



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: 12/17/2019

Title: Amendments to Pima County Code Sections PCC 17.04.070, PCC 17.04.340, PCC 17.11.160, PCC 17.12.040, PCC 17.12.070, PCC 17.16.390, PCC 17.16.490, and PCC 17.16.530

Introduction/Background:

The Pima County Board of Supervisors (PC-BOS) as the governing body for the Pima County Air Quality Control District adopts ordinances for 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. This ordinance 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), and other parts of Title 40 CFR. The versions of the federal regulations in effect as of July 1, 2019 would be incorporated. The intention in updating the incorporations by reference is to continue PDEQ's delegated authority from EPA to implement and enforce the Acid Rain, NESHAP, and NSPS programs in Pima County. These updates include changes to Sections PCC 17.04.070, PCC 17.04.340, PCC 17.11.160, PCC 17.12.040, PCC 17.12.070, PCC 17.16.390, PCC 17.16.490, and PCC 17.16.530. In addition, PDEQ is updating the definition for VOC, and minor grammatical updates.

Discussion:

PDEQ is requesting that the Board of Supervisors adopt the proposed ordinance to amend Pima County Code Sections 17.04.070, 17.04.340, 17.11.160, 17.12.040, 17.12.070, 17.16.390, 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, and NSPS programs in Pima County. This proposed ordinance will also update one definition: the definition of "Volatile Organic Compounds (VOC)" at section PCC 17.04.340 to conform to federal regulations. Finally, this proposed ordinance includes updates to the name for the Government Publishing Office and minor grammatical changes. No studies were reviewed in reference to this proposed ordinance.

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 the PCC be amended to add and update incorporations by reference to continue PDEQ's delegated authority from the EPA to implement and enforce the Acid Rain, NESHAP, and NSPS programs in Pima County, as well as conform the VOC definition in PCC to the federal definition.

Recommendation:

Staff recommends the Board of Supervisors adopt the proposed ordinance to amend Pima County Code Sections 17.04.070, 17.04.340, 17.11.160, 17.12.040, 17.12.070, 17.16.390, 17.16.490, and 17.16.530, relating to Acid Rain, NESHAP, and NSPS programs in Pima County, and the definition for VOC in PCC.

Fiscal Impact:

This amendment will not have an economic impact on businesses in Pima County, and will not impose additional costs on the regulated community, small businesses, political subdivisions, and members of the public beyond that already incurred by reason of federal or state rule or law. The costs of compliance for the Acid rain, NESHAP, NSPS, and Volatile Organic Compounds definition have already occurred, and were considered when the federal rule or law was proposed and adopted.

Board of Supervisor District:

☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☒ All

Department: Environmental Quality Telephone: 724-7454

Contact: Sarah Reitmeyer, Regulatory Program Manager Telephone: 724-7437

Department Director Signature/Date: Monica K. Nelson 11.20.19

Deputy County Administrator Signature/Date: [Signature] 11/22/19

County Administrator Signature/Date: C. Dulcetany 11/22/19

ORDINANCE NUMBER 2019-__

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, 17.11, 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), AND OTHER PARTS OF TITLE 40 CODE OF FEDERAL REGULATIONS.

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

1. The Pima County Board of Supervisors as the governing body for the Pima County Air Quality Control District adopts air quality ordinances under the statutory authority of Arizona Revised Statutes Title 49, Chapter 3, Article 3.
2. The Pima County Air Quality Control District operates within the Pima County Department of Environmental Quality.
3. The intention of this ordinance is 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. This ordinance adopts 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), and other parts of Title 40 CFR. The federal regulations for Acid Rain, NESHAP, and the NSPS in effect July 1, 2019 are incorporated. This ordinance also updates definitions and makes minor grammatical updates.

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:

Chapter 17.04 - GENERAL PROVISIONS

...

Article III. Incorporated Materials

17.04.070 - Incorporated materials.

...

- C. All parts of the CFR referenced in this Title are amended as of ~~July 1, 2015~~ July 1, 2019, as applicable requirements and no future editions or amendments unless specifically indicated otherwise.

... Article IX. - Definitions and Meanings

17.04.340 - Words, phrases, and terms.

...

A. Definitions.

...

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

xx.	propylene carbonate;
yy.	dimethyl-carbonate;
zz.	<u>trans-1,3,3,3-tetrafluoropropene; (HCF2OCF2H or HFE-134);</u>
aaa.	<u>HCF2OCF2H (HFE-134);</u>
bbb.	<u>HCF2OCF2OCF2H (HFE-236cal2);</u>
ccc.	<u>HCF2OCF2CF2OCF2H (HFE-338pcc13);</u>
ddd.	<u>HCF2OCF2OCF2CF2OCF2H (H-Galden 1040x or H-Galden ZT 130 (or 150 or 180));</u>
eee.	<u>trans 1-chloro-3,3,3-trifluoroprop-1-ene;</u>
zz.fff.	<u>2,3,3,3-tetrafluoropropene (HFO-1234yf);</u>
ggg.	<u>2-amino-2-methyl-1-propanol;</u>
hhh.	<u>t-butyl acetate;</u>
iii.	<u>1,1,2,2- Tetrafluoro -1-(2,2,2-trifluoroethoxy) ethane;</u>
jjj.	<u>cis-1,1,1,4,4,4-hexafluorobut-2-ene (HFO-1336mzz-Z);</u>
aaa.kkk.	Perfluorocarbon . . .
bbb.iii.	The following compound(s) . . .

Section 2: Chapter 17.11, Article II, Section 17.11.160 of the Pima County Code is amended to read as follows:

Chapter 17.11 - GENERAL PROVISIONS FOR PERMITS

Article II. - General Provisions for Stationary Source Permits

17.11.160 - 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 ~~July 1, 2015~~July 1, 2019, 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~~Publishing Office, Superintendent of Documents, Mail Stop SSOP, Washington D.C. 20402-9328.

Section 3: Chapter 17.12, Article I, Sections 17.12.040 and 17.12.070 of the Pima County Code are amended to read as follows:

Chapter 17.12 - INDIVIDUAL PERMITS AND PERMIT REVISIONS FOR CLASS I PERMITS

Article I. - Application Processing and Procedures

17.12.040 - Permit contents for Class I permits.

- A. Each permit . . .

3. Each permit . . .

- b. 40 CFR 64 adopted ~~July 1, 2015~~July 1, 2019 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 the streamlining;

17.12.070 - Acid Rain.

- A. 40 CFR 72, 74, 75, and 76, and all accompanying appendices, adopted as of ~~July 1, 2015~~ July 1, 2019, 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~~ Publishing Office, Superintendent of Documents, Mail Stop SSOP, Washington D.C. 20402-9328.

Section 4: Chapter 17.16, Sections 17.16.390, 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 IV. - New and Existing Stationary Source Performance Standards

17.16.390 - Standards of performance for existing municipal solid waste landfills.

- A. This section applies to each municipal solid waste landfill (MSW landfill) at which:
1. Construction, reconstruction, or modification began on or before May 30, 1991 ~~May 30, 1991~~ July 17, 2014; and
 2. Waste was accepted at any time since November 8, 1987, or additional design capacity is available for future waste deposition.
- B. For the purposes of this section, "Municipal Solid Waste Landfill or MSW Landfill" means an entire disposal facility in a contiguous geographical space where household waste is placed in or on land. An MSW landfill may also receive other types of RCRA (Resource Conservation and Recovery Act) Subtitle D wastes such as commercial solid waste nonhazardous sludge, conditionally exempt small quantity generator waste, and industrial solid waste. Portions of an MSW landfill may be separated by access roads. An MSW landfill may be publicly or privately owned.
- C. MSW landfills covered by this section shall comply with 40 CFR 60, Subpart ~~WWW~~ Cf, effective as of the date of EPA approval of the state plan under section 111(d) of the Act, as modified by this subsection. 40 CFR 60, Subpart WWW, "Standards of Performance for Municipal Solid Waste Landfills," is incorporated by reference in 17.16.490 will remain in effect until Arizona's state plan implementing 40 CFR 60 Subpart Cf is approved by the EPA. 40 CFR 60, Subpart Cf "Emissions Guidelines and Compliance Times for Municipal Solid Waste Landfills," as adopted on August 29, 2016 (and no future amendments) is hereby incorporated by reference as applicable requirements. MSW landfills may meet the requirements of Subpart Cf by complying with 40 CFR 60, Subpart XXX. 40 CFR 60 Subpart XXX "Standards of Performance for Municipal Solid Waste Landfills that Commenced Construction, Reconstruction or Modification After July 17, 2014," is incorporated by reference in Section 17.16.490.
1. ~~Definitions. In addition to the definitions in 40 CFR 60.751, "Administrator" means the director of the Pima County Department of Environmental Quality.~~
 2. ~~Reporting. Each MSW landfill shall comply with the reporting requirements of 40 CFR 60.757. The initial design capacity report and initial NMOC emission rate report shall be due 90 days after the effective date of this rule.~~
 3. ~~Design plan. An MSW landfill that is required to install a collection and control system shall submit a design plan for the system to the control officer with the Standard Permit Application Form not later than 12 months after it submitted or should have submitted an NMOC emission rate report indicating emissions greater than 50 Mg per year. The design plan shall be prepared~~

- by a professional engineer registered in Arizona. The control officer shall not approve the design plan if it does not meet the requirements of 40 CFR 60.752(b)(2)(ii).
4. ~~System installation. An MSW landfill that is required to install a collection and control system shall complete installation of the system not later than 30 months after the effective date of this rule.~~
 5. ~~An MSW landfill that first becomes subject to the collection and control system requirement after the effective date of this rule shall submit a design plan for the system to the control officer not later than 12 months after it submitted or should have submitted an NMOC emission rate report indicating emissions greater than 50 Mg per year.~~

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, 2019, unless otherwise specified, 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~~ Publishing Office, Superintendent of Documents, Mail Stop SSOP, Washington D.C. 20402-9328.

- | | |
|-------------------|--|
| 80. | <u>Subpart XXX - Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification After July 17, 2014.</u> |
| 80-81. | Subpart AAAA . . . |
| 81-82. | Subpart CCCC . . . |
| 82-83. | Subpart EEEE . . . |
| 83-84. | Subpart IIII . . . |
| 84-85. | Subpart JJJJ . . . |
| 85-86. | Subpart KKKK . . . |
| 86-87. | Subpart LLLL . . . |
| 87-88. | Subpart OOOO . . . |
| 89. | <u>Subpart OOOOa—Crude Oil and Natural Gas Facilities for which Construction, Modification or Reconstruction Commenced After September 18, 2015.</u> |
| 88-90. | Subpart QQQQ . . . |
| 91. | <u>Subpart TTTT—Greenhouse Gas Emissions for Electric Generating Units.</u> |

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 ~~July 1, 2015~~ July 1, 2019, 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~~ Publishing 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 ~~July 1, 2015~~ July 1, 2019, 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~~Publishing Office, Superintendent of Documents,
Mail Stop SSOP, Washington D.C. 20402-9328.

<u>20.</u>	<u>Subpart Y - National Emission Standards for Marine Tank Vessel Loading Operations.</u>
<u>20-21.</u>	Subpart AA ...
<u>21-22.</u>	Subpart BB ...
<u>22-23.</u>	Subpart CC ...
<u>23-24.</u>	Subpart DD ...
<u>24-25.</u>	Subpart EE ...
<u>25-26.</u>	Subpart GG ...
<u>26-27.</u>	Subpart HH ...
<u>27-28.</u>	Subpart JJ ...
<u>28-29.</u>	Subpart KK ...
<u>29-30.</u>	Subpart LL ...
<u>30-31.</u>	Subpart MM ...
<u>32.</u>	<u>Subpart NN - National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing at Area Sources.</u>
<u>31-33.</u>	Subpart OO ...
<u>32-34.</u>	Subpart PP ...
<u>33-35.</u>	Subpart QQ ...
<u>34-36.</u>	Subpart RR ...
<u>35-37.</u>	Subpart SS ...
<u>36-38.</u>	Subpart TT ...
<u>37-39.</u>	Subpart UU ...
<u>38-40.</u>	Subpart VV ...
<u>39-41.</u>	Subpart WW ...
<u>40-42.</u>	Subpart XX ...
<u>41-43.</u>	Subpart YY ...
<u>42-44.</u>	Subpart CCC ...
<u>43-45.</u>	Subpart DDD ...
<u>44-46.</u>	Subpart EEE ...
<u>45-47.</u>	Subpart GGG ...
<u>46-48.</u>	Subpart HHH ...
<u>47-49.</u>	Subpart III ...
<u>48-50.</u>	Subpart JJJ ...
<u>49-51.</u>	Subpart LLL ...
<u>50-52.</u>	Subpart MMM ...
<u>51-53.</u>	Subpart NNN ...
<u>52-54.</u>	Subpart OOO ...
<u>53-55.</u>	Subpart PPP ...
<u>54-56.</u>	Subpart QQQ ...
<u>55-57.</u>	Subpart RRR ...
<u>56-58.</u>	Subpart TTT ...
<u>57-59.</u>	Subpart UUU ...
<u>58-60.</u>	Subpart VVV ...
<u>59-61.</u>	Subpart XXX ...
<u>60-62.</u>	Subpart AAAA ...
<u>61-63.</u>	Subpart CCCC ...
<u>62-64.</u>	Subpart DDDD ...
<u>63-65.</u>	Subpart EEEE ...
<u>64-66.</u>	Subpart FFFF ...
<u>65-67.</u>	Subpart GGGG ...
<u>66-68.</u>	Subpart HHHH ...
<u>67-69.</u>	Subpart IIII ...
<u>68-70.</u>	Subpart JJJJ ...
<u>69-71.</u>	Subpart KKKK ...

70-72. Subpart MMMM ...
71-73. Subpart NNNN ...
72-74. Subpart OOOO ...
73-75. Subpart PPPP ...
74-76. Subpart QQQQ ...
75-77. Subpart RRRR ...
76-78. Subpart SSSS ...
77-79. Subpart TTTT ...
78-80. Subpart UUUU ...
79-81. Subpart VVVV ...
80-82. Subpart WWWW ...
81-83. Subpart XXXX ...
82-84. Subpart YYYY ...
83-85. Subpart ZZZZ ...
84-86. Subpart AAAAA ...
85-87. Subpart BBBBB ...
86-88. Subpart CCCCC ...
87-89. Subpart DDDDD ...
88-90. Subpart EEEEE ...
89-91. Subpart FFFFF ...
90-92. Subpart GGGGG ...
91-93. Subpart HHHHH ...
92-94. Subpart IIIII ...
93-95. Subpart JJJJJ ...
94-96. Subpart KKKKK ...
95-97. Subpart LLLLL ...
96-98. Subpart MMMMM ...
97-99. Subpart NNNNN ...
98-100. Subpart PPPPP ...
99-101. Subpart QQQQQ ...
100-102. Subpart RRRRR ...
101-103. Subpart SSSSS ...
102-104. Subpart TTTTT ...
103-105. Subpart UUUUU ...
104-106. Subpart WWWWV ...
105-107. Subpart YYYYY ...
106-108. Subpart ZZZZZ ...
107-109. Subpart BBBBBB ...
108-110. Subpart CCCCCC ...
109-111. Subpart DDDDDD ...
110-112. Subpart EEEEEEE ...
111-113. Subpart FFFFFFF ...
112-114. Subpart GGGGGG ...
113-115. Subpart HHHHHH ...
114-116. Subpart JJJJJJ ...
115-117. Subpart LLLLLL ...
116-118. Subpart MMMMMM ...
117-119. Subpart NNNNNN ...
118-120. Subpart OOOOOO ...
119-121. Subpart PPPPPP ...
120-122. Subpart QQQQQQ ...
121-123. Subpart RRRRRR ...
122-124. Subpart SSSSSS ...
123-125. Subpart TTTTTT ...
124-126. Subpart VVVVVV ...
125-127. Subpart WWWWWW ...

~~426-128.~~ Subpart XXXXXX ...
~~427-129.~~ Subpart YYYYYY ...
~~428-130.~~ Subpart ZZZZZZ ...
~~429-131.~~ Subpart AAAAAA ...
~~430-132.~~ Subpart BBBB BB ...
~~431-133.~~ Subpart CCCCCC ...
~~432-134.~~ Subpart DDDDDDD ...
~~433-135.~~ Subpart EEEEEEE ...
~~434-136.~~ Subpart HHHHHHH ...

Section 5. This Ordinance is effective 31 days after the date of adoption.

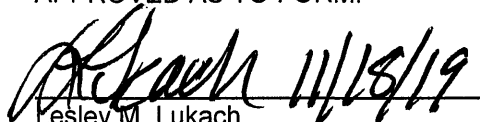
PASSED AND ADOPTED by the Board of Supervisors, Pima County, Arizona, this
_____ day of _____, 2019

Chairman of the Board of Supervisors

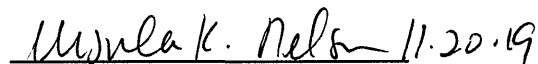
ATTEST:

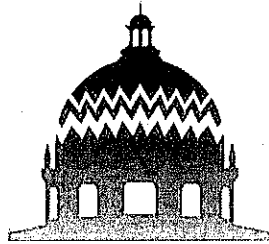
Clerk of Board

APPROVED AS TO FORM:


Lesley M. Lukach
Deputy County Attorney

REVIEWED BY:


Ursula Kramer Nelson, Director
Department of Environmental Quality



PIMA COUNTY

ENVIRONMENTAL QUALITY

PUBLIC NOTICE AND PUBLIC PARTICIPATION

On Proposed Amendments
To Pima County Code Title 17:
17.04.070, 17.04.340,
17.11.160, 17.12.040, 17.12.070,
17.16.390, 17.16.490, and 17.16.530

December 4, 2019

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

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I. SUMMARY OF THE PROPOSED ORDINANCE AMENDMENTS TO PIMA COUNTY CODE TITLE 17 (AIR QUALITY)

The Pima County Board of Supervisors (BOS), as the governing body for the Pima County Air Quality Control District, adopts ordinances. Adopted ordinances 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), and other parts of Title 40 CFR. The federal regulations for Acid Rain, NESHAP, and NSPS in effect July 1, 2019 would be incorporated. 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.

II. PUBLIC NOTICE

PDEQ published notice of the Notice of Expedited Rulemaking on the Pima County Homepage and on the PDEQ website on September 30, 2019 and November 13, 2019 (Attachment A: Public Notices). Public Notices were published in two local newspapers (Arizona Daily Star and the Territorial Newspaper) on September 30, 2019 and November 13, 2019. In addition, PDEQ e-mailed a notice of the proposed ordinance amendments to interested parties who had requested rulemaking notifications in the past (Attachment B: Stakeholder Notification).

III. NOTICE OF EXPEDITED RULEMAKING

Pursuant to Arizona Revised Statutes § 49-471.08 PDEQ posted a Notice of the Expedited Rulemaking (Attachment C: Notice of Expedited Rulemaking) on the Pima County Homepage and PDEQ e-mailed a notice of the proposed ordinance amendments to interested parties who had requested rulemaking notifications in the past (Attachment B). The publication of the Notice of Expedited Rulemaking coincided with the Public Notice and allowed for thirty days (30-days) for PDEQ to accept public comment on the proposed ordinance.

IV. PUBLIC PARTICIPATION

On Monday, September 23, 2019 from 2:30 p.m. – 3:30 p.m., PDEQ held a stakeholder meeting to discuss the proposed rulemaking. Responsible Officials for stationary source air quality permits issued by PDEQ and interested stakeholders were notified of the meeting via an e-mail sent September 12, 2019 along with the Notice of Expedited Rulemaking (Attachment B). The stakeholder meeting was conducted at the Joel D Valdez Main Library, located at 101 N Stone Avenue, in Tucson, Arizona (Attachment D: Public Participation Documents, including Stakeholder Meeting Presentation, Rule Information Handout, and List of Stakeholder Meeting Attendees).

V. PUBLIC COMMENT

During the 30 day public comment period PDEQ did not receive comments on the proposed amendments.

VI. BOARD OF SUPERVISORS MEETING MATERIALS

Following the Pima County Board of Supervisors Agenda/Addendum Policy, PDEQ is submitting the proposed ordinance amendments to the Pima County Clerk of the Board via e-mail and hard copy on December 4, 2019. The Board of Supervisors Agenda Item report can be found in Attachment F.

ATTACHMENT A

Public Notice Documents

Pima County Homepage
1st Public Notice
September 30, 2019

Library Calendar Employment Contact Us

PIMA COUNTY

Custom Search

Recreation | Health | Development | Business | Community | Environment | Government

Built by Bonds
The County's investment in land conservation coupled with the Sonoran Desert Conservation Plan help protect native critters from extinction.

TOP NEWS ENGAGE LIVE WORK PLAY

News Releases

- PDEQ - Notice of Expedited Rulemaking - Incorporations by Reference
- Cactus Rescue Program celebrates 20th anniversary at Pima Prickly Park Oct. 5
- Sewer rehabilitation project will impact Loop users
- County sustainability plan recognized as statewide leader in innovation, conservation
- Antique and Vintage Fair set for Sept. 28 at Historic Canoa Ranch

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Featured News

Birders are atwitter over recent finds at Pima County's Historic Canoa Ranch
Site is now Number One birding hotspot for 2019.

Free painting workshop helps workers strengthen skills for construction industry
Training takes place Sept. 30-Oct. 4.

[Read More News](#)

Quick Links

- Board of Supervisors
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- Transparency
- Proposed Taxes and Fees
- Public Records Request
- County Budget
- Property Taxes
- Volunteer
- Sign up for County news
- Census 2020

<https://webcms.pima.gov/>

Pima County Department of
Environmental Quality Homepage
1st Public Notice
September 30, 2019

The screenshot shows the homepage of the Pima County Department of Environmental Quality. The header features the Pima County logo and navigation links for Library, Calendar, Employment, and Contact Us. A search bar is located on the right. Below the header is a navigation menu with links for Recreation, Health, Development, Business, Community, Environment, and Government. The main content area is titled "Environmental Quality" and includes three images: a river, a cloudy sky, and a sunset. Below the images is a paragraph describing the department's mission and a list of featured news articles. A sidebar on the right contains social media links, contact information, and a list of department services.

Pima County

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Recreation | Health | Development | Business | Community | Environment | Government

Pima County » Government » Environmental Quality

Environmental Quality

Pima County Department of Environmental Quality (PDEQ), formed in 1989, serves Pima County by protecting public health and the environment. PDEQ operates programs to monitor air and water quality, hazardous waste, solid waste, and assist in waste minimization and pollution prevention. PDEQ also provides public outreach, education, and citizens' assistance; processes environmental permits; and responds to public complaints and inquiries with investigations and enforcement.

Our Mission

Preserve and protect the environment of Pima County for the long-term benefit of residents' health, welfare, safety, and quality of life. Identify and respond to environmental issues by providing public services including monitoring, enforcement, information, education, and solid waste management.

Featured News

- September 30, 2019 - PDEQ - Notice of Expedited Rulemaking - Incorporations by Reference
- August 23, 2019 - Summer air quality update from Pima County DEQ
- August 07, 2019 - Pima DEQ issues air quality watch for Aug. 7
- August 05, 2019 - Pima DEQ issues Air Quality Health Watch
- July 30, 2019 - County exceeded EPA ozone standards on July 25

[View more news articles](#)

[Air](#) | [Water](#) | [Waste&Recycling](#) | [Code Compliance](#) | [Outreach](#) | [Complaints](#) | [Kids Corner](#) | [Fees](#)

Air Program

The [Air Program](#) is comprised of multiple sections which address different issues regarding air quality.

[VIEW TODAY'S](#)

Department of Environmental Quality
33 N. Stone Ave., Suite 700
Tucson, AZ 85701
Phone: (520) 724-7400
Fax: (520) 838-7432

- Department Home
- Department News
- Hours
- Department Directory
- Send Department Feedback
- Report a Complaint
- Calendar
- Boards, Commissions & Committees
- Rules & Regulations
- Reports & Publications
- Forms
- Permits
- Fees

https://webcms.pima.gov/government/environmental_quality/

Pima County Department of
Environmental Quality Newsroom Article
1st Public Notice
September 30, 2019

The screenshot shows the Pima County Department of Environmental Quality Newsroom Article page. The header features the Pima County logo and navigation links: Library, Calendar, Employment, Contact Us, and a Custom Search bar. Below the header is a navigation menu with links: Recreation, Health, Development, Business, Community, Environment, and Government. The article title is "PDEQ – Notice of Expedited Rulemaking – Incorporations by Reference". The date is "Sep 30, 2019" and there is a link to "Read More News". A "Share" button is present. The article text includes a "PUBLIC NOTICE" section with the following text: "NOTICE OF EXPEDITED RULEMAKING PROPOSING AMENDMENTS TO PIMA COUNTY CODE TITLE 17 17.04 - GENERAL PROVISIONS, CHAPTER 11 - GENERAL PROVISIONS FOR PERMITS CHAPTER 12 - INDIVIDUAL AND GENERAL PERMITS AND PERMIT REVISIONS FOR CLASS I PERMITS, 17.16 - EMISSION LIMITING STANDARDS". The main text states: "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. PDEQ is proposing updating incorporations by reference for the following federal regulations: Acid Rain, National Emission Standards for Hazardous Air Pollutants (NESHAP), New Source Performance Standards (NSPS), and other parts of Title 40 Code of Federal Regulations (CFR). The federal regulations would be incorporated as of July 1, 2019. 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. The expedited rule text and other related information is available at the PDEQ office, on the Pima County Homepage, and on the PDEQ website (noted below), or you may request a copy by contacting our department." A public hearing is scheduled for Tuesday, December 17, 2019 at 9:00 a.m. in the Board Hearing Room, located at 130 W. Congress, 1st floor, Tucson, Arizona. Comments can be submitted in writing to PDEQ (Attn: Sarah Reitmeyer, 33 N Stone Ave Suite 700, Tucson, AZ 85701), or via e-mail to Sarah Reitmeyer. Written comments on the proposed Notice of Expedited Rulemaking will be accepted by PDEQ until 5:00 p.m. on October 30, 2019. For additional information please contact Sarah Reitmeyer, Regulatory Program Manager, at (520) 724-7437 or visit PDEQ's Draft, Proposed, & Final Rules Website. The footer contains the Pima County logo, copyright information, and links to Accessibility, HIPAA/Privacy Statement, Security, Sitemap, Terms of Use, and Website Feedback.

Pima County » Newsroom » Environmental Quality Newsroom » Homepage Articles » PDEQ – Notice of Expedited Rulemaking – Incorporations by Reference

PDEQ – Notice of Expedited Rulemaking – Incorporations by Reference

Sep 30, 2019 | [Read More News](#)

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PUBLIC NOTICE
NOTICE OF EXPEDITED RULEMAKING
PROPOSING AMENDMENTS
TO PIMA COUNTY CODE TITLE 17
17.04 - GENERAL PROVISIONS,
CHAPTER 11 - GENERAL PROVISIONS FOR PERMITS
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PERMIT REVISIONS FOR CLASS I PERMITS,
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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. PDEQ is proposing updating incorporations by reference for the following federal regulations: Acid Rain, National Emission Standards for Hazardous Air Pollutants (NESHAP), New Source Performance Standards (NSPS), and other parts of Title 40 Code of Federal Regulations (CFR). The federal regulations would be incorporated as of July 1, 2019. 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. The expedited rule text and other related information is available at the PDEQ office, on the Pima County Homepage, and on the PDEQ website (noted below), or you may request a copy by contacting our department.

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Comments pertaining to the Notice of 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](#). Written comments on the proposed Notice of Expedited Rulemaking will be accepted by PDEQ until 5:00 p.m. on October 30, 2019.

For additional information please contact Sarah Reitmeyer, Regulatory Program Manager, at (520) 724-7437 or visit [PDEQ's Draft, Proposed, & Final Rules Website](#).

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<https://webcms.pima.gov/cms/One.aspx?portalId=169&pageId=507477>

Pima County Department of
Environmental Quality Rulemaking Website
1st Public Notice
September 30, 2019

Library Calendar Emplo

PIMA COUNTY

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Pima County » Government » Environmental Quality » Rules and Regulations » Draft, Proposed, & Final Rules

Draft, Proposed, & Final Rules

The Arizona Revised Statutes 49-112 and 49-471 et seq. authorizes the county to adopt regulations and establishes a rulemaking process by which the county must follow. In addition, a variety of state laws give citizens the right to comment on regulations before the county can put them into effect. Pima County Department of Environmental Quality is responsible for creating and amending existing rules within Pima County Code Title 7- Environmental Quality, Title 13 - Public Service, and Title 17 - Air Quality, and creating and amending existing Pima County Ordinances relating to Air, Water, and Waste.

PDEQ follows a process for creating and amending Pima County Code and Pima County Ordinances. An [Introduction to the Rulemaking Process](#) provides an overview of the process and frequently asked questions regarding rulemaking. PDEQ also follows a process for revising the Pima County portion of the Arizona [State Implementation Plan \(SIP\)](#). Each rulemaking, or revision of the Pima County portion of the SIP will have a 30-day Public Comment period. Public Comments can be submitted in writing via letter, [e-mail to Sarah Reitmeyer](#), or through the PDEQ [online Public Comment Form](#). We encourage you to [participate in the rulemaking process](#).

Air Water Waste

Air

Title 17 - Incorporations by Reference 2019

Summary: 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. 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), and other parts of Title 40 CFR. The federal regulations would be incorporated as of July 1, 2019. 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. These updates include changes to Sections PCC 17.04.070, PCC 17.04.340, PCC 17.11.160, PCC 17.12.040, PCC 17.12.070, PCC 17.16.390, PCC 17.16.490, and PCC 17.16.530.

Documents	Deadline for Public Comment	Public Hearing Date
Notice of Expedited Rulemaking	October 30, 2019	December 17, 2019
Public Notice		
Stakeholder Meeting Presentation		
Stakeholder Meeting Rule Info		
Draft Expedited Rulemaking Title 17 - Updated Incorporations		

<https://webcms.pima.gov/cms/one.aspx?portalId=169&pageId=64989>

Pima County Homepage
News Release
2nd Public Notice
November 13, 2019

The screenshot shows the Pima County homepage with a dark blue header. The header includes the Pima County logo, a search bar, and navigation links for Library, Calendar, Employment, and Contact Us. Below the header is a horizontal menu with links for Recreation, Health, Development, Business, Community, Environment, and Government. The main content area features a large banner image of the Kino Sports Complex at night, illuminated with colorful lights. To the right of the banner is a text box titled "What's Happening?" with a link to "Get the details". Below the banner is a row of five buttons: TOP NEWS, ENGAGE, LIVE, WORK, and PLAY. The main content area is divided into three columns: News Releases, Featured News, and Quick Links. The News Releases column contains a list of news items, with the first item highlighted in yellow: "PDEQ - Second Notice - Notice of Expedited Rulemaking - Incorporations by Reference". The Featured News column contains two news items, each with a small image and a text box. The Quick Links column contains a list of links. The footer of the page contains copyright information and links for Accessibility, HIPAA/Privacy Statement, Security, Sitemap, Terms of Use, and Website Feedback.

Library | Calendar | Employment | Contact Us

PIMA COUNTY

Custom Search

Recreation | Health | Development | Business | Community | Environment | Government

What's Happening?
Lights of the World returns to Kino Sports Complex through Jan. 5. See the large light and lantern festival and enjoy carnival rides, shows and more. [Get the details](#)

TOP NEWS | ENGAGE | LIVE | WORK | PLAY

News Releases

- PDEQ - Second Notice - Notice of Expedited Rulemaking - Incorporations by Reference
- Supervisors approve fund balance for pavement, facilities, parks
- One-Stop hosts 2019 Southern Arizona Construction Career Days
- Pima County One-Stop hosts job event at Kino Event Center
- Small Business Commission announces winners of the Small Business of the Year Awards

[Read More News](#)

Featured News

 Black "Fur Day" deals happening at PACC
Shoppers looking for a good deal this Black Friday can head to Pima Animal Care Center.

 Supervisors approve new infrastructure funding policy; will fix all county roads in 10 years while also providing tax relief
New era for funding infrastructure and capital needs.

[Read More News](#)

Quick Links

- Board of Supervisors
- Board Agendas
- County Administrator
- Transparency
- Proposed Taxes and Fees
- Public Records Request
- County Budget
- Property Taxes
- Volunteer
- Sign up for County news
- Census 2020

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<https://webcms.pima.gov/>

Pima County Department of
Environmental Quality Homepage
2nd Public Notice
November 13, 2019

The screenshot shows the Pima County Department of Environmental Quality (PDEQ) homepage. The header features the Pima County logo and navigation links for Library, Calendar, Employment, and Contact Us. A search bar is also present. Below the header, a navigation bar lists various departments: Recreation, Health, Development, Business, Community, Environment, and Government. The main content area is titled "Environmental Quality" and includes three images: a river, a cloudy sky, and a sunset. A paragraph describes the PDEQ's mission and services. Below this, the "Our Mission" section is followed by a "Featured News" section listing several articles, including one dated November 13, 2019, about expedited rulemaking. A "Special Notice" is also present, regarding public and semipublic aquatic facilities. At the bottom, there are tabs for different programs: Air, Water, Waste&Recycling, Code Compliance, Outreach, Complaints, Kids Corner, and Fees. The "Air Program" tab is selected, showing a link to the Air Program and a link to Air Quality Monitoring. A "VIEW TODAY'S FORECAST" button is also visible.

Pima County » Government » Environmental Quality

Environmental Quality

Pima County Department of Environmental Quality (PDEQ), formed in 1989, serves Pima County by protecting public health and the environment. PDEQ operates programs to monitor air and water quality, hazardous waste, solid waste, and assist in waste minimization and pollution prevention. PDEQ also provides public outreach, education, and citizens' assistance; processes environmental permits; and responds to public complaints and inquiries with investigations and enforcement.

Our Mission

Preserve and protect the environment of Pima County for the long-term benefit of residents' health, welfare, safety, and quality of life. Identify and respond to environmental issues by providing public services including monitoring, enforcement, information, education, and solid waste management.

Featured News

- November 13, 2019 - PDEQ - Second Notice - Notice of Expedited Rulemaking - Incorporations by Reference
- October 31, 2019 - Breathing Shouldn't Be Scary on Halloween
- October 02, 2019 - Air Quality Health Watch for Particulates from Smoke October 2, 2019
- October 01, 2019 - 2019 Ozone Season "In-the-Books"
- September 30, 2019 - PDEQ - Notice of Expedited Rulemaking - Incorporations by Reference

[View more news articles](#)

Special Notice: Effective December 2, 2019, [public and semipublic aquatic facilities](#) (pool/spa) plan reviews will be done by Pima County Development Services. Please call (520) 724-7323 for more information.

[Air](#) [Water](#) [Waste&Recycling](#) [Code Compliance](#) [Outreach](#) [Complaints](#) [Kids Corner](#) [Fees](#)

Air Program

The [Air Program](#) is comprised of multiple sections which address different issues regarding air quality.

Air Quality Monitoring

[VIEW TODAY'S FORECAST](#)

Department of Environmental Quality
33 N. Stone Ave., Suite 700
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Pima County Department of
Environmental Quality Newsroom Article
2nd Public Notice
November 13, 2019

**PIMA COUNTY**

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Pima County » Newsroom » Environmental Quality Newsroom » Homepage Articles » PDEQ – Second Notice - Notice of Expedited Rulemaking – Incorporations by Reference

PDEQ – Second Notice - Notice of Expedited Rulemaking – Incorporations by Reference

Nov 13, 2019 | [Read More News](#)

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SECOND NOTICE
PUBLIC NOTICE
NOTICE OF EXPEDITED RULEMAKING
PROPOSING AMENDMENTS
TO PIMA COUNTY CODE TITLE 17
17.04 - GENERAL PROVISIONS,
CHAPTER 11 - GENERAL PROVISIONS FOR PERMITS
CHAPTER 12 - INDIVIDUAL AND GENERAL PERMITS AND
PERMIT REVISIONS FOR CLASS I PERMITS,
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For additional information please contact [Sarah Reitmeyer](#), Regulatory Program Manager, at (520) 724-7437 or visit [PDEQ's Draft, Proposed, & Final Rules Website](#).



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Pima County Department of
Environmental Quality Rulemaking Website
2nd Public Notice
November 13, 2019

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Pima County » Government » Environmental Quality » Rules and Regulations » Draft, Proposed, & Final Rules

Draft, Proposed, & Final Rules

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Air | Water | Waste

Air

Title 17 - Incorporations by Reference 2019

Summary: 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. 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), and other parts of Title 40 CFR. The federal regulations would be incorporated as of July 1, 2019. 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. These updates include changes to Sections PCC 17.04.070, PCC 17.04.340, PCC 17.11.160, PCC 17.12.040, PCC 17.12.070, PCC 17.16.390, PCC 17.16.490, and PCC 17.16.530.

Documents	Deadline for Public Comment	Public Hearing Date
Second Public Notice Notice of Expedited Rulemaking Public Notice Stakeholder Meeting Presentation Stakeholder Meeting Rule Info Draft Expedited Rulemaking Title 17 - Updated Incorporations	Comment Period Closed	December 17, 2019

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Department of Environmental Quality
33 N. Stone Ave., Suite 700
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<https://webcms.pima.gov/cms/one.aspx?portalId=169&pageId=64989>

Newspaper Public Notices

Arizona Daily Star
1st Public Notice
September 30, 2019

ARIZONA DAILY STAR

Tucson, Arizona

STATE OF ARIZONA)
COUNTY OF PIMA)

Debbie Sanchez, being first duly sworn deposes and says: that she is the Advertising Representative of **TNI PARTNERS**, a General Partnership organized and existing under the laws of the State of Arizona, and that it prints and publishes the Arizona Daily Star, a daily newspaper printed in Phoenix, AZ and published in the City of Tucson, Pima County, State of Arizona, and having a general circulation in said City, County, State and Cochise and Santa Cruz Counties, and that the attached ad was printed and

Legal Notice

published correctly in the entire issue of the said Arizona Daily Star on each of the following dates, to-wit:

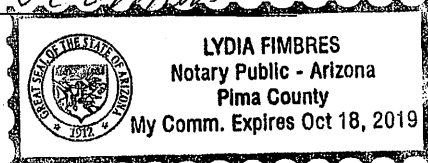
SEPTEMBER 30, 2019

Debbie Sanchez

Subscribed and sworn to before me this 24th day of

October 2019

Lydia Fimbres
Notary Public



My commission expires _____

AD NO. 3812873

COPY

**PUBLIC NOTICE
NOTICE OF EXPEDITED
RULEMAKING PROPOSING
AMENDMENTS TO PIMA
COUNTY CODE TITLE 17
17.04 GENERAL
PROVISIONS; CHAPTER
11 GENERAL PROVISIONS
FOR PERMITS CHAPTER
12 INDIVIDUAL AND
GENERAL PERMITS AND
PERMIT REVISIONS FOR
CLASS I PERMITS
17.16 EMISSION
LIMITING STANDARDS**

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A public hearing before the Pima County Board of Supervisors will be held on Tuesday, December 17, 2019 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 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 October 30, 2019.

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/>.

Published September 30, 2019
Arizona Daily Star

Daily Territorial
1st Public Notice
September 30, 2019

THE DAILY TERRITORIAL

AFFIDAVIT OF PUBLICATION

STATE OF ARIZONA }
COUNTY OF PIMA } ss.

Roxanne Murray, being first duly sworn, deposes and says that (s)he is the Lead Public Notice Clerk of THE DAILY TERRITORIAL, a daily newspaper printed and published in the County of Pima, State of Arizona, and of general circulation in the City of Tucson, County of Pima, State of Arizona and elsewhere, and hereto attached:

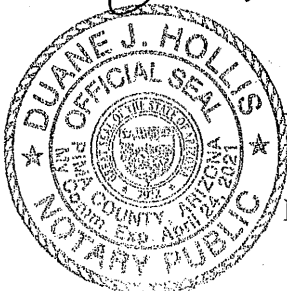
PUBLIC NOTICE NOTICE OF E
EMISSION LIMITING STANDAR
Legal #214002
17.16

was printed and published correctly in the regular and entire issue of said THE DAILY TERRITORIAL for 1 issues; that the first was made on the 30th day of September, 2019 and the last publication thereof was made on the 30th day of September, 2019; that said publication was made on each of the following dates, to-wit:

09/30/2019

at the Request of: PC ENVIRONMENTAL QUALITY

by _____, Lead Public Notice Clerk, subscribed and sworn to before me this 30th day of September, 2019.



Notary Public in and for the County of Pima, State of Arizona

My commission expires 04/24/2021

Arizona
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PUBLIC NOTICE

NOTICE OF EXPEDITED RULEMAKING
PROPOSING AMENDMENTS TO PIMA
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SIONS FOR PERMITS CHAPTER 12 - INDI-
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The expedited rule text and other related infor-
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website (noted below), or you may request a
copy by contacting our department.

A public hearing before the Pima County Board
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Hearing Room, located at 130 W. Congress, 1st
floor, Tucson, Arizona.

Comments pertaining to the Notice of Expedi-
ted 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
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For additional information please contact Sarah
Reitmeyer, Regulatory Program Manager, at
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http://webcms.pima.gov/government/environmental_quality/

PUBLISH: The Daily Territorial
September 30, 2019

COPY

Arizona Daily Star
2nd Public Notice
November 13, 2019

Affidavit Available after November 30, 2019
Electronically available Public Notice from
www.PublicNoticeAds.com provided

The newspapers of **Arizona** make public notices from their printed pages available electronically in a single database for the benefit of the public. This enhances the legislative intent of public notice - keeping a free and independent public informed about activities of their government and business activities that may affect them. Importantly, Public Notices now are in one place on the web (www.PublicNoticeAds.com), not scattered among thousands of government web pages.

County: Pima

Printed In: Arizona Daily Star (Tucson)

Printed On: 2019/11/13

SECOND NOTICE PUBLIC NOTICE NOTICE OF EXPEDITED RULEMAKING PROPOSING AMENDMENTS TO PIMA COUNTY CODE TITLE 17 17.04 - GENERAL PROVISIONS, CHAPTER 11 - GENERAL PROVISIONS FOR PERMITS CHAPTER 12 - INDIVIDUAL AND GENERAL PERMITS AND PERMIT REVISIONS FOR CLASS I PERMITS, 17.16 - EMISSION LIMITING STANDARDS 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. PDEQ is proposing updating incorporations by reference for the following federal regulations: Acid Rain, National Emission Standards for Hazardous Air Pollutants (NESHAP), New Source Performance Standards (NSPS), and other parts of Title 40 Code of Federal Regulations (CFR). The federal regulations would be incorporated as of July 1, 2019. 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. The expedited rule text and other related information is available at the PDEQ office, on the Pima County Homepage, 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, December 17, 2019 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 Expedited Rulemaking may be submitted at the above noticed public hearing. 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 November 13, 2019 Arizona Daily Star

Public Notice ID:

Daily Territorial
2nd Public Notice
November 13, 2019

THE DAILY TERRITORIAL

AFFIDAVIT OF PUBLICATION

STATE OF ARIZONA }
 } ss.
COUNTY OF PIMA }

Roxanne Murray, being first duly sworn, deposes and says that (s)he is the Lead Public Notice Clerk of THE DAILY TERRITORIAL, a daily newspaper printed and published in the County of Pima, State of Arizona, and of general circulation in the City of Tucson, County of Pima, State of Arizona and elsewhere, and hereto attached:

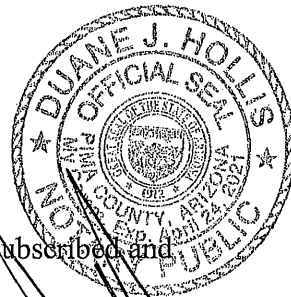
PUBLIC NOTICE SECOND NOTI
CHAPTER 11/CHAPTER 12
Legal #229434
PERMIT REVISIONS

was printed and published correctly in the regular and entire issue of said THE DAILY TERRITORIAL for 1 issues; that the first was made on the 13th day of November, 2019 and the last publication thereof was made on the 13th day of November, 2019; that said publication was made on each of the following dates, to-wit:

11/13/2019

at the Request of: PC DEPARTMENT OF ENVIRONMENTAL QUALITY

by 12, Lead Public Notice Clerk, subscribed and
sworn to before me this 13th day of November, 2019.



Notary Public in and for the County of Pima, State of Arizona

My commission expires 04/24/2021

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PUBLIC NOTICE
SECOND NOTICE
NOTICE OF EXPEDITED RULEMAKING
PROPOSING AMENDMENTS
TO PIMA COUNTY CODE TITLE 17
17.04 - General Provisions,
CHAPTER 11 - GENERAL PROVISIONS FOR
PERMITS
CHAPTER 12 - INDIVIDUAL AND GENER-
AL PERMITS AND
PERMIT REVISIONS FOR CLASS I PERMITS,
17.16 - Emission Limiting Standards

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 De-
partment of Environmental Quality (PDEQ).
PDEQ periodically proposes updates to PCC
through the BOS. PDEQ is proposing updating
incorporations by reference for the following
federal regulations: Acid Rain, National Emis-
sion Standards for Hazardous Air Pollutants
(NESHAP), New Source Performance Stan-
dards (NSPS), and other parts of Title 40 Code
of Federal Regulations (CFR). The federal reg-
ulations would be incorporated as of July 1,
2019. PDEQ's intention is to continue its dele-
gated authority from EPA to implement and en-
force these programs in Pima County. In addi-
tion, PDEQ is updating the definition of
Volatile Organic Compounds (VOC) in Section
17.04.340 to conform to federal regulations.
The expedited rule text and other related infor-
mation is available at the PDEQ office, on the
Pima County Homepage, 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, Decem-
ber 17, 2019 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 Expedited Rulemaking may be
submitted at the above noticed public hearing.

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/enviromental_quality/](http://webcms.pima.gov/government/environmental_quality/)

PUBLISH: The Daily Territorial
Nov. 13, 2019

COPY

ATTACHMENT B

Stakeholder E-mail Notification
1st Public Notice
September 30, 2019

Sarah Reitmeyer

From: Sarah Reitmeyer
Sent: Thursday, September 12, 2019 1:22 PM
Subject: Notice of Expedited Rulemaking - NSPS/NESHAP Updated Incorporations by Reference
Attachments: 19-09-12-DRAFT-Notice-of-Expedited-Rulemaking.pdf

Dear Interested Stakeholder,

You are receiving this e-mail because you have expressed interest in notification for the Pima County Department of Environmental Quality (PDEQ) regulatory process (i.e. rulemaking).

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. 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), and other parts of Title 40 CFR. The federal regulations would be incorporated as of July 1, 2019. 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. These updates include changes to Sections PCC 17.04.070, PCC 17.04.340, PCC 17.11.160, PCC 17.12.040, PCC 17.12.070, PCC 17.16.390, 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.

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: Monday, September 23, 2019
Time: 2:30 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.

Sarah 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

Stakeholder E-mail Notification
2nd Public Notice
November 13, 2019

Sarah Reitmeyer

From: Sarah Reitmeyer
Sent: Wednesday, November 13, 2019 1:10 PM
Subject: Second Notice - Notice of Expedited Rulemaking - NSPS/NESHAP Incorporations by Reference

Dear Interested Stakeholder,

You are receiving this e-mail because you have expressed interest in notification for the Pima County Department of Environmental Quality (PDEQ) regulatory process (i.e. rulemaking).

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. PDEQ is proposing updating incorporations by reference for the following federal regulations: Acid Rain, National Emission Standards for Hazardous Air Pollutants (NESHAP), New Source Performance Standards (NSPS), and other parts of Title 40 Code of Federal Regulations (CFR). The federal regulations would be incorporated as of July 1, 2019. 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. The expedited rule text and other related information is available at the PDEQ office, on the Pima County Homepage, 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 is currently scheduled for:

Date: Tuesday, December 17, 2019
Time: 9:00 A.M. (or after)
Location: Board Hearing Room
130 W. Congress, 1st floor
Tucson, Arizona 85701

Comments pertaining to the Notice of Expedited Rulemaking may be submitted at the above noticed public hearing.

For additional 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.

Questions and/or comments may be directed to:
Sarah 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

ATTACHMENT C

Notice of Expedited Rulemaking

NOTICE OF EXPEDITED RULEMAKING

PIMA COUNTY CODE

TITLE 17 – AIR QUALITY CONTROL

CHAPTER 4 GENERAL PROVISIONS

CHAPTER 11 GENERAL PROVISIONS FOR PERMITS

CHAPTER 12 INDIVIDUAL AND GENERAL PERMITS AND

PERMIT REVISIONS FOR CLASS I PERMITS

CHAPTER 16 EMISSION LIMITING STANDARDS

PREAMBLE

- | <u>1.</u> | <u>Sections Affected</u> | <u>Rulemaking Action</u> |
|------------------|---------------------------------|---------------------------------|
| | PCC 17.04.070 | Amend |
| | PCC 17.04.340 | Amend |
| | PCC 17.11.160 | Amend |
| | PCC 17.12.040 | Amend |
| | PCC 17.12.070 | Amend |
| | PCC 17.16.390 | Amend |
| | PCC 17.16.490 | Amend |
| | PCC 17.16.530 | Amend |
- 2.** **Statutory authority for the rulemaking:**
Authorizing Statutes: Arizona Revised Statutes (A.R.S.) §§ 49-471.08, 49-402, and 49-479
Implementing Statutes: A.R.S. §§ 49-112 and 49-479
- 3.** **A list of all previous notices addressing the expedited rule:**
None
- 4.** **The agency's contact person who can answer questions about the rulemaking:**
Name: Sarah Reitmeyer
Address: Pima County DEQ
33 N. Stone Avenue, Suite 700
Tucson, AZ 85701
Telephone: (520) 724-7437
Fax: (520) 838-7432
E-mail: sarah.reitmeyer@pima.gov
- 5.** **An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:**
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. 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), and other parts of Title 40 CFR. The federal regulations would be incorporated as of July 1, 2019. 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. These updates include changes to Sections PCC 17.04.070, PCC 17.04.340, PCC 17.11.160, PCC 17.12.040, PCC 17.12.070, PCC 17.16.390, PCC 17.16.490, and PCC 17.16.530.

Miscellaneous Incorporations by Reference: The provisions in Sections PCC 17.04.070, PCC 17.11.160, and 17.12.040 have been updated from July 1, 2015 to July 1, 2019. These provisions are cited throughout Title 17 of the Pima County Code, but are incorporated by reference once for convenience.

VOC Definition: PDEQ is updating its definition of "Volatile Organic Compounds (VOC)" to reflect the changes in the federal definition from 40 CFR 51.100, amended at 81 FR 9339, February 25, 2016, 81 FR 50330, August 1, 2016, and 83 FR 61127, November 28, 2018 . These revisions are reflected in the PDEQ definition of VOC at Section PCC 17.04.340.

Acid Rain: Federal regulations already incorporated by reference from 40 CFR 72, 74, 75, 76 and all accompanying appendices have been updated from July 1, 2015 to July 1, 2019, at Section PCC 17.12.070.

NESHAP and NSPS: Federal regulations already incorporated by reference from 40 CFR 60, 61 and 63 have been updated from July 1, 2015 to July 1, 2019, at Sections PCC 17.16.390, PCC 17.16.490, and PCC 17.16.530.

40 CFR 60 (NSPS) Subparts Added:

Subpart XXX—Standards of Performance for Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification After July 17, 2014 [Added at 81 FR 59368, Aug. 29, 2016]

Subpart OOOOa—Standards of Performance for Crude Oil and Natural Gas Facilities for which Construction, Modification or Reconstruction Commenced After September 18, 2015 [Added at 81 FR 35898, June 3, 2016], [Amended at 82 FR 25733, June 5, 2017] and [Amended at 83 FR 10638, Mar. 12, 2018]

Subpart TTTT—Standards of Performance for Greenhouse Gas Emissions for Electric Generating Units [Added at 80 FR 64648, Oct. 23, 2015]

40 CFR 60 (NSPS) Subparts Amended:

Subpart Da—Standards of Performance for Electric Utility Steam Generating Units [Amended at 81 FR 20180, Apr. 6, 2016]

Subpart F - Standards of Performance for Portland Cement Plants [Amended at 80 FR 44776, July 27, 2015]

Subpart J—Standards of Performance for Petroleum Refineries [Amended at 80 FR 75229, Dec. 1, 2015]

Subpart Ja - Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007 [Amended at 80 FR 75230, Dec. 1, 2015], [Amended at 81 FR 45240, July 13, 2016], and [Amended at 83 FR 60713, Nov. 26, 2018]

Subpart T - Standards of Performance for the Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants [Amended at 80 FR 50432, August 19, 2015]

Subpart U - Standards of Performance for the Phosphate Fertilizer Industry: Superphosphoric Acid Plants [Amended at 80 FR 50433, August 19, 2015] and [Amended at 80 FR 50434, Aug. 19, 2015]

Subpart V - Standards of Performance for the Phosphate Fertilizer Industry: Diammonium Phosphate Plants [Amended at 80 FR 50434, August 19, 2015]

Subpart W - Standards of Performance for the Phosphate Fertilizer Industry: Triple Superphosphate Plants [Amended at 80 FR 50435, August 19, 2015]

Subpart X - Standards of Performance for the Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities [Amended at 80 FR 50435, August 19, 2015]

Subpart IIII—Standards of Performance for Stationary Compression Ignition Internal Combustion Engines [Amended at 81 FR 44219, July 7, 2016]

Subpart JJJJ—Standards of Performance for Stationary Spark Ignition Internal Combustion Engines [Amended at 81 FR 59809, Aug. 30, 2016]

Subpart OOOO – Standards of Performance for Crude Oil and Natural Gas Production, Transmission and Distribution [Amended at 80 FR 48268, August 12, 2015]

40 CFR 61 (NESHAP) Subparts Added:

No Subparts were added.

40 CFR 61 (NESHAP) Subparts Amended:

Subpart A—General Provisions [Amended at 81 FR 59825, Aug. 30, 2016] and [Amended at 83 FR 48255, Sept. 24, 2018]

Subpart N—National Emission Standard for Inorganic Arsenic Emissions From Glass Manufacturing Plants [Amended at 79 FR 11275, Feb. 27, 2014]

Subpart W—National Emission Standards for Radon Emissions From Operating Mill Tailings [Amended at 82 FR 5178, Jan. 17, 2017]

40 CFR 63 (NESHAP) Subparts Added:

Subpart NN - National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing at Area Sources [Added at 80 FR 45325, July 29, 2015].

40 CFR 63 (NESHAP) Subparts Amended:

Subpart A - General Provisions [Amended at 80 FR 50436, August 19, 2015], [Amended at 80 FR 56738, September 18, 2015], [Amended at 80 FR 62414, Oct. 15, 2015], [Amended at 80 FR 65520, Oct. 26, 2015], [Amended at 80 FR 75236, Dec. 1, 2015], [Amended at 80 FR 75817, Dec. 4, 2015], [Amended at 81 FR 59825, Aug. 30, 2016], [Amended at 82 FR 5407, Jan. 18, 2017], [Amended at 82 FR 47347, Oct. 11, 2017], [Amended at 82 FR 48178, Oct. 16, 2017], [Amended at 83 FR 9218, Mar. 5, 2018], [Amended at 83 FR 48256, Sept. 24, 2018], [Amended at 83 FR 51582, Oct. 15, 2018], and [Amended at 83 FR 56725, Nov. 14, 2018], [Amended at 84 FR 6692, Feb. 28, 2019], and [Amended at 84 FR 7698; 84 FR 9611, Mar. 15, 2019]

Subpart Y—National Emission Standards for Marine Tank Vessel Loading Operations [Amended at 80 FR 75237, Dec. 1, 2015]

Subpart AA - National Emission Standards for Hazardous Air Pollutants from Phosphoric Acid Manufacturing Plants [Amended at 80 FR 50436, August 19, 2015] and [Amended at 82 FR 45199, Sept. 28, 2017]

Subpart BB - National Emission Standards for Hazardous Air Pollutants from Phosphate Fertilizers Production Plants [Amended at 80 FR 50450, August 19, 2015] and [Amended at 82 FR 45200, Sept. 28, 2017]

Subpart CC—National Emission Standards for Hazardous Air Pollutants From Petroleum Refineries [Amended at 80 FR 75237, Dec. 1, 2015], [Amended at 81 FR 45241], [Amended at July 13, 2016]; and [Amended at 83 FR 60713, Nov. 26, 2018]

Subpart DD—National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations [Amended at 80 FR 14271, Mar. 18, 2015] and [Amended at 83 FR 3992, Jan. 29, 2018]

Subpart GG—National Emission Standards for Aerospace Manufacturing and Rework Facilities [Amended at 80 FR 76179, Dec. 7, 2015] and [Amended at 81 FR 51116, Aug. 3, 2016]

Subpart LL—National Emission Standards for Hazardous Air Pollutants for Primary Aluminum Reduction Plants [Amended at 80 FR 62414, Oct. 15, 2015]

Subpart MM—National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills [Amended at 82 FR 47347, Oct. 11, 2017]

Subpart DDD—National Emission Standards for Hazardous Air Pollutants for Mineral Wool Production [Amended at 80 FR 45329, July 29, 2015]

Subpart LLL—National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry [Amended at 80 FR 44778, July 27, 2015] [Amended at 83 FR 35132, July 25, 2018] [Amended at 80 FR 54729 Sept. 11, 2015]; [Amended at 81 FR 48359, July 25, 2016]; [Amended at 82 FR 28565 June 23, 2017]; [Amended at 82 FR 39673, Aug. 22, 2017]; and [Amended at 83 FR 35132, July 25, 2018]

Subpart NNN—National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing [Amended at 80 FR 45334, July 29, 2015] and [Amended at 82 FR 60883, Dec. 26, 2017]

Subpart OOO—National Emission Standards for Hazardous Air Pollutant Emissions: Manufacture of Amino/Phenolic Resins [Amended at 83 FR 51852, Oct. 15, 2018]

- Subpart RRR—National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production** [Amended at 80 FR 56738, Sept. 18, 2015] and [Amended at 81 FR 38087, June 13, 2016]
- Subpart UUU—National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units** [Amended at 80 FR 75273, Dec. 1, 2015], [Amended at 81 FR 45243, July 13, 2016], and [Amended at 83 FR 60722, Nov. 26, 2018]
- Subpart VVV—National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works** [Amended at 82 FR 49525, Oct. 26, 2017]
- Subpart XXX—National Emission Standards for Hazardous Air Pollutants for Ferroalloys Production: Ferromanganese and Silicomanganese** [Amended at 80 FR 37390, June 30, 2015] and [Amended at 82 FR 5408, Jan. 18, 2017]
- Subpart CCCC—National Emission Standards for Hazardous Air Pollutants: Manufacturing of Nutritional Yeast** [Amended at 82 FR 48178, Oct. 16, 2017]
- Subpart HHHH—National Emission Standards for Hazardous Air Pollutants for Wet-Formed Fiberglass Mat Production** [Amended at 84 FR 6692, Feb. 28, 2019]
- Subpart NNNN—National Emission Standards for Hazardous Air Pollutants: Surface Coating of Large Appliances** [Amended at 84 FR 9611, Mar. 15, 2019]
- Subpart QQQQ—National Emission Standards for Hazardous Air Pollutants: Surface Coating of Wood Building Products** [Amended at 84 FR 7698, Mar. 4, 2019]
- Subpart RRRR—National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Furniture** [Amended at 84 FR 9635, Mar. 15, 2019]
- Subpart TTTT—National Emission Standards for Hazardous Air Pollutants for Leather Finishing Operations** [Amended at 84 FR 3320, Feb. 12, 2019]
- Subpart DDDDD—National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters** [Amended at 80 FR 72806, Nov. 20, 2015]
- Subpart JJJJJ—National Emission Standards for Hazardous Air Pollutants for Brick and Structural Clay Products Manufacturing** [Amended at 80 FR 65520, Oct. 26, 2015]
- Subpart KKKKK—National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing** [Amended at 80 FR 65543, Oct. 26, 2015] and [Amended at 80 FR 75817, Dec. 4, 2015]
- Subpart QQQQQ—National Emission Standards for Hazardous Air Pollutants for Friction Materials Manufacturing Facilities** [Amended at 84 FR 2750, Feb. 8, 2019]
- Subpart UUUUU—National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units** [Amended at 81 FR 20180, Apr. 6, 2016], [Amended at 82 FR 16739, Apr. 6, 2017; and [Amended at 83 FR 30883, July 2, 2018]
- Subpart JJJJJJ—National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources** [Amended at 81 FR 63125, Sept. 14, 2016]

6. Demonstration of compliance with A.R.S. § 49-471.08 expedited rule or ordinance making:

A county may declare an expedited rulemaking and is not subject to A.R.S. § 49-471.07 if the rule is adopted pursuant to A.R.S. § 49-112(B) and the rule incorporates a conforming change to directly reflect federal or state rule or law. PDEQ is updating Pima County Code Title 17 to directly reflect changes in federal and state rule or law.

7. Reference to any study relevant to the rule that the control officer reviewed and either relied or did not rely on in its evaluation of or justification for the rule, where the public may review each study, all data underlying each study, and any analysis of each study and other supporting material:

No studies were reviewed in reference to this rulemaking action.

8. A showing of good cause why the rules are necessary to promote a statewide interest if the rules will diminish a previous grant of authority of a political subdivision of this state:

Not Applicable

9. The preliminary summary of the economic, small business, and consumer impact:

PDEQ periodically proposes updates to PCC by and through the rulemaking process set forth by the PC-BOS. This rulemaking is proposed to update its incorporations by reference of the following federal regulations: Acid Rain, New Emission Standards for Hazardous Air Pollutants (NESHAP), New Source Performance Standards (NSPS), revise the definition of Volatile Organic Compounds. These revisions should not have an economic impact on businesses in Pima County, and should not impose additional costs on the regulated community, small businesses, political subdivisions, and members of the public beyond that already incurred by reason of federal or state rule or law. The costs of compliance for the Acid rain, NESHAP, NSPS, and Volatile Organic Compounds definition have already occurred, and were considered when the federal and state rule or law was proposed and adopted.

10. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: Sarah Reitmeyer
Address: 33 N. Stone Avenue, Suite 700
Tucson, AZ 85701-1429
Telephone: (520) 724-7437
Fax: (520) 838-7432
E-mail: sarah.reitmeyer@pima.gov

11. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

Written comments will be accepted if received between the date of this publication and **October 30, 2019 by 5:00 p.m.** Written comments may be mailed or hand delivered to the Pima County Department of Environmental Quality (see #10 above). Written comments received during the comment period will be considered formal comments to the expedited rule or ordinance, and will be responded to in the notice of final rulemaking.

Oral Proceeding: Tuesday, December 17, 2019

Time: 9 a.m.

Location: Pima County Board of Supervisors

**Public Hearing Room, First Floor
130 West Congress Street
Tucson, Arizona 85701**

12. Any other matters prescribed by the statute that are applicable to the specific agency or to any specific rule or class of rules:

None

13. Incorporations by reference and their location in the rules:

<u>New incorporations by reference as of July 1, 2019:</u>	<u>Location in PCC</u>
40 CFR 60, Subparts XXX, OOOOa, TTTT	17.16.490
40 CFR 63, Subparts Y and NN	17.16.530
<u>Incorporations by Reference updated to July 1, 2019</u>	
40 CFR 50, all appendices	17.11.160
40 CFR 51, Appendix M, Section IV of Appendix S, & Appendix W	17.11.160
40 CFR 52, Appendices D and E	17.11.160
40 CFR 53	17.11.160
40 CFR 58	17.11.160
40 CFR 58, all appendices	17.11.160
40 CFR 60, listed subparts and accompanying appendices	17.16.490
40 CFR 60, all appendices	17.11.160
40 CFR 61, listed subparts and accompanying appendices	17.16.530
40 CFR 61, all appendices	17.11.160
40 CFR 63, listed subparts and accompanying appendices	17.16.530
40 CFR 63, all appendices	17.11.160
40 CFR 64	17.12.040
40 CFR 72, 74, 75, 76	17.12.070
40 CFR 75, all appendices	17.11.160

14. The full text of the rule follows:

Chapter 17.04 - GENERAL PROVISIONS

...

Article III. Incorporated Materials

17.04.070 - Incorporated materials.

...

- C. All parts of the CFR referenced in this Title are amended as of ~~July 1, 2015~~ July 1, 2019, as applicable requirements and no future editions or amendments unless specifically indicated otherwise.

...

Article IX. - Definitions and Meanings

17.04.340 - Words, phrases, and terms.

...

A. Definitions.

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

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xx. propylene carbonate;
yy. dimethyl-carbonate;
zz. trans-1,3,3,3-tetrafluoropropene; (HCF2OCF2H or HFE-134);
aaa. HCF2OCF2H (HFE-134);
bbb. HCF2OCF2OCF2H (HFE-236cal2);
ccc. HCF2OCF2CF2OCF2H (HFE-338pcc13);
ddd. HCF2OCF2OCF2CF2OCF2H (H-Galden 1040x or H-Galden ZT 130 (or 150 or 180));
eee. trans 1-chloro-3,3,3-trifluoroprop-1-ene;
zz.fff. 2,3,3,3-tetrafluoropropene (HFO-1234yf);
ggg. 2-amino-2-methyl-1-propanol;
hhh. t-butyl acetate;
iii. 1,1,2,2- Tetrafluoro -1-(2,2,2-trifluoroethoxy) ethane;
jjj. cis-1,1,1,4,4,4-hexafluorobut-2-ene (HFO-1336mzz-Z);
aaa-kkk. Perfluorocarbon . . .
bbb-lll. The following compound(s) . . .

...

...

Chapter 17.11 - GENERAL PROVISIONS FOR PERMITS

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Article II. - General Provisions for Stationary Source Permits

...

17.11.160 - 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 ~~July 1, 2015~~July 1, 2019, 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~~Publishing Office, Superintendent of Documents, Mail Stop SSOP, Washington D.C. 20402-9328.
- ...

Chapter 17.12 - INDIVIDUAL PERMITS AND PERMIT REVISIONS FOR CLASS I PERMITS

Article I. - Application Processing and Procedures

...

17.12.040 - Permit contents for Class I permits.

- A. Each permit . . .
- ...

3. Each permit . . .
- ...

- b. 40 CFR 64 adopted ~~July 1, 2015~~July 1, 2019 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~~the streamlining;

...

17.12.070 - Acid Rain.

- A. 40 CFR 72, 74, 75, and 76, and all accompanying appendices, adopted as of ~~July 1, 2015~~July 1, 2019, 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~~Publishing Office, Superintendent of Documents, Mail Stop SSOP, Washington D.C. 20402-9328.

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Chapter 17.16 - EMISSION LIMITING STANDARDS

...

Article IV. - New and Existing Stationary Source Performance Standards

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17.16.390 - Standards of performance for existing municipal solid waste landfills.

- A. This section applies to each municipal solid waste landfill (MSW landfill) at which:
1. Construction, reconstruction, or modification began ~~on or before May 30, 1991~~July 17, 2014; and
 2. Waste was accepted at any time since November 8, 1987, or additional design capacity is available for future waste deposition.
- B. For the purposes of this section, "Municipal Solid Waste Landfill or MSW Landfill" means an entire disposal facility in a contiguous geographical space where household waste is placed in or on land. An MSW landfill may also receive other types of RCRA (Resource Conservation and Recovery Act) Subtitle D wastes such as commercial solid waste nonhazardous sludge, conditionally exempt small quantity generator waste, and industrial solid waste. Portions of an MSW landfill may be separated by access roads. An MSW landfill may be publicly or privately owned.
- C. MSW landfills covered by this section shall comply with 40 CFR 60, Subpart ~~WWW~~Cf, effective as of the date of EPA approval of the state plan under section 111(d) of the Act, as modified by this subsection. 40 CFR 60, Subpart WWW, "Standards of Performance for Municipal Solid Waste Landfills," ~~is incorporated by reference in 17.16.490~~will remain in effect until Arizona's state plan implementing 40 CFR 60 Subpart Cf is approved by the EPA. 40 CFR 60, Subpart Cf "Emissions Guidelines and Compliance Times for Municipal Solid Waste Landfills," as adopted on August 29, 2016 (and no future amendments) is hereby incorporated by reference as applicable requirements. MSW landfills may meet the requirements of Subpart Cf by complying with 40 CFR 60, Subpart XXX. 40 CFR 60 Subpart XXX "Standards of Performance for Municipal Solid Waste Landfills that Commenced Construction, Reconstruction or Modification After July 17, 2014," is incorporated by reference in Section 17.16.490.
1. ~~Definitions. In addition to the definitions in 40 CFR 60.751, "Administrator" means the director of the Pima County Department of Environmental Quality.~~
 2. ~~Reporting. Each MSW landfill shall comply with the reporting requirements of 40 CFR 60.757. The initial design capacity report and initial NMOC emission rate report shall be due 90 days after the effective date of this rule.~~
 3. ~~Design plan. An MSW landfill that is required to install a collection and control system shall submit a design plan for the system to the control officer with the Standard Permit Application Form not later than 12 months after it submitted or should have submitted an NMOC emission rate report indicating emissions greater than 50 Mg per year. The design plan shall be prepared by a professional engineer registered in Arizona. The control officer shall not approve the design plan if it does not meet the requirements of 40 CFR 60.752(b)(2)(ii).~~

4. ~~System installation. An MSW landfill that is required to install a collection and control system shall complete installation of the system not later than 30 months after the effective date of this rule.~~
5. ~~An MSW landfill that first becomes subject to the collection and control system requirement after the effective date of this rule shall submit a design plan for the system to the control officer not later than 12 months after it submitted or should have submitted an NMOC emission rate report indicating emissions greater than 50 Mg per year.~~

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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, 2019, unless otherwise specified, 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~~ Publishing Office, Superintendent of Documents, Mail Stop SSOP, Washington D.C. 20402-9328.

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80. Subpart XXX - Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification After July 17, 2014.
- ~~80-81.~~ Subpart AAAA . . .
- ~~81-82.~~ Subpart CCCC . . .
- ~~82-83.~~ Subpart EEEE . . .
- ~~83-84.~~ Subpart IIII . . .
- ~~84-85.~~ Subpart JJJJ . . .
- ~~85-86.~~ Subpart KKKK . . .
- ~~86-87.~~ Subpart LLLL . . .
- ~~87-88.~~ Subpart OOOO . . .
89. Subpart OOOOa—Crude Oil and Natural Gas Facilities for which Construction, Modification or Reconstruction Commenced After September 18, 2015.
- ~~88-90.~~ Subpart QQQQ . . .
91. Subpart TTTT—Greenhouse Gas Emissions for Electric Generating Units.

...

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 ~~July 1, 2015~~ July 1, 2019, 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~~ Publishing Office, Superintendent of Documents, Mail Stop SSOP, Washington D.C. 20402-9328.

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- 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 ~~July 1, 2015~~ July 1, 2019, 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~~ Publishing Office, Superintendent of Documents, Mail Stop SSOP, Washington D.C. 20402-9328.

<u>20.</u>	<u>Subpart Y - National Emission Standards for Marine Tank Vessel Loading Operations.</u>
<u>20-21.</u>	Subpart AA . . .
<u>21-22.</u>	Subpart BB . . .
<u>22-23.</u>	Subpart CC . . .
<u>23-24.</u>	Subpart DD . . .
<u>24-25.</u>	Subpart EE . . .
<u>25-26.</u>	Subpart GG . . .
<u>26-27.</u>	Subpart HH . . .
<u>27-28.</u>	Subpart JJ . . .
<u>28-29.</u>	Subpart KK . . .
<u>29-30.</u>	Subpart LL . . .
<u>30-31.</u>	Subpart MM . . .
<u>32.</u>	<u>Subpart NN - National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing at Area Sources.</u>
<u>31-33.</u>	Subpart OO . . .
<u>32-34.</u>	Subpart PP . . .
<u>33-35.</u>	Subpart QQ . . .
<u>34-36.</u>	Subpart RR . . .
<u>35-37.</u>	Subpart SS . . .
<u>36-38.</u>	Subpart TT . . .
<u>37-39.</u>	Subpart UU . . .
<u>38-40.</u>	Subpart VV . . .
<u>39-41.</u>	Subpart WW . . .
<u>40-42.</u>	Subpart XX . . .
<u>41-43.</u>	Subpart YY . . .
<u>42-44.</u>	Subpart CCC . . .
<u>43-45.</u>	Subpart DDD . . .
<u>44-46.</u>	Subpart EEE . . .
<u>45-47.</u>	Subpart GGG . . .
<u>46-48.</u>	Subpart HHH . . .
<u>47-49.</u>	Subpart III . . .
<u>48-50.</u>	Subpart JJJ . . .
<u>49-51.</u>	Subpart LLL . . .
<u>50-52.</u>	Subpart MMM . . .
<u>51-53.</u>	Subpart NNN . . .
<u>52-54.</u>	Subpart OOO . . .
<u>53-55.</u>	Subpart PPP . . .
<u>54-56.</u>	Subpart QQQ . . .
<u>55-57.</u>	Subpart RRR . . .
<u>56-58.</u>	Subpart TTT . . .
<u>57-59.</u>	Subpart UUU . . .
<u>58-60.</u>	Subpart VVV . . .
<u>59-61.</u>	Subpart XXX . . .
<u>60-62.</u>	Subpart AAAA . . .
<u>61-63.</u>	Subpart CCCC . . .
<u>62-64.</u>	Subpart DDDD . . .
<u>63-65.</u>	Subpart EEEE . . .
<u>64-66.</u>	Subpart FFFF . . .
<u>65-67.</u>	Subpart GGGG . . .
<u>66-68.</u>	Subpart HHHH . . .
<u>67-69.</u>	Subpart IIII . . .
<u>68-70.</u>	Subpart JJJJ . . .
<u>69-71.</u>	Subpart KKKK . . .
<u>70-72.</u>	Subpart MMMM . . .
<u>71-73.</u>	Subpart NNNN . . .
<u>72-74.</u>	Subpart OOOO . . .

<u>73-75.</u>	Subpart PPPP . . .
<u>74-76.</u>	Subpart QQQQ . . .
<u>75-77.</u>	Subpart RRRR . . .
<u>76-78.</u>	Subpart SSSS . . .
<u>77-79.</u>	Subpart TTTT . . .
<u>78-80.</u>	Subpart UUUU . . .
<u>79-81.</u>	Subpart VVVV . . .
<u>80-82.</u>	Subpart WWWW . . .
<u>81-83.</u>	Subpart XXXX . . .
<u>82-84.</u>	Subpart YYYY . . .
<u>83-85.</u>	Subpart ZZZZ . . .
<u>84-86.</u>	Subpart AAAAA . . .
<u>85-87.</u>	Subpart BBBBB . . .
<u>86-88.</u>	Subpart CCCCC . . .
<u>87-89.</u>	Subpart DDDDD . . .
<u>88-90.</u>	Subpart EEEEE . . .
<u>89-91.</u>	Subpart FFFFF . . .
<u>90-92.</u>	Subpart GGGGG . . .
<u>91-93.</u>	Subpart HHHHH . . .
<u>92-94.</u>	Subpart IIIII . . .
<u>93-95.</u>	Subpart JJJJJ . . .
<u>94-96.</u>	Subpart KKKKK . . .
<u>95-97.</u>	Subpart LLLLL . . .
<u>96-98.</u>	Subpart MMMMM . . .
<u>97-99.</u>	Subpart NNNNN . . .
<u>98-100.</u>	Subpart PPPPP . . .
<u>99-101.</u>	Subpart QQQQQ . . .
<u>100-102.</u>	Subpart RRRRR . . .
<u>101-103.</u>	Subpart SSSSS . . .
<u>102-104.</u>	Subpart TTTTT . . .
<u>103-105.</u>	Subpart UUUUU . . .
<u>104-106.</u>	Subpart WWWW . . .
<u>105-107.</u>	Subpart YYYYY . . .
<u>106-108.</u>	Subpart ZZZZZ . . .
<u>107-109.</u>	Subpart BBBBB . . .
<u>108-110.</u>	Subpart CCCCC . . .
<u>109-111.</u>	Subpart DDDDD . . .
<u>110-112.</u>	Subpart EEEEE . . .
<u>111-113.</u>	Subpart FFFFF . . .
<u>112-114.</u>	Subpart GGGGG . . .
<u>113-115.</u>	Subpart HHHHH . . .
<u>114-116.</u>	Subpart JJJJJ . . .
<u>115-117.</u>	Subpart LLLLL . . .
<u>116-118.</u>	Subpart MMMMM . . .
<u>117-119.</u>	Subpart NNNNN . . .
<u>118-120.</u>	Subpart OOOOO . . .
<u>119-121.</u>	Subpart PPPPP . . .
<u>120-122.</u>	Subpart QQQQQ . . .
<u>121-123.</u>	Subpart RRRRR . . .
<u>122-124.</u>	Subpart SSSSS . . .
<u>123-125.</u>	Subpart TTTTT . . .
<u>124-126.</u>	Subpart VVVVV . . .
<u>125-127.</u>	Subpart WWWW . . .
<u>126-128.</u>	Subpart XXXXX . . .
<u>127-129.</u>	Subpart YYYYY . . .
<u>128-130.</u>	Subpart ZZZZZ . . .

~~429.131.~~ Subpart AAAAAAA . . .
~~430.132.~~ SubpartBBBBBB . . .
~~431.133.~~ Subpart CCCCCCC . . .
~~432.134.~~ Subpart DDDDDDD . . .
~~433.135.~~ Subpart EEEEEEE . . .
~~434.136.~~ Subpart HHHHHHH . . .

. . .

ATTACHMENT D

Public Participation Documents Stakeholder Meeting Presentation

PIMA COUNTY INCORPORATIONS BY REFERENCE

SARAH REITMEYER
REGULATORY PROGRAM MANAGER

PIMA COUNTY DEPARTMENT OF
ENVIRONMENTAL QUALITY



PIMA COUNTY DEPARTMENT OF ENVIRONMENTAL QUALITY

- Introduction
- Overview of Rulemaking
- Question/Answer Period
- Closing remarks

PIMA COUNTY AIR QUALITY

Authorizing Statutes

- Arizona Revised Statutes –
A.R.S. §§ 49-402, 49-471.08, and
49-479

Implementing Statutes

- Arizona Revised Statutes –
A.R.S. §§ 49-112, 49-479, and 49-480

PIMA COUNTY AIR QUALITY

EPA Delegations Per Clean Air Act (CAA)

New Source Performance Standards (NSPS)

- CAA Section 111(c)

National Emission Standards for Hazardous Air Pollutants (NESHAP)

- CAA Section 112(1)

INCORPORATIONS BY REFERENCE

New Source Performance Standards (NSPS)

Incorporated in Pima County Code (PCC)
17.16.490 from July 1, 2015 to July 1, 2019

40 CFR Part 60

- **3** Subparts Added
- **12** Subparts Amended

INCORPORATIONS BY REFERENCE

New Source Performance Standards (NSPS)

Incorporated in PCC 17.16.390

40 CFR Part 60 – Subpart XXX

- Subpart XXX - Standards of Performance for Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification After July 17, 2014

INCORPORATIONS BY REFERENCE

National Emission Standards for Hazardous Air Pollutants (NESHAP)

Incorporated in PCC 17.16.530.A
from July 1, 2015 to July 1, 2019

40 CFR Part 61

- **No** Subparts Added
- **3** Subparts Amended

INCORPORATIONS BY REFERENCE

National Emission Standards for Hazardous Air Pollutants (NESHAP)

Incorporated in PCC 17.16.530.B
from July 1, 2015 to July 1, 2019

40 CFR Part 63

- **1** Subparts Added
- **29** Subparts Amended

INCORPORATIONS BY REFERENCE

Acid Rain

40 CFR Parts 72, 74, 75, 76, and all accompanying appendices

Incorporated in PCC 17.12.070 from July 1, 2015 to July 1, 2019

INCORPORATIONS BY REFERENCE

Definition of Volatile Organic Compounds

40 CFR Part 51.100

Incorporated in PCC 17.04.340 from July 1, 2015 to July 1, 2019

- Updating the list of compounds which have been determined to have negligible photochemical reactivity.

Rulemaking Timeline

- Notice of Expedited Rulemaking - September 30th
- Public Notice - September 30th
- Public Comment –comment period September 30th – October 30th

Rulemaking Timeline

- Public Hearing – Board of Supervisors December 17th
- Rule effective date January 17th
- Notice of Final Rulemaking on Pima County Website by January 17th
- Submittal to U.S. EPA by end of February

Any Questions?

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Go to Rules & Regulations on right column

Public Participation Documents Rule Information Handout



Notice of Expedited Rulemaking Rule Information

This expedited rulemaking is to update incorporations by reference for the following federal regulations: Acid Rain, National Emission Standards for Hazardous Air Pollutants (NESHAP), New Source Performance Standards (NSPS), and other parts of Title 40 Code of Federal Regulations (CFR). The federal regulations would be incorporated as of July 1, 2019. 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.

Updates include the following:

Miscellaneous Incorporations by Reference: The provisions in Sections PCC 17.04.070, PCC 17.11.160, and 17.12.040 have been updated from July 1, 2015 to July 1, 2019. These provisions are cited throughout Title 17 of the Pima County Code, but are incorporated by reference once for convenience.

VOC Definition: PDEQ is updating its definition of "Volatile Organic Compounds (VOC)" to reflect the changes in the federal definition from 40 CFR 51.100, amended at 81 FR 9339, February 25, 2016, 81 FR 50330, August 1, 2016, and 83 FR 61127, November 28, 2018. These revisions are reflected in the PDEQ definition of VOC at Section PCC 17.04.340.

Acid Rain: Federal regulations already incorporated by reference from 40 CFR 72, 74, 75, 76 and all accompanying appendices have been updated from July 1, 2015 to July 1, 2019, at Section PCC 17.12.070.

NESHAP and NSPS: Federal regulations already incorporated by reference from 40 CFR 60, 61 and 63 have been updated from July 1, 2015 to July 1, 2019, at Sections PCC 17.16.390, PCC 17.16.490, and PCC 17.16.530.

40 CFR 60 (NSPS) Subparts Added:

Subpart XXX—Standards of Performance for Municipal Solid Waste Landfills That Commenced

Construction, Reconstruction, or Modification After July 17, 2014 [Added at 81 FR 59368, Aug. 29, 2016]

Subpart OOOOa—Standards of Performance for Crude Oil and Natural Gas Facilities for which

Construction, Modification or Reconstruction Commenced After September 18, 2015 [Added at 81 FR 35898, June 3, 2016], [Amended at 82 FR 25733, June 5, 2017] and [Amended at 83 FR 10638, Mar. 12, 2018]

Subpart TTTT—Standards of Performance for Greenhouse Gas Emissions for Electric Generating Units

[Added at 80 FR 64648, Oct. 23, 2015]



40 CFR 60 (NSPS) Subparts Amended:

Subpart Da—Standards of Performance for Electric Utility Steam Generating Units [Amended at 81 FR 20180, Apr. 6, 2016]

Subpart F - Standards of Performance for Portland Cement Plants [Amended at 80 FR 44776, July 27, 2015]

Subpart J—Standards of Performance for Petroleum Refineries [Amended at 80 FR 75229, Dec. 1, 2015]

Subpart Ja - Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007 [Amended at 80 FR 75230, Dec. 1, 2015], [Amended at 81 FR 45240, July 13, 2016], and [Amended at 83 FR 60713, Nov. 26, 2018]

Subpart T - Standards of Performance for the Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants [Amended at 80 FR 50432, August 19, 2015]

Subpart U - Standards of Performance for the Phosphate Fertilizer Industry: Superphosphoric Acid Plants [Amended at 80 FR 50433, August 19, 2015] and [Amended at 80 FR 50434, Aug. 19, 2015]

Subpart V - Standards of Performance for the Phosphate Fertilizer Industry: Diammonium Phosphate Plants [Amended at 80 FR 50434, August 19, 2015]

Subpart W - Standards of Performance for the Phosphate Fertilizer Industry: Triple Superphosphate Plants [Amended at 80 FR 50435, August 19, 2015]

Subpart X - Standards of Performance for the Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities [Amended at 80 FR 50435, August 19, 2015]

Subpart IIII—Standards of Performance for Stationary Compression Ignition Internal Combustion Engines [Amended at 81 FR 44219, July 7, 2016]

Subpart JJJJ—Standards of Performance for Stationary Spark Ignition Internal Combustion Engines [Amended at 81 FR 59809, Aug. 30, 2016]

Subpart OOOO – Standards of Performance for Crude Oil and Natural Gas Production, Transmission and Distribution [Amended at 80 FR 48268, August 12, 2015]

40 CFR 61 (NESHAP) Subparts Added:

No Subparts were added.



40 CFR 61 (NESHAP) Subparts Amended:

Subpart A—General Provisions [Amended at 81 FR 59825, Aug. 30, 2016] and [Amended at 83 FR 48255, Sept. 24, 2018]

Subpart N—National Emission Standard for Inorganic Arsenic Emissions From Glass Manufacturing Plants [Amended at 79 FR 11275, Feb. 27, 2014]

Subpart W—National Emission Standards for Radon Emissions From Operating Mill Tailings [Amended at 82 FR 5178, Jan. 17, 2017]

40 CFR 63 (NESHAP) Subparts Added:

Subpart NN - National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing at Area Sources [Added at 80 FR 45325, July 29, 2015].

40 CFR 63 (NESHAP) Subparts Amended:

Subpart A - General Provisions [Amended at 80 FR 50436, August 19, 2015], [Amended at 80 FR 56738, September 18, 2015], [Amended at 80 FR 62414, Oct. 15, 2015], [Amended at 80 FR 65520, Oct. 26, 2015], [Amended at 80 FR 75236, Dec. 1, 2015], [Amended at 80 FR 75817, Dec. 4, 2015], [Amended at 81 FR 59825, Aug. 30, 2016], [Amended at 82 FR 5407, Jan. 18, 2017], [Amended at 82 FR 47347, Oct. 11, 2017], [Amended at 82 FR 48178, Oct. 16, 2017], [Amended at 83 FR 9218, Mar. 5, 2018], [Amended at 83 FR 48256, Sept. 24, 2018], [Amended at 83 FR 51582, Oct. 15, 2018], and [Amended at 83 FR 56725, Nov. 14, 2018], [Amended at 84 FR 6692, Feb. 28, 2019], and [Amended at 84 FR 7698; 84 FR 9611, Mar. 15, 2019]

Subpart Y—National Emission Standards for Marine Tank Vessel Loading Operations [Amended at 80 FR 75237, Dec. 1, 2015]

Subpart AA - National Emission Standards for Hazardous Air Pollutants from Phosphoric Acid Manufacturing Plants [Amended at 80 FR 50436, August 19, 2015] and [Amended at 82 FR 45199, Sept. 28, 2017]

Subpart BB - National Emission Standards for Hazardous Air Pollutants from Phosphate Fertilizers Production Plants [Amended at 80 FR 50450, August 19, 2015] and [Amended at 82 FR 45200, Sept. 28, 2017]

Subpart CC—National Emission Standards for Hazardous Air Pollutants From Petroleum Refineries [Amended at 80 FR 75237, Dec. 1, 2015], [Amended at 81 FR 45241], [Amended at July 13, 2016]; and [Amended at 83 FR 60713, Nov. 26, 2018]

Subpart DD—National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations [Amended at 80 FR 14271, Mar. 18, 2015] and [Amended at 83 FR 3992, Jan. 29, 2018]

Subpart GG—National Emission Standards for Aerospace Manufacturing and Rework Facilities [Amended at 80 FR 76179, Dec. 7, 2015] and [Amended at 81 FR 51116, Aug. 3, 2016]



- Subpart LL—National Emission Standards for Hazardous Air Pollutants for Primary Aluminum Reduction Plants** [Amended at 80 FR 62414, Oct. 15, 2015]
- Subpart MM—National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills** [Amended at 82 FR 47347, Oct. 11, 2017]
- Subpart DDD—National Emission Standards for Hazardous Air Pollutants for Mineral Wool Production** [Amended at 80 FR 45329, July 29, 2015]
- Subpart LLL—National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry** [Amended at 80 FR 44778, July 27, 2015] [Amended at 83 FR 35132, July 25, 2018] [Amended at 80 FR 54729 Sept. 11, 2015]; [Amended at 81 FR 48359, July 25, 2016]; [Amended at 82 FR 28565 June 23, 2017]; [Amended at 82 FR 39673, Aug. 22, 2017]; and [Amended at 83 FR 35132, July 25, 2018]
- Subpart NNN—National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing** [Amended at 80 FR 45334, July 29, 2015] and [Amended at 82 FR 60883, Dec. 26, 2017]
- Subpart OOO—National Emission Standards for Hazardous Air Pollutant Emissions: Manufacture of Amino/Phenolic Resins** [Amended at 83 FR 51852, Oct. 15, 2018]
- Subpart RRR—National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production** [Amended at 80 FR 56738, Sept. 18, 2015] and [Amended at 81 FR 38087, June 13, 2016]
- Subpart UUU—National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units** [Amended at 80 FR 75273, Dec. 1, 2015], [Amended at 81 FR 45243, July 13, 2016], and [Amended at 83 FR 60722, Nov. 26, 2018]
- Subpart VVV—National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works** [Amended at 82 FR 49525, Oct. 26, 2017]
- Subpart XXX—National Emission Standards for Hazardous Air Pollutants for Ferroalloys Production: Ferromanganese and Silicomanganese** [Amended at 80 FR 37390, June 30, 2015] and [Amended at 82 FR 5408, Jan. 18, 2017]
- Subpart CCCC—National Emission Standards for Hazardous Air Pollutants: Manufacturing of Nutritional Yeast** [Amended at 82 FR 48178, Oct. 16, 2017]
- Subpart HHHH—National Emission Standards for Hazardous Air Pollutants for Wet-Formed Fiberglass Mat Production** [Amended at 84 FR 6692, Feb. 28, 2019]
- Subpart NNNN—National Emission Standards for Hazardous Air Pollutants: Surface Coating of Large Appliances** [Amended at 84 FR 9611, Mar. 15, 2019]
- Subpart QQQQ—National Emission Standards for Hazardous Air Pollutants: Surface Coating of Wood Building Products** [Amended at 84 FR 7698, Mar. 4, 2019]
- Subpart RRRR—National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Furniture** [Amended at 84 FR 9635, Mar. 15, 2019]



Subpart TTTT—National Emission Standards for Hazardous Air Pollutants for Leather Finishing Operations [Amended at 84 FR 3320, Feb. 12, 2019]

Subpart DDDDD—National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters [Amended at 80 FR 72806, Nov. 20, 2015]

Subpart JJJJJ—National Emission Standards for Hazardous Air Pollutants for Brick and Structural Clay Products Manufacturing [Amended at 80 FR 65520, Oct. 26, 2015]

Subpart KKKKK—National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing [Amended at 80 FR 65543, Oct. 26, 2015] and [Amended at 80 FR 75817, Dec. 4, 2015]

Subpart QQQQQ—National Emission Standards for Hazardous Air Pollutants for Friction Materials Manufacturing Facilities [Amended at 84 FR 2750, Feb. 8, 2019]

Subpart UUUUU—National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units [Amended at 81 FR 20180, Apr. 6, 2016], [Amended at 82 FR 16739, Apr. 6, 2017; and [Amended at 83 FR 30883, July 2, 2018]

Subpart JJJJJJ—National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources [Amended at 81 FR 63125, Sept. 14, 2016]

The expedited rule text and other related information is available at the PDEQ office, on the Pima County Homepage, 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, December 17, 2019 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 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 October 30, 2019.

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/

Public Participation Documents List of Stakeholder Meeting Attendees

ATTACHMENT E

Board of Supervisors Agenda Item Report



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: 12/17/2019

Title: Amendments to Pima County Code Sections PCC 17.04.070, PCC 17.04.340, PCC 17.11.160, PCC 17.12.040, PCC 17.12.070, PCC 17.16.390, PCC 17.16.490, and PCC 17.16.530

Introduction/Background:

The Pima County Board of Supervisors (PC-BOS) as the governing body for the Pima County Air Quality Control District adopts ordinances for 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. This ordinance 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), and other parts of Title 40 CFR. The versions of the federal regulations in effect as of July 1, 2019 would be incorporated. The intention in updating the incorporations by reference is to continue PDEQ's delegated authority from EPA to implement and enforce the Acid Rain, NESHAP, and NSPS programs in Pima County. These updates include changes to Sections PCC 17.04.070, PCC 17.04.340, PCC 17.11.160, PCC 17.12.040, PCC 17.12.070, PCC 17.16.390, PCC 17.16.490, and PCC 17.16.530. In addition, PDEQ is updating the definition for VOC, and minor grammatical updates.

Discussion:

PDEQ is requesting that the Board of Supervisors adopt the proposed ordinance to amend Pima County Code Sections 17.04.070, 17.04.340, 17.11.160, 17.12.040, 17.12.070, 17.16.390, 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, and NSPS programs in Pima County. This proposed ordinance will also update one definition: the definition of "Volatile Organic Compounds (VOC)" at section PCC 17.04.340 to conform to federal regulations. Finally, this proposed ordinance includes updates to the name for the Government Publishing Office and minor grammatical changes. No studies were reviewed in reference to this proposed ordinance.

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 the PCC be amended to add and update incorporations by reference to continue PDEQ's delegated authority from the EPA to implement and enforce the Acid Rain, NESHAP, and NSPS programs in Pima County, as well as conform the VOC definition in PCC to the federal definition.

Recommendation:

Staff recommends the Board of Supervisors adopt the proposed ordinance to amend Pima County Code Sections 17.04.070, 17.04.340, 17.11.160, 17.12.040, 17.12.070, 17.16.390, 17.16.490, and 17.16.530, relating to Acid Rain, NESHAP, and NSPS programs in Pima County, and the definition for VOC in PCC.

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Fiscal Impact:

This amendment will not have an economic impact on businesses in Pima County, and will not impose additional costs on the regulated community, small businesses, political subdivisions, and members of the public beyond that already incurred by reason of federal or state rule or law. The costs of compliance for the Acid rain, NESHAP, NSPS, and Volatile Organic Compounds definition have already occurred, and were considered when the federal rule or law was proposed and adopted.

Board of Supervisor District:

☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☒ All

Department: Environmental Quality Telephone: 724-7454

Contact: Sarah Reitmeyer, Regulatory Program Manager Telephone: 724-7437

Department Director Signature/Date: _____

Deputy County Administrator Signature/Date: _____

County Administrator Signature/Date: _____

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