



PIMA COUNTY
DEPARTMENT OF ENVIRONMENTAL QUALITY
33 N. Stone Avenue, Suite 700
Tucson, Arizona 85701-1429
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Ursula Kramer, P.E.
Director

(520) 724-7400
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Month Date, 2013

Mr. Henry Darwin
Director
Arizona Department of Environmental Quality
1110 W Washington St
Phoenix, AZ 85007

Subject: SIP Revision Request from the Pima County Department of Environmental Quality

Dear Mr. Darwin,

On November 5, 2012 the U.S. Environmental Protection Agency (EPA) published two actions regarding the Arizona State Implementation Plan (SIP) found at 77 FR 66398 and 77 FR 66405. In 77 FR 66398 the EPA published a final rule approving in part and disapproving in part SIP revisions submitted by the State of Arizona pursuant to the requirements of the Clean Air Act (CAA) for the 1997 8-hour ozone national ambient air quality standards (NAAQS) and the 1997 and 2006 NAAQS for fine particulate matter (PM_{2.5}). At 77 FR 66400 the final rule specifies that Arizona's conflict of interest statute leaves a gap with respect to the CAA section 128(a)(1) requirement that boards that approve permits or enforcement orders have "at least a majority of members who represent the public interest and do not derive any significant portion of their income from persons subject to permits and enforcement orders under [the Act]". The final rule then specifies that Pima County Code (PCC) 17.04.190 extends this majority membership requirement to interests in persons subject to enforcement orders, and that such a provision could be submitted for incorporation into the Arizona SIP. Pima County Department of Environmental Quality is submitting PCC 17.04.190 for incorporation into the SIP.

In 77 FR 66405, the EPA published a final rule which finalized approval of revisions to the Arizona Department of Environmental Quality (ADEQ) and Maricopa County Air Quality portions of the Arizona SIP; however, the final rule specifically states that the EPA "proposed approval of [Pima County Department of Environmental Quality] Rules 17.12.040 and 17.24.040 contingent upon EPA's receipt of fully adopted rules that satisfy state and local procedural requirements for SIP submittals." Pima County Department of Environmental Quality is

submitting PCC 17.12.040 and PCC 17.24.040 for incorporation into the Arizona SIP with this submittal, including documentation that satisfies state and local procedural requirements.

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. Pima County Department of Environmental Quality is submitting these rules as a SIP revisions in response to the above listed final rules published on November 5, 2012 (77 FR 66400 and 77 FR 66405).

At this time the Pima County Department of Environmental Quality is submitting the following sections of Pima County Code (PCC) Title 17:

- PCC 17.04.190 titled Composition (within PCC 17.04 titled General Provisions, Article VI titled Hearing Board), adopted on September 28, 1993 – Ordinance 1993-128. There is no SIP-Approved version of this rule.
- PCC 17.24.040 titled Reporting for Compliance Evaluations (within PCC 17.24 titled Emission Source Recordkeeping and reporting, Article III titled Reporting for Compliance Evaluations), adopted on September 28, 1993 – Ordinance 1993-128. There is no SIP-Approved version of this rule.
- PCC 17.12.040 titled Reporting Requirements (within PCC 17.12 titled Permits and Permit Revisions, Article I titled General Provisions), adopted on April 19, 2005 – Ordinance 2005-43. This provision will replace SIP Rule 622 (Reporting and Permit Requirements).

These rules contain provisions required for an “infrastructure SIP” by Clean Air Act (CAA) Section 110 (a) (2).

This package includes the following:

Completeness Checklist

- Appendix 1 Correspondence with EPA
- Appendix 2 Text of Each Rule Submitted for Inclusion, Including Changes to Existing Approved SIP and PCC 17.12.040
- Appendix 3 Relevant Excerpts from Certified Ordinance 1993-128 (Final Adopted Version)
- Appendix 4 Relevant Excerpts from Certified Ordinance 2005- 43 (Final Adopted Version)
- Appendix 5 Notice of Public Hearing, Affidavits of Publication, PDEQ Website Information
- Appendix 6 Certified Public Hearing Documents: Agenda and Sign-in Form
- Appendix 7 Public Comments received and Pima County Department of Environmental Quality Responses

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

Director

Enclosure

cc: Noah Smith, U.S. EPA, Region 9
Jeffrey Buss, U.S. EPA, Region 9
Eric Massey, ADEQ Air Quality Division Director
Richard Grimaldi, Pima County DEQ Deputy Director

CERTIFIED MAIL: tracking number

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 Rules referenced in this ‘Completeness Checklist’ are adequate to meet the following requirements of the Clean Air Act (CAA) for the 1997 8-hour ozone (O₃) national ambient air quality standards (NAAQS) and the 1997 and 2006 NAAQS for fine particulate matter (PM_{2.5}). These rules would also apply to “infrastructure SIPs” submitted by the Arizona Department of Environmental Quality (ADEQ) for the 2008 Lead (Pb) NAAQS and the 2010 Sulfur Dioxide (SO₂) NAAQS.

110(a)(2)(E)(ii): Conflicts of Interest – PCC 17.04.190

110(a)(2)(F): Emission Monitoring and Reporting – PCC 17.12.040 and PCC 17.24.040

Appendix V to Part 51 of Title 40 of the Code of Federal Regulations requires certain criteria for plan submissions for review by the U.S. Environmental Protection Agency (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

Pima County Department of Environmental Quality 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 EPA including a formal letter of submittal from the Governor or her designee, requesting EPA approval of the plan or revision thereof.

2. State adoption of the plan - Section 2.1.b

Pima County Department of Environmental Quality is submitting this plan through the ADEQ as an official revision of the Pima County portion of the Arizona SIP. The 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

Pima County Department of Environmental Quality 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. Pima County Department of Environmental Quality 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

<u>Rule Number</u>	<u>Rule Title</u>	<u>Adoption Date</u>
PCC 17.04.190	Composition	09/28/1993
PCC 17.24.040	Reporting for Compliance Evaluations	09/28/1993
PCC 17.12.040	Reporting Requirements	04/19/2005

EPA Approved (Applicable) SIP Rules

<u>EPA Applicable SIP Rule</u>	<u>PCC Analogous Rule</u>
No SIP-Approved version	PCC 17.04.190 (Composition)
No SIP-Approved version	PCC 17.24.040 (Reporting for compliance evaluations)
Rule 622 (Reporting as Permit Requirement)	PCC 17.12.040 (Reporting requirements)

Prior to preparing this submission Pima County Department of Environmental Quality consulted with the EPA and was advised by EPA that inclusion of only relevant sections of each Certified Ordinance, would be acceptable for this SIP revision submittal (Appendix 1: E-mail Correspondence with EPA). Pima County Department of Environmental Quality has included the relevant sections of each Certified Ordinance which adopted the above listed rules (including chapter headings and the date of final adoption). For each Ordinance in this submission the Certificate of the Clerk of the Board of Supervisors of Pima County is followed by the relevant pages from that Ordinance, including the signature page with the date of final adoption noted. Rules which are not being submitted with this revision have been redacted.

This submittal will make one change to the existing approved plan, Pima County portion of the Arizona SIP. PCC 17.12.040: Reporting requirements will replace SIP Rule 622: Reporting as a Permit Requirement. SIP Rule 622 is found in the Pima County portion of the Arizona State Implementation Plan, Chapter 6: Recordkeeping and Reporting – Regulation 62: Reporting Requirements: Rule 622. A strikeout of Rule 622 with the replacement text of PCC 17.12.40 is included as Appendix 2. Appendix 2 also contains clean text of PCC 17.04.190 and 17.24.040.

PCC 17.04.190 and PCC 17.24.040 - Pima County Rules submitted for inclusion in the Arizona State Implementation Plan were adopted by Ordinance 1993-128.

Relevant excerpts from Certified Ordinance 1993-128 (Final Adopted Version) are included as Appendix 3. Certified Ordinance 1993-128 is 227 pages in its entirety; five (5) pages are included in this submission, six (6) pages including the Certificate of the Clerk of the Board of Supervisors.

PCC 17.12.040 – Pima County Rule submitted for inclusion in the Arizona State Implementation Plan was adopted by Ordinance 2005-43, and amended by Ordinance 2006-9. The amendment to PCC 17.12.040 was a typographical change to the title of the ordinance, no other changes were made.

Relevant excerpts from Certified Ordinance 2005-43 (Final Adopted Version) are included as Appendix 4. Ordinance 2005-43 is 74 pages in its entirety; five (5) pages are included in this submission, six (6) pages including the Certificate of the Clerk of the Board of Supervisors.

5. State procedural requirements – Section 2.1.e

Pima County Department of Environmental Quality is submitting this plan through the ADEQ as an official revision of the Pima County portion of the Arizona State Implementation Plan. The 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

Pima County Department of Environmental Quality published a Public Notice in two local newspapers on Day, Month Date, 2013 and Day, Month Date, 2013 (Appendix 5 Public Notice Text and Affidavits of Publication). Pima County Department of Environmental Quality also posted a copy of the Public Notice and documentation associated with this SIP revision submittal on the Pima County website (Appendix 5 print out of the website listing the documents available for review).

7. Public hearing certification – Section 2.1.g

Pima County Department of Environmental Quality conducted a Public Hearing at the date and time specified in the Public Notice, Day, Month Date, 2013 at Time. Certified Public Hearing Documents can be found in Appendix 6: Public Hearing Certification Documents including hearing agenda, sign in sheet, and transcript of hearing.

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

Pima County Department of Environmental Quality conducted a 30-day public comment period from Month Date, 2013 to Month Date, 2013 at 5:00 p.m. Public comments received and Pima County Department of Environmental Quality responses to comments

received are found in Appendix 7 (section may be edited if no comments are received, or to include the number of comments).

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**
Particulate Matter (PM_{2.5}) and Ozone (O₃)
- 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 17.04.190 is a general provisions rule that applies to all sources of air pollution in Pima County.

PCC 17.12.040 is a general provisions rule that applies to all sources of air pollution in Pima County.

PCC 17.24.040 applies to all sources of air pollution in Pima County.

Classifications as of December 2012:

PM_{2.5} Classification: Unclassifiable/Attainment

O₃ Classification: Unclassifiable/Attainment

- 3. Quantification of the changes in plan allowable emissions – 40 CFR App. V Section 2.2.c**
PCC17.04.190, PCC 17.12.040, and PCC 17.24.040 are administrative rules.
- 4. National Ambient Air Quality Standards, Prevention of Significant Deterioration, Increments, Reasonable Further Progress Demonstration, and Visibility are protected – 40 CFR App. V Section 2.2.d**
PCC 17.04.190, PCC 17.12.040, and PCC 17.24.040 are administrative rules.
- 5. Modeling information required to support rule revision – 40 CFR App. V Section 2.2.e**
PCC 17.04.190, PCC 17.12.040, and PCC 17.24.040 are administrative rules.
- 6. Evidence that emissions limitations are based on continuous emission reduction technology - 40 CFR App. V Section 2.2.f**
PCC 17.04.190, PCC 17.12.040, and PCC 17.24.040 are administrative rules.

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

PCC 17.04.190 is an administrative rule.

PCC 17.12.040 and PCC 17.24.040 are administrative rules; however, these rules contain reporting requirements.

8. Compliance/enforcement strategies, including how compliance will be determined in practice - 40 CFR App. V Section 2.2.h

Pima County Department of Environmental Quality has the authority to conduct inspections to assure compliance with Pima County rules, any provision of the A.R.S., Title 49, Chapter 3, Article 3, or the provision of any permit issued pursuant to Pima County Code Title 17. 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

PCC 17.04.190, PCC 17.12.040, and PCC 17.24.040 are administrative rules.

Appendix 1

DRAFT

From: Smith.Noah@epamail.epa.gov
Sent: Wednesday, February 13, 2013 6:29 PM
To: Sarah Walters
Cc: Buss.Jeffrey@epamail.epa.gov; Richard Grimaldi
Subject: Re: Questions regarding Pima County and SIP Revision

Hi Sarah,

A certified copy of just the relevant sections of each Ordinance should be fine, but can you also include pages that show the title, chapter, and article for each relevant rule? I'm guessing these pages would be at the beginning of each ordinance but I haven't seen the hardcopy version of the Pima County Code.

Thanks, and please let me know if you have any other questions.

Noah

Noah Smith
Office of Regional Counsel
U.S. Environmental Protection Agency
75 Hawthorne Street, 16th Floor
San Francisco, CA 94105
Phone: (415) 947-4243
smith.noah@epa.gov

This email, including attachments, may contain information that is confidential and/or protected by the attorney-client or other privileges.

From: Sarah Walters <Sarah.Walters@pima.gov>
To: Noah Smith/R9/USEPA/US@EPA, Jeffrey Buss/R9/USEPA/US@EPA,
Cc: Richard Grimaldi <Richard.Grimaldi@pima.gov>
Date: 02/13/2013 12:19 PM
Subject: Questions regarding Pima County and SIP Revision

Dear Mr. Smith and Mr. Buss,

I wanted to drop a line and introduce myself and also request information for Pima County Department of Environmental Quality (PDEQ) in Arizona. I am the new Regulatory Program Manager at PDEQ and will be working on our County Rules, and also working on SIP revisions (following SIP Revision procedure). PDEQ will be submitting three PDEQ Rules for incorporation into the Arizona SIP, as a revision of the Infrastructure SIP.

Pima County has fully adopted the Rules within Pima County Code (PCC) that were called out in the following: the Partial Approval and Disapproval of Air Quality Implementation Plans; Infrastructure Requirements for Ozone and Fine Particulate Matter (Final Rule EPA-R09-OAR-2012-0398; FRL-9745-8), and Revisions to the Arizona State Implementation Plan, Arizona Dept. of Environmental Quality and Maricopa County Air Quality Department (Final Rule EPA-R09-OAR-2012-0470; FRL-9740-2).

The PDEQ Rules noted are PCC 17.04.190, PCC 17.12.040, and PCC 17.24.040. PDEQ would like to submit the fully adopted rules as a SIP Revision in order to satisfy state and local procedural requirements for SIP submittals. In order to expedite

the process, PDEQ would like EPA to verify exactly what is required for documentation of the fully adopted Pima County Code. In the past, PDEQ has requested a Certified Copy of each Ordinance, from the Pima County Clerk of the Board, which included the Pima County Code being submitted for inclusion in the SIP. However, many of the Ordinances are quite lengthy (200+ pages) and PDEQ would like to submit a Certified Copy of the relevant sections of each Ordinance covering the fully adopted Pima County Code rather than submit the Certified Copy of the entire Ordinance.

Please let me know if EPA would accept a submittal of a Certified Copy of just the relevant sections of each Ordinance, or if the entirety of each Ordinance would need to be submitted.

Thank you for your time.

Sarah Walters, Regulatory Program Manager
Pima County Department of Environmental Quality
33 N Stone Ave, Suite 700, Tucson, AZ 85701
Phone: (520) 243-7437 Fax: (520) 838-7432
Email: sarah.walters@pima.gov

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Appendix 2

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This submittal will add two rules to the existing approved plan, in particular the Pima County portion of the Arizona SIP. The two rules that will be added are PCC 17.04.190 and 17.24.040. The text of these rules is provided here, additions to the SIP are underlined.

17.04.190 Composition.

- A. The hearing board shall consist of five members, none of whom is an employee of the county or of the state or any of its political subdivisions.
 - 1. The five members shall be knowledgeable in the field of air pollution control.
 - 2. One member shall have been admitted to the practice of law in the state.
 - 3. One member shall be a duly licensed practitioner of medicine in the state.
 - 4. One member shall be a registered professional engineer in the state.
- B. At least a majority of the hearing board members shall not individually have a substantial interest in an emission source subject to permits or enforcement orders issued pursuant to this title. Substantial interest means any interest other than a remote interest as defined in A.R.S. 38-502, paragraph 10.

17.24.040 Reporting for compliance evaluations.

When the control officer has reasonable cause to believe that a person is emitting or capable of emitting an air contaminant to the air or is violating a provision of the Title, a permit condition, or a requirement of a conditional order issued according to this title, he may require in writing that such person produce all existing books, records, or other documents which might reasonably contain evidence needed to determine compliance or noncompliance with this title. Such information shall be supplied to the control officer promptly upon request or in accordance with other conditions stated herein.

This submittal will make one change to the existing approved plan, in particular the Pima County portion of the Arizona SIP. PCC 17.12.040: Reporting requirements will replace SIP Rule 622: Reporting as a Permit Requirement. SIP Rule 622 is found in the Pima County portion of the Arizona State Implementation Plan, Chapter 6: Recordkeeping and Reporting – Regulation 62: Reporting Requirements: Rule 622. A strikeout of Rule 622 is provided with the text of the replacement rule, PCC 17.12.40, which is underlined, as it is an addition to the SIP.

Rule 622: Reporting as a Permit Requirement

- A. ~~As established in other RULES herein, the Control Officer may require special reporting provisions as a condition of permit, and the Hearing Board may require reporting requirements for a Conditional Permit. Such reporting requirements shall be fulfilled by the permittee according to the written conditions of the permit.~~

PCC 17.12.040: Reporting requirements

- A. The owner or operator of any source shall report to the Control Officer any emissions in excess of the limits established by this Chapter or the applicable permit. The report shall be in 2 parts as specified below:
1. Notification by telephone or facsimile within 24 hours of the time the owner or operator first learned of the occurrence of excess emissions that includes all available information from subsection (B).
 2. Detailed written notification by submission of an excess emissions report within 72 hours of the notification under subsection (1).
- B. The excess emissions report shall contain the following information:
1. The identity of each stack or other emission point where the excess emissions occurred;
 2. The magnitude of the excess emissions expressed in the units of the applicable emission limitation and the operating data and calculations used in determining the magnitude of the excess emissions;
 3. The time and duration or expected duration of the excess emissions;
 4. The identity of the equipment from which the excess emissions emanated;
 5. The nature and cause of the emissions;
 6. The steps taken, if the excess emissions were the result of a malfunction, to remedy the malfunction and the steps taken or planned to prevent the recurrence of the malfunctions;
 7. The steps that were or are being taken to limit the excess emissions; and
 8. If the source's permit contains procedures governing source operation during periods of startup or malfunction and the excess emissions resulted from startup or malfunction, a list of the steps taken to comply with the permit procedures.
- C. In the case of continuous or recurring excess emissions, the notification requirements of this Section shall be satisfied if the source provides the required notification after excess emissions are first detected and includes in the notification an estimate of the time the excess emissions will continue. Excess emissions occurring after the estimated time period or changes in the nature of the emissions as originally reported shall require additional notification pursuant to subsections (A) and (B).

Appendix 3

DRAFT

Certificate of Clerk

Board of Supervisors of Pima County, Arizona

State of Arizona

County of Pima ^{ss}

I, Robin Brigode, 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. 1993 – 128

(See attached copy, 227 pages)

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 28th day of September, 1993 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 27th day of March, 2013.

Robin Brigode

Clerk

RECORDED BY: JEB
DEPUTY RECORDER
2012 RD11
P0230
PIMA CO CLERK OF THE BOARD



DOCKET: 9642
PAGE: 596
NO. OF PAGES: 227
SEQUENCE: 93171765
10/06/93
ORDINANCE: 10:35:00
PICKUP
AMOUNT PAID \$ 114.00

TUCSON AZ 85701

ORDINANCE NUMBER 1993-128

AN ORDINANCE OF THE PIMA COUNTY BOARD OF SUPERVISORS RELATING TO TITLE 17 OF THE PIMA COUNTY CODE, AIR QUALITY CONTROL; AMENDING CHAPTERS 17.04, ~~17.05, 17.10, 17.16, 17.29, 17.26, 17.28, AND 17.32, AND ADDING CHAPTER 17.06.~~

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

Section 1. That chapter 17.04 of the Pima County Code is amended to read:

CHAPTER 17.04 GENERAL PROVISIONS

Sections:

- ~~Article I. Preamble.~~
~~17.04.010 Declaration of policy.~~
~~17.04.020 Purpose.~~
~~17.04.030 Authority.~~
- ~~Article II. Jurisdiction.~~
~~17.04.040 General applicability.~~
~~17.04.050 State and/or county.~~
~~17.04.060 Limitations.~~
- ~~Article III. Incorporated Materials.~~
~~17.04.070 Incorporated Materials.~~
- ~~Article IV. Administration.~~
~~17.04.080 Air quality control district.~~
~~17.04.090 Executive head.~~
~~17.04.100 Governing body.~~
- ~~Article V. Advisory Council.~~
~~17.04.110 Establishment.~~
~~17.04.120 Composition.~~
~~17.04.130 Terms - Nominations.~~
~~17.04.140 Functions.~~
~~17.04.150 Officers - Procedures.~~
~~17.04.160 Meetings - Special studies - Hearings.~~
~~17.04.170 Compensation - Absences.~~
- ~~Article VI. Hearing Board.~~
~~17.04.180 Establishment.~~
~~17.04.190 Composition.~~
~~17.04.200 Terms - Nominations.~~
~~17.04.210 Functions.~~
~~17.04.220 Officers - Procedures.~~
~~17.04.230 Meetings - Hearings.~~
~~17.04.240 Compensation - Absences.~~
~~17.04.250 Decisions of hearing board; subpoenas; effective date.~~
~~17.04.260 Judicial review.~~
- ~~Article VII. Legal Severability.~~
~~17.04.270 Severability clause.~~

~~17.04.150~~ 17.04.150 Meetings - Special studies - Hearings.

~~A. The advisory council shall hold meetings at least quarterly, and all meetings shall be open to the public.~~

~~1. B. A representative selected by the council shall meet with the board of supervisors at least semi-annually to call attention to existing or potential needs related to the environmental quality in Pima County.~~

~~B. C. The council may recommend special studies of environmental problems, and may form subcommittees or task forces for this purpose.~~

~~1. D. If funding is needed for the foregoing, approval shall be obtained from the board of supervisors.~~

~~C. E. The council shall hold public hearings as necessary to perform its duties, including provisions for allowing members of the public to speak on the subject matter under consideration. (Ord. 1993-___ § __, 1993; Ord. 1990-114 § 4, 1990; Ord. 1979-93 (part), 1979)~~

~~17.04.160~~ 17.04.170 Compensation - Absences.

~~A. Advisory council members shall serve without compensation.~~

~~B. A council member's absence for three consecutive meetings shall be considered a resignation unless a majority of the members of the council vote to excuse such absence upon good cause at their next regularly scheduled meeting. (Ord. 1979-11 (part), 1979)~~

Article VI. Hearing Board.

~~17.04.170~~ 17.04.180 Establishment.

~~A. The Board of Supervisors, pursuant to A.R.S. 49-478, shall appoint an air pollution hearing board (to be known hereafter as the air quality hearing board) to serve in a quasi-judicial capacity regarding enforcement proceedings and other legal matters required by Arizona Revised Statutes. (Ord. 1989-165 § 6, 1989; Ord. 1979-93 (part), 1979)~~

~~17.04.180~~ 17.04.190 Composition.

A. The hearing board shall consist of five members, none of whom is an employee of the county or of the state or any of its political subdivisions.

1. The five members shall be knowledgeable in the field of air pollution control.
2. One member shall have been admitted to the practice of law in the state.
3. One member shall be a duly licensed practitioner of medicine in the state.
4. One member shall be a registered professional engineer in the state.

B. At least a majority of the hearing board members shall not individually have a substantial interest in an emission source subject to permits or enforcement orders issued pursuant to this Code Title. Substantial interest means any interest other than a remote interest as defined in A.R.S. 38-502-10 38-502, Paragraph 10. (Ord. 1993-___ § __, 1993; Ord. 1981-12 (part), 1981; Ord. 1979-93 (part), 1979)

facility. (Ord. 1993-___ § __, 1993; Ord. 1985-126 (part), 1985; Ord. 1979-93 (part), 1979)

Section 6. That chapter 17.24 of the Pima County Code is amended to read as follows:

CHAPTER 17.24 EMISSION SOURCE RECORDKEEPING AND REPORTING

Sections:

~~Article I. Availability of Information.~~
~~17.24.010 Confidentiality of trade secrets, sales data, and proprietary information.~~

~~Article II. Recordkeeping Requirements.~~
~~17.24.020 Recordkeeping for compliance determinations.~~
~~17.24.030 Recordkeeping for emission inventories.~~

Article III. Reporting Requirements.
17.24.040 Reporting for compliance evaluations.
~~17.24.050 Reporting as a permit requirement.~~
~~17.24.060 Reporting for emission inventories.~~

~~Article IV. Penalty for Noncompliance.~~
~~17.24.070 Suppression--False information.~~

~~Article I. Availability of Information.~~
~~17.24.070 17.24.010 Confidentiality of trade secrets, sales data, and proprietary information.~~

~~A. Information provided to or otherwise obtained by the control officer shall be available to the public except that if a source operator can show to the control officer's satisfaction that public disclosure of such information would divulge production or sales statistics, or proprietary information related to the unique nature of a process or product, and would thereby tend to adversely affect his competitive position, then this information shall be only for the confidential use of the control officer and/or his supervisors in administering this Code. However, this section shall not be construed as prohibiting the control officer from publishing quantitative or qualitative emission statistics.~~

~~A. Any records, reports or information obtained from any person under this chapter, including records, reports or information obtained or prepared by the control officer or a county employee, shall be available to the public, except that the information or any part of the information shall be considered confidential on either of the following:~~

~~1. A showing, satisfactory to the control officer, by any person that the information or a part of the information if made public would divulge the trade secrets of the person.~~

~~2. A determination by the county attorney that disclosure of the information or a particular part of the information would be detrimental to an ongoing criminal investigation or to an ongoing or contemplated civil enforcement action under this chapter in superior court.~~

~~B. Notwithstanding subsection C of this section, the following information shall be available to the public:~~

~~2. Design capacity and normal or average operating rates, including process feedstocks, products, and by-products or waste products; and~~

~~3. Sizes of individual equipment and/or rated capacities, e.g., fuel-burning equipment in Btu per hour, capacities of storage vessels in gallons, and electrical energy equipment in horsepower. (Ord. 1993 ___ § __, 1993; Ord. 1979-93 (part), 1979)~~

Article III. Reporting Requirements

~~17.24.030 17.24.040 Reporting for compliance evaluations.~~

~~A. When the control officer has reasonable cause to believe that a person is emitting or capable of emitting an air contaminant to the air or is violating a provision of the Code Title, a permit condition, or a requirement of an operating or a conditional order issued according to this Code Title, he may require in writing that such person produce all existing books, records, or other documents which might reasonably contain evidence needed to determine compliance or noncompliance with this Code Title. Such information shall be supplied to the control officer promptly upon request or in accordance with other conditions stated herein. (Ord. 1993-___ § __, 1993; Ord. 1987-175 § 24, 1987; Ord. 1979-93 (part), 1979)~~

~~17.24.040 17.24.050 Reporting as a permit requirement.~~

~~A. As established in other sections herein, the control officer may require special reporting provisions as a condition of permit. Such reporting requirements shall be fulfilled by the permittee according to the written conditions of the permit. (Ord. 1979-93 (part), 1979)~~

~~17.24.050 17.24.060 Reporting for emission inventories.~~

~~A. When the control officer has need for emission data (area-wide or source-specific) to compile emission inventories or control to design plans, he shall notify source operators of interest in writing, stating with specificity the type of information needed.~~

~~1. B. A source operator receiving such a request shall furnish the information to the control officer in writing, within forty-five days of receipt of the request, or shall ask for additional time to obtain the information. The length of an extension shall be commensurate with the magnitude of the task of gathering the required information. (Ord. 1993 ___ § __, 1993; Ord. 1979-93 (part), 1979)~~

~~17.24.060 Reporting for TSP emission data bank.~~

~~A. The source operator of a planned new major source of total suspended particulate matter shall report to the control officer its planned minimum actual emission rates at the time of application for an installation permit as required herein.~~

~~1. Upon request, the control officer shall assist a permit applicant in estimating his planned emission rates in order to satisfy this requirement.~~

~~B. The owner, operator, or lessee of any of the following projects in the Tucson air planning area shall submit information needed to estimate the increase or decrease in emissions of total suspended particulate matter resulting from the project on a form provided by the control officer, no later than one month from the date of completion of such project:~~

Section 10. Effective Date.

This ordinance shall be effective from and after the expiration of thirty days from the date of enactment.

PASSED AND ADOPTED by the Board of
Supervisors of Pima County, Arizona
this _____ day of SEP 28 1993, 1993.



Chairman, Board of Supervisors

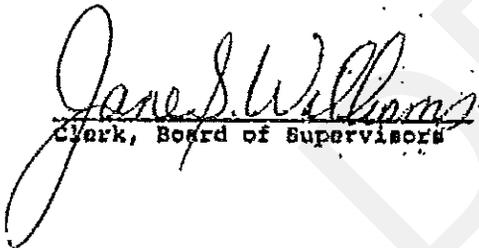
SEP 28 1993

APPROVED AS TO FORM:

REVIEWED BY:


Deputy County Attorney
Director

ATTEST:


Clark, Board of Supervisors

Appendix 4

DRAFT

Certificate of Clerk

Board of Supervisors of Pima County, Arizona

State of Arizona

County of Pima ^{ss}

I, Robin Brigode, do hereby certify that I am the duly appointed and qualified, Clerk of the Board of Supervisors of Pima County, Arizona.

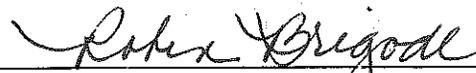
I further certify that the attached ordinance entitled

ORDINANCE NO. 2005 – 43

(See attached copy, 74 pages)

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 19th day of April, 2005, 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 3rd day of April, 2013.


Clerk

F. ANN RODRIGUEZ, RECORDER
RECORDED BY: D_K
DEPUTY RECORDER
7864 PE3



DOCKET: 12537
PAGE: 2113
NO. OF PAGES: 74
SEQUENCE: 20050780634
04/22/2005
ORDIN 15:16

396
P0230
PIMA CO CLERK OF THE BOARD
PICKUP

PICKUP

AMOUNT PAID \$ 0.00

ORDINANCE 2005- 43

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA, RELATING TO THE ENVIRONMENT AND AIR QUALITY; AMENDING CHAPTERS ~~17.04~~, 17.12; ~~17.16~~; ~~17.28~~ TO CONFORM WITH CORRESPONDING STATE AND FEDERAL AIR QUALITY REGULATIONS.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA:

~~SECTION 1. Chapter 17.04, Sections 17.04.340 and 17.04.410 are hereby amended to read as follows:~~

~~Chapter 17.04~~

~~GENERAL PROVISIONS~~

~~Sections:~~

~~Article I. Preamble.~~

~~17.04.010 Declaration of policy.~~

~~17.04.020 Purpose.~~

~~17.04.030 Authority.~~

~~Article II. Jurisdiction.~~

~~17.04.040 General applicability.~~

~~17.04.050 State and/or county County.~~

~~17.04.060 Limitations.~~

~~Article III. Incorporated Materials.~~

~~17.04.070 Incorporated Materials.~~

~~Article IV. Administration.~~

~~17.04.080 Air quality control district Quality Control District.~~

~~17.04.090 Executive head.~~

~~17.04.100 Governing body.~~

~~Article V. Advisory Council.~~

~~17.04.110 Establishment.~~

~~17.04.120 Composition.~~

~~17.04.130 Terms Nominations.~~

~~17.04.140 Function.~~

~~17.04.150 Officers Procedures.~~

74

447

~~17.04.400 General procedures.~~

~~No Change~~

~~17.04.410 Public participation in rulemaking.~~

~~A.R.S. §§ 49-471.06 through 49-471.12 (as Added by Laws 2000, Ch. 194, § 3, effective January 1, 2002) is hereby adopted in its entirety and is incorporated herein by this reference.~~

~~A. The control officer shall encourage the public to provide input to the rulemaking process.~~

~~B. Extensive publicity, including prominently displayed advertisements in newspapers of wide circulation and notification by mail to interested public and private organizations, shall be given to all public hearings conducted by the air quality advisory council, the air quality hearing board, and the board of supervisors concerning proposed amendments to this Title.~~

~~C. The control officer shall consider public comment on methods to improve this Title, or to improve air quality in Pima County. For example, informal comments received from interested citizens may be filed and referred to when amending this document. (Ord.2005 - § 1, 2005, Ord. 1979-93 (part),1979)~~

~~17.04.420 Applicable implementation plan; savings~~

~~No Change~~

~~SECTION 2. Chapter 17.12, Sections 17.12.035, 17.12.040, 17.12.045, 17.12.050, 17.12.060, 17.12.070, 17.12.180, 17.12.190, 17.12.195, 17.12.200, 17.12.210, 17.12.220, 17.12.230, 17.12.235, 17.12.240, 17.12.245, 17.12.250, 17.12.255, 17.12.260, 17.12.480, and 17.12.530 are hereby amended to read as follows:~~

**Chapter 17.12
PERMITS AND PERMIT REVISIONS**

Sections:

Article I. General Provisions.

- ~~17.12.010 Statutory authority.~~
- ~~17.12.020 Planning, constructing, or operating without a permit.~~
- ~~17.12.030 Sampling, testing, and analysis requirements.~~
- ~~17.12.035 Affirmative Defenses for Excess Emissions Due to Malfunctions, Startup, and Shutdown.~~
- 17.12.040 Reporting Requirements.
- ~~17.12.040 17.12.045 Test methods and procedures.~~
- ~~17.12.050 Performance tests.~~
- ~~17.12.060 Existing source emission monitoring.~~
- ~~17.12.070 Quality assurance.~~
- ~~17.12.080 Permit display or posting.~~
- ~~17.12.085 Notice by building permit agencies.~~
- ~~17.12.090 (Reserved).~~
- ~~17.12.100 Permits for state delegated emission sources.~~
- ~~17.12.110 Grant or denial of applications.~~

419

- ~~17.12.500 General provisions.~~
- ~~17.12.510 Fees related to individual permits.~~
- ~~17.12.520 (Reserved)~~
- ~~17.12.525 (Reserved)~~
- ~~17.12.530 Open burning permit fees.~~
- ~~17.12.540 Activity permit fees.~~
- ~~17.12.545 (Reserved)~~
- ~~17.12.550 (Reserved)~~
- ~~17.12.560 (Reserved)~~
- ~~17.12.570 (Reserved)~~
- ~~17.12.580 (Reserved)~~
- ~~17.12.590 (Reserved)~~
- ~~17.12.600 (Reserved)~~
- ~~17.12.610 (Reserved)~~
- ~~17.12.620 Refund of permit fees.~~
- ~~17.12.630 (Reserved)~~
- ~~17.12.640 (Reserved)~~
- ~~17.12.650 (Reserved)~~

Article I. General Provisions.

- ~~17.12.010 Statutory authority.~~
 - ~~A. Statutory provisions relating to the control officer's jurisdiction over permit requirements and authority for permit fees are contained in the Arizona Revised Statutes, A.R.S. Sections 49-402, 49-471, and 49-401, et seq.~~
 - ~~B. No Change~~
 - ~~C. No Change~~
 - ~~D. Issuance of an air permit shall not relieve the permittee from compliance with all local, county, state, and federal laws, statutes, and codes. (Ord. 2005-2, 2005; Ord. 1993-128 § 3, 1993; Ord. 1989-165 § 11, 1989; Ord. 1987-175 § 2, 1987; Ord 1979-93 (part), 1979)~~
- ~~17.12.020 Planning, constructing, or operating without a permit.~~
 - ~~No Change~~
- ~~17.12.030 Sampling, testing, and analysis requirements.~~
 - ~~No Change~~
- ~~17.12.035 Affirmative Defenses for Excess Emissions Due to Malfunctions, Startup, and Shutdown.~~
 - ~~A. Applicability~~
 - ~~This rule establishes affirmative defenses for certain emissions in excess of an emission standard or limitation and applies to all emission standards or limitations except for standards or limitations:~~
 - ~~1. Promulgated pursuant to Sections 111 or 112 of the Act.~~
 - ~~2. Promulgated pursuant to Titles IV or VI of the Clean Air Act.~~
 - ~~3. Contained in any Prevention of Significant Deterioration (PSD) or New Source Review (NSR) permit issued by the U.S. E.P.A.~~
 - ~~4. Contained in section 17.12.280 (F), or~~
 - ~~5. Included in a permit to meet the requirements of section 17.12.590 (A)(5).~~
 - ~~B. Affirmative Defense for Malfunctions~~

2005-03-24 10:00 AM

421

- ~~e. All reasonable steps were taken to minimize the impact of the excess emissions on ambient air quality;~~
- ~~f. During the period of excess emissions there were no exceedances of the relevant ambient air quality standards established in Article I of this Chapter that could be attributed to the emitting source;~~
- ~~g. All emissions monitoring systems were kept in operation if at all practicable; and~~
- ~~h. The owner or operator's actions in response to the excess emissions were documented by contemporaneous records.~~
- ~~2. If excess emissions occur due to a malfunction during routine startup and shutdown, then those instances shall be treated as other malfunctions subject to subsection (B).~~
- ~~D. Affirmative Defense for Malfunctions During Scheduled Maintenance~~
 - ~~If excess emissions occur due to a malfunction during scheduled maintenance, then those instances will be treated as other malfunctions subject to subsection (B).~~
- ~~E. Demonstration of Reasonable and Practicable Measures~~
 - ~~For an affirmative defense under subsection (B) or (C), the owner or operator of the source shall demonstrate, through submission of the data and information required by this Section and Section 17.12.040, that all reasonable and practicable measures within the owner or operator's control were implemented to prevent the occurrence of the excess emissions. (Ord. 2005 - § 2, 2005)~~

17.12.040 Reporting Requirements

- A. The owner or operator of any source shall report to the Control Officer any emissions in excess of the limits established by this Chapter or the applicable permit. The report shall be in 2 parts as specified below:
 - 1. Notification by telephone or facsimile within 24 hours of the time the owner or operator first learned of the occurrence of excess emissions that includes all available information from subsection (B).
 - 2. Detailed written notification by submission of an excess emissions report within 72 hours of the notification under subsection (1).
- B. The excess emissions report shall contain the following information:
 - 1. The identity of each stack or other emission point where the excess emissions occurred;
 - 2. The magnitude of the excess emissions expressed in the units of the applicable emission limitation and the operating data and calculations used in determining the magnitude of the excess emissions;
 - 3. The time and duration or expected duration of the excess emissions;
 - 4. The identity of the equipment from which the excess emissions emanated;
 - 5. The nature and cause of the emissions;
 - 6. The steps taken, if the excess emissions were the result of a malfunction, to remedy the malfunction and the steps taken or planned to prevent the recurrence of the malfunctions;
 - 7. The steps that were or are being taken to limit the excess emissions; and
 - 8. If the source's permit contains procedures governing source operation during periods of startup or malfunction and the excess emissions resulted from startup or malfunction, a list of the steps taken to comply with the permit procedures.
- C. In the case of continuous or recurring excess emissions, the notification requirements of this Section shall be satisfied if the source provides the required notification after excess emissions are first detected and includes in the notification an estimate of the time the excess emissions will continue. Excess emissions occurring after the estimated time period or changes in the nature of the emissions as originally reported shall require additional notification pursuant to subsections (A) and (B). (Ord. 2005 - § 2, 2005)

~~17.12.040. 17.12.045 Test methods and procedures.~~

- ~~A. Except as otherwise specified in this Chapter, the applicable procedures and testing methods contained in the Arizona Testing Manual; 40 CFR 52, Appendices D and E; 40 CFR 60, Appendices A through F; and 40 CFR 61, Appendices B and C shall be used to determine~~

Appendix 5

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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 under Clean Air Act Section 110 (a)(1) and (2) – implementation of the following: the 1997 National Ambient Air Quality Standards (NAAQS) for fine particulate matter (PM_{2.5}), the 2006 PM_{2.5} NAAQS, the 1997 8-hour Ozone (O₃) NAAQS. The proposed revision to the Arizona State Implementation Plan (SIP) includes the following rules from Pima County Code Title 17: PCC 17.04.190, PCC 17.12.040, and PCC 17.24.040. This SIP revision is in response to two final rules published by the U.S. Environmental Protection Agency (EPA) on November 5, 2012 (77 FR 66398 and 77 FR 66405) specifically citing these three provisions and noting that EPA proposes approval of these rules ‘contingent upon EPA’s receipt of fully adopted rules that satisfy state and local procedural requirements for SIP submittals.

A public hearing will be held on Day, Month Date, 2013, at or after Time 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 Walters, 33 N Stone Ave Suite 700, Tucson, AZ 85701), or via e-mail to sarah.walters@pima.gov. Written comments on the proposed revision to the Pima County Portion of the Arizona SIP will be accepted by PDEQ from Month Date, 2013 until Month Date, 2013 at Time.

The proposed SIP revision is available for review at the PDEQ office, and on the PDEQ website www.deq.pima.gov. If requested, PDEQ can email a pdf version of the proposed SIP revision to anyone requesting this service. For additional information, please call Sarah Walters at (520) 724-7437.

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Appendix 6

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Appendix 7

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