
Appendix 2

Agenda Activity: Action **Agenda Number:** C-85-06-017-0-00
Department: Air Quality
Category: Regional Development Services
Contact: Jo Crumbaker **Phone:** 508.6705 **Continued from:** 02/01/2006
Return to: Wayne McNulty **Phone:** 508.6979
Location: CAVCO Building

Action Requested:

Set a public hearing, as required by Arizona Revised Statutes (ARS) §49-478(b), for March 15, 2006, to solicit comments on proposed revisions to Maricopa County Air Pollution Control Regulation Rule 100 (General Provisions and Definitions), and new Appendix G (Incorporated Materials) and on submitting the rule as a revision to the (Arizona) State Implementation Plan (SIP). Following the public hearing, the Board is requested to adopt the proposed revisions to Maricopa County Air Pollution Control Regulations Rule 100 and new Appendix G, and to submit the rule as a revision to the (Arizona) State Implementation Plan.

Complete description of action requested:

The Maricopa County Air Quality Department (hereafter referred to as "Department") is proposing to amend Rule 100, General Provisions and Definitions, and to add a new Appendix G, Incorporated Materials. Rule 100 includes definitions, administrative requirements, requirement for emissions statements and data reporting, and other general information. The Department initiated this rulemaking in response to recent notices published by the Environmental Protection Agency (EPA) in the Federal Register concerning the definition of "Non-Precursor Organic Compound" and National Ambient Air Quality Standards for PM2.5. The proposed new Appendix G consolidates incorporated by reference materials into one location in the Maricopa County Air Pollution Control Regulations. The creation of Appendix G will simplify future rule updates. The Department held two Public Workshops for this rulemaking, and published a Notice of Proposed Rulemaking in the Arizona Administrative Register on November 14, 2005. The Department received no formal comments on the proposed rule during the formal comment period. The Department expects the rule to have minimal impact. The proposed revisions include: minor technical corrections; changes made to reflect the text currently used in 40 Code of Federal Regulations, the Arizona Administrative Code, and the Arizona Revised Statutes; revisions to reflect recent Federal Register notices published by the EPA; and, a change to update an outdated document in Rule 100, Section 503. The proposed Appendix G consolidates incorporated by reference material into one central location in the Maricopa County Air Pollution Control Regulations. The proposed revision to the definition of "Non-Precursor Organic Compound" to incorporate two final rulemakings promulgated by EPA on November 29, 2004 will reduce the economic burden on the regulated community. An executive summary describing the rule revisions is attached.

PERFORMANCE INFORMATION:

Program: Air Quality

Activity: Air Quality Planning & Analysis

Performance Measure: # of Air Quality source permits issued and reviews completed.

Anticipated Results: Approval of this item will assist in proposed revisions to Maricopa County Air Pollution Control Regulations Rule 100 and new Appendix G, and to submit the rule as a revision to the (Arizona) State Implementation Plan.

Expenditure Impact by FY(s):

No Impact

Routing: Meeting Date: 03/15/2006	
Legend X=Pending A=Approved R=Rejected	
LEGAL	OMB
A	A

Status for Agenda Number C-85-08-017-0-00

Dept Head Approval	Approved	BOB . KARD	1/17/2008 3:07:22 PM
Chief Officer Approval	Approved	JOY M. RICH	1/17/2008 3:28:05 PM
OMB	Approved	BRIAN G. HUSHEK	1/23/2008 5:55:42 PM
Legal	Approved	DANIEL R. BRENDEN	1/20/2006 7:15:19 AM
County Administrator's Office	Approved	CHRISTINE M. PINUELAS	1/26/2006 1:58:33 PM
Board of Supervisors	Approved	LORJ A. PACINI	03/16/2008

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NOTICE OF FINAL RULEMAKING
MARICOPA COUNTY AIR POLLUTION CONTROL REGULATIONS
REGULATION I
RULE 100 – GENERAL PROVISIONS AND DEFINITIONS
APPENDICES
APPENDIX G - INCORPORATED MATERIALS

PREAMBLE

<u>1.</u>	<u>Sections Affected</u>	<u>Rulemaking Action</u>
	Rule 100 § Index	Amend
	Rule 100 § 100	Amend
	Rule 100 § 200	Amend
	Rule 100 § 400	Amend
	Rule 100 § 500	Amend
		Appendix G - Incorporated Materials
		New Appendix

2. **The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rule is implementing (specific):**

Authorizing statutes: Arizona Revised Statutes (ARS) § 49-112(A), § 49-476.01(A),

§49-476.01(B) and § 49-479

Implementing Statute: Arizona Revised Statutes (ARS) § 49-479

3. **The effective date of the rules:**

Date of adoption by the Board of Supervisors: March 15, 2006

4. **A list of all previous notices appearing in the Register addressing the final rule:**

a. Notice of Rulemaking Docket Opening: 11 A.A.R. 4394, November 4, 2005

b. Notice of Proposed Rulemaking: 11 A.A.R. 4797, November 14, 2005

5. **The name and address of department personnel with whom persons may communicate regarding the rulemaking:**

Name: Hilary R Hartline or Jo Crumbaker, Maricopa County Air Quality Dept.

Address: 1001 North Central Avenue, Suite # 695, Phoenix, AZ 85004

Telephone Number: 602-506-3476 or 602-506-6705

Fax Number: 602-506-6179

E-Mail Address: hhartline@mail.maricopa.gov or jcrumbak@mail.maricopa.gov

6. An explanation of the rule, including the department's reasons for initiating the rule:

Background

Maricopa County is required to incorporate changes promulgated by the Environmental Protection Agency (EPA) in 40 Code of Federal Regulations (CFR) into the Maricopa County Air Pollution Control Regulations. Maricopa County initiated this rulemaking in response to recent notices published by the EPA in the Federal Register (FR).

Summary

Maricopa County is amending Rule 100, General Provisions and Definitions. Rule 100 includes definitions, administrative requirements, requirement for emissions statements and data reporting and other general information. Maricopa County is adding a new Appendix G, Incorporated Materials.

On November 29, 2004, the EPA published two final rules in the Federal Register. The first final rule, 69 FR 69298 - 69304, exempted t-butyl acetate from volatile organic compound (VOC) emissions limitations and content requirements. In the second final rule, 69 FR 69290 - 69298, the EPA added four compounds to the list of compounds excluded from the definition of VOC at 40 CFR 51.100(s)(1), and also made nomenclature changes to two previously exempted compounds. Maricopa County is incorporating these changes into Rule 100, as required by the EPA. With this action, Maricopa County is also responding to a petition by an interested party to incorporate the changes to t-butyl acetate into Rule 100. In 62 FR 38652 - 38760 (7/18/97), the EPA promulgated final rules implementing the National Ambient Air Quality Standards (NAAQS) for PM_{2.5}. Maricopa County is adding the definition for PM_{2.5} to Rule 100 and adding "40 CFR 50, Appendix L" to the Reference Method definition.

In this rulemaking, Maricopa County also amended Rule 100 by making several technical corrections. Maricopa County removed the terms "Bureau", "Division", "Division of Air Pollution Control" and "Maricopa County Environmental Services Department" and replaced, where applicable, with "Maricopa County Air Quality Department" or "Department" in order to reflect the creation of the Maricopa County Air Quality Department on November 17, 2004. Maricopa County also updated the suite number and telephone number for the Air Quality Department. Maricopa County updated references to the ARS in several definitions to be consistent with the text currently used in the ARS. Several definitions in Rule 100 reference other sections of the Maricopa County Air Pollution Control Regulations. Maricopa County revised these references, where needed, due to the deletion and addition of definitions in Rule 100. Maricopa County also changed the term "subsection" to "section" when addressing sections of the Maricopa County Air Pollution Control Regulations in

order to ensure consistency throughout the rules. Finally, Maricopa County added a new Appendix G, Incorporated Materials. The intent of several of the revisions to Rule 100 is for Maricopa County's rule to be consistent with 40 CFR and the AAC. These and other substantive revisions to Rule 100 are discussed in the Section by Section Explanation of Changes.

Note: Numerical references to the ADEQ rules at Title 18, Chapter 2, Section 101, Definitions are subject to change due to the addition or deletion of definitions by ADEQ in subsequent rulemakings.

Section by Section Explanation of Changes:

- Section 110 This revision changes the text "Pollution Standard Index (PSI)" to "Air Quality Index (AQI)". The EPA changed the name of this index in 64 FR 42530 - 42549, 8/4/99.
- Section 112 This revision adds a new Section 112 "Availability of Information" to indicate where incorporated materials are available.
- Section 200.14 This revision modifies the definition of AP-42, because AP-42 is now incorporated by reference in Appendix G.
- Section 200.38 This revision removes the outdated text "The Division of Air Pollution Control within the Maricopa County Environmental Management and Transportation Agency."
- Section 200.39 This revision adds the definition for "Dust Generating Operation". This definition is currently used in Maricopa County Air Pollution Control Regulations Rules 310 and Rules 316.
- Section 200.40 This revision removes the definition for "Earthmoving Operation". This definition is currently only used in Maricopa County Air Pollution Control Regulation Rule 310.
- Section 200.49(b) This revision changes the word "unitary" to "preconstruction" in the definition for "Federal Applicable Requirement" to reflect the language used in 40 CFR 70.2 and the Arizona Administrative Code (AAC) R18-2-101(42)(b).
- Section 200.67 This revision adds a definition for "Nitrogen Oxides (NO_x)". The term "Nitrogen Oxides" is used in multiple Maricopa County Air Pollution Control Regulations. The term is defined as in 40 CFR 60.2 and AAC R18-2-101(76).
- Section 200.69 On November 29, 2004, the EPA published two final rules in the Federal Register. The first final rule, 69 FR 69298 - 69304, exempted t-butyl acetate (also known as tertiary butyl acetate, TBAC, or TBAC) from VOC emissions limitations and content requirements. EPA codified this change at 40 CFR 51.100(s)(5). T-butyl acetate will continue to be a VOC for purposes of all recordkeeping, emissions reporting, photochemical dispersion modeling, and inventory requirements which apply to VOCs. EPA has made this determination on the reactivity of t-butyl acetate because of the "closeness" of t-butyl acetate to EPA's reactivity exemption line. In the second

final rule, 69 FR 69290 - 69298, the EPA added four compounds to the list of compounds excluded from the definition of VOC at 40 CFR 51.100(s)(1), and also made nomenclature changes to two previously exempted compounds. The four compounds are: 1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane ($n\text{-C}_3\text{F}_7\text{OCH}_3$, or HFE-7000), 3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl)hexane (or HFE-7500, HFE-s702, T-7145, or L-15381), 1,1,1,2,3,3,3-heptafluoropropane (HFC 227ea), and methyl formate (HCOOCH_3). EPA based this ruling on its determination that the four compounds make a negligible contribution to tropospheric ozone formation. EPA also made nomenclature changes to two previously exempted compounds: the addition of "HFE-7100" to the definition of 1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane ($\text{C}_4\text{F}_9\text{OCH}_3$), and the addition of "HFE-7200" to the definition of 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane ($\text{C}_4\text{F}_9\text{OC}_2\text{H}_5$). With this revision, Maricopa County is incorporating the EPA's rulings into Rule 100 in the definition of "non-precursor organic compound".

- Section 200.79 In 62 FR 38652 - 38760 (7/18/97), the EPA promulgated final rules implementing the NAAQS for $\text{PM}_{2.5}$. Maricopa County is adding the definition for $\text{PM}_{2.5}$ to Rule 100. Maricopa County will revise Rule 510, NAAQS in a separate rulemaking.
- Section 200.80 This revision moves the word "nominal" before the text "10 microns" and changes the term "smaller than" to "less than" to keep the definition for PM_{10} consistent with the language used in AAC R18-2-101(85) and 40 CFR 51.100(qq).
- Section 200.90 This revision adds 40 CFR 50, Appendix L as a Reference Method. Appendix L, "Reference Method for the Determination of Particulate Matter as $\text{PM}_{2.5}$ in the Atmosphere" was added to 40 CFR by EPA with 62 FR 38652 - 38760, 7/18/97.
- Section 200.102 This revision removes the text "A gas temperature of 60 degrees Fahrenheit ($^{\circ}\text{F}$) and a gas pressure of 14.7 pounds per square inch absolute (psia)" and adds the text "A temperature of 293K (68 degrees Fahrenheit or 20 degrees Celsius) and a pressure of 101.3 kilopascals (29.92 in. Hg or 1013.25 mb)" to be consistent with the language used in AAC R18-2-701(34) and 40 CFR 60.2.
- Section 200.108 This revision adds a definition for "Total Reduced Sulfur (TRS)". The term "Total Reduced Sulfur (TRS)" is used in Maricopa County Air Pollution Control Regulations Rule 100 and Rule 240. The definition added is consistent with the definition for "Total Reduced Sulfur (TRS)" used by the ADEQ in AAC R18-2-101(116).
- Section 503 With this revision, Maricopa County is removing the outdated reference to "AFP-644", and replacing it with a reference to "the Consolidated Emissions Reporting Rule in 40 CFR 51, Subpart A, Appendix A, Table 2A, July 1, 2004", published at 67 FR 39602 - 39616, 6/10/02. In the Consolidated Emission Reporting Rule final rulemaking, EPA simplified and consolidated emission inventory reporting

requirements to a single location within the CFR. With this rule revision, Maricopa County is just removing the outdated reference to AFP-644, and replacing it with a reference to Table 2A of the Consolidation Emissions Reporting Rule. Sources subject to Section 503 that emit NO_x or VOC must submit emission statements that contain all of the information required by Table 2A of 40 CFR 51, Subpart A, Appendix A. Maricopa County also revised Section 503 by removing the outdated text "The first statement will cover 1992 emissions and shall be submitted to the Division by April 30, 1993" and replaced it with "Statements shall be submitted annually to the Department".

Appendix G, Incorporated Materials

Maricopa County has added a new appendix that incorporates by reference EPA test methods, protocols, federal regulations, and documents that are approved for use by Maricopa County. The test methods, protocols, and documents are currently referenced or incorporated by reference in various sections of the Maricopa County Air Pollution Control Regulations. Maricopa County is also incorporating by reference 40 CFR 51, Subpart A, Appendix A, Table 2A in Appendix G. The incorporation by reference of these test methods, protocols, documents, and regulations in one appendix of the Maricopa County Air Pollution Control Regulations will simplify future updates. This Appendix is equivalent to Title 18, Chapter 2, Appendix 2 in the AAC. The documents are also incorporated by reference by ADEQ in the AAC, R18-2-102 and R18-2-327(C)(3). The document "Guidelines for Determining Capture Efficiency" is not incorporated by reference by ADEQ, but is used in multiple Maricopa County rules.

7. Demonstration of compliance with ARS §49-112:

Under ARS §49-479(C), a county may not adopt or amend a rule that is more stringent than the rules adopted by the director of the ADEQ for similar sources unless it demonstrates compliance with the requirements of ARS §49-112.

ARS § 49-112(A)

When authorized by law, a county may adopt a rule, ordinance, or other regulation that is more stringent than or in addition to a provision of this title or rule adopted by the director or any board or commission authorized to adopt rules pursuant to this title if all the following conditions are met:

1. The rule, ordinance or other regulation is necessary to address a peculiar local condition;
2. There is credible evidence that the rule, ordinance or other regulation is either:
 - (a) Necessary to prevent a significant threat to public health or the environment that results from a peculiar local condition and is technically and economically feasible

- (b) Required under a federal statute or regulation, or authorized pursuant to an intergovernmental agreement with the federal government to enforce federal statutes or regulations if the county rule, ordinance or other regulation is equivalent to federal statutes or regulations.

Section 182(a)(3)(B) of the Clean Air Act requires stationary sources of air pollution in ozone nonattainment areas to prepare and submit emission statement data each year to the local governing agency, showing actual emissions of VOCs and NO_x. The requirements apply to facilities which emit VOC or NO_x in amounts of 25 tons per year or more (plant-wide basis). Under 40 CFR 81.303, Maricopa County is classified as nonattainment as for the 8-hour ozone standard. Maricopa County and parts of Pinal County are the only 8-hour ozone nonattainment areas in the state of Arizona. Maricopa County has revised Rule 100, Section 503, Emission Statements Required as Stated in the Act, to address a peculiar local condition: the designation of Maricopa County as a nonattainment area for the 8-hour ozone standard. Maricopa County has also made this revision because the preparation and submittal of emission statement data is required under Section 182(a)(3)(B) of the Clean Air Act. Therefore, this revision is in compliance with ARS §49-112(A).

ARS § 49-112(B)

The ARS § 49-112(B) demonstration does not apply because these particular rules are in that portion of Maricopa County's air quality program that is administered under direct statutory authority. Therefore, these rules are not being adopted or revised in lieu of a state program.

- 8. A reference to any study relevant to the rule that the department reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**

None.

- 9. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable.

- 10. The economic, small business, and consumer impact:**

1. Final rule making

In this rulemaking, Maricopa County is amending Rule 100, General Provisions and Definitions. Rule 100 includes definitions, administrative requirements, requirement for emissions statements and data reporting, and other general information. In this rulemaking, Maricopa County responds to recent notices published by the EPA in the Federal Register. Maricopa County is also making several technical corrections in this rulemaking, several revisions to be consistent with text used in 40 CFR and the AAC, and adding a new Appendix G.

Maricopa County is required to incorporate changes to Title 40 of the Code of Federal Regulations into the Maricopa County Air Pollution Control Regulations.

Changes to address recent FR notices

Maricopa County is revising the definition of "Non-Precursor Organic Compound" to incorporate two final rulemakings promulgated by EPA on 11/29/04. In 69 FR 69298 - 69304, the EPA exempted t-butyl acetate (also known as tertiary butyl acetate, TBAC, or TBAc) from volatile organic compound (VOC) emissions limitations and content requirements at 40 CFR 51.100(s)(5). T-butyl acetate will continue to be a volatile organic compound for purposes of all recordkeeping, emissions reporting, photochemical dispersion modeling, and inventory requirements which apply to volatile organic compounds. In the second final rule, 69 FR 69290 - 69298, the EPA added four compounds to the list of compounds excluded from the definition of VOC at 40 CFR 51.100(s)(1), and also made nomenclature changes to two previously exempted compounds. The four compounds are: 1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane (π -C₃F₇OCH₃, or HFE-7000), 3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane (or HFE-7500, HFE-s702, T-7145, or L-15381), 1,1,1,2,3,3,3-heptafluoropropane (HFC 227ea), and methyl formate (HCOOCH₃). EPA also made nomenclature changes to two previously exempted compounds: the addition of "HFE-7100" to 1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane (C₄F₉OCH₃), and the addition of "HFE-7200" to 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane (C₄F₉OC₂H₅).

In 62 FR 38652 - 38760 (7/18/97), the EPA promulgated final rules implementing the National Ambient Air Quality Standards (NAAQS) for PM_{2.5}. Maricopa County is adding the definition for PM_{2.5} to Rule 100, and adding 40 CFR 50, Appendix L, "Reference Method for the Determination of Particulate Matter as PM_{2.5} in the Atmosphere", to the definition of Reference Method, in order to address this Federal Register notice.

Technical corrections

In this rulemaking, Maricopa County is making several technical corrections to Rule 100. Maricopa County is removing the terms "Bureau", "Division", "Division of Air Pollution Control" and "Maricopa County Environmental Services Department" and replacing, where applicable, with "Maricopa County Air Quality Department" or "Department" in order to reflect the creation of the Maricopa County Air Quality Department on November 17, 2004. Maricopa County is also updating references to the ARS in several definitions to be consistent with the text currently used in the ARS. Several definitions in Rule 100 reference other sections of the Maricopa County Air Pollution Control Regulations. Maricopa County is revising these references, where needed, due to the deletion and addition of definitions in Rule 100. Maricopa County is also changing the term "subsection" to "section" when addressing sections of the Maricopa County Air Pollution Control Regulations in order to ensure consistency throughout the rules. Maricopa County is updating the definition of AP-42 to reference Appendix G. The definition for "Dust Generating Operation" is currently used in Maricopa County Air Pollution Control Regulations Rules 310 and Rules 316. Maricopa County is adding this definition to Rule

100. Maricopa County is also removing the definition for "Earthmoving Operation". This definition is currently only used in Maricopa County Air Pollution Control Regulation Rule 310.

Other revisions

Maricopa County is making other revisions to Rule 100 to be consistent with the text used in 40 CFR and the AAC, and for consistency throughout the Maricopa County Air Pollution Control Regulations. Maricopa County is changing the word "unitary" to "preconstruction" in the definition for "Federal Applicable Requirement" to reflect the language used in 40 CFR 70.2 and in R18-2-101(42)(b). Maricopa County is adding a definition for "Nitrogen Oxides (NO_x)", as defined in 40 CFR 60.2 and R18-2-101(76). The term "Nitrogen Oxides" is used in multiple Maricopa County Air Pollution Control Regulations. Maricopa County is revising the definition for PM₁₀ to be consistent with the language used in R18-2-101(85) and 40 CFR 51.100(qq). Maricopa County is also adding a definition for "Total Reduced Sulfur (TRS)" as defined in R18-2-101(116), because the term "Total Reduced Sulfur (TRS)" is used in several Maricopa County Air Pollution Control Regulations. Maricopa County is revising the definition for "Standard Conditions" to be consistent with the language used in R18-2-701(34) and 40 CFR 60.2. Maricopa County is removing the outdated reference to "AFP-644", and replacing it with an incorporation by reference of "the Consolidated Emissions Reporting Rule in 40 CFR 51, Subpart A, Appendix A, Table 2A", published at 67 FR 39602 - 39616, 6/10/02. Maricopa County is adding a new Section 112, "Availability of Information", to indicate where this incorporated material is available. Finally, Maricopa County is adding a new Appendix G, Incorporated Materials. In Appendix G, Incorporated Materials, Maricopa County is adding a new appendix that incorporates by reference the EPA test methods, protocols, regulations, and documents that are approved for use by Maricopa County. The intent of this new appendix is to consolidate materials incorporated by reference into one central location.

2. Persons who are affected, bear costs or directly benefit

Cost bearers

There should be no costs associated with this rulemaking.

Beneficiaries

There are benefits to the implementing agency, regulated community, small businesses, political subdivisions of the state and members of the public. There are health benefits to all parties involved. There are benefits to the regulated community and small businesses in being regulated by a nearer government agency than by the EPA.

3. Cost/benefit analysis/summary

Probable costs and benefits to the implementing agencies, political subdivision, and businesses

The "technical corrections" and "other revisions" impose no economic impacts. The "technical corrections" are non-substantive changes. The "other revisions" are mainly changes made to reflect the text currently used in 40 CFR and the AAC. The revision updating the outdated reference to AFP-644, and replacing it with a

reference to "the Consolidated Emissions Reporting Rule in 40 CFR 51, Subpart A, Appendix A, Table 2A" will have no economic impact. This final rule was promulgated by EPA in 67 FR 39602 - 39616, 6/10/02, and was effective on August 9, 2002, and consolidates emission inventory reporting requirements to a single location within the CFR. Also, the regulated community is already required to comply with Rule 100, Section 503, "Emission Statements Required As Stated in the Act". This revision only updates a reference to an outdated document.

Also, the addition of the definition for PM_{2.5} and revision of the definition of "Reference Method" reflects the EPA's actions in 62 FR 38652 - 38760, 7/18/97. Both of these changes are mandated by 40 CFR, NAAQS rule. Finally, the addition of Appendix G will have no economic impact. This new Appendix consolidates incorporated by reference material into one central location in the Maricopa County Air Pollution Control Regulations.

The revision of the definition of "Non-Precursor Organic Compound" to incorporate two final rulemakings promulgated by EPA on 11/29/04 will reduce the economic burden on businesses. The exemption of t-butyl acetate (also known as tertiary butyl acetate, TBAC, or TBAC) from VOC emissions limitations and content requirements will result in reduced costs to businesses. Although t-butyl acetate will continue to be a volatile organic compound for purposes of all recordkeeping, emissions reporting, photochemical dispersion modeling, and inventory requirements which apply to volatile organic compounds, businesses will no longer be required to include t-butyl acetate when determining VOC emissions limitations and content requirements. The exemption of 1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane (n-C₃F₇OCH₃, or HFE-7000), 3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane (or HFE-7500, HFE-s702, T-7145, or L-15381), 1,1,1,2,3,3,3-heptafluoropropane (HFC 227ea), and methyl formate (HCOOCH₃) from the definition of VOC at 40 CFR 51.100(s)(1), will reduce the economic burden on businesses. Businesses will no longer be required to include these four compounds as a VOC in determining whether they meet regulatory obligations for limiting VOC use, limiting VOC emissions, or otherwise controlling VOCs. The minor nomenclature changes to two previously exempted compounds will also have no economic impact. The four compounds excluded from the definition of VOC all have potential for use as refrigerants, fire suppressants, aerosol propellants, or blowing agents. In addition, all four compounds may be used as an alternative to ozone-depleting substances. Three of the compounds are approved by EPA's Significant New Alternatives Policy program as acceptable substitutes for ozone-depleting compounds.

Costs to Maricopa County are those that may accrue for implementation and enforcement of the standards as county law. Since this rulemaking includes updates, definitions, and technical corrections, it is not expected to have any effect on department revenues or personnel.

Benefits accrue to the regulated community when a county agency incorporates a federal regulation in order to become the primary implementer of the regulation, because the county agency is closer to those being regulated and, therefore, is generally easier to contact and to work with to resolve differences, compared with the EPA, whose regional office for Arizona is in San Francisco. Local implementation also reduces travel and communication costs.

Health benefits accrue to the general public whenever enforcement of environmental laws takes place. Adverse health effects from air pollution result in a number of economic and social consequences, including:

1. **Medical Costs.** These include personal out-of-pocket expenses of the affected individual (or family), plus costs paid by insurance or Medicare, for example. Also included are reduced emergency room visits and hospital admissions.
2. **Work Loss.** This includes lost personal income, plus lost productivity whether the individual is compensated for the time or not. For example, some individuals may perceive no income loss because they receive sick pay, but sick pay is a cost of business and reflects lost productivity.
3. **Increased costs for chores and care giving.** These include special care giving and services that are not reflected in medical costs. These costs may occur because some health effects reduce the affected individual's ability to undertake some or all normal chores, and he or she may require extra care.
4. **Other social and economic costs.** These include restrictions on or reduced enjoyment of leisure activities, discomfort or inconvenience, pain and suffering, anxiety about the future, and concern and inconvenience to family members and others.

4. Private and public employment impact

This rule is expected to have no impact on private and public employment.

5. Rule impact reduction on small businesses.

a. An identification of the small businesses subject to the rulemaking.

There are no increased costs for small businesses subject to the rulemaking.

b. The administrative and other costs required for compliance with the rulemaking.

There are no administrative and other costs required for compliance with the rulemaking.

c. A description of the methods that the agency may use to reduce the impact on small businesses.

ARS § 41-1035 requires Maricopa County to reduce the impact of a rule on small businesses by using certain methods when they are legal and feasible in meeting the statutory objectives of the rulemaking.

The five listed methods are:

1. Establish less stringent compliance or reporting requirements in the final rule for small businesses.

2. Establish less stringent schedules or deadlines in the rule for compliance or reporting requirements for small businesses.
3. Consolidate or simplify the rule's compliance or reporting requirements for small businesses.
4. Establish performance standards for small businesses to replace design or operational standards in the rule.
5. Exempt small businesses from any or all requirements of the rule.

A small business is defined in ARS § 41-1001 as a "concern, including its affiliates, which is independently owned and operated, which is not dominant in its field and which employs fewer than one hundred full-time employees or which had gross annual receipts of less than four million dollars in its last fiscal year. For purposes of a specific rule, an agency may define small business to include more persons if it finds that such a definition is necessary to adapt the rule to the needs and problems of small businesses and organizations."

Maricopa County has determined that there is a beneficial impact on small businesses in transferring implementation of these rules to Maricopa County. In addition, Maricopa County is required to adopt the federal rules without reducing stringency. Maricopa County, therefore, has found that it is not legal or feasible to adopt any of the five listed methods in ways that reduce both the impact of these rules on small businesses. Finally, where federal rules impact small businesses, EPA is required by both the Regulatory Flexibility Act and the Small Business Regulatory Enforcement and Fairness Act to make certain adjustments in its own rulemakings. Information related to such may be found in the individual rules described in Section 6 of the Notice of Final Rulemaking.

d. The probable cost and benefit to private persons and consumers who are directly affected by the rulemaking.

Private persons or consumers will not be directly affected by the rulemaking, with the exception of the expected health benefits.

6. Probable effect on state revenues

There should be no effect on state revenues.

7. Less intrusive or costly alternative methods of achieving the rulemaking.

None. Maricopa County is required to adopt the federal and state rules without reducing stringency.

Conclusions

In conclusion, costs associated with this rule are generally low, while the air quality benefits are generally high. Costs to Maricopa County are those that may accrue for implementation and enforcement of the standards as county law. In addition, there are benefits to industry from being regulated by a geographically nearer

government entity. There are no adverse economic impacts on political subdivisions. There are no adverse economic impacts on private businesses (the regulated community), their revenues, or expenditures. The fact that no new employment is expected to occur has been discussed above, in the context of the impact on county agencies. There are no adverse economic impacts on small businesses, although some regulatory benefits will accrue to them. There are no economic impacts for consumers; benefits to private persons as members of the general public are discussed above in terms of enforcement. There will be no direct impact on county revenues. There are no other, less costly alternatives for achieving the goals of this rulemaking.

11. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):

Maricopa County has made some minor revisions to the preamble, including: removing references to the word "propose"; minor language changes for clarity, including those in the Section-by-Section explanation of Sections 200.69 and 503; and, revising the "economic, small business, and consumer impact" in #10 of this notice to match the format specified in ARS § 41-1055(B). Maricopa County has also removed the *Federal Register* notices, as studies relied on in this rulemaking, from #8 of this Notice of Final Rulemaking.

Rule 100, Section 200.98(c) Maricopa County has changed the ARS reference in this Section to § 49-401.01(16). In the 1992 version of the ARS, the definition of "hazardous air pollutant" is located at ARS § 49-401.01(11). The ARS was subsequently revised, and the definition for "hazardous air pollutant" was moved to ARS § 49-401.01(16). Maricopa County is revising the definition of "Significant" to refer to the correct ARS statute for the definition of "hazardous air pollutant", § 49-401.01(16).

Appendix G, Section (3)(b) Maricopa County has added "40 CFR 75". 40 CFR 75 is already incorporated by reference in Rule 371, Acid Rain and Rule 280, Fees. Maricopa County plans to revise Rule 280 in a separate rulemaking in order to refer to the new Appendix G when incorporating by reference 40 CFR 75 and its appendices. Maricopa County is adding the incorporation by reference of 40 CFR 75 to Appendix G to facilitate this reference.

12. A summary of the comments made regarding the rule and the department response to them:

No comments were received on the Notice of Proposed Rulemaking.

13. Any other matters prescribed by statute that are applicable to the specific department or to any specific rule or class of rules:

None.

14. Incorporations by reference and their location in the rules:

Incorporation by reference:

Location

Consolidated Emissions Reporting Rule, 40 CFR 51, Subpart A, Appendix A, Table 2A, July 1, 2004;	Appendix G
40 CFR 50, July 1, 2004;	Appendix G
40 CFR 50, Appendices A through N, July 1, 2004;	Appendix G
40 CFR 51, Appendix M, Appendix S, Section IV, and Appendix W, July 1, 2004;	Appendix G
40 CFR 52, Appendices D and E, July 1, 2004;	Appendix G
40 CFR 53, July 1, 2004;	Appendix G
40 CFR 58, July 1, 2004;	Appendix G
40 CFR 58, all appendices, July 1, 2004;	Appendix G
40 CFR 60, all appendices, July 1, 2004;	Appendix G
40 CFR 61, all appendices, July 1, 2004;	Appendix G
40 CFR 63, all appendices, July 1, 2004;	Appendix G
40 CFR 75, July 1, 2004;	Appendix G
40 CFR 75, all appendices, July 1, 2004;	Appendix G
ADEQ's "Arizona Testing Manual for Air Pollutant Emissions," amended as of March 1992;	Appendix G
American Society for Testing and Materials (ASTM) test methods referenced in the Maricopa County Air Pollution Control Rules and Regulations as of the year specified in the reference;	Appendix G
The U.S. Government Printing Office's "Standard Industrial Classification Manual, 1987";	Appendix G
EPA Publication No. AP-42, 1995, "Compilation of Air Pollutant Emission Factors," Volume I: Stationary Point and Area Sources, Fifth Edition, including Supplements A, B, C, D, E, F, and Updates 2001, 2002, 2003, and 2004;	Appendix G
EPA guidance document "Guidelines for Determining Capture Efficiency", January 9, 1995.	Appendix G
2002 US NAICS Manual, "North American Industry Classification System - United States", National Technical Information Service, US Census Bureau, 2002.	Appendix G

15. Was this rule previously made as an emergency rule?

No.

16. The full text of the rules follows:

REGULATION I - GENERAL PROVISIONS

RULE 100

GENERAL PROVISIONS AND DEFINITIONS

INDEX

SECTION 100 - GENERAL

- 101 DECLARATION OF INTENT
- 102 LEGAL AUTHORITY
- 103 VALIDITY
- 104 CIRCUMVENTION
- 105 RIGHT OF INSPECTION OF PREMISES
- 106 RIGHT OF INSPECTION OF RECORDS
- 107 ADVISORY COUNCIL
- 108 HEARING BOARD
- 109 ANTI-DEGRADATION
- 110 AVAILABILITY OF POLLUTION INFORMATION
- 112 ANNUAL REASONABLE FURTHER PROGRESS (RFP) REPORT
- 112 AVAILABILITY OF INFORMATION

SECTION 200 - DEFINITIONS

- 200.1 AAC
- 200.2 ACT
- 200.3 ACTUAL EMISSIONS
- 200.4 ADMINISTRATOR
- 200.5 ADVISORY COUNCIL
- 200.6 AFFECTED FACILITY
- 200.7 AFFECTED SOURCE
- 200.8 AFFECTED STATE
- 200.9 AIR CONTAMINANT
- 200.10 AIR POLLUTION
- 200.11 AIR POLLUTION CONTROL EQUIPMENT
- 200.12 ALLOWABLE EMISSIONS

200.13 AMBIENT AIR
 200.14 AP-42
 200.15 APPLICABLE IMPLEMENTATION PLAN
 200.16 APPLICABLE REQUIREMENT
 200.17 APPROVED
 200.18 AREA SOURCE
 200.19 ARS
 200.20 ASME
 200.21 ASTM
 200.22 ATTAINMENT AREA
 200.23 BEGIN ACTUAL CONSTRUCTION
 200.24 BEST AVAILABLE CONTROL TECHNOLOGY (BACT)
 200.25 BRITISH THERMAL UNIT (BTU)
 200.26 BUILDING, STRUCTURE, FACILITY, OR INSTALLATION
~~200.27 BUREAU~~
 200.28 200.27 CFR
 200.29 200.28 CIRCUMSTANCES OUTSIDE THE CONTROL OF THE SOURCE
 200.30 200.29 CLEAN COAL TECHNOLOGY
 200.31 200.30 CLEAN COAL TECHNOLOGY DEMONSTRATION PROJECT
 200.32 200.31 COMMENCE
 200.33 200.32 COMPLETE
 200.34 200.33 CONSTRUCTION
 200.35 200.34 CONTROL OFFICER
 200.36 200.35 DEPARTMENT
 200.37 200.36 DIRECTOR
 200.38 200.37 DISCHARGE
 200.39 200.38 DIVISION
 200.39 DUST GENERATING OPERATION
~~200.40 EARTHMOVING OPERATION~~
 200.41 200.40 EFFLUENT
 200.42 200.41 ELECTRIC UTILITY STEAM GENERATING UNIT
 200.43 200.42 EMISSION STANDARD
 200.44 200.43 EMISSIONS UNIT
 200.45 200.44 EPA
 200.46 200.45 EQUIVALENT METHOD
 200.47 200.46 EXCESS EMISSIONS
 200.48 200.47 EXISTING SOURCE

~~200.49~~ 200.48 FACILITY
~~200.50~~ 200.49 FEDERAL APPLICABLE REQUIREMENT
~~200.51~~ 200.50 FEDERAL LAND MANAGER
~~200.52~~ 200.51 FEDERALLY ENFORCEABLE
~~200.53~~ 200.52 FINAL PERMIT
~~200.54~~ 200.53 FUEL OIL
~~200.55~~ 200.54 FUGITIVE EMISSION
~~200.56~~ 200.55 INDIAN GOVERNING BODY
~~200.57~~ 200.56 INDIAN RESERVATION
~~200.58~~ 200.57 INSIGNIFICANT ACTIVITY
~~200.59~~ 200.58 MAJOR MODIFICATION
~~200.60~~ 200.59 MAJOR SOURCE
~~200.61~~ 200.60 MAJOR SOURCE THRESHOLD
~~200.62~~ 200.61 MALFUNCTION
~~200.63~~ 200.62 MATERIAL PERMIT CONDITION
~~200.64~~ 200.63 METHOD OF OPERATION
~~200.65~~ 200.64 MODIFICATION
~~200.66~~ 200.65 NET EMISSIONS INCREASE
~~200.67~~ 200.66 NEW SOURCE
~~200.67~~ 200.67 NITROGEN OXIDES (NO_x)
200.68 NONATTAINMENT AREA
200.69 NON-PRECURSOR ORGANIC COMPOUND
200.70 OPEN OUTDOOR FIRE
200.71 OPERATION
200.72 ORGANIC COMPOUND
200.73 ORGANIC LIQUID
200.74 OWNER AND/OR OPERATOR
200.75 PARTICULATE MATTER
200.76 PERMITTING AUTHORITY
200.77 PERSON
200.78 PHYSICAL CHANGE
~~200.79~~ 200.79 PM_{2.5}
~~200.79~~ 200.80 PM₁₀
~~200.80~~ 200.81 POLLUTANT
~~200.81~~ 200.82 POLLUTION CONTROL PROJECT
~~200.82~~ 200.83 PORTABLE SOURCE
~~200.83~~ 200.84 POTENTIAL TO EMIT

- ~~200.84~~ 200.85 PROPOSED PERMIT
- ~~200.85~~ 200.86 PROPOSED FINAL PERMIT
- ~~200.86~~ 200.87 QUANTIFIABLE
- ~~200.87~~ 200.88 REACTIVATION OF A VERY CLEAN COAL-FIRED ELECTRIC UTILITY STEAM
GENERATING UNIT
- ~~200.88~~ 200.89 REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT)
- ~~200.89~~ 200.90 REFERENCE METHOD
- ~~200.90~~ 200.91 REGULATED AIR POLLUTANT
- ~~200.91~~ 200.92 REGULATORY REQUIREMENTS
- ~~200.92~~ 200.93 REPLICABLE
- ~~200.93~~ 200.94 REPOWERING
- ~~200.94~~ 200.95 REPRESENTATIVE ACTUAL ANNUAL EMISSIONS
- ~~200.95~~ 200.96 RESPONSIBLE OFFICIAL
- ~~200.96~~ 200.97 SCHEDULED MAINTENANCE
- ~~200.97~~ 200.98 SIGNIFICANT
- ~~200.98~~ 200.99 SOLVENT-BORNE COATING MATERIAL
- ~~200.99~~ 200.100 SOURCE
- ~~200.100~~ 200.101 SPECIAL INSPECTION WARRANT
- ~~200.101~~ 200.102 STANDARD CONDITIONS
- ~~200.102~~ 200.103 STATE IMPLEMENTATION PLAN (SIP)
- ~~200.103~~ 200.104 STATIONARY SOURCE
- ~~200.104~~ 200.105 SYNTHETIC MINOR
- ~~200.105~~ 200.106 TEMPORARY CLEAN COAL TECHNOLOGY DEMONSTRATION PROJECT
- ~~200.106~~ 200.107 TITLE V
- 200.108 200.108 TOTAL REDUCED SULFUR (TRS)
- ~~200.107~~ 200.109 TRADE SECRETS
- ~~200.108~~ 200.110 TRIVIAL ACTIVITY
- ~~200.109~~ 200.111 UNCLASSIFIED AREA
- ~~200.110~~ 200.112 VOLATILE ORGANIC COMPOUND (VOC)

SECTION 300 - STANDARDS

- 301 AIR POLLUTION PROHIBITED
- 302 APPLICABILITY OF MULTIPLE RULES

SECTION 400 - ADMINISTRATIVE REQUIREMENTS

- 401 CERTIFICATION OF TRUTH, ACCURACY, AND COMPLETENESS
- 402 CONFIDENTIALITY OF INFORMATION

SECTION 500 - MONITORING AND RECORDS

- 501 REPORTING REQUIREMENTS
- 502 DATA REPORTING
- 503 EMISSION STATEMENTS REQUIRED AS STATED IN THE ACT
- 504 RETENTION OF RECORDS
- 506 ANNUAL EMISSIONS INVENTORY REPORT

Revised 07/13/88

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Revised 06/22/92

Revised 11/16/92

Repealed and Adopted 11/15/93

Revised 02/15/95

Revised 04/03/96

Revised 06/19/96

Revised 03/04/98

Revised 05/20/98

Revised 07/26/00

Revised 03/07/01

Revised 08/22/01

Revised 11/06/02

Revised 03/15/06

**MARICOPA COUNTY
AIR POLLUTION CONTROL REGULATIONS**

REGULATION I - GENERAL PROVISIONS

**RULE 100
GENERAL PROVISIONS AND DEFINITIONS**

SECTION 100 - GENERAL

- 101 DECLARATION OF INTENT:** The Maricopa County Air Pollution Control Regulations prevent, reduce, control, correct, or remove regulated air pollutants originating within the territorial limits of

Maricopa County and carry out the mandates of Arizona Revised Statutes (ARS), Title 49 (The Environment).

- 102 LEGAL AUTHORITY:** These rules are adopted under the authority granted by ARS §49-479.
- 103 VALIDITY:** If any section, subsection, clause, phrase, or provision of these rules is held to be invalid for any reason, such decision shall not affect the validity of the remaining portion.
- 104 CIRCUMVENTION:** A person shall not build, erect, install, or use any article, machine, equipment, condition, or any contrivance, the use of which, without resulting in a reduction in the total release of regulated air pollutants to the atmosphere, conceals or dilutes an emission which would otherwise constitute a violation of these rules. No person shall circumvent these rules to dilute regulated air pollutants by using more emission openings than is considered normal practice by the industry or activity in question.
- 105 RIGHT OF INSPECTION OF PREMISES:** The Control Officer, during reasonable hours, for the purpose of enforcing and administering these rules or any provision of ARS relating to the emission or control prescribed pursuant thereto, may enter every building, premises, or other place, except the interior of structures used as private residences. In the event that consent to enter for inspection purposes has been refused or circumstances justify the failure to seek such consent, special inspection warrants may be issued by a magistrate. Every person is guilty of a petty offense under ARS §49-488 who in any way denies, obstructs, or hampers such entrance or inspection that is lawfully authorized by warrant.
- 106 RIGHT OF INSPECTION OF RECORDS:** When the Control Officer has reasonable cause to believe that any person has violated or is in violation of any provision of this rule, any rule adopted under this rule, or any requirement of a permit issued under this rule, the Control Officer may request, in writing, that such person produce all existing books, records, and other documents evidencing tests, inspections, or studies which may reasonably relate to compliance or non-compliance with rules adopted under this rule. No person shall fail nor refuse to produce all existing documents required in such written request by the Control Officer.
- 107 ADVISORY COUNCIL:** An Advisory Council appointed by the Board of Supervisors may advise and consult with the Board of Supervisors, the ~~Division of Air Pollution Control~~ Maricopa County Air Quality Department, and the Control Officer in effecting the mandates of ARS Title 49.

- 108 HEARING BOARD:** The Board of Supervisors shall appoint a 5-member hearing board knowledgeable in the field of air pollution. At least 3 members shall not have a substantial interest, as defined in ARS §38-502(11), in any person required to obtain an air pollution permit. Each member shall serve a term of 3 years (ARS §49-478).
- 109 ANTI-DEGRADATION:** The standards in these rules shall not be construed as permitting the preventable degradation of air quality in any area of Maricopa County.
- 110 AVAILABILITY OF POLLUTION INFORMATION:** The public shall be informed on a daily basis of average daily concentration of 3 pollutants: particulates, carbon monoxide, and ozone. This information shall be disseminated through the use of newspapers, radio, and television. The levels of each pollutant shall be expressed through the use of the ~~Pollution Standard Index (PSI)~~ Air Quality Index (AQI) and a written copy of such information shall be made available at the office of the Maricopa County ~~Environmental Services~~ Air Quality Department, 1001 North Central Avenue, #201 Suite 400, Phoenix, Arizona, 85004, 602-506-6010.
- 111 ANNUAL REASONABLE FURTHER PROGRESS (RFP) REPORT:** A report on the progress in implementation of nonattainment area plans shall be produced by the ~~Division~~ Department each year. The primary function of the report is to review the implementation schedules for control measures and emission reduction forecasts in the nonattainment area plans. The annual report will be made available to the public at the offices of the Maricopa County ~~Environmental Services~~ Air Quality Department, 1001 North Central Avenue, #201 Suite 400, Phoenix, Arizona, 85004, 602-506-6010.
- 112 AVAILABILITY OF INFORMATION:** Copies of 40 CFR 51, Subpart A, Appendix A, Table 2A, are available at 1001 N. Central Avenue, Suite 695, Phoenix, Arizona, 85004, or call (602) 506-6010 for information.

SECTION 200 - DEFINITIONS: To aid in the understanding of these rules, the following general definitions are provided. Additional definitions, as necessary, can be found in each rule of the Maricopa County Air Pollution Control Regulations.

- 200.1 AAC - Arizona Administrative Code.**
- 200.2 ACT - The Clean Air Act of 1963 (P.L. 88-206; 42 United States Code sections 7401 through 7671), as amended by the Clean Air Act Amendments of 1990 (P.L.101-549).**

200.3 ACTUAL EMISSIONS - The actual rate of emissions of a pollutant from an emissions unit, as determined in ~~subsections~~ Sections 200.3(a) through 200.3(e):

- a. In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the emissions unit actually emitted the pollutant during a 2-year period that precedes the particular date and that is representative of normal source operation. The Control Officer may allow the use of a different time period upon a demonstration that it is more representative of normal source operation. Actual emissions shall be calculated using the emissions unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.
- b. If there is inadequate information to determine actual historical emissions, then the Control Officer may presume that source-specific allowable emissions for the emissions unit are equivalent to the actual emissions of the emissions unit.
- c. For any emissions unit at a Title V source, other than an electric utility steam generating unit described in ~~subsection~~ Section 200.3(e) of this rule, that has not begun normal operations on the particular date, actual emissions shall equal the unit's potential to emit on that date.
- d. For any emissions unit at a Non-Title V source that has not begun normal operations on the particular date, actual emissions shall be based on applicable control equipment requirements and projected conditions of operation.
- e. For an electric utility steam generating unit (other than a new unit or the replacement of an existing unit), actual emissions of the unit, following the physical or operational change, shall equal the representative actual annual emissions of the unit, if the source owner and/or operator maintains and submits to the Control Officer on an annual basis, for a period of 5 years from the date the unit resumes regular operation, information demonstrating that the physical or operational change did not result in an emissions increase. A longer period, not to exceed 10 years, may be required by the Control Officer, if the Control Officer determines the longer period to be more representative of normal source post-change operations.

200.4 ADMINISTRATOR - The Administrator of the United States Environmental Protection Agency.

- 200.5** **ADVISORY COUNCIL** - The Maricopa County Air Pollution Control Advisory Council appointed by the Maricopa County Board of Supervisors.
- 200.6** **AFFECTED FACILITY** - With reference to a stationary source, any apparatus to which a standard is applicable.
- 200.7** **AFFECTED SOURCE** - A source that includes one or more emissions units which are subject to emission reduction requirements or limitations under Title IV (Acid Deposition Control) of the Act.
- 200.8** **AFFECTED STATE** - Any State whose air quality may be affected and that is contiguous to Arizona or that is within 50 miles of the permitted source.
- 200.9** **AIR CONTAMINANT** - Includes smoke, vapors, charred paper, dust, soot, grime, carbon, fumes, gases, sulfuric acid mist aerosols, aerosol droplets, odors, particulate matter, windborne matter, radioactive materials, noxious chemicals, or any other material in the outdoor atmosphere.
- 200.10** **AIR POLLUTION** - The presence in the outdoor atmosphere of one or more air contaminants, or combinations thereof, in sufficient quantities, which either alone or in connection with other substances, by reason of their concentration and duration, are or tend to be injurious to human, plant, or animal life, or causes damage to property, or unreasonably interferes with the comfortable enjoyment of life or property of a substantial part of a community, or obscures visibility, or which in any way degrades the quality of the ambient air below the standards established by the Board of Supervisors.
- 200.11** **AIR POLLUTION CONTROL EQUIPMENT** - Equipment used to eliminate, reduce, or control the emission of air pollutants into the ambient air.
- 200.12** **ALLOWABLE EMISSIONS** - The emission rate of a stationary source calculated using the maximum rated capacity of the source (unless the source is subject to federally enforceable limits which restrict the operating rate or hours of operation or both) and the most stringent of the following:
- a. The applicable New Source Performance Standards as described in Rule 360 of these rules or the Federal Hazardous Air Pollutant Program as described in Rule 370 of these rules; or
 - b. The applicable existing source performance standard as approved for the SIP; or

c. The emissions rate specified in any federally promulgated rule or federally enforceable permit condition.

200.13 **AMBIENT AIR** - That portion of the atmosphere, external to buildings, to which the general public has access.

200.14 **AP-42** - The EPA document "Compilation of Air Pollutant Emission Factors," as incorporated by reference in Appendix G September 1985, and all supplements thereto.

200.15 **APPLICABLE IMPLEMENTATION PLAN** - Those provisions of the SIP approved by the Administrator of EPA or a Federal Implementation Plan (FIP) promulgated under Title I (Air Pollution Prevention And Control) of the Act.

200.16 **APPLICABLE REQUIREMENT** - Applicable requirement means any of the following:

a. Any federal applicable requirement as defined in Section ~~200.50~~ 200.49 of this rule.

b. Any other requirement established under the Maricopa County Air Pollution Control Regulations or ARS Title 49, Chapter 3, Articles 1, 3, 7, and 8.

200.17 **APPROVED** - Approved in writing by the Maricopa County Air Pollution Control Officer.

200.18 **AREA SOURCE** - Any stationary source that is not a major source. For purposes of these rules, the term "area source" shall not include motor vehicles or nonroad vehicles subject to regulation under Title II (Emission Standards For Moving Sources) of the Act.

200.19 **ARS** - The Arizona Revised Statutes. The titles of the most frequently used ARS references in these rules are listed below:

ARS §38-502(11)	Public Officers And Employees, Conduct Of Office, Conflict Of Interest Of Officers And Employees, Definitions, Substantial Interest
ARS Title 49	The Environment
ARS Title 49, Chapter 3	The Environment, Air Quality
ARS Title 49, Chapter 4	The Environment, Solid Waste Management

ARS §49-109	The Environment, General Provisions, Department Of Environmental Quality, Certificate Of Disclosure Of Violations; Definition; Remedies
ARS §49-401	The Environment, Air Quality, General Provisions, Declaration Of Policy
ARS §49-426	The Environment, Air Quality, State Air Pollution Control, Permits; Duties Of Director; Exceptions; Applications; Objections; Fees
ARS §49-426.04	The Environment, Air Quality, State Air Pollution Control, State List Of Hazardous Air Pollutants
ARS §49-426.05	The Environment, Air Quality, State Air Pollution Control, Designation Of Sources Of Hazardous Air Pollutants
ARS §49-429	The Environment, Air Quality, State Air Pollution Control, Permit Transfers; Notice; Appeal
ARS §49-464	The Environment, Air Quality, State Air Pollution Control, Violation; Classification; Definitions Penalties; Definition
ARS §49-473	The Environment, Air Quality, County Air Pollution Control, Board Of Supervisors
ARS §49-476.01	The Environment, Air Quality, County Air Pollution Control, Monitoring
ARS §49-478	The Environment, Air Quality, County Air Pollution Control, Hearing Board
ARS §49-480	The Environment, Air Quality, County Air Pollution Control, Permits; Fees
ARS §49-480.03	The Environment, Air Quality, County Air Pollution Control, Federal Hazardous Air Pollutant Program; Date Specified By Administrator; Prohibition
ARS §49-480.04	The Environment, Air Quality, County Air Pollution Control, County Program For Control Of Hazardous Air Pollutants
ARS §49-482	The Environment, Air Quality, County Air Pollution Control, Appeals To Hearing Board
ARS §49-483	The Environment, Air Quality, County Air Pollution Control, Permit Transfers; Notice; Appeal
ARS §49-487	The Environment, Air Quality, County Air Pollution Control, Classification And Reporting; Confidentiality Of Records
ARS §49-488	The Environment, Air Quality, County Air Pollution Control, Special Inspection Warrant

ARS §49-490	The Environment, Air Quality, County Air Pollution Control, Hearings On Orders Of Abatement
ARS §49-498	The Environment, Air Quality, County Air Pollution Control, Notice Of Hearing; Publication; Service
ARS §49-501	The Environment, Air Quality, County Air Pollution Control, Unlawful Open Burning; <u>Definition</u> ; Exceptions; Violation ; Classification <u>Fine</u>
ARS §49-511	The Environment, Air Quality, County Air Pollution Control, Violations, Order Of Abatement
ARS §49-514	The Environment, Air Quality, County Air Pollution Control, Violation; Classification; Definition

200.20 ASME - The American Society of Mechanical Engineers.

200.21 ASTM - The American Society for Testing and Materials.

200.22 **ATTAINMENT AREA** - An area so designated by the Administrator of EPA, acting under Section 107 (Air Quality Control Regions) of the Act, as having ambient air pollutant concentrations equal to or less than national primary or secondary ambient air quality standards for a particular pollutant or pollutants.

200.23 **BEGIN ACTUAL CONSTRUCTION** - In general, initiation of physical on-site construction activities on an emissions unit, which are of a permanent nature. Such activities include installation of building supports and foundations, laying of underground pipework, and construction of permanent storage structures. With respect to a change in method of operation, "begin actual construction" refers to those on-site activities, other than preparatory activities, which mark the initiation of the change.

200.24 **BEST AVAILABLE CONTROL TECHNOLOGY (BACT)** - An emissions limitation, based on the maximum degree of reduction for each pollutant, subject to regulation under the Act, which would be emitted from any proposed stationary source or modification, which the Control Officer, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combination techniques for control of such pollutant. Under no circumstances shall BACT be determined to be less stringent than the emission control required by an applicable provision of these rules or of any State or Federal Laws ("Federal laws" include the EPA

approved SIP). If the Control Officer determines that technological or economic limitations on the application of measurement methodology to a particular emissions unit would make the imposition of an emissions standard infeasible, a design, equipment, work practice, operational standard, or combination thereof may be prescribed instead to satisfy the requirement for the application of BACT. Such standard shall, to the degree possible, set forth the emissions reduction achievable by implementation of such design, equipment, work practice or operation, and shall provide for compliance by means which achieve equivalent results.

200.25 **BRITISH THERMAL UNIT (BTU)** - The quantity of heat required to raise the temperature of 1 pound of water 1 degree Fahrenheit (°F) at 39.1°F.

200.26 **BUILDING, STRUCTURE, FACILITY, OR INSTALLATION** - All the pollutant-emitting equipment and activities that belong to the same industrial grouping, that are located on one or more contiguous or adjacent properties, and that are under the control of the same person or persons under common control, except the activities of any vessel. Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same "Major Group" as described in the "Standard Industrial Classification Manual, 1987".

~~**200.27** **BUREAU** - The Division of Air Pollution Control within the Maricopa County Environmental Quality and Community Services Agency. The "Bureau" no longer exists; consequently, all references to "Bureau" in these rules refer to "Department".~~

~~**200.28**~~ **200.27** **CFR** - The United States Code of Federal Regulations.

~~**200.29**~~ **200.28** **CIRCUMSTANCES OUTSIDE THE CONTROL OF THE SOURCE** - Shall include, but not be limited to, circumstances where a violation resulted from a sudden and unavoidable breakdown of the process or the control equipment, resulted from unavoidable conditions during a startup or shutdown, or resulted from upset of operations.

~~**200.30**~~ **200.29** **CLEAN COAL TECHNOLOGY** - Any technology, including technologies applied at the pre-combustion, combustion, or post-combustion stage, at a new or existing facility that will achieve significant reductions in air emissions of sulfur dioxide or oxides of nitrogen associated with the utilization of coal in the generation of electricity or process steam that was not in widespread use as of November 15, 1990.

~~**200.31**~~ **200.30** **CLEAN COAL TECHNOLOGY DEMONSTRATION PROJECT** - A project using funds appropriated under the heading "Department Of Energy-Clean Coal Technology", up to a total

amount of \$2,500,000,000 for commercial demonstration of clean coal technology or similar projects, funded through appropriations for the Environmental Protection Agency. The Federal contribution for a qualifying project shall be at least 20% of the total cost of the demonstration project.

~~200.32~~ 200.31 **COMMENCE** - As applied to construction of a major source or a major modification, that the owner and/or operator has all necessary preconstruction approvals or permits and has either:

a. Begun, or caused to begin, a continuous program of actual on-site construction of the source, to be completed within a reasonable time; or

b. Entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner and/or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.

~~200.33~~ 200.32 **COMPLETE** - In reference to an application for a permit, "complete" means that the application contains all the information necessary for processing the application. Designating an application complete for purposes of permit processing does not preclude the Control Officer from requesting nor from accepting any additional information.

~~200.34~~ 200.33 **CONSTRUCTION** - Any physical change or change in the method of operation, including fabrication, erection, or installation, demolition, or modification of an emissions unit, which would result in a change in actual emissions.

~~200.35~~ 200.34 **CONTROL OFFICER** - The executive head of the department authorized or designated to enforce air pollution regulations, the executive head of an air pollution control district established under ARS §49-473, or the designated agent.

~~200.36~~ 200.35 **DEPARTMENT** - The Maricopa County ~~Environmental Services~~ Air Quality Department.

~~200.37~~ 200.36 **DIRECTOR** - The director of the Arizona Department of Environmental Quality (ADEQ).

~~200.38~~ 200.37 **DISCHARGE** - The release or escape of an effluent into the atmosphere from a source.

~~200.39~~ 200.38 **DIVISION** - ~~The Division of Air Pollution Control within the Maricopa County Environmental Management and Transportation Agency.~~ The Division no longer exists; consequently, all references in these rules to Division refer to Department.

200.39 **DUST GENERATING OPERATION** - Any activity capable of generating fugitive dust, including but not limited to, land clearing, earthmoving, weed abatement by discing or blading, excavating, construction, demolition, bulk material handling, storage and/or transporting operations, vehicle use and movement, the operation of any outdoor equipment, or unpaved parking lots. For the purpose of this rule, landscape maintenance and playing on or maintaining a field used for non-motorized sports shall not be considered a dust generating operation. However, landscape maintenance shall not include grading, trenching, or any other mechanized surface disturbing activities performed to establish initial landscapes or to redesign existing landscapes.

~~**200.40** **EARTHMOVING OPERATION** - The use of any equipment for an activity which may generate fugitive dust, such as, but not limited to, cutting and filling, grading, leveling, excavating, trenching, loading or unloading of bulk materials, demolishing, blasting, drilling, adding to or removing bulk materials from open storage piles, back filling, soil mulching, landfill operations, or weed abatement by discing or blading.~~

~~**200.41**~~ **200.40** **EFFLUENT** - Any air contaminant which is emitted and subsequently escapes into the atmosphere.

~~**200.42**~~ **200.41** **ELECTRIC UTILITY STEAM GENERATING UNIT** - Any steam electric generating unit that is constructed for the purpose of supplying more than 1/3 of its potential electric output capacity and more than 25 MW electric output to any utility power distribution system for sale. Any steam supplied to a steam distribution system, for the purpose of providing steam to a steam-electric generator that would produce electrical energy for sale, is also considered in determining the electrical energy output capacity of the affected facility.

~~**200.43**~~ **200.42** **EMISSION STANDARD** - The definition of emission standard, as summarized from ARS §49-514(T) and ARS §49-464(V), is: A numeric limitation on the volume or concentration of air pollutants in emissions from a source or a specific design, equipment, or work practice standard, the purpose of which is to eliminate or reduce the volume or concentration of pollutants emitted by a source. The term emission standard does not include opacity standards. Violations of emission standards shall be determined in the manner prescribed by the applicable regulations issued by the Administrator of EPA or the Director or the Control Officer.

~~**200.44**~~ **200.43** **EMISSIONS UNIT** - Any part of a stationary source which emits or would have the potential to emit any regulated air pollutant.

~~**200.45**~~ **200.44** **EPA** - The United States Environmental Protection Agency.

~~200.46~~ 200.45 **EQUIVALENT METHOD** - Any method of sampling and analyzing for an air pollutant, which has been demonstrated to the EPA Administrator's satisfaction to have a consistent and quantitatively known relationship to the reference method, under specified conditions.

~~200.47~~ 200.46 **EXCESS EMISSIONS** - Emissions of an air pollutant in excess of an emission standard, as measured by the compliance test method applicable to such emission standard.

~~200.48~~ 200.47 **EXISTING SOURCE** -

- a. A source in operation prior to the effective date of this rule, or a source on which the construction or modification has commenced and for which the Control Officer has granted a permit prior to the effective date of this rule; or
- b. When used in conjunction with a source subject to new source performance standards (NSPS), any source which does not have an applicable NSPS under Rule 360 of these rules.

~~200.49~~ 200.48 **FACILITY** - The definition of facility is included in Section 200.6 (Definition Of Affected Facility) of this rule and in Section 200.26 (Definition Of Building, Structure, Facility Or Installation) of this rule.

~~200.50~~ 200.49 **FEDERAL APPLICABLE REQUIREMENT** - Any of the following as they apply to emissions units covered by a Title V permit or a Non-Title V permit (including requirements that have been promulgated or approved by EPA through rulemaking at the time of issuance but have future effective compliance dates):

- a. Any standard or other requirement provided for in the applicable implementation plan approved or promulgated by EPA through rulemaking under Title I (Air Pollution Prevention And Control) of the Act that implements the relevant requirements of the Act, including any revisions to that plan promulgated in 40 CFR 52.
- b. Any term or condition of any ~~unitary~~ preconstruction permits issued under regulations approved or promulgated through rulemaking under Title I (Air Pollution Prevention And Control), including Parts C or D, of the Act.
- c. Any standard or other requirement under Section 111 (Standards Of Performance For New Stationary Sources) of the Act, includes Section 111(d).

- d. Any standard or other requirement under Section 112 (National Emission Standards For Hazardous Air Pollutants) of the Act, including any requirement concerning accident prevention under Section 112(r)(7) of the Act.
- e. Any standard or other requirement of the acid rain program under Title IV (Acid Deposition Control) of the Act or the regulations promulgated thereunder and incorporated under Rule 371 of these rules.
- f. Any requirements established under Section 504(b) (Permit Requirements And Conditions) or Section 114(a)(3) (Inspections, Monitoring, And Entry) of the Act.
- g. Any standard or other requirement governing solid waste incineration under Section 129 (Solid Waste Combustion) of the Act.
- h. Any standard or other requirement for consumer and commercial products pursuant to Section 183(e) (Federal Ozone Measures) of the Act.
- i. Any standard or other requirement for tank vessels pursuant to Section 183(f) (Federal Ozone Measures) of the Act.
- j. Any standard or other requirement of the program to control air pollution from outer continental shelf sources under Section 328 (Air Pollution From Outer Continental Shelf Activities) of the Act.
- k. Any standard or other requirement of the regulations promulgated to protect stratospheric ozone under Title VI (Stratospheric Ozone Protection) of the Act, unless the Administrator of EPA has determined that such requirements need not be contained in a Title V permit; and
- l. Any national ambient air quality standard or increment or visibility requirement under Part C (Prevention Of Significant Deterioration Of Air Quality) of Title I (Air Pollution Prevention And Control) of the Act, but only as it would apply to temporary sources permitted under Section 504(e) (Permit Requirements And Conditions) of the Act.

~~200.51~~ 200.50

FEDERAL LAND MANAGER - With respect to any lands in the United States, the Secretary Of The Department with authority over such lands.

~~200.52~~ 200.51

FEDERALLY ENFORCEABLE -

- a. All terms and conditions contained in a Title V permit, except those terms and conditions which have been specifically designated as not federally enforceable;
- b. The requirements of operating permit programs and permits issued under such permit programs which have been approved by the Administrator of EPA, including the requirements of State and County operating permit programs approved under Title V (Permits) of the Act or under any new source review permit program;
- c. All limitations and conditions which are enforceable by the Administrator of EPA, including the requirements of the New Source Performance Standards (NSPS) and the National Emissions Standards for Hazardous Air Pollutants (NESHAPs) contained in these rules;
- d. The requirements of such other State or County rules or regulations approved by the Administrator of EPA for inclusion in the SIP;
- e. The requirements of any federal regulation promulgated by the Administrator of EPA as part of the SIP; and
- f. The requirements of State and County operating permit programs, other than Title V programs, which have been approved by the Administrator of EPA and incorporated into the applicable SIP under the criteria for federally enforceable State operating permit programs set forth in 54, Federal Register 27274, dated June 28, 1989. Such requirements include permit terms and conditions which have been entered into voluntarily by a source under this rule and/or under Rule 220 (Non-Title V Permit Provisions) of these rules.

~~200.53~~ 200.52

FINAL PERMIT - The version of a permit issued by the Control Officer after completion of all review required by Maricopa County Air Pollution Control Regulations.

~~200.54~~ 200.53

FUEL OIL - Number 2 through Number 6 fuel oils as specified in ASTM D-396-90a (Specification For Fuel Oils), gas turbine fuel oils Numbers 2-GT through 4-GT as specified in ASTM D-2880-90a (Specification For Gas Turbine Fuel Oils), or diesel fuel oils Numbers 2-D and 4-D as specified in ASTM D-975-90a (Specification For Diesel Fuel Oils).

~~200.55~~ 200.54 **FUGITIVE EMISSION** - Any emission which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

~~200.56~~ 200.55 **INDIAN GOVERNING BODY** - The governing body of any tribe, band, or group of Indians subject to the jurisdiction of the United States and recognized by the United States as possessing power of self-government.

~~200.57~~ 200.56 **INDIAN RESERVATION** - Any federally recognized reservation established by Treaty, Agreement, Executive Order, or Act of Congress.

~~200.58~~ 200.57 **INSIGNIFICANT ACTIVITY** - For the purpose of this rule, an insignificant activity shall be any activity, process, or emissions unit that is not subject to a source-specific applicable requirement, that emits no more than 0.5 ton per year of hazardous air pollutants (HAPs) and no more than 2 tons per year of a regulated air pollutant, and that is either included in Appendix D (List of Insignificant Activities) of these rules or is approved as an insignificant activity under Rule 200 of these rules. Source-specific applicable requirements include requirements for which emissions unit-specific information is needed to determine applicability.

~~200.59~~ 200.58 **MAJOR MODIFICATION** - Any physical change or change in the method of operation of a major source that would result in a significant net emissions increase of any regulated air pollutant.

a. Any net emissions increase that is significant for VOCs shall be considered significant for ozone.

b. Any net emissions increase that is significant for oxides of nitrogen shall be considered significant for ozone nonattainment areas classified as marginal, moderate, serious, or severe.

c. For the purposes of this definition, the following shall not be considered a physical change or a change in the method of operation:

(1) Routine maintenance, repair, and replacement;

(2) Use of an alternative fuel or raw material by reason of an order under Sections 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974, 15 U.S.C. §792, or by reason of a natural gas curtailment plan under the Federal Power Act, 16 U.S.C. §792 - §25r;

- (3) Use of an alternative fuel by reason of an order or rule under Section 125 (Measures To Prevent Economic Disruption Or Unemployment) of the Act;
- (4) Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;
- (5) Use of an alternative fuel or raw material by a stationary source that either:
 - (a) The source was capable of accommodating before December 12, 1976, unless the change would be prohibited under any federally enforceable permit condition established after December 12, 1976, under 40 CFR 52.21, or under Rules 200, 210, 240, 245, and 270 of these rules; or
 - (b) The source is approved to use under any permit issued under 40 CFR 52.21, or under Rules 200, 210, 240, 245, and 270 of these rules;
- (6) An increase in the hours of operation or in the production rate, unless the change would be prohibited under any federally enforceable permit condition established after December 12, 1976, under 40 CFR 52.21, or under Rules 200, 210, 240, 245, and 270 of these rules;
- (7) Any change in ownership at a stationary source;
- (8) The addition, replacement, or use of a pollution control project at an existing electric utility steam generating unit, unless the Control Officer determines that the addition, replacement, or use renders the unit less environmentally beneficial, or except:
 - (a) When the Control Officer has reason to believe that the pollution control project would result in a significant net increase in representative actual annual emissions of any criteria pollutant over levels used for that source in the most recent Title I air quality impact analysis in the area, if any, and

- (b) The Control Officer determines that the increase will cause or contribute to a violation of any national ambient air quality standard, PSD increment, or visibility limitation;
- (9) The installation, operation, cessation, or removal of a temporary clean coal technology demonstration project, if the project complies with:
 - (a) The SIP; and
 - (b) Other requirements necessary to attain and maintain the national ambient air quality standards during the project and after it is terminated;
 - (10) For electric utility steam generating units located in attainment and unclassified areas only, the installation or operation of a permanent clean coal technology demonstration project that constitutes repowering, if the project does not result in an increase in the potential to emit of any regulated pollutant emitted by the unit. This exemption shall apply on a pollutant-by-pollutant basis; and
 - (11) For electric utility steam generating units located in attainment and unclassified areas only, the reactivation of a very clean coal-fired electric utility steam generating unit.

~~200.60~~ 200.59

MAJOR SOURCE -

- a. A major source as defined in Rule 240 of these rules;
- b. A major source under Section 112 (National Emission Standards For Hazardous Air Pollutants) of the Act:
 - (1) For pollutants other than radionuclides, any stationary source that emits or has the potential to emit, in the aggregate, including fugitive emissions, 10 tons per year (tpy) or more of any hazardous air pollutant which has been listed under Section 112(b) of the Act, 25 tpy or more of any combination of such hazardous air pollutants, or such lesser quantity as described in Title 18 (Environmental Quality), Chapter 2 (Department Of Environmental Quality Air Pollution Control), Article 11 (Federal Hazardous Air Pollutants) of the Arizona Administrative Code. Notwithstanding the preceding sentence, emissions from any oil or gas exploration

or production well (with its associated equipment) and emissions from any pipeline compressor or pump station shall not be aggregated with emissions from other similar units, whether or not such units are in a contiguous area or under common control, to determine whether such units or stations are major sources; or

(2) For radionuclides, major source shall have the meaning specified by the Administrator of EPA by rule.

c. A major stationary source, as defined in Section 302 (Definitions) of the Act, that directly emits or has the potential to emit 100 tpy or more of any air pollutant, including any major source of fugitive emissions of any such pollutant. The fugitive emissions of a stationary source shall not be considered in determining whether it is a major stationary source for the purpose of Section 302(j) of the Act, unless the source belongs to one of the following categories of stationary source:

Coal cleaning plants (with thermal dryers).

Kraft pulp mills.

Portland cement plants.

Primary zinc smelters.

Iron and steel mills.

Primary aluminum ore reduction plants.

Primary copper smelters.

Municipal incinerators capable of charging more than 50 tons of refuse per day.

Hydrofluoric, sulfuric, or nitric acid plants.

Petroleum refineries.

Lime plants.

Phosphate rock processing plants.

Coke oven batteries.

Sulfur recovery plants.

Carbon black plants (furnace process).

Primary lead smelters.

Fuel conversion plants.

Sintering plants.

Secondary metal production plants.

Chemical process plants.

Fossil-fuel boilers (or combination thereof) totaling more than 250 million BTU per hour heat input.

Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels.

Taconite ore processing plants.

Glass fiber processing plants.

Charcoal production plants.

Fossil fuel-fired steam electric plants of more than 250 million BTU per hour rated heat input.

Any other stationary source category which, as of August 7, 1980, is being regulated under Section 111 (Standards Of Performance For New Stationary Sources) of the Act or under Section 112 (National Emission Standards For Hazardous Air Pollutants) of the Act.

200.61 200.60

MAJOR SOURCE THRESHOLD – The lowest applicable emissions rate for a pollutant that would cause the source to be a major source, at the particular time and location, under Section ~~200.60~~ 200.59 (Definition Of Major Source) of this rule.

200.62

200.61 MALFUNCTION - Any sudden and unavoidable failure of air pollution control equipment, process, or process equipment to operate in a normal and usual manner. Failures that are caused by poor maintenance, careless operation, or any other upset condition or equipment breakdown which could have been prevented by the exercise of reasonable care shall not be considered malfunctions.

200.63 200.62 MATERIAL PERMIT CONDITION -

a. For the purposes of ARS §49-464(G) and ARS §49-514(G), a material permit condition shall mean a condition which satisfies all of the following:

- (1) The condition is in a permit or permit revision issued by the Control Officer or by the Director after the effective date of this rule.
- (2) The condition is identified within the permit as a material permit condition.
- (3) The condition is one of the following:

- (a) An enforceable emission standard imposed to avoid classification as a major modification or major source or to avoid triggering any other applicable requirement.
- (b) A requirement to install, operate, or maintain a maximum achievable control technology or hazardous air pollutant reasonably available control technology required under the requirements of ARS §49-426.06.
- (c) A requirement for the installation or certification of a monitoring device.
- (d) A requirement for the installation of air pollution control equipment.
- (e) A requirement for the operation of air pollution control equipment.
- (f) An opacity standard required by Section 111 (Standards Of Performance For New Stationary Sources) of the Act or Title I (Air Pollution Prevention And Control), Part C or D, of the Act.

(4) Violation of the condition is not covered by Subsections (A) through (F) or (H) through (J) of ARS §49-464 or Subsections (A) through (F) or (H) through (J) of ARS §49-514.

b. For the purposes of ~~subsections 200.63(a)(3)(e), Sections 200.62(a)(3)(c),~~ (d), and (e) of this rule, a permit condition shall not be material where the failure to comply resulted from circumstances which were outside the control of the source.

~~200.64~~ 200.63 **METHOD OF OPERATION** - The definition of method of operation is included in Section 200.71 (Definition Of Operation) of this rule.

~~200.65~~ 200.64 **MODIFICATION** - A physical change in or a change in the method of operation of a source which increases the actual emissions of any regulated air pollutant emitted by such source by more than any relevant de minimis amount, or which results in the emission of any regulated air pollutant not previously emitted by more than such de minimis amount.

~~200.66~~ 200.65 **NET EMISSIONS INCREASE** -

- a. The amount by which the sum of ~~subsection 200.66(a)(1)~~ Section 200.65(a)(1) and ~~subsection 200.66(a)(2)~~ Section 200.65(a)(2) below exceed zero:
- (1) Any increase in actual emissions from a particular physical change or change in the method of operation at a stationary source; and
 - (2) Any other increases and decreases in actual emissions at the source that are contemporaneous with the particular change and are otherwise creditable.
- b. An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs between:
- (1) The date 5 years before construction on the particular change commences; and
 - (2) The date that the increase from the particular change occurs.
- c. An increase or decrease in actual emissions is creditable only if the Control Officer has not relied on it in issuing a permit, which is in effect when the increase in actual emissions from the particular change occurs. In addition, in nonattainment areas, a decrease in actual emissions shall be considered in determining net emissions increase due to modifications only if the State has not relied on it in demonstrating attainment or reasonable further progress.
- d. An increase or decrease in actual emissions of sulfur dioxide, nitrogen oxides, or particulate matter which occurs before the applicable baseline date, as described in Rule 500 of these rules, is creditable only if it is required to be considered in calculating the amount of maximum allowable increases remaining available.
- e. An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.
- f. A decrease in actual emissions is creditable only to the extent that:
- (1) The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;

- (2) The emissions unit was actually operated and emitted the specific pollutant;
- (3) It is federally enforceable at and after the time that actual construction on the particular change begins; and
- (4) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change.

g. An increase that results from a physical change at a source occurs when the emissions unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed 180 days.

~~200.67~~ **200.66 NEW SOURCE** - Any source that is not an existing source.

200.67 NITROGEN OXIDES (NO_x) - All oxides of nitrogen except nitrous oxide, as measured by test methods set forth in the Appendices to 40 CFR 60.

200.68 NONATTAINMENT AREA - An area so designated by the Administrator of EPA, acting under Section 107 (Air Quality Control Regions) of the Act, as exceeding national primary or secondary ambient air standards for a particular pollutant or pollutants.

200.69 NON-PRECURSOR ORGANIC COMPOUND - ~~Any of the following organic compounds that have been designated by EPA as having negligible photo-chemical reactivity:~~

a. Any of the following organic compounds that have been designated by EPA as having negligible photo-chemical reactivity:

- 67-64-1 Acetone;
- 74-82-8 Methane;
- 74-84-0 Ethane;
- 75-09-2 Methylene chloride (dichloromethane);
- 71-55-6 1,1,1-trichloroethane (methyl chloroform);
- 75-69-4 Trichlorofluoromethane (CFC-11);
- 75-71-8 Dichlorodifluoromethane (CFC-12);
- 75-45-6 Chlorodifluoromethane (HCFC-22);
- 76-13-1 1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113);
- 76-14-2 1,2-dichloro-1,1,2,2-tetrafluoroethane (CFC-114);
- 76-15-3 Chloropentafluoroethane (CFC-115);

75-46-7	Trifluoromethane (HFC-23);
306-83-2	1,1,1-trifluoro 2,2-dichloroethane (HCFC-123);
2837-89-0	2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124);
1717-00-6	1,1-dichloro-1-fluoroethane (HCFC-141b);
75-68-3	1-chloro-1,1-difluoroethane (HCFC-142b);
354-33-6	Pentafluoroethane (HFC-125);
354-25-6	1,1,2,2-tetrafluoroethane (HFC-134);
811-97-2	1,1,1,2-tetrafluoroethane (HFC-134a);
420-46-2	1,1,1-trifluoroethane (HFC-143a);
75-37-6	1,1-difluoroethane (HFC-152a);
98-56-6	Parachlorobenzotrifluoride (PCBTF);
127-18-4	Perchloroethylene (tetrachloroethylene);
422-56-0	3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca);
507-55-1	1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb);
	1,1,1,2,3,4,4,5,5-decafluoropentane (HFC 43-10mee);
75-10-5	Difluoromethane (HFC-32);
353-36-6	Ethylfluoride (HFC-161);
690-39-1	1,1,1,3,3,3-hexafluoropropane (HFC-236fa);
678-86-7	1,1,2,2,3-pentafluoropropane (HFC-245ca);
460-73-1	1,1,2,3,3-pentafluoropropane (HFC-245ea);
431-31-2	1,1,1,2,3-pentafluoropropane (HFC-245eb);
	1,1,1,3,3-pentafluoropropane (HFC-245fa);
431-63-0	1,1,1,2,3,3-hexafluoropropane (HFC-236ea);
	1,1,1,3,3-pentafluorobutane (HFC-365mfc);
593-70-4	Chlorofluoromethane (HCFC-31);
1615-75-4	1-chloro-1-fluoroethane (HCFC-151a);
354-23-4	1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a);
<u>163702-07-6</u>	1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane (C ₄ F ₉ OCH ₃) (HFE-7100);
	2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane (CF ₃) ₂ CF ₂ OCH ₃);
<u>163702-05-4</u>	1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane (C ₄ F ₉ OC ₂ H ₅) (HFE-7200);
	2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane (CF ₃) ₂ CF ₂ OC ₂ H ₅);
79-20-9	methyl acetate;
	cyclic, branched, or linear completely methylated siloxanes;

<u>375-03-1</u>	<u>1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane (n-C₃F₇OCH₃, HFE-7000);</u>
<u>297730-93-9</u>	<u>3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane (HFE-7500);</u>
<u>431-89-0</u>	<u>1,1,1,2,3,3,3-heptafluoropropane (HFC 227ea);</u>
<u>107-31-3</u>	<u>methyl formate (HCOOCH₃);</u>

And perfluorocarbon compounds that fall into these classes:

Cyclic, branched, or linear, completely fluorinated alkanes;

Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;

Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and

Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

- b.** The following compound(s) are VOC for purposes of all recordkeeping, emissions reporting, photochemical dispersion modeling and inventory requirements which apply to VOC and shall be uniquely identified in emission reports, but are not VOC for purposes of VOC emissions limitations or VOC content requirements: t-butyl acetate (540-88-5).

- 200.70 OPEN OUTDOOR FIRE** - Any combustion of material of any type outdoors, where the products of combustion are not directed through a flue.
- 200.71 OPERATION** - Any physical action resulting in a change in the location, form, or physical properties of a material, or any chemical action resulting in a change in the chemical composition or properties of a material.
- 200.72 ORGANIC COMPOUND** - Any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate.
- 200.73 ORGANIC LIQUID** - Any organic compound which exists as a liquid under any actual conditions of use, transport, or storage.
- 200.74 OWNER AND/OR OPERATOR** - Any person who owns, leases, operates, controls, or supervises an affected facility or a stationary source of which an affected facility is a part.

- 200.75 PARTICULATE MATTER** - Any material, except condensed water containing no more than analytical trace amounts of other chemical elements or compounds, which has a nominal aerodynamic diameter smaller than 100 microns (micrometers), and which exists in a finely divided form as a liquid or solid at actual conditions.
- 200.76 PERMITTING AUTHORITY** - The department or a County department or agency that is charged with enforcing a permit program adopted under ARS §49-480, Subsection A.
- 200.77 PERSON** - Any individual, public or private corporation, company, partnership, firm, association or society of persons, the Federal Government and any of its departments or agencies, or the State and any of its agencies, departments or political subdivisions.
- 200.78 PHYSICAL CHANGE** - Any replacement, addition, or alteration of equipment that is not already allowed under the terms of the source's permit.
- 200.79** "PM_{2.5}" - Particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 microns (micrometers), as measured by the applicable State and Federal Reference Test Methods.
- ~~200.79~~ **200.80** PM₁₀ - Particulate matter with a ~~nominal~~ an aerodynamic diameter ~~smaller~~ less than or equal to a nominal 10 microns (micrometers), as measured by the applicable State and Federal Reference Test Methods.
- ~~200.80~~ **200.81** POLLUTANT - An air contaminant the emissions or ambient concentration of which is regulated under these rules.
- ~~200.81~~ **200.82** POLLUTION CONTROL PROJECT - Any activity or project undertaken at an existing electric utility steam generating unit to reduce emissions from the unit. The activities or projects are limited to:
- a. The installation of conventional or innovative pollution control technology, including but not limited to advanced flue gas desulfurization, sorbent injection for sulfur dioxide and nitrogen oxides controls, and electrostatic precipitators;
 - b. An activity or project to accommodate switching to a fuel less polluting than the fuel used before the activity or project, including but not limited to natural gas or coal reburning, or the co-firing of natural gas and other fuels for the purpose of controlling emissions;

- c. A permanent clean coal technology demonstration project, conducted under Title II, Section 101(d) of the Further Continuing Appropriation Act of 1985 (42 U.S.C. 5903(d)) or subsequent appropriations up to a total amount of \$2,500,000,000 for commercial demonstration of clean coal technology, or similar projects funded through appropriations for the EPA; or
- d. A permanent clean coal technology demonstration project that constitutes a repowering project.

~~200.82~~ 200.83 **PORTABLE SOURCE** – Any stationary source that is capable of being transported and operated in more than one county of this state.

~~200.83~~ 200.84 **POTENTIAL TO EMIT** - The maximum capacity of a stationary source to emit pollutants, excluding secondary emissions, under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design, if the limitation or the effect it would have on emissions is federally enforceable.

~~200.84~~ 200.85 **PROPOSED PERMIT** - The version of a permit for which the Control Officer offers public participation under Rule 210 (Title V Permit Provisions) of these rules or offers affected State review under Rule 210 (Title V Permit Provisions) of these rules.

~~200.85~~ 200.86 **PROPOSED FINAL PERMIT** - The version of a Title V permit that the Control Officer proposes to issue and forwards to the Administrator of EPA for review, in compliance with Rule 210 (Title V Permit Provisions) of these rules.

~~200.86~~ 200.87 **QUANTIFIABLE** - With respect to emissions, including the emissions involved in equivalent emission limits and emission trades, capable of being measured or otherwise determined in terms of quantity and assessed in terms of character. Quantification may be based on emission factors, stack tests, monitored values, operating rates and averaging times, materials used in a process or production, modeling, or other reasonable measurement practices.

~~200.87~~ 200.88 **REACTIVATION OF A VERY CLEAN COAL-FIRED ELECTRIC UTILITY STEAM GENERATING UNIT** - Any physical change or change in the method of operation, associated with commencing commercial operations by a coal-fired utility unit after a period of discontinued operation, if the unit:

- a. Has not been in operation for the 2-year period before enactment of the Clean Air Act Amendments of 1990 and the emissions from the unit continue to be carried in the Maricopa County emissions inventory at the time of enactment;
- b. Was equipped before shutdown with a continuous system of emissions control that achieves a removal efficiency for sulfur dioxide of no less than 85% and a removal efficiency for particulates of no less than 98%;
- c. Is equipped with low nitrogen oxides (NO_x) burners before commencement of operations following reactivation; and
- d. Is otherwise in compliance with the Act.

200.88 **200.89** **REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT)** - For facilities subject to Regulation III (Control Of Air Contaminants) of these rules, the emissions limitation of the existing source performance standard. For facilities not subject to Regulation III (Control Of Air Contaminants) of these rules, the lowest emission limitation that a particular source is capable of achieving by the application of control technology that is reasonably available considering technological and economic feasibility. Such technology may previously have been applied to a similar, but not necessarily identical, source category. RACT for a particular facility, other than a facility subject to Regulation III (Control Of Air Contaminants) of these rules, is determined on a case-by-case basis, considering the technological feasibility and cost-effectiveness of the application of the control technology to the source category.

200.89 **200.90** **REFERENCE METHOD** - Any of the methods of sampling and analyzing for an air pollutant as described in the Arizona Testing Manual for Air Pollutant Emissions; 40 CFR 50, Appendices A through K L; 40 CFR 52, Appendices D and E; 40 CFR 60, Appendices A through F; and 40 CFR 61, Appendices B and C.

200.90 **200.91** **REGULATED AIR POLLUTANT** - Any of the following:

- a. Any conventional air pollutant as defined in ARS §49-401.01, which means any pollutant for which the Administrator of EPA has promulgated a primary or a secondary national ambient air quality standard (NAAQS) (i.e., for carbon monoxide (CO), nitrogen oxides (NO_x), lead, sulfur oxides (SO_x) measured as sulfur dioxides (SO₂), ozone, and particulates).

- b. Nitrogen oxides (NO_x) and volatile organic compounds (VOCs).
- c. Any air contaminant that is subject to a standard contained in Rule 360 (New Source Performance Standards) of these rules or promulgated under Section 111 (Standards Of Performance For New Stationary Sources) of the Act.
- d. Any hazardous air pollutant (HAP) as defined in ARS §49-401.01 or listed in Section 112(b) (Hazardous Air Pollutants; List Of Pollutants) of the Act.
- e. Any Class I or II substance listed in Section 602 (Stratospheric Ozone Protection; Listing Of Class I And Class II Substances) of the Act.

~~200.91~~ 200.92 **REGULATORY REQUIREMENTS** - All applicable requirements, ~~Division~~ Department rules, and all State requirements pertaining to the regulation of air contaminants.

~~200.92~~ 200.93 **REPLICABLE** - With respect to methods or procedures sufficiently unambiguous such that the same or equivalent results would be obtained by the application of the method or procedure by different users.

~~200.93~~ 200.94 **REPOWERING** - The Control Officer shall give expedited consideration to permit applications for any source that satisfies the following criteria and that is granted an extension under Section 409 (Repowered Sources) of the Act:

- a. Repowering means replacing an existing coal-fired boiler with one of the following clean coal technologies:
 - (1) Atmospheric or pressurized fluidized bed combustion;
 - (2) Integrated gasification combined cycle;
 - (3) Magnetohydrodynamics;
 - (4) Direct and indirect coal-fired turbines;
 - (5) Integrated gasification fuel cells; or

- (6) As determined by the Administrator of EPA, in consultation with the United States Secretary of Energy, a derivative of one or more of the above listed technologies; and
- (7) Any other technology capable of controlling multiple combustion emissions simultaneously with improved boiler or generation efficiency and with significantly greater waste reduction relative to the performance of technology in widespread commercial use as of November 15, 1990.

b. Repowering also includes any oil, gas, or oil and gas-fired units which have been awarded clean coal technology demonstration funding as of January 1, 1991 by the United States Department of Energy.

200.94 **200.95** **REPRESENTATIVE ACTUAL ANNUAL EMISSIONS** - The average rate, in tons per year, at which the source is projected to emit a pollutant for the 2-year period after a physical change or change in the method of operation of a unit (or a different consecutive 2-year within 10 years after that change, if the Control Officer determines that the different period is more representative of source operations), considering the effect the change will have on increasing or decreasing the hourly emission rate and on projected capacity utilization. In projecting future emissions, the Control Officer shall:

- a. Consider all relevant information, including but not limited to historical operational data, the company's representations, filings with the Maricopa County, State or Federal regulatory authorities, and compliance plans under Title IV (Acid Deposition Control) of the Act; and
- b. Exclude, in calculating any increase in emissions that result from the particular physical change or change in the method of operation at an electric utility steam generating unit, that portion of the unit's emissions, following the change, that could have been accommodated during the representative baseline period and that is attributable to an increase in projected capacity utilization at the unit unrelated to the particular change, including any increased utilization due to the rate of electricity demand growth for the utility system as a whole.

200.95 **200.96** **RESPONSIBLE OFFICIAL** - One of the following:

- a. For a corporation: A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either;
 - (1) The sources employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or
 - (2) The delegation of authority to such representatives is approved in advance by the permitting authority;
- b. For a partnership or sole proprietorship: A general partner or the proprietor, respectively;
- c. For a municipality, State, Federal, or other public agency: Either a principal executive officer or ranking elected official. For the purposes of this rule, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of EPA); or
- d. For affected sources:
 - (1) The designated representative insofar as actions, standards, requirements, or prohibitions under Title IV (Acid Deposition Control) of the Act or the regulations promulgated thereunder are concerned; and
 - (2) The designated representative for any other purposes under 40 CFR, Part 70.

200.96 200.97 SCHEDULED MAINTENANCE - Preventive maintenance undertaken in order to avoid a potential breakdown or upset of air pollution control equipment.

200.97 200.98 SIGNIFICANT -

- a. In reference to a net emissions increase or the potential of a source to emit any of the following pollutants, a rate of emissions that would equal or exceed any one of the following rates:

<u>Pollutant</u>	<u>Emissions Rate (TPY)</u>
Carbon Monoxide	100
Nitrogen Oxides	40
Sulfur Dioxide	40
Particulate Matter	25
PM ₁₀	15
VOC	40
Lead	0.6
Fluorides	3
Sulfuric Acid Mist	7
Hydrogen Sulfide (H ₂ S)	10
Total Reduced Sulfur (including hydrogen sulfide)	10
Reduced Sulfur Compounds (including hydrogen sulfide)	10
Municipal waste combustor organics (measured as total tetra-through- octa-chlorinated; dibenzo-p-dioxins and dibenzofurans)	3.5 x 10 ⁻⁶
Municipal waste combustor metals (measured as particulate matter)	15
Municipal waste combustor acid gases (measured as sulfur dioxide and hydrogen chloride)	40
Municipal solid waste landfill emissions (measured as nonmethane organic compounds)	50

- b.** In ozone nonattainment areas classified as serious or severe, significant emissions of VOC shall be determined under Rule 240 (Permit Requirements For New Major Sources And Major Modifications To Existing Major Sources) of these rules.
- c.** In reference to a regulated air pollutant that is not listed in ~~subsection 200.97(a)~~ Section 200.98(a) of this rule, is not a Class I nor a Class II substance listed in Section 602 (Listing Of Class I And Class II Substances) of the Act, and is not a hazardous air pollutant according to ARS ~~§49-401.01(14)~~ §49-401.01(16), any emissions rate.

- d. Notwithstanding the emission amount listed in ~~subsection 200.97(a)~~ Section 200.98(a) of this rule, any emissions rate or any net emissions increase associated with a major source or major modification, which would be constructed within 10 kilometers (6.2 miles) of a Class I area and which would have an impact on the ambient air quality of such area equal to or greater than 1 microgram/cubic meter (mg/m³) (24-hour average).

~~200.98~~ 200.99 **SOLVENT-BORNE COATING MATERIAL** - Any liquid coating-material in which the solvent is primarily or solely a VOC. For the purposes of this definition, "primarily" means that of the total solvent mass that evaporates from the coating, the VOC portion weighs more than the non-VOC portion.

~~200.99~~ 200.100 **SOURCE** - Any building, structure, facility, or installation that may cause or contribute to air pollution.

~~200.100~~ 200.101 **SPECIAL INSPECTION WARRANT** - An order, in writing, issued in the name of the State of Arizona, signed by a magistrate, directed to the Control Officer or his deputies authorizing him to enter into or upon public or private property for the purpose of making an inspection authorized by law.

~~200.101~~ 200.102 **STANDARD CONDITIONS** - ~~A gas temperature of 60 degrees Fahrenheit (°F) and a gas pressure of 14.7 pounds per square inch absolute (psia).~~ A temperature of 293K (68 degrees Fahrenheit or 20 degrees Celsius) and a pressure of 101.3 kilopascals (29.92 in. Hg or 1013.25 mb). When applicable, all analyses and tests shall be calculated and reported at standard gas temperatures and pressure values.

~~200.102~~ 200.103 **STATE IMPLEMENTATION PLAN (SIP)** - The plan adopted by the State of Arizona which provides for implementation, maintenance, and enforcement of such primary and secondary ambient air quality standards as are adopted by the Administrator of EPA under the Act.

~~200.103~~ 200.104 **STATIONARY SOURCE** - Any source that operates at a fixed location and that emits or generates regulated air pollutants.

~~200.104~~ 200.105 **SYNTHETIC MINOR** - Any source whose maximum capacity to emit a pollutant under its physical and operational design would exceed the major source threshold levels but is restricted by an enforceable emissions limitation that prevents such source from exceeding major source threshold levels.

~~200.105~~ **200.106** **TEMPORARY CLEAN COAL TECHNOLOGY DEMONSTRATION PROJECT** - A clean coal technology demonstration project operated for 5 years or less and that complies with the SIP and other requirements necessary to attain and maintain the national ambient air quality standards during the project and after the project is terminated.

~~200.106~~ **200.107** **TITLE V** - Title V of the Federal Clean Air Act as amended in 1990 and the 40 CFR Part 70 EPA regulations adopted to implement the Act.

200.108 **TOTAL REDUCED SULFUR (TRS)** - The sum of the sulfur compounds, primarily hydrogen sulfide, methyl mercaptan, dimethyl sulfide, and dimethyl disulfide, that are released during kraft pulping and other operations and measured by Method 16 in 40 CFR 60, Appendix A.

~~200.107~~ **200.109** **TRADE SECRETS** - Information to which all of the following apply:

- a. A person has taken reasonable measures to protect from disclosure and the person intends to continue to take such measures.
- b. The information is not, and has not been, reasonably obtainable without the person's consent by other persons, other than governmental bodies, by use of legitimate means, other than discovery based on a showing of special need in a judicial or quasi-judicial proceeding.
- c. No statute, including ARS §49-487, specifically requires disclosure of the information to the public.
- d. The person has satisfactorily shown that disclosure of the information is likely to cause substantial harm to the business's competitive position.

~~200.108~~ **200.110** **TRIVIAL ACTIVITY** - For the purpose of this rule, a trivial activity shall be any activity, process, or emissions unit that, in addition to meeting the criteria for insignificant activity, has extremely low emissions. No activity, process, or emissions unit that is conducted as part of a manufacturing process or is related to the source's primary business activity shall be considered trivial. Trivial activities are listed in Appendix E of these rules and may be omitted from Title V permit applications and from Non-Title V permit applications.

~~200.109~~ **200.111 UNCLASSIFIED AREA** - An area which the Administrator of EPA, because of lack of adequate data, is unable to classify as an attainment or nonattainment area for a specific pollutant. For purposes of these rules, unclassified areas are to be treated as attainment areas.

~~200.110~~ **200.112 VOLATILE ORGANIC COMPOUND (VOC)** - Any organic compound which participates in atmospheric photochemical reactions, except the non-precursor organic compounds.

SECTION 300 - STANDARDS

301 AIR POLLUTION PROHIBITED: No person shall discharge from any source whatever into the atmosphere regulated air pollutants which exceed in quantity or concentration that specified and allowed in these rules, the Arizona Administrative Code or ARS, or which cause damage to property, or unreasonably interfere with the comfortable enjoyment of life or property of a substantial part of a community, or obscure visibility, or which in any way degrade the quality of the ambient air below the standards established by the Board of Supervisors or the Director.

302 APPLICABILITY OF MULTIPLE RULES: Whenever more than one standard in this rule applies to any source or whenever a standard in this rule and a standard in the Maricopa County Air Pollution Control Regulations Regulation III (Control Of Air Contaminants) applies to any source, the rule or combination of rules resulting in the lowest rate or lowest concentration of regulated air pollutants released to the atmosphere shall apply, unless otherwise specifically exempted or designated.

SECTION 400 - ADMINISTRATIVE REQUIREMENTS

401 CERTIFICATION OF TRUTH, ACCURACY, AND COMPLETENESS: Any application form or report submitted under these rules shall contain certification by a responsible official of truth, accuracy, and completeness of the application form or report as of the time of submittal. This certification and any other certification required under these rules shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

402 CONFIDENTIALITY OF INFORMATION:

402.1 The Control Officer shall make all permits, including all elements required to be in the permit under Rule 210 (Title V Permit Provisions) of these rules and Rule 220 (Non-Title V Permit Provisions) of these rules, available to the public.

402.2 Any records, reports, or information obtained from any person under these rules shall be available to the public, unless the Control Officer has notified the person in writing as specified in ~~subsection~~ Section 402.3 of this rule and unless a person:

- a. Precisely identifies the information in the permit(s), records, or reports, which is considered confidential.
- b. Provides sufficient supporting information to allow the Control Officer to evaluate whether such information satisfies the requirements related to trade secrets as defined in Section ~~200.107~~ 200.109 of this rule.

402.3 Within 30 days of receipt of a notice of confidentiality that complies with ~~subsection~~ Section 402.2 of this rule, the Control Officer shall make a determination as to whether the information satisfies the requirements for trade secrets as described in Section ~~200.107~~ 200.109 of this rule and so notify the applicant in writing. If the Control Officer agrees with the applicant that the information covered by the notice of confidentiality satisfies the statutory requirements, the Control Officer shall include a notice in the administrative record of the permit application that certain information has been considered confidential.

402.4 A claim of confidentiality shall not excuse a person from providing any and all information required or requested by the Control Officer.

402.5 A claim of confidentiality shall not be a defense for failure to provide such information.

SECTION 500 - MONITORING AND RECORDS

501 REPORTING REQUIREMENTS: The owner and/or operator of any air pollution source shall maintain records of all emissions testing and monitoring, records detailing all malfunctions which may cause any applicable emission limitation to be exceeded, records detailing the implementation of approved control plans and compliance schedules, records required as a condition of any permit, records of materials used or produced, and any other records relating to the emission of air contaminants which may be requested by the Control Officer.

502 DATA REPORTING: When requested by the Control Officer, a person shall furnish to the Division Department information to locate and classify air contaminant sources according to type, level, duration, frequency, and other characteristics of emissions and such other information as may be necessary. This information shall be sufficient to evaluate the effect on air quality and compliance

with these rules. The owner and/or operator of a source requested to submit information under Section 501 of this rule may subsequently be required to submit annually, or at such intervals specified by the Control Officer, reports detailing any changes in the nature of the source since the previous report and the total annual quantities of materials used or air contaminants emitted.

503 EMISSION STATEMENTS REQUIRED AS STATED IN THE ACT: Upon request of the Control Officer and as directed by the Control Officer, the owner and/or operator of any source which emits or may emit oxides of nitrogen (NO_x) or volatile organic compounds (VOC) shall provide the Control Officer with an emission statement, in such form as the Control Officer prescribes, showing measured actual emissions or estimated actual emissions of NO_x and VOC from that source. At a minimum, the emission statement shall contain all information ~~contained in the "Guidance on Emission Statements" document as described in the AIRS Fixed Format Report (AFP 644) required by the Consolidated Emissions Reporting Rule in 40 CFR 51, Subpart A, Appendix A, Table 2A, which is incorporated by reference in Appendix G.~~ The statement shall contain emissions for the time period specified by the Control Officer. The statement shall also contain a certification by a responsible official of the company that the information contained in the statement is accurate to the best knowledge of the individual certifying the statement. ~~The first statement will cover 1992 emissions and shall be submitted to the Division by April 30, 1993.~~ Statements shall be submitted annually ~~thereafter~~ to the Department. The Control Officer may waive this requirement for the owner and/or operator of any source which emits less than 25 tons per year of oxides of nitrogen or volatile organic compounds with an approved emission inventory for sources based on AP-42 or other methodologies approved by the Administrator of EPA.

504 RETENTION OF RECORDS: Information and records required by applicable requirements and copies of summarizing reports recorded by the owner and/or operator and submitted to the Control Officer shall be retained by the owner and/or operator for 5 years after the date on which the information is recorded or the report is submitted. Non-Title V sources may retain such information, records, and reports for less than 5 years, if otherwise allowed by these rules.

505 ANNUAL EMISSIONS INVENTORY REPORT:

505.1 Upon request of the Control Officer and as directed by the Control Officer, the owner and/or operator of a business shall complete and shall submit to the Control Officer an annual emissions inventory report. The report is due by April 30, or 90 days after the Control Officer makes the inventory form(s) available, whichever occurs later. These requirements apply whether or not a permit has been issued and whether or not a permit application has been filed.

505.2 The annual emissions inventory report shall be in the format provided by the Control Officer.

506.3 The Control Officer may require submittal of supplemental emissions inventory information forms for air contaminants under ARS §49-476.01, ARS §49-480.03, and ARS §49-480.04.

Adopted 03/15/06

APPENDIX G

Incorporated Materials

1. The following test methods and protocols located in Title 40, Code of Federal Regulations (CFR) are approved for use as directed by the Department under the Maricopa County Air Pollution Control Rules and Regulations. These standards are incorporated by reference revised as of July 1, 2004, and no future editions or amendments.

- a. 40 CFR 50;
- b. 40 CFR 50, Appendices A through N;
- c. 40 CFR 51, Appendix M, Appendix S, Section IV, and Appendix W;
- d. 40 CFR 52, Appendices D and E;
- e. 40 CFR 53;
- f. 40 CFR 58;
- g. 40 CFR 58, all appendices;
- h. 40 CFR 60, all appendices;
- i. 40 CFR 61, all appendices;
- j. 40 CFR 63, all appendices;
- k. 40 CFR 75, all appendices.

2. The following documents are incorporated by reference and are approved for use as directed by the Department under the Maricopa County Air Pollution Control Rules and Regulations. These documents are incorporated by reference as of the year specified below, and no future editions or amendments.

- a. The Arizona Department of Environmental Quality's (ADEQ) "Arizona Testing Manual for Air Pollutant Emissions," amended as of March 1992, and no future editions or amendments.
- b. All American Society for Testing and Materials (ASTM) test methods referenced in the Maricopa County Air Pollution Control Rules and Regulations as of the year specified in the reference, and no future editions or amendments.

- c. The U.S. Government Printing Office's "Standard Industrial Classification Manual, 1987", and no future editions or amendments.
 - d. EPA Publication No. AP-42, 1995, "Compilation of Air Pollutant Emission Factors," Volume I: Stationary Point and Area Sources, Fifth Edition, including Supplements A, B, C, D, E, F, and Updates 2001, 2002, 2003, and 2004 and no future editions.
 - e. EPA guidance document "Guidelines for Determining Capture Efficiency", January 9, 1995, and no future editions or amendments.
 - f. 2002 US NAICS Manual, "North American Industry Classification System - United States", National Technical Information Service, US Census Bureau, 2002, and no future editions or amendments.
3. The following federal regulations located in Title 40, Code of Federal Regulations (CFR) are approved for use as directed by the Department under the Maricopa County Air Pollution Control Rules and Regulations. These standards are incorporated by reference revised as of July 1, 2004, and no future editions or amendments.
- a. The Consolidated Emissions Reporting Rule in 40 CFR 51, Subpart A, Appendix A, Table 2A.
 - b. 40 CFR 75

Availability of Information: Copies of these standards are on file with the Department and are available at 1001 N. Central Avenue, Suite 695, Phoenix, Arizona, 85004, or call (602) 506-6010 for information.

Appendix 3

**NOTICE OF PUBLIC HEARING
FOR MARICOPA COUNTY AIR POLLUTION CONTROL REGULATIONS
AND STATE IMPLEMENTATION PLAN (SIP) REVISIONS**

Notice is hereby given that the Maricopa County Board Of Supervisors will conduct a public hearing on March 15, 2006 at 9:00 AM on proposed revisions to the Maricopa County Air Pollution Control Regulations RULE 100 (GENERAL PROVISIONS AND DEFINITIONS) and the adoption of new APPENDIX G (INCORPORATED MATERIALS), and to solicit comments on the submittal of the rule as a revision to the (Arizona) State Implementation Plan (SIP). The Board will also conduct a public hearing on March 15, 2006 at 9:00 AM on proposed revisions to the Maricopa County Air Pollution Control Regulations RULE 317 (HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS), RULE 321 (MUNICIPAL SOLID WASTE LANDFILLS), RULE 360 (NEW SOURCE PERFORMANCE STANDARDS), RULE 370 (FEDERAL HAZARDOUS AIR POLLUTANT PROGRAM), and RULE 371 (ACID RAIN). The Public Hearings will be held at the Maricopa County Board of Supervisors' Auditorium, 205 West Jefferson Street, Phoenix, Arizona. Call 602-506-0169 for current information. Copies of the final draft rule will be available at least 30 days prior to the hearing for public inspection at the offices of the Maricopa County Air Quality Department, 1001 N. Central Ave. #695, Phoenix, AZ., 85004, phone 602-506-3476, and on the internet at <http://www.maricopa.gov/aq>. A sign language interpreter, alternative format materials, or assistive listening devices will be made available upon request with 72 hours notice. Additional reasonable accommodations will be made available to the extent possible within the time frame of the request. Requests should be made to 602-506-3476 or TDD 602-506-2000.

PUBLISH FEBRUARY... AND FEBRUARY..., 2006.

Appendix 4

THE RECORD REPORTER

- SINCE 1914 -

1505 N CENTRAL AVE #200, PHOENIX, AZ 85004-1725
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1001 N. CENTRAL AVE., RM. 200
PHOENIX, AZ - 85004-1942

RR# 924726

NOTICE OF PUBLIC HEARING FOR MARICOPA COUNTY AIR POLLUTION CONTROL REGULATIONS AND STATE IMPLEMENTATION PLAN (SIP) REVISIONS notice is hereby given that the Maricopa County Board of Supervisors will conduct a public hearing on March 15, 2006 at 9:00 AM on proposed revisions to the Maricopa County Air Pollution Control Regulations (RULE 100 GENERAL PROCEDURES AND DEFINITIONS) and the adoption of new APPENDIX G (INCORPORATED MATERIALS), and to public comments on the accuracy of the SIP as a relation to the following State Implementation Plan (SIP). The Board will also conduct a public hearing on March 15, 2006 at 8:00 AM on proposed revisions to the Maricopa County Air Pollution Control Regulations (RULE 311 HOSPITAL AND OUTPATIENT CLINICAL WASTE INCINERATORS, RULE 320 HOSPITAL AND NURSING HOME WASTE, RULE 303 NEW SOURCE PERFORMANCE STANDARDS, RULE 310 FEDERAL REGULATIONS AND RULE 371 (AOD) RULES. The Public Hearings will be held at the Maricopa County Board of Supervisors' Auditorium, 225 West Jefferson Street, Phoenix, Arizona, DR# 820-028-01-01 for general information. Copies of the SIP that can be reviewed at least 60 days prior to the hearing for public inspection at the office of the Maricopa County Air Quality Department, 1001 N. Central Ave. 400, Phoenix, AZ, 85004, phone 602-506-2024, and at the National Air Pollution Assessment Agency, 4155 North Central Expressway, Suite 1000, Phoenix, AZ 85018. Additional information regarding the SIP is available upon request with 72 hours notice. Additional information accommodations will be made available to the extent possible within the time frame of the notice. Requests should be made to 602-506-2024 or 1-800-852-5200.

AFFIDAVIT OF PUBLICATION

Reference #: MCHRG - NOTICE OF HEARING
Notice Type: MCHRG - NOTICE OF HEARING
Ad Description: STATE IMPLEMENTATION PLAN (SIP) REVISIONS

I, Diane Heuel, am authorized by the publisher as agent to make this affidavit. Under oath, I state that the following is true and correct.

THE RECORD REPORTER is a newspaper of general circulation published Monday, Wednesday and Friday except legal holidays, in the County of Maricopa, State of Arizona. The copy hereto attached is a true copy of the advertisement as published on the following dates:

02/08/2006, 02/15/2006

Diane Heuel

Subscribed and sworn to before me on the 15th day of February, 2006

Margaret Finerty



MARGARET FINERTY
Notary Public - Arizona
Maricopa County
Expires 08/15/08

Appendix 5

COUNTY OF MARICOPA

State of Arizona

Office of the Clerk

Board of Supervisors

State of Arizona)
County of Maricopa)

I, Lori Pacini, Deputy Clerk of the Board of Supervisors, do hereby certify that the following is a true and correct statement of the agenda item and the action taken by the Board of Supervisors at their meeting held on March 15, 2006:

PUBLIC HEARING MARICOPA COUNTY AIR POLLUTION CONTROL REGULATION RULE 100

Chairman Stapley called for a public hearing to solicit comments on proposed revisions to Maricopa County Air Pollution Control Regulation Rule 100 (General Provisions and Definitions), and new Appendix G (Incorporated Materials) and on submitting the rule as a revision to the (Arizona) State Implementation Plan (SIP).

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (3-0-2) to adopt the proposed revisions to Maricopa County Air Pollution Control Regulations Rule 100 and new Appendix G, and to submit the rule as a revision to the (Arizona) State Implementation Plan. (C8508017000) (ADM2354)



File

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of the County of Maricopa. Done at Phoenix, the County Seat, on April 13, 2006.

Lori Pacini

Deputy Clerk of the Board of Supervisors

Appendix 6

REGULATION I - GENERAL PROVISIONS

RULE 100

GENERAL PROVISIONS AND DEFINITIONS

INDEX

SECTION 100 - GENERAL

- 101 DECLARATION OF INTENT
- 102 LEGAL AUTHORITY
- 103 VALIDITY
- 104 CIRCUMVENTION
- 105 RIGHT OF INSPECTION OF PREMISES
- 106 RIGHT OF INSPECTION OF RECORDS
- 107 ADVISORY COUNCIL
- 108 HEARING BOARD
- 109 ANTI-DEGRADATION
- 110 AVAILABILITY OF POLLUTION INFORMATION
- 113 ANNUAL REASONABLE FURTHER PROGRESS (RFP) REPORT
- 112 AVAILABILITY OF INFORMATION

SECTION 200 - DEFINITIONS

- 200.1 AAC
- 200.2 ACT
- 200.3 ACTUAL EMISSIONS
- 200.4 ADMINISTRATOR
- 200.5 ADVISORY COUNCIL
- 200.6 AFFECTED FACILITY
- 200.7 AFFECTED SOURCE
- 200.8 AFFECTED STATE
- 200.9 AIR CONTAMINANT
- 200.10 AIR POLLUTION

- 200.11 AIR POLLUTION CONTROL EQUIPMENT
- 200.12 ALLOWABLE EMISSIONS
- 200.13 AMBIENT AIR
- 200.14 AP-42
- 200.15 APPLICABLE IMPLEMENTATION PLAN
- 200.16 APPLICABLE REQUIREMENT
- 200.17 APPROVED
- 200.18 AREA SOURCE
- 200.19 ARS
- 200.20 ASME
- 200.21 ASTM
- 200.22 ATTAINMENT AREA
- 200.23 BEGIN ACTUAL CONSTRUCTION
- 200.24 BEST AVAILABLE CONTROL TECHNOLOGY (BACT)
- 200.25 BRITISH THERMAL UNIT (BTU)
- 200.26 BUILDING, STRUCTURE, FACILITY, OR INSTALLATION
- 200.27 CFR
- 200.28 CIRCUMSTANCES OUTSIDE THE CONTROL OF THE SOURCE
- 200.29 CLEAN COAL TECHNOLOGY
- 200.30 CLEAN COAL TECHNOLOGY DEMONSTRATION PROJECT
- 200.31 COMMENCE
- 200.32 COMPLETE
- 200.33 CONSTRUCTION
- 200.34 CONTROL OFFICER
- 200.35 DEPARTMENT
- 200.36 DIRECTOR
- 200.37 DISCHARGE
- 200.38 DIVISION
- 200.39 DUST GENERATING OPERATION
- 200.40 EFFLUENT
- 200.41 ELECTRIC UTILITY STEAM GENERATING UNIT
- 200.42 EMISSION STANDARD

- 200.43 EMISSIONS UNIT
- 200.44 EPA
- 200.45 EQUIVALENT METHOD
- 200.46 EXCESS EMISSIONS
- 200.47 EXISTING SOURCE
- 200.48 FACILITY
- 200.49 FEDERAL APPLICABLE REQUIREMENT
- 200.50 FEDERAL LAND MANAGER
- 200.51 FEDERALLY ENFORCEABLE
- 200.52 FINAL PERMIT
- 200.53 FUEL OIL
- 200.54 FUGITIVE EMISSION
- 200.55 INDIAN GOVERNING BODY
- 200.56 INDIAN RESERVATION
- 200.57 INSIGNIFICANT ACTIVITY
- 200.58 MAJOR MODIFICATION
- 200.59 MAJOR SOURCE
- 200.60 MAJOR SOURCE THRESHOLD
- 200.61 MALFUNCTION
- 200.62 MATERIAL PERMIT CONDITION
- 200.63 METHOD OF OPERATION
- 200.64 MODIFICATION
- 200.65 NET EMISSIONS INCREASE
- 200.66 NEW SOURCE
- 200.67 NITROGEN OXIDES (NO_x)
- 200.68 NONATTAINMENT AREA
- 200.69 NON-PRECURSOR ORGANIC COMPOUND
- 200.70 OPEN OUTDOOR FIRE
- 200.71 OPERATION
- 200.72 ORGANIC COMPOUND
- 200.73 ORGANIC LIQUID
- 200.74 OWNER AND/OR OPERATOR

- 200.75 PARTICULATE MATTER
- 200.76 PERMITTING AUTHORITY
- 200.77 PERSON
- 200.78 PHYSICAL CHANGE
- 200.79 PM_{2.5}
- 200.80 PM₁₀
- 200.81 POLLUTANT
- 200.82 POLLUTION CONTROL PROJECT
- 200.83 PORTABLE SOURCE
- 200.84 POTENTIAL TO EMIT
- 200.85 PROPOSED PERMIT
- 200.86 PROPOSED FINAL PERMIT
- 200.87 QUANTIFIABLE
- 200.88 REACTIVATION OF A VERY CLEAN COAL-FIRED ELECTRIC UTILITY
STEAM GENERATING UNIT
- 200.89 REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT)
- 200.90 REFERENCE METHOD
- 200.91 REGULATED AIR POLLUTANT
- 200.92 REGULATORY REQUIREMENTS
- 200.93 REPLICABLE
- 200.94 REPOWERING
- 200.95 REPRESENTATIVE ACTUAL ANNUAL EMISSIONS
- 200.96 RESPONSIBLE OFFICIAL
- 200.97 SCHEDULED MAINTENANCE
- 200.98 SIGNIFICANT
- 200.99 SOLVENT-BORNE COATING MATERIAL
- 200.100 SOURCE
- 200.101 SPECIAL INSPECTION WARRANT
- 200.102 STANDARD CONDITIONS
- 200.103 STATE IMPLEMENTATION PLAN (SIP)
- 200.104 STATIONARY SOURCE
- 200.105 SYNTHETIC MINOR

- 200.106 TEMPORARY CLEAN COAL TECHNOLOGY DEMONSTRATION PROJECT
- 200.107 TITLE V
- 200.108 TOTAL REDUCED SULFUR (TRS)
- 200.109 TRADE SECRETS
- 200.110 TRIVIAL ACTIVITY
- 200.111 UNCLASSIFIED AREA
- 200.112 VOLATILE ORGANIC COMPOUND (VOC)

SECTION 300 - STANDARDS

- 301 AIR POLLUTION PROHIBITED
- 302 APPLICABILITY OF MULTIPLE RULES

SECTION 400 - ADMINISTRATIVE REQUIREMENTS

- 401 CERTIFICATION OF TRUTH, ACCURACY, AND COMPLETENESS
- 402 CONFIDENTIALITY OF INFORMATION

SECTION 500 - MONITORING AND RECORDS

- 501 REPORTING REQUIREMENTS
- 502 DATA REPORTING
- 503 EMISSION STATEMENTS REQUIRED AS STATED IN THE ACT
- 504 RETENTION OF RECORDS
- 507 ANNUAL EMISSIONS INVENTORY REPORT

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Revised 03/04/98
Revised 05/20/98
Revised 07/26/00
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Revised 08/22/01
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**MARICOPA COUNTY
AIR POLLUTION CONTROL REGULATIONS**

REGULATION I - GENERAL PROVISIONS

**RULE 100
GENERAL PROVISIONS AND DEFINITIONS**

SECTION 100 - GENERAL

- 101** **DECLARATION OF INTENT:** The Maricopa County Air Pollution Control Regulations prevent, reduce, control, correct, or remove regulated air pollutants originating within the territorial limits of Maricopa County and carry out the mandates of Arizona Revised Statutes (ARS), Title 49 (The Environment).
- 102** **LEGAL AUTHORITY:** These rules are adopted under the authority granted by ARS §49-479.
- 103** **VALIDITY:** If any section, subsection, clause, phrase, or provision of these rules is held to be invalid for any reason, such decision shall not affect the validity of the remaining portion.
- 104** **CIRCUMVENTION:** A person shall not build, erect, install, or use any article, machine, equipment, condition, or any contrivance, the use of which, without resulting in a reduction in the total release of regulated air pollutants to the atmosphere, conceals or dilutes an emission which would otherwise constitute a violation of these rules. No person shall circumvent these rules to dilute regulated

air pollutants by using more emission openings than is considered normal practice by the industry or activity in question.

- 105** **RIGHT OF INSPECTION OF PREMISES:** The Control Officer, during reasonable hours, for the purpose of enforcing and administering these rules or any provision of ARS relating to the emission or control prescribed pursuant thereto, may enter every building, premises, or other place, except the interior of structures used as private residences. In the event that consent to enter for inspection purposes has been refused or circumstances justify the failure to seek such consent, special inspection warrants may be issued by a magistrate. Every person is guilty of a petty offense under ARS §49-488 who in any way denies, obstructs, or hampers such entrance or inspection that is lawfully authorized by warrant.
- 106** **RIGHT OF INSPECTION OF RECORDS:** When the Control Officer has reasonable cause to believe that any person has violated or is in violation of any provision of this rule, any rule adopted under this rule, or any requirement of a permit issued under this rule, the Control Officer may request, in writing, that such person produce all existing books, records, and other documents evidencing tests, inspections, or studies which may reasonably relate to compliance or non-compliance with rules adopted under this rule. No person shall fail nor refuse to produce all existing documents required in such written request by the Control Officer.
- 107** **ADVISORY COUNCIL:** An Advisory Council appointed by the Board of Supervisors may advise and consult with the Board of Supervisors, the Maricopa County Air Quality Department, and the Control Officer in effecting the mandates of ARS Title 49.
- 108** **HEARING BOARD:** The Board of Supervisors shall appoint a 5-member hearing board knowledgeable in the field of air pollution. At least 3 members shall not have a substantial interest, as defined in ARS §38-502(11), in any person required to obtain an air pollution permit. Each member shall serve a term of 3 years (ARS §49-478).
- 109** **ANTI-DEGRADATION:** The standards in these rules shall not be construed as permitting the preventable degradation of air quality in any area of Maricopa County.
- 110** **AVAILABILITY OF POLLUTION INFORMATION:** The public shall be informed on a daily basis of average daily concentration of 3 pollutants: particulates, carbon monoxide, and ozone. This information shall be disseminated through the use of newspapers, radio, and television. The levels of each pollutant shall be expressed through the use of the Air Quality Index (AQI) and a written copy of such information shall be made available at the office of the Maricopa County Air Quality

Department, 1001 North Central Avenue, Suite 400, Phoenix, Arizona, 85004, 602-506-6010.

- 111 ANNUAL REASONABLE FURTHER PROGRESS (RFP) REPORT:** A report on the progress in implementation of nonattainment area plans shall be produced by the Department each year. The primary function of the report is to review the implementation schedules for control measures and emission reduction forecasts in the nonattainment area plans. The annual report will be made available to the public at the offices of the Maricopa County Air Quality Department, 1001 North Central Avenue, Suite 400, Phoenix, Arizona, 85004, 602-506-6010.
- 112 AVAILABILITY OF INFORMATION:** Copies of 40 CFR 51, Subpart A, Appendix A, Table 2A, are available at 1001 N. Central Avenue, Suite 695, Phoenix, Arizona, 85004, or call (602) 506-6010 for information.

SECTION 200 - DEFINITIONS: To aid in the understanding of these rules, the following general definitions are provided. Additional definitions, as necessary, can be found in each rule of the Maricopa County Air Pollution Control Regulations.

- 200.1 AAC - Arizona Administrative Code.**
- 200.2 ACT - The Clean Air Act of 1963 (P.L. 88-206; 42 United States Code sections 7401 through 7671), as amended by the Clean Air Act Amendments of 1990 (P.L.101-549).**
- 200.3 ACTUAL EMISSIONS - The actual rate of emissions of a pollutant from an emissions unit, as determined in Sections 200.3(a) through 200.3(e):**
- a.** In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the emissions unit actually emitted the pollutant during a 2-year period that precedes the particular date and that is representative of normal source operation. The Control Officer may allow the use of a different time period upon a demonstration that it is more representative of normal source operation. Actual emissions shall be calculated using the emissions unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.
 - b.** If there is inadequate information to determine actual historical emissions, then the Control Officer may presume that source-specific allowable emissions for the emissions unit are equivalent to the actual emissions of the emissions unit.
 - c.** For any emissions unit at a Title V source, other than an electric utility steam generating unit described in Section 200.3(e) of this rule, that has

not begun normal operations on the particular date, actual emissions shall equal the unit's potential to emit on that date.

- d. For any emissions unit at a Non-Title V source that has not begun normal operations on the particular date, actual emissions shall be based on applicable control equipment requirements and projected conditions of operation.
- e. For an electric utility steam generating unit (other than a new unit or the replacement of an existing unit), actual emissions of the unit, following the physical or operational change, shall equal the representative actual annual emissions of the unit, if the source owner and/or operator maintains and submits to the Control Officer on an annual basis, for a period of 5 years from the date the unit resumes regular operation, information demonstrating that the physical or operational change did not result in an emissions increase. A longer period, not to exceed 10 years, may be required by the Control Officer, if the Control Officer determines the longer period to be more representative of normal source post-change operations.

- 200.4 ADMINISTRATOR** - The Administrator of the United States Environmental Protection Agency.
- 200.5 ADVISORY COUNCIL** - The Maricopa County Air Pollution Control Advisory Council appointed by the Maricopa County Board of Supervisors.
- 200.6 AFFECTED FACILITY** - With reference to a stationary source, any apparatus to which a standard is applicable.
- 200.7 AFFECTED SOURCE** - A source that includes one or more emissions units which are subject to emission reduction requirements or limitations under Title IV (Acid Deposition Control) of the Act.
- 200.8 AFFECTED STATE** - Any State whose air quality may be affected and that is contiguous to Arizona or that is within 50 miles of the permitted source.
- 200.9 AIR CONTAMINANT** - Includes smoke, vapors, charred paper, dust, soot, grime, carbon, fumes, gases, sulfuric acid mist aerosols, aerosol droplets, odors, particulate matter, windborne matter, radioactive materials, noxious chemicals, or any other material in the outdoor atmosphere.
- 200.10 AIR POLLUTION** - The presence in the outdoor atmosphere of one or more air contaminants, or combinations thereof, in sufficient quantities, which either alone or in connection with other substances, by reason of their concentration and duration, are or tend to be injurious to human, plant, or animal

life, or causes damage to property, or unreasonably interferes with the comfortable enjoyment of life or property of a substantial part of a community, or obscures visibility, or which in any way degrades the quality of the ambient air below the standards established by the Board of Supervisors.

200.11 AIR POLLUTION CONTROL EQUIPMENT - Equipment used to eliminate, reduce, or control the emission of air pollutants into the ambient air.

200.12 ALLOWABLE EMISSIONS - The emission rate of a stationary source calculated using the maximum rated capacity of the source (unless the source is subject to federally enforceable limits which restrict the operating rate or hours of operation or both) and the most stringent of the following:

- a. The applicable New Source Performance Standards as described in Rule 360 of these rules or the Federal Hazardous Air Pollutant Program as described in Rule 370 of these rules; or
- b. The applicable existing source performance standard as approved for the SIP; or
- c. The emissions rate specified in any federally promulgated rule or federally enforceable permit condition.

200.13 AMBIENT AIR - That portion of the atmosphere, external to buildings, to which the general public has access.

200.14 AP-42 - The EPA document "Compilation of Air Pollutant Emission Factors," as incorporated by reference in Appendix G.

200.15 APPLICABLE IMPLEMENTATION PLAN - Those provisions of the SIP approved by the Administrator of EPA or a Federal Implementation Plan (FIP) promulgated under Title I (Air Pollution Prevention And Control) of the Act.

200.16 APPLICABLE REQUIREMENT - Applicable requirement means any of the following:

- a. Any federal applicable requirement as defined in Section 200.49 of this rule.
- b. Any other requirement established under the Maricopa County Air Pollution Control Regulations or ARS Title 49, Chapter 3, Articles 1, 3, 7, and 8.

200.17 APPROVED - Approved in writing by the Maricopa County Air Pollution Control Officer.

200.18 AREA SOURCE - Any stationary source that is not a major source. For purposes of these rules, the term "area source" shall not include motor vehicles or nonroad vehicles subject to regulation under Title II (Emission Standards For Moving Sources) of the Act.

200.19 ARS - The Arizona Revised Statutes. The titles of the most frequently used ARS references in these rules are listed below:

ARS §38-502(11)	Public Officers And Employees, Conduct Of Office, Conflict Of Interest Of Officers And Employees, Definitions, Substantial Interest
ARS Title 49	The Environment
ARS Title 49, Chapter 3	The Environment, Air Quality
ARS Title 49, Chapter 4	The Environment, Solid Waste Management
ARS §49-109	The Environment, General Provisions, Department Of Environmental Quality, Certificate Of Disclosure Of Violations; Definition; Remedies
ARS §49-401	The Environment, Air Quality, General Provisions, Declaration Of Policy
ARS §49-426	The Environment, Air Quality, State Air Pollution Control, Permits; Duties Of Director; Exceptions; Applications; Objections; Fees
ARS §49-426.04	The Environment, Air Quality, State Air Pollution Control, State List Of Hazardous Air Pollutants
ARS §49-426.05	The Environment, Air Quality, State Air Pollution Control, Designation Of Sources Of Hazardous Air Pollutants
ARS §49-429	The Environment, Air Quality, State Air Pollution Control, Permit Transfers; Notice; Appeal
ARS §49-464	The Environment, Air Quality, State Air Pollution Control, Violation; Classification; Penalties; Definition
ARS §49-473	The Environment, Air Quality, County Air Pollution Control, Board Of Supervisors
ARS §49-476.01	The Environment, Air Quality, County Air Pollution Control, Monitoring
ARS §49-478	The Environment, Air Quality, County Air Pollution Control, Hearing Board
ARS §49-480	The Environment, Air Quality, County Air Pollution Control, Permits; Fees

ARS §49-480.03	The Environment, Air Quality, County Air Pollution Control, Federal Hazardous Air Pollutant Program; Date Specified By Administrator; Prohibition
ARS §49-480.04	The Environment, Air Quality, County Air Pollution Control, County Program For Control Of Hazardous Air Pollutants
ARS §49-482	The Environment, Air Quality, County Air Pollution Control, Appeals To Hearing Board
ARS §49-483	The Environment, Air Quality, County Air Pollution Control, Permit Transfers; Notice; Appeal
ARS §49-487	The Environment, Air Quality, County Air Pollution Control, Classification And Reporting; Confidentiality Of Records
ARS §49-488	The Environment, Air Quality, County Air Pollution Control, Special Inspection Warrant
ARS §49-490	The Environment, Air Quality, County Air Pollution Control, Hearings On Orders Of Abatement
ARS §49-498	The Environment, Air Quality, County Air Pollution Control, Notice Of Hearing; Publication; Service
ARS §49-501	The Environment, Air Quality, County Air Pollution Control, Unlawful Open Burning; Definition; Exceptions; Fine
ARS §49-511	The Environment, Air Quality, County Air Pollution Control, Violations, Order Of Abatement
ARS §49-514	The Environment, Air Quality, County Air Pollution Control, Violation; Classification; Definition

200.20 ASME - The American Society of Mechanical Engineers.

200.21 ASTM - The American Society for Testing and Materials.

200.22 ATTAINMENT AREA - An area so designated by the Administrator of EPA, acting under Section 107 (Air Quality Control Regions) of the Act, as having ambient air pollutant concentrations equal to or less than national primary or secondary ambient air quality standards for a particular pollutant or pollutants.

200.23 BEGIN ACTUAL CONSTRUCTION - In general, initiation of physical on-site construction activities on an emissions unit, which are of a permanent nature. Such activities include installation of building supports and foundations, laying of underground pipework, and construction of permanent storage structures. With respect to a change in method of operation, "begin actual construction" refers to those on-site activities, other than preparatory activities, which mark the initiation of the change.

- 200.24 BEST AVAILABLE CONTROL TECHNOLOGY (BACT)** - An emissions limitation, based on the maximum degree of reduction for each pollutant, subject to regulation under the Act, which would be emitted from any proposed stationary source or modification, which the Control Officer, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combination techniques for control of such pollutant. Under no circumstances shall BACT be determined to be less stringent than the emission control required by an applicable provision of these rules or of any State or Federal Laws ("Federal laws" include the EPA approved SIP). If the Control Officer determines that technological or economic limitations on the application of measurement methodology to a particular emissions unit would make the imposition of an emissions standard infeasible, a design, equipment, work practice, operational standard, or combination thereof may be prescribed instead to satisfy the requirement for the application of BACT. Such standard shall, to the degree possible, set forth the emissions reduction achievable by implementation of such design, equipment, work practice or operation, and shall provide for compliance by means which achieve equivalent results.
- 200.25 BRITISH THERMAL UNIT (BTU)** - The quantity of heat required to raise the temperature of 1 pound of water 1 degree Fahrenheit (°F) at 39.1°F.
- 200.26 BUILDING, STRUCTURE, FACILITY, OR INSTALLATION** - All the pollutant-emitting equipment and activities that belong to the same industrial grouping, that are located on one or more contiguous or adjacent properties, and that are under the control of the same person or persons under common control, except the activities of any vessel. Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same "Major Group" as described in the "Standard Industrial Classification Manual, 1987".
- 200.27 CFR** - The United States Code of Federal Regulations.
- 200.28 CIRCUMSTANCES OUTSIDE THE CONTROL OF THE SOURCE** - Shall include, but not be limited to, circumstances where a violation resulted from a sudden and unavoidable breakdown of the process or the control equipment, resulted from unavoidable conditions during a startup or shutdown, or resulted from upset of operations.
- 200.29 CLEAN COAL TECHNOLOGY** - Any technology, including technologies applied at the pre-combustion, combustion, or post-combustion stage, at a new or existing facility that will achieve significant reductions in air emissions of sulfur dioxide or oxides of nitrogen associated with the utilization of coal in the generation of

electricity or process steam that was not in widespread use as of November 15, 1990.

200.30 CLEAN COAL TECHNOLOGY DEMONSTRATION PROJECT - A project using funds appropriated under the heading "Department Of Energy-Clean Coal Technology", up to a total amount of \$2,500,000,000 for commercial demonstration of clean coal technology or similar projects, funded through appropriations for the Environmental Protection Agency. The Federal contribution for a qualifying project shall be at least 20% of the total cost of the demonstration project.

200.31 COMMENCE - As applied to construction of a major source or a major modification, that the owner and/or operator has all necessary preconstruction approvals or permits and has either:

- a. Begun, or caused to begin, a continuous program of actual on-site construction of the source, to be completed within a reasonable time; or
- b. Entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner and/or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.

200.32 COMPLETE - In reference to an application for a permit, "complete" means that the application contains all the information necessary for processing the application. Designating an application complete for purposes of permit processing does not preclude the Control Officer from requesting nor from accepting any additional information.

200.33 CONSTRUCTION - Any physical change or change in the method of operation, including fabrication, erection, or installation, demolition, or modification of an emissions unit, which would result in a change in actual emissions.

200.34 CONTROL OFFICER - The executive head of the department authorized or designated to enforce air pollution regulations, the executive head of an air pollution control district established under ARS §49-473, or the designated agent.

200.35 DEPARTMENT - The Maricopa County Air Quality Department.

200.36 DIRECTOR - The director of the Arizona Department of Environmental Quality (ADEQ).

200.44 **EPA** - The United States Environmental Protection Agency.

200.45 **EQUIVALENT METHOD** - Any method of sampling and analyzing for an air pollutant, which has been demonstrated to the EPA Administrator's satisfaction to have a consistent and quantitatively known relationship to the reference method, under specified conditions.

200.46 **EXCESS EMISSIONS** - Emissions of an air pollutant in excess of an emission standard, as measured by the compliance test method applicable to such emission standard.

200.47 **EXISTING SOURCE** -

- a. A source in operation prior to the effective date of this rule, or a source on which the construction or modification has commenced and for which the Control Officer has granted a permit prior to the effective date of this rule; or
- b. When used in conjunction with a source subject to new source performance standards (NSPS), any source which does not have an applicable NSPS under Rule 360 of these rules.

200.48 **FACILITY** - The definition of facility is included in Section 200.6 (Definition Of Affected Facility) of this rule and in Section 200.26 (Definition Of Building, Structure, Facility Or Installation) of this rule.

200.49 **FEDERAL APPLICABLE REQUIREMENT** - Any of the following as they apply to emissions units covered by a Title V permit or a Non-Title V permit (including requirements that have been promulgated or approved by EPA through rulemaking at the time of issuance but have future effective compliance dates):

- a. Any standard or other requirement provided for in the applicable implementation plan approved or promulgated by EPA through rulemaking under Title I (Air Pollution Prevention And Control) of the Act that implements the relevant requirements of the Act, including any revisions to that plan promulgated in 40 CFR 52.
- b. Any term or condition of any preconstruction permits issued under regulations approved or promulgated through rulemaking under Title I (Air Pollution Prevention And Control), including Parts C or D, of the Act.

- c. Any standard or other requirement under Section 111 (Standards Of Performance For New Stationary Sources) of the Act, includes Section 111(d).
- d. Any standard or other requirement under Section 112 (National Emission Standards For Hazardous Air Pollutants) of the Act, including any requirement concerning accident prevention under Section 112(r)(7) of the Act.
- e. Any standard or other requirement of the acid rain program under Title IV (Acid Deposition Control) of the Act or the regulations promulgated thereunder and incorporated under Rule 371 of these rules.
- f. Any requirements established under Section 504(b) (Permit Requirements And Conditions) or Section 114(a)(3) (Inspections, Monitoring, And Entry) of the Act.
- g. Any standard or other requirement governing solid waste incineration under Section 129 (Solid Waste Combustion) of the Act.
- h. Any standard or other requirement for consumer and commercial products pursuant to Section 183(e) (Federal Ozone Measures) of the Act.
- i. Any standard or other requirement for tank vessels pursuant to Section 183(f) (Federal Ozone Measures) of the Act.
- j. Any standard or other requirement of the program to control air pollution from outer continental shelf sources under Section 328 (Air Pollution From Outer Continental Shelf Activities) of the Act.
- k. Any standard or other requirement of the regulations promulgated to protect stratospheric ozone under Title VI (Stratospheric Ozone Protection) of the Act, unless the Administrator of EPA has determined that such requirements need not be contained in a Title V permit; and
- l. Any national ambient air quality standard or increment or visibility requirement under Part C (Prevention Of Significant Deterioration Of Air Quality) of Title I (Air Pollution Prevention And Control) of the Act, but only as it would apply to temporary sources permitted under Section 504(e) (Permit Requirements And Conditions) of the Act.

200.50 FEDERAL LAND MANAGER - With respect to any lands in the United States, the Secretary Of The Department with authority over such lands.

- (4)** Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;
- (5)** Use of an alternative fuel or raw material by a stationary source that either:
 - (a)** The source was capable of accommodating before December 12, 1976, unless the change would be prohibited under any federally enforceable permit condition established after December 12, 1976, under 40 CFR 52.21, or under Rules 200, 210, 240, 245, and 270 of these rules; or
 - (b)** The source is approved to use under any permit issued under 40 CFR 52.21, or under Rules 200, 210, 240, 245, and 270 of these rules;
- (6)** An increase in the hours of operation or in the production rate, unless the change would be prohibited under any federally enforceable permit condition established after December 12, 1976, under 40 CFR 52.21, or under Rules 200, 210, 240, 245, and 270 of these rules;
- (7)** Any change in ownership at a stationary source;
- (8)** The addition, replacement, or use of a pollution control project at an existing electric utility steam generating unit, unless the Control Officer determines that the addition, replacement, or use renders the unit less environmentally beneficial, or except:
 - (a)** When the Control Officer has reason to believe that the pollution control project would result in a significant net increase in representative actual annual emissions of any criteria pollutant over levels used for that source in the most recent Title I air quality impact analysis in the area, if any, and
 - (b)** The Control Officer determines that the increase will cause or contribute to a violation of any national ambient air quality standard, PSD increment, or visibility limitation;
- (9)** The installation, operation, cessation, or removal of a temporary clean coal technology demonstration project, if the project complies with:
 - (a)** The SIP; and

(b) Other requirements necessary to attain and maintain the national ambient air quality standards during the project and after it is terminated;

(10) For electric utility steam generating units located in attainment and unclassified areas only, the installation or operation of a permanent clean coal technology demonstration project that constitutes repowering, if the project does not result in an increase in the potential to emit of any regulated pollutant emitted by the unit. This exemption shall apply on a pollutant-by-pollutant basis; and

(11) For electric utility steam generating units located in attainment and unclassified areas only, the reactivation of a very clean coal-fired electric utility steam generating unit.

200.59

MAJOR SOURCE -

- a.** A major source as defined in Rule 240 of these rules;
- b.** A major source under Section 112 (National Emission Standards For Hazardous Air Pollutants) of the Act:
 - (1)** For pollutants other than radionuclides, any stationary source that emits or has the potential to emit, in the aggregate, including fugitive emissions, 10 tons per year (tpy) or more of any hazardous air pollutant which has been listed under Section 112(b) of the Act, 25 tpy or more of any combination of such hazardous air pollutants, or such lesser quantity as described in Title 18 (Environmental Quality), Chapter 2 (Department Of Environmental Quality Air Pollution Control), Article 11 (Federal Hazardous Air Pollutants) of the Arizona Administrative Code. Notwithstanding the preceding sentence, emissions from any oil or gas exploration or production well (with its associated equipment) and emissions from any pipeline compressor or pump station shall not be aggregated with emissions from other similar units, whether or not such units are in a contiguous area or under common control, to determine whether such units or stations are major sources; or
 - (2)** For radionuclides, major source shall have the meaning specified by the Administrator of EPA by rule.
- c.** A major stationary source, as defined in Section 302 (Definitions) of the Act, that directly emits or has the potential to emit 100 tpy or more of any air pollutant, including any major source of fugitive emissions of any such pollutant. The fugitive emissions of a stationary source shall not be considered

in determining whether it is a major stationary source for the purpose of Section 302(j) of the Act, unless the source belongs to one of the following categories of stationary source:

Coal cleaning plants (with thermal dryers).

Kraft pulp mills.

Portland cement plants.

Primary zinc smelters.

Iron and steel mills.

Primary aluminum ore reduction plants.

Primary copper smelters.

Municipal incinerators capable of charging more than 50 tons of refuse per day.

Hydrofluoric, sulfuric, or nitric acid plants.

Petroleum refineries.

Lime plants.

Phosphate rock processing plants.

Coke oven batteries.

Sulfur recovery plants.

Carbon black plants (furnace process).

Primary lead smelters.

Fuel conversion plants.

Sintering plants.

Secondary metal production plants.

Chemical process plants.

Fossil-fuel boilers (or combination thereof) totaling more than 250 million BTU per hour heat input.

Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels.

Taconite ore processing plants.

Glass fiber processing plants.

Charcoal production plants.

Fossil fuel-fired steam electric plants of more than 250 million BTU per hour rated heat input.

Any other stationary source category which, as of August 7, 1980, is being regulated under Section 111 (Standards Of Performance For New Stationary Sources) of the Act or under Section 112 (National Emission Standards For Hazardous Air Pollutants) of the Act.

200.60 MAJOR SOURCE THRESHOLD – The lowest applicable emissions rate for a pollutant that would cause the source to be a major source, at the particular time and location, under Section 200.59 (Definition Of Major Source) of this rule.

200.61 MALFUNCTION - Any sudden and unavoidable failure of air pollution control equipment, process, or process equipment to operate in a normal and usual manner. Failures that are caused by poor maintenance, careless operation,

or any other upset condition or equipment breakdown which could have been prevented by the exercise of reasonable care shall not be considered malfunctions.

200.62 MATERIAL PERMIT CONDITION -

- a.** For the purposes of ARS §49-464(G) and ARS §49-514(G), a material permit condition shall mean a condition which satisfies all of the following:
- (1)** The condition is in a permit or permit revision issued by the Control Officer or by the Director after the effective date of this rule.
 - (2)** The condition is identified within the permit as a material permit condition.
 - (3)** The condition is one of the following:
 - (a)** An enforceable emission standard imposed to avoid classification as a major modification or major source or to avoid triggering any other applicable requirement.
 - (b)** A requirement to install, operate, or maintain a maximum achievable control technology or hazardous air pollutant reasonably available control technology required under the requirements of ARS §49-426.06.
 - (c)** A requirement for the installation or certification of a monitoring device.
 - (d)** A requirement for the installation of air pollution control equipment.
 - (e)** A requirement for the operation of air pollution control equipment.
 - (f)** An opacity standard required by Section 111 (Standards Of Performance For New Stationary Sources) of the Act or Title I (Air Pollution Prevention And Control), Part C or D, of the Act.
 - (4)** Violation of the condition is not covered by Subsections (A) through (F) or (H) through (J) of ARS §49-464 or Subsections (A) through (F) or (H) through (J) of ARS §49-514.
- b.** For the purposes of Sections 200.62(a)(3)(c), (d), and (e) of this rule, a permit condition shall not be material where the failure to comply resulted from circumstances which were outside the control of the source.

200.63 METHOD OF OPERATION - The definition of method of operation is included in Section 200.71 (Definition Of Operation) of this rule.

200.64 MODIFICATION - A physical change in or a change in the method of operation of a source which increases the actual emissions of any regulated air pollutant emitted by such source by more than any relevant de minimis amount, or which results in the emission of any regulated air pollutant not previously emitted by more than such de minimis amount.

200.65 NET EMISSIONS INCREASE -

- a. The amount by which the sum of Section 200.65(a)(1) and Section 200.65(a)(2) below exceed zero:
 - (1) Any increase in actual emissions from a particular physical change or change in the method of operation at a stationary source; and
 - (2) Any other increases and decreases in actual emissions at the source that are contemporaneous with the particular change and are otherwise creditable.
- b. An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs between:
 - (1) The date 5 years before construction on the particular change commences; and
 - (2) The date that the increase from the particular change occurs.
- c. An increase or decrease in actual emissions is creditable only if the Control Officer has not relied on it in issuing a permit, which is in effect when the increase in actual emissions from the particular change occurs. In addition, in nonattainment areas, a decrease in actual emissions shall be considered in determining net emissions increase due to modifications only if the State has not relied on it in demonstrating attainment or reasonable further progress.
- d. An increase or decrease in actual emissions of sulfur dioxide, nitrogen oxides, or particulate matter which occurs before the applicable baseline date, as described in Rule 500 of these rules, is creditable only if it is required to be considered in calculating the amount of maximum allowable increases remaining available.

- e. An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.
- f. A decrease in actual emissions is creditable only to the extent that:
 - (1) The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;
 - (2) The emissions unit was actually operated and emitted the specific pollutant;
 - (3) It is federally enforceable at and after the time that actual construction on the particular change begins; and
 - (4) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change.
- g. An increase that results from a physical change at a source occurs when the emissions unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed 180 days.

200.66 NEW SOURCE - Any source that is not an existing source.

200.67 NITROGEN OXIDES (NO_x) - All oxides of nitrogen except nitrous oxide, as measured by test methods set forth in the Appendices to 40 CFR 60.

200.68 NONATTAINMENT AREA - An area so designated by the Administrator of EPA, acting under Section 107 (Air Quality Control Regions) of the Act, as exceeding national primary or secondary ambient air standards for a particular pollutant or pollutants.

200.69 NON-PRECURSOR ORGANIC COMPOUND -

- a. Any of the following organic compounds that have been designated by EPA as having negligible photo-chemical reactivity:

- 67-64-1 Acetone;
- 74-82-8 Methane;
- 74-84-0 Ethane;
- 75-09-2 Methylene chloride (dichloromethane);
- 71-55-6 1,1,1-trichloroethane (methyl chloroform);
- 75-69-4 Trichlorofluoromethane (CFC-11);
- 75-71-8 Dichlorodifluoromethane (CFC-12);
- 75-45-6 Chlorodifluoromethane (HCFC-22);

76-13-1 1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113);
 76-14-2 1,2-dichloro-1,1,2,2-tetrafluoroethane (CFC-114);
 76-15-3 Chloropentafluoroethane (CFC-115);
 75-46-7 Trifluoromethane (HFC-23);
 306-83-2 1,1,1-trifluoro 2,2-dichloroethane (HCFC-123);
 2837-89-0 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124);
 1717-00-6 1,1-dichloro-1-fluoroethane (HCFC-141b);
 75-68-3 1-chloro-1,1-difluoroethane (HCFC-142b);
 354-33-6 Pentafluoroethane (HFC-125);
 354-25-6 1,1,2,2-tetrafluoroethane (HFC-134);
 811-97-2 1,1,1,2-tetrafluoroethane (HFC-134a);
 420-46-2 1,1,1-trifluoroethane (HFC-143a);
 75-37-6 1,1-difluoroethane (HFC-152a);
 98-56-6 Parachlorobenzotrifluoride (PCBTF);
 127-18-4 Perchloroethylene (tetrachloroethylene);
 422-56-0 3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-
 225ca);
 507-55-1 1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-
 225cb);
 1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC 43-10mee);
 75-10-5 Difluoromethane (HFC-32);
 353-36-6 Ethylfluoride (HFC-161);
 690-39-1 1,1,1,3,3,3-hexafluoropropane (HFC-236fa);
 678-86-7 1,1,2,2,3-pentafluoropropane (HFC-245ca);
 460-73-1 1,1,2,3,3-pentafluoropropane (HFC-245ea);
 431-31-2
 1,1,1,2,3-pentafluoropropane (HFC-245eb);
 1,1,1,3,3-pentafluoropropane (HFC-245fa);
 431-63-0
 1,1,1,2,3,3-hexafluoropropane (HFC-236ea);
 1,1,1,3,3-pentafluorobutane (HFC-365mfc);
 593-70-4 Chlorofluoromethane (HCFC-31);
 1615-75-4 1-chloro-1-fluoroethane (HCFC-151a);
 354-23-4 1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a);
 163702-07-6 1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-
 butane (C₄F₉OCH₃)
 (HFE-7100);
 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-
 heptafluoropropane
 ((CF₃)₂CF₂OCH₃);
 163702-05-4 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane
 (C₄F₉OC₂H₅)
 (HFE-7200);

2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane
 ((CF₃)₂CF₂OC₂H₅);
 79-20-9 methyl acetate;
 cyclic, branched, or linear completely methylated
 siloxanes;
 375-03-1 1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane (n-
 C₃F₇OCH₃, HFE-7000);
 297730-93-9 3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-
 dodecafluoro-2-
 (trifluoromethyl) hexane (HFE-7500);
 431-89-0 1,1,1,2,3,3,3-heptafluoropropane (HFC 227ea);
 107-31-3 methyl formate (HCOOCH₃);

And perfluorocarbon compounds that fall into these classes:
 Cyclic, branched, or linear, completely fluorinated alkanes;
 Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;
 Cyclic, branched, or linear, completely fluorinated tertiary amines with no
 unsaturations; and
 Sulfur containing perfluorocarbons with no unsaturations and with sulfur
 bonds only to carbon and fluorine.

- b. The following compound(s) are VOC for purposes of all recordkeeping, emissions reporting, photochemical dispersion modeling and inventory requirements which apply to VOC and shall be uniquely identified in emission reports, but are not VOC for purposes of VOC emissions limitations or VOC content requirements: t-butyl acetate (540-88-5).

- 200.70 OPEN OUTDOOR FIRE** - Any combustion of material of any type outdoors, where the products of combustion are not directed through a flue.
- 200.71 OPERATION** - Any physical action resulting in a change in the location, form, or physical properties of a material, or any chemical action resulting in a change in the chemical composition or properties of a material.
- 200.72 ORGANIC COMPOUND** - Any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate.
- 200.73 ORGANIC LIQUID** - Any organic compound which exists as a liquid under any actual conditions of use, transport, or storage.
- 200.74 OWNER AND/OR OPERATOR** - Any person who owns, leases, operates, controls, or supervises an affected facility or a stationary source of which an affected facility is a part.

- 200.75 PARTICULATE MATTER** - Any material, except condensed water containing no more than analytical trace amounts of other chemical elements or compounds, which has a nominal aerodynamic diameter smaller than 100 microns (micrometers), and which exists in a finely divided form as a liquid or solid at actual conditions.
- 200.76 PERMITTING AUTHORITY** - The department or a County department or agency that is charged with enforcing a permit program adopted under ARS §49-480, Subsection A.
- 200.77 PERSON** - Any individual, public or private corporation, company, partnership, firm, association or society of persons, the Federal Government and any of its departments or agencies, or the State and any of its agencies, departments or political subdivisions.
- 200.78 PHYSICAL CHANGE** - Any replacement, addition, or alteration of equipment that is not already allowed under the terms of the source's permit.
- 200.79 "PM_{2.5}"** - Particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 microns (micrometers), as measured by the applicable State and Federal Reference Test Methods.
- 200.80 PM₁₀** - Particulate matter with an aerodynamic diameter less than or equal to a nominal 10 microns (micrometers), as measured by the applicable State and Federal Reference Test Methods.
- 200.81 POLLUTANT** - An air contaminant the emissions or ambient concentration of which is regulated under these rules.
- 200.82 POLLUTION CONTROL PROJECT** - Any activity or project undertaken at an existing electric utility steam generating unit to reduce emissions from the unit. The activities or projects are limited to:
- a. The installation of conventional or innovative pollution control technology, including but not limited to advanced flue gas desulfurization, sorbent injection for sulfur dioxide and nitrogen oxides controls, and electrostatic precipitators;
 - b. An activity or project to accommodate switching to a fuel less polluting than the fuel used before the activity or project, including but not limited to natural gas or coal reburning, or the co-firing of natural gas and other fuels for the purpose of controlling emissions;

- c. A permanent clean coal technology demonstration project, conducted under Title II, Section 101(d) of the Further Continuing Appropriation Act of 1985 (42 U.S.C. 5903(d)) or subsequent appropriations up to a total amount of \$2,500,000,000 for commercial demonstration of clean coal technology, or similar projects funded through appropriations for the EPA; or
- d. A permanent clean coal technology demonstration project that constitutes a repowering project.

200.83 PORTABLE SOURCE – Any stationary source that is capable of being transported and operated in more than one county of this state.

200.84 POTENTIAL TO EMIT - The maximum capacity of a stationary source to emit pollutants, excluding secondary emissions, under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design, if the limitation or the effect it would have on emissions is federally enforceable.

200.85 PROPOSED PERMIT - The version of a permit for which the Control Officer offers public participation under Rule 210 (Title V Permit Provisions) of these rules or offers affected State review under Rule 210 (Title V Permit Provisions) of these rules.

200.86 PROPOSED FINAL PERMIT - The version of a Title V permit that the Control Officer proposes to issue and forwards to the Administrator of EPA for review, in compliance with Rule 210 (Title V Permit Provisions) of these rules.

200.87 QUANTIFIABLE - With respect to emissions, including the emissions involved in equivalent emission limits and emission trades, capable of being measured or otherwise determined in terms of quantity and assessed in terms of character. Quantification may be based on emission factors, stack tests, monitored values, operating rates and averaging times, materials used in a process or production, modeling, or other reasonable measurement practices.

200.88 REACTIVATION OF A VERY CLEAN COAL-FIRED ELECTRIC UTILITY STEAM GENERATING UNIT - Any physical change or change in the method of operation, associated with commencing commercial operations by a coal-fired utility unit after a period of discontinued operation, if the unit:

- a. Has not been in operation for the 2-year period before enactment of the Clean Air Act Amendments of 1990 and the emissions from the unit continue to

be carried in the Maricopa County emissions inventory at the time of enactment;

- b. Was equipped before shutdown with a continuous system of emissions control that achieves a removal efficiency for sulfur dioxide of no less than 85% and a removal efficiency for particulates of no less than 98%;
- c. Is equipped with low nitrogen oxides (NO_x) burners before commencement of operations following reactivation; and
- d. Is otherwise in compliance with the Act.

200.89 REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT) - For facilities subject to Regulation III (Control Of Air Contaminants) of these rules, the emissions limitation of the existing source performance standard. For facilities not subject to Regulation III (Control Of Air Contaminants) of these rules, the lowest emission limitation that a particular source is capable of achieving by the application of control technology that is reasonably available considering technological and economic feasibility. Such technology may previously have been applied to a similar, but not necessarily identical, source category. RACT for a particular facility, other than a facility subject to Regulation III (Control Of Air Contaminants) of these rules, is determined on a case-by-case basis, considering the technological feasibility and cost-effectiveness of the application of the control technology to the source category.

200.90 REFERENCE METHOD - Any of the methods of sampling and analyzing for an air pollutant as described in the Arizona Testing Manual for Air Pollutant Emissions; 40 CFR 50, Appendices A through L; 40 CFR 52, Appendices D and E; 40 CFR 60, Appendices A through F; and 40 CFR 61, Appendices B and C.

200.91 REGULATED AIR POLLUTANT - Any of the following:

- a. Any conventional air pollutant as defined in ARS §49-401.01, which means any pollutant for which the Administrator of EPA has promulgated a primary or a secondary national ambient air quality standard (NAAQS) (i.e., for carbon monoxide (CO), nitrogen oxides (NO_x), lead, sulfur oxides (SO_x) measured as sulfur dioxides (SO₂), ozone, and particulates).
- b. Nitrogen oxides (NO_x) and volatile organic compounds (VOCs).
- c. Any air contaminant that is subject to a standard contained in Rule 360 (New Source Performance Standards) of these rules or promulgated under Section 111 (Standards Of Performance For New Stationary Sources) of the Act.

- d. Any hazardous air pollutant (HAP) as defined in ARS §49-401.01 or listed in Section 112(b) (Hazardous Air Pollutants; List Of Pollutants) of the Act.
- e. Any Class I or II substance listed in Section 602 (Stratospheric Ozone Protection; Listing Of Class I And Class II Substances) of the Act.

200.92 REGULATORY REQUIREMENTS - All applicable requirements, Department rules, and all State requirements pertaining to the regulation of air contaminants.

200.93 REPLICABLE - With respect to methods or procedures sufficiently unambiguous such that the same or equivalent results would be obtained by the application of the method or procedure by different users.

200.94 REPOWERING - The Control Officer shall give expedited consideration to permit applications for any source that satisfies the following criteria and that is granted an extension under Section 409 (Repowered Sources) of the Act:

- a. Repowering means replacing an existing coal-fired boiler with one of the following clean coal technologies:

(1) Atmospheric or pressurized fluidized bed combustion;

(2) Integrated gasification combined cycle;

(3) Magnetohydrodynamics;

(4) Direct and indirect coal-fired turbines;

(5) Integrated gasification fuel cells; or

(6) As determined by the Administrator of EPA, in consultation with the United States Secretary of Energy, a derivative of one or more of the above listed technologies; and

(7) Any other technology capable of controlling multiple combustion emissions simultaneously with improved boiler or generation efficiency and with significantly greater waste reduction relative to the performance of technology in widespread commercial use as of November 15, 1990.

- b. Repowering also includes any oil, gas, or oil and gas-fired units which have been awarded clean coal technology demonstration funding as of January 1, 1991 by the United States Department of Energy.

200.95 REPRESENTATIVE ACTUAL ANNUAL EMISSIONS - The average rate, in tons per year, at which the source is projected to emit a pollutant for the 2-year period after a physical change or change in the method of operation of a unit (or a different consecutive 2-year within 10 years after that change, if the Control Officer determines that the different period is more representative of source operations), considering the effect the change will have on increasing or decreasing the hourly emission rate and on projected capacity utilization. In projecting future emissions, the Control Officer shall:

- a. Consider all relevant information, including but not limited to historical operational data, the company's representations, filings with the Maricopa County, State or Federal regulatory authorities, and compliance plans under Title IV (Acid Deposition Control) of the Act; and
- b. Exclude, in calculating any increase in emissions that result from the particular physical change or change in the method of operation at an electric utility steam generating unit, that portion of the unit's emissions, following the change, that could have been accommodated during the representative baseline period and that is attributable to an increase in projected capacity utilization at the unit unrelated to the particular change, including any increased utilization due to the rate of electricity demand growth for the utility system as a whole.

200.96 RESPONSIBLE OFFICIAL - One of the following:

- a. For a corporation: A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either;
 - (1) The sources employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or
 - (2) The delegation of authority to such representatives is approved in advance by the permitting authority;
- b. For a partnership or sole proprietorship: A general partner or the proprietor, respectively;

- c. For a municipality, State, Federal, or other public agency: Either a principal executive officer or ranking elected official. For the purposes of this rule, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of EPA); or
- d. For affected sources:
 - (1) The designated representative insofar as actions, standards, requirements, or prohibitions under Title IV (Acid Deposition Control) of the Act or the regulations promulgated thereunder are concerned; and
 - (2) The designated representative for any other purposes under 40 CFR, Part 70.

200.97 SCHEDULED MAINTENANCE - Preventive maintenance undertaken in order to avoid a potential breakdown or upset of air pollution control equipment.

200.98 SIGNIFICANT -

- a. In reference to a net emissions increase or the potential of a source to emit any of the following pollutants, a rate of emissions that would equal or exceed any one of the following rates:

<u>Pollutant</u>	<u>Emissions Rate (TPY)</u>
Carbon Monoxide	100
Nitrogen Oxides	40
Sulfur Dioxide	40
Particulate Matter	25
PM ₁₀	15
VOC	40
Lead	0.6
Fluorides	3
Sulfuric Acid Mist	7
Hydrogen Sulfide (H ₂ S)	10
Total Reduced Sulfur (including hydrogen sulfide)	10
Reduced Sulfur Compounds (including hydrogen sulfide)	10
Municipal waste combustor organics (measured as total tetra-through- octa-chlorinated: dibenzo-p-dioxins and dibenzofurans)	3.5 x 10 ⁻⁶

Municipal waste combustor metals (measured as particulate matter)	15
Municipal waste combustor acid gases (measured as sulfur dioxide and hydrogen chloride)	40
Municipal solid waste landfill emissions (measured as nonmethane organic compounds)	50

- b.** In ozone nonattainment areas classified as serious or severe, significant emissions of VOC shall be determined under Rule 240 (Permit Requirements For New Major Sources And Major Modifications To Existing Major Sources) of these rules.
- c.** In reference to a regulated air pollutant that is not listed in Section 200.98(a) of this rule, is not a Class I nor a Class II substance listed in Section 602 (Listing Of Class I And Class II Substances) of the Act, and is not a hazardous air pollutant according to ARS §49-401.01(16), any emissions rate.
- d.** Notwithstanding the emission amount listed in Section 200.98(a) of this rule, any emissions rate or any net emissions increase associated with a major source or major modification, which would be constructed within 10 kilometers (6.2 miles) of a Class I area and which would have an impact on the ambient air quality of such area equal to or greater than 1 microgram/cubic meter (mg/m³) (24-hour average).

- 200.99 SOLVENT-BORNE COATING MATERIAL** - Any liquid coating-material in which the solvent is primarily or solely a VOC. For the purposes of this definition, "primarily" means that of the total solvent mass that evaporates from the coating, the VOC portion weighs more than the non-VOC portion.
- 200.100 SOURCE** - Any building, structure, facility, or installation that may cause or contribute to air pollution.
- 200.101 SPECIAL INSPECTION WARRANT** - An order, in writing, issued in the name of the State of Arizona, signed by a magistrate, directed to the Control Officer or his deputies authorizing him to enter into or upon public or private property for the purpose of making an inspection authorized by law.
- 200.102 STANDARD CONDITIONS** - A temperature of 293K (68 degrees Fahrenheit or 20 degrees Celsius) and a pressure of 101.3 kilopascals (29.92 in. Hg or 1013.25 mb). When applicable, all analyses and tests shall be calculated and reported at standard gas temperatures and pressure values.
- 200.103 STATE IMPLEMENTATION PLAN (SIP)** - The plan adopted by the State of Arizona which provides for implementation, maintenance, and enforcement of such

primary and secondary ambient air quality standards as are adopted by the Administrator of EPA under the Act.

200.104 STATIONARY SOURCE - Any source that operates at a fixed location and that emits or generates regulated air pollutants.

200.105 SYNTHETIC MINOR - Any source whose maximum capacity to emit a pollutant under its physical and operational design would exceed the major source threshold levels but is restricted by an enforceable emissions limitation that prevents such source from exceeding major source threshold levels.

200.106 TEMPORARY CLEAN COAL TECHNOLOGY DEMONSTRATION PROJECT - A clean coal technology demonstration project operated for 5 years or less and that complies with the SIP and other requirements necessary to attain and maintain the national ambient air quality standards during the project and after the project is terminated.

200.107 TITLE V - Title V of the Federal Clean Air Act as amended in 1990 and the 40 CFR Part 70 EPA regulations adopted to implement the Act.

200.108 TOTAL REDUCED SULFUR (TRS) - The sum of the sulfur compounds, primarily hydrogen sulfide, methyl mercaptan, dimethyl sulfide, and dimethyl disulfide, that are released during kraft pulping and other operations and measured by Method 16 in 40 CFR 60, Appendix A.

200.109 TRADE SECRETS - Information to which all of the following apply:

- a. A person has taken reasonable measures to protect from disclosure and the person intends to continue to take such measures.
- b. The information is not, and has not been, reasonably obtainable without the person's consent by other persons, other than governmental bodies, by use of legitimate means, other than discovery based on a showing of special need in a judicial or quasi-judicial proceeding.
- c. No statute, including ARS §49-487, specifically requires disclosure of the information to the public.
- d. The person has satisfactorily shown that disclosure of the information is likely to cause substantial harm to the business's competitive position.

200.110 TRIVIAL ACTIVITY - For the purpose of this rule, a trivial activity shall be any activity, process, or emissions unit that, in addition to meeting the criteria for insignificant activity, has extremely low emissions. No activity, process, or

emissions unit that is conducted as part of a manufacturing process or is related to the source's primary business activity shall be considered trivial. Trivial activities are listed in Appendix E of these rules and may be omitted from Title V permit applications and from Non-Title V permit applications.

200.111 UNCLASSIFIED AREA - An area which the Administrator of EPA, because of lack of adequate data, is unable to classify as an attainment or nonattainment area for a specific pollutant. For purposes of these rules, unclassified areas are to be treated as attainment areas.

200.112 VOLATILE ORGANIC COMPOUND (VOC) - Any organic compound which participates in atmospheric photochemical reactions, except the non-precursor organic compounds.

SECTION 300 - STANDARDS

301 AIR POLLUTION PROHIBITED: No person shall discharge from any source whatever into the atmosphere regulated air pollutants which exceed in quantity or concentration that specified and allowed in these rules, the Arizona Administrative Code or ARS, or which cause damage to property, or unreasonably interfere with the comfortable enjoyment of life or property of a substantial part of a community, or obscure visibility, or which in any way degrade the quality of the ambient air below the standards established by the Board of Supervisors or the Director.

302 APPLICABILITY OF MULTIPLE RULES: Whenever more than one standard in this rule applies to any source or whenever a standard in this rule and a standard in the Maricopa County Air Pollution Control Regulations Regulation III (Control Of Air Contaminants) applies to any source, the rule or combination of rules resulting in the lowest rate or lowest concentration of regulated air pollutants released to the atmosphere shall apply, unless otherwise specifically exempted or designated.

SECTION 400 - ADMINISTRATIVE REQUIREMENTS

401 CERTIFICATION OF TRUTH, ACCURACY, AND COMPLETENESS: Any application form or report submitted under these rules shall contain certification by a responsible official of truth, accuracy, and completeness of the application form or report as of the time of submittal. This certification and any other certification required under these rules shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

402 CONFIDENTIALITY OF INFORMATION:

402.1 The Control Officer shall make all permits, including all elements required to be in the permit under Rule 210 (Title V Permit Provisions) of these rules and Rule 220 (Non-Title V Permit Provisions) of these rules, available to the public.

402.2 Any records, reports, or information obtained from any person under these rules shall be available to the public, unless the Control Officer has notified the person in writing as specified in Section 402.3 of this rule and unless a person:

- a. Precisely identifies the information in the permit(s), records, or reports, which is considered confidential.
- b. Provides sufficient supporting information to allow the Control Officer to evaluate whether such information satisfies the requirements related to trade secrets as defined in Section 200.109 of this rule.

402.3 Within 30 days of receipt of a notice of confidentiality that complies with Section 402.2 of this rule, the Control Officer shall make a determination as to whether the information satisfies the requirements for trade secrets as described in Section 200.109 of this rule and so notify the applicant in writing. If the Control Officer agrees with the applicant that the information covered by the notice of confidentiality satisfies the statutory requirements, the Control Officer shall include a notice in the administrative record of the permit application that certain information has been considered confidential.

402.4 A claim of confidentiality shall not excuse a person from providing any and all information required or requested by the Control Officer.

402.5 A claim of confidentiality shall not be a defense for failure to provide such information.

SECTION 500 - MONITORING AND RECORDS

501 **REPORTING REQUIREMENTS:** The owner and/or operator of any air pollution source shall maintain records of all emissions testing and monitoring, records detailing all malfunctions which may cause any applicable emission limitation to be exceeded, records detailing the implementation of approved control plans and compliance schedules, records required as a condition of any permit, records of materials used or produced, and any other records relating to the emission of air contaminants which may be requested by the Control Officer.

- 502 DATA REPORTING:** When requested by the Control Officer, a person shall furnish to the Department information to locate and classify air contaminant sources according to type, level, duration, frequency, and other characteristics of emissions and such other information as may be necessary. This information shall be sufficient to evaluate the effect on air quality and compliance with these rules. The owner and/or operator of a source requested to submit information under Section 501 of this rule may subsequently be required to submit annually, or at such intervals specified by the Control Officer, reports detailing any changes in the nature of the source since the previous report and the total annual quantities of materials used or air contaminants emitted.
- 503 EMISSION STATEMENTS REQUIRED AS STATED IN THE ACT:** Upon request of the Control Officer and as directed by the Control Officer, the owner and/or operator of any source which emits or may emit oxides of nitrogen (NO_x) or volatile organic compounds (VOC) shall provide the Control Officer with an emission statement, in such form as the Control Officer prescribes, showing measured actual emissions or estimated actual emissions of NO_x and VOC from that source. At a minimum, the emission statement shall contain all information required by the Consolidated Emissions Reporting Rule in 40 CFR 51, Subpart A, Appendix A, Table 2A, which is incorporated by reference in Appendix G. The statement shall contain emissions for the time period specified by the Control Officer. The statement shall also contain a certification by a responsible official of the company that the information contained in the statement is accurate to the best knowledge of the individual certifying the statement. Statements shall be submitted annually to the Department. The Control Officer may waive this requirement for the owner and/or operator of any source which emits less than 25 tons per year of oxides of nitrogen or volatile organic compounds with an approved emission inventory for sources based on AP-42 or other methodologies approved by the Administrator of EPA.
- 504 RETENTION OF RECORDS:** Information and records required by applicable requirements and copies of summarizing reports recorded by the owner and/or operator and submitted to the Control Officer shall be retained by the owner and/or operator for 5 years after the date on which the information is recorded or the report is submitted. Non-Title V sources may retain such information, records, and reports for less than 5 years, if otherwise allowed by these rules.
- 505 ANNUAL EMISSIONS INVENTORY REPORT:**
- 505.1** Upon request of the Control Officer and as directed by the Control Officer, the owner and/or operator of a business shall complete and shall submit to the Control Officer an annual emissions inventory report. The report is due by April 30, or 90 days after the Control Officer makes the inventory form(s) available, whichever occurs later. These requirements apply

whether or not a permit has been issued and whether or not a permit application has been filed.

505.2 The annual emissions inventory report shall be in the format provided by the Control Officer.

505.3 The Control Officer may require submittal of supplemental emissions inventory information forms for air contaminants under ARS §49-476.01, ARS §49-480.03, and ARS §49-480.04.

Appendix E

***Pima County Rules to be incorporated into the SIP
(PDEQ's August 31, 1994 submittal to EPA)***



ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

Fife Symington, Governor Edward Z. Fox, Director

August 31, 1994

Ms. Felicia Marcus
Regional Administrator
U.S.E.P.A. Region IX
75 Hawthorne Street
San Francisco, CA 94105

RE: Submittal of State Implementation Plan - Pima County New Source Review and Prevention of Significant Deterioration (NSR/PSD) Program for Major Sources and Major Modifications, and New Source Review for Minor Sources.

Dear Ms. Marcus:

Consistent with the provisions of Arizona Revised Statutes (ARS) §§ 49-402(A), 49-404, and 406 (See Exhibit 1), 40 CFR, Part 51, Subparts F and I, the Arizona Department of Environmental Quality (ADEQ) hereby submits to the U.S. Environmental Protection Agency five copies of Pima County's rules governing permits for stationary air pollution sources as a revision to the State Implementation Plan (SIP). This submittal is intended to meet all applicable requirements of Title I of the Clean Air Act with respect to New Source review (NSR) and Prevention of Significant Deterioration (PSD).

The ADEQ Air Quality staff has reviewed the Pima County submittal and has found all of the required components to be present as noted in Exhibit 2 (NSR and Sip Completeness Checklist).

The following constitutes a description of the contents and applicability of this submittal.

Contents

This submittal includes several exhibits and attachments, as follows:

- Exhibit 1 ARS, Title 49, Chapter 3, Articles 1, 2, and 3.
- Exhibit 2 NSR and SIP Completeness Checklist

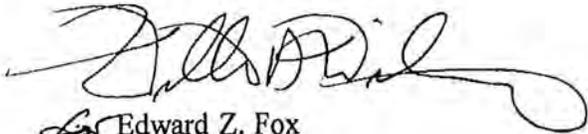
Ms. Felicia Marcus
August 31, 1994
Page 2

Attachments #1 through #7 of the Pima County SIP Submittal.

If you have any questions regarding this submittal, please call Nancy Wrona at (602) 207-2308, or Ira Domsky, at (602) 207-2365.

Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Edward Z. Fox', with a long, sweeping flourish extending to the right.

Edward Z. Fox
Director

Attachments

c: Nancy Wrona
Ira Domsky
Ken Bigos
Dayid Esposito
Martha Salvato

EXHIBIT 2

NSR AND SIP COMPLETENESS CHECKLIST

I. ADMINISTRATIVE MATERIALS

1. SUBMITTAL LETTER FROM GOVERNOR/DESIGNEE

Included.

2. EVIDENCE OF ADOPTION

See Attachment 4: certified rules, inclusive of Ordinance 1993-128 and Ordinance 1994-83 (Title 17 of the Pima County Code).

3. STATE LEGAL AUTHORITY FOR ADOPTION / IMPLEMENTATION

See Attachment 1: Arizona Revised Statutes Title 49 Chapter 3 Articles 1, 2, and 3.

4. COMPLETE COPY OF ACTUAL REGULATION

See Attachment 5: Those portions of Title 17 of the Pima County Code applicable to major source NSR/PSD;

See Attachment 6: Those portions of Title 17 of the Pima County Code applicable to minor source NSR.

5. EVIDENCE THAT ADMINISTRATIVE PROCEDURES ACT REQUIREMENTS WERE MET

See Attachment 7.

6. EVIDENCE OF PUBLIC HEARING

See Attachment 7.

7. PUBLIC COMMENTS AND AGENCY RESPONSES

See Attachment 7.

II. TECHNICAL MATERIAL

8. IDENTIFICATION OF POLLUTANTS REGULATED BY RULE

See Attachment 3 - Table 2 & Table 3, NSR Checklist.

9. IDENTIFICATION OF SOURCES/ATTAINMENT STATUS

See Attachment 3 - Table 1, NSR Checklist. There are no sources for which NSR/PSD permits have been issued since the late 1970's. One source was permitted for ozone NSR prior to the Tucson Air Planning Area's (TAPA) redesignation to attainment for ozone (after NAAQS standard for photochemical oxidants was rescinded and the new NAAQS for ozone was promulgated).

10. RULE CHANGES INDICATION BY UNDERLINING AND CROSS-OUTS

See Attachment 5: Those portions of Title 17 of the Pima County Code applicable to major source NSR/PSD;

See Attachment 6: Those portions of Title 17 of the Pima County Code applicable to minor source NSR.

11. RULES'S EFFECT ON EMISSIONS

Not applicable.

12. DEMONSTRATION THAT NAAQS, PSD INCREMENTS, AND RFP ARE PROTECTED

The intent of this NSR/PSD SIP submittal is to protect the criteria pollutants, federal PSD increment levels, and provide for RFP, in concert with any applicable nonattainment area plans and existing SIPs.

13. EVIDENCE THAT EMISSIONS LIMITATION ARE BASED ON CONTINUOUS EMISSIONS REDUCTION TECHNOLOGY

Not applicable.

14. MODELING SUPPORT

Not applicable.

15. IDENTIFICATION OF SECTIONS OF RULE CONTAINING EMISSION LIMITS, WORK PRACTICE STANDARDS, AND/OR RECORDKEEPING/REPORTING REQUIREMENTS

See Attachment 3, NSR checklist.

Emission Limits / Work Practice Standards: 17.08.150; 17.12.200; 17.16

Recordkeeping/Reporting: 17.12.180; 17.12.210; 17.24 Articles 2 & 3.

16. COMPLIANCE/ENFORCEMENT STRATEGIES

See Attachment 3, NSR Checklist.

Permit Contents: 17.12.180

Compliance: 17.12.210

17. ECONOMIC TECHNICAL JUSTIFICATION FOR DEVIATION FROM EPA POLICIES

None Known.

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY
SIP ENFORCEABILITY ANALYSIS FOR PIMA COUNTY RULES

NSR AND SIP ENFORCEABILITY CHECKLIST

1. State and Legal Authority for Adoption/Implementation

ARS, Title 49, Chapter 3, Articles 1, 2, and 3
(see Exhibit 1).

2. Pollutants Regulated by Rule:

PM: X, SOx: X, VOC: X, NOx: X, CO: X, Pb: X

3. Identification of Sources:

New and Modified Pima County Major and Minor Sources for purposes of NSR/PSD.

4. Are any exemptions allowed? If so, what criteria are used? Specify calculation procedure.

As per State statute: motor vehicles, agricultural vehicles or agricultural equipment normally used in farm operations, fuel burning equipment rated at less than five hundred BTU/hr. A.R.S. § 49-426.B

5. Is bubbling or averaging of any type allowed? If yes, (a) state criteria; (b) is averaging time different from that of the ambient standard?

No.

6. What are the units of compliance?

Tons per year (tpy). See Table 2 of NSR Checklist and rule sections: T17.04.340.A.131, T17.04.340.218. Also refer to R18-2-101.60, R18-2-101.97 and R18-2-401.9 in Arizona Administrative Code.

7. If an area is redesignated, will this change the emission limitations? If yes, which ones and how?

Yes, emission limitations and offsets are listed in Table 3 of the NSR Checklist (Attachment 3) and in rule sections:

Pima County General:

T17.16.570.A, T17.340.A.218

General: R18-2-404.C, R18-2-404.J, R18-2-404.K,
R18-2-101-.69.

8. What is the compliance date?

Not Applicable.

9. What is the attainment date?

Not Applicable.

10. What test methods are required?

Not Applicable.

11. What is the averaging time in the compliance test method?

Not Applicable.

12. Is there a required compliance calculation or evaluation? What is the period of compliance and/or evaluation method?

Not Applicable.

13. Are records required to be kept?

Yes. See T17.12.180, 17.12.210, 17.24, Articles 1 & 2.

14. What records are required determine compliance?

See T17.12.210

15. In what form or units must the records be kept?
On what time basis (hourly, daily, etc.) must the records be kept?

See T17.12.210

16. Malfunction provisions (what exceedances may be excused, how applied, who makes determination):

Malfunction is defined in T17.04.340.A.133

However, malfunction provisions do not apply to NSR/PSD determinations.



OFFICE OF THE
Pima County Attorney
Civil Division
32 N. STONE
SUITE 1500

STEPHEN D. NEELY
PIMA COUNTY ATTORNEY

Tucson, Arizona 85701-1412
(602) 740-5750
FAX (602) 620-6556

August 29, 1994

David Esposito, Control Officer
Pima County Air Quality Control District
130 West Congress St.
Tucson, AZ 85701

Dear Mr. Esposito,

I have reviewed Title 17 of the Pima County Code adopted September 28, 1993 and amendments to Title 17 adopted June 21, 1994 and the portions of Title 17 which are to be submitted to the Arizona Department of Environmental Quality for inclusion in the State Implementation Plan. Authority and procedures for a County Air Quality Control District to adopt rules to control air pollution are set forth in A.R.S. §49-479. Title 17 of the Pima County Code was adopted and amended pursuant to and in compliance with the appropriate requirements of A.R.S. §49-479.

Sincerely,

STEPHEN D. NEELY
PIMA COUNTY ATTORNEY


Richard W. McKee
Deputy County Attorney

RECORDED BY: JEB
DEPUTY RECORDER
2012 RD11

PO230
PIMA CO CLERK OF THE BOARD

TUCSON AZ 85701



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

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; 17.08; 17.12; 17.16; 17.20; 17.24; 17.28; AND 17.32, AND ADDING CHAPTER 17.44.

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 Function.
- 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.

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 (areawide 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 maximum 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, 199_.

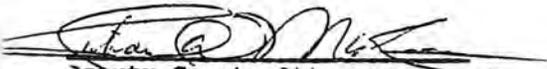


Chairman, Board of Supervisors

SEP 28 1993

APPROVED AS TO FORM:

REVIEWED BY:



Deputy County Attorney



Director

ATTEST:



Clerk, Board of Supervisors

Public Hearing Presiding Officer Certification

I, David M. Esposito, the designated Presiding Officer, do hereby certify that the public hearing held by the Pima Department of Environmental Quality (PDEQ) was conducted on August 8, 1994, in the Tucson Main Library public meeting room, 101 North Stone Avenue, Tucson, Arizona. The public hearing was conducted in accordance with the public notice requirements through publication in Tucson's Daily Territorial dated July 8, 1994. Furthermore, I do hereby certify that the public hearing was electronically recorded from the opening of the public record through concluding remarks and closing, and the audio cassette available at PDEQ, 130 West Congress, Tucson, Az., 85701 contains a full, true, and correct record of the above-referenced public hearing. The following attachments to this certification contain a non-verbatim written transcription of the proceeding, written comments received by the Department, and departmental responses to both written comments, as well as any statements made during the hearing.

Dated this 30th day of August.

DM Esposito

State of Arizona)
) ss.
County of Pima)

Subscribed and sworn to before me by
the 30th day of August, 1994.

David M. Esposito

Vicki Z. Beninc
Notary Public

My commission expires:

My Commission Expires November 25, 1995

NON-VERBATIM TRANSCRIPT OF PUBLIC HEARING CONDUCTED BY:

Pima County Department of Environmental Quality

9:00 a.m., Monday, August 8, 1994

**Public Library Conference Room
101 North Stone Avenue
Tucson, Arizona 85701**

**In the matter of the Proposed Submittal of a Revision to the
New Source Review / Prevention of Significant Deterioration
State Implementation Plan**

PDEQ NEW SOURCE REVIEW
PREVENTION OF SIGNIFICANT DETERIORATION
STATE IMPLEMENTATION PLAN PUBLIC HEARING MINUTES
August 8, 1994, 9:00 a.m.
Public Library Conference Room
101 N. Stone Avenue
Tucson, AZ 85701

Attendees:

David Esposito, PDEQ
Kathy Clayton, PDEQ
Martha Salvato, PDEQ
Doug LaGrange, PDEQ
John Bernardo, PDEQ
Richard Grimaldi, PDEQ
Richard McKee, Deputy County Attorney
Glynis Coulter, Weiser Lock
Cosimo DeMasi, Tucson Electric Power
Katy Young, Young Block Company
Dan Karl, Rutter Environment,
Patricio Silva, Pima Association of Governments
Ken Kubacki, Granite Construction
Amy Porter, Lewis and Roca
Frank Bangs, Lewis and Roca
Ben Dorris, Tucson Rock and Sand
Dave Kirby, PC WWM
Ed Marsh, Hughes Missile Systems Co.
Michael Broussard, Huck International
Tom Collier, Tucson Chamber of Commerce
Rafael Bradly

Mr. Esposito thanked ADEQ and those attending for coming to the hearing. He stated that the purpose of the meeting was to take public comment on the portion of the air quality rules that are being considered for submittal to EPA as part of the State Implementation Plan for New Source Review (NSR) Prevention of Significant Deterioration (PSD).

There are two options that are currently under consideration to achieve the requirements of the SIP submittal. Both options and the advantages and disadvantages of each option are outlined in a handout being distributed. Mr. Esposito explained the options as follows:

- A. Submit entire package related to NSR/PSD program for Class I and Class II sources.

Advantages:

- Increases potential for approval by EPA;
- Solves synthetic minor issue immediately; and
- Creates a mechanism for emission offset credits for minor sources.

Disadvantages:

- Rules must be modified within 12 months to clarify limits of federal enforceability; and
- Subsequent submittal of modified rules may be construed as backsliding by EPA.

- B. Submit a rule package related to NSR/PSD program for Class I and Class II sources that has been edited to limit federal enforceability.

Advantages:

- Consistent with proposed ADEQ approach; and
- Clarifies immediately that federal enforceability only applies to preconstruction and modification activities.

Disadvantages:

- Reduces potential for EPA approval;
- May be construed as rulemaking;
- Fails to address synthetic minor and emissions offset credit issues; and
- Creates confusion on matters of federal enforceability.

Mr. Esposito stated that written comments may be submitted until 5:00 p.m. on August 22, 1994. The second option will have some rules modified and redacted for public review prior to submittal. If you are interested in that, see staff after the meeting.

Amy Porter proposed a third option to the NSR/PSD submittal. She explained the background involved in her suggestion. As a result of the 1990 amendments, there were some changes in federal law which required modification of the PSD and NSR programs. Ms. Porter stated that in January of 1992, EPA sent ADEQ a Notice of Deficiency advising ADEQ that the state plan, which includes the county plans, did not meet the new requirements. Under federal law, ADEQ has 18 months to rectify. Ms. Porter stated that EPA acknowledged in a recent conference telephone call with ADEQ that a Notice of Deficiency was not issued for minor source permitting program needing to be submitted for NSR and PSD purposes. Ms. Porter suggested submitting whatever needs to be submitted to EPA to cure the deficiency that was noted in January, 1992. She stated that her approach would be to back away from submitting the redacted version as it was too confusing. Ms. Porter stated that she felt the confusion was due to the two highlighted versions, some of the county's rules being approved and enforceable by EPA under Title V and some being part of the SIP, either minor sources or major sources.

Ms. Porter stated that during a conversation with a former colleague regarding the issue of backsliding, she was made aware that this is a larger issue in some of the other Regions of EPA than Region IX. If all Regions are consistent, this might become a problem in Region IX. Ms. Porter explained that the third option would be a simple synthetic minor rule and a simplified version of CFR 51.161. This does not require a permit program, just an enforceable procedure to review minor sources.

Mr. Broussard asked how this relates to 17.12.150, Transition. Ms. Clayton stated that staff did not list this in the notice for possible inclusion. This section states that if you currently hold an installation or operating permit that you maintain that permit until the permit is terminated or a unitary permit is obtained. However, Ms. Clayton stated that this may be included in the SIP.

Mr. Broussard asked why the Pima County's comment period is different from ADEQ's. Mr. Esposito stated that ADEQ shortened their timeframe for comments so that they could meet the 17th deadline.

Ms. Clayton asked Ms. Porter if staff submitted the major package as noted, what comments would she have to offer. Ms. Porter stated that she may have comments later, but has currently been focusing on the emergency issue.

Ms. Clayton asked Ms. Porter if EPA stated an intent to issue a new Notice of Deficiency. Ms. Porter stated that she did not know and referred Ms. Clayton to ADEQ staff who participated in the telephone conference call with EPA.

Ms. Porter said that ADEQ had a valid legal argument because the statute creating the new program contained a clause stating that anything that was already approved continues to be part of the SIP.

Ms. Clayton asked Ms. Porter if she would prefer the redacted version to the whole package. Ms. Porter replied that she would prefer the redacted version.

Ms. Coulter asked with Option A, how this would relate to future Title 17 amendments. Mr. Esposito stated that the major criteria that staff has been using in making modifications to Title 17, are that nothing would become deregulated that currently has pollution control requirements on it. To change the rules, staff has to demonstrate to EPA that the county is not backsliding.

Mr. Esposito thanked everyone for coming to the hearing. He requested that anyone wanting a copy of the second option to either indicate their request on the sign-in sheet or call staff. Mr. Esposito said that the comment period will close on August 22, 1994, and the staff contact person is Martha Salvato.

vb

Outstanding and 200
need to vote.
Shareholders holding
the outstanding shares
unanimously in favor of the
of.
ESS WHEREOF, we
unto set our hands and
1st day of June, 1994,
GARRY LOUCKS,
AND GARRY LOUCKS,
Notary Public
Sec'y & Treasurer
F A VA

OF A
IBED AND SWORN to
this 1st day of June,
Garry Loucks and Ja-
ser, Andria M Poe NOT-
LIC (NOTARY SEAL)
Issued Expires January
AZ, CORP. COMMIS-
R THE STATE OF AZ,
UN 13 3 58 AM '94

Daily Territorial
12, 1994

ark County Oak
7/8/94 1&6

ice to editors

TO CREDITORS SUPERIOR COURT STATE OF ARIZONA AND FOR THE COUNTY OF PIMA

of the Estate of
CLARA ZACHES, De-
No. P-24024 NOTICE
TORS

3 GIVEN that Evelyn
Dave Zaches have
ointed Personal Rep-
es of this Estate. All
having claims against
are required to present
s v four months
ite first publica-
s N. or the claims
rove. barred. Claims
presented by delivering
a written statement of
o the Personal Rep-
s attorney at the ad-
ed below.

June 16, 1994 Paul
Paul Menkveid, Attor-
Personal Representa-
N. Churon, Suite 200
85701

Daily Territorial
1994

Menkveid, P.C.
427/94 at

TO CREDITORS SUPERIOR COURT STATE OF ARIZONA AND FOR THE COUNTY OF PIMA

of the Estate of
FREDERICK WILSON,
No. P-24289 NOTICE
ORS

HEREBY GIVEN that
W. WILSON has
ointed Personal Rep-
of this Estate. All per-
claims against the
required to present
within four months
of the first publica-
of the claims
never barred. Claims
presented by delivering
written statement of
the Personal Rep-
at SLOSSER & HUD-

NOTICE IS GIVEN that Thomas
A. Curt has been appointed Per-
sonal Representative of this es-
tate. All persons having claims
against the estate are required to
present their claims within four
months after the date of the first
publication of this Notice or the
claims will be forever barred.
Claims must be presented by deliv-
ering or mailing a written state-
ment of the claim to the Personal
Representative or attorney at the
address listed below.

OATED JUNE 16, 1994 Thomas
A Curt Thomas A, Curt Personal
Representative 330 N. Granada
Ave, Tucson, AZ 85701.
Pub: The Daily Territorial
June 27, 1994
July 5, 11, 1994

Req: Thomas A. Curt, Ally,
arfelgar 6/27/94 at

NOTICE TO CREDITORS IN THE SUPERIOR COURT OF THE STATE OF ARIZONA AND FOR THE COUNTY OF PIMA

In the Matter of the Estate of
ROLLA V. KESSLER, Deceased,
NO. P23852 NOTICE TO CRE-
DITORS

NOTICE IS HEREBY GIVEN that
JAMES R. KESSLER has been
appointed Personal Representa-
tive of this Estate. All persons
having claims against the Estate
are required to present their
claims within four months after
the date of the first publication
of this notice or the claims will
be forever barred. Claims must
be presented by delivering or mail-
ing a written statement of the
claim to the Personal Representa-
tive of the Estate, Phillip H. Lar-
riva, 268 E. River Rd., Tucson,
Arizona 85704.

OATED this 14th day of June,
1994, James R Kessler JAMES
R. KESSLER 4037 E. 5th St,
Tucson, Arizona 85711

By Phillip Larriva PHILLIP H.
LARRIVA 268 E. River Rd., #150
Tucson, Arizona 293-1234 Attor-
ney for Personal Representative
Pub: The Daily Territorial
June 27, 1994
July 5, 11, 1994

Req: Phillip H. Larriva,
Attorney
arkessie 6/27/94 at

Hearing Notice

NOTICE OF HEARING SUPERIOR COURT OF ARIZONA PIMA COUNTY JUVENILE COURT

In the matter of: Nicholas Ryan
Middleton A Minor No. S-123217
AMENDED NOTICE OF HEAR-
ING OF PETITION TO TERMINATE
PARENT-CHILD RELATIONSHIP

Petitioners, GINGER L. MIDDLE-
TON and LSE A. MIDDLETON,
having filed with this Court a ver-
ified Petition to Terminate Parent-
Child Relationship between NI-
CHOLAS RYAN MIDDLETON and
the birth father Joseph Ray-
khorn.

NOTICE IS HEREBY GIVEN that
the hearing on the Petition to
Terminate Parent-Child Relation-
ship will be heard on the 11 day
of August, 1994, at the hour of
8:00 o'clock a.m. in the Juvenile
Division of the Pima County
Superior Court, 2225 E. Ajo, Tuc-

NOTICE IS HEREBY GIVEN that
the Personal Representative has
filed with the court a Petition for
Reformation of Trust. Interested
persons are referred to the peti-
tion, with exhibits, which is on file
with this court.

Hearing has been set to consider
the Petition at the Pima County
Superior Court, 110 West Con-
gress, Tucson, Arizona, on the
29 day of July, 1994, at 9:00
A.M.

OATED this 5 day of July, 1994.
Fred A Farajo Fred A, Farajo
Attorney for Personal Representa-
tive

Pub: The Daily Territorial
July 7, 8, 11, 1994

Req: Gabroy, Rollman &
Boase, P.C.
hrehnlit 7/7/94 at

Pima County

PDEQ PUBLIC HEARING NOTICE

The Pima County Department of
Environmental Quality (PDEQ)
will hold a public hearing on Au-
gust 8, 1994, 9:00 a.m., at the
Tucson Main Library, 101 North
Stone Avenue, Basement Meet-
ing Room. The purpose of the
hearing is to discuss Pima
County air quality rules that are
proposed to be submitted as part
of the Arizona State Implementa-
tion Plan (SIP) for New Source
Review/Prevention of Significant
Deterioration (NSR/PSD). The
1990 Clean Air Act Amendments
included revisions to NSR and
PSD which Arizona, including
Pima County's Air Quality Control
District, must incorporate into its
SIP to remain in conformance
with federal law.

The proposed SIP revision in-
cludes the following rules from
Title 17 of the Pima County
Code, as they pertain to Class I
sources (major sources):
17.04.070; 17.04.340; 17.04.420;
17.08.020-17.08.100; 17.08.150;
17.12.040-17.12.070; 17.12.120;
17.12.140; 17.12.180-17.12.210;
17.12.230-17.12.340; 17.12.360;
17.16.010-17.16.020;
17.16.040-17.16.130;
17.18.160-17.18.430; 17.18.520;
17.18.550-17.18.640. The above
rules may also be proposed for
inclusion as they apply to class II
sources (minor sources).

The inclusion of Class II source
rules in the SIP is of special
concern to the Arizona Depart-
ment of Environmental Quality
(ADEQ) and PDEQ. The Environ-
mental Protection Agency has
encouraged Arizona to include
Class II rules in the SIP. One of
the benefits of including Class II
rules in the SIP is the ability to
create federally enforceable per-
mit conditions which a source
may voluntarily assume to avoid
Class I status and the corres-
ponding requirements (a.k.a. syn-
thetic minor status). The effects
of including these rules on other
types of minor sources is not
completely understood at this
time. PDEQ and ADEQ are en-
couraging interested parties to
submit comments on whether
rules relating to Class II sources
should also be included in the
submittal.

ADEQ will hold a public work-
shop to address the question of
Class II rule inclusion in the SIP
submittal on July 25, 1994, be-
ginning at 9:00 a.m. in the ADEQ
Public Meeting Room, 3033 N.
Central Ave., Phoenix, AZ.

Bid Notices

NOTICE OF CALL FOR BIDS BID #229 - HOUSING REHABILI- TATION

DUE IN AND OPENS: JULY 21,
1994 AT 2:00 P.M. MST IN THE
9TH FLOOR LOBBY CONFER-
ENCE ROOM, 130 W. CON-
GRESS, TUCSON, AZ 85701.

DESCRIPTION: To furnish all
supervision, technical personnel,
labor, material equipment, tools,
transportation services, licenses
and permits required to perform
and complete necessary rehabili-
tation work on property under
specifications as called for by
Pima County Community Ser-
vices Division.

NO BONDS REQUIRED
Bids may be obtained at the
Pima County Administration
Building, 1st floor, 130 W. Con-
gress, Monday - Friday, 8:00 am
to 5:00 pm.

PUBLISH: The Daily Territorial

July 7, 8, 11, 12, 1994
pr229 7/07/94 av

Notice of Bid

NOTICE TO BIDDERS

1. Project Primavera 4th Street
Renovation
2. Location: 3644-3668 East 4th
Street Tucson, Arizona, 85717
3. Owner: Primavera Foundation
735 South Stone Avenue Tucson,
Arizona 85710
4. Architect: Postler Frost Associ-
ates, Inc, 307 South Convent Av-
enue Tucson, Arizona 85701
5. A pre-bid conference will be
held at 9:00 AM Thursday July
14, 1994 at the address listed in
item 2 above.
6. Sealed bids will be received
until 3:00 PM Thursday July 21,
at the address listed in item 4
above.
7. Bids will be publicly opened at
3:00 PM Thursday July 21, 1994
at the conference room at the
address listed in item 4 above.
8. The Owner reserves the right
to accept or reject any or all bids.
9. Bid security in the amount of
five percent of the Bid must ac-
company each Bid in accordance
with the Instructions to Bidders.
10. Drawings, specifications, Con-
tractual Documents, Bid Blanks,
and any other detailed instruc-
tions will be on file at the Ar-
chitect's office. Drawings, Specifi-
cations, Contractual Documents
and Bid Blanks are also available
at the following plan room loca-
tions:

a. Shirley's Plan Service 425
South Plumer Tucson, Arizona
85719

b. Dodge Reports 220 South
Plumer Tucson, Arizona 85719
10. A deposit of \$20.00 per set (4
sets maximum) is required from
those bidders wishing to take out
the above listed documents. This
deposit will be refunded upon re-
turn of all bidding documents in
good condition within five days
after bid date. Any person or firm
who retains these documents
longer than this stipulated time
shall forfeit this deposit. Addi-
tional sets or sheets of drawings,
pages of specifications and other
contract documents may be pur-
chased at cost without refund.
11. Due to the use of Federal

12. Attention is further called to
the fact that this project must be
undertaken in compliance with
Section 7(b) Public Law 93-638,
Executive Order 11246, and Sec-
tion 3 of the Housing and Urban
Development Act of 1968 regard-
ing Equal Opportunity. The speci-
fications for performance under
the directives are included here-
in.

Pub: The Daily Territorial
July 8, 11, 1994

Req: Postler Frost
Associates
ppr1mav 7/8/94 la

University of Arizona

UNIVERSITY OF ARIZONA

A sealed bid sale of miscellan-
eous equipment will be con-
ducted on July 11th & 12th, 1994
from 8:00 AM to 3:30 PM. Equip-
ment is located at the U/A Ware-
house, 21st St. and Warren Ave.,
Tucson, AZ. For more informa-
tion call 621-1754.

Pub: The Daily Territorial
July 8, 11, 12, 1994

Req: University of Arizona
Office of Material Management
smlics 7/8/94 la

Northwest Fire District Bid Notice

Request for Bids

Northwest Fire District is solicit-
ing bid proposals for uniforms
from qualified vendors. Uniform
specifications are available by
calling (602)742-4749. Bids
should be submitted to Admi-
nistration, 1520 W. Orange
Grove Road, Tucson, AZ 85704
by July 22 at 12:00 noon and
should be sealed and marked
'Uniform Bid'. A public bid open-
ing will follow receipt of the bids.
Pub: The Daily Territorial
July 8, 7, 9, 11, 1994

Req: Northwest Fire District
prunifor 7/8/94 at

Town of Marana

LEGAL NOTICE

NOTICE IS HEREBY GIVEN
THAT THE MAYOR AND COUN-
CIL OF THE TOWN OF MAR-
ANA WILL HOLD A PUBLIC
HEARING ON TUESDAY, JULY
19, 1994 FOR THE PURPOSE
OF ADOPTING THE FY 1994-95
PROPOSED BUDGET. THE
HEARING WILL BE HELD AT
7:00 P.M. AT THE MARANA
TOWN HALL, 13251 N. LON
ADAMS RD., MARANA, AZ. THE
COMPLETE PROPOSED
BUDGET MAY BE REVIEWED
BY CONTACTING ROY
GUARON AT THE MARANA
TOWN HALL, TELEPHONE
(602) 682-3401.

Continued on next page --

Notices

NOTICE OF INCORPORATION OF COUNTRY OAK, INC. ALL MEN BY THESE

Articles of Incorporation for Country Oak, Inc. were filed with the Arizona Secretary of State on June 8, 1990, and the name of the corporation is changed from Country Oak to Ozark.

Amendment to the Articles of Incorporation was adopted by the Board on May 11, 1994.

There are 200 shares of common stock outstanding and 200 shares held by the shareholders holding the outstanding shares.

WHEREAS, we have set our hands and the first day of June, 1994, GARRY LOUCKS, ANDRIA M POE NOTARY PUBLIC (NOTARY SEAL) EXPIRES JANUARY 1, 1995.

NOTICE TO CREDITORS IN THE SUPERIOR COURT OF THE STATE OF ARIZONA IN AND FOR THE COUNTY OF PIMA

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NOTICE TO CREDITORS IN THE SUPERIOR COURT OF THE STATE OF ARIZONA IN AND FOR THE COUNTY OF PIMA

SHUGGINS, P.L.C., Attention: Richard S. Hudgins, 3575 East Sunnyside Drive, Suite 125, Tucson, Arizona, 85718.
DATED this 20 day of June, 1994.

SLOSSER & HUDGINS, P.L.C.
By Richard S. Hudgins, Richard S. Hudgins Attorneys for Personal Representative
Pub: The Daily Territorial
June 27, 1994
July 5, 11, 1994

Re: Slosser & Hudgins, P.L.C.
crwilson 6/27/94 to

NOTICE TO CREDITORS IN THE SUPERIOR COURT OF THE STATE OF ARIZONA IN AND FOR THE COUNTY OF PIMA

In the Matter of the Estate of Kimberly Ann Felgar Deceased, NO. P-24266 NOTICE TO CREDITORS

NOTICE IS GIVEN that Thomas A. Curti has been appointed Personal Representative of this estate. All persons having claims against the estate are required to present their claims within four months after the date of the first publication of this Notice or the claims will be forever barred. Claims must be presented by delivering or mailing a written statement of the claim to the Personal Representative or attorney at the address listed below.

DATED: JUNE 16, 1994 Thomas A. Curti Thomas A. Curti Personal Representative 330 N. Granada Ave, Tucson, AZ 85701.
Pub: The Daily Territorial
June 27, 1994
July 5, 11, 1994

Re: Thomas A. Curti, Atty. crfelgar 6/27/94 st

NOTICE TO CREDITORS IN THE SUPERIOR COURT OF THE STATE OF ARIZONA IN AND FOR THE COUNTY OF PIMA

In the Matter of the Estate of ROLLA V. KESSLER, Deceased, NO. P23852 NOTICE TO CREDITORS

NOTICE IS HEREBY GIVEN that JAMES R. KESSLER has been appointed Personal Representative of this Estate. All persons having claims against the Estate are required to present their claims within four months after the date of the first publication of this notice or the claims will be forever barred. Claims must be presented by delivering or mailing a written statement of the claim to the Personal Representative of Phillip H. Larriva, 268 E. River Rd., Tucson, Arizona 85704.

DATED this 14th day of June, 1994. James R. Kessler JAMES R. KESSLER 4337 S. 5th St. Tucson, Arizona 85711
By Phillip Larriva PHILLIP H. LARRIVA 268 E. River Rd., #150 Tucson, Arizona 293-1234 Attorney for Personal Representative
Pub: The Daily Territorial
June 27, 1994
July 5, 11, 1994

Re: Phillip H. Larriva, Attorney crkessler 6/27/94 st

Hearing Notice

NOTICE OF HEARING SUPERIOR COURT OF

son, Arizona, before a Judge of Hearing Officer.
Notice of said hearing shall be given to all persons as required by and as set forth in A.R.S. Sections 8-535.

Dated this 14 day of June, 1994, CLERK OF THE PIMA COUNTY SUPERIOR COURT (SUPERIOR COURT SEAL) By Sylvia J. Mooney Deputy Clerk
Pub: The Daily Territorial
July 6, 11, 18, 25, 1994

Re: Ginger Middleton hrmiddle 7/6/94 st

NOTICE OF HEARING IN THE SUPERIOR COURT OF THE STATE OF ARIZONA IN AND FOR THE COUNTY OF PIMA

In the Matter of the Estate of John Joseph Ennitt, Deceased, No. P-23519 NOTICE OF HEARING ON PETITION FOR REFORMATION OF TRUST NOTICE IS HEREBY GIVEN that the Personal Representative has filed with the court a Petition for Reformation of Trust. Interested persons are referred to the petition, with exhibits, which is on file with this court.

Hearing has been set to consider the Petition at the Pima County Superior Court, 110 West Congress, Tucson, Arizona, on the 29 day of July, 1994, at 9:00 A.M.

DATED this 5 day of July, 1994, Fred A. Farsjo Fred A. Farsjo Attorney for Personal Representative
Pub: The Daily Territorial
July 7, 8, 11, 1994

Re: Gabroy, Rollman & Bossa, P.C. hrennitt 7/7/94 st

Pima County

PDEQ PUBLIC HEARING NOTICE

The Pima County Department of Environmental Quality (PDEQ) will hold a public hearing on August 8, 1994, 9:00 a.m., at the Tucson Main Library, 101 North Stone Avenue, Basement Meeting Room. The purpose of the hearing is to discuss Pima County air quality rules that are proposed to be submitted as part of the Arizona State Implementation Plan (SIP) for New Source Review/Prevention of Significant Deterioration (NSR/PSD). The 1990 Clean Air Act Amendments included revisions to NSR and PSD which Arizona, including Pima County's Air Quality Control District, must incorporate into its SIP to remain in conformance with federal law.

The proposed SIP revision includes the following rules from Title 17 of the Pima County Code, as they pertain to Class I sources (major sources):
17.04.070; 17.04.340; 17.04.420;
17.08.020-17.08.100; 17.08.150;
17.12.040-17.12.070; 17.12.120;
17.12.140; 17.12.160-17.12.210;
17.12.230-17.12.340; 17.12.360;
17.16.010-17.16.020;
17.16.040-17.16.130;
17.16.160-17.16.430; 17.16.520;
17.16.550-17.16.640. The above rules may also be proposed for inclusion as they apply to class II sources (minor sources).

The inclusion of Class I source rules in the SIP is of special concern to the Arizona Department of Environmental Quality (ADEQ) and PDEQ. The Environmental Protection Agency has encouraged Arizona to include Class II sources in the SIP. One of

All interested parties will be given a reasonable opportunity at the hearing and the workshop to submit relevant evidence, data, views, and arguments, orally and in writing. All written comments must be received by 5:00 p.m. on August 22, 1994 to be considered by PDEQ in developing the final summary. Written comments should be addressed to: David Esposito, PDEQ, 130 W. Congress, Tucson, AZ 85704.

Copies of the rules proposed to be included in the NSR/PSD SIP are available for review at the PDEQ office located at 130 W. Congress, 3rd floor, Tucson, AZ. For questions, please contact Kamy Clayton at 740-3340.

PUBLISH: The Daily Territorial
July 8, 11, 1994
prdeqsl 7/8/94 js

Pima County Bid Notices

NOTICE OF CALL FOR BIDS BIOD 229 - HOUSING REHABILITATION

DUE IN AND OPENS: JULY 21, 1994 AT 2:00 P.M. MST IN THE 9TH FLOOR LOBBY CONFERENCE ROOM, 130 W. CONGRESS, TUCSON, AZ 85701.

DESCRIPTION: To furnish all supervision, technical personnel, labor, material equipment, tools, transportation services, licenses and permits required to perform and complete necessary rehabilitation work on property under specifications as called for by Pima County Community Services Division.

NO BONDS REQUIRED
Bids may be obtained at the Pima County Administration Building, 1st floor, 130 W. Congress, Monday - Friday, 9:00 am to 5:00 pm.
PUBLISH: The Daily Territorial

July 7, 8, 11, 12, 1994
pr229 7/07/94 cv

Notice of Bid

NOTICE TO BIDDERS

1. Project: Primavera 4th Street Renovation
2. Location: 3644-3686 East 4th Street Tucson, Arizona, 85717
3. Owner: Primavera Foundation 735 South Stone Avenue Tucson, Arizona 85710
4. Architect: Foster Frost Associates, Inc. 307 South Convent Avenue Tucson, Arizona 85701
5. A pre-bid conference will be held at 9:00 AM Thursday July 14, 1994 at the address listed in item 2 above.
6. Sealed bids will be received until 3:00 PM Thursday July 21, 1994 at the address listed in item 4 above.
7. Bids will be publicly opened at 3:00 PM Thursday July 21, 1994 at the conference room at the address listed in item 4 above.
8. The Owner reserves the right to accept or reject any or all bids.
9. Bid security in the amount of five percent of the Bid must accompany each Bid in accordance with the Instructions to Bidders.
10. Drawings, specifications, Contract Documents, Bid Blanks, and any other detailed instructions will be on file at the Architect's office. Drawings, Specifications

Request for Bids
Northwest Fire District is soliciting bid proposals for uniforms from qualified vendors. Uniform specifications are available by calling (802)742-4749. Bids should be submitted to Administration, 1520 W. Orange Grove Road, Tucson, AZ 85704 by July 22 at 12:00 noon and should be sealed and marked "Uniform Bid". A public bid opening will follow receipt of the bids.
Pub: The Daily Territorial
July 6, 7, 8, 11, 1994
Re: Northwest Fire District pruniform 7/6/94 st

Community Development Block grant funds and pursuant to the provisions of the Davis-Bacon Act of March 3 1931, as amended, the owner has ascertained from the Federal Register the general wage determination decisions in the locality in which this work is to be performed for each craft or type of workman or mechanic needed to execute the contract, a copy of which is included in each set of specifications. It shall be mandatory upon the Contractor to whom the contract is awarded and upon any subcontractor under him, to pay all laborers, workmen and mechanics employed by them in the execution of the contract not less than the said general wage determination decisions of the Secretary of Labor in accordance with the Davis-Bacon Act of March 3, 1931, as amended, for each craft or type of workman or mechanic needed to execute the contract. Attention is further called to the fact that this project must be undertaken in compliance with Section 7(b) Public Law 93-638, Executive Order 11246, and Section 3 of the Housing and Urban Development Act of 1968 regarding Equal Opportunity. The specifications for performance under the directives are included herein.

Pub: The Daily Territorial
July 8, 11, 1994

Re: Foster Frost Associates prprimav 7/8/94 to

University of Arizona

UNIVERSITY OF ARIZONA

A sealed bid sale of miscellaneous equipment will be conducted on July 11th & 12th, 1994 from 8:00 AM to 3:30 PM. Equipment is located at the U/A Warehouse, 21st St. and Warren Ave., Tucson, AZ. For more information call 821-1754.

Pub: The Daily Territorial
July 8, 11, 12, 1994

Re: University of Arizona Office of Material Management simled 7/8/94 to

Northwest Fire District Bid Notice

Request for Bids
Northwest Fire District is soliciting bid proposals for uniforms from qualified vendors. Uniform specifications are available by calling (802)742-4749. Bids should be submitted to Administration, 1520 W. Orange Grove Road, Tucson, AZ 85704 by July 22 at 12:00 noon and should be sealed and marked "Uniform Bid". A public bid opening will follow receipt of the bids.
Pub: The Daily Territorial
July 6, 7, 8, 11, 1994
Re: Northwest Fire District pruniform 7/6/94 st

Town of

RESPONSE TO COMMENTS RECEIVED ON THE NSR/PSD SIP HEARING
OF
AUGUST 8, 1994
Pima County of Environmental Quality
August 25, 1994

The public hearing concentrated on presentation of two options that the Arizona Department of Environmental Quality (ADEQ) had prepared for possible submittal to the Environmental Protection Agency (EPA) as the Arizona NSR/PSD SIP. Details of the options are in the Public Hearing Minutes. Briefly, the two options presented were:

Option A: Submit all proposed rules in their entirety as related to NSR/PSD program for Class I and Class II sources.

Option B: Submit a rule package related to the NSR/PSD program that has been edited to limit federal enforceability.

1. A suggestion was made during the public hearing that a third option involving no submittal of the minor source portion of the NSR program was necessary since the EPA had never identified minor source NSR as a deficiency that needed to be addressed in the Arizona SIP.

Communications with EPA have, in fact, indicated that EPA believes that the SIP will not be complete unless and until it meets the requirements under §110(a)(2)(C) of the Clean Air Act Amendments of 1990 (Act). Each implementation plan submitted by a State under this Act shall - "include a program to provide for the enforcement of the measures described in subparagraph A, and regulation of the modification and construction of any stationary source within areas covered by the plan as necessary to assure that national ambient air quality standards are achieved, including a permit program as required..."

2. A comment was made stating that a simplified approach to the submittal package was necessary to avoid further confusion. A question was raised regarding the minor source submittal, especially involving edited rules.

PDEQ will follow ADEQ's approach. "...ADEQ disagrees that submittal of edited minor source rules will result in additional confusion. Instead, ADEQ has concluded that such submittal will provide badly needed clarification of the applicable SIP by including in it explicit contemporary rule language in place of prior rules....While reserving its right

to rely on the 1982 applicable SIP for all minor source NSR/PSD requirements, the State is willing to make this submittal without the requisite normal deficiency notice....(ADEQ comments regarding this question from their public hearing August 9, 1994)

3. A question was asked regarding submittal of 17.12.150, Transition.

After further review, PDEQ concluded that this section needs to be submitted.

4. A question was asked regarding how Option A (submittal of rules in their entirety) would relate to future Title 17 amendments.

Response in included in public hearing minutes.

Conclusion: In consideration of all comments received, both oral testimony and written comment, PDEQ has concluded that this SIP revision will generally follow ADEQ's approach. The SIP will be comprised of two parts: one which identifies those portions of Pima County's rules to be included in the applicable SIP for the purpose of major source NSR/PSD; and one which identifies those portions of Pima County's rules to be included in the applicable SIP for the purpose of minor source NSR.

A Masco Company
6660 South Broadmoor Road
Tucson, Arizona 85746
Telephone 602.741.6200

August 19, 1994

Dr. David Esposito, Director
Pima County Dept. of Environmental Quality
Air Quality Control District
130 W. Congress St.
Tucson, AZ 85701-1317

RE: COMMENTS ON NEW SOURCE REVIEW/PREVENTION OF SIGNIFICANT
DETERIORATION SIP SUBMITTAL

Dear Dave:

These comments address the NSR/PSD rules proposed for submittal as part of the SIP.

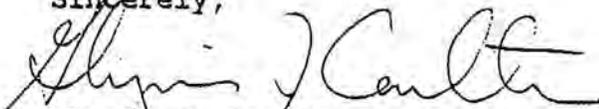
We believe that the preferred course of action would be Option B, i.e. submitting a rule package for Class I and Class II sources that has been edited to limit federal enforceability, consistent with ADEQ's approach.

In reviewing the rules listed in the public notice which were proposed to be included, two questions arose:

- 1) Section 17.12.140.B.2. refers to the Hazardous Air Pollutants list under A.R.S. Section 49-426.04(A)(1) or Chapter 17.16, Article IX. If ADEQ will not be submitting HAPS rules, why would this be included by PCDEQ?
- 2) Section 17.17.150, which states that existing Permits stay in effect until the new unitary Permits can be issued, was not included. Why would this not be included?

Thank you for the opportunity to comment on this subject. Please feel free to contact me at (602) 741-6366 with any questions regarding the information provided here.

Sincerely,



Glynis J. Coulter
Environmental/Safety Engineer

cc: B. Thomasson





DEPARTMENT OF ENVIRONMENTAL QUALITY

130 West Congress Street
Tucson, Arizona 85701-1317

DAVID M. ESPOSITO
Director

(602) 740-5540
FAX (602) 882-7709

August 29, 1994

Ms. Glynis Coulter
Environmental/Safety Engineer
Weiser Lock
6660 South Broadmoor Rd.
Tucson, AZ 85746

Re: PSD/NSR SIP Submittal

Dear Glynis:

Thank you for your letter of August 19, 1994 regarding the PSD/NSR SIP submittal.

We acknowledge your support for submittal of an edited or redacted version of applicable rules. With regard to your specific comments:

- 1) Section 17.12.140.B.2.a.i will not be included in the edited version submitted as part of the SIP
- 2) We assume you are referring to section 17.12.150, Transition Provisions. Portions of this section will be included in the SIP submittal, to assure that transition provisions can be followed for PSD/NSR permits.

Thank you again for your valuable comments.

Very truly yours,

A handwritten signature in cursive script, appearing to read "David", is written over the typed name.

David M. Esposito
Director

DME/ss



August 22, 1994

Mr. David Esposito
Director
Pima County Department of Environmental Quality
130 W. Congress
Tucson, Arizona 85701-1317

Re: AMA Comments on Proposed PSD/NSR SIP Revision

Dear Mr. Esposito:

We are submitting the following comments on Pima County's proposed PSD/NSR and minor NSR SIP revisions on behalf of the Arizona Mining Association (AMA). On August 8, 1994, Pima County held a public meeting to discuss options for submitting a minor NSR SIP revision to EPA. At this meeting, the public was told that SIP submissions consisting of "redacted" County rules would be available for public review the following day in order to permit intelligent comment by August 22, 1994. We did not receive the redacted version until August 17 and believe that such a short period of time for review is insufficient.

At the public meeting on August 8, we raised an additional option for dealing with the minor NSR problem. We pointed out that it is unnecessary at this time to submit a minor NSR SIP revision to EPA because no "sanctions clock" is ticking. Neither the State nor the County is in violation of section 110(a)(2)(c)(A) of the Clean Air Act, because the current SIP already has approved NSR provisions applicable to minor sources. These provisions remain enforceable under A.R.S. § 49-404(C). Even if EPA disagrees with this position, however, it is our understanding that EPA has conceded that it has not sent any notice of deficiency regarding the adequacy of the State's preconstruction and modification review procedures for sources not subject to Title V permits. The State and counties would have eighteen months from receiving such a deficiency letter to come up with a sensible solution to the minor NSR problem.

From the standpoint of the regulated community, the proposed submission is anything but sensible. The selective inclusion or redaction of rules that were never intended to satisfy section 110(c)(2)(A) of the Clean Air Act raises two significant problems:

- (1) A minor source NSR SIP revision that consists of individual paragraphs, sections and sentences from state or county permit rules is incredibly confusing and difficult to apply. An applicant for a Class II permit

attempting to segregate those portions of the application or permit that are federally enforceable requirements from those that are not is given little guidance by this crazy quilt of rule language.

- (2) The selective inclusion/redaction approach to SIP adoption, while a significant improvement over making all non-Title V permitting requirements federally enforceable, still runs a considerable risk of making federally enforceable a number of non-Title V permit provisions that are not required under Title I of the Clean Air Act. As noted below, this is an even greater problem for the County rules than it is for the State's.

We readily agree that the continuing federal enforceability of the old minor NSR rules is not a viable long-term solution. There is no reason, however, not to rely on the existing SIP while ADEQ and the counties develop a workable and understandable minor NSR rule. Reconciling the old and new permitting systems will be somewhat confusing, but no more so than attempting to make sense out of the proposed submission. And in any case, unless and until EPA approves the redacted non-Title V permitting rules as a SIP revision, both ADEQ and the counties will be constrained to enforce the old rules, since they are still part of the SIP.

We understand that ADEQ has submitted its redacted version of the new minor source permit rules to EPA. ADEQ, however, has also committed to develop a separate minor NSR rule and to submit that rule to EPA as a substitute for the earlier submission. Thus, the submission of the redacted rules represents an unnecessary additional step in the process of developing a minor NSR SIP submission that conforms to the new unitary permit system. It makes no sense to go from one interim solution to another; ADEQ and the Counties should instead move straight from the existing SIP to the final version.

We therefore strongly oppose any SIP submittal containing federally enforceable permitting rules for non-Title V sources. If, despite this opposition, Pima County makes such a submittal, we believe that the public deserves more time for review than has been given. Because the sanction clock is not running, the public should be allowed, at the very least, the same amount of time stated at the public meeting, which would make comments due by August 29, 1994.

The AMA also strongly opposes Pima County's proposal to submit the existing source performance standards set forth in Chapter 17.16 as a SIP revision. Many of these standards differ significantly from the state's, are currently being challenged in court by the AMA and are open to challenge under A.R.S. § 49-

112(E). The regulatory expert panel appointed by the Environmental Quality Advisory Council found that PDEQ did not have sufficient evidence to conclude that some of these standards are necessary to attain or maintain the National Ambient Air Quality Standards. Thus, these standards have no place in a SIP submission.

Again, PDEQ should allow more time for comment on these extremely complex SIP submissions. We have identified the following specific problems with the submissions, but given the extraordinarily short review time allowed, we are certain this list is not complete:

1. On page 5, 17.04.340.28.m must be deleted from the definition of applicable requirements in both the minor and major source NSR rules. ADEQ has redacted R18-2-101.14.b, which is identical to Pima County's 17.04.340.28.m. The failure to redact this portion of the definition could result in state or county requirements that are not part of the SIP becoming federally enforceable.

2. On page 4, 17.04.340.23, the definition of "applicable requirement," should include subsections h and i.

3. On page 17, 17.04.340.132, the definition of major source, cross-references R18-2-101. However ADEQ's redacted version of this definition includes only the last subsection of R18-2-101(132), which in turn cross-references the definition of major source in R18-2-401. For purposes of NSR, the crucial distinction is between sources that are subject to PSD and major source NSR and those that are subject only to minor source NSR. Thus, the SIP submission should include only the PSD/major NSR definition. The use of any other definition would blur the lines between sources that are major for PSD/NSR purposes and those that are not. For example a non-categorical source in an attainment area with emissions below 250 tons per year would be major for Title V purposes but not for PSD/NSR purposes. In addition, a major source of hazardous air pollutants may not be a major source of criteria pollutants. These sources should not be included in a major NSR program. The only solution we can suggest is to include in the cover letter a statement that the County's intent is to cross-reference the redacted version of R18-2-101.

4. The state's submission includes no equivalent to section 17.12.110 at page 34; thus that section should not be included in the major or minor source submission. The reference to the state air quality statute and "rules adopted by the director" could have the effect of transforming all state and County requirements into federally enforceable permit conditions.

5. On page 35, Rule 17.12.140.B.2.b.iii probably needs to be included if redacted rules are submitted; otherwise the submission will fail to identify which sources require minor source permits. However, as the regulatory expert panel noted, the County has not made an adequate showing that its extremely low permitting thresholds are necessary to maintain or attain any NAAQS. Thus, the submission will be of questionable validity under state law, which may be grounds for EPA disapproval, and will be broader than necessary to meet the requirements of section 110(c)(2)(A).

6. On page 39, Rule 17.12.160.E.7 raises similar problems. The County has adopted a definition of insignificant activities that for the most part tracks its definition of de minimis and that will require application information about trivial emissions that could not possibly interfere with attainment or maintenance of the NAAQS.

7. On page 37, 17.12.160.B in both the minor and major source submissions refers to the "Standard Permit Application Form" in Appendix 1 of the State regulations. Appendix 1 in the State's submission redacts many of the application requirements that need not be part of the SIP. Once again, a cross-reference to the state rules makes the process of redacting the County's confusing and difficult. Again, the only suggestion we can make is to state in the cover letter that the intent in the County's SIP submission is to cross-reference the redacted state rules.

8. On page 40, 17.12.160.I.2.e should be deleted from the major source submittal. ADEQ correctly redacted this provision from the state rule. These procedures for EPA review are applicable to Title V permits, not PSD/NSR permits. On page 41, 17.12.160.I.2.f, should be deleted from the major source submission for similar reasons.

9. On page 44, 17.12.180.A.8, the second and third sentences of subsection 8 should be deleted from the major source submission, and the second sentence should be redacted from the minor source rule. These provisions have been removed from the State's submittal. Once again, failure to redact these provisions could have the effect of making what would otherwise be purely local requirements federally enforceable.

10. On page 46, 17.12.180.A.15 should be redacted from both the major and minor source submissions. This provision has been removed from the State submittal, again to avoid the needless transformation of local requirements into federally enforceable rules.

11. On page 46, 17.12.180.E in both the major and minor source submissions should be revised to redact paragraph 1. Paragraph 1 corresponds to the first sentence of R18-2-310(A), which ADEQ has removed in its entirety. The remainder of 17.12.180.E corresponds to R18-2-306(E), which was included in the state submission.

12. On page 48, 17.12.210.A.3.a, should read as follows in both the major and minor source submissions, in order to be consistent with Pima County's redaction in 17.12.180.5, which is the identical language:

a. Submittal of reports of any required monitoring at least every 6 months. All instances of deviations from permit requirements shall be clearly identified in such reports. ~~All required reports shall be certified by a responsible official consistent with subdivision 5 of this subsection.~~

13. On pages 49-50, 17.12.210.A.7 should be redacted from the major and minor source submissions as it is in the State's submittal.

14. On page 52, 17.12.250.E.2 should be deleted from the major source submission as it is from the State's submittal.

15. On page 53, in 17.12.260.D, the words "and review by the Administrator" should be redacted from both the major and minor source submissions, as they have been from the State's.

16. On page 53, 17.12.260.E should be deleted from both submissions. It has been redacted from the State's submittal.

17. On page 55, Rule 17.12.320.F should be redacted from both the major and minor source submissions. Subsection F cross-references A.R.S. § 49-476.01, which under certain circumstances authorizes the County to require quantification of not only criteria pollutants, but also hazardous air pollutants and unregulated pollutants. This subsection therefore has no place in a SIP submission. The remainder of the emission inventory provisions should be more than adequate to meet the requirements of Title I of the Clean Air Act.

18. Again, Chapter 17.16 should not be included in this submission. At a minimum, rules 17.16.010, .020, .050, .060, .100., .110, .120, and .400, which differ significantly from state rules, should be omitted.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven J. Burr". The signature is written in a cursive style with a vertical line separating the first and last names.

Steven J. Burr

SJB/mbf



DEPARTMENT OF ENVIRONMENTAL QUALITY

130 West Congress Street
Tucson, Arizona 85701-1517

DAVID M. ESPOSITO
Director

(602) 740-5540
FAX (602) 882-7709

August 29, 1994

Mr. Steven Burr
Lewis and Roca
40 North Central Avenue
Phoenix, AZ 85004-4429

RE: AMA COMMENTS ON PROPOSED PSD/NSR SIP REVISION

Dear Mr. Burr:

Thank you for your letter of August 22, 1994. Your review has been very thorough and your comments are much appreciated.

With respect to your assertion that the sanctions clock is not running, and that no submittal needs to be made for the minor source portion of the NSR program, all of our communications with EPA have indicated that the sanctions clock is, in fact, running, and that the submittal of a minor source permit program as part of the NSR SIP is a prerequisite to a determination of completeness, and ultimately to approvability.

We agree that continuing federal enforceability of the old, minor source NSR rules is not a viable, long term solution. However, we fail to understand what makes this a viable, short term solution either. While the "SIP savings clause" in state law provides a legal argument that the existing SIP will remain in effect until replaced by a new SIP submittal, there exists no mechanism by which Pima County may issue a permit under rules which have been repealed.

With regard to Chapter 17.16, Performance Standards, we recognize your desire to exclude such rules from the SIP. However, according to provisions in state law which were included at the request of industry, these rules must be adopted as part of the SIP for them to be applicable to state regulated sources. To be equitable, such rules should be applicable to all sources in Pima County.



Mr. Steven Burr
RE: AMA Comments on Proposed PSD/NSR/SIP Revision
August 29, 1994
Page Two

With regard to the complexity of the SIP package, we are in agreement that the submittal is complex and that clarification would be beneficial. We intend to follow the lead of ADEQ with respect to the development of these rule clarifications.

With regard to your claim that the review period has been excessively short, please observe that a 30-day noticed public hearing was held and that Title 17 Rules being considered for inclusion in the SIP were available at the time that the hearing was noticed. The approach of utilizing an edited or redacted version of rules as part of the SIP submittal was requested by industry during the comment period and was supported by the AMA at our public hearing over submittal of the complete rules package. In response to these comments, a redacted version of our rule package was prepared and was made available during the comment period.

In the redaction process, PDEQ aimed to follow the logic and criteria utilized by ADEQ in its parallel redaction process. However, PDEQ included or excluded rules, which may differ from the ADEQ submittal, because of different interpretations as to what constitutes preconstruction and modification activities regulated under the NSR/PSD program. Our responses to your specific comments are as follows:

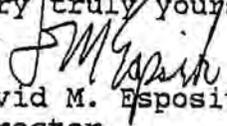
1. Requirements defined in 17.04.340.28.m may be related to modifications and preconstruction activities.
2. Concurrence: Suggested change will be made.
3. We recognize your concern. Our concern is that with your suggestion the cover letter would modify the content of adopted ordinance, as opposed to the redaction process which simply limits federal enforceability.
4. Requirements of 17.12.110 may be directly relevant to modification and preconstruction activities.
5. We agree that 17.12.140.B.2.6.iii needs to be included. Sources emitting quantities less than de minimis levels do not require a permit. Failure to include this concept could create significant confusion.
6. Exclusion of 17.12.160.E.7 would create even further confusion.
7. See response to comment 3.

Mr. Steven Burr
RE: AMA Comments on Proposed PSD/NSR SIP Revision
August 29, 1994
Page Three

DATE: 8/29/94
TIME: 10:00 AM
BY: [illegible]
TO: [illegible]

8. Provisions of 17.12.160.I.2.e and f are specifically applicable to Title V sources. Certain Title V sources may also be regulated under PSD/NSR permits.
9. With respect to 17.12.180.A.8, PDEQ proposes to redact the last sentence of subsection A and subsection B for major sources and subsection B (only) for minor sources. The other provisions you reference may relate to preconstruction/modification activities.
10. Requirements referenced in 17.12.180.A.15 may be related to preconstruction or modification activities.
11. Requirements referenced in 17.12.180.E.15 may be related to modification or preconstruction activities.
12. Concur.
13. Requirements of 17.12.210.A.7 may be applicable to modification or preconstruction activities.
14. Concur.
15. Requirements of 17.12.260.D relate directly to modifications.
16. Concur.
17. Requirements of 17.12.320.F are potentially applicable to preconstruction and modification activities.
18. Again, Chapter 17.16 must be submitted pursuant to state law, if these requirements are to be equally applicable to all sources in Pima County.

Thank you again for your comments.

Very truly yours,

David M. Esposito
Director



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street

San Francisco, CA 94105-3901

September 1, 1994

Edward Z. Fox, Director
Arizona Department of Environmental Quality
3033 North Central Avenue
Phoenix, AZ 85012

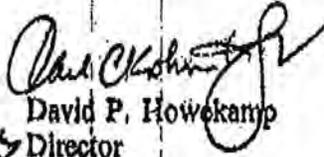
Dear Mr. Fox:

EPA is in receipt of revisions to the Arizona State Implementation Plan (SIP) for achieving and maintaining the National Ambient Air Quality Standards. With this letter, EPA is responding to two separate submittals of New Source Review (NSR) rules. The first submittal, received by EPA on August 16, 1994, is for sources under jurisdiction of the Arizona Department of Environmental Quality, Maricopa County Environmental Services Division, or the Pinal County Air Quality Control District. A second submittal followed on August 31, 1994, for sources under the jurisdiction of the Pima County Department of Environmental Quality. Together, these submittals represent a complete revision to the applicable NSR SIP for all subject sources in the State of Arizona.

We have reviewed these rules for completeness and determined that they conform to the completeness criteria in 40 CFR Part 51, Appendix V. This determination of completeness addresses the finding of nonsubmittal made by EPA on January 15, 1993, and thus stops the clock for mandatory sanctions under section 179(a) of the Clean Air Act.

If you have any questions concerning our review, please contact Jessica Gaylord at (415) 744-1256 of the New Source Section.

Sincerely,


David P. Howekamp
Director
Air & Toxics Division

cc: Nancy Wrona, ADEQ
Ira Domsy, ADEQ
Karen J. Heidel, Maricopa County
David Esposito, Pima County
Don Gabrielson, Pinal County

Appendix F

Authorizing Statutes

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49-104. Powers and duties of the department and director

A. The department shall:

1. Formulate policies, plans and programs to implement this title to protect the environment.
2. Stimulate and encourage all local, state, regional and federal governmental agencies and all private persons and enterprises that have similar and related objectives and purposes, cooperate with those agencies, persons and enterprises and correlate department plans, programs and operations with those of the agencies, persons and enterprises.
3. Conduct research on its own initiative or at the request of the governor, the legislature or state or local agencies pertaining to any department objectives.
4. Provide information and advice on request of any local, state or federal agencies and private persons and business enterprises on matters within the scope of the department.
5. Consult with and make recommendations to the governor and the legislature on all matters concerning department objectives.
6. Promote and coordinate the management of air resources to assure their protection, enhancement and balanced utilization consistent with the environmental policy of this state.
7. Promote and coordinate the protection and enhancement of the quality of water resources consistent with the environmental policy of this state.
8. Encourage industrial, commercial, residential and community development that maximizes environmental benefits and minimizes the effects of less desirable environmental conditions.
9. Assure the preservation and enhancement of natural beauty and man-made scenic qualities.
10. Provide for the prevention and abatement of all water and air pollution including that related to particulates, gases, dust, vapors, noise, radiation, odor, nutrients and heated liquids in accordance with article 3 of this chapter and chapters 2 and 3 of this title.
11. Promote and recommend methods for the recovery, recycling and reuse or, if recycling is not possible, the disposal of solid wastes consistent with sound health, scenic and environmental quality policies. Beginning in 2014, the department shall report annually on its revenues and expenditures relating to the solid and hazardous waste programs overseen or administered by the department.
12. Prevent pollution through the regulation of the storage, handling and transportation of solids, liquids and gases that may cause or contribute to pollution.
13. Promote the restoration and reclamation of degraded or despoiled areas and natural resources.
14. Assist the department of health services in recruiting and training state, local and district health department personnel.
15. Participate in the state civil defense program and develop the necessary organization and facilities to meet wartime or other disasters.
16. Cooperate with the Arizona-Mexico commission in the governor's office and with researchers at universities in this state to collect data and conduct projects in the United States and Mexico on issues that are within the scope of the department's duties and that relate to quality of life, trade and economic development in this state in a manner that will help the Arizona-Mexico commission to assess and

enhance the economic competitiveness of this state and of the Arizona-Mexico region.

17. Unless specifically authorized by the legislature, ensure that state laws, rules, standards, permits, variances and orders are adopted and construed to be consistent with and no more stringent than the corresponding federal law that addresses the same subject matter. This provision shall not be construed to adversely affect standards adopted by an Indian tribe under federal law.

B. The department, through the director, shall:

1. Contract for the services of outside advisers, consultants and aides reasonably necessary or desirable to enable the department to adequately perform its duties.

2. Contract and incur obligations reasonably necessary or desirable within the general scope of department activities and operations to enable the department to adequately perform its duties.

3. Utilize any medium of communication, publication and exhibition when disseminating information, advertising and publicity in any field of its purposes, objectives or duties.

4. Adopt procedural rules that are necessary to implement the authority granted under this title, but that are not inconsistent with other provisions of this title.

5. Contract with other agencies, including laboratories, in furthering any department program.

6. Use monies, facilities or services to provide matching contributions under federal or other programs that further the objectives and programs of the department.

7. Accept gifts, grants, matching monies or direct payments from public or private agencies or private persons and enterprises for department services and publications and to conduct programs that are consistent with the general purposes and objectives of this chapter. Monies received pursuant to this paragraph shall be deposited in the department fund corresponding to the service, publication or program provided.

8. Provide for the examination of any premises if the director has reasonable cause to believe that a violation of any environmental law or rule exists or is being committed on the premises. The director shall give the owner or operator the opportunity for its representative to accompany the director on an examination of those premises. Within forty-five days after the date of the examination, the department shall provide to the owner or operator a copy of any report produced as a result of any examination of the premises.

9. Supervise sanitary engineering facilities and projects in this state, authority for which is vested in the department, and own or lease land on which sanitary engineering facilities are located, and operate the facilities, if the director determines that owning, leasing or operating is necessary for the public health, safety or welfare.

10. Adopt and enforce rules relating to approving design documents for constructing, improving and operating sanitary engineering and other facilities for disposing of solid, liquid or gaseous deleterious matter.

11. Define and prescribe reasonably necessary rules regarding the water supply, sewage disposal and garbage collection and disposal for subdivisions. The rules shall:

(a) Provide for minimum sanitary facilities to be installed in the subdivision and may require that water systems plan for future needs and be of adequate size and

capacity to deliver specified minimum quantities of drinking water and to treat all sewage.

(b) Provide that the design documents showing or describing the water supply, sewage disposal and garbage collection facilities be submitted with a fee to the department for review and that no lots in any subdivision be offered for sale before compliance with the standards and rules has been demonstrated by approval of the design documents by the department.

12. Prescribe reasonably necessary measures to prevent pollution of water used in public or semipublic swimming pools and bathing places and to prevent deleterious conditions at such places. The rules shall prescribe minimum standards for the design of and for sanitary conditions at any public or semipublic swimming pool or bathing place and provide for abatement as public nuisances of premises and facilities that do not comply with the minimum standards. The rules shall be developed in cooperation with the director of the department of health services and shall be consistent with the rules adopted by the director of the department of health services pursuant to section 36-136, subsection H, paragraph 10.

13. Prescribe reasonable rules regarding sewage collection, treatment, disposal and reclamation systems to prevent the transmission of sewage borne or insect borne diseases. The rules shall:

(a) Prescribe minimum standards for the design of sewage collection systems and treatment, disposal and reclamation systems and for operating the systems.

(b) Provide for inspecting the premises, systems and installations and for abating as a public nuisance any collection system, process, treatment plant, disposal system or reclamation system that does not comply with the minimum standards.

(c) Require that design documents for all sewage collection systems, sewage collection system extensions, treatment plants, processes, devices, equipment, disposal systems, on-site wastewater treatment facilities and reclamation systems be submitted with a fee for review to the department and may require that the design documents anticipate and provide for future sewage treatment needs.

(d) Require that construction, reconstruction, installation or initiation of any sewage collection system, sewage collection system extension, treatment plant, process, device, equipment, disposal system, on-site wastewater treatment facility or reclamation system conform with applicable requirements.

14. Prescribe reasonably necessary rules regarding excreta storage, handling, treatment, transportation and disposal. The rules shall:

(a) Prescribe minimum standards for human excreta storage, handling, treatment, transportation and disposal and shall provide for inspection of premises, processes and vehicles and for abating as public nuisances any premises, processes or vehicles that do not comply with the minimum standards.

(b) Provide that vehicles transporting human excreta from privies, septic tanks, cesspools and other treatment processes shall be licensed by the department subject to compliance with the rules. The department may require payment of a fee as a condition of licensure. After the effective date of this amendment to this section, the department shall establish by rule a fee as a condition of licensure, including a maximum fee. As part of the rule making process, there must be public notice and comment and a review of the rule by the joint legislative budget committee. After September 30, 2013, the department shall not increase that fee by rule without specific statutory authority for the increase. The fees shall be

deposited, pursuant to sections 35-146 and 35-147, in the solid waste fee fund established by section 49-881.

15. Perform the responsibilities of implementing and maintaining a data automation management system to support the reporting requirements of title III of the superfund amendments and reauthorization act of 1986 (P.L. 99-499) and title 26, chapter 2, article 3.

16. Approve remediation levels pursuant to article 4 of this chapter.

17. Establish or revise fees by rule pursuant to the authority granted under title 44, chapter 9, article 8 and chapters 4 and 5 of this title for the department to adequately perform its duties. All fees shall be fairly assessed and impose the least burden and cost to the parties subject to the fees. In establishing or revising fees, the department shall base the fees on:

(a) The direct and indirect costs of the department's relevant duties, including employees salaries and benefits, professional and outside services, equipment, in-state travel and other necessary operational expenses directly related to issuing licenses as defined in title 41, chapter 6 and enforcing the requirements of the applicable regulatory program.

(b) The availability of other funds for the duties performed.

(c) The impact of the fees on the parties subject to the fees.

(d) The fees charged for similar duties performed by the department, other agencies and the private sector.

C. The department may:

1. Charge fees to cover the costs of all permits and inspections it performs to ensure compliance with rules adopted under section 49-203, except that state agencies are exempt from paying the fees. Monies collected pursuant to this subsection shall be deposited, pursuant to sections 35-146 and 35-147, in the water quality fee fund established by section 49-210.

2. Contract with private consultants for the purposes of assisting the department in reviewing applications for licenses, permits or other authorizations to determine whether an applicant meets the criteria for issuance of the license, permit or other authorization. If the department contracts with a consultant under this paragraph, an applicant may request that the department expedite the application review by requesting that the department use the services of the consultant and by agreeing to pay the department the costs of the consultant's services. Notwithstanding any other law, monies paid by applicants for expedited reviews pursuant to this paragraph are appropriated to the department for use in paying consultants for services.

D. The director may:

1. If the director has reasonable cause to believe that a violation of any environmental law or rule exists or is being committed, inspect any person or property in transit through this state and any vehicle in which the person or property is being transported and detain or disinfect the person, property or vehicle as reasonably necessary to protect the environment if a violation exists.

2. Authorize in writing any qualified officer or employee in the department to perform any act that the director is authorized or required to do by law.

49-106. Statewide application of rules

The rules adopted by the department apply and shall be observed throughout this state, or as provided by their terms, and the appropriate local officer, council or board shall enforce them. This section does not limit the authority of local governing bodies to adopt ordinances and rules within their respective jurisdictions if those ordinances and rules do not conflict with state law and are equal to or more restrictive than the rules of the department, but this section does not grant local governing bodies any authority not otherwise provided by separate state law.

49-404. State implementation plan

A. The director shall maintain a state implementation plan that provides for implementation, maintenance and enforcement of national ambient air quality standards and protection of visibility as required by the clean air act.

B. The director may adopt rules that describe procedures for adoption of revisions to the state implementation plan.

C. The state implementation plan and all revisions adopted before September 30, 1992 remain in effect according to their terms, except to the extent otherwise provided by the clean air act, inconsistent with any provision of the clean air act, or revised by the administrator. No control requirement in effect, or required to be adopted by an order, settlement agreement or plan in effect, before the enactment of the clean air act in any area which is a nonattainment or maintenance area for any air pollutant may be modified after enactment in any manner unless the modification insures equivalent or greater emission reductions of the air pollutant. The director shall evaluate and adopt revisions to the plan in conformity with federal regulations and guidelines promulgated by the administrator for those purposes until the rules required by subsection B are effective.

49-406. Nonattainment area plan

A. For any ozone, carbon monoxide or particulate nonattainment or maintenance area the governor shall certify the metropolitan planning organization designated to conduct the continuing, cooperative and comprehensive transportation planning process for that area under 23 United States Code section 134 as the agency responsible for the development of a nonattainment or maintenance area plan for that area.

B. For any ozone, carbon monoxide or particulate nonattainment or maintenance area for which no metropolitan planning organization exists, the department shall be certified as the agency responsible for development of a nonattainment or maintenance area plan for that area.

C. For any ozone, carbon monoxide or particulate nonattainment or maintenance area, the department, the planning agency certified pursuant to subsection A of this section on behalf of elected officials of affected local government, the county air pollution control department or district, and the department of transportation shall, by November 15, 1992, and from time to time as necessary, jointly review and update planning procedures or develop new procedures.

D. In preparing the procedures described in subsection C of this section, the department, the planning agency certified pursuant to subsection A of this section on behalf of elected officials of affected local government, the county air pollution control department or district, and the department of transportation shall determine

which elements of each revised implementation plan will be developed, adopted, and implemented, through means including enforcement, by the state and which by local governments or regional agencies, or any combination of local governments, regional agencies or the state.

E. The department, the planning agency certified pursuant to subsection A of this section on behalf of elected officials of affected local government, the county air pollution control department or district, and the department of transportation shall enter into a memorandum of agreement for the purpose of coordinating the implementation of the procedures described in subsection C and D of this section.

F. At a minimum, the memorandum of agreement shall contain:

1. The relevant responsibilities and authorities of each of the coordinating agencies.
2. As appropriate, procedures, schedules and responsibilities for development of nonattainment or maintenance area plans or plan revisions and for determining reasonable further progress.
3. Assurances for adequate plan implementation.
4. Procedures and responsibilities for tracking plan implementation.
5. Responsibilities for preparing demographic projections including land use, housing, and employment.
6. Coordination with transportation programs.
7. Procedures and responsibilities for adoption of control measures and emissions limitations.
8. Responsibilities for collecting air quality, transportation and emissions data.
9. Responsibility for conducting air quality modeling.
10. Responsibility for administering and enforcing stationary source controls.
11. Provisions for the timely and periodic sharing of all data and information among the signatories relating to:
 - (a) Demographics.
 - (b) Transportation.
 - (c) Emissions inventories.
 - (d) Assumptions used in developing the model.
 - (e) Results of modeling done in support of the plan.
 - (f) Monitoring data.

G. Each agency that commits to implement any emission limitation or other control measure, means or technique contained in the implementation plan shall describe that commitment in a resolution adopted by the appropriate governing body of the agency. The resolution shall specify the following:

1. Its authority for implementing the limitation or measure as provided in statute, ordinance or rule.
2. A program for the enforcement of the limitation or measure.
3. The level of personnel and funding allocated to the implementation of the measure.

H. The state, in accordance with the rules adopted pursuant to section 49-404, and the governing body of the metropolitan planning organization shall adopt each nonattainment or maintenance area plan developed by a certified metropolitan planning organization. The adopted nonattainment or maintenance area plan shall be transmitted to the department for inclusion in the state implementation plan provided for under section 49-404.

I. After adoption of a nonattainment or maintenance area plan, if on the basis of the reasonable further progress determination described in subsection F of this section or other information, the control officer determines that any person has failed to implement an emission limitation or other control measure, means or technique as described in the resolution adopted pursuant to subsection G of this section, the control officer shall issue a written finding to the person, and shall provide an opportunity to confer. If the control officer subsequently determines that the failure has not been corrected, the county attorney, at the request of the control officer, shall file an action in superior court for a preliminary injunction, a permanent injunction, or any other relief provided by law.

J. After adoption of a nonattainment or maintenance area plan, if, on the basis of the reasonable further progress determination described in subsection F of this section or other information, the director determines that any person has failed to implement an emission limitation or other control measure, means or technique as described in the resolution adopted pursuant to subsection G of this section, and that the control officer has failed to act pursuant to subsection I of this section, the director shall issue a written finding to the person and shall provide an opportunity to confer. If the director subsequently determines that the failure has not been corrected, the attorney general, at the request of the director, shall file an action in superior court for a preliminary injunction, a permanent injunction, or any other relief provided by law.

K. Notwithstanding subsections A and B of this section, in any metropolitan area with a metropolitan statistical area population of less than two hundred fifty thousand persons, the governor shall designate an agency that meets the criteria of section 174 of the clean air act and that is recommended by the city that causes the metropolitan area to exist and the affected county. That agency shall prepare and adopt the nonattainment or maintenance area plan. If the governor does not designate an agency, the department shall be certified as the agency responsible for the development of a nonattainment or maintenance area plan for that area.

49-425. Rules; hearing

A. The director shall adopt such rules as he determines are necessary and feasible to reduce the release into the atmosphere of air contaminants originating within the territorial limits of the state or any portion thereof and shall adopt, modify, and amend reasonable standards for the quality of, and emissions into, the ambient air of the state for the prevention, control and abatement of air pollution. Additional standards shall be established for particulate matter emissions, sulfur dioxide emissions, and other air contaminant emissions determined to be necessary and feasible for the prevention, control and abatement of air pollution. In fixing such ambient air quality standards, emission standards or standards of performance, the director shall give consideration but shall not be limited to the relevant factors prescribed by the clean air act.

B. No rule may be enacted or amended except after the director first holds a public hearing after twenty days' notice of such hearing. The proposed rule, or any proposed amendment of a rule, shall be made available to the public at the time of notice of such hearing.

C. The department shall enforce the rules adopted by the director.

D. All rules enacted pursuant to this section shall be made available to the public at a reasonable charge upon request.