

**NOTICE OF FINAL RULEMAKING
PIMA COUNTY CODE
TITLE 17 – AIR QUALITY CONTROL
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.** **The effective date of the rule:**
January 17, 2020
- 4.** **A list of all previous notices addressing the rule:**
Pursuant to A.R.S. § 49-471.08 PDEQ published notice of the Notice of Expedited Rulemaking on the Pima County Homepage on September 30, 2019 and November 13, 2019. PDEQ also published the notice on the PDEQ website on September 30, 2019 and November 13, 2019. Public Notices were published in two local newspapers (Arizona Daily Star and the Daily Territorial Newspaper) on September 30, 2019 and November 13, 2019. The publication of the Notice of Expedited Rulemaking coincided with the Public Notices which allowed for thirty days (30-days) for PDEQ to accept public comment on the proposed ordinance. In addition, PDEQ e-mailed a notice of the proposed ordinance amendments to interested parties who had requested rulemaking notifications in the past.
- 5.** **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

6. An explanation of the rule, including the control officer's reasons for initiating the rule:

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. The intention of this rulemaking was to conform to the Code of Federal Regulations (CFR) in an effort to achieve consistency and accuracy in Title 17 of the PCC. PDEQ added 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 were incorporated. The intention in updating the incorporations by reference is to continue the Pima County Air Quality Control District'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.

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. Summary of the economic, small business, and consumer impact

This revision 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.

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
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E-mail: sarah.reitmeyer@pima.gov

11. A description of the changes between the proposed rule, including supplemental notices, and final rule (if applicable):

There were no changes between the proposed rule and the final rule.

12. The full text of the rule follows:

Chapter 17.04 - GENERAL PROVISIONS

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Article III. Incorporated Materials

17.04.070 - Incorporated materials.

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- 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.

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Article IX. - Definitions and Meanings

17.04.340 - Words, phrases, and terms.

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A. Definitions.

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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) . . .

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Chapter 17.11 - GENERAL PROVISIONS FOR PERMITS

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Article II. - General Provisions for Stationary Source Permits

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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.

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

Article I. - Application Processing and Procedures

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17.12.040 - Permit contents for Class I permits.

- A. Each permit . . .

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3. Each permit . . .

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- 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;

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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

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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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| <u>80.</u> | <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. 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.

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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 ~~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.

- 20. Subpart Y - National Emission Standards for Marine Tank Vessel Loading Operations.
- ~~20-21.~~ Subpart AA . . .
- ~~24-22.~~ Subpart BB . . .
- ~~22-23.~~ Subpart CC . . .
- ~~23-24.~~ Subpart DD . . .
- ~~24-25.~~ Subpart EE . . .
- ~~25-26.~~ Subpart GG . . .
- ~~26-27.~~ Subpart HH . . .
- ~~27-28.~~ Subpart JJ . . .
- ~~28-29.~~ Subpart KK . . .
- ~~29-30.~~ Subpart LL . . .
- ~~30-31.~~ Subpart MM . . .
- 32. Subpart NN - National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing at Area Sources.
- ~~34-33.~~ Subpart OO . . .
- ~~32-34.~~ Subpart PP . . .
- ~~33-35.~~ Subpart QQ . . .
- ~~34-36.~~ Subpart RR . . .
- ~~35-37.~~ Subpart SS . . .
- ~~36-38.~~ Subpart TT . . .
- ~~37-39.~~ Subpart UU . . .
- ~~38-40.~~ Subpart VV . . .
- ~~39-41.~~ Subpart WW . . .
- ~~40-42.~~ Subpart XX . . .
- ~~41-43.~~ Subpart YY . . .
- ~~42-44.~~ Subpart CCC . . .
- ~~43-45.~~ Subpart DDD . . .
- ~~44-46.~~ Subpart EEE . . .
- ~~45-47.~~ Subpart GGG . . .
- ~~46-48.~~ Subpart HHH . . .
- ~~47-49.~~ Subpart III . . .

48-50. Subpart JJJ . . .
49-51. Subpart LLL . . .
50-52. Subpart MMM . . .
51-53. Subpart NNN . . .
52-54. Subpart OOO . . .
53-55. Subpart PPP . . .
54-56. Subpart QQQ . . .
55-57. Subpart RRR . . .
56-58. Subpart TTT . . .
57-59. Subpart UUU . . .
58-60. Subpart VVV . . .
59-61. Subpart XXX . . .
60-62. Subpart AAAA . . .
61-63. Subpart CCCC . . .
62-64. Subpart DDDD . . .
63-65. Subpart EEEE . . .
64-66. Subpart FFFF . . .
65-67. Subpart GGGG . . .
66-68. Subpart HHHH . . .
67-69. Subpart IIII . . .
68-70. Subpart JJJJ . . .
69-71. 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 . . .

404.106. Subpart WWWWWW ...
405.107. Subpart YYYYYY ...
406.108. Subpart ZZZZZZ ...
407.109. Subpart BBBBBB ...
408.110. Subpart CCCCCC ...
409.111. Subpart DDDDDD ...
410.112. Subpart EEEEEEE ...
411.113. Subpart FFFFFFF ...
412.114. Subpart GGGGGG ...
413.115. Subpart HHHHHH ...
414.116. Subpart JJJJJJ ...
415.117. Subpart LLLLLL ...
416.118. Subpart MMMMMM ...
417.119. Subpart NNNNNN ...
418.120. Subpart OOOOOO ...
419.121. Subpart PPPPPP ...
420.122. Subpart QQQQQQ ...
421.123. Subpart RRRRRR ...
422.124. Subpart SSSSSS ...
423.125. Subpart TTTTTT ...
424.126. Subpart VVVVVV ...
425.127. Subpart WWWWWW ...
426.128. Subpart XXXXXX ...
427.129. Subpart YYYYYY ...
428.130. Subpart ZZZZZZ ...
429.131. Subpart AAAAAAA ...
430.132. Subpart BBBBBBBB ...
431.133. Subpart CCCCCC ...
432.134. Subpart DDDDDD ...
433.135. Subpart EEEEEEE ...
434.136. Subpart HHHHHH ...

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