Pima County Code Title 17
Reorganization

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Overview

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

* County Statutory Authority for Air Quality Program
  * Arizona Revised Statutes (A.R.S.) 49-402
  * Arizona Revised Statutes (A.R.S.) 49-471 through 49-516

* Adoptions by Reference
  * Portions of the A.R.S.
  * Portions of the U.S. Code of Federal Regulations (CFR)
PDEQ Air Quality Authority

* EPA Delegations
  * Prevention of Significant Deterioration (PSD)
  * New Source Performance Standards (NSPS)
  * National Emission Standards for Hazardous Air Pollutants (NESHAP)
  * Title V Program Approval (Operating Permits)
PDEQ Rulemaking Process

* In House Drafting

* Informal Stakeholder Meeting(s)

* Notice of Formal Rulemaking in Arizona Administrative Register (AAR)

* Public Notice in Newspapers & on Website (concurrent with AAR publication)
PDEQ Rulemaking Process

* 30 Day Public Comment Period

* Formal Stakeholder Meeting(s)

* Response to Comments Document

* Board of Supervisors (BOS) Hearing

* Notice of Final Rulemaking (after Rule is effective – 31 days after BOS hearing)
Clean Air Act requires States to develop State Implementation Plans (called SIPs) to show how that State will attain and/or maintain the NAAQS.

**What is a SIP?**
- A SIP is a set of local rules (permitting and standards) that were developed to protect air quality and are federally enforceable.
Clean Air Act also requires a pre-construction review program for major and minor sources and an approvable operating permit program (Title V) for major sources.
Background on PCC Title 17

* Pima County Code (PCC) Title 17 is current location of air quality rules adopted by the Board of Supervisors (BOS)

* First air quality ordinance adopted in 1966

* A series of ordinances adopted through the 1970’s to today address basic Clean Air Act requirements.
In the early 1990’s PCC Title 17 revised to create a unitary permit program as opposed to the traditional pre-construction (installation) and operating permit programs.

- The unitary program was created by ADEQ and Pima County adopted the program to conform to state regulations.

- Substantial changes have been made to PCC Title 17 since the early 1990’s.
* Pima County Rules were initially approved into the SIP in 1972 to meet requirements of the Clean Air Act

* Pima County submitted revisions to the SIP in the late 1970’s which were approved by EPA in 1980

* 1994 Pima County submitted major revisions to SIP requesting to replace 1970 rules with the rules current at the time
* Pima County must revise the SIP to incorporate the current rules
* Pima County must address issues with respect to pre-construction review in the new unitary permit scheme program and submit to EPA (through the State) for approval
  * ADEQ has worked with stakeholders and EPA to correct these issues
  * Pima County will mirror ADEQ’s approach to make the current rules approvable
Prior to re-submitting the current Pima County Rules for inclusion in the SIP (or the Part 70, Title V Program) PDEQ would like to re-structure the air quality permitting rules.

- By re-organizing the PCC, PDEQ intends to simplify Title 17 to allow for simpler submittal of rules to EPA for approval.
Permit Classes in PCC Title 17

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

OLD FORMAT

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

NEW FORMAT

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

- Classes of Permits
- Material Permit Conditions
- Permit Shield
- Test Methods and Procedures
- Synthetic Emission Limitations or Standards
- Emission Monitoring
- Performance Tests
- And more…
Chapter 17.12: Class I Permits

- Application Processing and Procedures
- Grant or Denial of Applications
- Appeals of Permit Actions
- Permit Contents
- Emission Cap
- Permit Review by EPA
- Acid Rain Provisions
- Compliance plan Certification
- Permit Renewal, Revision or Transfer
- Affirmative Defenses
- Public Notification
- Fees
Chapter 17.13: Class II & III Permits

- Permit Application Procedures
- Grant or Denial of Applications
- Appeals of Permit
- Permit Contents
- Voluntary Termination of Permit
- Emission Cap
- Permit Renewal, Revision or Transfer
- Affirmative Defenses
- Public Notification
- Application for Coverage under a General Permit
- General Permit Enforcement
- Fees
Chapter 17.14: Activity Permits

* General Provisions: Definition

  * Fugitive Dust

  * Asbestos NESHAP

  * Open Burning
Next Steps

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

- Public Comment period ends

- BOS hearing for review and approval for inclusion in PCC - Effective date is 31-days from date of adoption

- Submit final rulemaking package to AAR

- Final rule published in AAR
Questions?

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http://webcms.pima.gov/government/environmental_quality/