

COUNTY NOTICES OF PROPOSED RULEMAKING

Pursuant to A.R.S. § 49-112(A) or (B)

NOTICE OF PROPOSED RULEMAKING

MARICOPA COUNTY ENVIRONMENTAL SERVICES DEPARTMENT AIR QUALITY DIVISION

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

Rule 100 (General Provisions And Definitions)

Rule 220 (Non-Title V Permit Provisions)

Rule 500 (Attainment Area Classification)

New Rule 130 (Emergency Provisions)

New Rule 140 (Excess Emissions)

New Rule 201 (Emissions Caps)

New Appendix D (List Of Insignificant Activities)

New Appendix E (List Of Trivial Activities)

2. Summary of the proposed rules, ordinance, or other regulations:

**Rules 100 (General Provisions and Definitions), 220 (Non-Title V Permit Provisions),
New Rule 201 (Emissions Caps), New Appendix D (List Of Insignificant Activities),
and New Appendix E (List Of Trivial Activities)**

This rulemaking package is called the Facility Change Rulemaking Package. It corresponds with the Arizona Department Of Environmental Quality's (ADEQ's) proposed Facility Change rules draft dated June 11, 1999.

In Rule 100, Maricopa County is proposing: 1) To add 8 new definitions and to modify the definitions of actual emissions and major modification, which will correspond to the Environmental Protection Agency's (EPA's) final WEPCO rule; 2) To add 3 new definitions and to modify 4 definitions, which will comply with EPA's written comments dated July 10, 1998, regarding the New Source Review/Prevention Of Significant Deterioration (NSR/PSD) Permit rules; and 3) To revise the readability of many sections.

In Rule 220, Maricopa County is proposing to categorize Non-Title V source changes based on procedural and administrative requirements and to create a new category – changes that do not require prior notice but must be logged in records at the source. There are 6 kinds of facility changes that can be made without any immediate permit revision, provided that prior notice to the Control Officer is given. In these situations, facilities are allowed to make the changes on relatively short notice – from 7 days to 30 days. No revision of the permit is necessary, but, if desired, a permit revision can take place up to a year later. Several factors account for the differences in notice times established in Rule 220. The Control Officer must affirm that the change does not require a permit revision and that the change is not subject to applicable requirements beyond those in the permit. The Control Officer must also confirm that there are no environmental consequences due to the change. There are 6 kinds of facility changes that can be implemented at the source immediately, without prior notice to the Control Office, if logs detailing the change are kept – simultaneously as the change is made. The logs must be accessible to the Control Officer, upon request, and must be sent to the Control Officer each year. The logs allow the Control Officer, on his own initiative, to gather facts and make investigations. As with notice changes, if the logged changes can be incorporated into the permit, an annual permit amendment incorporating all changes may be implemented by the Control Officer, under Rule 220, Section 408 (Amendments To A Permit). The former rules were silent regarding changes that could be made by a facility with no regulatory consequences. Rule 220, as proposed, states that if the change does not fall into 1 of 4 groups, there is no regulatory consequence. Because the 4 groups are described in considerable detail, the situations that have no regulatory consequence are better delineated.

Maricopa County is proposing New Rule 201 to establish federally enforceable emissions limits. A source that is a true Non-Title V source can choose to have an emissions cap, which will allow the source to make more changes

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

more easily and to make some changes without having to make complicated, time-consuming permit revisions. An emissions cap applies to a source's emissions, applies plantwide, allows verification of netting calculations, allows a source to trade emissions, and could be an emissions limitation. Permits may be written to exempt sources with an emissions cap from certain notice requirements or logging requirements, which will allow the source more operating flexibility. In addition, New Rule 201 applies to Title V sources, based on the following conditions: 1) The emissions cap would be used to limit a source's potential to emit to avoid triggering an applicable requirement; 2) The emissions cap would not allow a source to establish a plantwide applicability limit (PAL); and 3) The emissions cap would not relieve a source of its obligation to comply with New Source Review (NSR); That is, if a change under an emissions cap would result in an emissions increase that otherwise triggers NSR, the source must go through the NSR review process.

Maricopa County is proposing New Appendix D (List Of Insignificant Activities) and New Appendix E (List Of Trivial Activities) to clarify and better explain the size and types of activities, processes, or industries that require a permit or a permit revision. New Appendix D is a list of most common insignificant activities, which are typically associated with inconsequential environmental impacts and is to be used as a guide only. A Non-Title V source must, in a permit application, list and describe its insignificant activities. If a Non-Title V source's emissions are approaching an applicable requirement, then such Non-Title V source may also be required to include, in a permit application, emissions calculations for such insignificant activities. A Title V source must, in a permit application, list and generally group its insignificant activities. If emissions estimates are needed for another purpose, such as determining the amount of permit fees, then such Title V source may also be required to include, in a permit application, emissions calculations for such insignificant activities. New Appendix E is a list of most common trivial activities and is to be used as a guide only. A Non-Title V source is not required to list nor to describe trivial activities in a permit application and is not required to include, in a permit application, the emissions from such trivial activities. A Title V source is not required to list nor to describe trivial activities in a permit application and is not required to include, in a permit application, the emissions from such trivial activities.

On September 3, 1998, October 29, 1998, December 17, 1998, June 17, 1999, and December 16, 1999, Maricopa County conducted Public Workshops to discuss proposed revisions to Rules 100 and 220, new Rule 201, new Appendix D (List Of Insignificant Activities), and new Appendix E (List Of Trivial Activities). Maricopa County will further discuss these changes during the Public Hearing scheduled for July 26, 2000.

Rules 100 (General Provisions and Definitions) and 500 (Attainment Area Classification)

Maricopa County is proposing to revise Rules 100 and 500 in order to address the EPA's written comments dated July 10, 1998 regarding the New Source Review/Prevention Of Significant Deterioration (NSR/PSD) Permit Rules. Maricopa County conducted a Public Workshop on December 16, 1999 and will further discuss these changes during the Public Hearing scheduled for July 26, 2000.

**Rule 100 (General Provisions And Definitions), New Rule 130 (Emergency Provisions), and
New Rule 140 (Excess Emissions)**

This rulemaking package is called the Excess Emissions Rulemaking Package. Maricopa County is proposing to delete Section 501 (Emergency Provision) and Section 502 (Excess Emissions) from Rule 100 and is proposing to write each section as an individual rule; Rule 100, Section 501 will become New Rule 130 (Emergency Provisions), and Rule 100, Section 502 will become New Rule 140 (Excess Emissions). Maricopa County conducted a Public Workshop on December 16, 1999 and will further discuss these changes during the Public Hearing scheduled for July 26, 2000.

3. A demonstration of the grounds and evidence of compliance with A.R.S. 49-112(A) or A.R.S. 49-112(B):

The Control Officer of the Maricopa County Environmental Services Department affirms the following:

Pursuant to A.R.S. § 49-112(A), as enacted in 1994, Maricopa County may adopt rules that are more stringent than or in addition to a provision of the State, provided that the rule is necessary to address a peculiar local condition; and if it is either necessary to prevent a significant threat to public health or the environment that results from a peculiar local condition and is technically and economically feasible or if it is required under a federal statute or regulation, or authorized pursuant to an intergovernmental agreement with the federal government to enforce federal statutes or regulations if the county rule is equivalent to federal statutes or regulations; and if any fee adopted under the rule will not exceed the reasonable costs of the county to issue and administer that permit program.

Maricopa County is in compliance with A.R.S. § 49-112(A) in that Maricopa County is proposing to adopt revisions to Rules 100, 220, 500 and is proposing to adopt New Rules 130, 140, 201, Appendix D, and Appendix E that are not more stringent than nor are in addition to a provision of A.R.S. Title 49 or rules adopted by the Director of ADEQ or any Board or Commission authorized to adopt rules pursuant to A.R.S. Title 49.

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

The Section 112(B) demonstration does not apply because these particular rules are in that portion of Maricopa County's air quality program, which is administered under direct statutory authority. Therefore, these rules are not being adopted/revise in lieu of a state program.

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

Name: Johanna Kuspert, Air Quality Planner
Address: Maricopa County Environmental Services Department
Air Quality Division
1001 North Central Avenue, #201
Phoenix, Arizona 85004
Telephone: (602) 506-6710
Fax: (602) 506-6179

5. Where persons may obtain a full copy of the proposed rules, ordinance, or other regulations

Name: Maricopa County Environmental Services Department
Air Quality Division
Address: 1001 North Central Avenue, #201
Phoenix, Arizona 85004
Telephone: (602) 506-6010
Fax: (602) 506-6179

NOTICE OF PUBLIC HEARING ON PROPOSED RULEMAKING

**MARICOPA COUNTY ENVIRONMENTAL SERVICES DEPARTMENT
AIR QUALITY DIVISION**

1. Heading and number of the proposed rules, ordinance, or other regulations that are the subject to the public hearing

Rule 100 (General Provisions And Definitions)
Rule 220 (Non-Title V Permit Provisions)
Rule 500 (Attainment Area Classification)
New Rule 130 (Emergency Provisions)
New Rule 140 (Excess Emissions)
New Rule 201 (Emissions Caps)
New Appendix D (List Of Insignificant Activities)
New Appendix E (List Of Trivial Activities)

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

Date: Wednesday, July 26, 2000
Time: 9:00 a.m.
Location: Maricopa County Board of Supervisors Auditorium
205 W. Jefferson St.
Phoenix, Arizona

Nature Of Public Hearing: To discuss and approve the above listed rules

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

Name: Johanna Kuspert, Air Quality Planner
Address: Maricopa County Environmental Services Department
Air Quality Division
1001 North Central Avenue, #201
Phoenix, Arizona 85004

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

Telephone: (602) 506-6710

Fax: (602) 506-6179

4. Any other pertinent information concerning the above described rules, ordinance, or other regulations

Please refer to the Notice of Proposed Rulemaking that appears in this issue of the *Register* (page 2316).