



Briefing Notification to County Manager

Prepared by the Maricopa County Air Quality Department

Case #/Title: AQ-2014-001-Incorporation by Reference

Supervisor Districts: All Districts

Overview: Every year on July 1, the U.S. Environmental Protection Agency (EPA) codifies any changes to New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP), Acid Rain and other parts of Title 40 of the Code of Federal Regulations (CFR) that have been made during the past year. The department then incorporates these codified federal revisions and additions into the applicable Maricopa County Air Pollution Control Regulations. Only after the federal regulations are incorporated into the county rules can the department request the EPA's delegation of authority to implement and enforce these federal regulations at the local level.

Maricopa County Air Pollution Control Regulations:

- Rule 321 (Municipal Solid Waste Landfills)
- Rule 360 (New Source Performance Standards)
- Rule 370 (Federal Hazardous Air Pollutant Program)
- Rule 371 (Acid Rain)
- Appendix G (Incorporated Materials)

are the rules that are affected by or directly relate to these federal regulations. In an effort to expedite the rulemaking process of incorporating NSPS, NESHAP and Acid Rain requirements, the department has grouped these rules into a single rulemaking.

The NSPS, NESHAP and Acid Rain federal regulations directly pertain to air quality. For example, Rule 360 (New Source Performance Standards) incorporates the NSPS. These standards apply to new, modified, or reconstructed affected facilities in specific source categories, e.g., manufacturers of glass, cement, rubber tires, and wool fiberglass. In 2013, there were 86 NSPS. Sources subject to NSPS must perform an initial performance test, must demonstrate continuous compliance, and must monitor control device operating parameters. Some NSPS require sources to utilize continuous emission monitors (CEMs).

Rule 370 (Federal Hazardous Air Pollutant Program) incorporates the NESHAP. NESHAP establish emission standards for federal hazardous air pollutants (HAPs). The standards established in the federally listed HAPs and the NESHAP are applied by the Maricopa County Air Quality Department Control Officer and must be complied with by an owner and/or operator of a source subject to them.

Rule 321 is included in this suite of rules to incorporate the current federal standards of performance for municipal solid waste landfills. Landfills emit non-methane organic compounds (NMOC) and methane. NMOC emissions can include volatile organic compounds (VOC), hazardous air pollutants (HAPs), and odorous compounds that cause, or contribute significantly to air pollution.

Typically, the changes made to the NSPS, NESHAP and Acid Rain Program include technical and editorial corrections for source testing of emissions and operations or the addition of alternative testing provisions. These changes improve the quality of data and provide facilities additional flexibility to use the newly approved alternative procedures.

Next Steps: The department will make the Incorporation by Reference rulemaking a routine rulemaking. Each year in May, the department will initiate the rulemaking with the "Briefing Notification To The County Manager." The rulemaking will continue to follow the incorporation by reference rulemaking process. The rulemaking is anticipated to conclude each year in October with the department requesting that the Board of Supervisors conduct a public hearing to approve the rulemaking.

Per the Maricopa County Enhanced Regulatory Outreach Program Policy for the Incorporation by Reference rulemaking, no public workshops and no Board of Health notification are required. This Incorporation by Reference rulemaking will follow the Maricopa County Enhanced Regulatory Outreach Program Policy.