# BOARD OF SUPERVISORS AGENDA ITEM REPORT

**Requested Board Meeting Date:** January 22, 2019

**Title:** Amending Pima County Code Title 17 by adding Section 17.16.125 - Inactive mineral tailings impoundment and slag storage area within the Ajo PM10 Planning Area

## Introduction/Background:

The Pima County Board of Supervisors (BOS) as the governing body for the Pima County Air Quality Control District adopts ordinances which are codified in the 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 through the BOS. The intention of this rulemaking is to meet State Implementation Plan (SIP) requirements to provide permanence and enforceability for control measures that have already been implemented.

## Discussion:

Under this new section, owners or operators of inactive mineral tailings and slag storage areas are subject to implement and maintain required Particulate Matter ($PM_{10}$) control measures to meet visible emissions and stabilization requirements, in order to ensure continued Particulate Matter emissions reductions in the Ajo $PM_{10}$ Planning Area.

## Conclusion:

PDEQ is proposing this rulemaking to meet State Implementation Plan (SIP) requirements to provide permanence and enforceability for control measures that have already been implemented so the Ajo $PM_{10}$ Planning Area may be redesignated to attainment.

## Recommendation:

Staff recommends the Board of Supervisors adopt the proposed addition to PCC Title 17.

## Fiscal Impact:

This revision should not have an economic impact on businesses in Pima County, and should 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. The costs of compliance for the Air Quality Permitting programs have already occurred, and were considered when the federal and state rule or law was proposed and adopted.

## Board of Supervisor District:

☐ 1 ☐ 2 ☒ 3 ☐ 4 ☐ 5 ☐ All

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Department: Environmental Quality Telephone: 724-7400

Contact: Sarah Reitmeyer, Regulatory Program Manager Telephone: 724-7437

Department Director Signature/Date: Ursula Nelc 12.17.2018

Deputy County Administrator Signature/Date: [signature] 12/18/18

County Administrator Signature/Date: C. Dickelberg 12/18/18

**ORDINANCE NUMBER 2019-___**

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA, RELATING TO AIR QUALITY; AMENDING THE PIMA COUNTY CODE TITLE 17, BY ADDING SECTION 17.16.125.**

**THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA, FINDS THAT:**

1. The Pima County Board of Supervisors as the governing body for the Pima County Air Quality Control District adopts air quality ordinances under the statutory authority of Arizona Revised Statutes Title 49, Chapter 3, Article 3.
2. The Pima County Air Quality Control District operates within the Pima County Department of Environmental Quality.
3. The intention of this ordinance is to adopt and implement visible emissions and stabilization requirements in order to ensure continued particulate matter, specifically particulate matter at or less than 10 micrometers ($PM_{10}$) emissions reductions in the Ajo $PM_{10}$ Planning Area.

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

**Section 1:** Title 17 is amended to add Section 17.16.125.

**Chapter 17.16 - EMISSION LIMITING STANDARDS**

. . .

**Article III. - Emissions from Existing and New Nonpoint Sources**

. . .

**17.16.125 - Inactive mineral tailings impoundment and slag storage area within the Ajo $PM_{10}$ Planning Area.**

A. Applicability. This Section applies to the owner or operator of the inactive mineral tailings impoundment and slag storage area within the Ajo $PM_{10}$ Planning Area.

B. Definitions. The following definitions apply for the purposes of this Section:

   1. "Affected area" means the Ajo $PM_{10}$ Planning Area.

   2. "Ajo $PM_{10}$ Planning Area" means the area designated in 40 C.F.R. §81.303, adopted as of June 30, 2017 with no future editions or amendments.

   3. "Chemical or organic soil stabilizer" means hygroscopic material, solution of water and chemical surfactant foam, non-toxic chemical stabilizer or any other chemical or organic

dust palliative that is not prohibited by the U. S. Environmental Protection Agency, the Arizona Department of Environmental Quality, the Pima County Department of Environmental Quality or any applicable law, rule, or regulation, as a treatment material for reducing $PM_{10}$ emissions.

4. "Coarse" with respect to copper smelter slag material means no less than 3/8 inches in diameter.
5. "Copper smelter slag" means the waste material consisting primarily of iron sulfides separated from copper matte during the smelting and refining of copper ore concentrates.
6. "Crushed rock" means crushed stone or angular rock of a size 2 inches or greater in diameter.
7. "Department" means the Pima County Department of Environmental Quality.
8. "Gravel" means a loose aggregation of rock fragments of low silt content (5% or less) and less than 2 inches in diameter.
9. "High wind event" means an hourly average wind speed of 25 miles per hour or more or an instantaneous wind gust of 40 miles per hour or more as measured in the affected area by a meteorological monitoring station.
10. "Inactive" with respect to the mineral tailings impoundment and slag storage area means that activities in support of ongoing mining operations or for any commercial purpose no longer occur.
11. "Meteorological monitoring station" means one of the following:
    a. A Pima County Department of Environmental Quality meteorological monitoring station;
    b. A station operated by the National Weather Service;
    c. A Remote Automated Weather Station operated by the United States Forest Service, or United States Bureau of Land Management;
    d. An Automated Weather Observing System or Automated Surface Observing System station, located at an airport, and either operated or certified by the Federal Aviation Administration; or
    e. Any other meteorological equipment or wind instrument that is installed, calibrated, operated, and maintained by the owner or operator in accordance with the requirements for SLAMS/SPM (non-NCore) instruments in *Quality Assurance Handbook for Air Pollution Measurement Systems, Volume IV: Meteorological Measurements Version 2.0 (Final)*, publication number EPA-454/B-08-002, March 2008, and no future editions or amendments, and manufacturer's specifications, as applicable.
12. "Mineral tailings impoundment" means the earth-fill embankment dams used to store byproducts of prior mining operations that separated mineral ore from other unused material.
13. "Opacity" means the degree to which emissions reduce the transmission of light and obscure the view of an object in the background.
14. "Particulate matter" means any airborne finely divided solid or liquid material with an aerodynamic diameter smaller than one hundred micrometers.
15. "$PM_{10}$" means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by a reference method contained within 40 C.F.R.

Part 50, Appendix J or by an equivalent method designated in accordance with 40 C.F.R. Part 53, both sections adopted as of June 30, 2017 with no future editions or amendments.

16. "Slag storage area" means the area used to store copper smelter slag.

17 "Vegetative cover" means rooted vegetation or unattached vegetative debris lying on the surface that is not susceptible to movement by wind.

C. Control Measures.

1. The owner or operator shall implement and maintain at least one of the following reasonably available control measures to reduce $PM_{10}$ emissions from the inactive mineral tailings impoundment to ensure compliance with subsection D.1 below:

   a. Application of crushed rock or gravel;

   b. Application of chemical or organic soil stabilizers;

   c. Application of water;

   d. Establishment of vegetative cover; or

   e. Any other equivalent methods or techniques approved by the Department and EPA Region IX.

2. The owner or operator shall implement and maintain at least one of the following reasonably available control measures to reduce $PM_{10}$ emissions from the inactive slag storage area:

   a. Application of a cap consisting of coarse copper smelter slag material; or

   b. Any other equivalent methods or techniques approved by the Department and EPA Region IX.

3. To prevent trespass in the inactive mineral tailings impoundment and slag storage area, the owner or operator shall install and maintain the following:

   a. No trespassing signs; and

   b. Physical barriers such as fences, gates, posts, shrubs, trees, or other measures to effectively restrict access from the general public.

D. Opacity Standard.

1. The owner or operator shall not cause or allow visible emissions to exceed twenty percent opacity from the mineral tailings impoundment. Opacity shall be determined in accordance with subsection E.1 below.

2. The opacity standard in subsection D.1 above shall not apply during high wind events if the owner or operator has implemented and maintained reasonably available control measures required in subsections C.1 and C.3 above for the mineral tailings impoundment, as documented by subsection F.1.a below.

E. Monitoring.

1. To demonstrate compliance with subsections C.1 and D.1 above, the owner or operator shall conduct weekly visible emission observations of the mineral tailings impoundment.

   a. All observations shall be conducted in accordance with 40 C.F.R. Part 60, Appendix A, Reference Method 9.

   b. As an alternative to subsection E.1.a, the owner or operator may elect to conduct observation in accordance with ASTM D7520-16. If so, the owner or operator must

have standard operating procedures in place to ensure that equipment is operated and maintained in accordance with manufacturer's specifications per Section 8.1 of ASTM D7520-16.

2. To demonstrate compliance with subsection C.2 above, the owner or operator shall conduct monthly inspections of the slag storage area to assess the effectiveness of control measures. Inspection reports shall, at a minimum, include identification of inspector; inspection date and time; findings of inspection, and any corrective action or preventive measures to be taken.

3. To demonstrate compliance with subsection C.3 above, the owner or operator shall conduct monthly inspections of trespassing signs and physical constraints. Inspection reports shall, at a minimum, include identification of inspector; inspection date and time; findings of inspection, and any corrective action or preventive measures to be taken.

F. Recordkeeping.

1. The owner or operator shall maintain and make available to the Department or EPA Region IX the following records upon request:

   a. Records of reasonably available control measures implemented and maintained as required by subsection C above;

   b. Records of visible emission observations required by subsection E.1 above;

   c. Records of inspections required by subsections E.2 and E.3 above;

   d. Records of observer EPA Reference Method 9 or ASTM D7520-16 certifications;

   e. Records of the owner or operator's installation, calibration, certification, operation, and maintenance of any meteorological equipment or wind instrument used for purposes of identifying high wind events; and

   f. Records of meteorological monitoring station data used for purposes of identifying high wind events.

2. If the owner or operator elects to conduct weekly visual observations in accordance with subsection E.1.b, the following records shall be maintained:

   a. ASTM D7520-16 certification documentation, data sheets, and all raw unaltered JPEGs used for opacity and certification determination, recorded in a form suitable and readily available for expeditious inspection and review.

   b. Standard operating procedures used to ensure that equipment is operated and maintained in accordance with manufacturer's specifications per Section 8.1 of ASTM D7520-16.

3. All records required by this section shall be maintained by the owner or operator for a minimum of 5 years.

G. Notification.

1. The owner or operator shall provide written notification to the Department at least 30 days prior to initiating weekly visual observations in accordance with subsection E.1. The notification shall identify proposed observation points/locations and provide justification for the selection of those points/locations.

2. The owner or operator shall provide written notification to the Department at least 30 days prior to using any meteorological monitoring station as described in subsection B.11.e.

H. Reporting.

1. The owner or operator shall report to the Department any visible emissions in excess of opacity limit established by subsection D.1. The report shall be in two parts as specified below:
   a. Notification by telephone or facsimile within 24 hours of the time the owner or operator first learned of the occurrence of excess opacity that includes all available information from subsection H.2.
   b. Detailed written notification by submission of an excess opacity report within 72 hours of the notification under subsection H.1.a.
2. The excess opacity report shall contain the following information:
   a. The approximate location at the mineral tailing impoundment where the excess opacity occurred;
   b. The level of excess opacity as measured in accordance with subsection F;
   c. The time and duration or expected duration of the excess opacity;
   d. The nature and cause or suspected cause of the excess opacity;
   e. The steps that were or are being taken to limit the excess opacity; and
   f. Any corrective action or preventative measures taken.
3. In the case of continuous or recurring excess opacity events, the notification requirements of this subsection shall be satisfied if the owner or operator provides the required notification after excess opacity events are first detected and includes in the notification an estimate of the time the excess opacity events will continue. Excess opacity occurring after the estimated time period or changes in the nature of the excess opacity as originally reported shall require additional notification pursuant to subsections H.1 and H.2.

. . .

**Section 2.** 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 _____, 2019

_____
Richard Elías, Chairman of the Board of Supervisors

ATTEST:

_____
Clerk of Board

APPROVED AS TO FORM:

12/10/18
Lesley M. Lukach
Deputy County Attorney

REVIEWED BY:

Ursula Nelson
Ursula Nelson, Director
Department of Environmental Quality

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dust palliative that is not prohibited by the U. S. Environmental Protection Agency, the Arizona Department of Environmental Quality, the Pima County Department of Environmental Quality or any applicable law, rule, or regulation, as a treatment material for reducing $PM_{10}$ emissions.

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1. To demonstrate compliance with subsections C.1 and D.1 above, the owner or operator shall conduct weekly visible emission observations of the mineral tailings impoundment.

   a. All observations shall be conducted in accordance with 40 C.F.R. Part 60, Appendix A, Reference Method 9.

   b. As an alternative to subsection E.1.a, the owner or operator may elect to conduct observation in accordance with ASTM D7520-16. If so, the owner or operator must

have standard operating procedures in place to ensure that equipment is operated and maintained in accordance with manufacturer's specifications per Section 8.1 of ASTM D7520-16.

2. To demonstrate compliance with subsection C.2 above, the owner or operator shall conduct monthly inspections of the slag storage area to assess the effectiveness of control measures. Inspection reports shall, at a minimum, include identification of inspector; inspection date and time; findings of inspection, and any corrective action or preventive measures to be taken.

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   b. Standard operating procedures used to ensure that equipment is operated and maintained in accordance with manufacturer's specifications per Section 8.1 of ASTM D7520-16.

3. All records required by this section shall be maintained by the owner or operator for a minimum of 5 years.

G. Notification.

1. The owner or operator shall provide written notification to the Department at least 30 days prior to initiating weekly visual observations in accordance with subsection E.1. The notification shall identify proposed observation points/locations and provide justification for the selection of those points/locations.

2. The owner or operator shall provide written notification to the Department at least 30 days prior to using any meteorological monitoring station as described in subsection B.11.e.

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. . .

**Section 2.** 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 _____, 2019

_____
Richard Elías, Chairman of the Board of Supervisors

ATTEST:

_____
Clerk of Board

APPROVED AS TO FORM:

12/10/18
Lesley M. Lukach
Deputy County Attorney

REVIEWED BY:

Ursula Nelson
Ursula Nelson, Director
Department of Environmental Quality

PIMA COUNTY

ENVIRONMENTAL QUALITY

# PUBLIC NOTICE
# AND
# PUBLIC PARTICIPATION

On the Proposed Amendments
To Pima County Code Title 17
Adding Section 17.16.125

INACTIVE MINERAL TAILINGS IMPOUNDMENT
AND SLAG STORAGE AREA WITHIN
THE AJO $PM_{10}$ PLANNING AREA

January 9, 2019

Pima County Department of Environmental Quality
33 North Stone Avenue, Suite 700
Tucson, AZ 85701

# TABLE OF CONTENTS

I. Summary of Proposed Amendments to PCC ..... 1

II. Public Notice ..... 1

III. Notice of Proposed Rulemaking ..... 1

IV. Public Comment ..... 1

V. Board of Supervisors Materials ..... 2

Attachment A
Public Notice Documents ..... 3

Attachment B
Stakeholder E-mail Notification ..... 25

Attachment C
Notice of Proposed Rulemaking ..... 31

Attachment D
Public Comment ..... 39

Attachment E
Pima County Board of Supervisors Agenda Item Report ..... 46

## I. SUMMARY OF THE PROPOSED ORDINANCE AMENDMENTS TO PIMA COUNTY CODE TITLE 17 (AIR QUALITY)

The Pima County Board of Supervisors (BOS), as the governing body for the Pima County Air Quality Control District, adopts ordinances. Adopted ordinances are codified in the 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 through the BOS. This rulemaking proposes the addition of a new section to PCC Title 17, Chapter 17.16, Section 17.16.125- Inactive Mineral Tailings Impoundment and Slag Storage Area within the Ajo $PM_{10}$ Planning Area. The intention of this rulemaking is to meet State Implementation Plan (SIP) requirements to provide permanence and enforceability for control measures that have already been implemented. Under this new section, owners or operators are subject to implement and maintain required Particulate Matter (PM10) control measures on applicable sources to meet visible emissions and stabilization requirements, in order to ensure continued Particulate Matter emissions reductions in the Ajo PM10 Planning Area. The inactive tailings and slag storage area must be controlled to 20 percent opacity for fugitive emissions on the property. For both the tailings and slag areas, owners or operators must also install and maintain signs and physical barriers to prevent trespass and re-disturbance on the property.

The costs of compliance for the Air Quality Permitting programs have already occurred, and were considered when the federal and state rule or law was proposed and adopted.

## II. PUBLIC NOTICE

PDEQ published notice of the Notice of Proposed Rulemaking on the Pima County Homepage and on the PDEQ website on October 26, 2018 and January 4, 2019 (Attachment A: Public Notices). Public Notices were published on October 26, 2018 and January 4, 2019 in two local newspapers (Arizona Daily Star and the Territorial Newspaper). The Public Notice was also published in the Ajo Copper News on October 30, 2018 and January 1, 2019 (Attachment A). In addition, PDEQ e-mailed a notice of the proposed ordinance amendments to interested parties who had requested rulemaking notifications in the past (Attachment B: Stakeholder E-mail Notification).

## III. NOTICE OF PROPOSED RULEMAKING

Pursuant to A.R.S. 49.471.04 PDEQ posted a Notice of the Proposed Rulemaking (Attachment C) on the Pima County Homepage PDEQ e-mailed a notice of the proposed ordinance amendments to interested parties who had requested rulemaking notifications in the past. The publication of the Notice of Proposed Rulemaking coincided with the Public Notice and allowed for thirty days (30-days) for PDEQ to accept public comment on the proposed ordinance.

## IV. PUBLIC COMMENT

During the 30 day public comment period PDEQ received one (1) e-mail comment from Mr. Shawn Dolan.

**Written Comment.** E-mail dated November 28, 2018

Mr. Dolan's e-mail included one (1) attachment: a document with specific edits to Pima County Code that Mr. Dolan proposed. Attachment D includes the e-mail comment and the document.

Sarah attached please find my comments on the subject proposed rule. Cited is the EPA Ferro Alloy NESHAP public law Jan 17, 2017 that defined ASTM D7520-16 as BACT for the

measurement of Opacity of process fugitive emissions and excluded the use of Method 9 for this measurement. Further the comments point to the increase of record keeping being required should an Owner/Operator select to use the superior method ASTM D7520-16. Assuming Method 9 could be used for fugitive emissions, the Owner/Operator is not required to maintain the calibration and certification records of the smoke generator used to certify the Visible Emission Observer who performs the Method 9 VEO to determine Opacity. Therefore the Owner/Operator should not be required to maintain certification records of ASTM D7520-16 DCOT selected to measure opacity.

I agree that the Owner/Operator should maintain a copy of the Digital Camera Operator's certification who performed the observation (took the pictures) in an ASTM D7520 VEO, is much the same way that the Method 9 Observer's personal certification is maintained.

However extending the Owner/Operator requirement to the certification of the DCOT system is just excessive, e.g. No rules currently require the Owner/Operator to maintain the certification records of smoke generator's or the calibration records of the transmissometer's used in the smoke generators to determine the opacity of the test plumes. Which would be the equivalent of what is requested in F2a and the Configuration management records as required in ASTM D7520-16 8.1 would be like saying Method 9 users would have to maintain the maintenance records for the smoke generator, to include fire box flow checks, stack flow checks, blower calibration and NIST filter check etc.

However, Owner/Operators should maintain a Standard Operating Procedure explaining how ASTM D7520 is being implemented at the facility, e.g. who is responsible for the capture of imagery and the processing of the VEO, and the schedule of VEO's to be performed, as well as, the approval of completed VEO's, and their storage and retrieval methodology.

The electronic VEO records produced by DCOT's, already have thumbnails of the pictures and documentation of where in the picture the opacity determination is made, in comparison with hand written Method 9 VEO forms with no supporting information. Therefore, requiring the Owner/Operator to maintain more than the Finalized VEO report produced by the DCOT is excessive and burdensome.

**PDEQ Response:** The Pima County Department of Environmental Quality (PDEQ) has received your comments on the proposed amendments to Pima County Code Title 17: Adding Section 17.16.125. The intention of this rulemaking is to meet State Implementation Plan (SIP) requirements to provide permanent and enforceable control measures for inactive tailings in the Ajo PM10 Planning Area.

PDEQ collaborated with the Arizona Department of Environmental Quality, the United States Environmental Protection Agency, and the affected owner/operator while drafting the current language of the proposed rule. Your comment requested that we only allow the use of ASTM D750-16 for the required visual observations. As current state regulations allow the use of Method 9 for visual observations, we must allow that alternative. The source may choose the ASTM method for points you made in your comment letter but PDEQ must allow the use of Method 9 if the source so chooses. PDEQ will maintain the current language of the proposed rule.

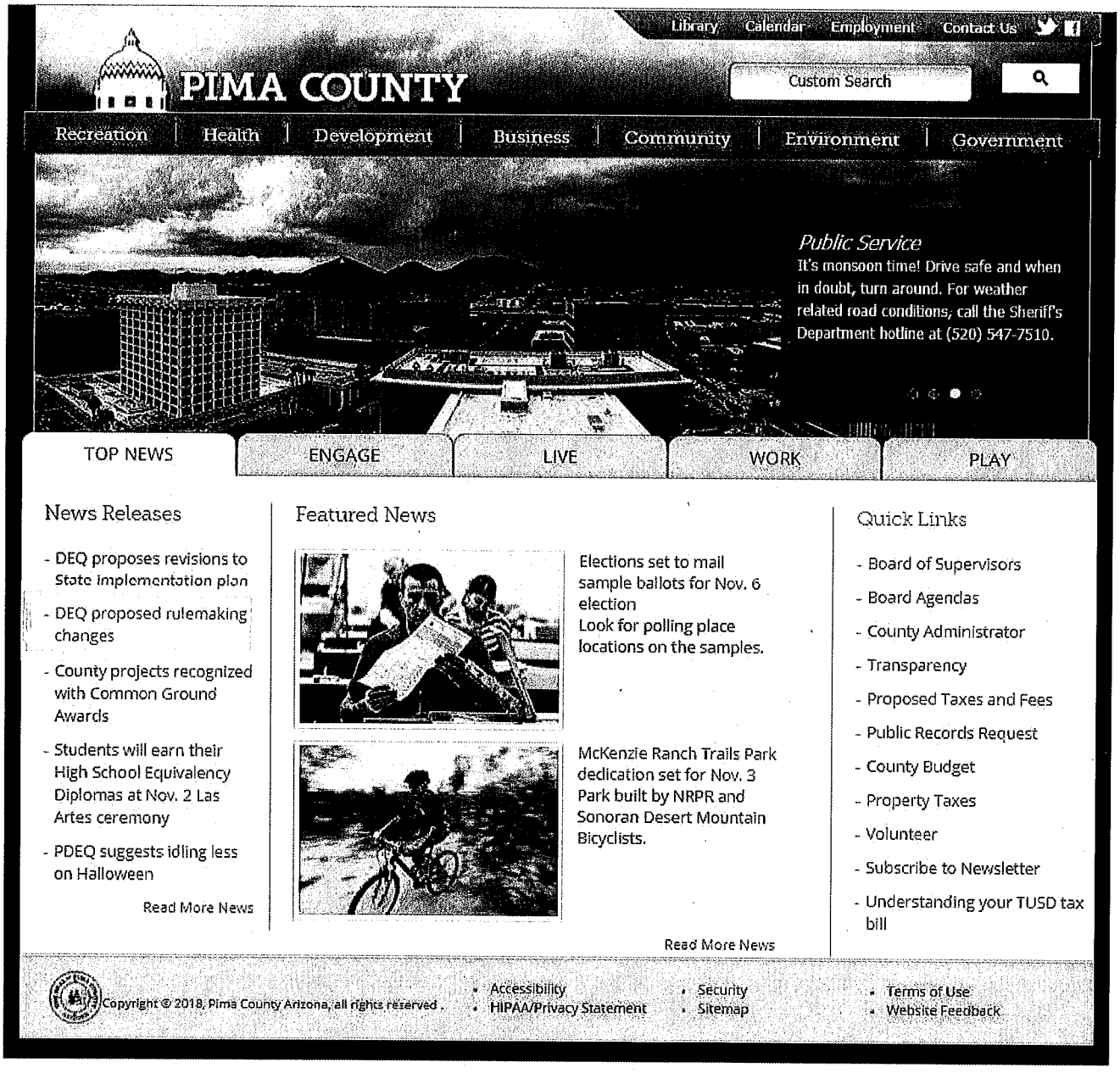
## V. BOARD OF SUPERVISORS MEETING MATERIALS

Following the Pima County Board of Supervisors Agenda/Addendum Policy, PDEQ is submitting the proposed ordinance amendments to the Pima County Clerk of the Board via e-mail and hard copy on January 9, 2019. The Board of Supervisors Agenda Item report can be found in Attachment E.

# ATTACHMENT A

## Public Notice Documents

Pima County Homepage
1st Public Notice
October 26, 2018



# Pima County Department of Environmental Quality Homepage
# 1st Public Notice
# October 26, 2018

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## Environmental Quality

Pima County Department of Environmental Quality (PDEQ), formed in 1989, serves Pima County by protecting public health and the environment. PDEQ operates programs to monitor air and water quality, hazardous waste, solid waste, and assist in waste minimization and pollution prevention. PDEQ also provides public outreach, education, and citizens' assistance; processes environmental permits; and responds to public complaints and inquiries with investigations and enforcement.

### Our Mission

Preserve and protect the environment of Pima County for the long-term benefit of residents' health, welfare, safety, and quality of life. Identify and respond to environmental issues by providing public services including monitoring, enforcement, information, education, and solid waste management.

### Featured News

- October 26, 2018 - DEQ proposes revisions to State implementation plan
- October 26, 2018 - DEQ proposed rulemaking changes
- October 24, 2018 - PDEQ suggests idling less on Halloween
- October 11, 2018 - Air Quality Health Watch for Green Valley
- August 08, 2018 - Pima DEQ Issues revised Air Quality Permit for TEP

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### Air Program

The Air Program is comprised of multiple sections which address different issues regarding air quality.

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33 N. Stone Ave., Suite 700
Tucson, AZ 85701

Phone: (520) 724-7400
Fax: (520) 838-7432

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# Pima County Department of Environmental Quality Newsroom Article 1st Public Notice October 26, 2018



## DEQ proposed rulemaking changes

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NOTICE OF PROPOSED RULEMAKING
PROPOSING AMENDMENTS
TO PIMA COUNTY CODE TITLE 17
CHAPTER 17.16 ADDING SECTION 17.16.125

The Pima County Board of Supervisors (BOS) as the governing body for the Pima County Air Quality Control District adopts ordinances which are codified in the 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 through the BOS. This Notice of Proposed Rulemaking proposes the addition of a new section to PCC Title 17, Chapter 17.16, Section 17.16.125- Inactive Mineral Tailings Impoundment and Slag Storage Area within the Ajo PM10 Planning Area. The intention of this rulemaking is to meet State Implementation Plan (SIP) requirements to provide permanence and enforceability for control measures that have already been implemented. Under this new section, owners or operators are subject to implement and maintain required Particulate Matter (PM10) control measures on applicable sources to meet visible emissions and stabilization requirements, in order to ensure continued Particulate Matter emissions reductions in the Ajo PM10 Planning Area. The inactive tailings and slag storage area must be controlled to 20 percent opacity for fugitive emissions on the property. For both the tailings and slag areas, owners or operators must also install and maintain signs and physical barriers to prevent trespass and re-disturbance on the property. The rule text and other related information is available at the PDEQ office, 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, January 22, 2019, at, or after, 9 a.m. in the Board Hearing Room, located at 130 W. Congress, 1st floor, Tucson, Arizona.

Comments pertaining to the Notice of Proposed 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 email to Sarah Reitmeyer. Written comments on the Notice of Proposed Rulemaking will be accepted by PDEQ until 5 p.m. on November 28, 2018.

The Notice of Proposed Rulemaking is available for review at the PDEQ office, and on the PDEQ Rules and Regulations Website under Draft, Proposed, & Final Rules. If requested, PDEQ can email a pdf version of the Notice of Proposed Rulemaking to anyone requesting this service. For additional information, please call Sarah Reitmeyer at (520) 724-7437.

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http://webcms.pima.gov/cms/One.aspx?portalId=169&pageId=455850

# Pima County Department of Environmental Quality Rulemaking Website
# 1st Public Notice
# October 26, 2018

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Pima County » Government » Environmental Quality » Rules and Regulations » Draft, Proposed, & Final Rules

## Draft, Proposed, & Final Rules

The Arizona Revised Statutes 49-112 and 49-471 et seq. authorizes the county to adopt regulations and establishes a rulemaking process by which the county must follow. In addition, a variety of state laws give citizens the right to comment on regulations before the county can put them into effect. Pima County Department of Environmental Quality is responsible for creating and amending existing rules within Pima County Code Title 7- Environmental Quality, Title 13 - Public Service, and Title 17 - Air Quality, and creating and amending existing Pima County Ordinances relating to Air, Water, and Waste.

PDEQ follows a process for creating and amending Pima County Code and Pima County Ordinances. An Introduction to the Rulemaking Process provides an overview of the process and frequently asked questions regarding rulemaking. PDEQ also follows a process for revising the Pima County portion of the Arizona State Implementation Plan (SIP). Each rulemaking, or revision of the Pima County portion of the SIP will have a 30-day Public Comment period. Public Comments can be submitted in writing via letter, e-mail to Sarah Reitmeyer, or through the PDEQ online Public Comment Form. We encourage you to participate in the rulemaking process.

Air | Water | Waste

### Air

#### Title 17 - Inactive mineral tailings impoundment and slag storage area within the Ajo PM10 Planning Area

Summary: This Notice of Proposed Rulemaking proposes the addition of a new section to PCC Title 17, Chapter 17.16, Section 17.16.125- Inactive Mineral Tailings Impoundment and Slag Storage Area within the Ajo PM10 Planning Area. The intention of this rulemaking is to meet State Implementation Plan (SIP) requirements to provide permanence and enforceability for control measures that have already been implemented. Under this new section, owners or operators are subject to implement and maintain required Particulate Matter (PM10) control measures on applicable sources to meet visible emissions and stabilization requirements, in order to ensure continued Particulate Matter emissions reductions in the Ajo PM10 Planning Area.

| Documents | Deadline for Public Comment | Public Hearing Date |
|---|---|---|
| Notice of Proposed Rulemaking<br>Public Notice-10-26-2018<br>Draft Ordinance adding PCC 17.16.125 | November 28, 2018 | January 22, 2019 |

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Tucson, AZ 85701

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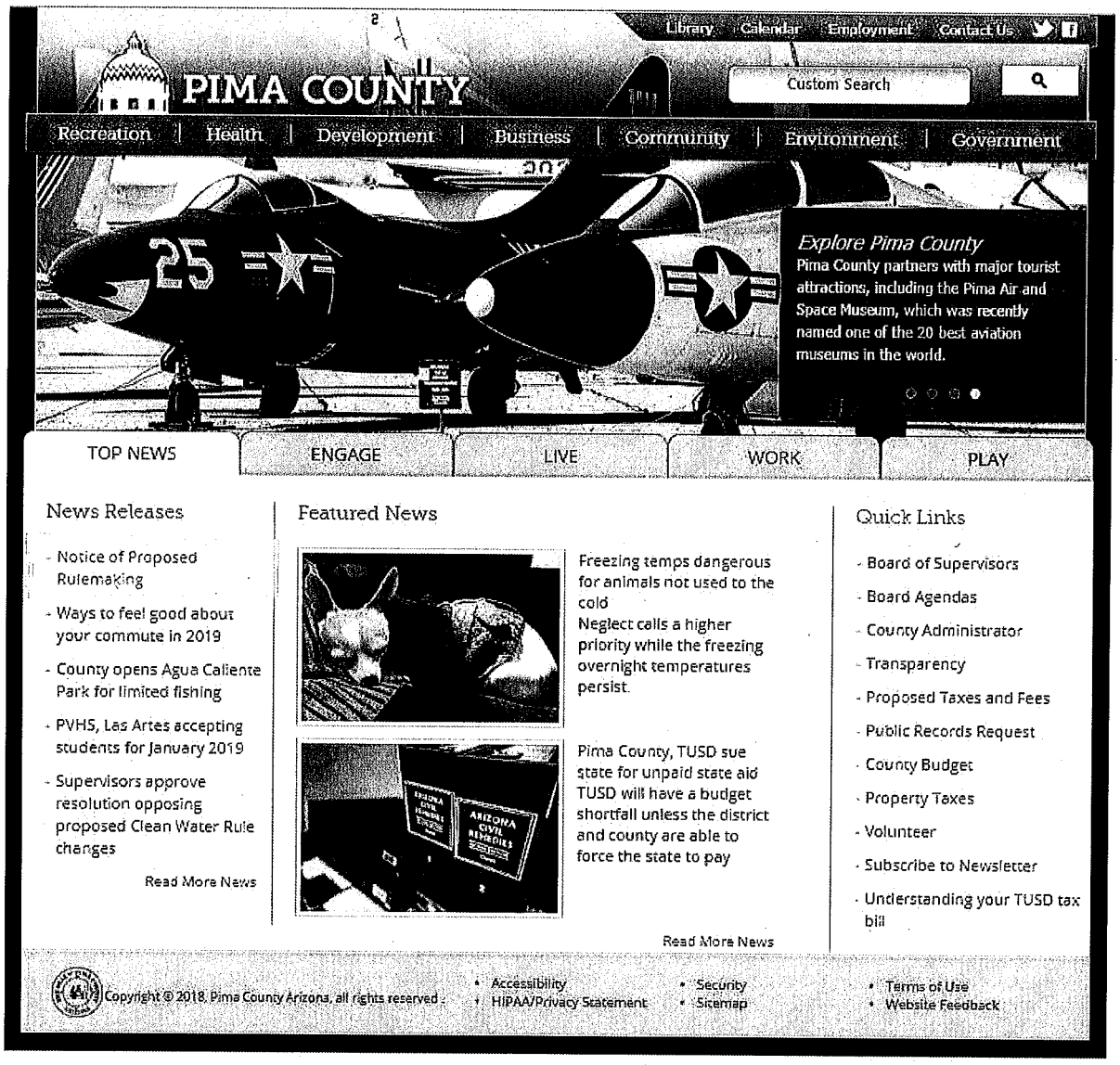
# Pima County Homepage
# News Release
# 2nd Public Notice
# January 4, 2019



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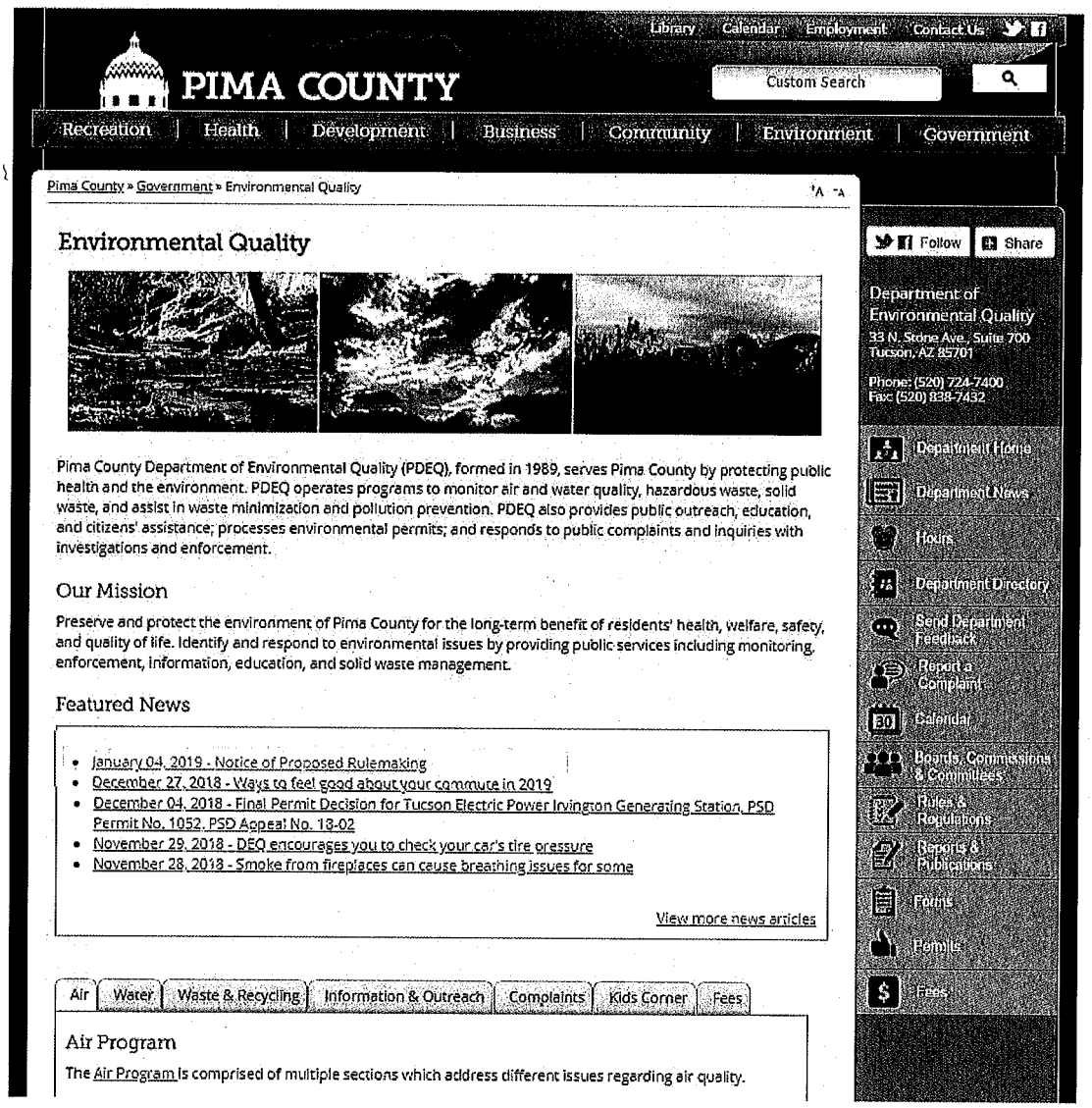

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### Featured News

- January 04, 2019 - Notice of Proposed Rulemaking
- December 27, 2018 - Ways to feel good about your commute in 2019
- December 04, 2018 - Final Permit Decision for Tucson Electric Power Irvington Generating Station, PSD Permit No. 1052, PSD Appeal No. 18-02
- November 29, 2018 - DEQ encourages you to check your car's tire pressure
- November 28, 2018 - Smoke from fireplaces can cause breathing issues for some

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## Notice of Proposed Rulemaking

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SECOND NOTICE
NOTICE OF PROPOSED RULEMAKING
PROPOSING AMENDMENTS
TO PIMA COUNTY CODE TITLE 17
CHAPTER 17.16 ADDING SECTION 17.16.125

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Comments pertaining to the Notice of Proposed Rulemaking may be submitted at the above noticed public hearing.

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/

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Pima County » Government » Environmental Quality » Rules and Regulations » Draft, Proposed, & Final Rules

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Air | Water | Waste

### Air

#### Title 17 - Inactive mineral tailings impoundment and slag storage area within the Ajo PM10 Planning Area

Summary: This Notice of Proposed Rulemaking proposes the addition of a new section to PCC Title 17, Chapter 17.16, Section 17.16.125- Inactive Mineral Tailings Impoundment and Slag Storage Area within the Ajo PM10 Planning Area. The intention of this rulemaking is to meet State Implementation Plan (SIP) requirements to provide permanence and enforceability for control measures that have already been implemented. Under this new section, owners or operators are subject to implement and maintain required Particulate Matter (PM10) control measures on applicable sources to meet visible emissions and stabilization requirements, in order to ensure continued Particulate Matter emissions reductions in the Ajo PM10 Planning Area.

| Documents | Deadline for Public Comment | Public Hearing Date |
|---|---|---|
| Notice of Proposed Rulemaking<br>1st Public Notice-10-26-2018<br>Draft Ordinance adding PCC 17.16.125<br>2nd Public Notice-01-04-2019 | Comment Period Closed | January 22, 2019 |

#### Title 17 - Reorganization

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Phone: (520) 724-7400
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# Newspaper Public Notices

## Arizona Daily Star
## 1st Public Notice
## October 26, 2018

**ARIZONA DAILY STAR**

Tucson, Arizona

STATE OF ARIZONA)
COUNTY OF PIMA)

Debbie Freedle, being first duly sworn deposes and says: that she is the Advertising Representative of **TNI PARTNERS,** a General Partnership organized and existing under the laws of the State of Arizona, and that it prints and publishes the Arizona Daily Star, a daily newspaper printed and published in the City of Tucson, Pima County, State of Arizona, and having a general circulation in said City, County, State and elsewhere, and that the attached ad was printed and

Legal Notice

published correctly in the entire issue of the said Arizona Daily Star on each of the following dates, to-wit:

October 26, 2018

Debbie Freedle

Subscribed and sworn to before me this 30th day of October 2018

Lydia Fimbres

Notary Public

LYDIA FIMBRES
Notary Public - Arizona
Pima County
My Comm. Expires Oct 18, 2019

My commission expires

AD NO. 8836480

**NOTICE OF PROPOSED RULEMAKING PROPOSING AMENDMENTS TO PIMA COUNTY CODE TITLE 17 CHAPTER 17.16 ADDING SECTION 17.16.125**

The Pima County Board of Supervisors (BOS) as the governing body for the Pima County Air Quality Control District adopts ordinances which are codified in the 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 through the BOS. This Notice of Proposed Rulemaking proposes the addition of a new section to PCC Title 17, Chapter 17.16, Section 17.16.125- Inactive Mineral Tailings Impoundment and Slag Storage Area within the Ajo PM10 Planning Area. The intention of this rulemaking is to meet State Implementation Plan (SIP) requirements to provide permanence and enforceability for control measures that have already been implemented. Under this new section, owners or operators are subject to implement and maintain required Particulate Matter (PM10) control measures on applicable sources to meet visible emissions and stabilization requirements, in order to ensure continued Particulate Matter emissions reductions in the Ajo PM10 Planning Area. The inactive tailings and slag storage area must be controlled to 20 percent opacity for fugitive emissions on the property. For both the tailings and slag areas, owners or operators must also install and maintain signs and physical barriers to prevent trespass and re?disturbance on the property. The rule text and other related information is available at the PDEQ office, and on the PDEQ website (noted below), or you may request a copy by contacting our department.

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Comments pertaining to the Notice of Proposed 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 Notice of Proposed Rulemaking will be accepted by PDEQ until 5:00 p.m. on November 28, 2018.

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/**

Publish October 26, 2018
Arizona Daily Star

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# Daily Territorial
# 1st Public Notice
# October 26, 2018

# THE DAILY TERRITORIAL

AFFIDAVIT OF PUBLICATION

STATE OF ARIZONA }
} ss.
COUNTY OF PIMA }

Roxanne Murray, being first duly sworn, deposes and says that (s)he is the Lead Public Notice Clerk of THE DAILY TERRITORIAL, a daily newspaper printed and published in the County of Pima, State of Arizona, and of general circulation in the City of Tucson, County of Pima, State of Arizona and elsewhere, and hereto attached:

NOTICE OF HEARING NOTICE
JANUARY 22, 2019
Legal #96669
19*3742

was printed and published correctly in the regular and entire issue of said THE DAILY TERRITORIAL for 1 issues; that the first was made on the 26th day of October, 2018 and the last publication thereof was made on the 26th day of October, 2018; that said publication was made on each of the following dates, to-wit:

10/26/2018

at the Request of: PC ENVIRONMENTAL QUALITY

by _____, Lead Public Notice Clerk, subscribed and sworn to before me this 26th day of October, 2018.

DUANE J. HOLLIS
OFFICIAL SEAL
PIMA COUNTY, ARIZONA
My Comm. Exp. April 24, 2021
NOTARY PUBLIC

_____
Notary Public in and for the County of Pima, State of Arizona

My commission expires 04/24/2021

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333 E W WILCOX DR
SIERRA VISTA AZ 85635
(520)294-1200

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PROPOSING AMENDMENTS
TO PIMA COUNTY CODE TITLE 17
CHAPTER 17.16 ADDING Section 17.16.125

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PUBLISH: The Daily Territorial
OCTOBER 26, 2018

COPY

# Ajo Copper News
# 1st Public Notice
# October 30, 2018

# Ajo Copper News

Hollister David, Publisher
Gabrielle David, Editor
Rayetta Legge, Office Manager

P. O. Box 39 • Ajo, Arizona 85321
Phone (520) 387-7688
FAX (520) 387-7505

**STATE OF ARIZONA )**
**) ss.**
**COUNTY OF PIMA )**

Notice of Proposed Rulemaking
PROPOSING AMENDMENTS
TO PIMA COUNTY CODE TITLE 17
CHAPTER 17.16 ADDING Section 17.16.125
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(Published October 30, 2018)
Pima County- Notice of Proposed Rule Making RKL

Hollister David deposes and says that he is the publisher of the *Ajo Copper News*, a weekly newspaper of general circulation and established character, published weekly at Ajo, Pima County, Arizona, and that

**NOTICE OF PROPOSED RULEMAKING PROPOSING AMENDMENTS TO PIMA COUNTY CODE TITLE 17 CHAPTER 17. 16 ADDING SECTION 17.16.125**

a correct copy of which is attached to this affidavit, was published in the said *Ajo Copper News* every week in the newspaper proper and not in a supplement for

**Publ. October 30, 2018**

Hollister David, Publisher
Ajo Copper News

Sworn to and subscribed before me, a Notary Public in and for the County of Pima, Arizona, this **30th** day of **October, 2018.**

Rayetta Legge
Notary Public

OFFICIAL SEAL
RAYETTA LEGGE
Notary Public - State of Arizona
PIMA COUNTY
Comm. #548356 Exp. June 12, 2022

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# Arizona Daily Star
# 2nd Public Notice
# January 4, 2019

Affidavit Available after January 30, 2019
Electronically available Public Notice from
www.PublicNoticeAds.com provided

The newspapers of **Arizona** make public notices from their printed pages available electronically in a single database for the benefit of the public. This enhances the legislative intent of public notice - keeping a free and independent public informed about activities of their government and business activities that may affect them. Importantly, Public Notices now are in one place on the web (www.PublicNoticeAds.com), not scattered among thousands of government web pages.

**County:** Pima
**Printed In:** Arizona Daily Star (Tucson)
**Printed On:** 2019/01/04

## SECOND NOTICE NOTICE OF PROPOSED RULEMAKING PROPOSING AMENDMENTS TO PIMA COUNTY CODE TITLE 17 CHAPTER 17.16 ADDING SECTION 17.16.125

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Publish January 4, 2019 Arizona Daily Star (0008851363-01)

**Public Notice ID:**

# Daily Territorial
# 2nd Public Notice
# January 4, 2019

# THE DAILY TERRITORIAL

AFFIDAVIT OF PUBLICATION

STATE OF ARIZONA }
} ss.
COUNTY OF PIMA }

Roxanne Murray, being first duly sworn, deposes and says that (s)he is the Lead Public Notice Clerk of THE DAILY TERRITORIAL, a daily newspaper printed and published in the County of Pima, State of Arizona, and of general circulation in the City of Tucson, County of Pima, State of Arizona and elsewhere, and hereto attached:

PUBLIC NOTICE SECOND NOTI
PROPOSED RULEMAKING
Legal #116802
19*3742

was printed and published correctly in the regular and entire issue of said THE DAILY TERRITORIAL for 1 issues; that the first was made on the 4th day of January, 2019 and the last publication thereof was made on the 4th day of January, 2019; that said publication was made on each of the following dates, to-wit:

01/04/2019

at the Request of: PC DEPARTMENT OF ENVIRONMENTAL QUALITY

by _____, Lead Public Notice Clerk, subscribed and sworn to before me this 4th day of January, 2019.

DUANE J. HOLLIS
OFFICIAL SEAL
PIMA COUNTY, ARIZONA
My Comm. Exp. April 24, 2021
NOTARY PUBLIC

_____
Notary Public in and for the County of Pima, State of Arizona

My commission expires 04/24/2021

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WICK COMMUNICATIONS
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333 E W WILCOX DR
SIERRA VISTA AZ 85635
(520)294-1200

ORDER CONFIRMATION (CONTINUED)

Salesperson: Not Applicable  Printed at 12/24/18 10:38 by rgrad-wc

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PUBLIC NOTICE
SECOND NOTICE
Notice of Proposed Rulemaking
PROPOSING AMENDMENTS
TO PIMA COUNTY CODE TITLE 17
CHAPTER 17.16 ADDING Section 17.16.125

The Pima County Board of Supervisors (BOS) as the governing body for the Pima County Air Quality Control District adopts ordinances which are codified in the 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 through the BOS. This Notice of Proposed Rulemaking proposes the addition of a new section to PCC Title 17, Chapter 17.16, Section 17.16.125- Inactive Mineral Tailings Impoundment and Slag Storage Area within the Ajo PM10 Planning Area. The intention of this rulemaking is to meet State Implementation Plan (SIP) requirements to provide permanence and enforceability for control measures that have already been implemented. Under this new section, owners or operators are subject to implement and maintain required Particulate Matter (PM10) control measures on applicable sources to meet visible emissions and stabilization requirements, in order to ensure continued Particulate Matter emissions reductions in the Ajo PM10 Planning Area. The inactive tailings and slag storage area must be controlled to 20 percent opacity for fugitive emissions on the property. For both the tailings and slag areas, owners or operators must also install and maintain signs and physical barriers to prevent trespass and re-disturbance on the property. The rule text and other related information is available at the PDEQ office, 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, January 22, 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 Proposed Rulemaking may be submitted at the above noticed public hearing.

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/

PUBLISH: The Daily Territorial
Jan. 4, 2019

COPY

# Ajo Copper News
# 2nd Public Notice
# January 1, 2019

# Ajo Copper News

Hollister David, Publisher
Gabrielle David, Editor
Rayetta Legge, Office Manager

P. O. Box 39 • Ajo, Arizona 85321
Phone (520) 387-7688
FAX (520) 387-7505

**STATE OF ARIZONA )**
**) ss.**
**COUNTY OF PIMA )**

SECOND NOTICE
Notice of Proposed Rulemaking
PROPOSING AMENDMENTS
TO PIMA COUNTY CODE TITLE 17
CHAPTER 17.16 ADDING Section 17.16.125

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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/

(Published January 1, 2019)

Pima County- Notice of Proposed Rule Making RKL

Hollister David deposes and says that he is the publisher of the *Ajo Copper News*, a weekly newspaper of general circulation and established character, published weekly at Ajo, Pima County, Arizona, and that

**SECOND NOTICE/NOTICE OF PROPOSED RULEMAKING PROPOSING AMENDMENTS TO PIMA COUNTY CODE TITLE 17 CHAPTER 17.16 ADDING SECTION 17.16.125**

a correct copy of which is attached to this affidavit, was published in the said *Ajo Copper News* every week in the newspaper proper and not in a supplement for

**Publ. January 1, 2019**

Hollister David, Publisher,
Ajo Copper News

Sworn to and subscribed before me, a Notary Public in and for the County of Pima, Arizona, this **1st** day of **January, 2018.**

Rayetta Legge
Notary Public

OFFICIAL SEAL
RAYETTA LEGGE
Notary Public - State of Arizona
PIMA COUNTY
Comm. #548356 Exp. June 12, 2022

COPY

# ATTACHMENT B

Stakeholder E-mail Notification
1st Public Notice
October 26, 2018

## Sarah Reitmeyer

| | |
|---|---|
| **From:** | Sarah Reitmeyer |
| **Sent:** | Friday, October 26, 2018 3:09 PM |
| **To:** | Sarah Reitmeyer |
| **Subject:** | Notice of Proposed Rulemaking-PCC Title 17 - Ajo Inactive Tailings Impoundment & Slag Storage |
| **Attachments:** | Notice-Proposed-Rulemaking-Ajo-Tailings-Slag.pdf |

Dear Interested Stakeholder,

You are receiving this e-mail because you have expressed interest in notification for the Pima County Department of Environmental Quality (PDEQ) regulatory process (i.e. rulemaking).

The Pima County Board of Supervisors (BOS) as the governing body for the Pima County Air Quality Control District adopts ordinances which are codified in the 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 through the BOS. This Notice of Proposed Rulemaking proposes the addition of a new section to PCC Title 17, Chapter 17.16, Section 17.16.125- Inactive Mineral Tailings Impoundment and Slag Storage Area within the Ajo $PM_{10}$ Planning Area. The intention of this rulemaking is to meet State Implementation Plan (SIP) requirements to provide permanence and enforceability for control measures that have already been implemented. Under this new section, owners or operators are subject to implement and maintain required Particulate Matter ($PM_{10}$) control measures on applicable sources to meet visible emissions and stabilization requirements, in order to ensure continued Particulate Matter emissions reductions in the Ajo $PM_{10}$ Planning Area. The inactive tailings and slag storage area must be controlled to 20 percent opacity for fugitive emissions on the property. For both the tailings and slag areas, owners or operators must also install and maintain signs and physical barriers to prevent trespass and re-disturbance on the property. The rule text and other related information is available at the PDEQ office, 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 is currently scheduled for:

| | |
|---|---|
| Date: | Tuesday, January 22, 2019 |
| Time: | 9:00 A.M. (or after) |
| Location: | Board Hearing Room<br>130 W. Congress, 1st floor<br>Tucson, Arizona 85701 |

Comments pertaining to the Notice of Proposed 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), via e-mail, or via the online Public Comment form located on the PDEQ website. Written comments on the Notice of Proposed Rulemaking will be accepted by PDEQ until 5:00 p.m. on November 28, 2018.

Information regarding this Proposed Rulemaking may be viewed under the Air tab on the PDEQ Draft, Proposed, & Final Rules website. Copies are also available at our office, or may be requested via e-mail to: sarah.reitmeyer@pima.gov.

Questions and/or comments may be directed to:
Sarah Reitmeyer
Phone: (520) 724-7437
Fax: (520) 838-7432
sarah.reitmeyer@pima.gov

Sarah Reitmeyer, Regulatory Program Manager
Pima County Department of Environmental Quality
33 N Stone Ave, Suite 700, Tucson, AZ 85701
Phone: (520) 724-7437
Fax: (520) 838-7432
Email: sarah.reitmeyer@pima.gov

# Stakeholder E-mail Notification
# 2nd Public Notice
# January 4, 2019

**Sarah Reitmeyer**

| | |
|---|---|
| **From:** | Sarah Reitmeyer |
| **Sent:** | Friday, January 4, 2019 4:49 PM |
| **To:** | Sarah Reitmeyer |
| **Subject:** | Second Notice - NPRM PCC Title 17 - Ajo Inactive Tailings Impoundment & Slag Storage |

Dear Interested Stakeholder,

You are receiving this e-mail because you have expressed interest in notification for the Pima County Department of Environmental Quality (PDEQ) regulatory process (i.e. rulemaking).

The Pima County Board of Supervisors (BOS) as the governing body for the Pima County Air Quality Control District adopts ordinances which are codified in the 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 through the BOS. This Notice of Proposed Rulemaking proposes the addition of a new section to PCC Title 17, Chapter 17.16, Section 17.16.125- Inactive Mineral Tailings Impoundment and Slag Storage Area within the Ajo $PM_{10}$ Planning Area. The intention of this rulemaking is to meet State Implementation Plan (SIP) requirements to provide permanence and enforceability for control measures that have already been implemented. Under this new section, owners or operators are subject to implement and maintain required Particulate Matter ($PM_{10}$) control measures on applicable sources to meet visible emissions and stabilization requirements, in order to ensure continued Particulate Matter emissions reductions in the Ajo $PM_{10}$ Planning Area. The inactive tailings and slag storage area must be controlled to 20 percent opacity for fugitive emissions on the property. For both the tailings and slag areas, owners or operators must also install and maintain signs and physical barriers to prevent trespass and re-disturbance on the property. The rule text and other related information is available at the PDEQ office, 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 is currently scheduled for:

| | |
|---|---|
| Date: | Tuesday, January 22, 2019 |
| Time: | 9:00 A.M. (or after) |
| Location: | Board Hearing Room<br>130 W. Congress, 1st floor<br>Tucson, Arizona 85701 |

Comments pertaining to the Notice of Proposed Rulemaking may be submitted at the above noticed public hearing.

Information regarding this Proposed Rulemaking may be viewed under the Air tab on the PDEQ Draft, Proposed, & Final Rules website. Copies are also available at our office, or may be requested via e-mail to: sarah.reitmeyer@pima.gov.

Questions may be directed to:
Sarah Reitmeyer
Phone: (520) 724-7437
Fax: (520) 838-7432
sarah.reitmeyer@pima.gov

Thank you for your interest in the rulemaking process.

Sarah Reitmeyer, Regulatory Program Manager
Pima County Department of Environmental Quality
33 N Stone Ave, Suite 700, Tucson, AZ 85701
Phone: (520) 724-7437
Fax: (520) 838-7432
Email: sarah.reitmeyer@pima.gov

# ATTACHMENT C

## Notice of Proposed Rulemaking

## NOTICE OF PROPOSED RULEMAKING

## PIMA COUNTY CODE
## TITLE 17 – AIR QUALITY CONTROL
## CHAPTER 16 - EMISSION LIMITING STANDARDS

### PREAMBLE

**1. Sections Affected** | **Rulemaking Action**

PCC 17.16.125 | New Section

**2. Statutory authority for the rulemaking:**

**Authorizing Statutes**: Arizona Revised Statutes (A.R.S.) §§ 49-471.04, 49-402, and 49-479

**Implementing Statutes:** A.R.S. §§ 49-112, 49-479

**3. The agency's contact person who can answer questions about the rulemaking:**


Name: Sarah Reitmeyer

Address: Pima County DEQ
33 N. Stone Avenue, Suite 700
Tucson, AZ 85701

Telephone: (520) 724-7437

Fax: (520) 838-7432

E-mail: sarah.reitmeyer@pima.gov


**4. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:**

The Pima County Board of Supervisors (BOS) as the governing body for the Pima County Air Quality Control District adopts ordinances which are codified in the 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 through the BOS. This Notice of Proposed Rulemaking proposes the addition of a new section to PCC Title 17, Chapter 17.16, Section 17.16.125- Inactive Mineral Tailings Impoundment and Slag Storage Area within the Ajo $PM_{10}$ Planning Area. The intention of this rulemaking is to meet State Implementation Plan (SIP) requirements to provide permanence and enforceability for control measures that have already been implemented. Under this new section, owners or operators are subject to implement and maintain required Particulate Matter ($PM_{10}$) control measures on applicable sources to meet visible emissions and stabilization requirements, in order

to ensure continued particulate matter emissions reductions in the Ajo $PM_{10}$ Planning Area. The inactive tailings and slag storage area must be controlled to 20 percent opacity for fugitive emissions on the property. For both the tailings and slag areas, owners or operators must also install and maintain signs and physical barriers to prevent trespass and re-disturbance on the property.

5. **Demonstration of compliance with A.R.S. § 49-471.04 notice of proposed rule or ordinance making:**

Per A.R.S. §49-479(A), the Pima County Board of Supervisors has specific authority, subject to procedural requirements, to adopt and implement rules to control the atmospheric release of air contaminants originating within the Pima County territorial limits. The County may adopt rules that are more stringent than State statute per A.R.S. §49-112 as long as certain conditions are met such as the rule is necessary to address a peculiar local condition and there is credible evidence that the rule is either: (1) necessary to prevent significant threat to public health or the environment and the rule is technically and economically feasible, or (2) the rule is required under federal statute or regulation. The State of Arizona has no similar tailings rule, therefore the measure is more stringent than State rules. This rule, however, is federally required per CAA section 172(d)(3)(E)(iii), insofar as to ensure that the State is able to submit a SIP on behalf of Pima County for the Ajo moderate $PM_{10}$ nonattainment area, and that there are rules in place to control PM emissions for a significant source of fugitive dust.

6. **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.

7. **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.

8. **The preliminary 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.

**9. 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 |


**10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:**

Written comments will be accepted if received between the date of this publication and **November 28, 2018 by 5:00 p.m**. Written comments may be mailed or hand delivered to the Pima County Department of Environmental Quality (see #9 above). Written comments received during the comment period will be considered formal comments to the expedited rule or ordinance, and will be responded to in the notice of final rulemaking.

| | |
|---|---|
| **Oral Proceeding:** | **Tuesday, January 22, 2018** |
| **Time:** | **9 a.m.** |
| **Location:** | **Pima County Board of Supervisors** |
| | **Public Hearing Room, First Floor** |
| | **130 West Congress Street** |
| | **Tucson, Arizona 85701** |

**11. Any other matters prescribed by the statute that are applicable to the specific agency or to any specific rule or class of rules:**

None

**12. The full text of the rule follows:**

**Chapter 17.16 - EMISSION LIMITING STANDARDS**

. . .

**Article III. - Emissions from Existing and New Nonpoint Sources**

. . .

**17.16.125 - Inactive mineral tailings impoundment and slag storage area within the Ajo $PM_{10}$ Planning Area.**

A. Applicability. This Section applies to the owner or operator of the inactive mineral tailings impoundment and slag storage area within the Ajo $PM_{10}$ Planning Area.

B. Definitions. The following definitions apply for the purposes of this Section:

1. "Affected area" means the Ajo $PM_{10}$ Planning Area.
2. "Ajo $PM_{10}$ Planning Area" means the area designated in 40 C.F.R. §81.303, adopted as of June 30, 2017 with no future editions or amendments.
3. "Chemical or organic soil stabilizer" means hygroscopic material, solution of water and chemical surfactant foam, non-toxic chemical stabilizer or any other chemical or organic dust palliative that is not prohibited by the U. S. Environmental Protection Agency, the Arizona Department of Environmental Quality, the Pima County Department of Environmental Quality or any applicable law, rule, or regulation, as a treatment material for reducing $PM_{10}$ emissions.
4. "Coarse" with respect to copper smelter slag material means no less than 3/8 inches in diameter.
5. "Copper smelter slag" means the waste material consisting primarily of iron sulfides separated from copper matte during the smelting and refining of copper ore concentrates.
6. "Crushed rock" means crushed stone or angular rock of a size 2 inches or greater in diameter.
7. "Department" means the Pima County Department of Environmental Quality.
8. "Gravel" means a loose aggregation of rock fragments of low silt content (5% or less) and less than 2 inches in diameter.
9. "High wind event" means an hourly average wind speed of 25 miles per hour or more or an instantaneous wind gust of 40 miles per hour or more as measured in the affected area by a meteorological monitoring station.
10. "Inactive" with respect to the mineral tailings impoundment and slag storage area means that activities in support of ongoing mining operations or for any commercial purpose no longer occur.
11. "Meteorological monitoring station" means one of the following:
    a. A Pima County Department of Environmental Quality meteorological monitoring station;
    b. A station operated by the National Weather Service;
    c. A Remote Automated Weather Station operated by the United States Forest Service, or United States Bureau of Land Management;
    d. An Automated Weather Observing System or Automated Surface Observing System station, located at an airport, and either operated or certified by the Federal Aviation Administration; or
    e. Any other meteorological equipment or wind instrument that is installed, calibrated, operated, and maintained by the owner or operator in accordance with the requirements for SLAMS/SPM (non-NCore) instruments in *Quality Assurance*

*Handbook for Air Pollution Measurement Systems, Volume IV: Meteorological Measurements Version 2.0 (Final)*, publication number EPA-454/B-08-002, March 2008, and no future editions or amendments, and manufacturer's specifications, as applicable.

12. "Mineral tailings impoundment" means the earth-fill embankment dams used to store byproducts of prior mining operations that separated mineral ore from other unused material.

13. "Opacity" means the degree to which emissions reduce the transmission of light and obscure the view of an object in the background.

14. "Particulate matter" means any airborne finely divided solid or liquid material with an aerodynamic diameter smaller than one hundred micrometers.

15. "$PM_{10}$" means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by a reference method contained within 40 C.F.R. Part 50, Appendix J or by an equivalent method designated in accordance with 40 C.F.R. Part 53, both sections adopted as of June 30, 2017 with no future editions or amendments.

16. "Slag storage area" means the area used to store copper smelter slag.

17 "Vegetative cover" means rooted vegetation or unattached vegetative debris lying on the surface that is not susceptible to movement by wind.

C. Control Measures.

1. The owner or operator shall implement and maintain at least one of the following reasonably available control measures to reduce $PM_{10}$ emissions from the inactive mineral tailings impoundment to ensure compliance with subsection D.1 below:

   a. Application of crushed rock or gravel;

   b. Application of chemical or organic soil stabilizers;

   c. Application of water;

   d. Establishment of vegetative cover; or

   e. Any other equivalent methods or techniques approved by the Department and EPA Region IX.

2. The owner or operator shall implement and maintain at least one of the following reasonably available control measures to reduce $PM_{10}$ emissions from the inactive slag storage area:

   a. Application of a cap consisting of coarse copper smelter slag material; or

   b. Any other equivalent methods or techniques approved by the Department and EPA Region IX.

3. To prevent trespass in the inactive mineral tailings impoundment and slag storage area, the owner or operator shall install and maintain the following:

   a. No trespassing signs; and

   b. Physical barriers such as fences, gates, posts, shrubs, trees, or other measures to effectively restrict access from the general public.

D. Opacity Standard.

1. The owner or operator shall not cause or allow visible emissions to exceed twenty percent opacity from the mineral tailings impoundment. Opacity shall be determined in accordance with subsection E.1 below.

2. The opacity standard in subsection D.1 above shall not apply during high wind events if the owner or operator has implemented and maintained reasonably available control measures required in subsections C.1 and C.3 above for the mineral tailings impoundment, as documented by subsection F.1.a below.

E. Monitoring.

1. To demonstrate compliance with subsections C.1 and D.1 above, the owner or operator shall conduct weekly visible emission observations of the mineral tailings impoundment.

   a. All observations shall be conducted in accordance with 40 C.F.R. Part 60, Appendix A, Reference Method 9.

   b. As an alternative to subsection E.1.a, the owner or operator may elect to conduct observation in accordance with ASTM D7520-16. If so, the owner or operator must have standard operating procedures in place to ensure that equipment is operated and maintained in accordance with manufacturer's specifications per Section 8.1 of ASTM D7520-16.

2. To demonstrate compliance with subsection C.2 above, the owner or operator shall conduct monthly inspections of the slag storage area to assess the effectiveness of control measures. Inspection reports shall, at a minimum, include identification of inspector; inspection date and time; findings of inspection, and any corrective action or preventive measures to be taken.

3. To demonstrate compliance with subsection C.3 above, the owner or operator shall conduct monthly inspections of trespassing signs and physical constraints. Inspection reports shall, at a minimum, include identification of inspector; inspection date and time; findings of inspection, and any corrective action or preventive measures to be taken.

F. Recordkeeping.

1. The owner or operator shall maintain and make available to the Department or EPA Region IX the following records upon request:

   a. Records of reasonably available control measures implemented and maintained as required by subsection C above;

   b. Records of visible emission observations required by subsection E.1 above;

   c. Records of inspections required by subsections E.2 and E.3 above;

   d. Records of observer EPA Reference Method 9 or ASTM D7520-16 certifications;

   e. Records of the owner or operator's installation, calibration, certification, operation, and maintenance of any meteorological equipment or wind instrument used for purposes of identifying high wind events; and

   f. Records of meteorological monitoring station data used for purposes of identifying high wind events.

2. If the owner or operator elects to conduct weekly visual observations in accordance with subsection E.1.b, the following records shall be maintained:

a. ASTM D7520-16 certification documentation, data sheets, and all raw unaltered JPEGs used for opacity and certification determination, recorded in a form suitable and readily available for expeditious inspection and review.

b. Standard operating procedures used to ensure that equipment is operated and maintained in accordance with manufacturer's specifications per Section 8.1 of ASTM D7520-16.

3. All records required by this section shall be maintained by the owner or operator for a minimum of 5 years.

G. Notification.

1. The owner or operator shall provide written notification to the Department at least 30 days prior to initiating weekly visual observations in accordance with subsection E.1. The notification shall identify proposed observation points/locations and provide justification for the selection of those points/locations.

2. The owner or operator shall provide written notification to the Department at least 30 days prior to using any meteorological monitoring station as described in subsection B.11.e.

H. Reporting.

1. The owner or operator shall report to the Department any visible emissions in excess of opacity limit established by subsection D.1. The report shall be in two parts as specified below:

a. Notification by telephone or facsimile within 24 hours of the time the owner or operator first learned of the occurrence of excess opacity that includes all available information from subsection H.2.

b. Detailed written notification by submission of an excess opacity report within 72 hours of the notification under subsection H.1.a.

2. The excess opacity report shall contain the following information:

a. The approximate location at the mineral tailing impoundment where the excess opacity occurred;

b. The level of excess opacity as measured in accordance with subsection F;

c. The time and duration or expected duration of the excess opacity;

d. The nature and cause or suspected cause of the excess opacity;

e. The steps that were or are being taken to limit the excess opacity; and

f. Any corrective action or preventative measures taken.

3. In the case of continuous or recurring excess opacity events, the notification requirements of this subsection shall be satisfied if the owner or operator provides the required notification after excess opacity events are first detected and includes in the notification an estimate of the time the excess opacity events will continue. Excess opacity occurring after the estimated time period or changes in the nature of the excess opacity as originally reported shall require additional notification pursuant to subsections H.1 and H.2.

. . .

# ATTACHMENT D

E-mail Public Comment
From Mr. Shawn Dolan
With Attachment

## Sarah Reitmeyer

**From:** Shawn Dolan <shawn.dolan@virtuallc.com>
**Sent:** Wednesday, November 28, 2018 1:28 AM
**To:** sdolan50@msn.com; Sarah Reitmeyer
**Subject:** Re: Notice of Proposed Rulemaking-PCC Title 17 - Ajo Inactive Tailings Impoundment & Slag Storage
**Attachments:** PCC Title 17 - Ajo Inactive Tailings Impoundment & Slag Storage comments 11 27 2018.docx

*******
This message and sender come from outside Pima County. If you did not expect this message, proceed with caution. Verify the sender's identity before performing any action, such as clicking on a link or opening an attachment.
*******

Sarah attached please find my comments on the subject proposed rule. Cited is the EPA Ferro Alloy NESHAP public law Jan 17, 2017 that defined ASTM D7520-16 as BACT for the measurement of Opacity of process fugitive emissions and excluded the use of Method 9 for this measurement. Further the comments point to the increase of record keeping being required should an Owner/Operator select to use the superior method ASTM D7520-16. Assuming Method 9 could be used for fugitive emissions, the Owner/Operator is not required to maintain the calibration and certification records of the smoke generator used to certify the Visible Emission Observer who performs the Method 9 VEO to determine Opacity. Therefore the Owner/Operator should not be required to maintain certification records of ASTM D7520-16 DCOT selected to measure opacity.

I agree that the Owner/Operator should maintain a copy of the Digital Camera Operator's certification who performed the observation (took the pictures) in an ASTM D7520 VEO, is much the same way that the Method 9 Observer's personal certification is maintained.

However extending the Owner/Operator requirement to the certification of the DCOT system is just excessive, e.g. No rules currently require the Owner/Operator to maintain the certification records of smoke generator's or the calibration records of the transmissometer's used in the smoke generators to determine the opacity of the test plumes. Which would be the equivalent of what is requested in F2a and the Configuration management records as required in ASTM D7520-16 8.1 would be like saying Method 9 users would have to maintain the maintenance records for the smoke generator, to include fire box flow checks, stack flow checks, blower calibration and NIST filter check etc.

However, Owner/Operators should maintain a Standard Operating Procedure explaining how ASTM D7520 is being implemented at the facility, e.g. who is responsible for the capture of imagery and the processing of the VEO, and the schedule of VEO's to be performed, as well as, the approval of completed VEO's, and their storage and retrieval methodology.

The electronic VEO records produced by DCOT's, already have thumbnails of the pictures and documentation of where in the picture the opacity determination is made, in comparison with hand written Method 9 VEO forms with no supporting information. Therefore, requiring the Owner/Operator to maintain more than the Finalized VEO report produced by the DCOT is excessive and burdensome.

Thank you
Shawn Dolan
801 309 3626

---

**From:** Shawn Dolan
**Sent:** Wednesday, November 7, 2018 5:08 PM
**To:** sdolan50@msn.com
**Subject:** Fw: Notice of Proposed Rulemaking-PCC Title 17 - Ajo Inactive Tailings Impoundment & Slag Storage

---

**From:** Sarah Reitmeyer <Sarah.Reitmeyer@pima.gov>
**Sent:** Friday, October 26, 2018 3:08 PM
**To:** Sarah Reitmeyer
**Subject:** Notice of Proposed Rulemaking-PCC Title 17 - Ajo Inactive Tailings Impoundment & Slag Storage

Dear Interested Stakeholder,

You are receiving this e-mail because you have expressed interest in notification for the Pima County Department of Environmental Quality (PDEQ) regulatory process (i.e. rulemaking).

The Pima County Board of Supervisors (BOS) as the governing body for the Pima County Air Quality Control District adopts ordinances which are codified in the 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 through the BOS. This Notice of Proposed Rulemaking proposes the addition of a new section to PCC Title 17, Chapter 17.16, Section 17.16.125- Inactive Mineral Tailings Impoundment and Slag Storage Area within the Ajo $PM_{10}$ Planning Area. The intention of this rulemaking is to meet State Implementation Plan (SIP) requirements to provide permanence and enforceability for control measures that have already been implemented. Under this new section, owners or operators are subject to implement and maintain required Particulate Matter ($PM_{10}$) control measures on applicable sources to meet visible emissions and stabilization requirements, in order to ensure continued Particulate Matter emissions reductions in the Ajo $PM_{10}$ Planning Area. The inactive tailings and slag storage area must be controlled to 20 percent opacity for fugitive emissions on the property. For both the tailings and slag areas, owners or operators must also install and maintain signs and physical barriers to prevent trespass and re-disturbance on the property. The rule text and other related information is available at the PDEQ office, 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 is currently scheduled for:

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| Date: | Tuesday, January 22, 2019 |
| Time: | 9:00 A.M. (or after) |
| Location: | Board Hearing Room<br>130 W. Congress, 1st floor<br>Tucson, Arizona 85701 |

Comments pertaining to the Notice of Proposed 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), via e-mail, or via the online Public Comment form located on the PDEQ website. Written comments on the Notice of Proposed Rulemaking will be accepted by PDEQ until 5:00 p.m. on November 28, 2018.

Information regarding this Proposed Rulemaking may be viewed under the Air tab on the PDEQ Draft, Proposed, & Final Rules website. Copies are also available at our office, or may be requested via e-mail to: sarah.reitmeyer@pima.gov.

Questions and/or comments may be directed to:
Sarah Reitmeyer
Phone: (520) 724-7437
Fax: (520) 838-7432
sarah.reitmeyer@pima.gov

Sarah Reitmeyer, Regulatory Program Manager
Pima County Department of Environmental Quality
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Comments on Proposed Rule: November 28, 2018

Notice of Proposed Rulemaking-PCC Title 17 - Ajo Inactive Tailings Impoundment & Slag Storage

In review of the proposed rule allowing the use of ASTM D7520-16, is a quantum leap forward in documenting the measurement of opacity in the outdoor ambient environment. I applaud PCAQMD for its vision to advance the monitoring of Opacity to better protect the health of Pima County residents.

However, upon detailed review it seems penalizing to the "Owner/Operator" if they choose to use "E.1.B" ASTM D7520-16 versus US EPA Method 9.

ASTM D7520-16 is significantly more reproduceable, and auditable that Method 9, as the Opacity readings are backed with digital images of the scene evaluated at the time the evaluation was performed, versus Method 9 which only provides a hand written number of the Opacity witnessed by the Observer. Method 9 does not maintain any evidence of the Opacity witnessed, while ASTM D7520-16 provides digital imagery of the Opacity witnessed. Further 40CFR60 Appendix A, Method 9 is NOT approved for the measurement of Opacity beyond Stationary sources, excepting subpart ooo which provides for its use to document process fugitive emissions.

However, the EPA FerroAlloy NESHAP 40CFR63 DOCKET EPA-HQ-OAR-2010-0895-0280, signed into Public Law Jan 17, 2017, States in Section E, the final decision on the measurement of process fugitive emissions:

"We are finalizing the opacity standards, as proposed in the supplemental proposal. However, regarding compliance demonstration, **we are requiring that facilities measure opacity using DCOT.** In the supplemental proposal, we proposed facilities would need to monitor opacity with Method 9 or DCOT. However, **after considering public comments, we decided to require DCOT rather than have it as optional.** Regarding monitoring frequency, we proposed facilities would need to do opacity readings weekly per furnace building with no opportunity to reduce frequency overtime. After considering public comments, we have decided to require weekly readings initially, as proposed, but allow a facility an opportunity to decrease frequency of opacity readings to monthly per furnace building after 26 weeks of successful, compliant opacity readings."

https://www.regulations.gov/document?D=EPA-HQ-OAR-2010-0895-0280

Given that ASTM D7520-16 produces significantly more reproducible and repeatable Visible Emissions Observations (VEO) than does Method 9, as documented in the above reference EPA decision to Require ASTM D7520 and not allow the use of Method 9 for the measurement of Process Fugitive Emissions. It seems Pima County should be promoting and incentivizing the use of ASTM D7520-16 versus penalizing the "Owner/Operator" for selecting the use of the superior monitoring method. The Penalty I speak of is section "F2a&b" whereby the "Owner/Operator" is required to:

2. If the owner or operator elects to conduct weekly visual observations in accordance with subsection E.1.b, the following records shall be maintained:

a. ASTM D7520-16 certification documentation, data sheets, and all raw unaltered JPEGs used for opacity and certification determination, recorded in a form suitable and readily available for expeditious inspection and review.

b. Standard operating procedures used to ensure that equipment is operated and maintained in accordance with manufacturer's specifications per Section 8.1 of ASTM D7520-16.

Conversely if the owner operator selects to use Method 9 (Applicability to fugitive dust is highly questionable do to its lack of reproducible evidence), they are not required to maintain the equivalent records, e.g. The calibration records of the Smoke Generator used to certify the human eyes, or the span and drift values required between the smoke school runs, or the answer sheets for the smoke runs by which the human observer "certified" his/her eyes. Further, the Owner/Operator is not required to maintain maintenance records of the smoke generator fire box or feed stock that produces the smoke. Which would be the equivalent record set for Method 9 certification as is being required for ASTM D7520-16 certification.

Effectively, this rule as written penalizes the company for being progressive and selecting the superior monitoring method. Finally, the selection of ASTM D7520-16 produces an electronic record versus a hand written paper form which drives more efficiency to the entire process, yet the selection of ASTM D7520 given these unreasonable "Owner/Operator" documentation requirements.

Commenter proposes that E1a be eliminated as 40CFR60 Appendix A Method 9 should NOT be ALLOWED, as this method is outdated, and precedent exist, in the cited docket and resulting law, that the Best Available Control Technology (BACT) for the measurement of fugitive emissions, is ASTM D7520-16.

Additionally, the commenter proposes that F2a&b be eliminated and replaced with a requirement to "maintain a Standard Operating Policy regarding the use, maintenance, and operations associated with ASTM D7520-16". There is no reason for the Owner/Operator to be required to maintain the certification records of the selected ASTM D7520-16 system, as the ASTM D7520-16 specifically places this responsibility on the "Digital Camera Opacity Technique (DCOT) Vendor/Manufacturer" not the end user e.g. Owner Operator.

Thank you for the progressive direction of this rule, I am hopeful PCDEQ realizes the contradiction of the rule is allowing the use of BACT for the measurement of Opacity and then requiring significantly more documentation of the Owner/Operator for selecting the BACT Method for Measuring Opacity, not to mention the technology PCDEQ uses to enforce opacity standards, yet PCDEQ does not have to maintain

these administrative records best maintained by the Vendor/Manufacturer of the DCOT as required by the referenced Standard.

Thank you for your time and effort in this matter.

Shawn Dolan
801 309 3626

# ATTACHMENT E

## Board of Supervisors Agenda Item Report

# BOARD OF SUPERVISORS AGENDA ITEM REPORT

**Requested Board Meeting Date:** January 22, 2019

**Title:** Amending Pima County Code Title 17 by adding Section 17.16.125 - Inactive mineral tailings impoundment and slag storage area within the Ajo PM10 Planning Area

## Introduction/Background:

The Pima County Board of Supervisors (BOS) as the governing body for the Pima County Air Quality Control District adopts ordinances which are codified in the 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 through the BOS. The intention of this rulemaking is to meet State Implementation Plan (SIP) requirements to provide permanence and enforceability for control measures that have already been implemented.

## Discussion:

Under this new section, owners or operators of inactive mineral tailings and slag storage areas are subject to implement and maintain required Particulate Matter ($PM_{10}$) control measures to meet visible emissions and stabilization requirements, in order to ensure continued Particulate Matter emissions reductions in the Ajo $PM_{10}$ Planning Area.

## Conclusion:

PDEQ is proposing this rulemaking to meet State Implementation Plan (SIP) requirements to provide permanence and enforceability for control measures that have already been implemented so the Ajo $PM_{10}$ Planning Area may be redesignated to attainment.

## Recommendation:

Staff recommends the Board of Supervisors adopt the proposed addition to PCC Title 17.

## Fiscal Impact:

This revision should not have an economic impact on businesses in Pima County, and should 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. The costs of compliance for the Air Quality Permitting programs have already occurred, and were considered when the federal and state rule or law was proposed and adopted.

## Board of Supervisor District:

☐ 1 ☐ 2 ☒ 3 ☐ 4 ☐ 5 ☐ All

Department: Environmental Quality Telephone: 724-7400

Contact: Sarah Reitmeyer, Regulatory Program Manager Telephone: 724-7437

Department Director Signature/Date: Ursula Nelc 12.17.2018

Deputy County Administrator Signature/Date: 12/18/18

County Administrator Signature/Date: C. Richelberg 12/18/18

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