

COUNTY NOTICES OF PROPOSED RULEMAKING

Pursuant to A.R.S. § 49-112(A) or (B)

NOTICE OF PUBLIC INFORMATION

PINAL COUNTY AIR QUALITY CONTROL DISTRICT

- 1. Title and its heading:** Pinal County Air Quality Control District Code of Regulations

Chapter and its heading: Chapter 3 - Permits and Permit Provisions
Chapter 5 - Stationary Source Performance Standards

Articles and their headings: Article 1 - General Provisions Relating to Permits and Permit Revisions
Article 5 - General Permits
Article 31 - Lime Manufacturing Facilities

Section Numbers: §§ 3-1-040.C.1.c., 3-1-045.F., 3-1-050.C., 3-1-081.A.14., 3-5-490.C., 3-5-550.C., and 5-31-2022.E.3.
- 2. The public information relating to the listed sections:**

This provides notice that a public hearing has been scheduled for **Wednesday, May 30, 2001, to begin at 10:00 a.m.** at the following location: Pinal County Board of Supervisor's Hearing Room, Administration Building No. 1, 31 North Pinal Street, Florence, Arizona 85232.

Public Hearing:

Date: **May 30, 2001**

Time: **10:00 a.m.**

Location: **Pinal County Board of Supervisor's Hearing Room
Administration Building No. 1
31 North Pinal Street
Florence, Arizona 85232**
- 3. The name and address of agency personnel with whom persons may communicate regarding the public information:**

Name: Don Gabrielson
Director

Address: Pinal County Air Quality Control
P.O. Box 987
Florence, Arizona 85232

Telephone: (520) 868-6929

Fax: (520) 868-6967

4. The time during which the agency will accept written comments or questions about the public information and the time and place where oral comments or questions may be made:

Individuals interested in providing public comment can attend the public hearing in Florence, Arizona on the date and at the time and address provided in question #2. PCAQCD has scheduled a stakeholders workshop to allow the public to offer comment on and discuss the rules and revisions identified above before they are submitted in final draft form to the Board of Supervisors. The workshop will be held at the Pinal County Complex in Florence, Arizona, **Building F Training (EOC) room, at 1:00 p.m. on May 15, 2001**. Written comments shall be submitted not later than 5:00 p.m., Wednesday, May 30, 2001, to the following person:

Name: Don Gabrielson
Director

Address: Pinal County Air Quality Control
P.O. Box 987
Florence, Arizona 85232

Telephone: (520) 868-6929

Fax: (520) 868-6967

**COMBINED
NOTICE OF PROPOSED RULE ADOPTION
AND
NOTICE OF PUBLIC HEARING ON PROPOSED RULEMAKING
PINAL COUNTY AIR QUALITY CONTROL DISTRICT**

1. Sections Affected **Rulemaking Action**

Chapter 3 - Permits and Permit Revisions, Article 1. General Provisions Relating to Permits and Permit Revisions, § 3-1-040. Applicability and Classes of Permits. -----	Amend
Chapter 3 - Permits and Permit Revisions, Article 1. General Provisions Relating to Permits and Permit Revisions, § 3-1-045. Transition from Installation and Operating Permit Program. -----	Amend
Chapter 3 - Permits and Permit Revisions, Article 1. General Provisions Relating to Permits and Permit Revisions, 3-1-050. Permit Application Requirements. -----	Amend
Chapter 3 - Permits and Permit Revisions, Article 1. General Provisions Relating to Permits and Permit Revisions, § 3-1-081(A) (14). Permit Conditions.-----	Amend
Chapter 3 - Permits and Permit Revisions, Article 1. General Provisions Relating to Permits and Permit Revisions, § 3-5-490(C). Application for Coverage Under General Permit. -----	Amend
Chapter 3 - Permits and Permit Revisions, Article 1. General Provisions Relating to Permits and Permit Revisions, § 3-1-550(C). Revocations of Authority to Operate Under a General Permit. -----	Amend
Chapter 5 - Stationary Source Performance Standards, Article 31. Lime Manufacturing Facilities. § 5-31-2022. Performance Standards.-----	Typographical Error

2. Summary of the proposed rules and rule changes, any of which may be adopted in whole or in part:

To the extent that any of the affected rule provisions identified below may already constitute elements of the Environmental Protection Agency (EPA) approved Arizona State Implementation Plan, or the County's EPA-approved Title V operating permit program, the effective date of those particular provisions may be conditioned upon a prior EPA-approval of a corresponding change to the existing EPA-approved plan or program.

- A. § 3-1-040(C)(1)(c). Applicability and Classes of Permits. PCAQCD is proposing to amend this code in response to comments from the EPA dated October 30, 1998, (FR 55910) regarding the requirement that motor vehicles, agriculture vehicles, and fuel burning equipment will not be exempt if subject to any applicable requirements.

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- B. § 3-1-045(F). Transition from Installation and Operating Permit Program. PCAQCD is proposing to amend this code in response to comments from the EPA dated October 30, 1998, (FR 55910) regarding the requirement for Class A sources to submit a permit application no later than twelve (12) months after the date the Administrator approved the District program.
- C. § 3-1-050(C). Permit Application Requirements. PCAQCD is proposing to amend this code in response to comments from the EPA dated October 30, 1998, (FR 55910), by including an application deadline for existing sources that become subject to obtaining a Class A permit after the initial phase-in of the Title V operating permit program. One example is a synthetic minor source that is not initially required to obtain a Class A permit but later removes federally enforceable limits on its potential emissions such that it becomes a major source, but is not required to go through the preconstruction review process. This application deadline must be twelve (12) months from when the source becomes subject to the Title V operating program and meets Class A permit applicability criteria.
- D. § 3-1-081(A)(14). Permit Conditions. PCAQCD is proposing to amend this code in response to comments from the EPA dated October 30, 1998, (FR 55910) to require that the permit terms and conditions shall provide for notice that conforms to § 3-2-180(D) and (E), and that describe how emission increases and decreases will comply with the terms and conditions of the permit, as per 40 CFR Chapter 1, Part 70, §70.4 (b) (12).
- E. § 3-4-490(C). Application for Coverage Under General Permit. PCAQCD is proposing to amend this code in response to comments from the EPA dated October 30, 1998, (FR 55910) to clarify that notwithstanding the 180 day permit application deadline set by the District in its notification to the source, the source that was denied coverage under the general permit may not operate after the date that its individual permit expires unless it has submitted a timely and complete application to renew that individual permit in accordance with § 3-1-050(C)(2). This section is also amended in response to the above EPA comments to provide that when an existing source files a timely and complete application seeking coverage under a general permit either as a renewal of authorization under the general permit or as an alternative to renewing an individual operating permit (40 CFR Part 70 permit), that the source must continue to comply with the terms and conditions of the permit under which it is operating, even if that permit expires, until the District issues or denies the authorization to operate under the general permit in accordance with and § 3-1-089.
- F. § 3-5-550(C). Revocations of Authority to Operate Under a General Permit. PCAQCD is proposing to amend this code in response to comments from the EPA dated October 30, 1998, (FR 55910) to clarify that if the Control Officer revokes the source's authorization to operate under a general permit, then if the source submits a timely and complete application for an individual source permit as required by the Control Officer, it may continue to operate under the terms of the general permit until the District issues or denies the individual source permit in accordance with § 3-1-089.
- G. § 5-31-2022. Lime Manufacturing Facilities - Performance Standards. PCAQCD is deleting a typographical error in this rule provision. The last sentence of § 5-31-2022(E)(3) is removed as an error.

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

Based on information and belief, the Director of the Pinal County Air Quality Control District affirms the following:

- A. Initially, the total of the fees and other charges currently assessed in connection with the administration of the County's air quality program do not now equal the cost of program administration. To the extent that both the County and ADEQ impose essentially parallel fees, the County's fees are capped by rule at ADEQ's rates, which implicitly affirms that the County's fees are reasonable.
- B. Based on a review of the operating costs of the Pinal County Air Quality Control District, and any reasonable projection of total of revenues resulting from the fees and other charges that would be assessed under any or all of the rule revisions proposed above, the Control Officer finds that there is no real risk that revenues will exceed the cost of program administration. The continuing fee-cap, defined by ADEQ's fee rates, continues to implicitly assure the reasonableness of the County's fees. Thus, implementation of any or all of the rule changes proposed above will still not violate the fee-limitations of either A.R.S. §§ 49-112(A)(3) or 49-112(B).

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- C. With regard to the rule revisions outlined above, item 2.A - F, are amendments to rules in response to comments from the Environmental Protection Agency (EPA) dated October 30 1996, (FR-55910) regarding the criteria required for full approval of Title V Operating Permits Program. Item 2.A. is an amendment to require that motor vehicles, agriculture vehicles, and fuel burning equipment will not be exempt if subject to any applicable requirements. Item 2.B. is an amendment to include a permit application deadline for Class A sources after the date the Administrator approves the District program. Item 2.C. is an amendment to include an application deadline for existing sources that become subject to obtaining a Class A permit. Item 2.D. is an amendment to require that the permit terms and conditions provide for notice that conforms to § 3-2-180(D) and (E), and describe how emission increases and decreases will comply with the terms and conditions of the permit, as per 40 CFR Chapter 1, Part 70, §70.4 (b) (12). Item 2.E. is an amendment to provide that a source that was denied coverage under a general permit must submit a timely and complete application to renew the individual permit in accordance with § 3-1-050.C.2. In addition, this rule is also amended to clarify that if an existing source files a timely and complete general permit application, it must continue to comply with the terms and conditions of the current permit, even if the permit expires, until the District issues or denies the general permit authorization in accordance with § 3-1-089. Item 2.F. is an amendment to clarify that if a source's general permit is revoked, and the source submits a timely and complete individual source permit application, it may continue to operate under the terms of the general permit until the District issues or denies the individual source permit in accordance with § 3-1-089. Item 2.G. is a typographical correction. As such, all of these changes inherently avoid triggering the A.R.S. §§ 49-112(A) and 49-479 requirement for a demonstration as a precedent to adoption of more stringent or functionally additional rules.

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

Name: Donald P. Gabrielson
Director

Address: Pinal County Air Quality Control District
P.O. Box 987
Florence, Arizona 85232

Telephone: (520) 868-6929

Fax: (520) 868-6967

5. Where persons may obtain a full copy of the proposed rule or existing rules:

Name: Pinal County Air Quality Control District

Address: P.O. Box 987
31 N. Pinal Street, Building F
Florence, Arizona 85232

Telephone: (520) 868-6929

Fax: (520) 868-6967

Note - the District has the proposed revisions, as well as supporting materials, available in hard-copy or on disk.

6. Date, time, and location of scheduled public workshops and hearings:

A. **Public Hearing**

Date: **May 30, 2001**

Time: **10:00 a.m.**

Location: Board of Supervisor's Hearing Room, Administration Building No. 1, 31 North Pinal Street, Florence, Arizona

Nature of meeting: Public hearing as an element of the regular meeting of the Pinal County Board of Supervisors, to consider formal adoption of some, all or none of the proposed revisions.