

ORDINANCE NUMBER 2016-___

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

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

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

17.04.070 Incorporated materials.

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

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

17.04.340 Words, phrases, and terms.

A. Definitions.

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

xx. propylene carbonate

yy. dimethyl-carbonate

zz. 2,3,3,3-tetrafluoropropene (HFO-1234yf)

~~xx.~~ aaa. Perfluorocarbon ...

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

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

17.08.020 - Sulfur oxides (sulfur dioxide).

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

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

B. The secondary ambient . . .

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

A. Particulate Matter (PM₁₀)

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

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

B. Particulate Matter (PM_{2.5})

1. The primary ambient air quality standards for particulate matter (PM_{2.5}) are:
 - a. ~~45~~ 12 micrograms per cubic meter of PM_{2.5}—annual arithmetic mean concentration.
 - b. ~~65~~ 35 micrograms per cubic meter of PM_{2.5} - 24-hour average concentration.
2. The secondary ambient air quality standards for particulate matter (PM_{2.5}) are:
 - a. 15 micrograms per cubic meter of PM_{2.5} - annual arithmetic mean concentration.
 - b. ~~65~~ 35 micrograms per cubic meter of PM_{2.5} - 24-hour average concentration.
3. For purposes of determining attainment of the primary and secondary standards, particulate matter (PM_{2.5}) shall be measured in the ambient air by:
 - a. A reference method based on 40 CFR 50, Appendix J L, and designated in accordance with 40 CFR 53; or
 - b. An equivalent method designated in accordance with 40 CFR 53.
4. The primary ~~and secondary~~ annual ambient air quality standards for PM_{2.5} ~~are~~ is met when the annual arithmetic mean concentration, as determined in accordance with 40 CFR 50, Appendix N, is less than or equal to ~~45~~ 12 micrograms per cubic meter.
5. The secondary annual ambient air quality standard for PM_{2.5} is met when the annual arithmetic mean concentration, as determined in accordance with 40 CFR 50, Appendix N, is less than or equal to 15 micrograms per cubic meter.
- ~~5.~~ 6. The primary and secondary 24-hour ambient air quality standards for PM_{2.5} are met when the 98th percentile 24-hour concentration, as determined in accordance with 40 CFR 50, Appendix N, is less than or equal to ~~65~~ 35 micrograms per cubic meter.

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

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

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

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

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

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

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

17.08.060 - Nitrogen dioxide:

- A. The ~~primary and secondary~~ ambient air quality standards for nitrogen dioxide are: ~~0.053 parts per million (one hundred micrograms per cubic meter), annual arithmetic mean concentration:~~
1. 53 ppb - annual arithmetic mean concentration.
 2. 100 ppb - 1-hour average concentration.

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

C. The primary standards are attained when:

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

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

~~C. E.~~ The levels of . . .

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

17.08.070 - Lead.

- A. The primary and secondary ambient air quality standards for lead and its compounds are ~~1.5~~ 0.15 micrograms per cubic meter, ~~maximum arithmetic mean averaged over a calendar quarter~~ arithmetic mean concentration over a 3-month period.
- B. The levels . . .
 1. A reference . . .
 2. An equivalent . . .
- C. The national primary and secondary ambient air quality standards for lead are met when the maximum arithmetic 3-month mean concentration for a 3-year period, as determined in accordance with Appendix R of this part, is less than or equal to 0.15 micrograms per cubic meter.

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

Chapter 17.12 Permits and Permit Revisions

Article I. General Provisions

17.12.045 Test methods and procedures.

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

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Article II. Individual Source Permits

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17.12.180 Permit contents for Class I permits.

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

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

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

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17.12.365 Acid rain.

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

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

Chapter 17.16 Emission Limiting Standards

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Article III. Emissions from Existing and New Nonpoint Sources

17.16.120 Mineral Tailings.

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

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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, 2015, and no future editions or amendments are incorporated by reference as applicable requirements. These standards are on file with the Department and shall be applied by the Department. These standards can be obtained from the U.S. Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington D.C. 20402-9328.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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Article VII. National Emission Standards for Hazardous Air Pollutants

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

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

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

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

~~87.~~ 88. Subpart EEEEE . . .

~~88.~~ 89. Subpart FFFFF . . .

~~89.~~ 90. Subpart GGGGG . . .

~~90.~~ 91. Subpart HHHHH . . .

~~91.~~ 92. Subpart IIIII . . .

~~92.~~ 93. Subpart JJJJJ . . .

~~93.~~ 94. Subpart KKKKK . . .

~~94.~~ 95. Subpart LLLLL . . .

~~95.~~ 96. Subpart MMMMM . . .

~~96.~~ 97. Subpart NNNNN . . .

~~97.~~ 98. Subpart PPPPP . . .

~~98.~~ 99. Subpart QQQQQ . . .

~~99.~~ 100. Subpart RRRRR . . .

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

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

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

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

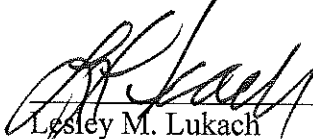
Chair of the Board of Supervisors

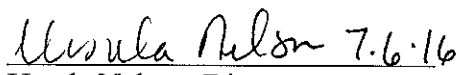
ATTEST:

Clerk of Board

APPROVED AS TO FORM:

REVIEWED BY:

 7/6/16
Lesley M. Lukach
Deputy County Attorney

 7.6.16
Ursula Nelson, Director
Department of Environmental Quality