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]

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 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 III—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]


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 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 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 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 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/