

Pima County
Department of Environmental Quality

Pima County Code Title 17
Reorganization

January 14, 2009

Overview

- Review of Rulemaking Purpose
- Overview of New Format
- Next Steps

Review of Rulemaking Purpose

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

Review of Rulemaking Purpose

- 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
- As part of the Clean Air Act, the permitting programs are to be adopted in to the State Implementation Plan (SIP)

Review of Rulemaking Purpose

- The SIP is a set of local rules (permitting and standards) that were developed to protect air quality and are ***federally enforceable***
- 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
- The difference between the current approved SIP (1980) and current Pima County regulations is know as the "SIP Gap"

Review of Rulemaking Purpose

- 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 that EPA has indentified as non-approvable
- ADEQ is currently working 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 Pima County regulations for inclusion in the SIP, PDEQ would like to re-structure the minor source permitting rules
- By re-organizing the PCC, PDEQ intends to make Title 17 more comprehensible and simplified

Permit Classes

- 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

Old Format

- Chapter 17.12: Permits and Permit Revisions

Overview of New Format

- Chapter 17.11: General Provisions
- Chapter 17.12: Class I Sources
- Chapter 17.13: Class II and III Sources
- Chapter 17.14: General Permits
- Chapter 17.15: Activity Permits

Chapter 17.11: General Provisions

- Classes of Permits (Permit Requirements)
- Material Permit Conditions
- Permit Shield
- Test Methods and Procedures
- Synthetic Emission Limitations or Standards
- Emission Monitoring
- Performance Tests

Chapter 17.12: Class I Sources

- **Permit Application Procedures**
- Grant or Denial of Applications
- Appeals of Permit
- **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 and III Sources

- Permit Application Procedures
- Grant or Denial of Applications
- Appeals of Permit
- Permit Contents
- **Voluntary Termination of Permit**
- Emission Cap
- Compliance plan Certification
- **Permit Renewal, Revision or Transfer**
- Affirmative Defenses
- **Public Notification**
- **Fees**

Chapter 17.14: General Permits

- General Permit Enforcement
- Application for Coverage under a General Permit
- Fees

Chapter 17.15: Activity Permits

- Definitions
- Fugitive Dust Activity Permits & Fees
- NESHAP (Asbestos) Activity Permits & Fees
- Open Burn Permits & Fees

Next Steps

- Proposed rule published in AAR
- Comment period begins
- Formal stakeholder meeting
- Comment period ends
- BOS hearing
- Submit final rulemaking package to AAR
Final rule published in AAR Effective date
(31 days from date of adoption)

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