

County Notices Pursuant to A.R.S. §§ 49-112(A) or 49-112(B)

PIMA COUNTY
DEPARTMENT OF ENVIRONMENTAL QUALITY

1. Heading and/or number of the proposed rule, ordinance, or other regulation:

- New Rule: 17.12.345 (Public notification)
- Revisions to: 17.04.050 (State and/or county)
- Revisions to: 17.04.340 (Words, phrases, and terms)
- Revisions to: 17.12.140 (Applicability; classes of permits)
- Revisions to: 17.12.160 (Permit application processing procedures)
- Revisions to: 17.12.180 (Permit contents)
- Revisions to: 17.12.190 (Permit review by the EPA and affected states)
- Revisions to: 17.12.210 (Compliance plan; certification)
- Revisions to: 17.12.230 (Facility changes allowed without permit revisions)
- Revisions to: 17.12.240 (Administrative permit amendments)
- Revisions to: 17.12.250 (Minor permit revisions)
- Revisions to: 17.12.260 (Significant permit revisions)
- Revisions to: 17.12.270 (Permit reopenings; revocation and reissuance; termination)
- Revisions to: 17.12.350 (Material permit condition)
- Revisions to: 17.16.530 (National Emissions Standards for Hazardous Air Pollutants (NESHAP))
- Revisions to: 17.28.065 (Excess Emissions)

2. Summary of the proposed rules, ordinances or other regulation:

- New Rule: 17.12.345 (Public notification)
Pima County is proposing to adopt by reference statutory provisions relating to dissemination of public information.
- Revisions to: 17.04.050 (State and/or county)
Conforming/clarifying changes.
- Revisions to: 17.04.340 (Words, phrases, and terms)
Conforming changes to the definition of "major source", and the addition of municipal solid waste landfill emissions to the definition of "significant" consistent with state regulations.
- Revisions to: 17.12.140 (Applicability; classes of permits)
In addition to conforming changes, Pima County is proposing to derate certain fuel burning equipment rated at less than 1 million BTU consistent with A.R.S. § 49-426(B) and to stipulate that major sources of HAPs must meet MACT prior to construction or reconstruction consistent with federal requirements.
- Revisions to: 17.12.160 (Permit application processing procedures)
Conforming/clarifying changes.
- Revisions to: 17.12.180 (Permit contents)
Conforming/clarifying changes.
- Revisions to: 17.12.190 (Permit review by the EPA and affected states)
Conforming/clarifying changes.
- Revisions to: 17.12.210 (Compliance plan; certification)
Conforming/clarifying changes.
- Revisions to: 17.12.230 (Facility changes allowed without permit revisions)
Conforming/clarifying changes.
- Revisions to: 17.12.240 (Administrative permit amendments)
Conforming/clarifying changes.
- Revisions to: 17.12.250 (Minor permit revisions)
Conforming/clarifying changes.

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Revisions to: 17.12.260 (Significant permit revisions)

Pima County is proposing to clarify that reconstruction of a HAPs source will be considered a significant permit revision, and if an existing source modifies its process in such a way that they change from a Class II source to a Class I source, a new permit will be required rather than only a significant permit revision. These changes conform county regulations to state and federal requirements.

Revisions to: 17.12.270 (Permit reopenings; revocation and reissuance; termination)

Conforming/clarifying changes.

Revisions to: 17.12.350 (Material permit condition)

Pima County is proposing to clarify that material permit conditions may be issued by the Director and the Control Officer consistent with state regulations

Revisions to: 17.16.530 (National Emissions Standards for Hazardous Air Pollutants (NESHAP))

Pima County is proposing to update the reference to 40 CFR 61 and 40 CFR 63.

Revisions to: 17.28.065 (Excess Emissions)

Pima County is proposing to limit the affirmative defense provision for excess emissions occurring during startup, shutdown, malfunctions, and maintenance to Class II sources as required by EPA.

3. A demonstration of the grounds and evidence of compliance with A.R.S. §49-112:

Based upon information and belief, the Control Officer of the Pima County Department of Environmental Quality affirms the following:

- A. Pima County is in compliance with A.R.S. § 49-112(A) in that Pima County Department of Environmental Quality is proposing to adopt rules that are no more stringent than nor are they in addition to, any provisions of A.R.S. Title 49 or are adopted by the Director of ADEQ or any Board or Commission authorized to adopt rules pursuant to A.R.S. Title 49.

Pima County is proposing rule revisions to conform county code to federal and state regulations in 3 areas.

First, Pima County is proposing to revise relevant portions of county code regarding permitting thresholds for fossil fuel burning equipment to conform to recent changes to state statutes, A.R.S. § 49-426(B).

Second, Pima County is proposing numerous changes to county code to conform provisions to state regulations.

Third, Pima County is making revisions to county code that affect sources subject to Title V of the Clean Air Act, as amended (1990). Pursuant to Title V of the act, the U.S. Environmental Protection Agency (EPA) has reviewed the operating permit program submitted (through the Arizona Department of Environmental Quality) by Pima County on November 15, 1993. EPA reviewed the County's program for conformance with the elements found in section 502 of the act and 40 CFR 70. EPA granted Pima County interim approval of its operating program in October 1996 (See 61 FR 55910-55924, October 30, 1996).

Prior to receiving full approval, Pima County must amend county code to address the deficiencies identified by EPA. Pima County must make these corrections to county code and submit them to EPA before July 1998. The changes proposed by Pima County in this rulemaking address the deficiencies identified by EPA in 60 FR 36083-36093, July 13, 1995 and 61 FR 55910-55924, October 30, 1996, and ensure conformity with the states rules when such rules are approved by EPA.

- B. Pima County is in compliance with A.R.S. § 49-112(B) in that Pima County Department of Environmental Quality is proposing to adopt rules that as are stringent as a provision of A.R.S. Title 49 or a rule adopted by the Director of ADEQ or any Board or Commission authorized to adopt rules pursuant to A.R.S. Title 49. The cost of obtaining permits or other approvals from Pima County will approximately equal or be less than the fee or cost of obtaining similar permits or approvals under A.R.S. Title 49. If the state has not adopted a fee or tax for similar approvals, Pima County fees do not exceed the reasonable cost of the county to issue and administer the permit or plan.

4. Name and address of the person to whom persons may address questions or comments:

Name: Richard Grimaldi, Technical Services Manager
Address: Pima County Department of Environmental Quality
130 West Congress, 3rd floor
Tucson, Arizona 85701-1317
Telephone: (520) 740-3340
Fax: (520) 882-7709

5. Where persons may obtain a full copy of the proposed rule, ordinance, or other regulation:

Name: Pima County Department of Environmental Quality
Address: 130 West Congress, 3rd floor
Tucson, Arizona 85701-1317
Telephone: (520) 740-3340
Fax: (520) 882-7709

Note: Copies of the proposed ordinance are also available at all Tucson-Pima County Public Libraries.

All interested persons may submit written comments on the summary of the proposed rules, the proposed rules, ordinance or regulations and the written demonstration described above within 30 days of the publication of this notice in the *Arizona Administrative Register*.

**NOTICE OF PUBLIC HEARING
Pursuant to A.R.S. §§ 49-112(A) or 49-112(B)**

**PIMA COUNTY
DEPARTMENT OF ENVIRONMENTAL QUALITY**

1. Heading and/or number of the proposed rule, ordinance, or other regulation that is the subject of this public hearing:

- Revisions to: 17.12.345 (Public notification)
- Revisions to: 17.04.050 (State and/or county)
- Revisions to: 17.04.340 (Words, phrases, and terms)
- Revisions to: 17.12.140 (Applicability; classes of permits)
- Revisions to: 17.12.160 (Permit application processing procedures)
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- Revisions to: 17.16.530 (National Emissions Standards for Hazardous Air Pollutants (NESHAP))
- Revisions to: 17.28.065 (Excess Emissions)

2. Date, time, and location of each public hearing scheduled:

- Date: Board of Supervisors Hearing: April 7, 1998
- Time: 9:00 a.m. or thereafter
- Location: Pima County Board of Supervisors Public Hearing Room
110 West Congress Street, 1st floor
Tucson, Arizona 85701

3. County personnel to whom questions and comments may be addressed:

- Name: Richard Grimaldi, Technical Services Manager
- Address: Pima County Department of Environmental Quality
130 West Congress, 3rd floor
Tucson, Arizona 85701-1317
- Telephone: (520) 740-3340
- Fax: (520) 882-7709

4. Any other pertinent information concerning the above named proposed rule, ordinance, or other regulation:

Pima County Department of Environmental Quality (PDEQ) is proposing amendments to the Pima County Code, Title 17, Air Quality. The proposed ordinance amendments make technical and conforming corrections to Title 17. This notice is filed pursuant to A.R.S. § 49-112.D.

The current staff recommendation to the Board of Supervisors, as drafted in proposed ordinance amendments, conforms provisions of county ordinance to corresponding federal and state rules.

The options available to the Pima County Board of Supervisors include:

- Adopting staff recommendation, as modified based on public comment, conforming Title 17 ordinance provisions to federal and state rules;
- Reject conforming all provisions to corresponding federal and state rules;

Any combination of the above actions.

Pursuant to A.R.S. § 49-112 (D)(4), the county shall publish the notice of public hearing at least 20 days before the hearing.