April 19, 2019

Misael Cabrera, PE
Director
Arizona Department of Environmental Quality
1110 W Washington St
Phoenix, AZ 85007

Subject: Pima County SIP Revision Request

Dear Mr. Cabrera,

The Pima County Department of Environmental Quality (PDEQ) is submitting Pima County Code (PCC) Section 17.16.125 for incorporation into the Arizona State Implementation Plan (SIP). The intention of this incorporation is to meet SIP requirements to provide permanent and enforceable control measures for inactive tailings and slag storage area in the Ajo PM₉₅ Planning Area. Pursuant to Section 107(d)(4)(B) of the Clean Air Act (CAA), the U.S. Environmental Protection Agency (EPA) designated an area in northwest Pima County as a “moderate” nonattainment area for the 1987 24-hour Particulate Matter National Ambient Air Quality Standards (NAAQS), specifically particulate matter with a diameter of 10 micrometers or less (PM₉₅). EPA based its designation on recorded violations of the standard at an ambient monitoring site within the County. The purpose of this SIP revision is to add a specific rule for the Ajo Planning Area to meet CAA requirements for an approvable maintenance plan and have the area redesignated to attainment for the 24-hour PM₉₅ NAAQS.

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 rule. Please find the enclosed final SIP revision package for the Pima County portion of the Arizona SIP, consistent with A.R.S. § 49-479 and 40 CFR 51.

At this time PDEQ is submitting the following section of PCC Title 17:

• PCC 17.16.125 titled Inactive mineral tailings impoundment and slag storage area within the Ajo PM₉₅ Planning Area (within PCC 17.16 titled Emission Limiting Standards, Article III titled Emissions from Existing and New Nonpoint Sources), adopted on January 22, 2019 – Ordinance 2019-7. There is no SIP-Approved version of this rule.

This package includes the following:

Completeness Checklist

Appendix 1 Certified Ordinance 2019-7 (Final Adopted Version)
Appendix 2 Public Notice and Participation – PCC 17.16.125 & SIP Revision
Appendix 3 Certified Public Hearing Documents: Agenda, Sign-in Form, Transcription
Letter to Mr. Cabrera, ADEQ  
RE: Pima County SIP Revision Request – Ajo, AZ  
April 19, 2019  
Page Two

Thank you for your assistance in this matter.

I hereby certify that the information contained in this request is correct to the best of my current knowledge and belief. A hard copy of the SIP revision and an electronic exact duplicate of the hard copy on CD are included with this letter. If you have any questions or concerns, please do not hesitate to contact me by phone at (520) 724-7454.

Sincerely,

Ursula Kramer Nelson, P.E.  
Director

Enclosure

cc: Mike Stoker, EPA Region 9 Regional Administrator  
    Ashley Graham, EPA Region 9  
    Gerardo Rios, EPA Region 9  
    Timothy Franquist, ADEQ Air Quality Division Director  
    Richard Grimaldi, Pima County DEQ Deputy Director
PIMA COUNTY STATE IMPLEMENTATION PLAN REVISION COMPLETENESS CHECKLIST

Pima County Department of Environmental Quality is providing the following administrative materials, and associated documentation for submission of provisions of Pima County Code (PCC) Title 17 in order to revise the Pima County portion of the Arizona State Implementation Plan (SIP).

The PCC Title 17 Rule referenced in this ‘Completeness Checklist’ is adequate to meet the requirements of the Clean Air Act (CAA) for redesignation of the Ajo PM$_{10}$ nonattainment area to attainment. The clean air quality record, enforceable control measures, and projections of future emissions all show that the area will continue to maintain the PM$_{10}$ air quality standards through 2031.

CAA § 107(d)(3)(E)(iii): Permanent and Enforceable Improvement in Air Quality – PCC Section 17.16.125 provides permanent control measure requirements which are enforceable by Pima County Department of Environmental Quality (PDEQ). PDEQ collaborated with the U.S. Environmental Protection Agency (EPA), the Arizona Department of Environmental Quality (ADEQ) and the affected owner/operator of the inactive mineral tailings impoundment and the slag storage area within the Ajo PM$_{10}$ Planning Area while drafting the language and final ordinance associated with this rule.

Appendix V to Part 51 of Title 40 of the Code of Federal Regulations requires certain criteria for plan submissions for review by the EPA. Criteria for plan submissions include administrative materials and technical support.

40 CFR Part 51, Appendix V - Section 2.1:

Administrative Materials

1. **Formal letter of submittal – Section 2.1.a**
   PDEQ is submitting this plan through the ADEQ as an official revision of the Pima County portion of the Arizona SIP. ADEQ will adopt the rules into the Arizona SIP and submit this revision to the EPA including a formal letter of submittal from the Governor or his designee, requesting EPA approval of the plan or revision thereof.

2. **State adoption of the plan - Section 2.1.b**
   PDEQ is submitting this plan through the ADEQ as an official revision of the Pima County portion of the Arizona SIP. ADEQ will then adopt the plan in the State code or body of regulations in final form as required.

3. **Authority for adoption/implementation – Section 2.1.c**
   PDEQ is submitting this plan through the ADEQ. ADEQ is authorized to implement the Arizona SIP per Arizona Revised Statutes (A.R.S.) §§ 49.104, 49-106, 49-404, 49-406, and 49-425. PDEQ has the authority to adopt or amend rules per A.R.S. § 49-479

4. **A Copy of the actual regulation, or document – Section 2.1.d**

<table>
<thead>
<tr>
<th>Rule Number</th>
<th>Rule Title</th>
<th>Adoption Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>PCC 17.16.125</td>
<td>Inactive mineral tailings impoundment and slag storage area within the Ajo PM$_{10}$ Planning Area</td>
<td>01/22/2019</td>
</tr>
</tbody>
</table>
EPA Approved (Applicable) SIP Rules

<table>
<thead>
<tr>
<th>EPA Applicable SIP Rule</th>
<th>PCC Analogous Rule</th>
</tr>
</thead>
<tbody>
<tr>
<td>No SIP-Approved version</td>
<td>PCC 17.16.125 (Inactive mineral tailings impoundment and slag storage area within the Ajo PM\textsubscript{10} Planning Area)</td>
</tr>
</tbody>
</table>

PDEQ has included the Certified Ordinance which adopted the above listed rule (including chapter headings and the date of final adoption) in Appendix 1. For the Ordinance in this submission the Certificate of the Clerk of the Board of Supervisors of Pima County is followed by the Ordinance, including the signature page with the date of final adoption noted.

This submittal will make one change to the existing approved plan by adding PCC 17.16.125 to the Pima County portion of the Arizona State Implementation Plan.


The Certified Ordinance 2019-007 (Final Adopted Version) is included as Appendix 1. The Certified Ordinance is six (6) pages in its entirety, including the Certificate of the Clerk of the Board of Supervisors. Appendix 1 also contains clean text of PCC 17.16.125 which is five (5) pages in its entirety.

5. **State procedural requirements – Section 2.1.e**

PDEQ is submitting this plan through the ADEQ as an official revision of the Pima County portion of the Arizona State Implementation Plan. ADEQ will then adopt the plan following the procedural requirements of the State’s laws and constitution in conducting and completing the adoption/issuance of the revised SIP.

6. **Public notice – Section 2.1.f**

PDEQ published notices of the Notice of the Proposed SIP Revision and Notice of Proposed Rulemaking for PCC 17.16.125 on the Pima County Homepage and on the PDEQ website on October 26, 2018 and January 4, 2019 (Appendix 2: Public Notice and Public Participation). Public Notices were published on October 26, 2018 and January 4, 2019 in two local newspapers (Arizona Daily Star and the Territorial Newspaper, Appendix 2). The Public Notices were also published in the Ajo Copper News on October 30, 2018 and January 1, 2019 (Appendix 2). In addition, PDEQ e-mailed a notice of the proposed SIP Revision to interested parties who had requested notifications in the past including representatives at the U.S. EPA (Region 9), ADEQ, and other air agencies in the area (Pima Association of Governments (PAG), Maricopa County DEQ, and Pinal County DEQ) (Appendix 2). PDEQ posted a copy of the Public Notices and documentation associated with this SIP revision submittal on the Pima County website (Appendix 2).
7. **Public hearing certification – Section 2.1.g**

PDEQ conducted a Public Hearing on Tuesday, January 29, 2019 at 3:00 p.m. the date and time specified in the Public Notice. Public Hearing Certification Documents including hearing agenda, hearing sign in sheet, SIP Revision rule text, transcript of hearing, and the presiding officer certification for the hearing can be found in Appendix 3.

8. **Public comments and Pima County responses – Section 2.1.h**

PDEQ conducted a 30-day public comment period from October 26, 2018 to November 28, 2018 at 5:00 p.m. PDEQ received one (1) public comment on the proposed rulemaking. The public comment on the rulemaking and PDEQ response to the comment are included in Appendix 2: Public Notice and Public Participation. The opportunity for written and/or oral public comment was also offered at the SIP Revision Public Hearing. PDEQ did not receive comments on the proposed SIP Revision.

### 40 CFR Part 51 Appendix V - Section 2.2:

**Technical Support:**

1. **Identification of pollutants regulated by the plan – 40 CFR App. V Section 2.2.a**

   1987 Particulate Matter (PM<sub>10</sub>) National Ambient Air Quality Standards (NAAQS)

2. **Identification of the location of affected sources including EPA attainment/non-attainment designation and status of attainment plan – 40 CFR App. V Section 2.2.b**

   PCC 17.16.125 applies to the inactive mineral tailings impoundment and slag storage area within the Ajo PM<sub>10</sub> Planning Area.

   Classifications as of February 2006:

   PM<sub>10</sub> Classification: Nonattainment – Moderate

3. **Quantification of the changes in plan allowable emissions – 40 CFR App. V Section 2.2.c**

   There are no changes in plan allowable emissions. However, ADEQ performed quantitative analyses to determine emissions reductions from the inactive mineral tailings impoundment and slag storage area rule. ADEQ notes that “Overall, closure and capping of the Ajo tailings impoundments and the slag reprocessing area provided potential emissions reductions of more than 160 tons per year (tpy) and actual emissions reductions of approximately 127 tpy” [ADEQ SIP Revision: Ajo PM<sub>10</sub> Redesignation Request and Maintenance Plan].

   For further details see Section 4.3 of the ADEQ SIP Revision: Ajo PM<sub>10</sub> Redesignation Request and Maintenance Plan and the emissions inventory in Appendix A of the ADEQ SIP revision document.


   ADEQ notes in Section 5.2.1.2 of the ADEQ SIP Revision: Ajo PM<sub>10</sub> Redesignation
Request and Maintenance Plan that “EPA determined that the area has attained the 24-hour PM10 NAAQS and suspended the requirements of this section (71 FR 6352, February 8, 2006).”

See Chapters 2 and 6 of the ADEQ SIP Revision: Ajo PM10 Redesignation Request and Maintenance Plan and Appendix A of the ADEQ Technical Support Document for demonstrations that the PM10 NAAQS have been attained and will be maintained through 2031.

5. **Modeling information required to support rule revision – 40 CFR App. V Section 2.2.e**
   See Appendix A of the ADEQ Technical Support Document for a description of methods used to demonstrate maintenance of the NAAQS and estimate emissions in the nonattainment area.

6. **Evidence that emissions limitations are based on continuous emission reduction technology - 40 CFR App. V Section 2.2.f**
   Emission reduction methods, or controls, are described in detail in Chapter 4 of the ADEQ SIP Revision: Ajo PM10 Redesignation Request and Maintenance Plan, Permanent and Enforceable Improvement in Air Quality. Information on the demonstration of maintenance based on the described controls can be found in Chapter 6 of the ADEQ SIP Revision: Ajo PM10 Redesignation Request and Maintenance Plan and Appendix A of the ADEQ Technical Support Document.

7. **Evidence that the plan contains emission limitations, work practice standards and recordkeeping/reporting requirements to ensure emission levels - 40 CFR App. V Section 2.2.g**
   Control strategies, including recordkeeping and reporting requirements are contained in PCC 17.16.125: Inactive Mineral Tailings Impoundment and Slag Storage Area within the Ajo PM10 Planning Area (Appendix 1: Certified Ordinance 2019-7).

8. **Compliance/enforcement strategies, including how compliance will be determined in practice - 40 CFR App. V Section 2.2.h**
   PDEQ has the authority to conduct inspections to assure compliance with Pima County rules, any provision of the A.R.S., or Title 49, Chapter 3, Article 3. Compliance strategies include announced and unannounced inspections of facilities, requests for production of records, including review of records. Pima County Department of Environmental Quality may obtain a special inspection warrant pursuant to the provision of A.R.S. §49-488.

9. **Special economic and technological justifications required by any applicable EPA policies, or an explanation of why such justifications are not necessary - 40 CFR App. V Section 2.2.i**
   No known deviations from EPA policy.
Appendix 1

Pima County
Certified Ordinance
2019-7

PCC Section 17.16.125 - Inactive mineral tailings impoundment and slag storage area within the Ajo PM$_{10}$ Planning Area
Certificate of Clerk

Board of Supervisors of Pima County, Arizona
State of Arizona
County of Pima ss

I, Julie Castañeda, do hereby certify that I am the duly appointed and qualified, Clerk of the Board of Supervisors of Pima County, Arizona. I further certify that the attached ordinance entitled

ORDINANCE NO. 2019 - 7
(See attached copy)

is a true and correct copy of an ordinance passed and adopted by the Board of Supervisors of Pima County, Arizona, at a meeting held on the 22nd day of January, 2019, at which a quorum was present, and that the original ordinance is officially of record in my possession.

In Witness Whereof, I have hereunto set my hand and affixed the seal of the Board of Supervisors of Pima County, Arizona, this 29th day of January, 2019.

Clerk

COPY
ORDINANCE NUMBER 2019-7

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 (PM10) emissions reductions in the Ajo PM10 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 PM10 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 PM10 Planning Area.

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

1. "Affected area" means the Ajo PM10 Planning Area.
2. "Ajo PM10 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 PM10 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 PM10 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 22nd day of January, 2019

Richard Elias, Chairman of the Board of Supervisors

ATTEST:

Clerk of Board

APPROVED AS TO FORM:
Lesley M. Lukach
Deputy County Attorney

REVIEWED BY:
Ursula Nelson, Director
Department of Environmental Quality

Ajo – Inactive Tailings & Slag Processing
ORDINANCE NUMBER 2019-_ 7_

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.

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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.

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b. A station operated by the National Weather Service;
   
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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.

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C. Control Measures.

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   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 22nd day of January, 2019

Richard Elias, Chairman of the Board of Supervisors

ATTEST:

Clerk of Board

APPROVED AS TO FORM:

Lesley M. Lukac
Deputy County Attorney

REVIEWED BY:

Ursula Nelson, Director
Department of Environmental Quality

Ajo – Inactive Tailings & Slag Processing
Appendix 2

Pima County
Public Notice and Participation

PCC Section 17.16.125 - Inactive mineral tailings impoundment and slag storage area within the Ajo PM\textsubscript{10} Planning Area and State Implementation Plan Revision
PUBLIC NOTICE
AND
PUBLIC PARTICIPATION

Rulemaking for Pima County Code
Section 17.16.125
and
Pima County SIP Revision

INACTIVE MINERAL TAILINGS IMPOUNDMENT
AND SLAG STORAGE AREA WITHIN
THE AJO PM\textsubscript{10} PLANNING AREA

April 19, 2019

Pima County Department of Environmental Quality
33 North Stone Avenue, Suite 700
Tucson, AZ 85701
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I. SUMMARY OF PIMA COUNTY CODE TITLE 17, 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. 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 updates PCC through the BOS. On January 22, 2019 the Pima County BOS adopted Ordinance 2019-007 (Attachment A: BOS Agenda Item Report) adding Section 17.16.125 titled Inactive Mineral Tailings Impoundment and Slag Storage Area within the Ajo PM\textsubscript{10} Planning Area to PCC Title 17, Chapter 17.16. The intention of this rulemaking was 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\textsubscript{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\textsubscript{10} Planning Area. The inactive tailings 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. RULEMAKING PUBLIC NOTICES

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

PDEQ published notices of the Notice of Final Rulemaking on the Pima County Homepage and on the PDEQ website on February 19, 2019 (Attachment B). In addition, PDEQ e-mailed a notice of the final rulemaking to interested parties who had requested rulemaking notifications in the past (Attachment C: Stakeholder E-mail Notifications).

III. NOTICE OF PROPOSED RULEMAKING

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

Public Notices for the NPRM and the Preamble for the NPRM inaccurately stated that “The inactive tailings and slag storage area must be controlled to 20 percent opacity for fugitive emissions on the property.” Due to the nature of the implemented control measures on the slag storage area the 20% opacity limitation does not apply to the slag storage area. The public noticed draft rule accurately has the opacity limitation in the section of the inactive tailings and not the slag storage area. The implemented control measures are required by the rule. The rule, as adopted, states that the 20% opacity limitation applies only to the inactive tailings. The preamble in the Notice of Final Rulemaking accurately states the opacity
limitation only applies to the inactive tailings. (Attachment F: Notice of Final Rulemaking).

IV. PUBLIC COMMENT ON THE RULE

During the thirty (30) day public comment period PDEQ received one (1) e-mail comment on the proposed rule 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 E 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 PM$_{10}$ 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. NOTICE OF FINAL RULEMAKING

Pursuant to A.R.S. 49.471.07 PDEQ posted a Notice of Final Rulemaking (Attachment F) on the Pima County Homepage (Attachment B: Rulemaking Public Notice and Participation). The Notice of Final Rulemaking was published on the PDEQ homepage, and the PDEQ rulemaking webpage (Attachment B). PDEQ also e-mailed the Notice of Final Rulemaking to interested parties who had requested rulemaking notifications in the past (Attachment C: Stakeholder E-mail Notifications).

VI. STATE IMPLEMENTATION PLAN REVISION PUBLIC NOTICES

Pursuant to Title 40 of the Code of Federal Regulations (CFR), Part 51, Appendix V: Criteria for Determining the Completeness of Plan Submissions §2.1(f) PDEQ published the notice of Proposed SIP Revision on the Pima County Homepage and on the PDEQ website on October 26, 2018 and January 4, 2019 (Attachment G: SIP Revision Public Notices). The Public Notice was published on October 26, 2018 and January 4, 2019 in two local newspapers (Arizona Daily Star and the Territorial Newspaper) (Attachment G). The Public Notice was also published in the Ajo Copper News on October 30, 2018 and January 1, 2019 (Attachment G). In addition, PDEQ e-mailed a notice of the proposed SIP revision to interested parties who had requested notifications in the past (Attachment C: Stakeholder E-mail Notifications).

VII. PUBLIC COMMENT ON STATE IMPLEMENTATION PLAN REVISION

During the thirty (30) day public comment period PDEQ did not receive comments on the proposed SIP Revision. PDEQ did not receive comments on the proposed SIP Revision during the SIP Public Hearing.
ATTACHMENT A

Board of Supervisors
Agenda Item Report
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:  12/17/2018  

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

County Administrator Signature/Date:  12/18/18
ATTACHMENT B

Rulemaking
Public Notice Documents

Pima County Homepage
Notice of Proposed Rulemaking
1st Public Notice
October 26, 2018

http://webcms.pima.gov/
Pima County Department of Environmental Quality Homepage
Notice of Proposed Rulemaking
1st Public Notice
October 26, 2018

http://webcms.pima.gov/government/environmental_quality/
Pima County Department of Environmental Quality Newsroom Article
Notice of Proposed Rulemaking
1st Public Notice
October 26, 2018

DEQ proposed rulemaking changes
Oct 26, 2018 | Read More News

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 (PDQQ). PDQQ 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-dispersion on the property. The rule text and other related information is available at the PDQQ office, and on the PDQQ 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 PDQQ (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 PDQQ until 5 p.m. on November 26, 2018.

The Notice of Proposed Rulemaking is available for review at the PDQQ office, and on the PDQQ Rules and Regulations Website under Draft, Proposed, & Final Rules. If requested, PDQQ 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.

http://webcms.pima.gov/cms/One.aspx?portalId=169&pagId=455850
Draft, Proposed, & Final Rules

The Arizona Revised Statutes 49-112 and 49-471 et seq. authorize 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 Rettenmayr, or through the PDEQ online Public Comment Form. We encourage you to participate in the rulemaking process.

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 Impoundments 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

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<td>November 28, 2018</td>
<td>January 22, 2019</td>
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http://webcms.pima.gov/cms/one.aspx?portalId=169&pageId=64989
Pima County Homepage
News Release
Notice of Proposed Rulemaking
2nd Public Notice
January 4, 2019

http://webcms.pima.gov/
Notice of Proposed Rulemaking

January 4, 2019

Pima County Department of Environmental Quality Rulemaking Website
Notice of Proposed Rulemaking
2nd Public Notice
January 4, 2019

Draft, Proposed, & Final Rules

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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

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<td>Comment Period Closed</td>
<td>January 22, 2019</td>
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<td>Draft Ordinance adding PCC 17.16.125</td>
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<td>2nd Public Notice: 01-04-2019</td>
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Title 17 - Reorganization

http://webcms.pima.gov/cms/one.aspx?portalId=169&pageld=64989
Pima County Department of Environmental Quality Homepage
Notice of Final Rulemaking
February 19, 2019

http://webcms.pima.gov/government/environmental_quality/
Notice of Final Rulemaking - Ajo

Feb 19, 2019 | Read More News

NOTICE OF FINAL RULEMAKING
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 Final Rulemaking is for 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 was 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 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. This rule was adopted by the Pima County Board of Supervisors at the Tuesday, January 22, 2019 BOS Hearing. The effective date of this rule is February 21, 2019.

Information regarding this 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.
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.

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Air

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

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<td>Comment Period Closed</td>
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- Notice of Final Rulemaking
- AOS Agenda Submission - Ordinance & Public Notice Documents
- Notice of Proposed Rulemaking
- Draft Ordinance adding PCC 17.16.125
- 1st Public Notice-10-26-2018
- 2nd Public Notice-01-04-2019
Newspaper Public Notices

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

My commission expires

AD NO. 8834480
Daily Territorial
Rulemaking Public Notice
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.

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

My commission expires 04/24/2021
NOTICE OF HEARING
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) is the governing body for the Pima County Air Quality Control District which operates within the Pima County Department of Environmental Quality (PDQE).

ORDER CONFIRMATION (CONTINUED)

Salesperson: Not Applicable
Printed at 10/24/18 12:27 by lkope-wc

Acct #: 424173
Ad #: 96669
Status: New WHOILD WH

NOTICE OF PROPOSED RULEMAKING

The Pima County Air Quality Control District (PACC) proposes to amend the PDQE Ordinance to include a new section addressing the use of forest mulching for the purpose of reducing the risk of wildland fires. The proposed amendment would allow for the use of forest mulching in areas where the risk of wildland fires is deemed to be high, subject to certain conditions and requirements.

The proposed amendment is intended to provide a more effective and sustainable approach to wildfire management in the county, while ensuring public safety and protecting the environment.

The amendment would apply to all areas within the county where wildland fires are a significant risk, and would require applicants to provide documentation of the proposed mulching and to submit a plan for monitoring and maintaining the treated areas.

Notice of Hearing

A public hearing will be held on November 28, 2018, at 9:00 a.m. in the Board Hearing Room, located at 100 W. Congress St., Tucson, Arizona.

Public comments are welcome and may be submitted in writing to the PACC at 100 W. Congress St., Tucson, AZ 85701, or via e-mail to info@pima.gov. Written comments on the proposed rulemaking will be accepted by the PACC until 5:00 p.m. on November 28, 2018.

For more information, please contact Sarah Riechman, Regulatory Program Manager, at 520-791-9097 or visit the PDQE website at http://pimaaz.gov/department/protective_quality/
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 1.16 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

Pima County — Notice of Proposed Rule Making — REV
STATE OF ARIZONA
COUNTY OF PIMA

Jennie Silvas, 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:

JANUARY 4, 2019

Subscribed and sworn to before me this 46th day of

JANUARY 2019

Notary Public

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

My commission expires

AD NO. 8851363
Daily Territorial
Rulemaking Public Notice
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.

Notary Public in and for the County of Pima, State of Arizona
My commission expires 04/24/2021
PUBLIC NOTICE
SECOND NOTICE
Notice of Proposed Rulemaking
PROPOSING AMENDMENTS
TO PIMA COUNTY CODE TITLE 17
CHAPTER 17.16 ADJOINING Section 17.16.125
The Pima County Board of Supervisors (BOC) 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 POC through the BOC. This Notice of Proposed Rulemaking proposes the addition of a new section to POC 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 enact 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 (listed 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, 2013, 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 or to provide comments, please contact Sarah W. Reinmeyer, Regulatory Program Manager, at (520) 794-6927 or visit PDEQ’s website at http://www.pima-az.gov/government/environmental_quality/

PUBLISHED: The Daily Territorial
Jan. 4, 2013
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

[Notary Seal]
ATTACHMENT C

Stakeholder E-mail Notification
Notice of Proposed Rulemaking
1st Notice
October 26, 2018
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 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 is currently scheduled for:

Date: Tuesday, January 22, 2019
Time: 9:00 A.M. (or after)
Location: Board Hearing Room
130 W. Congress, 1st floor
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
Notice of Proposed Rulemaking
2nd Notice
January 4, 2019
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
130 W. Congress, 1st floor
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
Stakeholder E-mail Notification
SIP Revision Notice
January 4, 2019
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.

The Pima County Department of Environmental Quality (PDEQ) is proposing revisions to the Pima County portion of the Arizona State Implementation Plan. The proposed revision to the Arizona State Implementation Plan (SIP) includes the following rules from Pima County Code (PCC) Title 17: PCC 17.16.125. PCC Section 17.16.125 is a proposed new section that will be heard at the January 22, 2019, Pima County Board of Supervisors Hearing which is noticed separately in this news issue. Pursuant to Section 107(d)(4)(B) of the Clean Air Act (CAA), the U.S. Environmental Protection Agency (EPA) designated an area in northwest Pima County as a “moderate” nonattainment area for the 1987 24-hour Particulate Matter National Ambient Air Quality Standards (NAAQS), specifically particulate matter with a diameter of 10 micrometers or less (PM$_{10}$). EPA based its designation on recorded violations of the standard at an ambient monitoring site within the County. The purpose of this SIP revision is to add a specific rule for the Ajo Planning Area to meet CAA requirements for an approved maintenance plan and have the area redesignated to attainment for the 24-hour PM$_{10}$ NAAQS.

A public hearing regarding this SIP revision is currently scheduled for:

Date: Tuesday, January 29, 2019
Time: 3:00 P.M. (or after)
Location: Joel D. Valdez Main Library
          Lower Level Public Meeting Room
          101 N. Stone Avenue
          Tucson, Arizona 85701

Comments pertaining to the Proposed SIP revision may be submitted at the above noticed public hearing.

Information regarding this Proposed SIP Revision may be viewed on the PDEQ State Implementation Plan 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
Thank you for your interest in the regulatory 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 D

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**
   - PCC 17.16.125

2. **Rulemaking Action**
   - New Section

3. **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

4. **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

5. **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\textsubscript{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\textsubscript{10} Planning Area.

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

1. “Affected area” means the Ajo PM\textsubscript{10} Planning Area.

2. “Ajo PM\textsubscript{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\textsubscript{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 E

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

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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.
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
130 W. Congress, 1st floor
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
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 reproducible, 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 handwritten 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.”

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
NOTICE OF FINAL RULEMAKING

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

PREAMBLE

1. **Sections Affected**
   PCC 17.16.125
   **Rulemaking Action**
   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 effective date of the rule:**
   February 21, 2019

4. **A list of all previous notices addressing the rule:**
   Pursuant to A.R.S. § 49-471.04 PDEQ published notice of the Notice of Proposed Rulemaking on the Pima County Homepage. PDEQ also published the notice on the PDEQ website on October 26, 2018 and January 4, 2019. Public Notices were published in two local newspapers (Arizona Daily Star and the Territorial Newspaper) on October 26, 2018 and January 4, 2019. The Public Notice was also published in the Ajo Copper News on October 30, 2018 and January 1, 2019. The publication of the Notice of Proposed Rulemaking coincided with the Public Notices which allowed for thirty days (30-days) for PDEQ to accept public comment on the proposed ordinance. In addition, PDEQ e-mailed a notice of the proposed ordinance amendments to interested parties who had requested rulemaking notifications in the past.

5. **The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**
   **Name**: Sarah Reitmeyer
   **Address**: 33 N. Stone Avenue, Suite 700
   **Telephone**: (520) 724-7437
   **Fax**: (520) 838-7432
6. **An explanation of the rule, including the control officer’s reasons for initiating the rule:**

   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 revision added 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 was to meet State Implementation Plan (SIP) requirements to provide permanence and enforceability for control measures that have already been implemented. Under the 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 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.

7. **Reference to any study relevant to the rule that the control officer reviewed and either relied or did not rely on in its evaluation of or justification for the rule, where the public may review each study, all data underlying each study, and any analysis of each study and other supporting material:**

   No studies were reviewed in reference to this rulemaking action.

8. **A showing of good cause why the rules are necessary to promote a statewide interest if the rules will diminish a previous grant of authority of a political subdivision of this state:**

   Not Applicable.

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

   This revision will not have an economic impact on businesses in Pima County, and will not impose additional costs on the regulated community, small businesses, political subdivisions, and members of the public beyond that already incurred by reason of federal or state rule or law.
10. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:
   Name: Sarah Reitmeyer
   Address: 33 N. Stone Avenue, Suite 700
            Tucson, AZ 85701-1429
   Telephone: (520) 724-7437
   Fax: (520) 838-7432
   E-mail: sarah.reitmeyer@pima.gov

11. A description of the changes between the proposed rule, including supplemental notices, and final rule (if applicable):
    There were no changes between the proposed rule and the final rule.

12. The full text of the rule follows:

Chapter 17.16 - 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, 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 G

State Implementation Plan
Public Notices

Pima County Homepage
State Implementation Plan Revision
Public Notice
1st Public Notice
October 26, 2018

http://webcms.pima.gov/
Pima County Department of Environmental Quality Homepage
State Implementation Plan Revision
Public Notice
1st Public Notice
October 26, 2018

http://webcms.pima.gov/government/environmental_quality/
Pima County Department of Environmental Quality Newsroom Article
State Implementation Plan Revision
Public Notice
1st Public Notice
October 26, 2018

DEQ proposes revisions to State implementation plan
Oct 26, 2018 | Read More News

PUBLIC NOTICE RELATED TO AIR QUALITY
PROPOSING TO REVISE THE PIMA COUNTY PORTION OF THE ARIZONA STATE IMPLEMENTATION PLAN

The Pima County Department of Environmental Quality (PDEQ) is proposing revisions to the Pima County portion of the Arizona State Implementation Plan. The proposed revision to the Arizona State Implementation Plan (SIP) includes the following rules from Pima County Code (PCC) Title 17, PCC 17.16.125. PCC Section 17.16.125 is a proposed new section that will be heard at the January 22, 2019, Pima County Board of Supervisors Hearing which is noticed separately in this news issue. Pursuant to Section 107(d)(4)(B) of the Clean Air Act (CAA), the U.S. Environmental Protection Agency (EPA) designated an area in northwest Pima County as a “moderate” non-attainment area for the 1987 24-hour Particulate Matter National Ambient Air Quality Standards (NAAQS), specifically particulate matter with a diameter of 10 micrometers or less (PM10). EPA based its designation on recorded violations of the standard at an ambient monitoring site within the County. The purpose of this SIP revision is to add a specific rule for the Ajo Planning Area to meet CAA requirements for an approved maintenance plan and have the area redesignated to attainment for the 24-hour PM10 NAAQS.

A public hearing will be held on Tuesday, January 29, 2019, at or after 3 p.m. in the Joel D. Valdez Main Library public meeting room, located at 101 N Stone Avenue, Tucson, Arizona. Comments pertaining to the proposed revision to the Pima County portion of the Arizona SIP 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@pima.gov. Written comments on the proposed revision to the Pima County Portion of the Arizona SIP will be accepted by PDEQ from October 26, 2018, until November 28, 2018, at 5 p.m.

The proposed SIP revision is available for review at the PDEQ office, and on the PDEQ Rules and Regulations Website under Pima County State Implementation Plan. If requested, PDEQ can email a pdf version of the proposed SIP revision to anyone requesting this service. For additional information, please call Sarah Reitmeyer at (520) 724-7437.

State Implementation Plan

Required by the Clean Air Act, a State Implementation Plan (SIP) is a federally approved and enforceable plan developed by a state or local authority which identifies how it will meet and/or maintain the National Ambient Air Quality Standards (NAAQS). There are various types of SIPs developed by a state or local authority which contain certain rules showing their ability to attain, maintain, and enforce the NAAQS. Different types of SIPs include: attainment, non-attainment, maintenance, and infrastructure SIPs. Attainment of the NAAQS within Pima County is covered under the Pima County portion of the Arizona State Implementation Plan(s).

U.S. Environmental Protection Agency Status of Pima County State Implementation Plan (SIP) 1st Public Notice October 26, 2018

Draft, Proposed, and Final State Implementation Plan (SIP) Actions

Inactive mineral tailings impoundment and slag storage area within the Ajo PM10 Planning Area

Summary: PDEQ is proposing revisions to the Pima County portion of the Arizona State Implementation Plan. The proposed revision to the Arizona State Implementation Plan (SIP) includes the following rules from Pima County Code (PCC) Title 17, PCC 17.16.123. PCC Section 17.16.123 is a proposed new section that will be heard at the January 22, 2019, Pima County Board of Supervisors Hearing which is noticed separately in this news issue. Pursuant to Section 107(d)(4)(A)(ii) of the Clean Air Act (CAA), the U.S. Environmental Protection Agency (EPA) designated an area in northwest Pima County as a “moderate” nonattainment area for the 1987 24-hour Particulate Matter National Ambient Air Quality Standards (NAAQS), specifically particulate matter with a diameter of 10 micrometers or less (PM10). EPA based its designation on recorded violations of the standard at an ambient monitoring site within the County. The purpose of this SIP revision is to add a specific rule for the Ajo Planning Area to meet CAA requirements for an approved maintenance plan and have the area redesignated to attainment for the 24-hour PM10 NAAQS.

<table>
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<tr>
<th>Documents</th>
<th>Deadline for Public Comment</th>
<th>Public Hearing Date</th>
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Infrastructure SIP Revision

Summary: PDEQ is proposing revisions to the Pima County portion of the Arizona SIP in response to two Federal Register notices of Final Rule pertaining to rules within Pima County Code that are not yet included in the SIP. In response to the EPA actions published in the FR, PDEQ is proposing to submit PCC 17.04.190, PCC 17.12.040, and PCC 17.24.040 for incorporation into the Arizona SIP.

http://webcms.pima.gov/cms/one.aspx?portalId=169&pageId=63172
Pima County Homepage
News Release
State Implementation Plan Revision
Public Notice
2nd Public Notice
January 4, 2019

http://webcms.pima.gov/
Pima County Department of
Environmental Quality Homepage
State Implementation Plan Revision
Public Notice
2nd Public Notice
January 4, 2019

http://webcms.pima.gov/government/environmental_quality/
Pima County Department of Environmental Quality Newsroom Article
State Implementation Plan Revision
Public Notice
2nd Public Notice
January 4, 2019

DEQ proposes revisions to State implementation plan

Oct 26, 2018 | Read More News

PUBLIC NOTICE RELATED TO AIR QUALITY
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The Pima County Department of Environmental Quality (PDEQ) is proposing revisions to the Pima County portion of the Arizona State Implementation Plan. The proposed revision to the Arizona State Implementation Plan (SIP) includes the following rules from Pima County Code (PCC) Title 17; PCC 17.16.125. PCC Section 17.16.125 is a proposed new section that will be heard at the January 22, 2019, Pima County Board of Supervisors Hearing which is noticed separately in this news issue. Pursuant to Section 107(d)(4)(B) of the Clean Air Act (CAA), the U.S. Environmental Protection Agency (EPA) designated an area in northwest Pima County as a “moderate” non-attainment area for the 1987 24-hour Particulate Matter National Ambient Air Quality Standards (NAAQS), specifically particulate matter with a diameter of 10 micrometers or less (PM10). EPA based its designation on recorded violations of the standard at an ambient monitoring site within the County. The purpose of this SIP revision is to add a specific rule for the Ajo Planning Area to meet CAA requirements for an approved maintenance plan and have the area redesignated to attainment for the 24-hour PM10 NAAQS.

A public hearing will be held on Tuesday, January 29, 2019, at or after 3 p.m. in the Joel D. Valdez Main Library public meeting room, located at 101 N Stone Avenue, Tucson, Arizona. Comments pertaining to the proposed revision to the Pima County portion of the Arizona SIP 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 proposed revision to the Pima County Portion of the Arizona SIP will be accepted by PDEQ from October 26, 2018, until November 28, 2018, at 5 p.m.

The proposed SIP revision is available for review at the PDEQ office, and on the PDEQ Rules and Regulations Website under Pima County State Implementation Plan. If requested, PDEQ can email a pdf version of the proposed SIP revision to anyone requesting this service. For additional information, please call Sarah Reitmeyer at (520) 734-7437.

State Implementation Plan

Required by the Clean Air Act, a State Implementation Plan (SIP) is a federally approved and enforceable plan developed by a state or local authority which identifies how it will meet and/or maintain the National Ambient Air Quality Standards (NAAQS). There are various types of SIPs developed by a state or local authority which contain certain rules showing the ability to attain, maintain, and enforce the NAAQS. Different types of SIPs include: Attainment, Non-Attainment, Maintenance, and Infrastructure SIPs. Attainment of the NAAQS within Pima County is covered under the Pima County portion of the Arizona State Implementation Plan(s).

U.S. Environmental Protection Agency Status of Pima County State Implementation Plan (SIP) #

To be effective, you need to be involved as early in the SIP process as possible to do so you can join PDEQ Rules & Regulations Mailing List.

Draft, Proposed, and Final State Implementation Plan (SIP) Actions

Inactive mineral tailings impoundment and slag storage area within the Ajo PM10 Planning Area

Summary: PDEQ is proposing revisions to the Pima County portion of the Arizona State Implementation Plan. The proposed revision to the Arizona State Implementation Plan (SIP) includes the following rules from Pima County Code (PCC) Title 17; PCC 17.16.125. PCC Section 17.16.125 is a proposed new section that will be heard at the January 22, 2019, Pima County Board of Supervisors Hearing which is noticed separately in this news issue. Pursuant to Section 107(d)(4)(B) of the Clean Air Act (CAA), the U.S. Environmental Protection Agency (EPA) designated an area in northwest Pima County as a "moderate" nonattainment area for the 1987 24-hour Particulate Matter National Ambient Air Quality Standards (NAAQS), specifically particulate matter with a diameter of 10 micrometers or less (PM10). EPA based its designation on recorded violations of the standard at an ambient monitoring site within the County. The purpose of this SIP revision is to add a specific rule for the Ajo Planning Area to meet CAA requirements for an approved maintenance plan and have the area redesignated to attainment for the 24-hour PM10 NAAQS.

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<tr>
<td>Proposed Inactive Tailings &amp; Slag Processing Area rule</td>
<td>Comment Period Closed</td>
<td>Tuesday, January 29, 2019</td>
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<td>1st Public Notice-10-26-2018</td>
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http://webcms.pima.gov/cms/one.aspx?portalId=169&pageId=63172
Newspaper Public Notices
State Implementation Plan Revision

Arizona Daily Star
SIP Revision
1st Public Notice
October 26, 2018
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 published correctly in the entire issue of the said Arizona Daily Star on each of the following dates, to wit:  

**October 26, 2018**  

**Legal Notice**

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

**Lydia Lumbert**

Notary Public

LYDIA LUMBERT  
Notary Public - Arizona  
Pima County  
Not commissioned, Expires Oct 18, 2018

My commission expires

AD NO. 8834443
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 PUBLIC
JANUARY 29, 2019,
Legal #96683
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.

____________________________
DUAINE J. HOLLIS
OFFICIAL SEAL  NOTARY PUBLIC

Notary Public in and for the County of Pima, State of Arizona
My commission expires 04/24/2021
NOTICE OF HEARING
PUBLIC NOTICE RELATED TO AIR QUALI-
TY
PROPOSING TO REVISE THE PIMA COUN-
TY PORTION OF THE ARIZONA STATE IM-
PLEMENTATION PLAN
The Pima County Department of Environment-
al Quality (PDEQ) is proposing revisions to the
Pima County portion of the Arizona State Im-
plementation Plan. The proposed revision to
the Arizona State Implementation Plan (SIP)
includes the following rules from Pima County
Code (PCC) Title 17, PCC 17.16.128, PCC Sec-
tion 17.16.115 is a proposed new section that
will be heard at the January 22, 2019, Pima
County Board of Supervisors Meeting which is
noted separately in this notice issue. Pursuant
to Section 107(d)(4)(B) of the Clean Air Act
(CAA), the U.S. Environmental Protection
Agency (EPA) designated an area in northwest
Pima County as a "moderate" nonattainment
area for the 2007 24-hour Particulate Matter
National Ambient Air Quality Standards
(NAAQS), specifically particulate matter with a
diameter of 10 micrometers or less (PM10).
EPA based its designation on recorded viola-
tions of the standard at an ambient monitoring
site within the County. The purpose of this SIP
revision is to add a specific rule for the Ajo
Planning Area to meet CAA requirements for
an approved maintenance plan and have the
area redesignated to attainment for the 24-hour
PM10 NAAQS.
A public hearing will be held on Tuesday, Jan-
uary 22, 2019, at or after 6:00 p.m. in the Joel D.
Ybarra Days Library public meeting room, lo-
cated at 101 N Stone Avenue, Tucson, Arizona.
Comments pertaining to the proposed revision
to the Pima County portion of the Arizona SIP
may be submitted at the above notice public
hearing, in writing to PDEQ (Attention: Sarah Reit-
meyer, 53 N Stone Ave Suite 700, Tucson, AZ
85701), via e-mail to sarah.reitmeier@pima.gov.
Written comments on the proposed revision
to the Pima County Portion of the Arizona
SIP will be accepted by PDEQ from October 26,
2019, until November 24, 2019, at 5:00 p.m.
The proposed SIP revision is available for re-
view at the PDEQ office, and on the PDEQ web-
site: http://webapps.pima.gov/government/vi-
ronmentalquality/. If requested, PDEQ can
call a pdf version of the proposed SIP revision
to anyone requesting this service. For additional
information, please call Sarah Reitmeyer at
(520) 724-7407.
PUBLISHED: The Daily Territorial
OCTOBER 26, 2019
Ajo Copper News
State Implementation Plan Revision
Public Notice
1st Public Notice
October 30, 2018
Ajo Copper News

STATE OF ARIZONA

COUNTY OF PIMA

PUBLIC NOTICE RELATED TO AIR QUALITY

PROPOSING TO REVISE THE PIMA COUNTY PORTION OF THE ARIZONA STATE IMPLEMENTATION PLAN

The Pima County Department of Environmental Quality (PDEQ) is proposing revisions to the Pima County portion of the Arizona State Implementation Plan (SIP). The proposed revisions to the Arizona State Implementation Plan (SIP) includes the following rule from Pima County Code (PCC) Title 17, PCC 17-16.125. PCC Section 17-16.125 is a proposed new section that will be heard at the January 22, 2019, Pima County Board of Supervisors meeting which is noticed separately in this news issue. Pursuant to Section 17766A.40 of the Clean Air Act (CAA), the U.S. Environmental Protection Agency (EPA) designated an area in northwest Pima County as a “nonattainment” area for the 1997 8-hour Particulate Matter National Ambient Air Quality Standards (NAAQS), specifically particulate matter with a diameter of 10 micrometers or less (PM10). The EPA has designated this area as a “nonattainment” area based on the “nonattainment” designation for the 12-month annual PM10 NAAQS.

A public hearing will be held on Tuesday, January 22, 2019, at 6:00 p.m. in the 555 E. Valencia Mains Library public meeting room, located at 555 E. Valencia Ave., Tucson, Arizona. Comments pertaining to the proposed revisions to the Pima County portion of the Arizona SIP may be submitted at the above noticed public hearing, in writing to PDEQ (Attn: Sarah Rettinger, 33 N. Stone Ave., Suite 200, Tucson, AZ 85701), or via email to sarah.rettinger@pima.gov. Written comments on the proposed revisions to the Pima County portion of the Arizona SIP will be accepted by PDEQ from October 26, 2018, until November 23, 2018, at 5:00 p.m.

The proposed SIP revisions are available for review at the PDEQ office, and on the PDEQ website: http://www.pima.gov/enviro/revise-sip-1716-125. If requested, PDEQ can mail a copy of the proposed SIP revisions to anyone requesting this service. For additional information, please call (520) 791-7457.

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

PUBLIC NOTICE RELATED TO AIR QUALITY

PROPOSING TO REVISE THE PIMA COUNTY PORTION OF THE ARIZONA STATE IMPLEMENTATION PLAN

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

Pima County, Notice Related to Air Quality

Published October 30, 2018

Pima County, Notice Related to Air Quality

Published October 30, 2018

Pima County, Notice Related to Air Quality

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Published October 30, 2018

Pima County, Notice Related to Air Quality

Published October 30, 2018

Pima County, Notice Related to Air Quality

Published October 30, 2018

Pima County, Notice Related to Air Quali...
Jennie Silvas, 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:

JANUARY 4, 2019

Subscribed and sworn to before me this 4th day of January 2019

Notary Public

My commission expires

AD NO. 8851388
Daily Territorial
State Implementation Plan Revision
Public Notice
2nd Public Notice
January 4, 2019
THE DAILY TERRITORIAL

AFFIDAVIT OF PUBLICATION

STATE OF ARIZONA } ss.
COUNTY OF PIMA } ss.

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
REVISIONS TO IMPLEMENTATI
Legal #116804
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 40th day of January, 2019.

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

My commission expires 04/24/2021
PUBLIC NOTICE
SECOND NOTICE

PUBLIC NOTICE RELATED TO AIR QUALITY PROPOSING TO REWRITE THE PIMA COUNTY PORTION OF THE ARIZONA STATE IMPLEMENTATION PLAN

The Pima County Department of Environmental Quality (PCDEQ) is proposing changes to the Pima County portion of the Arizona State Implementation Plan. The proposed revisions to the Arizona State Implementation Plan (SIP) includes the following rules from Pima County Code (PCC) Title 17, PCC 17.16.125. PCC Section 17.16.125 is a proposed new section that will be heard at the January 22, 2019, Pima County Board of Supervisors Hearing which is noticed separately in this new issue. Pursuant to Section 107(d)(4)(I) of the Clean Air Act (CAA), the U.S. Environmental Protection Agency (EPA) designated an area in northwest Pima County as a "nonattainment" nonattainment area for the 1997 24-hour Particulate Matter National Ambient Air Quality Standards (NAAQS). Specifically, particulate matter with a diameter of 10 micrometers or less (PM10). EPA based its designation on recorded violations of the standard at an ambient monitoring site within the County. The purpose of this SIP revision is to add a specific rule for the Ajo Planning area to meet CAA requirements for an approved maintenance plan and have the area re-designated to attainment for the 24-hour PM10 NAAQS.

A public hearing will be held on Tuesday, January 22, 2019, at 3:00 p.m. in the Joel D. Valdez Main Library public meeting room, located at 101 N Fourth Avenue, Tucson, Arizona. Comments pertaining to the proposed revision to the Pima County portion of the Arizona SIP may be submitted at the above noticed public hearing.

The proposed SIP revision is available for review at the PCDEQ offices and on the PCDEQ website: http://www.pima.az.gov/environmental_quality. If requested, PCDEQ can email a pdf version of the proposed SIP revision to anyone requesting this service. For additional information, please call Sarah Rathmayer at (520) 244-7687.

PUBLISHED: The Daily Territorial 
Jan. 4, 2019
Ajo Copper News
State Implementation Plan Revision
Public Notice
2nd Public Notice
January 1, 2019
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

PUBLIC NOTICE RELATED TO AIR QUALITY
PROPOSING TO REVISE THE PIMA COUNTY PORTION OF THE ARIZONA STATE IMPLEMENTATION PLAN

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

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

Notary Public
Appendix 3

Pima County
Certified Public
Hearing Documents

State Implementation Plan Revision
Adding PCC Section 17.16.125 - Inactive
mineral tailings impoundment
and slag storage area
within the Ajo PM\textsubscript{10} Planning Area
INACTIVE MINERAL TAILINGS IMPOUNDMENT
AND SLAG STORAGE AREA WITHIN
THE AJO PM$_{10}$ PLANNING AREA

April 19, 2019

Pima County Department of Environmental Quality
33 North Stone Avenue, Suite 700
Tucson, AZ 85701
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SIP Revision Public Hearing
Agenda
Proposed State Implementation Plan Revisions
Hearing Agenda

Tuesday, January 29, 2019
3:00 p.m. to 4:00 p.m.
Joel D. Valdez Main Library
101 N Stone Avenue, Tucson, Arizona

3:00 p.m. Introductions, review of agenda

3:10 p.m. Overview:
Proposed Revisions to the Pima County Portion of the Arizona State Implementation Plan (SIP)

3:25 p.m. Oral Comment Period – Recorded for Public Record

3:45 p.m. Closing remarks

Comments?
Comments pertaining to the proposed SIP revision may be submitted at the above noticed public hearing.

For additional information, please call Sarah Reitmeyer at (520) 724-7437.

Thank you very much for taking the time to attend our Public Hearing.
Proposed SIP Revision
Rule Text
Proposed Revision to the
Pima County Portion of the Arizona
State Implementation Plan

This submittal will add one rule to the existing approved Arizona State Implementation Plan (SIP), in particular the Pima County portion of the Arizona SIP. The rule that will be added is Pima County Code Title 17: Air Quality Control, Chapter 16: Emissions Limiting Standards, Section 17.16.125, titled Inactive mineral tailings impoundment and slag storage area within the Ajo PM\textsubscript{10} Planning Area.

The text of this rule is provided here, additions to the SIP are underlined.

17.16.125 - Inactive mineral tailings impoundment and slag storage area within the Ajo PM\textsubscript{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\textsubscript{10} Planning Area.

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

1. “Affected area” means the Ajo PM\textsubscript{10} Planning Area.

2. “Ajo PM\textsubscript{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\textsubscript{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. “PM10” 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.
SIP Revision Public Hearing
Sign-in Sheet
<table>
<thead>
<tr>
<th>Name</th>
<th>Mailing Address</th>
<th>E-Mail Address/Phone Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sarah Reitmeyer - PDEQ</td>
<td>33 N Stone Ave, Suite 700 Tucson, AZ 85718</td>
<td>520-794-7437 <a href="mailto:Sarah.reitmeyer@pima.gov">Sarah.reitmeyer@pima.gov</a></td>
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<tr>
<td>Rupesh Patel - PDEQ</td>
<td>&quot;</td>
<td>620 724-7341 <a href="mailto:rupesh.patel@pima.gov">rupesh.patel@pima.gov</a></td>
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<tr>
<td>Beth Gorman</td>
<td>33 N. Stone, Suite 700</td>
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</tr>
</tbody>
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PUBLIC HEARING

REGARDING

THE PROPOSED STATE IMPLEMENTATION PLAN REVISION

Tuesday, January 29, 2019

Hearing Officer:

Today is Tuesday, January 28, 2019. The time is approximately 3:00 p.m. The location is the Joel D. Valdez Main Library, in Tucson, Arizona. I’m the Hearing Officer for today’s proceedings representing the Pima County Department of Environmental Quality, or PDEQ. My name is Sarah Reitmeyer, Regulatory Program Manager and I’ll be presiding at the hearing today. Other PDEQ representatives present are: Beth Gorman, PDEQ Public Outreach and Education Manager, and Rupesh Patel, Air Quality Program Manager.

At this moment, we are conducting a formal public hearing. As the designated air quality control district under state law, PDEQ is responsible for developing and administering air pollution controls that are to be incorporated into the State Implementation Plan or SIP. These controls are required under the federal Clean Air Act to maintain and protect the National Ambient Air Quality Standards. The purpose of this hearing is to allow the public the opportunity to enter into the record, oral or written comments regarding the proposed revision to the Pima County portion of the Arizona State Implementation Plan. Copies of the proposed revision were made available at the PDEQ office and on PDEQ’s website.

By law, a public hearing must meet certain requirements. PDEQ is conducting this Public Hearing in accordance with state law and pursuant to 40 C.F.R. Part 51, Appendix V.

Public Hearing requirements are:

1) A thirty-day advance public notice must be given in two newspapers of general circulation. Notice was given on October 26, 2018 and January 4, 2019 in the Arizona Daily Star, the Daily Territorial, and the Ajo Copper News. Notice was also given on the Pima County homepage and on PDEQ’s website.

2) The Public must be given an opportunity to speak or give written comments during the hearing. Today the public has the option to do so.

3) A hearing must be conducted “on the record” which means that it is recorded in some way. Today’s meeting is being recorded.
This hearing — is conduct — is considered a “formal public hearing” under state law. A formal public hearing is different from a public meeting or ‘open house’. In a public meeting, there is an opportunity for questions and answers between the general public and the department. As this is a formal public hearing today, the representatives of the department will not formally answer any questions. In other words, neither I, nor anyone from the department, will be answering questions today. PDEQ staff will be available for a short time after the hearing to clarify any questions about the revision to the Pima County portion of the Arizona SIP. At a later date, PDEQ will prepare a written response to all questions and comments entered into the record regarding the proposed revision to the Pima County portion of the Arizona SIP. If you have questions about the revision, please include them in your comments. All comments and questions should address the revision to the Pima County portion of the Arizona SIP only.

The agenda for today’s hearing is as follows: First, there will be a brief summary about the revision to the Pima County portion of the Arizona SIP, and then I’ll begin to call speakers in the order they are signed in, so as to begin taking public comment. As this is a very structured proceeding, please follow the instructions for making public comment. If you wish to comment, you must fill out a speaker slip that is available at the entrance and give it to Mrs. Beth Gorman. This procedure will allow everyone an opportunity to be heard and allow us to later match the name on the official record with the speaker on the recording. I will call individuals in the order that speaker slips were submitted. Please print your name to help ensure that we spell it correctly and it is in the record. We ask that comments be limited to three minutes so everyone who wishes to make a comment is given the opportunity to do so. You may also submit written comments today. Written comments shall be submitted to Mrs. Gorman. If you wish to do so, you may make both oral and written comments in the process.

Once again, the purpose of this hearing is to receive comment from the public on the proposed revision to the Pima County portion of the Arizona SIP. By law, all the comments made here, or in writing, are considered by PDEQ before making the final decision regarding the proposed revision. The department must evaluate, in writing, all comments, both written and verbal that are received. This document is known as a Response to Comments Summary. It will be available at the time the department makes a final decision regarding the proposed revision. If you wish to be notified of the decision made by the department, please be sure to sign the attendance sheet located at the entrance and indicate that you would like to be notified of the final revision to the Pima County portion of the Arizona SIP.

I will now give a brief summary of the revision to the Pima County portion of the Arizona State Implementation Plan.
PDEQ is proposing a revision to the Pima County portion of the Arizona State Implementation Plan. The proposed revision to the SIP includes the following rule from Pima County Code Title 17, Section 17.16.125, titled Inactive Mineral Tailings Impoundment and Slag Storage Area within the Ajo PM$_{10}$ Planning Area. Pima County Code Section 17.16.125 is a new section that was adopted at the January 22, 2019, Pima County Board of Supervisors Hearing and will be effective February 21, 2019. Pursuant to Section 107(d)(4)(B) of the Clean Air Act, the U.S. Environmental Protection Agency, or EPA designated the Ajo PM$_{10}$ Planning Area in northwest Pima County as a “moderate” nonattainment area for the 1987 twenty-four-hour Particulate Matter National Ambient Air Quality Standards, specifically particulate matter with a diameter of ten micrometers or less, or PM$_{10}$. EPA based its designation on recorded violations of the standard at an ambient monitoring site within the County. The purpose of this SIP revision is to add a specific rule for the Ajo Planning Area to meet Clean Air Act requirements for an approved maintenance plan and have the area redesignated to attainment for the twenty-four-hour PM$_{10}$ National Ambient Air Quality Standards.

Specifically, Pima County Code 17.16.125 will provide permanence and enforceability for control measures that have already been implemented. Under this section, owners or operators are subject to implement and maintain required 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 area must be controlled to 20% 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 redisturbance on the property.

This revision to the SIP will be submitted to the Arizona Department of Environmental Quality, or ADEQ, for incorporation into the Arizona SIP, and for submittal by ADEQ to the United States Environmental Protection Agency to demonstrate that all Clean Air Act requirements for redesignation of the Ajo PM$_{10}$ Planning Area to attainment have been satisfied. The clean air quality record, enforceable control measures, and projections of future emissions all show that the area will continue to maintain the PM$_{10}$ air quality standards through 2031. ADEQ will submit this SIP revision to the EPA to request that the EPA approve the maintenance plan and redesignate the Ajo nonattainment area to attainment for the twenty-four-hour PM$_{10}$ National Ambient Air Quality Standards.

This marks the end of the SIP revision summary. We will now begin taking formal comments. I would again like to remind people that if you wish to speak, please complete one of the speaker forms and hand them to Mrs. Gorman. I’ll shortly begin calling up speakers to take public comment. To ease transcribing of the hearing, please speak clearly and into the recorder. Begin by giving your name so it can be entered into the record.
Does anyone wish to speak?

Seeing no speakers coming forward, we will go off record and give time for others that may be on their way. The time is now 3:15 p.m.

----------------------Going back on record----------------------

The time is now 3:20 p.m. We are back on record and will proceed with the hearing.

----------------------Closing the Hearing----------------------

I would like to give a final opportunity for anyone to give comment.

Seeing that there are no comments, I would like to remind people that the department’s Response to Comments document will be available and will be available in the near future (if comments are received). If you would like this document sent to you, please make sure that your name and address are clearly printed on the sign-in sheet so we can send these documents out to you. You may also leave your e-mail address and we can send them to you that way as well.

At this point, I will now close the hearing. Thank you for attending. The comment period for this proposed revision to the State – revision to the Pima County portion of the Arizona SIP ended November 28, 2019 at 5:00 p.m., however oral and written comments submitted today will be included in the documents regarding this SIP revision. Your interest is appreciated. Today’s date is Tuesday, January 29, 2019, the time is 3:22 p.m.

This public hearing is now adjourned.
Public Hearing Presiding Officer Certification

I, Sarah Reitmeyer, the designated Presiding Officer, do hereby certify that the public hearing held by the Pima County Department of Environmental Quality (PDEQ) was conducted on January 29, 2019 at the Joel D. Valdez Main Library located at 101 N Stone Avenue in Tucson, AZ, in accordance with public notice requirements by publication in the Arizona Daily Star, the Daily Territorial, and the Ajo Copper News, as well as the PDEQ website beginning on October 26, 2018 and on January 4, 2019. Furthermore, I do hereby certify that the public hearing was recorded from the opening of the public record through the concluding remarks and adjournment, and the transcript provided contains a full, true, and correct record of the above referenced public hearing.

Dated this 29th day of January, 2019.

Sarah L. Reitmeyer  
Regulatory Program Manager

State of Arizona  
) ss.
County of Pima  

Subscribed and sworn to before me on this 29th day of January, 2019.