

DRAFT NOTICE OF PROPOSED RULEMAKING
TITLE 18. ENVIRONMENTAL QUALITY
CHAPTER 2. DEPARTMENT OF ENVIRONMENTAL QUALITY -
AIR POLLUTION CONTROL

PREAMBLE

1. Sections Affected

Rulemaking Action

R18-2-101

Amend

R18-2-602

Amend

2. The statutory authority for the rulemaking, including both the authorizing statute and the statutes the rules are implementing:

Authorizing Statutes: A.R.S. § 49-104(A)(10)

Implementing Statutes: A.R.S. §§ 49-425, 49-426, 49-426.01, and 49-501 (E)

3. A list of all previous notices appearing in the Register addressing the final rules:

Notice of Rulemaking Docket Opening: 14 A.A.R. 1844, May 16, 2008

4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name: Danielle M. Dancho

Address: Arizona Department of Environmental Quality

1110 W. Washington St.

Phoenix, AZ 85007

Telephone: (602) 771-4210 (This number may be reached in-state by dialing 1-800-234-5677 and requesting the seven digit number.)

Fax: (602) 771-2366

5. An explanation of the rules, including the agency's reasons for initiating the rules:

Summary: The Arizona Department of Environmental Quality (ADEQ) is proposing revisions to Section R18-2-602, Unlawful Open Burning. The amendment to “air curtain destructor” [R18-2-101(8)] would make the definition consistent with the definition of “air curtain incinerator” established in 40 CFR 60, Subpart EEEE. The rulemaking also proposes to update the requirements for air curtain destructors and other solid waste incineration (OSWI) units by incorporating federal requirements that were effective June 16, 2006. Additionally, the definition of “OSWI unit” is proposed to be added to R18-2-602(13),

even though, the Department has no OSWI units at this time. The Agency is also proposing to add a cross-reference to Article 5, General Permits, and Article 3, Permits and Permit Revisions in order to direct permit applicants to permit requirements for air curtain destructors and OSWI units. Lastly, this rulemaking proposes to update and clarify the requirements to obtain a permit under the Rule and A.R.S. § 49-501, and also to conform to Secretary of State guidelines for clear and concise rulemakings.

Background:

ADEQ amended this section, R18-2-602, effective March 16, 2004, to comply with the Regional Haze Rule, Federal regulatory amendment at Title 40 C.F.R. § 51.309(d)(6), Programs Related to Fire. This section is consistent with another Federal regulation, Title 40 C.F.R. Part 60 Subpart FFFF, that became effective February 14, 2006. However, this section is not fully consistent with the new requirements in Title 40 C.F.R. Part 60, Subpart EEEE, federally effective June 16, 2006, for certain new air curtain destructors.

Explanation of the Proposed Rules:

ADEQ has determined that the current Unlawful Open Burning Rule, Section R18-2-602, needs to be amended for the purpose of conforming to federally mandated requirements for air curtain destructors and OSWI units under 40 C.F.R. 60 Subpart EEEE, updating and clarifying the requirements to obtain a permit under the current rule and A.R.S. § 49-501, and also to conform to Secretary of State guidelines for conciseness and clarity. The Department is proposing:

- To add a cross-reference to Article 5, General Permits, and Article 3, Permits and Permit Revisions in order to direct permit applicants to permit requirements for air curtain destructors and OSWI units.
- To add or refine definitions in R18-2-602 for clarification purposes. Also, the definition of “air curtain destructor” in Section R18-2-101 will be updated, and the definition of “other solid waste incineration (OSWI) unit will be added.
- To add requirements for conducting a burn.
- To separate the requirements for conducting a burn from the requirements to obtain a permit.
- To add or modify exemptions for governmental agencies or their agents as needed for public safety and energy management purposes.

ADEQ has compared the proposed revisions to the State Fire Code, and has determined that the revisions are consistent with the Code.

6. A reference to any study relevant to the rules that the agency reviewed and either proposes to rely on in its evaluation of or justification for the rules or proposes not to rely on in its evaluation of or justification for the rules, 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

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

Not applicable

8. The preliminary summary of the economic, small business, and consumer impact:

A. Rule Identification

Arizona Administrative Code, Title 18, Chapter 2, Article 6, “Emissions From Existing and New Nonpoint Sources,” R18-2-602, “Unlawful Open Burning” and R18-2-101, “Definitions.”

B. Summary

The proposed rulemaking incorporates some changes the Department expects will not generate compliance costs, such as conforming the rule language to Secretary of State guidelines, making the rule more clear and concise, and making it consistent with the State Fire Code.

The rulemaking also updates requirements for air curtain destructors and other solid waste incineration (OSWI) units by incorporating federal requirements that were effective June 16, 2006. The Department has created a Title V General Permit that is valid for five years from the date of issuance. The Title V General Permit requires that air curtain destructors and OWSI units adhere to the new federally required ten percent (10%) opacity limit, which is contained in 40 C.F.R. §§69.2970 through 69.2974. The total cost per source includes the following components: an upfront application fee of \$500, an annual administrative fee of \$750, and an emissions-based fee of \$38.25 per ton, which excludes emissions of carbon monoxide, estimated to be less than \$700 per year.

The amendment to “air curtain destructor” [R18-2-101(8)] would make the definition consistent with the definition of “air curtain incinerator” established in 40 CFR 60, Subpart EEEE. Additionally, the definition of OSWI units is proposed to be added to R18-2-602(13). OSWI units are small municipal

waste combustion units and institutional waste incinerators. The Department has no OSWI units under its jurisdiction at this time.

The Department expects the typical cost to the approximate 20 regulated sources applying for a general permit to be approximately \$150,000 over a five-year period, or \$1,500 per source per year (see subsection D.3.). Benefits to human health also are expected although the Department cannot monetize these benefits (see D.1., “Public Health Impacts”). The Department anticipates that probable benefits will outweigh probable costs of the rulemaking as benefits accrue to the regulated sources, the Department, and the general public.

C. Class of Persons Directly Affected

The Department has considered that the following entities may be impacted: the general public, consumers, regulated sources applying for an air quality permit for an air curtain destructor, other businesses, Department as the implementing agency, State agencies, and Arizona counties and political subdivisions.

D. Cost-Benefit Analysis

1. General Public

The general public accrues health benefits from cleaner air. Air quality regulations that lower concentrations of particulate matter (PM) have the potential to reduce adverse-health effects from missed school days to premature mortality. Scientific evidence links exposure to ambient PM to airway inflammation that produces systemic effects. Any efforts undertaken to reduce or mitigate PM, or other regulated pollutants, potentially could have a human-health benefit, particularly for sensitive subpopulations of the State, such as individuals with asthma or chronic obstructive pulmonary disease. Asthma, which is a significant health burden in the U.S., is an inflammation of the lungs that results in intermittent narrowing and blockage of the airways, causing wheezing, coughing, chest tightness, and shortness of breath. Childhood asthma causes missed school days, visits to the emergency room and doctors’ offices, as well as hospitalizations (Rimsza et al. 2006).

Although asthma results in lost school days, lost work days, emergency room visits, and hospitalization, the symptoms are not always severe enough to require an emergency room visit or hospitalization.

Asthma symptoms, however, can prevent children from living a fully active life.¹

Reducing PM can lead to potential cost-saving benefits to the general public, based on a variety of avoided and mitigated adverse health effects. Reducing PM, and other pollutants, from burning wood and green waste has a potential to provide public health benefits.

2. Consumer Impacts

The Department does not anticipate any negative consumer impacts from this rulemaking. The Department requests additional information regarding potential impacts to consumers.

3. Regulated Sources

Sources applying for a Title V permit to burn waste using an air curtain destructor will be impacted. The Department anticipates approximately 20 sources will apply for the permit, which is effective for five years. The cost to a source is an upfront application fee of \$500 for the general permit, an annual administrative fee of \$750, plus an emissions-based fee of \$38.25 per ton of regulated pollutants under R18-2-326(C)(2)(b).² Thus, the cost to a source for a five-year period would be \$4,250 plus the annual cost of emissions fees. If all 20 sources, for example, maintain their permits for five years, the cost to these sources would be \$85,000 plus annual emissions fees payable at \$38.25 per ton. The Department estimates that a typical source could emit about 18 tons per year (tpy) of PM₁₀, or about \$690 per source. For the purpose of this preliminary analysis, if 20 sources apply for a general permit, the combined costs to these sources would be about \$150,000 over a five-year period, or \$1,500 annually per source.³

The Department expects sources applying for an air curtain destructor, as well as OSWI units, will be able to meet the 10 percent opacity limit without any additional controls or compliance costs.⁴

4. Small Business Impacts

State statutes require agencies 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. Under §41-1055(B)(5)(c)(i-iii), the methods that agencies may employ to reduce the impact on small businesses include the following: (1) establish less costly compliance requirements; (2) establish less costly schedules or less stringent deadlines for compliance and (3) exempt small businesses from any or all requirements.

Under A.R.S. § 41-1035, agencies must consider each of the methods set forth in that section and reduce the impact by using one or more, if the agency finds that the methods are legal and feasible in meeting the statutory objectives of the rulemaking. These methods include: (1) establish less stringent compliance or

reporting requirements; (2) establish less stringent schedules or deadlines in the rule for compliance or reporting requirements; (3) consolidate or simplify compliance or reporting requirements; (4) establish performance standards to replace design or operational standards and (5) exempt small businesses from any or all rule requirements.

Because the Department expects that all sources will be classified as small businesses, it has developed a general permit for air curtain destructors, “Title V General Air Quality Control Permit for Air Curtain Incinerators.” to reduce costs. The costs to these small businesses will be considerably less than the costs to other Title V sources, that range from approximately \$15,000-\$63,000 per source.

5. Other Businesses

The Department does not anticipate businesses that provide products or services, such as consulting, legal, or materials, to sources applying for a Title V permit to result in a negative impact. If such businesses are involved, the Department expects the impacts to be indirect.

6. Department

The Department anticipates minimal impact from this rulemaking. The permitting costs will be offset by the application fees and annual maintenance fee charged. Current staff is expected to adequately handle the workload from implementing this rulemaking.

7. Other State Agencies

No other state agency, or political subdivision of the State, is anticipated to be directly impacted by this rulemaking.

8. County and Political Subdivision Impacts

The Department’s general permit will be applicable in all counties. A county with an approved Title V program may elect to issue its own general permit for air curtain destructors. The Department considers any potential impacts to counties to be classified as indirect impacts.

Political subdivisions of the State will not be issuing permits for air curtain destructors (e.g., fire districts or private fire protection entities).

9. Probable Impacts on Private/Public Employment and Revenues

The Department does not expect this rulemaking to impact short- or long-run employment, production, or industrial growth in Arizona. No impacts are anticipated on either public or private employment.

The Department does not expect this rule to impact energy, water usage, job creation, or the competitiveness of goods and services. In addition, no negative impacts are expected to accrue to sources' accounts receivable, payroll, or profitability.

Finally, this rulemaking is not expected to have an impact on the State General Fund.

10. Less Costly Alternatives

ADEQ could not implement less costly alternatives or less costly compliance options since ADEQ is amending this rule to comply with federal standards.

11. Endnotes

¹ Asthma rates for 2003 were as follows: 8% for Maricopa County, 8.3% for Arizona, and 7.5% for the U.S. (Rimsza et al. 2006).

² The cost of emissions per source is the emissions-based fee of \$38.25 times the number of tons of actual emissions of regulated pollutants (e.g., particulates, nitrogen oxides, and volatile organic compounds) per source that were emitted during the previous calendar year [R18-2-326(C)(2)]. Sources primarily will be billed for PM emissions.

³ This estimate is based on 4,000 hours of operation per source per year, emitting 18 tpy of PM₁₀. The potential to emit for a source operating 24/7 could be as high as 40 tpy.

⁴ The imposed opacity limit for air curtain destructors and OSWI units is 10%.

12. Reference

Rimsza ME, Bartels A, Bannister W. 2006. Asthma in Maricopa County, a report to the Maricopa County Community from Arizona Health Query, Center for Health Information and Research, Division of the Seidman Research Institute School of Health Management and Policy, Arizona State University.

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: David Lillie

Address: Arizona Department of Environmental Quality

1110 West Washington,
Phoenix, AZ 85007

Telephone: (602) 771-4461 (Any extension may be reached in-state by dialing 1-800-234-5677, and asking for a specific number.)

Fax: (602) 771-2366

10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rule or, if no proceeding is scheduled, where, when and how persons may request an oral proceeding on the proposed rule:

Date: [REDACTED], 2008

Time: 2:00 p.m.

Location: ADEQ, 1110 W. Washington St., Phoenix, AZ 85007

Nature: Oral Proceedings with opportunity for formal comments on the record

Close of Comment: 5:00 p.m., [REDACTED], 2008

11. Any other matter prescribed by statute that is applicable to the specific agency or to any other specific rule or class of rules:

Not applicable

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

Not applicable

13. The full text of the rules follows:

TITLE 18. ENVIRONMENTAL QUALITY
CHAPTER 2. DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR POLLUTION CONTROL

ARTICLE 1. GENERAL

Section

R18-2-101. Definitions

ARTICLE 6. EMISSIONS FROM EXISTING AND NEW NONPOINT SOURCES

Section

R18-2-602. Unlawful Open Burning

ARTICLE 1. GENERAL

R18-2-101. Definitions

In addition to the definitions prescribed in A.R.S. §§ 49-101, 49-401.01, 49-421, 49-471, and 49-541, in this Chapter, unless otherwise specified:

1. "Act" means the Clean Air Act of 1963 (P.L. 88-206; 42 U.S.C. 7401 through 7671q) as amended by the Clean Air Act Amendments of 1990 (P.L. 101-549).
2. "Actual emissions" means the actual rate of emissions of a pollutant from an emissions unit, as determined in subsections (a) through (e).
 - a. In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the unit actually emitted the pollutant during a two-year period that precedes the particular date and that is representative of normal source operation. The Director 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 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, the Director may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the unit.
 - c. For any emissions unit at a Class I source, other than an electric utility steam generating unit in subsection (e), 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 Class II 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 or operator maintains and submits to the Director, on an annual basis for a period of five 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 Director if the Director determines the longer period to be more representative of normal source post-change operations.
3. "Administrator" means the Administrator of the United States Environmental Protection Agency.

4. "Affected facility" means, with reference to a stationary source, any apparatus to which a standard is applicable.
5. "Affected source" means a source that includes one or more units which are subject to emission reduction requirements or limitations under Title IV of the Act.
6. "Affected state" means any state whose air quality may be affected by a source applying for a permit, permit revision, or permit renewal and that is contiguous to Arizona or that is within 50 miles of the permitted source.
7. "Afterburner" means an incinerator installed in the secondary combustion chamber or stack for the purpose of incinerating smoke, fumes, gases, unburned carbon, and other combustible material not consumed during primary combustion.
8. "Air curtain destructor" means ~~an incineration device designed and used to secure, by means of a fan-generated air curtain, controlled combustion of only wood waste and slash materials in an earthen trench or refractory-lined pit or bin.~~ a device that operates by forcefully projecting a curtain of air across an open, integrated combustion chamber (fire box) or open pit or trench (trench burner) in which combustion occurs.
9. "Air pollution control equipment" means equipment used to eliminate, reduce or control the emission of air pollutants into the ambient air.
10. "Air quality control region" (AQCR) means an area so designated by the Administrator pursuant to Section 107 of the Act and includes the following regions in Arizona:
 - a. Maricopa Intrastate Air Quality Control Region which is comprised of the County of Maricopa.
 - b. Pima Intrastate Air Quality Control Region which is comprised of the County of Pima.
 - c. Northern Arizona Intrastate Air Quality Control Region which encompasses the counties of Apache, Coconino, Navajo, and Yavapai.
 - d. Mohave-Yuma Intrastate Air Quality Control Region which encompasses the counties of La Paz, Mohave, and Yuma.
 - e. Central Arizona Intrastate Air Quality Control Region which encompasses the counties of Gila and Pinal.
 - f. Southeast Arizona Intrastate Air Quality Control Region which encompasses the counties of Cochise, Graham, Greenlee, and Santa Cruz.
11. "Allowable emissions" means the emission rate of a stationary source calculated using both 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, and the most stringent of the following:
 - a. The applicable New Source Performance Standards or National Emission Standards for Hazardous Air Pollutants, as contained in Articles 9 or 11 of this Chapter;

- b. The applicable existing source performance standard, as approved for the SIP and contained in Article 7 of this Chapter; or,
 - c. The emissions rate specified in any federally promulgated rule or federally enforceable permit conditions applicable to the state of Arizona.
12. "Ambient air" means that portion of the atmosphere, external to buildings, to which the general public has access.
 13. "Applicable implementation plan" means those provisions of the state implementation plan approved by the Administrator or a federal implementation plan promulgated in accordance with Title I of the Act.
 14. "Applicable requirement" means any of the following:
 - a. Any federal applicable requirement.
 - b. Any other requirement established pursuant to this Chapter or A.R.S. Title 49, Chapter 3.
 15. "Arizona Testing Manual" means the Arizona Testing Manual for Air Pollutant Emissions.
 16. "ASTM" means the American Society for Testing and Materials.
 17. "Attainment area" means an area so designated by the Administrator acting pursuant to Section 107 of the Act as having ambient air pollutant concentration equal to or less than national primary or secondary ambient air quality standards for a particular pollutant or pollutants.
 18. "Begin actual construction" means, 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 this term refers to those on-site activities, other than preparatory activities, which mark the initiation of the change.
 19. "Best available control technology" (BACT) means an emission limitation, including a visible emissions standard, based on the maximum degree of reduction for each air pollutant listed in R18-2-101(97)(a) which would be emitted from any proposed major source or major modification, taking into account energy, environmental, and economic impact and other costs, determined by the Director in accordance with R18-2-406(A)(4) to be achievable for such source or modification.
 20. "Btu" means British thermal unit, which is the quantity of heat required to raise the temperature of one pound of water 1° F.
 21. "CFR" means the Code of Federal Regulations, with standard references in this Chapter by Title and Part, so that "40 CFR 51" means "Title 40 of the Code of Federal Regulations, Part 51."
 22. "Charge" means the addition of metal bearing materials, scrap, or fluxes to a furnace, converter or refining vessel.

23. "Clean coal technology" means any technology, including technologies applied at the precombustion, 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.
24. "Clean coal technology demonstration project" means 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.
25. "Coal" means all solid fossil fuels classified as anthracite, bituminous, subbituminous, or lignite by ASTM D-388-91, (Classification of Coals by Rank).
26. "Combustion" means the burning of matter.
27. "Commence" means, as applied to construction of a source, or a major modification as defined in Article 4 of this Chapter, that the owner or operator has all necessary preconstruction approvals or permits and either has:
 - 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 cancelled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.
28. "Construction" means any physical change or change in the method of operation, including fabrication, erection, installation, demolition, or modification of an emissions unit, which would result in a change in actual emissions.
29. "Continuous monitoring system" or "continuous emission monitoring system" means the total equipment, required under the emission monitoring provisions in this Chapter, used to sample and, if applicable, to condition, to analyze, and to provide, on a continuous basis, a permanent record of emission or process parameters.
30. "Controlled atmosphere incinerator" means one or more refractory-lined chambers in which complete combustion is promoted by recirculation of gases by mechanical means.
31. "Discharge" means the release or escape of an effluent from a source into the atmosphere.
32. "Dust" means finely divided solid particulate matter occurring naturally or created by mechanical processing, handling or storage of materials in the solid state.

33. "Dust suppressant" means a chemical compound or mixture of chemical compounds added with or without water to a dust source for purposes of preventing air entrainment.
34. "Effluent" means any air contaminant which is emitted and subsequently escapes into the atmosphere.
35. "Electric utility steam generating unit" means any steam electric generating unit that is constructed for the purpose of supplying more than one-third of its potential electric output capacity and more than 25 MW electrical 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.
36. "Emission" means an air contaminant or gas stream, or the act of discharging an air contaminant or a gas stream, visible or invisible.
37. "Emission standard" or "emission limitation" means a requirement established by the state, a local government, or the Administrator which limits the quantity, rate, or concentration of emissions of air pollutants on a continuous basis, including any requirements which limit the level of opacity, prescribe equipment, set fuel specifications, or prescribe operation or maintenance procedures for a source to assure continuous emission reduction.
38. "Emissions unit" means any part of a stationary source which emits or would have the potential to emit any regulated air pollutant.
39. "Equivalent method" means any method of sampling and analyzing for an air pollutant which has been demonstrated under R18-2-311(D) to have a consistent and quantitatively known relationship to the reference method, under specified conditions.
40. "Excess emissions" means emissions of an air pollutant in excess of an emission standard as measured by the compliance test method applicable to such emission standard.
41. "Existing source" means any source which does not have an applicable new source performance standard under Article 9 of this Chapter.
42. "Federal applicable requirement" means any of the following as they apply to emissions units covered by a Class I or II 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 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 pursuant to regulations approved or promulgated through rulemaking under Title I, including parts C or D, of the Act.
 - c. Any standard or other requirement under Section 111 of the Act, including Section 111(d).

- d. Any standard or other requirement under Section 112 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 of the Act or the regulations promulgated thereunder and incorporated pursuant to R18-2-333.
 - f. Any requirements established pursuant to Section 504(b) or Section 114(a)(3) of the Act.
 - g. Any standard or other requirement governing solid waste incineration, under Section 129 of the Act.
 - h. Any standard or other requirement for consumer and commercial products, under Section 183(e) of the Act.
 - i. Any standard or other requirement for tank vessels under Section 183(f) of the Act.
 - j. Any standard or other requirement of the program to control air pollution from outer continental shelf sources, under Section 328 of the Act.
 - k. Any standard or other requirement of the regulations promulgated to protect stratospheric ozone under Title VI of the Act, unless the Administrator has determined that such requirements need not be contained in a Title V permit.
 - l. Any national ambient air quality standard or increment or visibility requirement under Part C of Title I of the Act, but only as it would apply to temporary sources permitted pursuant to Section 504(e) of the Act.
43. "Federal Land Manager" means, with respect to any lands in the United States, the secretary of the department with authority over such lands.
44. "Federally enforceable" means all limitations and conditions which are enforceable by the Administrator under the Act, including all of the following:
- a. The requirements of the New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants contained in Articles 9 and 11 of this Chapter;
 - b. The requirements of such other state or county rules or regulations approved by the Administrator, including the requirements of state and county operating and new source review permit programs that have been approved by the Administrator;
 - c. The requirements of any applicable implementation plan;
 - d. Emissions limitations, controls, and other requirements, and any associated monitoring, recordkeeping, and reporting requirements, which are entered into voluntarily by a source pursuant to R18-2-306.01.
45. "Final permit" means the version of a permit issued by the Department after completion of all review required by this Chapter.
46. "Fixed capital cost" means the capital needed to provide all the depreciable components.

47. "Fuel" means any material which is burned for the purpose of producing energy.
48. "Fuel burning equipment" means any machine, equipment, incinerator, device or other article, except stationary rotating machinery, in which combustion takes place.
49. "Fugitive emissions" means those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.
50. "Fume" means solid particulate matter resulting from the condensation and subsequent solidification of vapors of melted solid materials.
51. "Fume incinerator" means a device similar to an afterburner installed for the purpose of incinerating fumes, gases and other finely divided combustible particulate matter not previously burned.
52. "Good engineering practice (GEP) stack height" means a stack height meeting the requirements described in R18-2-332.
53. "Heat input" means the quantity of heat in terms of Btu's generated by fuels fed into the fuel burning equipment under conditions of complete combustion.
54. "Incinerator" means any equipment, machine, device, contrivance or other article, and all appurtenances thereof, used for the combustion of refuse, salvage materials or any other combustible material except fossil fuels, for the purpose of reducing the volume of material.
55. "Indian governing body" means 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.
56. "Indian reservation" means any federally recognized reservation established by Treaty, Agreement, Executive Order, or Act of Congress.
57. "Insignificant activity" means an activity in an emissions unit that is not otherwise subject to any applicable requirement and which belongs to one of the following categories:
 - a. Landscaping, building maintenance, or janitorial activities.
 - b. Gasoline storage tanks with capacity of 10,000 gallons or less.
 - c. Diesel and fuel oil storage tanks with capacity of 40,000 gallons or less.
 - d. Batch mixers with rated capacity of 5 cubic feet or less.
 - e. Wet sand and gravel production facilities that obtain material from subterranean and subaqueous beds, whose production rate is 200 tons/hour or less, and whose permanent in-plant roads are paved and cleaned to control dust. This does not include activities in emissions units which are used to crush or grind any non-metallic minerals.
 - f. Hand-held or manually operated equipment used for buffing, polishing, carving, cutting, drilling, machining, routing, sanding, sawing, surface grinding, or turning of ceramic art work, precision parts, leather, metals, plastics, fiberboard, masonry, carbon, glass, or wood.

- g. Powder coating operations.
 - h. Internal combustion (IC) engine-driven compressors, IC engine-driven electrical generator sets, and IC engine-driven water pumps used only for emergency replacement or standby service.
 - i. Lab equipment used exclusively for chemical and physical analyses.
 - j. Any other activity which the Director determines is not necessary, because of its emissions due to size or production rate, to be included in an application in order to determine all applicable requirements and to calculate any fee under this Chapter.
58. "Kraft pulp mill" means any stationary source which produces pulp from wood by cooking or digesting wood chips in a water solution of sodium hydroxide and sodium sulfide at high temperature and pressure. Regeneration of the cooking chemicals through a recovery process is also considered part of the kraft pulp mill.
59. "Lead" means elemental lead or alloys in which the predominant component is lead.
60. "Lime hydrator" means a unit used to produce hydrated lime product.
61. "Lime plant" includes any plant which produces a lime product from limestone by calcination. Hydration of the lime product is also considered to be part of the source.
62. "Lime product" means any product produced by the calcination of limestone.
63. "Major modification" means 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 volatile organic compounds is significant for ozone.
 - b. Any net emissions increase that is significant for oxides of nitrogen is significant for ozone for ozone nonattainment areas classified as marginal, moderate, serious, or severe.
 - c. For the purposes of this definition the following are not a physical change or change in the method of operation:
 - i. Routine maintenance, repair, and replacement;
 - ii. 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 - 825r;
 - iii. Use of an alternative fuel by reason of an order or rule under Section 125 of the Act;
 - iv. Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;
 - v. Use of an alternative fuel or raw material by a stationary source that either:

- (1) 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 Articles 3 or 4 of this Chapter; or
- (2) The source is approved to use under any permit issued under 40 CFR 52.21, or under Articles 3 or 4 of this Chapter.
- vi. 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 Articles 3 or 4 of this Chapter.
- vii. Any change in ownership at a stationary source;
- viii. The addition, replacement, or use of a pollution control project at an existing electric utility steam generating unit, unless the Director determines that the addition, replacement, or use renders the unit less environmentally beneficial, or except:
 - (1) When the Director 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
 - (2) The Director determines that the increase will cause or contribute to a violation of any national ambient air quality standard or PSD increment, or visibility limitation;
- ix. The installation, operation, cessation, or removal of a temporary clean coal technology demonstration project, if the project complies with:
 - (1) The SIP and
 - (2) Other requirements necessary to attain and maintain the national ambient air quality standards during the project and after it is terminated;
- x. For electric utility steam generating units located in attainment and unclassifiable 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 any regulated pollutant emitted by the unit. This exemption applies on a pollutant-by-pollutant basis; and
- xi. For electric utility steam generating units located in attainment and unclassifiable areas only, the reactivation of a very clean coal-fired electric utility steam generating unit.

64. "Major source" means:

- a. A major source as defined in R18-2-401.
- b. A major source under Section 112 of the Act:

- i. For pollutants other than radionuclides, any stationary source that emits or has the potential to emit, in the aggregate, including fugitive emission 10 tons per year (tpy) or more of any hazardous air pollutant which has been listed pursuant to 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 Article 11 of this Chapter. 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
 - ii. For radionuclides, "major source" shall have the meaning specified by the Administrator by rule.
- c. A major stationary source, as defined in Section 302 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 purposes of Section 302(j) of the Act, unless the source belongs to one of the following categories of stationary source:
- i. Coal cleaning plants (with thermal dryers).
 - ii. Kraft pulp mills.
 - iii. Portland cement plants.
 - iv. Primary zinc smelters.
 - v. Iron and steel mills.
 - vi. Primary aluminum ore reduction plants.
 - vii. Primary copper smelters.
 - viii. Municipal incinerators capable of charging more than 50 tons of refuse per day.
 - ix. Hydrofluoric, sulfuric, or nitric acid plants.
 - x. Petroleum refineries.
 - xi. Lime plants.
 - xii. Phosphate rock processing plants.
 - xiii. Coke oven batteries.
 - xiv. Sulfur recovery plants.
 - xv. Carbon black plants (furnace process).
 - xvi. Primary lead smelters.
 - xvii. Fuel conversion plants.

- xviii. Sintering plants.
 - xix. Secondary metal production plants.
 - xx. Chemical process plants.
 - xxi. Fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input.
 - xxii. Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels.
 - xxiii. Taconite ore processing plants.
 - xxiv. Glass fiber processing plants.
 - xxv. Charcoal production plants.
 - xxvi. Fossil-fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input.
 - xxvii. Any other stationary source category, which as of August 7, 1980, is being regulated under Section 111 or 112 of the Act.
65. "Malfunction" means any sudden and unavoidable failure of air pollution control equipment, process equipment or a process to operate in a normal and usual manner, but does not include 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.
66. "Minor source" means a source of air pollution which is not a major source for the purposes of Article 4 of this Chapter and over which the Director, acting pursuant to A.R.S. § 49-402(B), has asserted jurisdiction.
67. "Minor source baseline area" means the air quality control region in which the source is located.
68. "Monitoring device" means the total equipment, required under the applicable provisions of this Chapter, used to measure and record, if applicable, process parameters.
69. "Motor vehicle" means any self-propelled vehicle designed for transporting persons or property on public highways.
70. "Multiple chamber incinerator" means three or more refractory-lined combustion chambers in series, physically separated by refractory walls and interconnected by gas passage ports or ducts.
71. "Natural conditions" includes naturally occurring phenomena that reduce visibility as measured in terms of light extinction, visual range, contrast, or coloration.
72. "Necessary preconstruction approvals or permits" means those permits or approvals required under the Act and those air quality control laws and rules which are part of the SIP.
73. "Net emissions increase" means:
- a. The amount by which the sum of subsections (69)(a)(i) and (ii) exceeds zero:

- i. Any increase in actual emissions from a particular physical change or change in the method of operation at a stationary source; and
 - ii. 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:
- i. The date five years before construction on the particular change commences; and
 - ii. The date that the increase from the particular change occurs.
- c. An increase or decrease in actual emissions is creditable only if the Director 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 PM 10 which occurs before the applicable baseline date, as described in R18-2-218, 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:
- i. The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;
 - ii. It is federally enforceable at and after the time that actual construction on the particular change begins;
 - iii. It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change; and
 - iv. The emissions unit was actually operated and emitted the specific pollutant.
- 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.
74. "New source" means any stationary source of air pollution which is subject to an applicable new source performance standard under Article 9 of this Chapter.

75. "Nitric acid plant" means any facility producing nitric acid 30% to 70% in strength by either the pressure or atmospheric pressure process.
76. "Nitrogen oxides" means all oxides of nitrogen except nitrous oxide, as measured by test methods set forth in the Appendices to 40 CFR 60.
77. "Nonattainment area" means an area so designated by the Administrator acting pursuant to Section 107 of the Act as exceeding national primary or secondary ambient air standards for a particular pollutant or pollutants.
78. "Nonpoint source" means a source of air contaminants which lacks an identifiable plume or emission point.
79. "Opacity" means the degree to which emissions reduce the transmission of light and obscure the view of an object in the background.
80. "Operation" means any physical or chemical action resulting in the change in location, form, physical properties, or chemical character of a material.
81. "Other solid waste incineration units" or "OSWI units" means very small municipal waste combustion units and institutional waste incineration units.
- ~~81-82.~~ "Owner or operator" means any person who owns, leases, operates, controls, or supervises an affected facility or a stationary source of which an affected facility is a part.
- ~~82-83.~~ "Particulate matter" means any airborne finely divided solid or liquid material with an aerodynamic diameter smaller than 100 micrometers.
- ~~83-84.~~ "Particulate matter emissions" means all finely divided solid or liquid materials other than uncombined water, emitted to the ambient air as measured by applicable test methods and procedures described in R18-2-311.
- ~~84-85.~~ "Pollution control project" means 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 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 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 Appropriations 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 Environmental Protection Agency, or

d. A permanent clean coal technology demonstration project that constitutes a repowering project.

~~85-86.~~ "PM 2.5" means particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers as measured by a reference method based on 40 CFR 50 Appendix L, or by an equivalent method designated according to 40 CFR 53.

~~86-87.~~ "PM 10 " means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by a reference method contained within 40 CFR 50 Appendix J or by an equivalent method designated in accordance with 40 CFR 53.

~~87-88.~~ "PM 10 emissions" means finely divided solid or liquid material, with an aerodynamic diameter less than or equal to a nominal 10 micrometers emitted to the ambient air as measured by applicable test methods and procedures described in R18-2-311.

~~88-89.~~ "Plume" means visible effluent.

~~89-90.~~ "Pollutant" means an air contaminant the emission or ambient concentration of which is regulated pursuant to this Chapter.

~~90-91.~~ "Portable source" means any building, structure, facility, or installation subject to regulation pursuant to A.R.S. § 49-426 which emits or may emit any air pollutant and is capable of being operated at more than one location.

~~91-92.~~ "Potential to emit" or "potential emission rate" means the maximum capacity of a stationary source to emit a pollutant, 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.

~~92-93.~~ "Primary ambient air quality standards" means the ambient air quality standards which define levels of air quality necessary, with an adequate margin of safety, to protect the public health, as specified in Article 2 of this Chapter.

~~93-94.~~ "Process" means one or more operations, including equipment and technology, used in the production of goods or services or the control of by-products or waste.

~~94-95.~~ "Proposed permit" means the version of a permit for which the Director offers public participation under R18-2-330 or affected state review under R18-2-307(D).

~~95-96.~~ "Proposed final permit" means the version of a Class I permit that the Department proposes to issue and forwards to the Administrator for review in compliance with R18-2-307(A).

~~96-97.~~ "Reactivation of a very clean coal-fired electric utility steam generating unit" means 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 two-year period before enactment of the Clean Air Act Amendments of 1990, and the emissions from the unit continue to be carried in the Director's 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-NOx burners before commencement of operations following reactivation; and
- d. Is otherwise in compliance with the Act.

~~97-98.~~ "Reclaiming machinery" means any machine, equipment device or other article used for picking up stored granular material and either depositing this material on a conveyor or reintroducing this material into the process.

~~98-99.~~ "Reference method" means the methods of sampling and analyzing for an air pollutant as described in the Arizona Testing Manual; 40 CFR 50, Appendices A through K; 40 CFR 52, Appendices D and E; 40 CFR 60, Appendices A through F; and 40 CFR 61, Appendices B and C.

~~99-100.~~ "Regulated air pollutant" means any of the following:

- a. Any conventional air pollutant as defined in A.R.S. § 49-401.01.
- b. Nitrogen oxides and volatile organic compounds.
- c. Any air contaminant that is subject to a standard contained in Article 9 of this Chapter.
- d. Any hazardous air pollutant as defined in Article 17 of this Chapter.
- e. Any Class I or II substance listed in Section 602 of the Act.

~~100-101.~~ "Repowering" means:

- a. Replacing an existing coal-fired boiler with one of the following clean coal technologies:
 - i. Atmospheric or pressurized fluidized bed combustion;
 - ii. Integrated gasification combined cycle;
 - iii. Magnetohydrodynamics;
 - iv. Direct and indirect coal-fired turbines;
 - v. Integrated gasification fuel cells; or
 - vi. As determined by the Administrator, in consultation with the United States Secretary of Energy, a derivative of one or more of the above technologies; and

- vii. 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 unit that has been awarded clean coal technology demonstration funding as of January 1, 1991, by the United States Department of Energy.
 - c. The Director shall give expedited consideration to permit applications for any source that satisfies the requirements of this subsection and is granted an extension under section 409 of the Act.
- ~~101-~~102. "Representative actual annual emissions" means the average rate, in tons per year, at which a 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 period within 10 years after that change, if the Director determines that the different period is more representative of source operations), considering the effect the change will have on increasing or decreasing the hourly emissions rate and on projected capacity utilization. In projecting future emissions the Director shall:
- a. Consider all relevant information, including historical operational data, the company's representations, filings with Arizona or federal regulatory authorities, and compliance plans under Title IV of the Act; and
 - b. Exclude, in calculating any increase in emissions that results 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 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.
- ~~102-~~103. "Run" means the net period of time during which an emission sample is collected, which may be, unless otherwise specified, either intermittent or continuous within the limits of good engineering practice.
- ~~103-~~104. "Secondary ambient air quality standards" means the ambient air quality standards which define levels of air quality necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant, as specified in Article 2 of this Chapter.
- ~~104-~~105. "Secondary emissions" means emissions which are specific, well defined, quantifiable, occur as a result of the construction or operation of a major source or major modification, but do not come from the major source or major modification itself, and impact the same general area as the stationary source or modification which causes the secondary emissions. Secondary emissions include emissions

from any offsite support facility which would not otherwise be constructed or increase its emissions as a result of the construction or operation of the major source or major modification. Secondary emissions do not include any emissions which come directly from a mobile source, such as emissions from the tailpipe of a motor vehicle, from a train, or from a vessel.

~~105-~~106. "Shutdown" means the cessation of operation of any air pollution control equipment or process equipment for any purpose, except routine phasing out of process equipment.

~~106-~~107. "Significant" means:

- 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 of the following rates:

Pollutant Emissions Rate

Carbon monoxide 100 tons per year (tpy)

Nitrogen oxides 40 tpy

Sulfur dioxide 40 tpy

Particulate matter 25 tpy

PM 10 15 tpy

VOC 40 tpy

Lead 0.6 tpy

Fluorides 3 tpy

Sulfuric acid mist 7 tpy

Hydrogen sulfide (H₂S) 10 tpy

Total reduced sulfur

(including H₂S) 10 tpy

Reduced sulfur compounds (including H₂S) 10 tpy

Municipal waste combustor organics (measured as total tetra-through octa-chlorinated dibenzo-p-dioxins and dibenzofurans) 3.5×10^{-6} tpy

Municipal waste combustor

metals (measured as particulate matter) 15 tpy

Municipal waste combustor acid gases (measured as sulfur dioxide and hydrogen chloride) 40 tpy

Municipal solid waste landfill emissions (measured as nonmethane organic compounds) 50 tpy

- b. In ozone nonattainment areas classified as serious or severe, significant emissions of VOC shall be determined under R18-2-405.

- c. For a regulated air pollutant that is not listed in subsection (a), is not a Class I or II substance listed in Section 602 of the Act, and is not a hazardous air pollutant according to Article 17 of this Chapter, any emission rate.
- d. Notwithstanding the emission amount listed in subsection (a), any emissions rate or any net emissions increase associated with a major source or major modification, which would be constructed within 10 kilometers of a Class I area and have an impact on the ambient air quality of such area equal to or greater than 1 µg/m³ (24-hour average).

~~107-~~108. "Smoke" means particulate matter resulting from incomplete combustion.

~~108-~~109. "Stack" means any point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct but not including flares.

~~109-~~110. "Stack in existence" means that the owner or operator had either:

- a. Begun, or caused to begin, a continuous program of physical on-site construction of the stack;
- b. Entered into binding agreements or contractual obligations, which could not be cancelled or modified without substantial loss to the owner or operator, to undertake a program of construction of the stack to be completed in a reasonable time.

~~110-~~111. "Start-up" means the setting into operation of any air pollution control equipment or process equipment for any purpose except routine phasing in of process equipment.

~~111-~~112. "State implementation plan" (SIP) means 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, pursuant to the Act.

~~112-~~113. "Stationary rotating machinery" means any gas engine, diesel engine, gas turbine, or oil fired turbine operated from a stationary mounting and used for the production of electric power or for the direct drive of other equipment.

~~113-~~114. "Stationary source" means any building, structure, facility or installation subject to regulation pursuant to A.R.S. § 49-426(A) which emits or may emit any air pollutant. "Building," "structure," "facility," or "installation" means all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person or persons under common control. 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."

~~114-~~115. "Sulfuric acid plant" means any facility producing sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, or acid sludge, but does not include facilities where conversion to sulfuric acid is utilized as a means of preventing emissions of sulfur dioxide or other sulfur compounds to the atmosphere.

~~115-~~116. "Temporary clean coal technology demonstration project" means a clean coal technology demonstration project operated for five 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.

~~116-~~117. "Temporary source" means a source which is portable, as defined in A.R.S. § 49-401.01(23) and which is not an affected source.

~~117-~~118. "Total reduced sulfur" (TRS) means 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.

~~118-~~119. "Total suspended particulate" (TSP) means particulate matter as measured by the reference method described in 40 CFR 50, Appendix B, plus any particulate matter from fugitive emissions quantified by methods approved by the Director.

~~119-~~120. "Trivial activities" means activities and emissions units, such as the following, that may be omitted from a Class I or Class II permit application. Certain of the following listed activities include qualifying statements intended to exclude similar activities:

- a. Combustion emissions from propulsion of mobile sources;
- b. Air-conditioning units used for human comfort that do not have applicable requirements under title VI of the Act;
- c. Ventilating units used for human comfort that do not exhaust air pollutants into the ambient air from any manufacturing, industrial or commercial process;
- d. Non-commercial food preparation;
- e. Janitorial services and consumer use of janitorial products;
- f. Internal combustion engines used for landscaping purposes;
- g. Laundry activities, except for dry-cleaning and steam boilers;
- h. Bathroom and toilet vent emissions;
- i. Emergency or backup electrical generators at residential locations;
- j. Tobacco smoking rooms and areas;
- k. Blacksmith forges;
- l. Plant maintenance and upkeep activities, including grounds-keeping, general repairs, cleaning, painting, welding, plumbing, re-tarring roofs, installing insulation, and paving parking lots, if these activities are not conducted as part of a manufacturing process, are not related to the source's primary business activity, and do not otherwise trigger a permit revision. Cleaning and painting activities qualify as trivial activities if they are not subject to VOC or hazardous air pollutant (HAP) control requirements;

- m. Repair or maintenance shop activities not related to the source's primary business activity, not including emissions from surface coating, de-greasing, or solvent metal cleaning activities, and not otherwise triggering a permit revision;
- n. Portable electrical generators that can be moved by hand from one location to another. "Moved by hand" means capable of being moved without the assistance of any motorized or non-motorized vehicle, conveyance, or device;
- o. Hand-held equipment for buffing, polishing, cutting, drilling, sawing, grinding, turning, or machining wood, metal, or plastic;
- p. Brazing, soldering, and welding equipment, and cutting torches related to manufacturing and construction activities that do not result in emission of HAP metals. Brazing, soldering, and welding equipment, and cutting torches related to manufacturing and construction activities that emit HAP metals are insignificant activities based on size or production level thresholds. Brazing, soldering, and welding equipment, and cutting torches directly related to plant maintenance and upkeep and repair or maintenance shop activities that emit HAP metals are treated as trivial and listed separately in this definition;
- q. Air compressors and pneumatically operated equipment, including hand tools;
- r. Batteries and battery charging stations, except at battery manufacturing plants;
- s. Storage tanks, vessels, and containers holding or storing liquid substances that will not emit any VOC or HAP;
- t. Storage tanks, reservoirs, and pumping and handling equipment of any size containing soaps, vegetable oil, grease, animal fat, and nonvolatile aqueous salt solutions, if appropriate lids and covers are used;
- u. Equipment used to mix and package soaps, vegetable oil, grease, animal fat, and nonvolatile aqueous salt solutions, if appropriate lids and covers are used;
- v. Drop hammers or hydraulic presses for forging or metalworking;
- w. Equipment used exclusively to slaughter animals, not including other equipment at slaughterhouses, such as rendering cookers, boilers, heating plants, incinerators, and electrical power generating equipment;
- x. Vents from continuous emissions monitors and other analyzers;
- y. Natural gas pressure regulator vents, excluding venting at oil and gas production facilities;
- z. Hand-held applicator equipment for hot melt adhesives with no VOC in the adhesive formulation;
- aa. Equipment used for surface coating, painting, dipping, or spraying operations, except those that will emit VOC or HAP;
- bb. ~~CO~~(2)CO₂ lasers used only on metals and other materials that do not emit HAP in the process;

- cc. Electric or steam-heated drying ovens and autoclaves, but not the emissions from the articles or substances being processed in the ovens or autoclaves or the boilers delivering the steam;
- dd. Salt baths using nonvolatile salts that do not result in emissions of any regulated air pollutants;
- ee. Laser trimmers using dust collection to prevent fugitive emissions;
- ff. Bench-scale laboratory equipment used for physical or chemical analysis, but not laboratory fume hoods or vents;
- gg. Routine calibration and maintenance of laboratory equipment or other analytical instruments;
- hh. Equipment used for quality control, quality assurance, or inspection purposes, including sampling equipment used to withdraw materials for analysis;
- ii. Hydraulic and hydrostatic testing equipment;
- jj. Environmental chambers not using HAP gases;
- kk. Shock chambers;
- ll. Humidity chambers;
- mm. Solar simulators;
- nn. Fugitive emissions related to movement of passenger vehicles, if the emissions are not counted for applicability purposes under R18-2-101(64)(c) and any required fugitive dust control plan or its equivalent is submitted with the application;
- oo. Process water filtration systems and demineralizers;
- pp. Demineralized water tanks and demineralizer vents;
- qq. Oxygen scavenging or de-aeration of water;
- rr. Ozone generators;
- ss. Fire suppression systems;
- tt. Emergency road flares;
- uu. Steam vents and safety relief valves;
- ww. Steam leaks; and
- xx. Steam cleaning operations and steam sterilizers

~~120-121.~~ "Unclassified area" means an area which the Administrator, because of a lack of adequate data, is unable to classify as an attainment or nonattainment area for a specific pollutant, and which, for purposes of this Chapter, is treated as an attainment area.

~~121-122.~~ "Uncombined water" means condensed water containing analytical trace amounts of other chemical elements or compounds.

~~122-123.~~ "Urban or suburban open area" means an unsubdivided tract of land surrounding a substantial urban development of a residential, industrial, or commercial nature and which, though near or within the limits of a city or town, may be uncultivated, used for agriculture, or lie fallow.

~~123.~~124. "Vacant lot" means a subdivided residential or commercial lot which contains no buildings or structures of a temporary or permanent nature.

~~124.~~125. "Vapor" means the gaseous form of a substance normally occurring in a liquid or solid state.

~~125.~~126. "Visibility impairment" means any humanly perceptible change in visibility (light extinction, visual range, contrast, coloration) from that which would have existed under natural conditions.

~~126.~~127. "Visible emissions" means any emissions which are visually detectable without the aid of instruments and which contain particulate matter.

~~127.~~128. "Volatile organic compounds (VOC)" means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, that participates in atmospheric photochemical reactions. This includes any such organic compound other than the following:

- a. Methane;
- b. Ethane;
- c. Methylene chloride (dichloromethane);
- d. 1,1,1-trichloroethane (methyl chloroform);
- e. 1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113);
- f. Trichlorofluoromethane (CFC-11);
- g. Dichlorodifluoromethane (CFC-12);
- h. Chlorodifluoromethane (HCFC-22);
- i. rifluoromethane (HFC-23);
- j. 1,2-dichloro 1,1,2,2-tetrafluoroethane (CFC-114);
- k. Chloropentafluoroethane (CFC-115);
- l. 1,1,1-trifluoro 2,2-dichloroethane (HCFC-123);
- m. 1,1,1,2-tetrafluoroethane (HFC-134a);
- n. 1,1-dichloro 1-fluoroethane (HCFC-141b);
- o. 1-chloro 1,1-difluoroethane (HCFC-142b);
- p. 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124);
- q. Pentafluoroethane (HFC-125);
- r. ,1,2,2-tetrafluoroethane (HFC-134);
- s. 1,1,1-trifluoroethane (HFC-143a);
- t. 1,1-difluoroethane (HFC-152a);
- u. Parachlorobenzotrifluoride (PCBTF);
- v. Cyclic, branched, or linear completely methylated siloxanes;
- w. Acetone;

- x. Perchloroethylene (tetrachloroethylene);
- y. 3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca);
- z. 1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb);
- aa. 1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC 43-10mee);
- bb. Difluoromethane (HFC-32);
- cc. Ethylfluoride (HFC-161);
- dd. 1,1,1,3,3,3-hexafluoropropane (HFC-236fa);
- ee. 1,1,2,2,3-pentafluoropropane (HFC-245ca);
- ff. 1,1,2,3,3-pentafluoropropane (HFC-245ea);
- gg. 1,1,1,2,3-pentafluoropropane (HFC-245eb);
- hh. 1,1,1,3,3-pentafluoropropane (HFC-245fa);
- ii. 1,1,1,2,3,3-hexafluoropropane (HFC-236ea);
- jj. 1,1,1,3,3-pentafluorobutane (HFC-365mfc);
- kk. Chlorofluoromethane (HCFC-31);
- ll. 1 chloro-1-fluoroethane (HCFC-151a);
- mm. 1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a);
- nn. 1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane (C 4 F 9 OCH 3);
- oo. 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF 3) 2 CFCF 2 OCH 3);
- pp. 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane (C 4 F 9 OC 2 H 5);
- qq. 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF 3) 2 CFCF 2 OC 2 H 5 ;
- rr. Methyl acetate; and
- ss. 1,1,1,2,2,3,3-heptafluoro-3-methoxypropane (n-C3F7OCH3, HFE--7000);
- tt. 3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane (HFE - 7500);
- uu. 1,1,1,2,3,3,3-hentafluoropropane (HFC 227ea); and
- vv. Methyl formate (HCOOCH3); and
- ww. Perfluorocarbon compounds that fall into these classes:
 - i. Cyclic, branched, or linear, completely fluorinated alkanes.
 - ii. Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations.
 - iii. Cycle, branched, or linear, completely fluorinated tertiary amines with no unsaturations; or
 - iv. Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.
- xx. The following compound is 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.

~~128.~~ 129. "Wood waste burner" means an incinerator designed and used exclusively for the burning of wood wastes consisting of wood slabs, scraps, shavings, barks, sawdust or other wood material, including those that generate steam as a by-product.

ARTICLE 6. EMISSIONS FROM EXISTING AND NEW NONPOINT SOURCES

R18-2-602. Unlawful Open Burning

A. In addition to the definitions contained in A.R.S. § 49-501 and R18-2-101, in this Section:

1. "Agricultural burning" means burning vegetative materials related to producing and harvesting crops and raising animals for the purpose of marketing for profit, or providing a livelihood, but does not include burning of household waste or prohibited materials. A person may conduct agricultural burns in fields, piles, ditch banks, fence rows, or canal laterals for purposes such as weed control, waste disposal, disease and pest prevention, or site preparation.
2. "Approved waste burner" means an incinerator constructed of fire resistant material with a cover or screen that is closed when in use, and has openings in the sides or top no greater than one inch in diameter.
3. "Class I Area" means any one of the Arizona mandatory federal Class I areas defined in A.R.S. § 49-401.01.
4. "Construction burning" means burning wood or vegetative material from land clearing, site preparation, or fabrication, erection, installation, demolition, or modification of any buildings or other land improvements, but does not include burning household waste or prohibited material.
5. "Dangerous material" means any substance or combination of substances that is capable of causing bodily harm or property loss unless neutralized, consumed, or otherwise disposed of in a controlled and safe manner.
6. "Delegated authority" means any of the following:
 - a. A county, city, town, air pollution control district, or fire district that has been delegated authority to issue open burning permits by the Director under A.R.S. § 49-501(~~ED~~); or
 - b. A private fire protection service provider that has been assigned authority to issue open burning permits by one of the authorities in subsection (A)(6)(a).
7. "Director" means the Director of the Department of Environmental Quality, or designee.
8. "Emission reduction techniques" means methods for controlling emissions from open outdoor fires to minimize the amount of emissions output per unit of area burned.

9. "Flue," as used in this Section, means any duct or passage for air or combustion gases, such as a stack or chimney.
10. "Household waste" means any solid waste including garbage, rubbish, and sanitary waste from a septic tank that is generated from households including single and multiple family residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas, but does not include construction debris, landscaping rubble, or demolition debris.
11. "Independent authority to permit fires" means the authority of a county air pollution control program to permit fires by a rule adopted under A.R.S. § 49-402 and § 49-480 Arizona Revised Statutes, Title 49, Chapter 3, Article 3, and includes only Maricopa, Pima, and Pinal counties.
12. "Number 1 and Number 2 Diesel Fuels" are types of diesel fuel that are sold or dispensed by retailers and wholesale purchaser-consumers for use in motor vehicles. Number 1 diesel fuel is ultra low sulfur diesel fuel, that does not exceed the 15 parts per million (ppm) sulfur standard, and is commonly labeled at the pump as 'premium diesel' or with a Cetane number of at least 45. Number 2 diesel fuel is low sulfur diesel fuel, which is subject to the 500 parts per million (ppm) sulfur standard, and is usually labeled at the pump with a Cetane number of at least 40.
- ~~12-13.~~ "Open outdoor fire or open burning" means the combustion of material of any type, outdoors and in the open, where the products of combustion are not directed through a flue. Open outdoor fires include agricultural, residential, prescribed, and construction burning, and fires using air curtain destructors.
14. "Prescribed burning" has the same meaning as in R18-2-1501.
- ~~13-15.~~ "Prohibited materials" means nonpaper garbage from the processing, storage, service, or consumption of food; chemically treated wood; lead-painted wood; linoleum flooring, and composite counter-tops; tires; explosives or ammunition; oleanders; poison ivy; poison oak; asphalt shingles; tar paper; plastic and rubber products, including bottles for household chemicals; plastic grocery and retail bags; number 1 and number 2 diesel fuels; waste petroleum products, such as waste crankcase oil, transmission oil, and oil filters; transformer oils; asbestos; batteries; anti-freeze; aerosol spray cans; electrical wire insulation; thermal insulation; polyester products; hazardous waste products such as paints, pesticides, cleaners and solvents, stains and varnishes, and other flammable liquids; plastic pesticide bags and containers; and hazardous material containers including those that contained lead, cadmium, mercury, or arsenic compounds.

16. "Residential burning" means open burning of vegetative materials conducted by or for the occupants of residential dwellings, but does not include burning household waste or prohibited material.

~~15. "Prescribed burning" has the same meaning as in R18-2-1501.~~

17. "Salvage operation" is any business, trade, or industry engaged in whole or in part, in reclaiming any product or material.

- B.** Unlawful open burning. Notwithstanding any other rule in this Chapter, a person shall not ignite, cause to be ignited, ~~permit~~ allow to be ignited, ~~allow~~ suffer, or maintain any open outdoor fire ~~in a county~~ without a written permit issued from the Director, Central Officer, or by an independent authority to permit fires, as defined in Section (A)(11) of this Rule, or delegated authority as defined Section (A)(6) of this Rule, except as provided in A.R.S. § 49-501 and this Section, that is equal to or more restrictive than the requirements of this rule, except fires exempt from a permit.
- C.** Open outdoor fires exempt from a permit. The following fires do not require an open burning permit from the Director or a delegated authority:
1. Fires used only for:
 - a. Cooking of food,
 - b. Providing warmth for human beings,
 - c. Recreational purposes,
 - d. Branding of animals,
 - e. Orchard heaters for the purpose of frost protection in farming or nursery operations, and
 - f. The proper disposal of flags under 4 U.S.C. 1, § 8.
 2. Any fire set or permitted by any public officer in the performance of official duty, if the fire is set or permission given for the following purpose:
 - a. Control of an active wildfire; or
 - b. Instruction in the method of fighting fires, except that the person setting these fires must comply with the reporting requirements of subsection (D)(3)(~~fd~~).
 3. Fire set by or permitted by the Director of Department of Agriculture for the purpose of disease and pest prevention in an organized, area-wide control of an epidemic or infestation affecting livestock or crops.
 4. Prescribed burns set by or assisted by the federal government or any of its departments, agencies, or agents, or the state or any of its agencies, departments, or political subdivisions, regulated under Article 15 of this Chapter.

5. Fires set by or assisted by the federal government or any of its departments, agencies, or agents, or the state or any of its agencies, departments, or political subdivisions, for the purposes of maintaining public safety or emergency management.

D. Open outdoor fires requiring a permit.

1. The following open outdoor fires are allowed ~~with~~after an a written open burning permit has been issued by from the Director, ~~or~~ a delegated authority, or an independent authority to permit fires:

- a. Construction burning;
- b. Agricultural burning;
- c. Residential burning;
- d. Prescribed burns conducted on private lands without the assistance of a federal or state land manager as defined under R18-2-1501;
- e. Any fire set or permitted by a public officer in the performance of official duty, if the fire is set or permission given for the purpose of weed abatement, or the prevention of a fire hazard, unless the fire is exempt from the permit requirement under subsection (C)(3);
- f. Open outdoor fires of dangerous material under subsection (~~EF~~);
- g. Open outdoor fires of household waste under subsection (~~FG~~); and
- h. Open outdoor fires that use an air curtain destructor, as defined in R18-2-101. Permits shall comply with the requirements of this Section and Article 3 or Article 5, depending on the quantity and type of waste burned.
- i. Open outdoor fires that use an OSWI unit as defined in R18-2-101. Permits shall comply with the requirements of this Section and Article 3 or Article 5, depending on the quantity and type of waste burned.

2. A person conducting an open outdoor fire in a county without independent authority to permit fires shall obtain a permit from the Director or a delegated authority unless exempted under subsection (C). Permits may be issued for a period not to exceed one year. A person shall obtain a permit by completing an ADEQ-approved application form.

3. The Permit applicant shall provide the following information when applying for an open outdoor fire permit and such ~~Open outdoor fire~~ permits issued under this Section shall include:

- a. A list of the materials that the permittee may burn under the permit;
- b. A means of contacting the permittee authorized by the permit to set an open fire in the event that an order to extinguish the open outdoor fire is issued by the Director, Central Officer, ~~or~~ a delegated authority, or an independent authority to permit fires;

- ~~e.~~ A requirement that burns be conducted during the following periods, unless otherwise waived or directed by the Director on a specific day basis:
 - ~~i.~~ Year round: ignite fire no earlier than one hour after sunrise; and
 - ~~ii.~~ Year round: extinguish fire no later than two hours before sunset;
- ~~d.~~ A requirement that the permittee conduct all open burning only during atmospheric conditions that:
 - ~~i.~~ Prevent dispersion of smoke into populated areas;
 - ~~ii.~~ Prevent visibility impairment on traveled roads or at airports that result in a safety hazard;
 - ~~iii.~~ Do not create a public nuisance or adversely affect public safety;
 - ~~iv.~~ Do not cause an adverse impact to visibility in a Class I area; and
 - ~~v.~~ Do not cause uncontrollable spreading of the fire;
- ~~e.c.~~ A list of the types of emission reduction techniques that the permittee shall use to minimize fire emissions;
- ~~f.d.~~ A reporting requirement that the permittee shall meet by providing the The following information in a format provided by the Director for each date open burning occurred, on either a daily basis on the day of the fire, or an annual basis in a report to the Director or delegated authority due on March 31 for the previous calendar year:
 - i. The date of each burn;
 - ii. The type and quantity of fuel burned for each date open burning occurred;
 - iii. The fire type, such as pile or pit, for each date open burning occurred; and
 - iv. For each date open burning occurred, the legal location, to the nearest section, or latitude and longitude, to the nearest degree minute, or street address for residential burns;
- ~~g.e.~~ A requirement that the person conducting the open burn notify the local fire-fighting agency or private fire protection service provider, if the service provider is a delegated authority, before burning. If neither is in existence, the person conducting the burn shall notify the state forester;
- ~~h.~~ A requirement that the permittee start each open outdoor fire using items that do not cause the production of black smoke;
- ~~i.~~ A requirement that the permittee attend the fire at all times until it is completely extinguished;
- ~~j.~~ A requirement that the permittee provide fire extinguishing equipment on-site for the duration of the burn;
- ~~k.~~ A requirement that the permittee ensure that a burning pit, burning pile, or approved waste burner be at least 50 feet from any structure;
- ~~l.f.~~ A requirement that the permittee have a copy of the burn permit on-site during open burning;

- ~~m.~~ A requirement that the permittee not conduct open burning when an air stagnation advisory, as issued by the National Weather Service, is in effect in the area of the burn or during periods when smoke can be expected to accumulate to the extent that it will significantly impair visibility in Class I areas;
 - ~~n.~~ A requirement that the permittee not conduct open burning when any stage air pollution episode is declared under R18-2-220;
 - ~~o.g.~~ A statement that the Director, or any other public officer, may order that the burn be extinguished or prohibit burning during periods of inadequate smoke dispersion, excessive visibility impairment, or extreme fire danger; and
 - ~~p.h.~~ A list of the activities prohibited and the criminal penalties provided under A.R.S. § 13-1706.
4. The Director, Central Officer, ~~or a delegated authority, or an independent authority to permit fires~~ shall not issue an open burning permit under this Section:
- a. That would allow burning prohibited materials other than under a permit for the burning of dangerous materials;
 - b. If the applicant has applied for a permit under this Section to burn a dangerous material which is also hazardous waste under 40 CFR 261, but does not have a permit to burn hazardous waste under 40 CFR 264, or is not an interim status facility allowed to burn hazardous waste under 40 CFR 265; or
 - c. If the burning would occur at a solid waste facility in violation of 40 CFR 258.24 and the Director has not issued a variance under A.R.S. § 49-763.01.

E. Open outdoor fires requiring a permit under this Section shall comply with the following requirements even if the required permit is not obtained:

- 1. Be conducted during the following times, unless otherwise waived or directed by the Director on a specific day basis:
 - a. Ignite fire no earlier than one hour after sunrise; and
 - b. Extinguish fire no later than two hours before sunset;
- 2. Be conducted only during atmospheric conditions that:
 - a. Prevent dispersion of smoke into populated areas;
 - b. Prevent visibility impairment on traveled roads or near airports that result in a safety hazard;
 - c. Do not create a public nuisance or adversely affect public safety;
 - d. Do not cause an adverse impact to visibility in a Class I area; and
 - e. Do not cause uncontrollable spreading of fire;
- 3. Be ignited using items that do not cause the production of black smoke;
- 4. Be conducted where the size of each pile shall not exceed 12' by 12' by 12';

5. Ensure that the location of an open outdoor fire or burn pit is at least:
 - a. Five hundred (500) feet away from any primary or secondary highway, except for approved ditch burning; and
 - b. One thousand (1,000) feet from any learning sites, daycare, residential or nursing homes, or hospital, not on the same property as the pit; and
 - c. One half (1/2) mile from any airport;
6. Ensure that a burning pit, burning pile, or approved waste burner be at least 50 feet away from any structure, other burning pit, other burning pile, or other approved waste burner on the same property;
7. Be conducted in an area that is at least one hundred (100) feet from standing timber or overhead electrical lines;
8. Be attended at all times by at least one competent adult person who is in possession of, and is capable of operating, fire extinguishing equipment sufficient to control the fire until the fire is completely extinguished;
9. Be attended by at least one individual who is in possession of at least one working telephone, which is located on the premises where the open outdoor fire is located;
10. Ensure that the burn pit shall be cleaned on a daily basis;
11. Ensure that brush in the burn pit is not piled above the pit surface;
12. Not be conducted when an air stagnation advisory, as issued by the National Weather Service, is in effect in the area of the burn or during period when smoke can be expected to accumulate to the extent that it will significantly impair visibility in Class I areas;
13. Not be conducted when any stage air pollution episode is declared under R18-2-220;
14. Be extinguished upon request of the Director, or any other public officer, during periods of inadequate smoke dispersion, excessive visibility impairment, or elevated fire danger;
15. Not be used to conduct a salvage operation.

E.F. Open outdoor fires of dangerous material. A fire set for the disposal of a dangerous material is allowed by the provisions of this Section, when the material is too dangerous to store and transport, and the Director has issued a permit for the fire. A permit issued under this subsection shall contain all provisions in subsection (D)(3) except for subsections (D)(3)(~~e~~) and (D)(3)(~~f~~). The Director shall permit fires for the disposal of dangerous materials only when no safe alternative method of disposal exists, and burning the materials does not result in the emission of hazardous or toxic substances either directly or as a product of combustion in amounts that will endanger health or safety.

F.G. Open outdoor fires of household waste. An open outdoor fire for the disposal of household waste is allowed by provisions of this Section when permitted in writing by the Director or a delegated authority. A permit issued under this subsection shall contain all provisions in subsection (D)(3) except for subsections (D)(3)(~~ec~~) and (D)(3)(~~fd~~). The permittee shall conduct open outdoor fires of household waste in an approved waste burner and shall either:

1. Burn household waste generated on-site on farms or ranches of 40 acres or more where no household waste collection or disposal service is available; or
2. Burn household waste generated on-site where no household waste collection and disposal service is available and where the nearest other dwelling unit is at least 500 feet away.

G.H. Permits issued by a delegated authority. The Director may delegate authority for the issuance of open burning permits to a county, city, town, air pollution control district, or fire district. A delegated authority may not issue a permit for its own open burning activity. The Director shall not delegate authority to issue permits to burn dangerous material under subsection (~~EF~~). A county, city, town, air pollution control district, or fire district with delegated authority from the Director may assign that authority to one or more private fire protection service providers that perform fire protection services within the county, city, town, air pollution control district, or fire district. A private fire protection provider shall not directly or indirectly condition the issuance of open burning permits on the applicant being a customer. Permits issued under this subsection shall comply with the requirements in subsection (D)(3) and be in a format prescribed by the Director. Each delegated authority shall:

1. Maintain a copy of each permit issued for the previous five years available for inspection by the Director;
2. For each permit currently issued, have a means of contacting the person authorized by the permit to set an open fire if an order to extinguish open burning is issued; and
3. Annually submit to the Director by May 15 a record of daily burn activity, excluding household waste burn permits, on a form provided by the Director for the previous calendar year containing the information required in subsections (D)(3)(~~ec~~) and (D)(3)(~~fd~~).

H.I. The Director shall hold an annual public meeting for interested parties to review operations of the open outdoor fire program and discuss emission reduction techniques.

I.J. Nothing in this Section is intended to permit any practice that is a violation of any statute, ordinance, rule, or regulation.