subpart CCCC**—National Emission Standards for Hazardous Air Pollutants: Manufacturing of Nutritional Yeast
- **40 CFR Part 63, Subpart UUUU**—National Emission Standards for Hazardous Air Pollutants for Cellulose Products Manufacturing
- **40 CFR Part 63, Subpart ZZZZ**—National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines

Regarding any other Part 60, 61 and 63 standard previously delegated to MCAQD, this letter is also delegating any amendments made to those standards as of July 1, 2014. As set forth in our action entitled "Delegation of New Source Performance Standards and National Emissions Standards for Hazardous Air Pollutants for Guam and the States of Arizona, California, Hawaii, and Nevada (67 FR 1676, January 14, 2002), the following provisions are not delegated under 40 CFR Parts 60 and 61 Subpart A.

- Provisions that address the EPA's authority to delegate to states are not being delegated because it is inappropriate to imply that states have authority to delegate to themselves. This includes 40 CFR 60.4(b), and 61.04(c); part 60, subpart B; and part 60 subpart C.
- Provisions that grant the EPA's discretion to approve modifications to test methods or protocols are not being delegated in order to ensure uniformity and technical quality in enforcement of national standards. This includes 40 CFR 60.8(b); 60.11(b); 60.13(a),(d)(2), and (g); and 60.13(i); (61.13(h)(1)(ii)); and 61.14(d) and (g)(1)(ii).
- Provisions that require rulemaking cannot be delegated because states cannot perform federal rulemaking. This includes 40 CFR 60.11(e) and 61.12(d).
- Provisions that address the EPA's obligation to make certain information available to the public do not apply to states under federal law and are not appropriate for delegation. This includes 40 CFR 60.9 and 61.16.

This delegation also does not include the following:

- 40 CFR 60, NSPS Subparts B, C, Cb, Cc, Cd, Ce, BBBB, DDDD, FFFF, which address Emission Guidelines and Compliance Times and thus are not delegated under Clean Air Act Section 111(c). To the extent that there are sources within Maricopa County that would be subject to these Subparts, the MCAQD should be developing regulations for submission to EPA as a Plan under 40 CFR Part 60, Subpart B.

Acceptance of this delegation constitutes your agreement to follow all applicable provisions of 40 CFR Parts 60, 61 and 63, including use of the EPA's test methods and procedures. As of the effective date of this delegation, MCAQD will have primary authority to enforce the above cited standards. EPA will retain independent enforcement authority, and will exercise such authority in a manner consistent with the EPA's "Timely and Appropriate Enforcement Response to Significant Air Pollution Violators Guidance," and any revisions thereto, and our enforcement agreement. All notifications and reports required of sources by the above standards should be sent to MCAQD and our office. This delegation is effective upon the date of this letter unless the EPA receives written notice from you of any objections within 10 days of receipt of this letter. The EPA will publish a future Federal Register notice to codify this delegation into the Code of Federal Regulations. This delegation is in accordance with the November 1, 1999 Memorandum of Agreement (MOA) between Maricopa County and EPA regarding the delegation of NESHAP.

We appreciate the MCAQD's efforts to implement the federal NSPS and NESHAP programs and hope to continue working with you to reduce emissions in Maricopa County. If you have any questions about this delegation, please call me at (415) 947-8715 or have your staff contact Jeffrey Buss at (415) 947-4152.

Sincerely,


Elizabeth J. Adams
Acting Director, Air Division

cc: Marina Mejia, ADEQ

ATTACHMENT F

RECEIVED BY
PIMA COUNTY

JUN 08 2016

DEPARTMENT OF
ENVIRONMENTAL QUALITY

PC - BOS

Re: Ordinary Nodules in Arz Star
5/20/16

Amendments to PCC title 17 code
CFR title 40 code
AAC title 18 code

Does "UPDATE" mean
MORE LENIENT OR
LESS LENIENT?

?

Please clarify

Marlene Hilligoss
7902 N. Casas Calmen
Tucson, AZ 85742

**PUBLIC NOTICE
RELATED TO AIR QUALITY
PROPOSING AMENDMENTS
TO PIMA COUNTY
CODE TITLE 17
17.04 - GENERAL PROVISIONS,
17.08 - AMBIENT AIR
QUALITY STANDARDS,
17.12 - PERMITS AND PERMIT
REVISIONS,
17.16 - EMISSION LIMITING
STANDARDS**

The Pima County Department of Environmental Quality (PDEQ) has submitted a Notice of Proposed Expedited Rulemaking to the Arizona Administrative Register for publication on May 20, 2016. The Pima County Board of Supervisors (PC-BOS) as the governing body for the Pima County Air Quality Control District adopts rules for Pima County Code (PCC). The Pima County Air Quality Control District operates within the Pima County Department of Environmental Quality (PDEQ). PDEQ periodically proposes updates to PCC by and through the rulemaking process set forth by the PC-BOS. PDEQ is proposing updating the following federal regulations: Acid Rain, National Emission Standards for Hazardous Air Pollutants (NESHAP), New Source Performance Standards (NSPS), National Ambient Air Quality Standards (NAAQS), and other parts of Title 40 Code of Federal Regulations (CFR). The federal regulations would be incorporated as of July 1, 2015. PDEQ's intention is to continue its delegated authority from EPA to implement and enforce these programs in Pima County. In addition, PDEQ is updating the definition of Volatile Organic Compounds (VOC) in Section 17.04.340 to conform to federal regulations. This rulemaking will also update the Mineral Tailings section of PCC Title 17 to conform to Arizona Administrative Code Title 18. The expedited rule text and other related information is available at the PDEQ office, and on the PDEQ website (noted below) or you may request a copy by contacting our department.

A public hearing before the Pima County Board of Supervisors will be held on Tuesday, August 2, 2016 at, or after, 9:00 a.m. in the Board Hearing Room, located at 130 W. Congress, 1st floor, Tucson, Arizona.

Comments pertaining to the Notice of Proposed Expedited Rulemaking may be submitted at the above noticed public hearing, in writing to PDEQ (Attn: Sarah Reitmeyer, 33 N Stone Ave Suite 700, Tucson, AZ 85701), or via e-mail to sarah.reitmeyer@pima.gov. Written comments on the proposed Notice of Expedited Rulemaking will be accepted by PDEQ until 5:00 p.m. on June 20, 2016.

For additional information, please contact Sarah Reitmeyer, Regulatory Program Manager, at (520) 724-7437 or visit PDEQ's website at http://webcms.pima.gov/government/environmental_quality/

Publish May 20, 2016
Arizona Daily Star