



# Pima County Code Title 17 Reorganization

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# Overview



- \* Air Quality Authority
- \* Rulemaking Process
- \* Review of Rulemaking Purpose
- \* Overview of new format
- \* Next steps
- \* Questions



# PDEQ Air Quality Authority



- \* County Statutory Authority for Air Quality Program
  - \* Arizona Revised Statutes (A.R.S.) 49-402
  - \* Arizona Revised Statutes (A.R.S.) 49-471 through 49-516
  
- \* Adoptions by Reference
  - \* Portions of the A.R.S.
  - \* Portions of the U.S. Code of Federal Regulations (CFR)

# PDEQ Air Quality Authority



## \* EPA Delegations

- \* Prevention of Significant Deterioration (PSD)
- \* New Source Performance Standards (NSPS)
- \* National Emission Standards for Hazardous Air Pollutants (NESHAP)
- \* Title V Program Approval (Operating Permits)



# PDEQ Rulemaking Process



- \* In House Drafting
- \* Informal Stakeholder Meeting(s)
- \* Notice of Formal Rulemaking in Arizona Administrative Register (AAR)
- \* Public Notice in Newspapers & on Website (concurrent with AAR publication)

# PDEQ Rulemaking Process



- \* 30 Day Public Comment Period
- \* Formal Stakeholder Meeting(s)
- \* Response to Comments Document
- \* Board of Supervisors (BOS) Hearing
- \* Notice of Final Rulemaking (after Rule is effective – 31 days after BOS hearing)

# Clean Air Act Requirements



- \* Clean Air Act requires States to develop State Implementation Plans (called SIPS) to show how that State will attain and/or maintain the NAAQS
  - What is a SIP?
    - A SIP is a set of local rules (permitting and standards) that were developed to protect air quality and are federally enforceable

# Clean Air Act Requirements



- \* Clean Air Act also requires a pre-construction review program for major and minor sources and an approvable operating permit program (Title V) for major sources





# Background on PCC Title 17



- \* Pima County Code (PCC) Title 17 is current location of air quality rules adopted by the Board of Supervisors (BOS)
- \* First air quality ordinance adopted in 1966
- \* A series of ordinances adopted through the 1970's to today address basic Clean Air Act requirements.

# Background on PCC Title 17



- \* In the early 1990's PCC Title 17 revised to create a unitary permit program as opposed to the traditional pre-construction (installation) and operating permit programs
  - The unitary program was created by ADEQ and Pima County adopted the program to conform to state regulations
- \* Substantial changes have been made to PCC Title 17 since the early 1990's

# Background on SIP



- \* Pima County Rules were initially approved into the SIP in 1972 to meet requirements of the Clean Air Act
- \* Pima County submitted revisions to the SIP in the late 1970's which were approved by EPA in 1980
- \* 1994 Pima County submitted major revisions to SIP requesting to replace 1970 rules with the rules current at the time

# Background on SIP



- \* Pima County must revise the SIP to incorporate the current rules
- \* Pima County must address issues with respect to pre-construction review in the new unitary permit scheme program and submit to EPA (through the State) for approval
  - ADEQ has worked with stakeholders and EPA to correct these issues
  - Pima County will mirror ADEQ's approach to make the current rules approvable

# Review of Rulemaking Purpose



- \* Prior to re-submitting the current Pima County Rules for inclusion in the SIP (or the Part 70, Title V Program) PDEQ would like to re-structure the air quality permitting rules
  - By re-organizing the PCC, PDEQ intends to simplify Title 17 to allow for simpler submittal of rules to EPA for approval

# Permit Classes in PCC Title 17



- \* Class I – Major Sources
- \* Class II – Minor sources subject to federal NSPS (CAA Section 111) or federal NESHAP (CAA Section 112) standards
- \* Class III – Minor Sources subject to local standards only
- \* Activity Permits – Fugitive Dust & Asbestos
- \* Open Burn Permits

# Proposed Changes



## OLD FORMAT

- \* Chapter 17.12: Permits and Permit Revisions
  - \* One chapter covered all Permits and Classes of Permits

## NEW FORMAT

- \* Chapter 17.11: General Provisions
- \* Chapter 17.12: Class I Sources
- \* Chapter 17.13: Class II and III Sources
- \* Chapter 17.14: Activity Permits

# Chapter 17.11: General Provisions



- \* Classes of Permits
- \* Material Permit Conditions
- \* Permit Shield
- \* Test Methods and Procedures
- \* Synthetic Emission Limitations or Standards
- \* Emission Monitoring
- \* Performance Tests
- \* And more...



# Chapter 17.12: Class I Permits



- \* Application Processing and Procedures
- \* Grant or Denial of Applications
- \* Appeals of Permit Actions
- \* Permit Contents
- \* Emission Cap
- \* Permit Review by EPA
- \* Acid Rain Provisions
- \* Compliance plan Certification
- \* Permit Renewal, Revision or Transfer
- \* Affirmative Defenses
- \* Public Notification
- \* Fees

# Chapter 17.13: Class II & III Permits



- \* Permit Application Procedures
- \* Grant or Denial of Applications
- \* Appeals of Permit
- \* Permit Contents
- \* Voluntary Termination of Permit
- \* Emission Cap
- \* Permit Renewal, Revision or Transfer
- \* Affirmative Defenses
- \* Public Notification
- \* Application for Coverage under a General Permit
- \* General Permit Enforcement
- \* Fees

# Chapter 17.14: Activity Permits



- \* General Provisions: Definition

- \* Fugitive Dust

- \* Asbestos NESHAP

- \* Open Burning



# Next Steps



- \* Proposed rule published in AAR
- \* Public notice in newspapers and online
- \* Public Comment period begins
- \* Formal stakeholder meeting

# Next Steps



- \* Public Comment period ends
- \* BOS hearing for review and approval for inclusion in PCC - Effective date is 31-days from date of adoption
- \* Submit final rulemaking package to AAR
- \* Final rule published in AAR



**PIMA COUNTY**  
ENVIRONMENTAL QUALITY

# Questions?

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[http://webcms.pima.gov/government/environmental\\_quality/](http://webcms.pima.gov/government/environmental_quality/)